I do not think $300,000 is sufficient, but it was decided not to place any limitation in the amendment which is contained in this Bill, because sooner or later the $300,000 limit will be raised again, which will necessitate another amendment. The Bill therefore aims to give to the Treasurer the power of approval regarding the amount which might be borrowed. I think this is progressive. It is not a very large Bill but it makes an important contribution to the lucrative tourist industry.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Sir David Brand (Minister for Tourists), and transmitted to the Council.

ROAD AND AIR TRANSPORT COMMISSION ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. O'Connor (Minister for Transport) in charge of the Bill.

The amendments made by the Council were as follows:—

No. 1.

Clause 7, page 4, line 24—Insert after the word "licence" a passage as follows:—

"except where in relation to any particular licence or particular renewal of a licence, the Minister by instrument in writing directs that the licence or the renewal shall be granted for such period in excess of three years as the Minister specifies in the instrument".

No. 2.

Clause 8, page 5, line 13—Insert after the passage "cargo;" a passage as follows:—

"or

(iii) the cargo to be carried by the ship in the course of the coasting trade to which the licence or permit will relate and which is specified in the application for the licence or permit is cargo of such a kind that requires for the purpose of its loading onto, carriage in, or unloading from, the ship, specialised equipment that is in operation in the State for the purpose on the commencement of this section."

Mr. O'CONNOR: I move—

That the amendments made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Report

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

House adjourned at 5.29 p.m.

Legislative Council

Tuesday, the 20th October, 1970

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 4.30 p.m., and read prayers.

BILLS (2): ASSENT

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

1. Prevention of Cruelty to Animals Act Amendment Bill.
2. Civil Aviation (Carriers' Liability) Act Amendment Bill.

QUESTION ON NOTICE

CARAVAN PARKS

Financial Assistance

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

(1) Which caravan parks in Western Australia have received financial assistance from the Tourist Development Authority?

(2) What amounts were paid to each, and on what dates were such amounts paid?

(3) (a) Has any caravan park in Western Australia received financial assistance from any State Government source other than the Tourist Development Authority; and

(b) if so, what are the details?

The Hon. L. A. LOGAN (for The Hon. A. F. Griffith) replied):

(1) and (2)—

(a) Grants approved and paid in full—

	$
Albany-Middleton Beach	30,635
Boyup Brook	3,306
Bridgetown	1,349
Brookton	1,688
Bruce Rock	3,480
Brunswick	8,452
Collie	17,335
Corrigin	5,304
Cue	4,948
Denison	15,645
Donnybrook	5,710
Horrocks Beach	9,408
Jurien Bay	23,229
Kalgoorlie	664
Kununurra	26,478
Marble Bar	4,000
Merredin	9,687
Mingenew	13,766
Moora	11,333
Mt. Barker	4,433
Myalup Beach	7,599
Nannup	1,532
Narrogin	10,002
Norseman	7,154
Northam	12,842
Northampton	4,505
Ongerup	9,360
Port Hedland	466
Wagin	1,692
Williams	12,667
Wittenoom	3,330
Wongan Hills	1,963

In each case payment was made progressively on receipt of Architects' or Shires' certificates.

(b) Grants approved and partly paid—

	Grant	Progress Payments Made to Date
	$	$
Augusta	31,718	26,883
Boulder	37,987	31,188
Broome	25,940	25,732
Coolgardie	7,667	6,900
Dalwallinu	17,631	9,782
Derby	24,000	23,144
Esperance	45,749	41,681
Halls Creek	13,916	6,333
Kondinin	26,967	13,941
Leonora	6,000	4,709
Manjimup	11,544	2,078
Onslow	16,109	13,084
Pemberton	17,977	15,443
Perenjori	12,000	10,000
Ravensthorpe	14,000	12,354
Roebourne	7,230	5,733
Wyndham	59,171	42,405

In each case payment was made progressively on receipt of Architects' or Shires' certificates.

(3) (a) Yes, from the Department of Industrial Development.

(b) D. and M. Rigby, Trading as "Kununurra Park" of Kununurra.

Government guarantee for $6,850 for completion of caravan park and camping site.

Approved 12th May, 1967, and funds released from the 7th February to the 7th June, 1968.

H. C. Broad, C. E. Day, J. Doust, E. J. Reilly; trading as "Roebourne Caravan Park," of Roebourne.

Government guarantee for $52,000 for construction of caravan park including amenities and administration block. Approved 18th June, 1970, but no funds released to date.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

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

That the Bill be now read a second time.

Members may recall that in anticipation of the introduction of the interstate standard gauge passenger services through to Perth, provision was made by Act No. 54 of 1967, which was enacted to amend the Licensing Act, to permit the Commissioner of Railways to grant to an officer employed by him or employed by the Commonwealth Railways Commissioner, a license for the sale of liquor in a railway dining car or buffet car for consumption on the train only. This provision, in effect, empowered the commission to serve liquor on trains in this State in accordance with the long-standing practice on the Commonwealth Railways.

However, the Licensing Act has since been replaced by the Liquor Act of 1970, and it is now considered that the Railways Commission, being a major Government instrumentality, should be empowered in its Act to control the sale or supply of liquor on trains or in refreshment rooms and that these provisions should be under the jurisdiction of the commissioner. The purpose of this Bill is to provide this authority within the Government Railways Act itself.

Having mentioned railway refreshment rooms, I should perhaps make it clear that, as the position stands, the sale of liquor in refreshment rooms is presently governed by the Government Railways Act, whereas authority for the sale of liquor on trains

was provided in the Licensing Act. The introduction of this Bill is directed at the consolidation of these hitherto separate powers.

With more particular reference to the Bill itself, I would explain that one amendment is to section 23 of the Government Railways Act, which is the section empowering the commission to make by-laws relating to specified subjects. The insertion of a new paragraph (25) will permit the requisite by-laws to be made for the control of refreshment rooms and restaurant cars. The existing provisions are obsolete for the reason that all remaining refreshment rooms dispensing liquor—four only; namely, Perth, Fremantle, Kalgoorlie, and Bunbury—are operated by the commission and are likely to continue so.

It will be appreciated that by-laws will still be necessary in the course of the administration of the Act and, in fact, by-laws 90—in respect of sale of liquor in refreshment rooms—and 91—on trains—are being redrafted to correspond with the amendments now before members, as distinct from the defunct Licensing Act. The authority proposed to be given for the making of by-laws, restricting the taking of liquor onto trains, is intended principally to prevent boisterous passengers from annoying others. This will enable their conduct to be controlled by refusing service on the train.

It is clause 4 which contains the main substance of the Bill. It will provide the commissioner with the authority under the Government Railways Act for the sale of liquor on trains and in refreshment rooms. That is contained in subsection (2) of re-enacted section 64. Subsection (1) re-enacts in almost identical terms the subsection presently existing in the Government Railways Act. It would be appropriate at this point, I think, if I were to quote from the explanatory memorandum, which accompanied the Liquor Bill. With reference to clause 32 of that Bill, the memorandum pointed out—

> Clause 32 re-enacts the provisions of the existing Railway Refreshment Room Licence.
>
> There are no railway refreshment room licences at present in operation. The provision for a Railway Refreshment Room Licence was continued at the request of the Railways Department, which felt that its policy of not leasing refreshment rooms may, at some future time, be changed. All railway refreshment room services presently in existence—about five in number—are operated by the Railways Commission under the powers conferred by the Government Railways Act, 1904. If, however, the premises were to be leased, then a licence would be required by the lessee.

I commend the Bill to the House.

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

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.46 p.m.]: I move—

> That the Bill be now read a second time.

This Bill which proposes amendments in division 6 of part V of the Western Australian Marine Act, 1948-1968, is introduced in order to enable the State to comply with the recommendations of a recent conference of Commonwealth and State navigation authorities. These recommendations have been made with a view to bringing about uniformity in the assignment of load lines to certain classes of ships and the adoption of regulations in accordance with the technical provisions of the International Convention on Load Lines, 1966.

Before proceeding to explain the proposals now before members, I mention in passing that load lines are large circular international markings with horizontal lines that are located on the sides of ships vertically below—that is, underneath—deck lines to indicate the maximum depth to which vessels may be safely loaded. Deck lines are horizontal marks on the sides of ships to indicate the location of the uppermost continuous watertight deck of the vessel. Incidentally, deck lines serve no useful purpose at all to indicate the depth to which vessels may be safely loaded.

The vertical distance between the horizontal deck and the load lines on a ship indicates the freeboard of the vessel and the amount of reserve buoyancy it has when loaded.

Should the ship not have load line markings, there would be nothing to indicate to the authorities concerned the maximum depth to which it could be loaded and still retain a reasonable safety margin.

The relevant sections of the Act at present provide that all coast trade ships and harbour and river ships over 80 tons register must be marked with deck lines and that only coast trade ships over 80 tons register must be marked with load lines. Harbour and river ships and coast trade ships under 80 tons register are not required to be marked with load lines.

It should be mentioned at this point that when the Western Australian Marine Act was proclaimed in 1948, there were few, if any at all, coast trade ships under 80 tons register operating in the State and at that time there was no apparent necessity for harbour and river ships to be

marked with load lines. Consequently, the Act did not require those classes of vessels to be marked with load lines.

In recent years, however, the pattern has changed, and we now have an increasing number of small coast trade ships under 80 tons register operating on the coast and many more different types of harbour and river ships operating in our harbours. Some examples of these are as follows:—

> The category of limited coast trade ships under 50 tons register, carrying passengers and engaging in charter work on the coast.
>
> Another category, comprising large bulk fuel barges operating in harbours, such as at Fremantle and at Port Hedland.
>
> Finally, another category of large contract dredges operating under harbour and river certificates within harbour limits.

As I have already indicated, the Act does not at present require any of these vessels to be marked with load lines. Officials of the State navigation authority responsible for the administration of the Act, safety of life at sea, and the prevention of pollution of waters by oil, are concerned over this situation and the possibility that vessels of these types can be overloaded to such a degree as to cause them to founder with possible loss of life, or to cause serious oil pollution in harbours or along coastlines.

This Bill consequently proposes the repeal and re-enactment of the relative sections—namely, sections 81 and 82 of the Act—to provide that certain classes of vessels shall all be permanently marked with deck lines and, additionally, with load lines before they go to sea or ply within harbour limits as prescribed by regulations, and that they shall not be loaded beyond limits prescribed in the regulations.

The classes now to come within these provisions are comprised in these categories: firstly, all coast trade ships; secondly, limited coast trade ships over 15 tons gross register; thirdly, supply, store, and transport ships connected with the fishing, pearling, and whaling industries; and, finally, harbour and river ships excepting those that operate in protected inland waters or on the basis of a maximum passenger loading.

A further amendment makes provision for the repeal and re-enactment of section 83 for the purpose of authorising the Minister to exempt particular vessels from all or part of the requirements of this division of the Act and its attendant regulations when he is satisfied that it would be unreasonable or impracticable to apply them. This amendment proposes further that the Minister may impose alternative conditions as he might think fit in order to ensure the safety of vessels and their passengers and/or crew that have been granted exemption under this amended section.

The Bill furthermore proposes the amendment of subsection (1) of section 84 by way of repealing and re-enacting that subsection with a view to authorising the Governor to appoint competent authorities to survey vessels and issue certificates on behalf of the department for the purpose of the application of the requirements of this division of the Act and the appropriate regulations made under it, and to prescribe fees for such approvals and certificates.

Lastly, it is proposed that subsection (1) of section 85 be amended to enable the Governor to make regulations similar to those made under the Commonwealth Navigation Act for the implementation of the requirements of this particular division of the Act to which I earlier referred.

The amendments proposed in this measure, in addition to complying with the recommendations of those authorities earlier mentioned, will overcome certain weaknesses in the existing legislation. It is felt the amendments will facilitate better control in the prevention of the overloading of ships. In commending the Bill to members, it is submitted that the proposals now under consideration could be instrumental in reducing considerably the risk of marine casualties caused by the foundering of overloaded vessels with possible loss of life and obviating as far as possible oil pollution of our harbour and coastal waters.

Debate adjourned, on motion by The Hon. R. Thompson.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

TOURIST ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.55 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to remove the existing limit of $200,000 which the Tourist Development Authority may borrow and to enable that authority, with the approval of the Treasurer, to borrow additional funds as may be required each year.

Section 9A of the Tourist Act, 1959-1965, makes provision for the advancement of money on loan to hotel owners for improvements to the standard of accommodation. This is an important factor in the expanding industry of travel and tourism. Little interest has been shown in the availability of this money and, in fact, in 1968-69, and in 1969-70, no moneys were raised because the demand did not exist.

Moneys raised by the authority to date are: 1966-67, $200,000 from the Superannuation Board of Western Australia and a further $200,000 from the Motor Vehicle Trust in the year 1967-68—totalling in all $400,000.

As against this amount, the following loans have been approved: Commercial Hotel, Northam—$51,000; Margaret River Hotel—$30,000; Amber Motel/Hotel, Eucla—$60,000; Victoria Hotel, Roebourne—$200,000; Palace Hotel, Ravensthorpe—$30,000; totalling in all $371,000 and leaving a balance of $29,000 available.

A further amount of $100,000 for the Port Hotel, Carnarvon, has also been approved subject to the availability of funds.

Loans at present under consideration are: Commercial Hotel, Kojonup—$50,000; Esplanade Hotel, Busselton—$60,000; a total of $110,000. So it will be seen that loans already approved and under consideration could absorb $181,000, which indicates that the total amount required this financial year may well exceed $200,000.

Indeed, with the continued increase in the tourist trade in Western Australia and the need to upgrade hotel accommodation in country towns, it may be expected that the number of applications for loans will increase considerably. Before consideration of the loan application by the authority, the hotel owner must provide sworn evidence to the Licensing Court as to his inability to raise funds elsewhere. On approval of the plans, the court issues a certificate required under section 109 of the Liquor Act and the application is referred to the authority for consideration.

The proposal now before members, which removes the existing limit of $200,000 referred to in section 10A (4) and permits the authority, with the approval of the Treasurer, to borrow additional funds as may be required each year, would obviate the need of the authority to borrow funds in a year when they were not required in order to ensure their availability in a subsequent year when they might or might not be needed.

The Treasurer will continue to exercise full control over the amount which may be borrowed by the Tourist Development Authority for this purpose. It is submitted that the amendment now proposed will be an important factor in resolving the problems of the tourist industry by making funds available to those who are willing to extend their accommodation and to improve the standard of it. In order to attract visitors from overseas and other States, and to meet the current local demand, it is essential to establish and maintain a high standard in hotel services. I commend the Bill to the House.

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

ROAD AND AIR TRANSPORT COMMISSION ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

EASTERN GOLDFIELDS TRANSPORT BOARD ACT AMENDMENT BILL (No. 2)

Third Reading

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

In Committee

Resumed from the 14th October. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 13: Section 297A amended—

The DEPUTY CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. L. A. LOGAN: Progress was reported for two reasons: firstly, I wanted to place an amendment on the notice paper; and, secondly, I was requested to have another look at the matter. I move an amendment—

> Page 8, lines 36 and 37—Delete all words and substitute the following:—
>
> Section 297A of the principal Act is amended—
>
> (a) by adding after the word "resolution" in paragraph (a) of subsection (5) the words "including the reasons therefor"; and
>
> (b) by repealing and re-enacting subsection (11) as follows.

The Hon. R. THOMPSON: I do not disagree with the amendment but I cannot see the reason for it, because when the council forwards its findings to the Minister it does so with any objections it might receive. It should be the Minister's prerogative to examine these objections before giving final approval.

