Legislative Assembly

Thursday, the 4th September, 1969

The SPEAKER (Mr. Guthrie) took the Chair at 2.15 p.m., and read prayers.

ADDRESS-IN-REPLY

Acknowledgement of Presentation to Governor

THE SPEAKER (Mr. Guthrie): I have to announce that, accompanied by the member for Mt. Marshall (Mr. McPharlin), the member for Merredin-Yilgarn (Mr. Stewart), the member for Warren (Mr. H. D. Evans), the member for Maylands (Mr. Harman), and the member for Karrinyup (Mr. Lapham), I attended upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech in opening Parliament. His Excellency has been pleased to reply in the following terms:—

> Mr. Speaker and members of the Legislative Assembly: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTIONS (24): ON NOTICE

1. LAND

Conditional Purchase Lease: Transfer

Mr. YOUNG asked the Minister for Lands:

> Can a conditional purchase lease be transferred from a father to a son who is a returned national serviceman so that he can qualify for the primary industry re-establishment loan of $6,000?

Mr. BOVELL replied:

> Yes, provided that the son is eligible to hold the acreage involved and the lease is sufficiently improved, and that the Minister for Lands is satisfied that the provisions of the Land Act have been complied with.

2. SOIL FERTILITY RESEARCH ACT

Collections

Mr. JAMIESON asked the Minister for Agriculture:

(1) What is the total amount collected under the provisions of the Soil Fertility Research Act since its inception?

(2) What are the present assets of the trustees of the fund?

(3) In what way have the moneys collected so far been spent?

Mr. NALDER replied:

(1) to (3) The Soil Fertility Research Act (1954) established the Soil Fertility Fund under the administration of independent trustees. The accounts and minutes are kept by the trustees and are available for inspection by any contributor to the fund, and persons authorised by the Chairman of the Australian Wheat Board or the State Auditor-General. The chairman of the trustees, Professor E. J. Underwood, should be approached for the information sought.

3. *This question was postponed.*

4. RAILWAYS

Enginemen: Circular

Mr. JONES asked the Minister for Railways:

(1) Is he aware that—

(a) the Commissioner of Railways has issued a circular to enginemen employed by the W.A.G.R. requesting information regarding the taking of any medicines, tablets or injections prescribed by a doctor;

(b) the same employees have been requested to advise when they last saw a doctor?

(2) If so, will he advise why the information is being requested and does he not consider that some of the information is confidential and private to the person concerned?

(3) Is it to be the policy of the Railways Commission to provide alternative employment at the workers' existing rate of wage, where workers are deprived of their classification as a result of this action?

Mr. O'CONNOR replied:

(1) (a) The commissioner has issued a circular in this respect.

(b) Yes.

(2) The action is taken as a safety measure against the possibility of a serious accident arising from the sudden illness of an engineman whilst in control of a locomotive.

Measures have been taken for this information to be treated as confidential.

(3) The policy of the commission where it can be arranged, is to provide alternative employment at the workers existing rate of pay.

Where this cannot be arranged an allowance is paid. The allowance is half of the difference in wage between the former and new

position, but subject to a maximum payment, also a minimum period of service in the higher position before the allowance is payable.

5. INDUSTRIAL DEVELOPMENT

Coke: "Auscoke" Process

Mr. WILLIAMS asked the Minister for Industrial Development:

(1) Is the new B.H.P. "Auscoke" process for producing blast furnace coke from coals with poor coking properties likely to be applicable to Collie coal?

(2) Is his department in touch with B.H.P. Ltd. about the product and the industrial research behind it and its prospect?

Mr. COURT replied:

(1) The "Auscoke" process is not thought to be appropriate for Collie coal. During the "Auscoke" research programme B.H.P. undertook studies on Collie coal as part of its effort to determine the coking qualities of Collie coal. This research had special relationship to the possible use of Collie coal in the Kwinana blast furnace. These studies did not establish the suitability of the coal for blast furnace use in its original form, or the economic practicability of its use in processed form.

(2) Yes. In addition, the department is studying the economic practicability of a number of other alternative processes for extending the uses of Collie coal.

6. CRAYFISHING

Conservation

Mr. FLETCHER asked the Minister representing the Minister for Fisheries and Fauna:

(1) Is he aware that—

(a) many responsible crayfishermen concerned with conservation of crayfish assert that deep water female crays, taken with the "tar spot" during the months of February-March, invariably when processed expel immature spawn from the decapitated carapace; and

(b) it is estimated that hundreds of thousands of potential crayfish are in this manner lost to the industry in subsequent seasons?

(2) As the survival prospects of crays in "berry" or in the condition mentioned in (1) is dubious if "thrown back" after being hauled and handled from depths up to 90 fathoms, will he seek the opinion of departmental officers and fishermen regarding the closing of the season during the critical period or conditions mentioned?

Mr. ROSS HUTCHINSON replied:

(1) (a) Yes. However, the peak of egg laying of rock lobster is October, November, and December. The peak of larval release from these "berried" female rock lobsters is from November to February. The female rock lobsters with "tar spot" taken in February and March have already layed their young. The spawn which remains in the ovary probably does not add to the crayfish stock.

(b) No. See (a).

(2) Studies are being undertaken at the present time in relation to the recruitment of young rock lobsters to the fishery. If these studies indicate a reduction in recruitment resulting from the present fishing pattern, appropriate measures which may include the one suggested will be introduced. However, it seems likely that the present fishing pattern is not affecting the numbers of young rock lobsters entering the fishery. A scientific report which refers to this question of breeding stock-recruitment relationships is now being prepared by a research scientist working at the Western Australian Marine Research Laboratories.

7. ROADS

Riverside Drive

Mr. GRAHAM asked the Minister for Works:

What are the current proposals regarding a roadway along Riverside Drive?

Mr. ROSS HUTCHINSON replied:

Widening of the carriageway to 44 feet between Plain Street and Barrack Street and the installation of traffic control signals at the intersection with Victoria Avenue.

Some work has been done and the work will be completed before Christmas.

8. METROPOLITAN MARKET TRUST

Members

Mr. GRAHAM asked the Minister for Agriculture:

(1) Who are the present members of the Metropolitan Market Trust and who do they represent respectively?

(2) Who did they displace, when, and why?

Mr. NALDER replied:

(1) and (2) Information regarding the composition of the Metropolitan Market Trust is set out below.