The Hon. I. G. MEDCALF: This is an important amendment and I am pleased the Minister has moved it. I raised the matter during the second reading debate because I believe that where a local authority passes a resolution making an allotment of part of a right-of-way to one or more of the adjoining owners it should give reasons for its decision.

It is true that objections, along with a copy of the resolution, must be forwarded to the Minister; but the resolution itself is a simple statement whereby the council resolves that it will allot the right-of-way to A or B or to A and B, and so on, and it does not state why it proposes to make the allotment.

The giving of reasons has an added significance in view of the proposal that the Bill be amended along the lines already indicated in the measure, because if it is so amended and if it is possible for a local authority to allot a right-of-way to one person, it is even more important that the reasons be given why that one person has been singled out as being the successful recipient of the right-of-way, when there might have been others who were also interested in it.

It seems to me, therefore, that this makes the local authority examine its resolution very carefully. If reasons have to be given for anything one does one generally thinks more carefully about it. I think this applies to local authorities, to courts, magistrates, and tribunals, and to anyone who is required to make such a decision. It is important that the reasons be stated particularly in this case, where, if this Bill is passed, it will be possible for a right-of-way to be allotted to one person although there might be several others interested in it. For that reason I strongly support the amendment.

The Hon. R. F. CLAUGHTON: I had intended to speak on a previous occasion to raise a different aspect of the problems of rights-of-way. I have seen a number of decisions made in regard to rights-of-way. One such decision concerned a portion of a laneway which was annexed to a property, and this was definitely to the advantage of the owner. It allowed access to the existing properties which were also affected.

On another occasion approval was granted by the shire for a closure and it was later discovered that a person had registered an objection which had somehow been overlooked. The whole of the portion of a laneway had originally been annexed to one property, which would make it of a size on which flats could be erected.

The people objecting, however, relied on the laneway, because they had built their home right across the frontage of the property and had no means of gaining access to the rear except through the laneway. They would have been seriously affected had it been closed. At least one of the people had a garage entrance from the rear of the property and several others relied on it for the delivery of wood to their homes.

Accordingly, although only one objection was received the shire decided no closure would be made. In another instance an application had been made where properties fronting another street were available for flat development and the laneway provided an off-street access to these future flat sites. In this case also the application to close the laneway was refused. In all these instances I feel consideration ought to be given—as is being done—to the wording in the legislation.

I agree wholeheartedly with Mr. Medcalf that the Act needs clarification on the methods to be adopted when people object. I am not sure whether the addition of the word "therefor" is sufficient security, because no mention is made of how many objections must be considered or whether the people making the objections have to be considered at all.

It is finally left to the Minister to weigh the arguments one way or another. If this is to be the case, I hope the Minister will err on the side of the people who have existing use of the laneway and who have developed their properties accordingly.

The problem in my province concerns laneways on which trees are standing. These laneways are held in old titles the owners of which have either died or cannot be contacted. There seems to be no way for the people whose properties back onto the laneway to have the trees removed.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I must ask the honourable member to confine his remarks to the amendment and not to the clause generally.

The Hon. R. F. CLAUGHTON: The amendment states that the reasons for the council's decision must be conveyed to the Minister and what I am saying could be contained in the reasons. I merely bring to the Minister's notice that this is a factor which could perhaps be overcome by a further amendment to the clause or by future amendments to the legislation, particularly where the title to a laneway is not easy to determine or where the responsibility cannot be fixed. Provision could perhaps be made to ensure that the council is responsible for the clearing of such trees.

Amendment put and passed.

The Hon. L. A. LOGAN: I have had another look at the amending Bill and I feel it is essential that it be left as it is. The question of a legal opinion arose because the City of Perth wanted to close a laneway where there were only two owners and it was necessary to have the opinion because one objection stated that to divide there

must be at least two. I thought the provision which lays down that the lane must be divided according to the plan would have overcome the problem.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): No amendment has been moved.

The Hon. L. A. LOGAN: Mr. Ron Thompson has one on the notice paper.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): But he has not moved it.

The Hon. R. THOMPSON: I thought the Minister's amendments were going to be put separately and that is why I did not rise. I move an amendment—

> Page 9, line 12—Add after the word "owner" the words "where each of the remaining owners consents to the proposal or transfer".

I think sufficient reason has been given when debating this clause as to why adjoining owners should give their consent where land is subdivided.

Let us suppose the land fronts a street and there is a winding laneway between the houses. There are numerous such laneways. They do not all run down the backs of houses; some form frontages. The land in question could be valuable and the owners of the land should, in the circumstances, have a right to share that land. It should not be for the council or the Minister to say which owner of land should be given the laneway.

Numerous laneways in my province have been closed. I have assisted many people to fill out claims which have been made to the council in regard to the closure of laneways, and these laneways have been closed successfully. I do not know of any case, but I imagine there could be an occasion when the owner of certain land could not be found and therefore would not be able to give his consent or otherwise to the closure of a certain laneway. Then it becomes the prerogative of the Minister to determine the issue. However, when people can be contacted, and they are willing to say "Yes" or "No" I think my amendment covers the situation. The Minister still has the final say inasmuch as the council gets the owners' opinions and the case is forwarded to the Minister.

As my leader said the other evening, if a person has only one access to the rear of his property and that is by a laneway, and it is essential for him to have access to the rear of his property, I think he should be entitled to object to the laneway being closed, and his opinion should be given every consideration. In some cases it would be ridiculous to close a laneway because that is the only vehicular access people have to the rear of their properties. There must be a safeguard and if all owners have to consent to the proposal the position will be covered.

The Hon. J. Heitman: Would you need the consent of all the owners?

The Hon. R. THOMPSON: Usually lanes are closed at the request of the adjacent home owners. They become sick and tired of having a dirty back lane which is nothing but a rubbish heap and they request the council to close the laneway. In such cases the people concerned have access to the rear by a drive down the side of their homes. As I said, I do not know of any cases in my own province where there has been any trouble about the closure of a laneway. If there have been, I have not heard of them.

I think it would be dictatorial for a council to say, "We will close this laneway and allocate the land to A, B, or C," as the case may be. As Mr. Willesee pointed out, if someone bought a house with a laneway at the rear, and he wanted to use that laneway—

The Hon. J. Heitman: You could have a case where one owner was a bit of a nark.

The Hon. R. THOMPSON: I think it is sufficient that the Minister has the last say in this regard; and we are not taking that away. All the amendment does is to make sure that the remaining owners consent to the proposal. The council would forward a proposition to the Minister, together with a recommendation, and if it could be proved to the Minister that there was one obstinate character who was simply hindering the wishes of all the remaining landowners, the Minister could use his prerogative and close the laneway. The fairest way would be to give the obstinate chap his share of the land, and if he refused it it could be divided among the other adjoining owners.

The Hon. J. Heitman: What about referring to the majority of owners instead of all the owners?

The Hon. R. THOMPSON: I am easy about that. If that is the Committee's wish, I am prepared to accept it. If Mr. Heitman cares to move that way, I will support his proposal; or, if he wishes, I will amend my amendment in that way.

The Hon. L. A. LOGAN: I hope the Committee will not agree to the amendment. Mr. Ron Thompson referred to a case where it might not be possible to locate one of the owners and I think he answered his own question. Also, I disagree with him when he says that the Minister has the last say. The Minister will have no say if the amendment is agreed to; he must say "Yes." A suggestion put forward by the majority could run into exactly the same troubles as we have had in regard to the word "divide." If there are only two owners concerned, what would be a majority?

The Hon. F. R. White: Two.

The Hon. L. A. LOGAN: As we have not had any troubles in this regard, I would suggest the matter be left as it is. I know of only one instance in 36 cases where lanes have been closed where a problem has arisen. A lane that is being used legitimately by any adjoining owner is not closed, but in one case, through spite, an owner disagreed to the proposition. This can happen where a number of owners are concerned. Therefore, I suggest we leave the matter to the sound common sense of the local authority, the department, the Minister, and the owners concerned. I hope the Committee will not agree to the amendment.

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

Ayes—9

Hon. R. F. Claughton	Hon. R. Thompson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. R. H. C. Stubbs
Hon. F. R. H. Lavery	*(Teller)*

Noes—13

Hon. G. E. D. Brand	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. Clive Griffiths	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. R. White
Hon. G. C. MacKinnon	Hon. C. R. Abbey
Hon. N. McNeill	*(Teller)*

Pair

Aye	No
Hon. H. C. Strickland	Hon. G. W. Berry

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clause 14 put and passed.

Title put and passed.

Bill reported with amendments.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.29 p.m.]: On the last occasion the parent Act was before the House I moved an amendment to place two representatives of the students on the Council of the Institute. That amendment was not agreed to. Twelve months later we find this being done. I have no regrets about this, or about the delay, because it has been for only one year, and the amendment included in the Bill is a better expression of the purpose I wanted to achieve than was the amendment I moved last year.

It is pleasing to see that the Institute of Technology is bringing the students into the various academic departments and seeking their ideas and co-operation in the administration of the institution. It is in this manner, I feel, that the troubles which have beset universities and similar educational institutions in overseas countries may continue to be avoided in this State.

At about the same time that the previous amendment was before the House I moved to delete several provisions from the regulations of the Institute. In the light of the responsible way in which students have co-operated, I feel that thought should again be given to the deletion of the particular clauses from the regulations. I referred to regulation 22(b), which deals with the distribution of placards and handbills, and like material, about the campus, and the prior permission of the council having to be obtained.

The other regulation I referred to was 28(c), which dealt with the sale of raffle tickets, consultations, and sweeps. The regulation tends to make the students feel little better than young school children, rather than like mature adults, as most of them are. I should like to see the Institute move for the deletion or the repeal of the by-laws without any further action on my part.

During 1968 a symposium was held at the University of Western Australia, and it was entitled, "New Directions in Tertiary Education." The Director of the Institute, Dr. H. S. Williams, together with Professor R. T. Appleyard, from the Faculty of Economics, and Mr. A. W. Anderson, also from the University, spoke on the planning for a new university. In particular, Dr. Williams also referred to colleges of advanced education.

I feel there remains some sort of uncertainty on the direction the two institutions should take. I refer to the Institute of Technology, and the University.

There is a need to see that the quality of the work carried out at the Institute is recognised by the formation of degrees, which degrees can be equated by the University. However, a degree will be only one of the certificates issued from the Institute; there is a range of diplomas and other certificates. Dr. Williams was more concerned with technical education than theoretical studies, which are traditionally thought to be undertaken at the University. I feel this sort of dichotomy in regard to academic studies still remains. The tendency will be for the advanced studies of the Institute to approximate the level of advanced studies at the University. However, there also remains a centrifugal tendency—the separation of aims—that the people who attend the Institute will be vocationally directed as against the academic education of those who attend the University.

Time has long since passed when some thought should be given in this State to the philosophical aims of education in relation to both the Institute of Technology and the University. Just what are

we trying to achieve? Earlier this session I spoke briefly on the subject of the Tregillis report on technical education. That report dealt with the training of technicians, and a very intensive study had been undertaken of institutions in other countries, particularly in Europe.

Concern is felt in Australia that the technical division has received very little thought with regard to its needs. I will quote a letter which appeared recently in the Press, written by Mr. H. Wood of Mt. Pleasant. It appeared on the 11th October, and was headed, "Where School Funds Go." The writer compared the sums of money which are spent at the University, the Institute of Technology, on technical education, and in secondary and primary schools.

The Government spends $543 per head at the University, and at the Institute of Technology, $498 per head. There is not a great deal of difference between those two figures, but on technical education the Government spends only $6.46 per head. The difference is most marked. I do not know where the writer obtained his figures, or how much reliance can be placed on them, but if they are accurate the concern which has been expressed on the future of technical education is genuine, indeed.

As I said earlier, the Institute will not only award degrees, but it will continue to award diplomas at different levels for the various subjects which are studied. I ask: Just how is it intended that the Institute will fit into the scheme of vocational education? Will it be similar to a university? Or will it be similar to the old colleges of technical education? The Institute does not seem to know in which direction it is to proceed. It is time we knew what role the Institute is to play in our society.

At the symposium Dr. Williams also spoke on the relationship of teacher training, and suggested that some section of training should be attached to the institution because of the special type of educational needs which are involved in technical-education teaching. Teaching at the institution is not the same as teaching at a primary school or a secondary school. Dr. Williams suggested that the equipment and the technology of the Institute could be harnessed for the benefit of the State so that teachers, in pursuing the technical field, would gain the benefit from being associated with the technical institution.

In the main, teachers who obtain higher degrees attend the University and they are orientated to the academic study. I think there is a great deal of sense in Dr. Williams' view; that technical teachers need to be orientated to technical studies.

Mr. Dolan mentioned the subject of teachers' colleges, which is also mentioned in the Jackson report. Dr. Williams also refers to teachers' colleges, and mentions that perhaps they could become colleges of advanced education instead of being solely involved in teacher training. The curriculum could be planned to take in a broader field of study. There is not a college of advanced education north of the Swan River, and I feel that the new college at Mt. Lawley, or the one at Churchlands, could be developed to this type of concept.

Those, in brief, are the matters I wish to bring to the notice of the Minister. The provisions of the Bill are desirable. The awarding of degrees by the Institute will improve its status, and will help to fix in the public mind the idea that there is no essential difference in the standards set by the Institute and by the University. There is a real necessity for the educational authorities to apply some of the recommendations contained in the Tregillis report. I refer to the scale of advancement through the technician stage to advanced studies, so that the avenue for a degree is not only through the University, but through the trades as well.

The placing of students on the Council of the Institute can only have beneficial results. If it is the intention of the Government not to include non-academic staff, I hope the Government will give further thought to this matter. Conflict can be forestalled by representatives being on the spot, and being able to voice their opinions where they count. This applies not only at the Institute, but also on the University Senate. With those remarks, I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.44 p.m.]: I thank both members for their comments on the Bill. I notice that in the main—really in total—they supported the provisions contained in the measure and devoted the major portion of their speeches to a philosophical discussion on the Institute of Technology and on various matters related to it.

I would like to comment on a matter raised by Mr. Dolan. It is often referred to, and it is the need for a person to be able to reach his full potential. The implication is, of course, that a far greater proportion of the State's money should be spent on schools.

Nobody would deny that those who go to school should be given the opportunity to reach their full potential; but, as Minister for Health, I believe that the slowest of the slow learners should also be able to reach their full potential. As a philosophic argument, the statement concerning the need to reach one's full potential does not necessarily mean that the money should be spent on schools in any particular branch but that it should be spent on training centres in every branch. Any

Government would still be left with the same problem of the need to divide money over a whole range of institutions, from corrective institutions and training institutions right through to institutes of technology and universities, because each and every member of the community is entitled to an opportunity to develop to his ultimate potential as far as the community can allow.

As members pointed out, a number of the other matters which were mentioned have been the cause of some argument. Many of us were surprised at the decisions of the Wiltshire Committee, but I think all Governments in Australia are prepared to go along with them. I thank members for their comments.

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.

RAILWAYS DISCONTINUANCE AND LAND REVESTMENT BILL

Second Reading

Debate resumed from the 13th October.

THE HON. R. H. C. STUBBS (South-East) [5.49 p.m.]: The Bill before the House, which is for an Act to authorise the discontinuance of certain railways and portion of a certain railway and to revest in Her Majesty certain lands comprised therein, and for incidental and other purposes, is a very interesting one. It is certainly of great interest to the people of the goldfields, and particularly to the members representing the goldfields in the South-East Province—Mr. Garrigan and myself. The South-East Province commences at Hines Hill and goes through to Kalgoorlie, taking in Kambalda and the area along the Esperance line to Circle Valley. Most of the work in salvaging line is therefore in our area, and most of the work in connection with the rebuilding of the Esperance line will also be in our area; so we have a great interest in this project.

The 80 lb. rails, the fishplates, and the equipment which will be removed will be used for the upgrading of the Coolgardie-Esperance line, and we hope it will be used for the building of a standard gauge railway from Kalgoorlie to Esperance. The Coolgardie-Esperance line has been in a very run-down condition for many years. There have been numerous derailments, broken rails, and instances of sleepers spreading and creeping, which have caused holdups in traffic. Restrictions have been placed on speeds, and timetables have been disrupted. These occurrences have affected the people along the line, who will now be very gratified to know that there will be an upgraded line, with the prospect of a standard gauge line.

When travelling to Kambalda and Kalgoorlie several times recently, I saw earthworks across lakes, short-cuts, deviations, and better grades, which makes me believe that perhaps the standard gauge will be constructed much earlier than we have been given to understand. I sincerely hope that will be the case.

The reason for all these works is the rejuvenation of the goldfields with the discovery of nickel, and the huge salt freights that will be handled on the line. We hope that as the mines develop there will be much more traffic. Mines are being developed at Nepean, Widgiemooltha, and Mt. Martin, and three shafts are being sunk between Widgiemooltha and Higginsville. It is hoped that those mines will add to the traffic on the railways.

If the standard gauge line is introduced, it will be an exciting and welcome event. It will be a wonderful boon, not only for the mining people but also for the farmers and graziers along the Esperance line, who will have quick access to the city markets, which is necessary when transporting stock. Under present conditions the transportation of stock is wellnigh impossible because of the loss in weight of the animals.

Many exciting things have happened on the goldfields. Gold started them all. In 1887 gold was discovered at Yilgarn. Five years later, in 1892, gold was discovered at Coolgardie; and one year later, in 1893, gold was discovered at Kalgoorlie. These discoveries led to problems in servicing the goldfields with water and railways. The railway service was opened in September, 1896, and water arrived in the area later on. After many years, the goldfields declined, and now another interesting event has occurred—the discovery of nickel. Nickel has rejuvenated the fields and has sparked off a great search for nickel in Western Australia. Perhaps another interesting event will occur with the advent of the standard gauge.

As the line will be pulled up, a brief history of the eastern goldfields line might be in order, and I will mention a few things that have happened. I will quote some extracts from the book entitled *Those Were the Days*, by Arthur Reid. The foreword was written by Sir John Kirwan, who graced this Chamber several years ago. The first extract concerns an event that occurred in June, 1895, and it reads—

> John and Adam Wilkie obtained a contract for the Southern Cross-Coolgardie Railway at a price of £64,125—the Government to supply rails, fastenings, and rolling stock.

It seems to me that that must have been for wages only, because on our present-day standards £64,125 is chicken feed. Perhaps in those days the contractors just threw the lines down on the sleepers and ballasted them up afterwards. However, it was a wonderful beginning, and I suppose, as with all governments, the Treasury had too many calls on it and was always wanting money.

Another extract refers to an event that also occurred in June, 1895, and it reads—

> Since the acceptance of the Railways contract there has been a wonderful rise in town lots in Bayley Street, Coolgardie, at prices of £40 per foot.

That sounds like Floreat Park prices today. The next extract refers to an event in August, 1895, and it reads—

> In Kalgoorlie a meeting was held to advocate the extension of the Coolgardie Railway to Kalgoorlie, where over 2,000 miners are employed in the mines . . . Later in the month the Premier decided to continue the Railway to Kalgoorlie.

The next extract is an interesting one, which refers to an event in March, 1896. It reads—

> The Mayor and Contractors of the Railway are giving a banquet to 500 people on March 23rd at an estimated cost of £1,500 in connection with the opening of the Railway to Coolgardie. The Citizens are also raising £1,000 for sports and decorations for the Town . . .
>
> The Southern Cross to Coolgardie railway line was officially opened on March 23rd, 1896, by His Excellency the Governor, Sir Gerald Smith, the Contractors being Wilkie Bros.

The next extract is also an interesting one. It reads—

> Kalgoorlie railways line opened today, Sept. 8th; town en fete. His Excellency the Governor and party were given a hearty reception on alighting. They will stay at Geo Grey's cottage while in Kalgoorlie.
>
> Opening ceremony at 3 p.m., about 3,000 people present when the Governor officially opened the line.
>
> The banquet was held in the Miner's Institute, which is a fine hall, opened for the occasion . . . The chairman, R. L. Hair, took up his position; on his right hand he had His Ex. the Governor, Sir Gerald Smith, and the Premier, Sir John Forrest; on his left hand, Bishop Riley. Seated at the same table were Sir George Shenton (president of the Legislative Council), Sir James Lee Steere (the Speaker)...

The mayor of Kalgoorlie and several members of Parliament were also present. The extract continues—

> Altogether about 260 gentlemen sat down to a most sumptuous repast, which terminated at midnight.

Apparently it was what we know today as a bucks' party. Further on, the account states that champagne flowed like water. Perhaps I could predict that it will do the same when the standard gauge goes through to Esperance.

The Western Australian Government Railways Department has done a very good job. In the early days it had to haul coal and water for long distances, and the lines were uneconomic. There has always been a good deal of criticism about the railways but I think that, all in all, the department has done a very good job under the circumstances. It certainly did a very good job during the war, using obsolete engines and rolling stock.

There is one incident in the history of the railways that I think we should remember; that is, the great part played by the railways in the epic of Modesto Varischetti. Varischetti was trapped underground in the Bonny Vale mine for nine days. The railways ran a special train, which came through in very fast time for those days, and probably only stopped for water and coal. The miners obtained the services of divers who, with their special equipment, were able to go down the mine and take food to Varischetti, who was trapped in a rise. The rushing waters had the effect of trapping air in the rise, which gave him sufficient oxygen to enable him to live for nine days, until he was rescued. The Railways Department played a wonderful part, and it is worth recording that that was one of its great achievements.

This Bill entails certain requirements. Under the Public Works Act it is provided that maps shall be produced when the discontinuance of a railway is under consideration, and this has been done by Railways Department plans Nos. 62979 and 62994 being tabled in this House. Under section 21 (1)(h) of the State Transport Co-ordination Act, 1966, the Director-General of Transport is required to make a recommendation to the Minister for the closure of a railway, and this has been done. Further, under section 26 of the same Act it is provided that the director-general shall table his report, and this has also been done by the tabling of paper 145, in which the director-general recommends that the 3 ft. 6 in. gauge line between East Northam and Southern Cross, as defined in the first schedule, be closed. In this report the director-general gave his reasons for his recommendations.

The main reason was the absence of heavy traffic on this line, because it is now being handled on the standard gauge railway. To cater for the light traffic that

will be offering a road service will be instituted to save the heavily laden standard gauge trains from stopping at those sidings which exist along the line. The director-general also recommends that the narrow gauge line between Southern Cross and Coolgardie be closed, and he gave his reasons for this recommendation.

I have looked at part IV of the Government Railways Act, 1904, and have discovered that it contains authority to omit the costs of scheduled railways from the accounts. Section 60 of the Government Railways Act deals with this matter. Therefore clause 5 of the Bill is in order. Clause 6 refers to the revesting of land.

If you will bear with me again, Mr. Deputy President, I would like, in passing, to refer to some items of historical interest extracted from pages 357 and 358 of *Hansard* of the 22nd January, 1892. The Bill under discussion was the Northam-Southern Cross (Yilgarn) Railway Bill, which was being debated in the Legislative Council, and, in all, the debate on this measure must have taken only five or 10 minutes. The Colonial Secretary introduced the Bill. It was seconded, and the Bill was passed without amendment. It contained three sections and it was assented to on the 18th March, 1892. The long title of the Act which is still on the Statute book is—

> An Act to authorise the Construction of a Railway from Northam to Southern Cross.

Section 3 of that Act permits the Commissioner of Railways to deviate from the line as described in the schedule which is at the back of the Act.

I would also refer to page 1429 of *Hansard* dated the 15th November, 1894. This page shows that the second reading of the Southern Cross-Coolgardie Railway Bill was put and passed, and the reference to it would not comprise 20 lines. The Bill was passed immediately and was assented to on the 23rd November, 1894. The Act contains three sections. One comprises the short title; one grants the authority to construct the railway; and the third section provides for a deviation of the line. A schedule describing the Southern Cross-Coolgardie railway is at the back of the Act. This information was obtained from the Statutes of Western Australia, vol. III, 1893-1895, pages 515 and 516.

I also wish to refer to the Kalgoorlie Railway Bill.

Sitting suspended from 6.05 to 7.30 p.m.

The Hon. R. H. C. STUBBS: Before the tea suspension I was just about to refer to the Kalgoorlie Railway Bill. What I want to say is taken from page 1062 of *Hansard* of the 19th September, 1895. The comments of the Minister who introduced the Bill took up about 25 lines, but the interesting portion was this—

> It will be unnecessary for me to say much in introducing this Bill, because Kalgoorlie is at the present moment the centre of the universe, and the eyes of half the world are upon it. Numbers of people are going there, and great developments are taking place.

That reminds us of the activities that are at present taking place in Kalgoorlie, in respect of nickel mining. This has drawn people from all over the world to Kalgoorlie, and I can also say that the eyes of the world are now upon it.

Again, that Bill contained three clauses —the short title, the authority to construct, and the deviation. In the schedule the definition of the line is set out. This can be found on page 673 of the Statutes of Western Australia, 1893-1895, vol. 3.

I am concerned with the travel arrangements that will come into effect when the standard gauge line is in full operation. At present a fairly good set-up is provided for the people living south of Kalgoorlie. They are provided with a road bus service. The passengers on the train can get off at Kalgoorlie, have breakfast, and catch the bus to Esperance. The same applies when passengers travel from Esperance to Kalgoorlie to catch the train; they get to Kalgoorlie on Sunday in time to catch the *Kalgoorlie Express*. They have enough time to have something to eat, before they bed down. On the other two nights of the week when a service is provided they can make a connection at Coolgardie, and this is also a good service.

People are worried as to what the service will be in the future, and what will be the method of travel from Esperance to enable people to catch a train at Kalgoorlie. They are worried that they may have to put up for the night at Kalgoorlie. These people prefer to go to Kalgoorlie by road bus, catch the train on which they are provided with sleeper accommodation, and get into Perth on the following morning.

Perhaps better arrangements can be made to take more people on the standard gauge railway line than can be accommodated on the existing service. That would certainly do away with the need to stay overnight at Kalgoorlie or at Perth. I hope the Minister will give some thought to what I have said, and will try to cater for the needs of the people served by that line.

I support the Bill. I hope that the salvaging of the materials from the discontinued line will result in the provision of a standard gauge line between Kalgoorlie and Esperance.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [7.35 p.m.]: I thank Mr. Stubbs for his support of the Bill and for the interesting historical comments he made in relation to Kalgoorlie. Of course, this town holds a very special place in the history of Western Australia.

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.

STOCK (BRANDS AND MOVEMENT) BILL

Second Reading

Debate resumed from the 14th October.

THE HON. J. DOLAN (South-East Metropolitan) [7.38 p.m.]: This Bill has three main purposes. The first is to repeal the Brands Act, 1904-1969, and the Droving Act, 1902-1954; the second is to provide for an Act for the registration and use of brands and earmarks for stock; and the third is to regulate the movement of stock.

The Brands Act has not provided many aspects to deal with the accurate identification of stock of all kinds, of sheep in particular; and often it is necessary to be able to trace stock to their origin. It is desirable for that to be done for two reasons. The first is that in the case of discovery of disease associated with stock, it will be possible to trace the stock back to the property of origin, so that steps can be taken to combat the disease; and the second is to eradicate sheep stealing as far as possible. Of course, this is a function of the Police Force, and the prevention of sheep stealing will remain its obligation.

Looking at the title of the Bill I notice that it will be known as the Stock (Brands and Movements) Act, 1970. I would have liked to see in the title the use of the word "droving." It seems that this word has gone out of use in our legislation, and probably this is a sign of the times.

Of course, nowadays very little droving of stock is undertaken, although it has not completely disappeared. In the drought-affected areas of this country, more particularly in recent times in Queensland and in New South Wales, the owners of stock drove the stock to where feed was available.

Associated with droving are some of our great characters in literature and in cartoons. As a matter of fact, in the last week or so we have seen in Perth the works of one of our great cartoonists, Eric Jolliffe. One of his most famous characters is Salt Bush Bill, who was a drover. He was a character of the past, but one whom we will never forget.

I want to take advantage of this opportunity to read some lines from a poem by Banjo Paterson on Salt Bush Bill. As a drover, Salt Bush Bill had the job of taking his flock in drought times from one point to another for agistment. He used to take every advantage to obtain feed for his stock. In this respect I find no reference whatever in the Bill to some old terms that used to apply to droving. One was the rate at which stock had to move in a day, and another was in relation to the width of the track taken up by the stock. In the old days it was half a mile wide, and the practice was this: when the drover reached a property where feed was available he would find some excuse for spreading the stock over a number of miles, so that by the time he got the flock together again to proceed on his way, it would have had a good feed. Instead of moving the stock at the rate of five miles a day, when the feed was good the drovers would move them as slowly as they could.

This Salt Bush Bill character had the job of finding feed for his sheep; and this was how Banjo Paterson expressed the position in his poem *Salt Bush Bill*—

> Now this is the law of the Overland
> that all in the West obey—
>
> A man must cover with travelling
> sheep a six-mile stage a day;

To interpolate, the distances applying to both sheep and cattle were written into the Droving Act. The poem continues—

> But this is the law which the drovers
> make, right easily understood,
>
> They travel their stage where the grass
> is bad, but they camp where the
> grass is good;
>
> They camp, and they ravage the squatter's grass till never a blade remains,
>
> Then they drift away as the white
> clouds drift on the edge of the salt
> bush plains;
>
> From camp to camp and from run to
> run they battle it hand to hand
>
> For a blade of grass and the right to
> pass on the track of the Overland.
>
> For this is the law of the Great Stock
> Routes, 'tis written in white and
> black—
>
> The man who goes with a travelling
> mob must keep to a half-mile
> track;
>
> And the drover keeps to a half-mile
> track on the runs where the grass
> is dead,
>
> But they spread their sheep on a
> well-grassed run till they go with
> a two-mile spread.

The poem goes on to tell the story of how an English jackeroo on this particular property, where the grass was good

stopped Salt Bush Bill. The jackeroo used his stock whip to effect, and upon the sheep. He told Salt Bush Bill to get on his way.

Salt Bush Bill did not know how he was to do his job properly by the sheep. He cursed the jackeroo from the top of his head to the soles of his boots, and called him many nasty names. Eventually the jackeroo got off his horse and started a fight with Bill. It was a fight that lasted for hours, with very few blows struck. All the time Salt Bush Bill was receiving advice from his fellow drovers to the effect that the sheep were spreading out and that the grass was good; they told him that if he could keep going for another hour it would be wonderful.

Well he did. The fight continued, still without a blow being struck, and eventually, of course, the sheep were so spread out it took about two days for them to be rounded up again. Paterson winds up his poem by saying that Salt Bush Bill believes that the best fight he ever fought was the one which took place on this particular day.

In modern times those characters do not exist. We do not now have fellows writing poems about Clancy of the overflow and drovers. It seems a shame, of course, to find that we have before us a Bill the title of which no longer includes the word "droving." The reference is to the movement of stock. I suppose that 98 per cent. of stock today is moved by means of big wagons and stock-carrying trains. As a matter of fact, when coming to work this morning, four passed me on Canning Highway. Each was carrying about 400 sheep so that in all about 1,600 sheep would have been transported along the road. They would have come perhaps 60 or 70 miles and not a five-mile stretch in a day. If they did only that distance a day in these times, the drivers would be in trouble.