METROPOLITAN MARKET TRUST

Member	Interest Represented	Date Appointed	Previous Appointee	Reason
F. K. Wright	Chairman	27/8/57	K. D. Wilson	Not reappointed on account of age.
J. B. Hawkins	Government	27/8/60	W. A. Haynes	Deceased.
W. R. Stevens	Producers	27/8/66	G. C. Parke	Did not seek reappointment due to healt
W. L. Fletcher	Perth City Council	18/6/69	A. C. Curlewis	No longer a member of Perth City Counc
A. C. Curlewis	Consumers	27/8/69	J. G. White	Not reappointed on account of age.

9. *This question was postponed.*

10. EDUCATION

Manjimup Primary School

Mr. H. D. EVANS asked the Minister for Education:

(1) Has land for the building of the proposed new primary school at Manjimup yet been acquired?

(2) When is it expected that the building of the above school will be commenced?

(3) Is it anticipated that the proposed school will be operative for the beginning of the 1970 school year?

Mr. LEWIS replied:

(1) No.

(2) Tenders could be called within a month of receiving final site clearances from all authorities.

(3) No.

11. *This question was postponed.*

12. MITCHELL FREEWAY

Harvest Terrace

Mr. MAY asked the Minister for Works:

(1) Will he advise if Harvest Terrace between Hay and Murray Streets is to become a permanent integral part of the freeway?

(2) Will this portion of Harvest Terrace remain a one-way street for vehicular traffic?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Yes.

13. RAILWAYS

W.A.D.C.: Final Proposals

Mr. BURKE asked the Premier:

(1) Were final proposals for the development of the railways land, Perth, received from the Western Australia Development Corporation by the 31st August?

(2) If so, when will a model of the proposed development be available for public viewing?

Sir DAVID BRAND replied:

(1) The final proposals were presente to the Government on Monda the 1st September, 1969.

(2) As I indicated in reply to questio 29 on the 14th August, 1969, if th proposal is acceptable to the Gov ernment, a model will be prepare and placed before the public.

14. COURTHOUSE

Donnybrook

Mr. KITNEY asked the Minister fo Police:

Has any consideration been give to providing a new courthouse an residence at the Donnybroo Police Station?

Mr. CRAIG replied:

The Minister for Justice advise that provision of a new court house has been listed in the drai Loan Estimates for 1969-70. Com mencement date will be dependen on availability of loan funds.

No consideration has been give to providing a new residence a Donnybrook Police Station.

15. LOCAL AUTHORITIES

Rates

Mr. YOUNG asked the Minister repre senting the Minister for Local Gov ernment:

Owing to the obvious confusio arising out of the Minister fo Works' statement relating to th repayment of loan commitment for road making equipment whic were incurred prior to the ne procedure under the Main Road Act Amendment Act, 1969, woul he consider allowing local auth orities to delay the striking of, c the revision of, rates for the fin ancial year 1969-70?

Mr. NALDER replied:

There has been no indication tha delays in imposing rates have bee the result of confusion arising ou of the Minister's statement.

Section 546 of the Local Govern ment Act enables the Minister, satisfactory reasons are advance to extend the limit of time for th imposition of the rate by a muni cipal council.

A few such extensions have al ready been sought and granted.

16. DROUGHT

Transport Subsidy

Mr. McPHARLIN asked the Premier:

(1) Will the Government give consideration to increasing the 5c per ton mile subsidy on the cartage of grain for stock feed purposes in drought affected areas to 8c per ton mile to offset the amount deducted for road maintenance tax where the tax is applicable?

(2) Will the Government give further consideration to extending this subsidy for the cartage of sheep, water and hay?

Sir DAVID BRAND replied:

(1) and (2) These requests are being examined and I shall announce a decision next Tuesday in a reply to the questions.

17. EDUCATION

Conference on Planning

Mr. DAVIES asked the Minister for Education:

(1) Was there any official representative from the Education Department present at the six-day conference on planning in higher education held during August, 1969, at the University of New England, Armidale, New South Wales?

(2) If so, who were the representatives or, if not, what was the reason for the State being unrepresented?

Mr. LEWIS replied:

(1) and (2) Official representatives at the conference on planning in higher education were—

Relieving Deputy Director-General of Education, Mr. S. W. Woods.

Director of Teacher Education, Mr. N. G. Traylen.

18. PEDESTRIAN CROSSINGS

Sodium Lighting

Mr. DAVIES asked the Minister for Works:

(1) How many sodium vapour floodlights, other than those initially installed on a trial basis, have been installed at pedestrian crossings throughout the metropolitan/suburban area?

(2) What is the cause of the delay in implementing the programme?

Mr. ROSS HUTCHINSON replied:

(1) None.

(2) The programme is now in course of implementation and it is expected that all 59 sites within the metropolitan traffic area will be completed by the end of October, 1969.

19. INDUSTRIAL DEVELOPMENT

Kwinana Beach

Mr. RUSHTON asked the Minister for Industrial Development:

Will he clarify the future of industrial development relating to the housing and urban area at Kwinana Beach?

Mr. COURT replied:

The answer to this question is quite lengthy, but I would like to read it. It is as follows:—

The overall concept of industrialisation in the area concerned is based on the use and requirements of the bulk loading berth provided by the Fremantle Port Authority initially in connection with the establishment of the CSBP & Farmers fertiliser works in this location.

With the deepening of the Parmelia and Success channels in Cockburn Sound the possibility of use of this bulk-loading berth has significantly increased and is now recognised as favourable for bulk shipment. A need will arise for large areas for stockpiling bulk products prior to shipment or for transport and conveyor facilities between rail head and wharf.

Technical difficulties are such that direct rail access to the existing wharf is not considered feasible and, depending on the type of bulk cargo concerned, some form of conveyor, either continuous or intermittent, may be necessary. Such conveyors could be underground if of a continuous type or above ground if of some other type. But no detailed consideration has yet been given to the final design of such equipment, as it is not yet known exactly what bulk products will be involved or the quantities concerned.

At this time no approval for Northam or Mt. Gibson iron ore exports has been given as we would prefer these ores, if they are to be shipped through Kwinana, to go through another location.

An area of some 40 acres of land on the west of the Rockingham Road and approximately between Ocean Road and Kwinana Road was returned to the Government by the BP Refinery as a result of the agreement with this firm and CSBP & Farmers to set up the latter's fertiliser complex at Kwinana.