The Hon. G. C. MacKinnon: They would have to cut many fences.

The Hon. J. DOLAN: Parts of the legislation can be queried. I understand that the Minister in another place said he was mainly concerned to ensure that common sense would prevail. That is all very well except when a person has to go to law. It is then no good pleading that common sense will dictate that a certain thing be done. It is all right up to a point and all right if the persons concerned are doing ordinary business. However, if something is not done in accordance with what is prescribed in an Act, the person concerned must pay the penalties involved.

The most important provision in this Bill is that anyone transporting stock must carry waybills. This was a provision in the Droving Act. The waybills are issued in triplicate, one of which is kept by the consignee, one must be retained for six months by the fellow transporting the stock, and the third is given to the consignor. The purpose of the waybills is obvious. One reason is to ensure that the stock can be traced, and the second reason is that, if a disease breaks out, the source of origin can be traced in an effort to arrest the disease.

Certain provisions concerning the marking of sheep have been omitted from this legislation, but I have some queries to raise and I would like the Minister to check on them and answer them, perhaps tomorrow.

I am concerned mainly with the great southern regions with which I am acquainted. In many instances farmers will get together in a group and have constructed a few homes for shearers, and so on. They establish, in other words, a central shearing point, and the farmers who belong to this group, as a form of co-operative, have their sheep shorn at that particular point. I want to be very clear in my own mind what each farmer must do when he brings his sheep to that point to be shorn and then returns them to his farm.

The Hon. L. A. Logan: What do you mean when you ask what each farmer must do?

The Hon. J. DOLAN: I want to know whether the farmers must provide waybills. Must they have their stock branded in a certain way before they move them? The Bill provides that so far as lambs are concerned, for example, they must be earmarked by weaning time, by the time they are six months old, or on removal from the property, whichever occurs first. When a farmer is taking his sheep to a common place to be shorn, what must he do to ensure he is acting within the law?

Another query I have concerns clubs. In the *Daily News* of the 9th October a caption to an article reads, "A Lot of Beef Helps Bowlers," and the writer was Tom Christie. The article tells the story of how the Gingin Bowling Club financed the establishment of its club. I know that in many other parts of the State the same principle is adopted to support the local football teams, and so on. What occurs is that some farmers donate various stock of differing ages, some of which have not even been branded. Farmers who have agistment available, take the stock, rear them, and then sell them. However, the proceeds of the sale go to the club involved.

I would like to know whether in those circumstances it is necessary for a special brand to be available to the person who is doing the agistment? Must the stock be branded in his name or does a gentlemen's agreement operate?

The Hon. L. A. Logan: The agistment agreement would operate.

The Hon. J. DOLAN: It is just a point I wish to clarify. Some of the interpretations worry me a little. For example, in this legislation the interpretation of "Police officer" is—

> "Police officer" means any member of the Police Force of Western Australia;

In the existing legislation no specific mention is made of Western Australia. The police officer could be a member of any force, so that an officer from a force from any State in Australia could challenge anyone who was thought to be a stock stealer, or in circumstances like that. Under what Act is such an instance to be covered in future? The situation could be very difficult if the interpretation is to remain as it is in this Bill and the police officer must be from Western Australia. In the north of Australia some of the stations lie in two States—Western Australia and the Northern Territory. Under this legislation, if a person crosses the border from the Northern Territory into Western Australia, a police officer from the Northern Territory would have no power to act once the border was crossed, because the situation would only be covered by our legislation.

Therefore I would like to know what is to occur when stock are being transported from State to State as is the case when they are transported from the Northern Territory into the Wyndham Meat Works.

In the Droving Act of 1902 reference is made to horses, cattle, sheep, swine, goats, and camels, but no mention is made of camels in the legislation before us. I do not know whether such a reference is necessary, but I have a feeling it might be because some people are bringing camels from the north and selling them here for pets. Also circuses obtain camels from the north. What conditions will operate under circumstances like that?

The Hon. L. A. Logan: They are vermin.

The Hon. J. DOLAN: They are now. They are a proper pest in the north. Another query I have concerns ponies. Some children belong to a pony club and obtain a pony which could have a foal. Must the clubs or the individuals have a brand? If so, they will be involved in a great deal of expense to say nothing of the trouble associated with acquiring the brand and registering it. As a matter of fact, this would probably be more trouble than if they got rid of the foal. That is quite obvious because clause 14 (1) reads—

> 14. (1) Every proprietor of horses on any run shall apply for, and obtain, a registered brand for horses.

Therefore, if a family keeps a couple of ponies as hacks and they are used at a pony club, a brand is still required. It does not matter what the size of the run might be; it could be a backyard, because clause 21 (3) reads—

> (3) When any run is situated partly in Western Australia and partly in South Australia or the Northern Territory of Australia, the Registrar may, on such terms and conditions as he considers necessary, allow the use of any South Australian or Northern Territory brand, . . .

In the Brands Act reference is made to the South Australian brand being used, but this is the first time that the brand of the Northern Territory has been included despite the fact that the runs in the Northern Territory very often overlap into Western Australia, and *vice versa*.

The Minister will probably be able to clarify my next query very easily, but I am a little concerned about impounded stock which can be sold eventually. An owner could be away from his station at the time his stock is impounded and, if he is able to prove that they are his stock, he must pay the expenses associated with the impounding, such as the feeding and watering of the animals in order to get back his own stock. I do not believe this is right, particularly if there is no question of the stock being in danger of straying or of their being a temptation to anyone else.

The Hon. L. A. Logan: If stock are impounded today, you must pay to get them back again.

The Hon. J. DOLAN: Yes, but very often I do not think this is right. Frequently a person does not have a chance even to prove that the stock have been wrongfully impounded. As long as they are his he can get them back, but he must pay the associated expenses.

Portion of subclause (3) of clause 31 on page 17 reads—

> . . . the proprietor of any sheep which has been imported into the State shall brand the sheep with his registered brand and earmark the sheep . . .

I would refer to the fact that prize stud sheep are brought into Western Australia, for example, for our annual Royal Show, and the sales associated with that show. Some of the sheep are sold to buyers in the State from which the sheep have come. Some are sold to farmers in various parts of this State. However, what happens with regard to those sheep? I want to be clear in my own mind on this. Does the breeder in Western Australia who buys the sheep put on them his own brand before removing the animals from the showgrounds to his property? Does the buyer from South Australia have to take similar action in order to transport his sheep to his own State? What is the situation?

Clause 37 (3) reads—

(3) An Inspector or Police officer may—

(a) enter upon any part of any run and search for and inspect any stock or branding iron or any other instrument for branding or earmarking stock;

I am a little worried about the verbiage of that provision. I understand that in the old days when cattle had to be branded some farmers used the old type of beer bottles which had the deep hollow on the bottom.

These bottles were used to mark "O's." Heated pieces of wire were also used to imprint brands. These brands were acceptable. What is the position today? Is it necessary to have a brand specially made which conforms to a specific pattern? I wonder what the position is.

The Hon. L. A. Logan: In the westerns they used to change the brands.

The Hon. J. DOLAN: I suppose they still will. I want to make a few comments on waybills which can be prepared by the person who is transporting the stock. It is only necessary to write out the details on three pieces of paper. The details include the number and type of stock being driven or carried; the registered brand or earmark, or both; the place from where the stock are being driven or carried; and the destination of the stock.

It would have been a good idea to put a copy of a waybill into the schedule to serve as a guide to people transporting stock. If this were done they would know exactly how to set out a waybill. It would be a shame if people made a mistake and left out of the waybill one of the important items. It is not a question of common sense or latitude being shown, because every waybill which is made out must contain certain details.

A model waybill could be displayed at, say, a registrar's office or a clerk of courts' office in different parts of the State. In this way the people concerned would know exactly what was wanted. It is not necessary for the waybill to be made out on a properly printed form but a model waybill would provide a guide. As it is at the moment, if a person makes a mistake it would be too bad. The error could lead him into trouble.

One of the provisions of the old Droving Act was the requirement to give 18 hours' notice to a station owner or manager in certain places of the intention to take stock through a property. People still drive cattle on the hoof in many parts of the north but there is no provision now for that notice to be given. I consider some notice should be given. Diseased stock might mingle with the station owner's stock if he did not move them out of the way because he did not have prior warning. Under those circumstances a great deal of difficulty would be caused.

Even when stock are transported in large trucks and cattle trains the stock are taken off at certain watering points along the route. Although I cannot imagine anyone transporting stock unless he made watering arrangements beforehand with a property owner, I think it would be wise to include the provision specifically in the Bill to ensure that this does not happen.

I notice, too, that penalties for breaches of the Act will be doubled. There was no provision for imprisonment under the old Droving Act. The Bill before us has this provision. Any offender will be liable to a penalty of not more than $200, which is double the penalty of £50 which applied under the old Act. In addition, that person will be liable to imprisonment for six months.

The Hon. L. A. Logan: That would be mainly for sheep stealing.

The Hon. J. DOLAN: The Bill has everything to commend it. Of course it was drawn up at the request of all people associated with stock, including the Pastoralists and Graziers' Association. The Police Department came in and, as a result of the work undertaken, we have provisions aimed at guarding against the transmission of disease and, of course stock stealing. I certainly hope that when the measure comes into operation it will effect both these objectives.

The Opposition has no objection to the measure. We consider that it is desirable and that the consolidation of legislation to deal with both the handling and transport of stock is very necessary. For these reasons, I support the Bill.

THE HON. C. R. ABBEY (West) [8.05 p.m.]: The Bill, which co-ordinates the Brands Act and the Droving Act, is a very good move and I support the principle involved. Anything which will clarify the situation is to be commended. As Mr Dolan has said, it is good to see that proper consultation has taken place with all the bodies interested in furthering agriculture, including the Police Department so far as the detection of stock stealing is concerned. This consultation should have overcome most of the problems which might have arisen when the measures were being re-examined.

Mr. Dolan made brief reference to the waybill system and he pointed out the possibility of some confusion existing in cases where owners take sheep to a central point. This is quite a realistic observation. No doubt it has been considered and I am quite sure that anybody in authority who was dealing with the Bill would have taken a realistic view.

We have to bear in mind that some fairly stringent precautions must be taken if we are to prevent the stealing of stock. Over the last 10 years I can well recall a number of occasions when farmers' organisations have discussed the introduction of waybills for the transport of stock and a good deal of disquiet was expressed over the many difficulties which they could foresee. For example, people who are some distance from towns where waybills would be available might have some difficulty in complying with the system. It has always been thought by some sections of the Farmers' Union particularly that the introduction of waybills would be a little too difficult. Apparently they have now adopted the view that the system is a good way of identifying stock on the move.

I recall a number of occasions when it has been extremely difficult to trace and identify stolen stock. I remember that a number of dead sheep were found on a dump near a large provincial town. The local health authority checked on the sheep and was able to identify the brand. The authority presented the actual owner of the sheep with a bill for cleaning up the mess. When the situation was traced right through it was found that the sheep had actually been stolen. They had died on the way and the people who had stolen the stock had put them on the dump. However, the owner was billed by the health authority for stock which he did not even know had disappeared.

The Hon. I. G. Medcalf: Did he pay the bill?

The Hon. C. R. ABBEY: He did not pay the bill but he experienced a great deal of difficulty in proving the point.

The Hon. S. T. J. Thompson: He would have needed legal assistance.

The Hon. C. R. ABBEY: Waybills should certainly help the proper inspection by the police of travelling stock. Anyone who is caught without a waybill will obviously be fined or dealt with in some way. This is all to the good, because it has been a little too free and easy. However, with the price of sheep today, I do not know how anybody could be bothered to steal them.

When I read the Bill I noticed in relation to stud stock that stud sheep, goats, and pigs are mentioned. I cannot find any reference to stud cattle. Stud cattle are normally branded under the rules of the stud societies. They are tattooed on the inside of the ear; on one side is the owner's brand and on the other a number. This identifies the cattle. I cannot see any provision in the Act which specifically states what ought to be done in respect of stud cattle. It may be that the regulations will cover this. For purposes of clarity perhaps the provision in question could specifically cover all types of stud stock; that is, where they are to be branded and the purposes of branding.

I am a stud breeder and I know that, up to date, it has been necessary only to tattoo the inside of each ear with an identification mark and a number. This is sufficient identification for the registrar of the breed and it is recognised. As I say, I cannot see any specific reference in the Bill and I think the reference should be specific. I hope the Minister will look at this point.

The Hon. F. R. H. Lavery: Under the interpretation of "stud" on page 4 it is partially but not fully covered.

The Hon. C. R. ABBEY: It is not fully covered. I consider there should be a provision setting out how stud stock should be marked. It is quite obvious that stock inspectors in saleyards would have some doubts about cattle which showed no obvious brand at all. As I have said, a tattoo on the inside of the ear of cattle is a good method of identification. It is not one that could easily be removed. For this reason, I hope the Minister will look at this aspect before we finally pass the Bill.

Of course, identification is coupled now with disease control. Over a number of years there has been T.B. identification in dairy cattle and now in beef cattle. This has had a tremendous effect on the control of T.B. Now that we have tail tagging and all cattle which go to the abattoirs are tail tagged, it is obviously felt that identification of diseased cattle can easily be traced back. For this reason it appears that less T.B. control will be necessary.

We are now moving into the situation where we must tackle the control of brucellosis. Just what the actual incidence of brucellosis is remains to be seen. I hope it is not too high. There is a correcting system and also a testing system. As cattle have to be bled twice, a month apart, proper identification of each animal is extremely necessary. The veterinary surgeon who does the job places a tag in the ear, I understand, where the cattle are not stud cattle. This is a means of checking the cattle a month later. Stud cattle, of course, have an easily identified permanent tattoo. I sincerely hope that the efforts of the veterinary section of our Department of Agriculture will meet with quick success in the eradication of brucellosis.

Brucellosis is a disease which is frowned upon by most countries of the world. Lately we have had demands for cattle from overseas countries such as Singapore and Malaya; and it is now possible to export cattle to South Africa. Of course, all cattle that are exported must have a certificate stating that they are

free from certain diseases, T.B. and brucellosis being the two most important. Therefore the methods of control that are to be instituted and the means of identification under the Brands Act play a most important part.

Only recently a breeder had the opportunity to export stud cattle to Malaya but he was not able to do so because the time factor was too short. The cattle were required in about three weeks. They had not been tested and as it is necessary to make the tests a month apart the breeder was not able to export his cattle. I believe that as yet very few cattle in this State have been properly tested, or come from an accredited herd. In the future when the brucellosis testing comes into effect properly it will be of great benefit. Members will recall that in the last couple of years we have passed Bills dealing with this matter, one of which set up a fund for compensation.

Our dairy products and meat are now being exported to countries which have high health standards, and it is becoming increasingly important for us to assure buyers that no major diseases are present in this State. At this moment our position is most fortunate because we do not have foot-and-mouth disease which is prevalent in most other countries of the world. Let us hope that we will always be able to maintain that situation. In this regard we are in a fortunate position.

Generally speaking, I see this Bill as one that will do a great deal to improve the situation in regard to the branding and identification of stock and the prevention of stock stealing. The Government is to be applauded for introducing the measure. I hope that within, say, five years, the Minister for Agriculture of the day will be able to record that the control of brucellosis and T.B., in particular, has been so successful in this State that our stock is practically without those diseases. Of course, it may take longer to eradicate them but I feel that with the goodwill of the stock owners and the hard work of the department, we will arrive at a situation in five years' time where disease-free stock will be a likely goal. I support the Bill.