This 40 acres is not considered sufficient land backing for the ultimate possibilities of use of the bulk-loading jetty and some vacant land for railhead use has been

acquired on the eastern side of the industrial zoned area on which the houses where owners have expressed concern are located.

The only major problem likely to arise therefore is the treatment of the area of land connecting this railhead area with the existing or additional storage area at the wharf site. Any housing in between may be affected.

As far as the Government is concerned, there may be some effect on existing housing within this zoned industrial area if bulk export proceeds. But it will be realised this effect may be minimised by proper treatment of the equipment to be used.

At the present stage, there is no certainty what the outcome will be. The recent publicity should be a warning that there will be some effect although there has been knowledge of the ultimate general industrial and other developments for a long time.

Mr. Bickerton: What Bill are we discussing?

Mr. COURT: If I do not read this the Leader of the Opposition will claim I am trying to hide the information. If I do read it, I agree it is quite long.

Mr. Bickerton: It sounds like Dorothy Dix.

Mr. COURT: I can assure the honourable member I will not require an extension of time.

In addition to the Government's requirements with respect to stockpiling and loading in connection with the wharf, there could be acquisition and use of any or all of the land in this area, not required for Government use, by any private industrialist who requires land in this particular area and is prepared to pay the prices asked by existing owners.

The land is classified for use by industry. There are some factories already built in the area.

In the circumstances as outlined—and this is the main reason I wanted to read the answer—the people concerned, before making any hasty decisions, would be well advised to wait on authoritative advice from the Government in regard to the future use of the land involved—

Mr. Tonkin: When are they likely to get that?

Mr. COURT: Some have it already. As I was saying, the people concerned would be well advised to wait on authoritative advice from the Government in regard to the future use of the land involved and, if so desired, such clarification of any individual problems that may arise.

Mr. Bickerton: A very clear answer!

20. POTATOES

Processing

Mr. I. W. MANNING asked the Minister for Agriculture:

(1) Is the quantity of processed potatoes imported into Western Australia known to the Government?

(2) If so, what was the quantity imported during the year 1968-69 from—

(a) overseas;

(b) Eastern States?

(3) Have any Western Australian grown potatoes been bought by Eastern States manufacturers for processing purposes?

Mr. NALDER replied:

(1) The quantity of most processed potato products is known.

(2)

	lb.	$
(a) Frozen potatoes	446,094	45,125
(b) Potato flour, meal and flakes	782,778	116,115

Figures for potato crisps and French fries are included in other food categories and cannot be extracted separately.

(3) No direct sales have been made for this purpose.

21. RAILWAYS

Luggage Handling

Mr. T. D. EVANS asked the Minister for Railways:

Arising from his answer to question 18 on the 3rd September, 1969, would he, in the interest of railway patrons such as aged and infirm persons and mothers with young children who may require assistance with carrying of luggage, have arrangements made for the services of a railway employee available on request to render such assistance?

Mr. O'CONNOR replied:

Yes. This will be arranged until it is possible to obtain the services of a "Red Cap" porter.

22. GOVERNMENT DEPARTMENTS

Rent Paid to Private Landlords

Mr. FLETCHER asked the Premier:

(1) What Government departments are paying rent for office accommodation to private landlords in the Perth City Council area and the Fremantle City Council area respectively?

(2) What is the name of each of those landlords and what rent do they each receive from each of the departments mentioned in (1)?

Sir DAVID BRAND replied:

(1) and (2) The answer is as follows:—

Area	Building	Department	Rent P.C.M. $	Landlord
Perth City Council	Cecil Building Sherwood Court	Crown Law	1,465.83	Colonial Mutual Life Assurance Co.
"	55 Murray Street	Chief Secretary's	216.67	Young Australia League
"	T. & G. Building 7th and 10th Floors	Agricultural Industries Mines Department Companies Office	1,654.98	Australian Temperance & General Assurance
"	Claver House	Child Welfare Department Education Department	7,081.34	Snowden & Willson
"	Vapech House 638–644 Murray Street	Workers Compensation Native Welfare Crown Law Lands & Surveys Department of Labour	7,394.85	Snowden & Willson
"	Koonawarra House 233 Adelaide Terrace	Fisheries & Fauna	307.00	Snowden & Willson
"	266–268 Hay Street	Police Department	264.16	Peet & Co.
"	Oakleigh Building 22–24 St. George's Terrace	Chief Secretary's Town Planning Lands & Surveys Motor Vehicle Insurance Trust Tribunal	13,728.16	Justin Seward & Co.
"	Northern Assurance Building 185 St. George's Terrace	Public Service Arbitrator	572.41	Justin Seward & Co.
"	Arcon Centre 47–49 Havelock Street West Perth	Education	1,266.83	Havelock Properties
"	30 Museum Street	Geological Survey	185.33	Diocesan Trustees
"	13 Aberdeen Street	Geological Survey	200.00	Diocesan Trustees
"	25 Barrack Street	Department of Industrial Development	175.00	Data Processing of Aust.
"	26–28 Francis Street	Geological Survey	290.00	Mr. A. Douglas-Brown
"	C.P. Bird Building 18 St. George's Terrace	Treasury	176.00	C.P. Bird & Associates
"	National New Zealand Building 8 St. George's Terrace	Lands & Surveys	425.33	National Insurance Co. of N.Z.
"	Commerce House 664A Murray Street	Bushfires Board National Parks Board Education	1,708.51	Jones Lang & Wootton
"	Jaxon Building 190 Hay Street	Police	1,158.75	Jones Lang & Wootton
"	Albert House 10 Victoria Avenue	Chief Secretary's	3,275.17	Sterling Estates
"	190 Hay Street	State Housing Commission	2,876.00	Jones Lang & Wootton
"	Bank of N.S.W. Buildings Cnr. William and Murray Streets	W.A.G.R. Commission	3,017.00	Wales Properties Ltd.
"	40 Stirling Street	W.A.G.R. Commission	328.00	Retail Motor Trade Chambers Pty. Ltd.
"	609 Wellington Street	W.A.G.R. Commission	445.00	Maynard Wright Pty. Ltd.
"	272 Hay Street	Police	433.34	City Agency Company
"	23 Museum Street	Mines (Geological Surveys Branch)	118.89	Bread Manufacturers Association
"	Kerala House 12 Richardson Street, West Perth	Prisons Psychiatric Service	388.67	Snowden & Willson
"	76 King's Park Road	Civil Defence	316.33	Milner & Co.
"	6 Ord Street	Mental Health	212.00	Justin Seward & Co.
Fremantle City Council	235 High Street	Mental Health	160.00	Mrs. S. F. Peterson
"	22 Queen Street	Child Welfare	208.00	Fremantle Benefit & Building Society
"	Old Town Hall Buildings	State Electricity Commission	54.17	City of Fremantle

23. EDUCATION

High Schools: Dale Electorate

Mr. RUSHTON asked the Minister for Education:

Relating to his answer on the 28th August and previous answers regarding the Armadale Senior High School and the Kwinana High School current building programmes, what is the estimated enrolment for each school for commencement of next school year and what provisions are now being made to house the students and teachers?

Mr. LEWIS replied:

Estimated enrolments for 1970 are—

Armadale Senior High School—1,371.

Kwinana High School—1,224.

It is proposed to erect a science block and a library at Armadale. The former library will be converted into a staff room.

Extensive additions are planned for the Kwinana High School and these include teaching rooms plus staff and administrative offices.

24. EDUCATION

Science Blocks

Mr. DAVIES asked the Minister for Education:

(1) At which schools, Government and independent, have science blocks been provided as a result of aid from the Commonwealth Government?

(2) What was the amount of money involved in each instance?

(3) What works in this direction are proposed for the present calendar year, 1970 and 1971?

Mr. LEWIS replied:

(1) and (2) Commonwealth science blocks have been provided at the following Government schools at the costs indicated—

	$
Applecross Senior High School	101,775
Tuart Hill Senior High School	84,989
Mount Lawley Senior High School	80,596
John Forrest Senior High School	79,643
Governor Stirling Senior High School	153,875
Katanning Senior High School	64,415
Kent Street Senior High School	204,655
Scarborough Senior High School	145,214
Collie Senior High School	26,147
Manjimup Senior High School	63,488
Swanbourne Senior High School	69,346
Melville Senior High School	109,840
Busselton Senior High School	58,732
Narrogin Senior High School	57,078
Churchlands Senior High School	151,980
Belmont Senior High School	121,208
Pinjarra Senior High School	66,172
Albany Senior High School	96,467
Hollywood Senior High School	71,600
Cyril Jackson Senior High School	126,807
Bentley Senior High School	133,498
Margaret River High School	26,370
York Junior High School	5,201

	Amount spent to 30-6-69 $
Geraldton Senior High School	54,248
Hampton Senior High School	65,095
John Curtin Senior High School	83,141
Mirrabooka Senior High School	93,521

	Estimated total cost $
Geraldton Senior High School	95,000
Hampton Senior High School	130,000
John Curtin Senior High School	115,000
Mirrabooka Senior High School	100,000

The Education Department has no information regarding the provision of these facilities at independent schools.

(3) The following building programme of science rooms has been approved for Government schools in the financial year 1969-70 at the indicated estimated costs—

	$
Merredin Senior High School	40,000
Hamilton Senior High School	80,000
Armadale Senior High School	84,000
Balcatta Senior High School	84,000
Northam Senior High School	84,000

No definite proposals have yet been made for 1970-71.

QUESTIONS (3): WITHOUT NOTICE

1. DROUGHT

Cloud Seeding

Mr. GAYFER asked the Premier:

Is it expected that, following the decision by the Queensland Government to recommence cloud seeding operations—the drought in that State is considered bad enough for this—the Western Australian Government will instruct similar operations to be started whilst there is still some chance of cloud formations moving inland?

Sir DAVID BRAND replied:

No. In the target areas in this State, where seeding was carried out experimentally during 1967 and 1968, cloud seeding did not appear to increase the rainfall.

I have just discussed this matter with the Minister for Works, who is well armed with information on the Queensland experiment. I suggest that the member for Avon confer with the Minister for Works. He could then be given the reason it is thought there is no value in further experiments.

2. EDUCATION

High Schools: Dale Electorate

Mr. RUSHTON asked the Minister for Education:

Will he further clarify the reply to question 23 on today's notice paper?

The concern I felt was in regard to the school building being ready to house the children at the beginning of next year. I was previously informed that the additions would be available half way through next year, and I was seeking information as to what temporary accommodation would be available to house the children at the beginning of 1970.

Mr. LEWIS replied:

I am not in a position to answer the honourable member at the moment, but I will endeavour to secure the information for him.

3. MOTOR VEHICLE LICENSE FEES

Concessions

Mr. BERTRAM asked the Minister for Traffic:

(1) Is it not so that in Queensland, as from the 1st July, 1969, a concession of 50 per cent. of the normal motor vehicle registration fee is being granted to persons in receipt of a full pension, in respect of new registrations and renewals, and that the said concession will apply to age, invalid, civilian widow, T.B., service age, and service permanently unemployable pensioners, single pensioners with guardian children, and Australia-United Kingdom reciprocal pensioners, all in receipt of a full pension, and blind and war widow pensioners?

(2) In the foregoing circumstances, would he undertake forthwith to grant the same concession in this State?

(3) If not, why?

Mr. CRAIG replied:

(1) to (3) Inquiries are being made in Queensland for full details of concession rates on motor vehicle license fees applicable to pensioners in that State. When the information is available the question of granting similar concessions will receive consideration.

SUITORS' FUND ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [2.38 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to extend the scope of assistance given to litigants towards payment of legal costs from moneys available in the suitors' fund.

The fund, which is administered by the Appeal Costs Board, consists of fees collected on the issue of any writ of summons in the Supreme Court, the entry of plaints in local courts, and the issue of any summons to a defendant upon complaint under the Justices Act. The present fee is 10c but provision is available to increase the amount to not exceeding 20c. Payment from the fund is restricted to those matters set out in the Act.

The assistance provided from the fund must not be confused with legal aid provided by the Law Society.

At present, moneys available in the fund may be used when the Supreme Court grants an indemnity certificate where an appeal against the decision of a court in civil proceedings—

(a) to the Supreme Court;

(b) to the High Court of Australia from a decision of the Supreme Court;

(c) to the Queen in Council from a decision of the High Court of Australia given in an appeal from a decision of the Supreme Court; or

(d) to the Queen in Council from a decision of the Supreme Court,

on a question of law succeeds.