THE HON. S. T. J. THOMPSON (Lower Central) [8.19 p.m.]: I rise to support the Bill, although I feel that the previous two speakers have covered it fairly thoroughly. With regard to the point made by Mr. Abbey relating to the branding of cattle, I think he will find that a tattoo is recognised as a brand. It is included in the definition of "brand" in clause 5 of the Bill, and clause 13 (3) states—

> (3) A registered brand for cattle shall be applied as a firebrand or a freezebrand or in such other form as the Registrar approves.

So I think there is ample scope to cover stud stock because the definition of "brand" also includes tattoos.

The Hon. C. R. Abbey: I think you are right, but it would be much better to be fairly specific.

The Hon. S. T. J. THOMPSON: Yes, maybe the honourable member is right. Mr. Dolan raised a question that has been exercising my mind lately. He mentioned divided properties and the necessity to obtain a permit to move stock across or along a road within the boundaries of a property. I am sure that common sense will prevail and in this case a permit will not be necessary. There is no question of writing out a waybill; it is merely a question of obtaining a permit from the inspector.

The Hon. L. A. Logan: They are still your sheep.

The Hon. S. T. J. THOMPSON: I think common sense will prevail in this situation, although it is not specifically mentioned in the Bill. Mr. Dolan mentioned the case of a community shearing shed, and I am sure this will also be covered. The shed is part of the property.

The Hon. J. Dolan: Don't other farmers in the district take their sheep from their individual properties to the community shed?

The Hon. S. T. J. THOMPSON: Yes, but it is a community shed. The farmers co-operate and obtain a shed for the benefit of them all. I am sure common sense will prevail in this situation, too.

I am a little concerned about the waybill provision. My memory takes me back to when this provision was first suggested many years ago. Nothing was ever done about it because the resistance was so great and, although the executive of the Farmers' Union and the different branches of that union have gone along with it this time and put forward suggestions, I still feel we will have much resistance when it comes to the rank and file of the farming community.

The Hon. L. A. Logan: If you send stock by train you have to make out a waybill.

The Hon. S. T. J. THOMPSON: I think in order that the system may be really effective the Registrar of Brands should issue a book of waybills to the stockowner, and all the waybills in that book should have the owner's brand on them. I cannot see much benefit if a truck driver merely has a sheet of paper which is used as a waybill, with the details written out—and that is the implication in the Bill. I personally cannot see a great deal of good in it. There could be just as much shilly-shallying under the new system as there is at the present time. I feel that with a little clarification of these points we might overcome the resistance.

Generally speaking, the Bill represents a tightening up of two Acts and it cannot do other than help in the present situation. Of course, it is not very easy to catch up with stock stealers. According to the definition of a brand, a registered eartag will be accepted as a brand. There is nothing more simple in the world than to take a pocketfull of eartags and go around slipping off eartags and replacing them.

The Hon. R. Thompson: The voice of experience?

The Hon. S. T. J. THOMPSON: This can quite easily be done.

The Hon. L. A. Logan: Are you speaking from experience?

The Hon. S. T. J. THOMPSON: Yes; I have seen this happen and if anyone sets out with the intention of defeating the Bill, it could be accomplished quite simply. While it lasts, the woolbrand is the best type of brand, but it does not last for a long period, and it becomes difficult to identify after a few months unless the stock is rebranded. I am sure that those who steal sheep will be most clever and hard to catch. There is no question about it; large numbers of sheep disappear every year and no-one seems to be able to find them. I only hope the Bill goes some of the way towards overcoming the problem, and I wish it every success.

THE HON. G. E. D. BRAND (Lower North) [8.25 p.m.]: I rise to support the Bill, and I notice that the experts in farming have already covered the ground rather well. However, one point that interests me is the making out of waybills for the movement of stock. I intended to suggest that the registered brand or earmark be included in the waybill, but I see that is already in the Bill although it was not mentioned in the Minister's notes.

I would suggest that when stock are moved unlawfully and the owner of the stock knows what is going on, prompt action should be taken to catch up with the offender before he gets the stock to the market. Some time ago in one area of my province we had an instance where a certain gentleman was being watched very closely. He was very cunning; he picked up the stock, drove it along the riverbed, and then left it. Everybody was waiting in readiness to seize him, and the pastoralists suggested that he be seized between the town in question and the metropolitan area. However, the officer in charge of the investigation said, "No, we will wait till he gets to Midland and then seize him."

However, before the offender got to Midland he took time off to visit a friend. He dumped the hot stock and picked up some cool stock, thus defeating the investigating officer. Of course, had he been required to have a waybill, things might have been different. Those are the only comments I have to make in supporting the Bill.

THE HON. J. HEITMAN (Upper West) [8.26 p.m.]: Like the other speakers, I support the Bill. It is interesting to note that there has been a complete change from the brands legislation which we passed some time ago. I would like to point out that a "brand" means the impression of any letter, sign, or character branded upon any stock, including any woolbrand, tattoomark, eartag, or any other identifying device approved by the registrar for use as a brand. However, it does not include a registered earmark or any age mark, cullmark, or flock reference mark. I think that represents a complete change from what we had before.

If I remember rightly, when I spoke on the brands legislation—which specified a brand size of 7 in. x 3½ in.—I said that if one branded a lamb with a brand of that size the brand would stretch almost from sneezer to breezer. Of course, as the lamb grew the brand grew with it and when the lamb grew to full size, the brand would stretch along the complete length of the animal.

I might mention that there are two sizes of earmark, one for sheep and one for cattle and the cost of each set of earmarking pliers runs to about $40. So if a person has both cattle and sheep he is liable for the expenditure of about $80 for the purchase of earmarking pliers. I would suggest to the Minister that sheep earmarking pliers could be used to brand a calf, and by the time the animal was two years old the earmark would be the right size. In those circumstances I cannot see much benefit in spending the extra $40 for the second set of earmarking pliers. I think perhaps the farmers could save a little in this respect.

In regard to the impounding of stock, I notice that after the people concerned have done all the hard work of bringing the stock into the pound, feeding them, and then selling them, everyone will receive a reasonable price for his labour. However, although no mention is made of what is a reasonable price, I notice that any residue is to go into Consolidated Revenue.

Of course, this is something that always annoys country people when they find that after they have done all the hard work there is always something left over which goes into Consolidated Revenue.

The other point I wish to mention concerns the question of obtaining a permit to move stock when one's property is divided by a road. It is necessary to obtain a permit from the stock inspector to shift the stock across or along the road. A person is given a permit until such time as he does something wrong and it is then cancelled by the stock inspector.

Here again, I think the permit should not be just a piece of paper but something more substantial; something that will last and stand up to the wear and tear of being carried backwards and forwards for many years while stock are being removed from one side of the road to the other.

In fact I think we could do without this type of permit altogether, because if it is reasonable enough for a waybill to be written out for anyone shifting sheep from the place of production to the saleyard, surely it should be all right for a person to write out his own waybill when he is shifting sheep for feed purposes. I hope the Minister will have a look at this aspect.

As long as farmers are faced with regulations which prove an annoyance these will not always be carried out as efficiently as they might be. I mention these things, because if a permit is to be obtained we should make it easier for this to be done. At the moment it would be necessary to write to the inspector for such a permit, give him a certain amount of notice while providing full particulars and, if after doing so, one is to receive an ordinary piece of paper it would certainly be a waste of time, because this would not last or stand up to the many trips that are made backwards and forwards.

As far as I am concerned, I shift sheep backwards and forwards every week and it should be possible for one to write out one's own waybill when one is doing this work. The fact that it is necessary to place on the sheep an eartag which would denote the year, the name of the property, and the registered brand would not leave the matter in much doubt so far as ownership is concerned, particularly if one were shifting sheep from one paddock to another and one had to cross the road to do so.

Accordingly, it might be wise to cut out this provision altogether as long as one complies with the Act and ensures that the eartags, and so on, are complete.

I notice that the ears must be left on any skins that are removed. I think this has always been the case. I remember on one occasion a skin buyer came to me and asked whether a particular earmark was mine. I replied that it looked like my earmark and he informed me that he picked up the skin from a tree where it was hanging. Evidently someone had had the benefit of fresh meat, but I must admit he was decent enough to leave the skin behind. It was certainly nice of him to leave the ears on the skin in order that it might be identified.

The Hon. J. Dolan: He was evidently a practising farmer.

The Hon. J. HEITMAN: With those few remarks I support the Bill and I hope it receives a speedy passage through the House. I trust the Minister will have a look at the points I have raised.

THE HON. N. McNEILL (Lower West) [8.33 p.m.]: I wish to speak briefly to this Bill and at this moment to indicate my support of it. I use this opportunity mainly to draw attention to several features which are contained in the measure which I feel may, perhaps, be better dealt with during the Committee stage. While I express my support of the Bill in general terms the provisions to which I would like to refer are those contained in part VII, which deal with straying and unbranded stock.

It will be noticed that when dealing with the question of straying stock the Bill provides that a police officer or inspector authorised for the purpose may enter upon land for the purpose of doing a number of things, amongst which is the checking of stock which may not be correctly branded as required by the Act.

The Bill also provides that stock may be impounded without any conflict with the provisions of part XX of the Local Government Act; and clause 40 of the measure indicates that any unbranded stock found depasturing on unenclosed land may be impounded by any justice, inspector, or police officer.

It appears to me that this Bill, which deals specifically with brands and straying stock—not necessarily with cattle trespass—provides only that inspectors, police officers, or justices may impound stock. It does not say anything about permitting impounding by the owner of the land on which the stock are in fact straying. In the case of trespass the owner of the land may, of course, draw the attention of the police officer or an appointed inspector to the position.

The provisions of the Bill indicate that such inspector may determine whether the stock are branded in accordance with the provisions of the Act. I suppose it may be rather loosely interpreted that if the stock are in fact properly branded, but not branded with the brand or earmark which is appropriate to the land on which they are trespassing, this will be contrary to the provisions of the Act.

I am not sure that this is completely adequate for the purpose. I might indicate that in the cattle districts of the south-west one of the chief problems in relation to stock is not so much the question of stealing, and so on—although this is quite serious—but the trouble that arises in relation to straying stock, whether the stock are correctly branded or not; and this is not always possible to determine. Even though the animals are carrying a legible mark, and particularly a legible earmark, one will see if one refers to the Local Government Act that many of its sections refer to stock trespass and provision is made for impounding. The Act also provides the rates which may be charged for trespass and damage and indicates also the rates for various types of stock when impounded.

In my experience very few councils maintain a pound and it becomes difficult and inconvenient to try to impound cattle. There is no provision in the Brands Act for the owner of the land to impound cattle except through the agency of a police officer or inspector. If one cares to use the provisions of the Local Government Act—and these in fact would be used only by the council—it is presumed that on notice of some representation or complaint from the owner of the land some action will be taken; but what follows is a rather complicated and involved set of circumstances by way of provision for straying cattle.

The point I am making is that straying cattle are a nuisance in the extreme. In a great many instances they are intractable, wild, and hard to handle. I notice that under the provisions of the Local Government Act the charge that may be made for damage, say by cattle on pasture land, is $1 a head. No time is indicated.

A person may locate straying stock or cattle on his property. It is possible that a large number of the stock will be timid or wild and it may take a week to round them up and get them into a yard which, for the purposes of the Bill, may be the owner's own stockyard. The damage in this case for trespass while the stock are on the property but not impounded in the stockyard is $1 a head.

As Mr. Heitman said, that is not an exorbitant amount. It is certainly not suitable compensation for the trouble that is caused. My purpose is mainly to draw attention to this matter. It may be of some advantage in the not-too-distant future to have another look at the legislation when it becomes law to see whether it might not be possible to write into the Act provisions which will facilitate the control of straying stock.

I think there could well be some improvement in the provisions as they exist at the present time. To try to deal with this in the local authority area, particularly where there is no pound and no pound keeper, becomes fairly difficult. As I have said, there is no provision for an owner of land himself to take the necessary action to impound such stock.

Apart from that I am in support of the manner in which the Bill deals with the question of straying stock to the extent that it gives an opportunity for stock to be removed from property fairly quickly by an inspector or a police officer. I think this is an improvement on the situation that has existed until now.

The Hon. I. G. Medcalf: Can you impound branded stock?

The Hon. N. McNEILL: I think I raised this point a little earlier and I imagine that this could only be used in the terms of this Bill where the stock on a run do not meet the provisions of the legislation. If, for instance, cattle are on my property and are correctly branded in terms of having a legible brand and the brand is registered in some person's name—a person unknown—inasmuch as those stock are on the wrong property—being on mine instead of the rightful owner's land—they could, I suppose, be intrepreted as not meeting the provisions of the Act. It seems to be a very loose interpretation of the law.

The Hon. W. F. Willesee: You could always use the legislation relating to cattle trespass for straying stock of any kind.

The Hon. N. McNEILL: I am glad Mr. Willesee has mentioned this, because as I see the Local Government Act, the Brands Act, and the legislation dealing with cattle trespass, all contain provisions relating to this question of straying cattle.

Inasmuch as it is a continuing problem, I make the suggestion that perhaps some thought be given to providing more concise provisions to meet the situation in this Bill or in some Act appropriate for the purpose.

That is the only point I wish to make. Apart from that I support the Bill and during the Committee stage we could have further discussion on the matter to see whether some improvement can be made, because it is possible that I might have misunderstood the provisions to which I have referred.

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

BUILDERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th October.

THE HON. R. THOMPSON (South Metropolitan) [8.44 p.m.]: I rise to support the Bill though I wonder at its intention, particularly when we look closely at the provisions it contains.

The Bill seeks to add a new section 12A. This is done primarily to remedy unsatisfactory building work and it states what can be done to remedy such faulty work. Penalties are included in this provision which also allows for appeals against the decision of the board to a magistrate of a local court within 21 days. The new section further authorises a magistrate to impose a maximum fine of $500.

The next clause, clause 3, sets out a new section 20A which is to be added to the Act. This gives the right of entry to an inspector from the Builders' Registration Board and permits him to inspect any work being carried out, irrespective of whether or not a complaint has been lodged.

I have always been in favour of the Builders' Registration Act as, initially, I considered it offered some protection to home builders. When the legislation was

first brought to Parliament in 1939 it was for the specific purpose of protecting people who were having homes built or additions made to their homes. Now we find the legislation is drifting completely away from that specific purpose. I feel now the Act is one for the protection of builders, whereas initially it was introduced with the aim of controlling and making sure that building work was kept up to standard. When it was first introduced the legislation was quite simple but it has been amended over the years and, in my view, it has not been amended in the right way inasmuch as home owners do not have the complete protection that they should have.

At the present time if a builder does not carry out his work in a workmanlike manner, or if his workmanship is not satisfactory, he can be fined a maximum of $500, but the Act does not give any protection to the person who is having a home built. That is the sad part about the legislation. A house can be built facing the opposite way to that provided for in the plans and specifications and the home owner has no redress. All that the Builders' Registration Board can do is inspect the building and if the work has been carried out in a workmanlike manner nothing can be done, even if the house is facing the wrong way.

I know this to be factual. Many instances have been brought to my attention where builders have not complied with the provisions of the Act. Only 18 months ago I cited cases where the Uniform Building By-laws were being broken by one builder in particular—he was doing it continually. The Builders' Registration Board was called in but that organisation could do nothing about it. The work had been carried out in a satisfactory manner even though in the instance I quoted the foundations of the house were 18 inches lower than that shown on the plans and specifications.

Members can see that home owners at present are completely out on a limb in respect of this legislation. I do not think this is good enough because most people think that as we have a Builders' Registration Board in Western Australia it has been set up for their protection. I think we are still the only State in Australia that has such a board, although it appears that New South Wales intends to establish such a board because last year, or early this year, the Public Works Committee of New South Wales, or some similar committee from that State, visited Western Australia to inquire about the provisions of our Act. I spoke to some of the members of that committee and I pointed out to them that if they intended to introduce a Builders' Registration Act they should at least make it a sensible one and not something wishy-washy such as we have in Western Australia.