Assistance may be given also where—

(a) Civil or criminal proceedings are rendered abortive by the death or protracted illness of the presiding judge, magistrate, or justice, or by disagreement on the part of the jury.

(b) An appeal on a question of law against the conviction of a person convicted on indictment is upheld and a new trial ordered.

(c) When the hearing of any civil or criminal proceeding is discontinued and a new trial is ordered by the presiding judge, magistrate, or justice for a reason not attributable in any way to the act, neglect, or default in the case of civil proceedings of all or any one or more of the parties, their counsel, or solicitors. In these circumstances, the presiding judge, magistrate, or justice is empowered to grant a certificate. A certificate may be granted in the case of civil proceedings to any party to it. The certificate would state the reason why the proceedings were discontinued and a new trial ordered with reference made that the new trial was not attributable in any way to any of the parties or their legal representatives. In the case of criminal proceedings, the certificate may be granted to the accused. It will state the reason why the proceedings were discontinued and a new trial ordered, and make reference to the fact that this reason was not attributable in any way to him or his legal representatives.

It must be mentioned that only additional costs incurred by reason of the new trials are recouped from the fund.

Since the fund was established in 1965, an amount of $47,029 has been received consisting of $44,545 fees, and $2,484 interest on moneys invested.

Fifteen applications for payment of costs have been received and approved by the board. Six of these were in respect of successful appeals on matters of law in civil matters and nine additional costs incurred by reason of proceedings being rendered abortive by the deaths of presiding judges or by disagreement on the part of juries and new trials ordered, or by proceedings being discontinued and new trials ordered for reasons not attributable to the default or neglect of the parties or the accused or their solicitors.

After allowing for payments from the fund, there was a balance of $40,128 at the 11th August, 1969.

The Act in its present form precludes relief being given to litigants on appeals from courts of petty sessions. When the fund was established it was thought that, if relief was extended to parties to appeals from courts of petty sessions, the number of claims on the fund as the result of such appeals would make it difficult to keep the fund solvent. However, the present financial position justifies an enlargement of the area in which relief may be provided to litigants. In addition, since the Act was passed, amendments to the Justices Act have made it possible for aggrieved parties in some circumstances to have decisions of courts of petty sessions corrected without the necessity of appeal to the Supreme Court for orders to review.

Dealing with the specific amendments—

(a) The amendment to the interpretation of "appeal" in section 3 will make it clear that there is included in the term "appeal" an order to review under the Justices Act.

(b) Section 10 of the Act is the main section providing relief for litigants on appeals, but at present that section is limited to appeals against the decision of a court in civil proceedings. The proposed amendment will extend the ambit of the section to cover appeals against the decision of a court in any proceedings.

(c) At present, section 10 allows an indemnity certificate to be granted only on the application of the respondent to the appeal. It may often happen, however, that an undeserving respondent does not appear on the proceedings and ask for the indemnity certificate and cannot be found or induced to apply for such certificate. The proposed amendment will allow a successful appellant to make the application on the respondent's behalf, and so recover the costs of his successful appeal.

(d) At present, section 15 (1) of the Act, in dealing with new trials ordered in an action on the ground that damages awarded in the action are excessive or inadequate, refers only to motions for a new trial. This is not apt to cover an appeal against a judge sitting without a jury, and the proposed amendment is to ensure that relief from the fund is available where the amount of damages is questioned whether from a judge sitting alone or with a jury.

The amendments, which have been recommended by the Law Reform Committee of the Law Society, are reasonable and consistent with the Government's policy of extending legal assistance whenever possible.

I think members will appreciate the objective of the legislation after a study of these rather complex explanations. When the original legislation was introduced, it was envisaged that it would be kept under review to see ways in which it could be amended and extended to remove anomalies, on the one hand, and also to extend its effectiveness, on the other hand. I commend the Bill to the House.

Mr. T. D. Evans: Before the Minister sits down, would he like to comment on the fact that the title of this Bill now seems inconsistent with the extension of its benefits to criminal proceedings?

Mr. COURT: I will study the point, but I do not think it is really relevant. However, I do see the point to which the member for Kalgoorlie is alluding and I will have it studied before replying to the debate.

Debate adjourned, on motion by Mr. Bertram.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

ORD RIVER DAM CATCHMENT AREA (STRAYING CATTLE) ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [2.48 p.m.]: I move—

That the Bill be now read a second time.

In 1967, legislation was introduced, and subsequently enacted, to vest in the Crown the property in, and the right to possession of, any cattle, which includes horses and mules, found at large on any portion of the land comprised in certain pastoral leases that had been resumed for the purposes of a programme of soil conservation and pasture regeneration on an eroded section of the Ord catchment area. The particular areas involved at that time were the whole of the Ord River Station and the whole of the Turner Station, both of which had been resumed in April, 1967.

The regeneration programme covers the former Ord River and Turner Stations, together with portions of the Flora Valley Station, and the Ruby Plains Station leases, but the 1967 legislation referred only to the former two stations, Ord River and Turner, and did not embrace the latter sections of resumed pastoral leases with which this Bill now deals. The reason for this was that fencing was not completed on the Flora Valley and Ruby Plains leases until later in 1967 and Australian Investments Pty. Ltd., which company previously controlled the Flora Valley area, was informed by the Department of Agriculture that it could have the 1968 and 1969 mustering seasons to clear cattle and that the Act would be extended to relate to this further section as from the 1st January, 1970. This Bill now provides for the ownership of the remaining cattle to pass to the Crown on that date.

The relevant portion of the Ruby Plains Station was never used by the owners, and complete agreement to the resumption for the regeneration programme was reached. The additional area which this Bill now proposes to be covered by the provisions of the Act is approximately 480,000 acres, of which 400,000 acres is within the former Flora Valley lease.

There is no doubt the legislation has had the desired effect in that owners of cattle grazing the land have taken realistic steps to clear them from the catchment area, and agreement to the provisions of this Bill to further widen the coverage will materially assist the programme to stimulate the revegetation of eroded areas.

Mr. Bickerton: Could the Minister make arrangements to have a plan of the area made available?

Mr. NALDER: Yes, I will have a plan made available to the honourable member.

Debate adjourned, on motion by Mr. Bickerton.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

MR. O'NEIL (East Melville—Minister for Labour) [2.53 p.m.]: I move—

That the Bill be now read a second time.

Part IIIA—Pre-packed Articles—was inserted in the Weights and Measures Act in 1967 to provide for the sale of all prepacked articles.

Section 14 of the Weights and Measures Act Amendment Act, 1967, was not proclaimed, due to the fact that one State departed from the agreed uniform provisions, with the result that all other States then agreed to withhold legislation in some cases, and proclamation in other cases, until complete uniformity could be achieved.

All States have now agreed to legislate, or where necessary to relegislate, on a uniform basis necessitating the use of only one packer's name and address or approved brand on a package containing an article to which this Act applies. Because there is a phasing-out period of 12 months for existing packaged goods, it is necessary to have power to proclaim the section of the Act as required. Clause 2 of the Bill provides accordingly.

The purpose of clause 4 is to provide the section to be substituted for the repealed section, which will then be uniform legislation in all States. The clause specifies the requirements in respect of the name and address or the approved brand of the person responsible for the packing of the articles being marked on the package

where the packer packs the article on his own behalf, or where the article is packed for and on behalf of another person.

Subclause (2) provides that even though the article is packed by an employee of another person, the name and address of the employer must be shown. The Bill further provides for the name of a corporation, and also a business name under the Business Names Act, to be used.

Subclauses (4) and (5) provide that it shall be an offence to sell a pre-packed article which is not marked in accordance with the law of this State or with the corresponding law of another State. The clause further provides that a person shall not mark his name and address or brand on a package unless he can identify the place where the article was packed. This is to meet the need of firms which have more than one packing point in each State and throws the responsibility on such firms to inform the inspector, when requested, where the article was packed. The clause also provides for defining the address of a person or persons.

The States have agreed to provide for the marking of pre-packed articles in the terms of "Net Weight at Standard Condition" where such articles are subject to fluctuation in weight either upwards or downwards from the packed weight, due to variations in climatic conditions after packing. The new clause to be added provides that only prescribed articles may be marked with "Net Weight at Standard Condition" and that it is an offence to so mark articles other than those prescribed.

The concept of "Net Weight at Standard Condition" will essentially be covered by regulations which will prescribe the articles which may be marked in this manner as well as the permissible percentage deviation from the marked weight of the articles. Items which will be included are wool, silk, cotton, and synthetic fibres, all of which vary in weight when changes in climatic conditions occur. Provision is also made in the clause to regulate the deficiency which may be determined in relation to articles composed of two or more different materials.

The final clause of the Bill is a consequential amendment due to amending the packer's name and address requirements. It makes clear the evidentiary provision that the article was packed for the person whose name and address appears on the package and in the State or Territory indicated by the address thereon. It also provides an evidentiary provision for the situation where an article contained in the package is exposed for sale that in fact it was packed for sale by the person who packed it. I commend the Bill to the House.

Debate adjourned, on motion by Mr. T. D. Evans.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd September.

MR. DAVIES (Victoria Park) [2.58 p.m.]: This Act was originally introduced in this House in 1966 to make an important advance in education in Western Australia. It is far more than an experiment; in fact the institute is certainly here to stay, and I think it puts Western Australia at least on a par with, if not somewhat in advance of, the other States.

I might say in passing that we very much regret the recent death of Dr. Robertson, who was the chairman of the council of the institute. He was a splendid man who devoted the whole of his life to education in Western Australia. I was particularly pleased to see him appointed to the chairmanship of the council and, for that reason, particularly sorry to learn of his death. I am sure that his knowledge and experience will be greatly missed not only by the council of the institute, but by education generally in this State.

The fact that the Act has been amended on only two occasions since it was originally introduced could indicate that it was not very sound legislation to begin with. But this is not so; the amendments which have been made to the Act have been minor in nature and for the purpose of ensuring the smoother working of the institute. I think it could be reasonably said that the council has settled into a fairly comfortable stride—and when I say "comfortable stride" I do not mean that it is showing any inertia, because it is not. The members of the council are working particularly hard, and they are leaving no stone unturned to establish the council on a sound footing.

The two amendments contained in the Bill before us are, once again, something of a minor nature. One I wholeheartedly support, but in regard to the other I have some reservations. I will deal firstly with the one I wholeheartedly support; that is, the authority we intend to grant to the institute council to use its reserve funds for the provision of housing, whether it be required for academic or non-academic staff.

In his second reading speech the Minister said that because the institute will be embracing places like the Kalgoorlie School of Mines, and the Muresk Agricultural College, and will most likely be establishing branches, there will be a need for it to provide houses in outer areas for the members of its staff. To use reserve funds for the provision of housing is not a new departure. Indeed, I think it was last session that we passed a Bill which enabled certain superannuation funds to

be used for the construction of houses in this State. Of course, the money is far better employed by putting it to practical use for the provision of houses than to leave it lying in the bank merely earning interest.

The Minister has assured us that the rentals charged for the houses will be economic rentals, but he also told us if the economic rental proved to be too high arrangements will be made with the institute council to pay the difference between a reasonable rental to be paid by the person occupying the house and the economic rental of the house itself. I have a few reservations about this, because I have heard some strange stories concerning the houses provided by the University of Western Australia. The University has certain rights to provide houses for members of its staff and, to be quite frank, although I have not gone to the trouble to inquire into the manner in which the University does this, I have heard stories about the houses provided and the rentals charged.

At this stage I have not done any research in regard to the matter but I quite often receive complaints about the housing provided by the University. I am in favour of housing being provided at a reasonable rental, and I should imagine that in this case the institute council will assess the rental not only on the economic cost of the house, but also on the salary of the person who occupies it. We are granting the institute council almost *carte blanche*. We are merely saying that it has the right to build houses for academic and non-academic staff and that, by another clause, it has the right to use certain moneys for this purpose. There is no provision which states any particulars, nor is there any which gives any guidelines.

The Minister has said that the type of house to be built will be slightly better than the type of house offered by the State Housing Commission to the Main Roads Department for its workers in Kalgoorlie, but I do not have any idea of that type of house. I can only hope it is something better than the usual run-of-the-mill type of State Housing Commission home, although I am sure there are many people these days who would be only too delighted to be granted a State Housing Commission home.