The Hon. G. C. MacKinnon: The other States have been doing this for the last 20 years but not one of them has introduced the necessary legislation.

The Hon. R. THOMPSON: No, but I have almost reached the stage where I think we could well do without our Act unless some teeth are put into it. The Painters' Registration Act, an amendment to which will be dealt with by my colleague when this Bill has completed its passage, has some teeth in it. An order can be made on a painter to rectify any faulty work. Under the Builders' Registration Act an order can be made on a builder to rectify his work, but if he thinks it is likely to cost $5,000 he says, "I may as well take my chance in front of a magistrate. The maximum he can fine me is $500." Probably such a builder would be fined only $200 if it were a first offence, and the $5,000 needed to rectify the mistakes made would have to be met by the unfortunate person who had contracted in good faith to have a house built.

This sort of thing is not good enough. We have to extend the Act to provide complete protection for the general public. One of my colleagues handed me a note dealing with a house which was built in Rossmoyne some three or four years ago. With this house the walls were cracked, the outside bricks were cracked, the foundations were nine inches lower than were shown on the plans and specifications, and yet the Builders' Registration Board could do nothing about it. The board said the house had been built in a workmanlike manner.

However, the person concerned in this case had the wherewithal and he went to the Supreme Court. The judge found that the workmanship was completely unreasonable and awarded $3,000 damages against the builder. Therefore, if we are to have an Act covering builders, let us have one that provides for some redress such as that. Let us have legislation to provide that all facets of building shall come under the control of the Builders' Registration Board What is the use of having such a board if home owners are left unprotected?

First of all I believe that builders should be required to enter into a bond with the board to ensure that their work is satisfactory. Secondly, I believe builders should be held responsible for constructing homes to the plans and specifications passed by the local authority, and that the building should be in conformity with the Uniform Building By-laws. Complete protection for the home owner should be the order of the legislation. Cancellation of a license is not sufficient; real protection is needed. Contracts to build homes should be under the scrutiny and jurisdiction of the board, and all builders should come under the board's control. I have a number of cases which prove the points I am making.

In addition, there are builders who do not come within the ambit of the legislation—they are people who can build up to $2,400 without being registered. These builders are still fleecing people; I have instances of this myself where unsatisfactory work has been carried out—work that is not up to the standard required by our local authorities. Yet we find that no claim can be made against such builders except through the courts, and most people do not have the money to seek legal aid. These types of people have to scrape to get the money to have something done.

I believe those who are permitted to build up to $2,400 only should be issued with a conditional certificate. They should be given, say, three years, to qualify. If they do not qualify within that period the conditional certificate should be cancelled.

The Hon. G. C. MacKinnon: That is the old "B"-class builder's license. We rewrote the Act to get rid of that.

The Hon. R. THOMPSON: That is so, but in so doing we introduced another field. We did not improve the Act in any shape or form. Last but not least; so far as my recommendations are concerned, I believe the Act should operate on a State-wide basis.

This evening we have heard a lot about stock brands and about legislation being amended over the years because the farmers were being fleeced. We have bush carpenters and yet the people who legislate to protect their stock are not eager to protect their constituents by ensuring that first-class building work is done in country areas.

It is time the Builders' Registration Board acted as a board to protect the interests of the general public. If it did that it would be doing something useful. At the moment it is ridiculous for us to enact legislation that means little to the people who believe they have protection.

I have 14 cases but I do not intend to weary the House by reading all of them. However, I shall cite one case which concerns a particular firm. This firm is the biggest home-building organisation in Australia; it operates in all States.

The Hon. Clive Griffiths: I have a case involving the same firm.

The Hon. R. THOMPSON: The honourable member can have a look at the case I have. I have the name covered over at the present time, but it is a standard contract specifying what shall be done. It sets out the name of the owner, where the land is situated, the contract price, the deposit, and several other particulars. One very important clause is the variation clause. This is not uncommon in contracts, but it also specifies the additional costs involved. These are set out.

In this instance the excavation work is shown at $10 a yard, rock $20 a yard, concrete $36, clay bricks $110, and removal of spoil from site $3. This particular case is in Orelia, which is next to Medina, and the very next contract I have—and this concerns a home which is just around the corner to the one to which I have been referring—shows rock per cubic yard at $30, and not $20 as was the case wtih the other contract. It does not seem reasonable to me that a contractor can charge $20 in one instance and $30 in another instance, when the two homes are just around the corner from each other.

The Hon. J. Dolan: Was the same contractor involved?

The Hon. R. THOMPSON: Yes. I have 15 complaints about the same builder.

The Hon. L. A. Logan: Is there any rock on the blocks?

The Hon. R. THOMPSON: I am just about to deal with that matter.

The Hon. J. M. Thomson: Is this person a registered builder?

The Hon. R. THOMPSON: The biggest in Australia. The firm is A. V. Jennings Industries (Australia) Ltd. The people concerned had to meet their progress payments and comply with the contract. They are only working people and they had to arrange their finance through building societies, banks, and other lending institutions. When their houses were almost completed they all received much the same communication. I do not intend to read all of it, because it is a long statement, but part of it reads as follows:—

> As separately advised your above property will be completed for handover to you on the 18th March. We accordingly forward your account for check with your records and preliminary settlement arrangements.

It then sets out the balance, gives a breakdown of the figures, and continues—

> In accordance with your contract the above amount of $269-50 must be paid to this office prior to possession being given. It is your obligation to effect settlement.
>
> A period of 14 days from the handover date is allowed to enable you to arrange payment of the balance of money due by your lending authority. Should settlement be delayed beyond this time a weekly rental of $24-60 must be paid . . .

And so it goes on.

The Hon. G. C. MacKinnon: That is fairly normal. I am at a loss to see what this has to do with the Builders' Registration Act.

The Hon. R. THOMPSON: I am stating what happened in this case, and what happened in 15 other cases about which I know. On the 8th April a further letter was received, and it reads as follows:—

> Further to our letter of the 10th March, regarding final account on your new home. Under the heading "Payment" an amount of $12800-00 was shown as being paid by Perth Building Society, however, a cheque was received from the Society on the 2nd April at settlement for only $12605-18 leaving a balance of $194-82.

I want to impress on members the lead-in to that letter:

> Further to our letter of the 10th March, regarding final account on your new home.

I claim that when a final account is issued it should be considered as the final account. Whatever moneys are paid in finalisation of an account render further accounts void. However, what do we find? Most of the letters I have referred to went out to the people concerned on the 5th May, 1970, and the one I have with me reads as follows:—

> We regret to advise that rock was encountered during excavation work on your foundations and during installation of your sewerage lines.
>
> Under the terms of the Contract and further to our quotation of the 27th August, 1969, which states if rock is encountered the additional cost will be treated as a Variation to the Contract.
>
> We do apologise for this advice being belated, but the notification of the amendment to your contract was delayed in reaching our office by the Sub-Contractors concerned.
>
> The cost for excavating rock during foundation work is $239.00 and the removal of rock encountered during installation of the drainage system is $146.00, a total of $385.00.
>
> In view of the above, we enclose our Variation No. 6419 for the above amount. Please sign the green copy and return same to this office with your remittance, at your earliest convenience.
>
> During work on your home you must have been aware that rock was encountered as mentioned above, but we again apologise for the delay incurred.

Those letters were received a month after the people had settled their accounts, and moved into the homes. They had committed themselves for furnishings—mostly on time payment—and then that further letter arrived.

The Hon. G. C. MacKinnon: You have me very confused. Whether this is good or bad is a matter of opinion, but I would like to know what it has to do with the Builders' Registration Act. It has nothing whatever to do with the Act.

The Hon. R. THOMPSON: If we have a Builders' Registration Act it should offer protection to home builders in Western Australia.

The Hon. G. C. MacKinnon: There is the law of contracts.

The Hon. R. THOMPSON: The people I am referring to signed their contracts, and made the final payments without question. They met the terms of the contracts.

The Hon. G. C. MacKinnon: We are not discussing the law of contracts.

The DEPUTY PRESIDENT: Order!

The Hon. R. THOMPSON: I am talking about defective buildings.

The DEPUTY PRESIDENT: Order! The honourable member must confine himself to the subject matter of the Bill, which is the Builder's Registration Act. The Bill deals with the structure of buildings, and not the contracts.

The Hon. R. THOMPSON: I bow to your ruling, Sir. However, I was going to conclude my remarks by saying that when a building is constructed, the builder has to comply with the local authority regulations. In the cases I have mentioned it is found that false accounts were sent out. One case in particular, which I can prove, concerns a claim for $120 for blasting. Blasting comes within the uniform by-laws, and the local authority concerned must issue a permit. However, not one permit was issued by the local authority in this case.

The Hon. G. C. MacKinnon: Then the firm broke the law, but not the terms of the Builders' Registration Act.

The Hon. R. THOMPSON: If the blasting was actually carried out, the builder broke the law. However, let me get back to the Bill and the point I was making. I think I have already made enough points to show that if the legislation was doing the job it was intended to do people would have some protection. At the present time the people have no protection because if the building is not constructed in accordance with the plans and specifications the home owner and the Builders' Registration Board can do nothing whatsoever. Is that what we understood the Builders' Registration Board was set up to do? Definitely not.

Did we understand that if it cost $1,000, $2,000, or $3,000 to rectify a builder's mistake, it would be the responsibility of the home owner, and not the responsibility of the Builders' Registration Board or the builder? I think every member in this Chamber understood it would be the builder's responsibility to make good faulty work. I think every member in the Chamber, and even the Minister, would agree

that was our understanding of the legislation. However, we find that one woman went to the Supreme Court and was awarded $3,000 damages. How can a person such as one of those I have mentioned, who is earning $68 a week, and has a debt of $12,800 to repay to a building society, go before a court to recover the cost of making good structural defects in his house?

The Hon. G. C. MacKinnon: In answer to your question: No. What you have stated is not the original intention of the Bill. I will explain it to you later.

The Hon. R. THOMPSON: It may not have been the original intention of this particular Bill.

The Hon. G. C. MacKinnon: No, I am referring to the Act.

The Hon. R. THOMPSON: I know the original intention of the Act, as well as does the Minister. It was introduced to control people who claimed they were builders.

The Hon. G. C. MacKinnon: That is right.

The Hon. R. THOMPSON: The original legislation was brought in to control the fly-by-night builder, who would accept a deposit and not complete the work.

The Hon. G. C. MacKinnon: That is right.

The Hon. R. THOMPSON: But we have gradually amended the legislation. This will be the thirteenth amendment to the original Act, and each time it has been amended with a view to improving the measure.

However, we now find there is a complete departure. I consider that at the present time the Builders' Registration Board is similar to a number of other organisations which have become somewhat of a closed shop. We also find that the very same builders who want a closed society are the people who are prepared to let their tickets out—usually on a 1 per cent. basis—to builders who are not registered. In many cases they are unqualified to build homes.

The Hon. G. C. MacKinnon: I thought we amended the Act to stop that happening.

The Hon. R. THOMPSON: That procedure has not been stopped. I gave the instance of my hairdresser who, with no previous experience, turned to building. He is still carrying on building. Such people function as builders on hired tickets, and they are still building as many homes as they possibly can.

The last amendment to the Builders' Registration Act was for the purpose of making it obligatory for builders to show their registered number on the sign in front of the building job. The builder could then be held responsible for the supervision of the work. The amendment was an attempt to stop the ignorant types from doing the work. I have previously mentioned the occasion when I went to a builder's home with two people who had complaints. At the time the drop for a driveway was 1 ft. in 3 ft. 6 in. However, the builder said, "I do not understand the law." He could not read the legislation, and he could not understand it. He required an interpreter but a registered builder was quite prepared to let him use the builder's registration number. I also previously instanced the case of a builder who had not built a house for years, but who had about 15 other fellows providing him with a very good livelihood in return for using his registered number.

So, we have a closed shop when it comes to builders' registration. Provided a person can build to a standard he can get a ticket, and I do not disagree with that. However, I do disagree with the letting out of contracts to a builder who does not come within the scope of the Builders' Registration Act.

I seriously suggest to the Government that it introduces an additional certificate so that the unregistered builders can either qualify or get out of the industry. Also, those builders should have to enter into a bond, the same as a registered builder, so that they will have to make good any defects or structural alterations. The unregistered builders should be subject to fine by the board if a house is not constructed according to the plan submitted to the local authority. I think those provisions would be fair and reasonable. By imposing those restrictions builders would be forced to do something which they should honestly and legitimately carry out.

I cannot see much sense in the proposed legislation, other than that it gives the board the added authority to order a builder to carry out work within a reasonably specified time prior to the cancellation of his license. That is all the first amendment does. If the builder disagrees he can appeal to a court. If the unfortunate home owner is aggrieved, he has to go to the Supreme Court.

The right is given to an inspector to enter onto property only for the purpose of inspecting during the course of construction. There is nothing to say that after the inspection any action will be taken to have bad workmanship rectified. The clause says—

> 20A. (1) Any member of the Board, or person authorised in writing in that behalf by the chairman of the Board, may at any time enter upon any land on which any building work is being carried out and inspect the building work.

(2) A person who in any way resists, obstructs, impedes or delays a member of the Board or other person authorised under subsection (1) of this section, in the exercise of his powers conferred by that subsection commits an offence.

For what the legislation is worth, I support it.

I should make it clear that the house at Rossmoyne, to which I referred, was not constructed by A. V. Jennings, but by another firm. The firm paid the penalty because it had the wherewithal.

I support the legislation but I suggest that the Government should seriously consider making it work in the interests of the majority of people, who only build one home in a lifetime.

THE HON. J. M. THOMSON (South) [9.17 p.m.]: I was very interested in the remarks of the previous speaker in regard to this legislation. What I have to say will be fairly brief but, I hope, to the point.

I agree with Mr. Ron Thompson that there are not enough teeth in the present Bill. I think we are starting at the wrong end. This legislation is designed to protect the home owner, and it concerns the builder who contracts to do home building. I therefore think it is desirable that on the acceptance of a contract to build a home, or a structure similar to a home, the contractor should be required to pay a security deposit, which, in order to be effective, should be held for the duration of the contract.

The Hon. G. C. MacKinnon: You are speaking about a Bill that does not exist. You are speaking about a completely different purpose. This Bill was never designed for that purpose.

The Hon. J. M. THOMSON: If this Bill were passed, the Builders' Registration Board would have power to direct a builder who was guilty of doing shoddy work to make good the deficiencies in the contract, and if the builder did not do so he would be liable to a penalty not exceeding $500. My proposition is that instead of having a situation in which action is taken after faulty work has been done, the contractor should pay a sum of money.

A few years ago, when I was in the building industry and tendering for certain classes of work, I was required to lodge a deposit on the acceptance of my tender. The deposit was held by the State Public Works Department, or the Commonwealth Department of the Interior, or the private architect, and returned with the first progress payment. It was not held for the duration of the contract. When I submitted an account for a progress payment on the work completed and the value of material on hand, the payment included the deposit I had paid.

The Hon. G. C. MacKinnon: As a builder, you know that if, in building a place, you departed from the specifications, your client could take you to court; that was his solution.

The Hon. J. M. THOMSON: I cannot go along with the Minister's view. In my opinion, the only way to make this effective is to require that a deposit be paid by the contractor, that the deposit be held for the duration of the contract, and that it be returned to the contractor upon handing over the building to the client.

The Hon. R. Thompson: Section 10 (c) of the Act would be complied with.

The Hon. G. C. MacKinnon: When this Act was rewritten, it was designed to create a body of expert builders from whom people could choose. That was the purpose of the Act. The other matters have been added to it.