So in expressing my reservations on the proposal to give to the institute council *carte blanche* to provide housing for members of its staff, and realising that as responsible people the members of that council will ensure that neither the institute nor the State will suffer economically as a result of the rents that will be charged, I offer my wholehearted support for the amendment proposed in the Bill.

I was very surprised to see the other amendment that is proposed. In fact, if I had been asked to hazard a guess I would have said that contained in the Bill there would have been provision for a change of name; because the Jackson committee in its 1967 report recommended that the name be changed to the Western Australian College of Advanced Education. I did not agree with the recommendation, but apparently the committee thought it was a better name and that the institute would be brought into line with similar institutes in other parts of Australia.

However, I am quite content to call it the Western Australian Institute of Technology and I think the letters "W.A.I.T." have become established and well known to people. Nevertheless, had I been asked to hazard a guess I would have said that the Bill would contain an amendment to change the name of the institute.

I am more than a little surprised to find that the amendment seeks to change the constitution of the institute council by deleting from the body of that council the representative of the University of Western Australia. When the Minister introduced the original Bill on the 22nd November, 1966, he made some reference to the manner in which the Bill had been formulated following consideration of material obtained from the Martin committee report, and from the Australian Commission of Advanced Education headed by Dr. Wark —now Sir Ian Wark—and he seemed to stress that there was a need for co-operation between the University and the W.A. Institute of Technology.

Indeed, one of the arguments put forward in his speech dealing with the constitution of the institute council, was a quotation from a report by a committee on tertiary education which was established earlier that year by the Premier. I presume he referred then to the Jackson committee which was appointed in August, 1966, because the Minister was speaking on the 22nd November, 1966. That report lists a number of conclusions relating to the control of the institute, and the Minister quoted from an interim report by the committee appointed to inquire into tertiary education that I have just mentioned.

The Minister, of course, was stressing the independent status of the institute; that is, that it is completely independent of the Education Department, which concept, I think, has our wholehearted support. But in referring to the relationship between the institute and the University, the Minister quoted reason No. 4 from the report, which reads as follows:—

> Independent status will facilitate the development of close working relationships with other institutions teaching at tertiary level, including the University of Western Australia, which are necessary to ensure the complementary and economic development of these institutions in the interests of the State as a whole.

I think that is very sound reasoning and because of it we had on the interim institute council a representative of the Western Australian University in the person of the Vice-Chancellor. He was nominated for the appointment, but I do not know if the Vice-Chancellor attended meetings, or what part he played at those meetings.

The Minister has said that, at the present time, with the committee's concurrence, the University has no representative on the institute council. I believe the liaison to be desirable and base my opinion on information gleaned from the point of view that has been expressed or implied, I believe, in the Martin committee report, the Wark committee report, and the Jackson committee report, and I wonder that there is to be this departure. We had felt that, at one time, there would be certain antagonism between the institute and the University, but that in time we would be able to decide which body was going which way.

However, I still consider there is need for liaison between the two bodies. The only reason advanced for the deletion of the University representative from the institute council was that a Tertiary Education Commission was to be set up and that the commission would carry out the necessary liaison. I thought I had a copy of the personnel of that commission, but I have been unable to find it. The Minister may be able to let us know if the Tertiary Education Commission has been appointed and the names of its members when he replies to the debate, because this may overcome the misgivings I have regarding the deletion of University representation from the institute council. Here again the Tertiary Education Commission was probably set up as a result of one of the recommendations contained in the Jackson committee report published in September, 1967. Chapter three is entitled, "A Pattern for Co-ordination," and after the introduction the section deals with the Tertiary Education Commission in which we find the following recommendation:—

> The final decision, therefore, was to recommend a Commission consisting of a chairman and three other persons not specifically representing any sector or institution of tertiary education.

Perhaps the Minister may be able to tell me whether the Tertiary Education Commission to which he referred in his second reading speech, and which it is proposed to establish, will be in accord with the recommendation of the Jackson committee report.

In the Jackson committee report reference is made to a chairman and three other persons not representing any sector or institution of tertiary education. I have some misgivings, however, about a commission established on such a basis, because I believe that these commissions must have educationalists on them. It is no good having laymen running our education system.

I recognise that in a body like the Western Australian Institute of Technology the very nature of its courses demands that there be representation from various sectors of industry and from professions, but when we are establishing a Tertiary Education Commission which is to lay down the guide lines for the whole of tertiary education—and I imagine this will deal not only with the institute but also with the University—then I believe such a commission must have educationalists on it and not laymen.

I hope the Minister will be able to give some indication as to how the commission will be composed, because if we refer back to the time when the Institute of Technology was formed we will find that in all there were not a great many educationalists on it; and now, of course, we have lost Dr. Robertson and I do not know who is likely to replace him.

While there are qualified men available from industry, such men could quite easily know nothing about anything outside their own trade or profession. As I have said several times, I am a little reluctant to see our education system falling into the hands of laymen. I believe we need trained people to run it and this will ultimately be to the good of the whole of the education system in Western Australia.

I do not say that it should be run entirely by educationalists, but it should be so in the main; our education system should not be run by laymen, including myself.

Reverting for a moment to the provision in the Bill which seeks to delete University representation from the institute council, I might mention that I was pleased to learn today that the Western Australian Education Department was officially represented at the recent six-day conference on planning and higher education held at the University of New England, in Armidale, New South Wales, in 1969. I know Mr. Woods to be a very good fellow indeed in the field of education, though I have not had any contact with Mr. Traylen and cannot speak for him.

I was, however, pleased to see that our Education Department was officially represented at that conference, because some very good reports came out of it. One of the overriding conclusions appears to be that the institutes and colleges of advanced education were to become probably the most important bodies so far as education in the whole of Australia is concerned.

Indeed the Minister for Education in the Federal Government (Mr. Fraser), when dealing with the next triennium for universities and colleges, gave figures which show how we can expect the enrolments in colleges of advanced education to increase year by year far quicker than we can expect the enrolments in universities to increase.

The trend at the recent conference in Armidale, New South Wales, about which I spoke, seemed to indicate that the conference was aware not only of the strength that will be given to these colleges of advanced education, but also of the need to relate their function to the function of the university.

Sir Ian Wark, who, as I said before, was the chairman of the Commonwealth Advisory Committee on education—and I am sure most members in this House will recall his speaking at the opening of the institute last year when the Minister invited us there—said he believed that Australian universities would be ivory tower institutions by the end of the century, while colleges of advanced education would be training the bulk of students for vocations and professions.