The Hon. R. Thompson: Why have supervisors, if the work is not required to be carried out in a workmanlike manner?

The Hon. G. C. MacKinnon: Primarily to check on the qualifications of the builder and deregister him if he is an unqualified builder.

The Hon. R. Thompson: It is not much protection to the person, is it?

The DEPUTY PRESIDENT: Order, please!

The Hon. J. M. THOMSON: As the board now has power to deregister, this provision would give added protection to the client, who is the person we are concerned about. I agree with Mr. Ron Thompson that some people seem to think that the Builders' Registration Board exists for the benefit of builders. Whilst the builder needs to have some protection under the Act, the fact still remains that the person who is finding the money to build the home is the one who needs the first consideration. I think my suggestions are sound and practicable, and that they should be adopted. What is the good of prescribing a penalty, if the builder goes bankrupt during the course of a job? What are the chances of getting anything back from a bankrupt builder who has defaulted in the course of his contract?

The Builders' Registration Act leaves much to be desired, and I think there is plenty of scope for further investigation into the ramifications of it. I rose to make the point to which I have referred. I think it is much better to have the money in hand than to wait until the completion of a job, by which time the builder could become bankrupt, as some have been known to do. I can recall a fair-sized contract in a country town, in which the work was carried out to a stage where it was found the builder had made an error. That person ceased to function as a builder and the architects had to call tenders again for the completion of the work.

The Hon. G. C. MacKinnon: Can you call to mind the Main Roads Department job?

The Hon. J. M. THOMSON: Yes. I also call to mind the State school to which I am now referring.

The motive behind the Bill is the interests of the home owner. If what we are seeking to achieve can be achieved by this method, it will have my support, but I think we could well look again at the whole Act to find out how we can overcome the difficulties that confront the home owner in regard to the unscrupulous builder. There are not many unscrupulous builders; nevertheless, there are some.

I took the opportunity to raise this matter with the Master Builders' Association this afternoon, in order to find out what that association's reaction was. The opinion of the association was that there were not sufficient provisions in the Bill to do what is required. I therefore suggest that we might hold this Bill over in order to see what can be done to it. I think the Bill leaves much to be desired, and I hope the Minister will see fit to bring in a suitable amendment.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [9.28 p.m.]: I also intend to support the Bill. However, I do not believe that it achieves a great deal. Indeed, I cannot see that it achieves anything of consequence that is not already provided for in the Act. I am inclined to agree with many of the things that Mr. Ron Thompson has said.

The Minister interjected and asked what the purpose of the original Act was.

The Hon. G. C. MacKinnon: I did not ask. I stated what it was. As the title says, it is a Builders' Registration Act, not a customers' protection Act.

The Hon. CLIVE GRIFFITHS: The purpose of the Act is to provide for both the client and the builder an impartial source of redress outside normal legal procedures, and to improve standards in the industry, through education. I think the points raised by Mr. Ron Thompson come within that category.

I believe the purpose of the Act is to prevent people from being exploited by builders who perform faulty or unworkmanlike work. There is ample evidence available to show that this is occurring. Mr. Ron Thompson mentioned he could cite 14 cases and we were all terrified that he was going to quote to us the correspondence in regard to them all. However, I am certain we have no reason to disbelieve that he could produce those 14 letters.

The Hon. I. G. Medcalf: I do not think the Deputy President would allow him.

The Hon. CLIVE GRIFFITHS: I have some, too, and I have elaborated on them in this House on several occasions when a Bill has been brought forward to amend this particular Act. When the Minister introduced the Bill I think he said that people had come to believe that the present Act provided them with a sort of protection in that the Builders' Registration Board had the power to order a builder to carry out remedial work, and because the man in the street believes that this is the position, this Bill was brought forward to make that a fact.

The Hon. G. C. MacKinnon: I said it was to protect the public from fraudulent, incompetent, and negligent persons entering the trade.

The Hon. CLIVE GRIFFITHS: I will quote what the Minister did say. He said—

> As a measure of public protection from fraudulent, incompetent, and negligent persons entering the trade, the provisions in the Act encouraged registration of competent and reputable people who would be entrusted with the erection of buildings in order that the standard of the registered builder would be lifted and maintained at a high level of efficiency.
>
> As a result, it has become apparent over the years that the man in the street regards the board as being empowered not only to set these standards but also to demand of the registered builder remedial work when informed that he had been guilty of incompetence or negligent work.

The Hon. G. C. MacKinnon: Absolutely 100 per cent. correct.

The Hon. CLIVE GRIFFITHS: Now, as a result of that assumption, this Bill is being introduced to make that a fact.

The Hon. G. C. MacKinnon: That is so.

The Hon. CLIVE GRIFFITHS: The Minister was the one who was arguing.

The Hon. G. C. MacKinnon: Your interpretation of that is entirely different from mine.

The Hon. CLIVE GRIFFITHS: I am not concerned with the Minister's interpretation, but I am suggesting it is the reason for the Bill being before the House. I would go further and say that it would seem to me that the man in the street is not the only one who thinks the Builders' Registration Board has the power to do that; many others are of the same opinion.

Over the years I have asked many questions in regard to this subject and the answers I received indicated that at least the board had some thoughts that it had the power to request a builder to carry out remedial work. In a newspaper item of the 31st July, 1968, among other things, the Registrar of the Builders' Registration Board said this—

> The board has three main ways of enforcing standards—cancellation of a builder's registration, suspension of it, or instituting legal action.

So even the registrar thought the board had the power to enforce that builders should carry out remedial work where faulty work had been performed by them.

The Hon. G. C. MacKinnon: Will you read again those three main ways of enforcing standards?

The Hon. CLIVE GRIFFITHS: Yes. They were—

> . . . cancellation of a builder's registration, suspension of it, or instituting legal action.

The Hon. J. M. Thomson: You could go on and say that it is for the protection of the public, to quote the Minister's remarks on page 5 of his notes.

The Hon. CLIVE GRIFFITHS: I could, but I will not. I want to point out that the board should have power to insist that builders shall carry out the instructions of their clients according to the plans and specifications, and, further, the builder should still be required to carry out remedial work despite the fact that the deviation he has made from the plans and specifications has been done in a tradesmanlike manner.

I believe that if a person has plans and specifications drawn up for the construction of a house, he is entitled to have his house built according to those plans and specifications and he should not be told by the board that no action should be taken against the builder because, although he has deviated from the plans and specifications, the work he has done has been performed in a tradesmanlike manner. Regardless of whether the Act gives the board this power or not, I believe it should have it. I would perhaps agree with the provision that a registered builder should lodge a bond before commencing the construction of a house so that sufficient finance would be available to enforce the carrying out of any remedial work which was required as the result of a builder deviating from the plans and specifications.

In one case referred to me which involved the builder mentioned by the previous speaker, several pages of complaints were set out which were substantiated by an architect who independently checked the premises, but for some reason or other the Builders' Registration Board did not see fit to make any recommendation that remedial work should be done. I have another letter comprising a couple of pages of complaints, and the reply this person received from the Builders' Registration Board. The only suggestion that the board made as a result of this person forwarding two pages of complaints of deviations from the plans and specifications and details of faulty workmanship was—

> (a) remove sufficient floor boards in the lounge room to allow inspection of the bearers.

That was the sum total of the remedial action: to ask the builder to remove the floor boards so that the inspector could look at the bearers! The person concerned ha made a multitude of complaints in his let ter, ranging from cracked brickwork t windows placed in the wrong position; de viations from the plans, etc., etc.

The Hon. S. T. J. Thompson: Is ther any evidence of action being taken agains any of those builders?

The Hon. CLIVE GRIFFITHS: I thin action has been taken against some c them. I have asked numerous questior about this. I think the board did de register a builder on one occasion. Tha is about the extent of the action taken b the board. I would disagree with Mr. Ro Thompson on one point; that is, his sugges tion that the provisions of the Act shoul be extended to cover the whole of the Stat I would oppose such a move violently o the grounds that until it is shown tha the Act can be administered adequatel in the metropolitan area no move shoul be taken to extend the Act to cover a area beyond that region.

The main problem that has been face by people who have approached me seem to be the difficulty they have had in con vincing the board that their complain are justified The board comes up with a sorts of excuses. I know of one case whe it was found that the hot water syste that had been installed did not work c the first occasion when the owner went t the house, and as a result the wall had t be removed to enable the hot water syste to be taken out. However, when this ma complained to the board it was considere that his complaint was not justified. I the same house a stack of other faul were found but I will not weary the Hou by elaborating on them because they we just too silly in that one could not cred that a builder could erect a house in suc a fashion and get away with it.

I am not suggesting that all registere builders carry out work similar to tha performed by this particular builder. In deed, the majority of builders carry ou their work in a proper and tradesmanlik manner and follow the plans and specifica tions to the letter. It is only the odd fe builders who cause the trouble and un fortunately men like them are to be foun in every industry. Nevertheless, if w have an Act that has been drafted to en sure protection for those persons who con tract with a builder to erect a house in tradesmanlike manner, the provisions c that Act should be carried out.

The main function of the Bill is to pro vide for a maximum fine of $500 again any builder who does not carry out a instruction by the board to perform rem dial work. In my opinion the Bill do not go far enough. It could well be tha compared to the cost of the remedial wor that had to be performed by a builder, fine of $500 could cause him to laugh a the way to the court.

In one of the cases I have quoted this evening it would have cost the builder thousands of dollars to carry out the remedial work to rectify his mistakes, because he built the whole house of bricks which cost exactly half the price of the bricks which had been stipulated in the plans and specifications. Therefore, a fine of $500 would be peanuts compared to the cost of rectifying the mistakes this particular builder had made.

I reiterate what has already been said; namely, that in the majority of cases a person builds only one house in his lifetime. The ordinary man in the street is not familiar with building terms and in the majority of cases I feel sure a person who engages a builder would have no way of knowing whether the roof would fall in or a cupboard door would not close. He is not aware of some of the unscrupulous acts that are performed by incompetent builders. Most people place themselves entirely in the hands of the builder. Therefore, in view of the fact that a person builds only one home in his lifetime he is entitled to some protection.

One man who wrote to me setting out a huge list of complaints, after getting nowhere with the Builders' Registration Board, finally went to a solicitor. The solicitor messed him about so much that eventually he was sued by the builder for payment of the money to build the house. Apart from this he had to pay the solicitor's fees. Finally the solicitor was deregistered because he had not been doing his job properly. Therefore this man could not take a trick.

The Hon. R. Thompson: He could not pick a winner, anyway.

The Hon. CLIVE GRIFFITHS: These are the things which happen in everyday life. If members were to get out into the electorate I represent and interview all the ordinary people who must put up with this day by day and face problems because of unscrupulous people, they would—

The Hon. G. C. MacKinnon: Are you suggesting you are the only member who has people voting for him? We all have people in our electorates.

The Hon. CLIVE GRIFFITHS: I suggest that the Minister should see some of the problems I must face. I do not dream these up. People come to me with their problems and I think they are entitled to have them placed before this House.

The Hon. G. C. MacKinnon: You might not dream them up, but you sound as if some of the problems give you nightmares.

The Hon. CLIVE GRIFFITHS: No, they do not. I was speaking about the $500 fine and saying that I believed it was inadequate. I would suggest to the Minister that we add something to this penalty. I would like the penalty to be $500 and the suspension of the builder's license until such time as remedial work is carried out.

The Hon. R. Thompson: That would not mean a thing today. He would just hire someone else's ticket and carry on building. This is what happens at present.

The Hon. CLIVE GRIFFITHS: That may be so, and that could be so in the case of the hairdresser who used the builder's permit. Incidentally, I hope he is a better builder than he was a hairdresser! However, that could certainly have applied to the situation in which someone who is not a registered builder is hiring and using another builder's ticket. Nevertheless, we are gradually overcoming that problem, and that situation is not as prevalent as it was a couple of years ago. I think the amendments we made a year or two ago have to a large degree stopped this.

It would not be as silly as some people think it would be to provide the penalty I have suggested because the Act already provides authority for the board to suspend a builder's license. It provides for the builder to be deregistered altogether. Therefore I think the penalty should be a $500 dollar fine plus the suspension of the license until such time as the builder carries out the necessary remedial work.

The Hon. J. Heitman: That might not be much good. The builder might go to the country and we would not want him.

The Hon. CLIVE GRIFFITHS: At least the metropolitan area would have been tidied up, and when that is done—and only then—we can give consideration to extending the provisions to the rest of the State. In conclusion—

The Hon. R. Thompson: Before you sit down—

The Hon. G. C. MacKinnon: Don't keep him talking!

The Hon. R. Thompson: —you said you disagreed with the suggestion to make the Act apply State-wide. I listed five points which could be put into operation, and then I said the Act could operate State-wide.

The Hon. CLIVE GRIFFITHS: All right. I intend to support the Bill because it certainly does not take anything away from the Act. It does provide an additional penalty, but that is all it does. I would suggest to the Minister that the extra penalty will certainly not act as a deterrent to anyone who commits a breach worth a couple of thousand dollars—and it is not unreasonable to anticipate that such breaches can and will occur. However, in the meantime, I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [9.50 p.m.]: For a Bill which is supported, this one certainly received a hammering and, in all seriousness, I believe the reason for this is because fundamentally those members who have spoken have not analysed the Bill or the law in relation to building, and

they have a complete misconception of the measure. I believe that, for a Chamber with the record this one has, this is an unhappy state of affairs.

This legislation in its present form was introduced following an honorary Royal Commission which comprised Mr. Evan Davies, who sat in the seat now occupied by Mr. Ron Thompson; Mr. Baxter, who is the Deputy President; and me. The purpose of this Bill is exactly as stated and as read out by me; that is, to prevent fraudulent, incompetent, and negligent persons entering the trade.

It is unfortunate, but true, that it has become apparent over the years that the man in the street regards the board as being empowered not only to set the standards, but also to demand a great many other things which are not in the Act. However, what I must admit shocks me not a little is that members of this Legislature have come to believe the same thing.

The Hon. J. M. Thomson: But you went on to mention yourself the added protection to the public the provisions would give, and that is what we are discussing.

The Hon. G. C. MacKINNON: Let me say that Mr. Davies, Mr. Baxter, and I, when we wrote the report, believed there was a grandfather clause, and many people in the building trade at that time had become builders after having been hairdressers, plasterers, good businessmen, and the like. An examination was set and over a period of years those people registered would become competent. Certain people have twisted this a little by hiring licenses and we tightened up this and other provisions one by one as we went along. However, surely it was never dreamed that the laws of contract, common law, and all the others would be taken over into this particular Act.

Mr. Clive Griffiths read out the provisions, but still failed to comprehend them, I am sorry to say. There was to be no legal action under this Act. The mere fact that a builder uses the wrong grade of bricks in an outside wall has nothing to do with the Builders' Registration Board, because the best builder in the world could do that; but that is fraud

The Hon. F. R. H. Lavery: But the general public have come to believe that is so.

The Hon. G. C. MacKINNON: Mr. Lavery is so absolutely right. That is why I believe these sorts of Bills ought to be handled with tremendous care. I think there is a very real reason to believe that they tend rather to do what Mr. Jack Thomson said they do—that is, set up a closed shop —rather than protect the public. The public does tend to believe exactly as Mr. Lavery said, and tend to neglect their proper course of redress.

Mr. Jack Thomson, who is a builder, knows quite well that if he has a set of specifications—and incidentally I know a little about this subject because although I was not engaged in building houses, the rest of my family has been—which indicates that a client wants 5 in. by 4 in. bearers, and he puts in 4 in. by 3 in., if the client raised the matter with him he would pay the man what he asked and not take the matter to court because he knows he would lose the case as this is the law, not under the legislation we are now discussing, but under the legislation which protects customers.

The legislation before us is designed to try to evolve gradually by education and examinations a competent body of registered builders so that those builders—and those builders alone—would be entitled to build over a set value in the metropolitan area. This was the purpose of the legislation, in my opinion. The initial intention following the honorary Royal Commission, which I mentioned a few moments ago, has, to some extent, been perverted over the years.

The Hon. R. Thompson: When was that Royal Commission? In 1956?

The Hon. G. C. MacKINNON: I think it was a little later than 1956. I think it was in 1959.

The Hon. J. M. Thomson: Yes.

The Hon. G. C. MacKINNON: The situation was in some turmoil because there were different classes of builders all brought in as registered builders under the grandfather clause. As a matter of fact, I think the provisions have worked in that apprentices have been taking a registered builders' certificate and are now building up into a competent group.

The Hon. Clive Griffiths: From that particular point of view it has been fantastic.

The Hon. G. C. MacKINNON: This was not the only legislation introduced to establish a competent group of qualified people who would be the only ones to work in the particular field involved. A number of Bills have been introduced to achieve this end, but people have come to believe that they are designed for the protection of the public by replacing the laws covering fraud, contract, and the like. Of course, they were never designed to do this—never. I believe it is a pity this attitude has become prevalent. In every case Mr. Clive Griffiths mentioned if the people behaved as they should have done, especially bearing in mind that the purchase of a house is the most notable event for most of us, they would have found adequate protection.

The Hon. Clive Griffiths: This fellow went to his solicitor and still lost.

The Hon. G. C. MacKINNON: He went to a bad solicitor, from what the honourable member said. I take his word for the fact that the solicitor was debarred or whatever the term is.

The Hon. R. Thompson: Don't you think it is reasonable that a registered builder should comply with the Uniform Building By-laws?

The Hon. G. C. MacKINNON: Yes, but if he does not, he is not prosecuted under this legislation. He is prosecuted for an infringement of the Uniform Building By-laws.

The Hon. R. Thompson: Why not bring that power under this legislation because you are doing what you say we should not do?

The Hon. G. C. MacKINNON: We want some power over these fellows. It is a bit rough just to deregister them and wipe them off.

The Hon. R. Thompson: What about the poor home owner?

The Hon. G. C. MacKINNON: I come back to the point that this Bill is not meant to protect the customer or to deal with all the things about which members have been talking. Mr. Jack Thomson cited a case in which a builder had obviously not abided by the specifications. He admitted, when I asked him, that if he were the builder and had a case like that he would pay out because he would know he would lose his case. He expects such a position to be resolved under this legislation which was never designed for that purpose.

The Hon. Clive Griffiths: This Act could do what we want it to do.

The Hon. G. C. MacKINNON: If the honourable member wants an Act to do something entirely different from the purpose for which the legislation was designed, then let him sit down and do his homework and design a private members' Bill.

I was saying that for a Bill which is supported this one has really received a hammering, but I do feel, because of the remarks made—

The Hon. R. Thompson: You are reinforcing our original thoughts on this Bill.

The Hon. G. C. MacKINNON: If members want a completely different type of Bill, I will have no argument. If they believe that all the other laws covering fraud, breach of contract, and departure from specifications, and so on, should be brought in under, say, a house-building customer Act, that is all right. I would have no argument. However, I do not happen to think that way. I think that certain laws have been tried and proven and the customer is better protected with the body of case law that has been built up than he would be if another Act were introduced.

I am trying to say that the arguments do not really have any bearing on the Bill under discussion, or the parent Act. Incidentally, it was in 1961 that the Royal Commission was held. I thank members for their promise of support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 12A added—

The Hon. R. THOMPSON: When the Minister replied to the second reading I think he was trying to justify something that was written into the legislation as representative of the intentions of the honorary Royal Commission. That might have been the intention at that stage, but this is no reason for not bringing legislation up to date to protect the public where protection is needed. To all intents and purposes proposed new section 12A is being included in the legislation to achieve just that. Consequently it is of no use for the Minister to argue that the Act was not intended to do specific things or to protect the public if, at the same time, he asks the Committee to accept the amendment now under discussion. The provision says, in part—

> 12A. (1) Where the Board is of opinion that any building work carried out by any builder under this Act has not been carried out in a proper and workmanlike manner, the Board may, by order in writing served on the builder order him or it to remedy the faulty or unsatisfactory building work within such reasonable time as is specified in the order.

It goes on to state that the maximum penalty will be $500.

Consequently, it is futile for the Minister to tell us that we have not studied the Bill in conjunction with the Act. I consider I know as much about the Act as does the Minister, and I have studied it.

I put forward suggestions which should be included in the Bill for the protection of the home owner. I do not think one voice would be raised in protest if a provision were included to say that the home owner and the legitimate home builder were protected. The Minister himself said that the public generally had thought that some protection was afforded them and, to remedy that situation, it was proposed to insert new section 12A into the Act to give the board power to do something which it previously did not have the power to do.

This is quite true. I can recall a contract which was entered into some seven or eight years ago. The house was situated at 13 Tonkin Road, Hilton. The board, apparently contrary to the Act, terminated the contract of a builder and sent another builder to complete the work. I was the person who put the purchaser onto the Builders' Registration Board. Evidently at that stage it did not have the power to take this action but it got away with it

and at least one home owner was protected. I do not see anything wrong with my suggestion. If we are to have a Builders' Registration Act, let us have one that offers protection to both sides, and not only to the builder.

I also feel that it would be reasonable, and acceptable to the Committee, to incorporate the Uniform Building By-laws into the legislation. Plans and specifications should be carried out to the letter.

As I have said, I support the Bill but I want to make it quite clear in the Minister's mind that, although he tried to reflect on members, I am sure all members of the Committee would desire such amendments to the Builders' Registration Act.

The Hon. G. C. MacKINNON: I would not be too sure that all members would desire it, and what Mr. Ron Thompson has said only serves to reinforce what I said before. Specifications are not included in the parent Act. Building by-laws are not included in the Act. The necessity to do work in a proper and workmanlike manner is included in the Act.

I would interpret this to mean that if the specifications laid down that cupboards should be built of jarrah, but the builder could not obtain jarrah and built them with meranti in a proper and workmanlike manner, he would get away with it simply because they were built in a proper and workmanlike manner. A completely different Act looks after the sorts of examples quoted tonight.

If a builder constructed four bedrooms when only three were required, provided his work was done in a proper and workmanlike manner it would be a mistake. The owner could take action under another Act and would not have to pay for the extra bedroom. Alternatively, if the builder were supposed to build four and built three, the owner could take action under another Act to get him to build the extra bedroom.

The legislation under discussion is to ensure that a builder does his work in a proper and workmanlike manner. That is the purpose of the legislation and the reason for the penalties.

It is a pity that people have the idea that the legislation protects them against certain things for which it was never designed, and is still not designed, to protect them. It is the duty of members to understand this fully and to point it out to their clients. Relief lies somewhere else. A number of other Act are specific in their purpose and this happens to be one of them. I think I have said enough on this point.

The Hon. R. Thompson: Before the Minister resumes his seat, does he think it is reasonable for a person to be able to let out his ticket to someone else and charge for it.

The Hon. G. C. MacKINNON: No, I do not, but it is something which is very difficult to stop.

The Hon. R. Thompson: I have pointed this out on four occasions.

The Hon. G. C. MacKINNON: We have tried to do something about this. It is one of the matters that was a great disappointment to those who interviewed many builders because the Act was, to a large extent, designed to protect the good, conscientious, and reliable builder who gives good value work for price in comparison with the fly-by-nights who learn to wield a hammer and nail two lumps of wood together. It was designed to protect them to some extent and they richly deserve protection because these builders give good value to a customer.

The Hon. R. Thompson: That is right.

The Hon. G. C. MacKINNON: It is reasonable to protect this kind of builder.

The Hon. CLIVE GRIFFITHS: I simply want to tell the Minister that I, too, know what is in the Act and know what to inform my clients, as he calls them—namely, my constituents.

I also suggested what I believe ought to be included in the legislation and the safeguards which should be incorporated in a piece of legislation such as this. I repeat that I had many friends when I was under the impression that the board had the power to order remedial work to be carried out; indeed, the board thought it had the power.

The Hon. G. C. MacKinnon: It is desirable it should.

The Hon. CLIVE GRIFFITHS: It is certainly desirable that it should have this power. The other points I raised in the sincere belief that they ought to be included in the Act. However, I support the clause.

The Hon. J. M. THOMSON: I wish to refer to the question of appeals. I am not completely happy with the wording that says the magistrate may make such order as to the costs of the appeal as he thinks fit and that the decision of the magistrate is final and not subject to any appeal.

The situation could well arise where an appeal to a higher court may be desirable, whatever the circumstances. I would like to hear what the Minister has to say in justification of this provision that there is no appeal and the magistrate's decision is final. I do not think it is desirable or right. There should be an appeal to a higher court if the circumstances arise. I think Mr. Ron Thompson earlier referred to a case where a person appealed to the Supreme Court and eventually obtained a decision in his favour of $3,000. If the Committee agrees to the present wording there will be no way for anyone to go against the decision of a magistrate.

The Hon. I. G. MEDCALF: I should like to make some comment on the last point raised by Mr. Jack Thomson before the Minister replies. I personally do not think this should go any further than the local court; that is, the decision of the magistrate. What would this be? It would be an appeal from a decision made by the Builders' Registration Board, which is not a court. It is a professional body set up for a specific purpose under the Act.

If we allow appeals from the Builders' Registration Board to go to higher courts, we would virtually place it in the position of being a court. I think that is the whole weakness of the argument advanced tonight; namely, that we should permit the Builders' Registration Board to decide questions beyond a certain stage.

After all, the provision has been included to cater for people who believe that the board has certain powers. We cannot give it unlimited powers and it seems to me that we should bear in mind that it is a body which is subject to certain limitations. The board comprises the people referred to who are mainly professional builders or people concerned with building, and I do not think it is sufficiently independent to adjudicate on these matters. Therefore, I would not favour any further appeal at all.

The Hon. R. F. CLAUGHTON: I had no intention of speaking on the Bill but several queries occurred to me during the debate.

The Hon. G. C. MacKinnon: Is the honourable member going to deal with the question of appeals?

The Hon. R. F. CLAUGHTON: I am speaking on proposed new section 12A.

The Hon. G. C. MacKinnon: On the appeal?

The Hon. R. F. CLAUGHTON: No.

The Hon. G. C. MacKinnon: Would the honourable member mind if I replied?

The Hon. R. F. CLAUGHTON: No.

The Hon. G. C. MacKINNON: Mr. Jack Thomson asked me to answer the query he has raised. Really, I can elaborate only a little on what Mr. Medcalf has said. My contention is that the board was set up originally as a registration board. It is making some degree of judgment in this area.

I believe, with Mr. Medcalf, that the appeal should go to a magistrate because it might be a case of a wealthy company *versus* an ordinary builder, or *vice versa* —although I am not sure Mr. Medcalf would agree with this point—bearing in mind, of course, that with most infringements action should be taken under another law before the ordinary courts which handle the full range of appeals. This is merely a special appeal against the judgment of the board. If one wants to take the action further one can do so by way of normal court action. The type of action mentioned by Mr. Ron Thompson was not taken under the particular legislation, it was taken under the law of contracts.

The Hon. R. F. CLAUGHTON: If this Act is to be effective it is necessary for the board to have certain powers, and if it exercises those powers it will not be at all surprising if the public feel they have recourse to the board. I am afraid the Minister left me in some confusion regarding what could be regarded as "workmanlike" in relation to builders. If I desired to employ a builder to build a home I would expect that builder to be able to read the plans and specifications and produce a building. I feel that if he could not do that he could not be termed a competent builder.

If we were talking only of the structure of the brickwork, the workmanship of the carpenter, and so on, we would not be talking about a builder as such but rather about the individual tradesmen. However, the builder is more than that because he is able to supervise the whole of the construction and to interpret plans and specifications. The confusion in my mind is that if we interpret "workmanlike" only in relation to the standard of bricklaying, carpentering, and so on, we are missing the essential difference between a builder and one of his tradesmen.

The Hon. G. C. MacKINNON: In actual fact, of course, we are back to the second reading debate. I will make one last endeavour to explain the matter and I will draw an analogy. Let us take something as far removed from building as the Medical Board which is a registration board for medical practitioners. When it was first set up the legislation included a grandfather clause and certain people who had not been practising medicine as such became doctors. It is quite conceivable that some of those people did little else than use leeches—although I would not know. However, they were accepted under the grandfather clause.

If a person goes to a doctor and is treated in such a way that he believes the doctor was negligent and not honest in his dealings, the person can go to the Medical Board. The Medical Board can discipline the doctor in one of a variety of ways. The doctor may be struck off for life, suspended for a period, sent back to school, or even sent for psychiatric treatment.

The Hon. R. Thompson: But he cannot hire somebody else's number.

The Hon. G. C. MacKINNON: If a person thinks he has a cause for action against a doctor he does not go to the Medical Board and ask it to take action through the

courts and to compensate him. He takes action through the court. He engages a solicitor and takes the doctor to court in order to recover damages. What I am saying is that the real purpose of the Builders' Registration Board is just that. That is the analogy.

Mr. Ron Thompson said that a doctor cannot borrow another doctor's name. That is fair enough; and I said earlier it is a pity we cannot stop this in the building industry. It has been very difficult to do so but I have no doubt the Builders' Registration Board will gradually get to the same position as the Medical Board is now, and every builder will be registered.

At the present time I know of one large builder who is actually a plasterer by trade. However, he is a first-grade builder; and we have been told about a builder who was a barber. I think my analogy is a proper one. One does not rush to the Medical Board to take action against a doctor. One takes action through the courts.

The Hon. J. M. Thomson: There is no need for this at all.

The Hon. G. C. MacKINNON: Yes there is, because we are talking about bad workmanship—about a fellow who sets himself up as being competent to put one brick on top of another but who does not do that—and not about the fellow who uses cracked bricks which are not in accordance with the specifications.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.24 p.m.

Legislative Assembly

Tuesday, the 20th October, 1970

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

BILLS (2): ASSENT

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

1. Prevention of Cruelty to Animals Act Amendment Bill.
2. Civil Aviation (Carriers' Liability) Act Amendment Bill.

QUESTIONS (34): ON NOTICE

1. JUSTICES OF THE PEACE

Nomination

Mr. GRAHAM, to the Premier:

(1) Is it necessary for a person desiring to be appointed a Justice of the Peace to be nominated by the Legislative Assembly member for the district in which he resides?

(2) If nominations can be made by other persons, what are the categories of such persons?

(3) Where nominations are made other than by the Legislative Assembly member—

(a) is the nomination referred to such member for his views prior to the appointment being made; or

(b) is the member notified when such an appointment has been made?

Sir DAVID BRAND replied:

(1) No.

(2) A member of the Legislative Assembly for a district other than the one in which the nominee resides.

A member of the Legislative Council.

A magistrate or clerk of courts.

A local authority.

A head of a Commonwealth or State Government Department where the appointment is required for departmental convenience.

(3) (a) Generally yes.

(b) Yes.

2. TOWN PLANNING APPEALS

Kalamunda Shire Area

Mr. DUNN, to the Minister representing the Minister for Town Planning:

(1) How many town planning appeals has he considered in regard to the Kalamunda Shire area in each of the years 1965, 1966, 1967, 1968, 1969, and 1970?

(2) Who were the appellants in each year?

(3) Which cases were upheld?

Mr. LEWIS replied:

(1) 1965—14.

1966—13.

1967—11.

1968—18.

1969—15.

1970—28 (to July).

(2) Applications are regarded as confidential petitions by the owners and it is not the practice to publish their names.