I imagine this position will develop and probably there is no person more qualified than Sir Ian Wark to express the opinion he did. He also stressed the fact that we cannot have two bodies completely separate; that we will need some liaison and cohesion.

In another report, Professor R. H. Myers predicted that colleges of advanced education would almost certainly become universities in a decade or two, awarding degrees and offering professional courses similar to university courses.

Some members might recall the concern expressed at the type of degree the institute would issue when the legislation was originally adopted in 1966. I believe that some kind of understanding has now been reached, but Professor Myers, who is Vice-Chancellor of the University of New South Wales, expressed, at the conference held in Armidale, New South Wales, the opinion to which I have referred; he said the colleges of advanced education would eventually become universities.

I think this is another reason why we need to have a relationship between our Institute of Technology and our University. The institute will expand; it will expand to Kalgoorlie and Muresk; and there are several other ideas in train to set up other branches, as was mentioned by the Minister for Education in his second reading speech.

The University will also expand. As we all know, an announcement has been made that a second university is to be established. I think there might be a danger here that the courses offered by the two bodies could be duplicated, or that their paths might cross either intentionally or unintentionally.

I am sorry that the Council of the Institute of Technology has apparently decided that it is no longer necessary or desirable for the University to be represented on the institute council. The only thing that could make me feel any better about this is if the Minister is able to tell me who will comprise the Tertiary Education Commission recommended in the Jackson committee report and referred to in his second reading speech. Perhaps he could also tell me the manner in which the commission will operate.

To keep the numbers up the institute council is given the right to appoint three persons instead of two as at the present time.

The Minister has told us that the council has two co-opted members; one having a professional interest, and the other being in industry. That is a fairly broad spectrum from which to choose. Having had professional and industry representation from the two co-opted members, it is proposed to give the council the right to co-opt a third member. I am wondering whether any information can be given on the manner in which this person will be appointed, and which section of the community he will represent.

I notice there is no woman representative on the council of the institute. I have before me the publication of the Western Australian Institute of Technology; it is Volume 2, No. 7, of August, 1969. The publication contains a photograph of the members of the council, and I notice there is no woman among them. In view of the move taken recently to give the Government the right to appoint a woman to a water board—although on other occasions the Government has been reluctant to appoint women—I believe there is ample scope, in view of the courses which the council conducts and the manner in which women and girls are now taking up professions—which perhaps they would not have taken up in years past—to appoint a woman to the council.

I would like it to be written into the Bill that this third co-opted member shall be a woman. I see no reason for not appointing a woman; in fact, I can give several very sound reasons why one should be appointed. As there are already two members co-opted to represent industry and the professions, then, as it is not laid down who the third person to be co-opted shall be—this person is to replace the University representative—it would not be unreasonable to provide that this third co-opted member shall be a woman.

I will summarise what I have said, and said at a greater length than I had intended; firstly, we have no objections to the institute providing housing. Indeed,

I am pleased to see the institute using its reserve funds in this manner, and I hope it will keep a very careful eye on the procedures it follows to ensure that neither the institute nor the State suffers through any uneconomic rents being charged or through the rents being subsidised. We applaud the use of funds for the purpose of providing houses.

Secondly, I am more than a little sorry to see the University representative no longer on the council of the institute. Although the Vice-Chancellor of the University was appointed to the council, we do not know what interest he took in it. I regret to see that it is proposed not to retain the University representative any longer. I will be interested to know the manner in which the tertiary education commission will meet this void.

Lastly if, as is proposed, we are to give the council of the institute the right to co-opt a third person, then I suggest that that third person must be a woman. I support the Bill.

MR. MENSAROS (Floreat) [3.25 p.m.]: The remarks which I will make in connection with this Bill will be very brief, and I would like to restrict them to one particular aspect of the measure. I hope that when the Minister concludes the debate he will be kind enough to answer them.

In this matter I find myself in complete agreement with the member for Victoria Park. You might recall, Mr. Acting Speaker (Mr. Williams), that when an amending Bill was introduced in the last session of Parliament, I commented that the Vice-Chancellor of the University was represented on the council of the institute, and pointed out that the University and the institute had different functions, in any case, and that we should not reach the stage where they tried to compete with each other. I said that they should support each other in theoretical and practical education which they are meant to provide.

It appeared to me at the time that it was a good idea that the University was represented on the council of the institute, and I suggested it might also be a good idea if the institute was, in some way, represented on the Senate of the University. At the time the Minister did not oppose this suggestion; on the contrary, he said he might look into it. When, in the second period of the last session of Parliament, a private member's Bill was introduced in this respect, the Government opposed it. The Minister explained that the University did not favour the measure. As far as I can recall, the explanation which the Minister gave us when he introduced the second reading of the Bill now before us was also that the representative of the University should be taken off the council of the institute because the University did not want this representation.

I do not oppose this Bill, of course, because we should not retain a provision in the Act which the University does not desire. I would like to know from the Minister, however, the reason the University does not desire to have a representative on the council of the institute. It appears to me that such representation would be of advantage to tertiary education, and to both the University and the institute. I go even further than the member for Victoria Park; I think that not only liaison, but also close co-operation is needed in order that both of these institutions may fulfil the educational needs.

MR. FLETCHER (Fremantle) [3.28 p.m.]: I wish to pass only a few remarks on the measure before us. I will not deal with it at any great length because the two previous speakers have covered the position adequately.

The member for Victoria Park made reference to the third co-opted member, but I did not notice him making any reference to the fact—and I am pleased to note this—that the School of Mines, the Muresk Agricultural College, and the Schools of Occupational Therapy and Physiotherapy now come under the umbrella, as it were, of the Institute of Technology. I am rather surprised that physiotherapy comes within the province of the institute rather than of the University.

I would like to make this point: it could be assumed that the finance associated with the housing of the academic staff does not come from the Government directly but, as in the case of other Government employees, the finance comes from the superannuation fund. I would like to disabuse the minds of the academic staff that the finance is supplied through any Government generosity. The members of the institute contribute to the provision of housing, as do other public servants, through their own superannuation fund. I would like to put it on record that there is no drain on the Treasury.

Just as housing of the academic staff is necessary in order to retain them in this State, the measure, in effect, contributes to the prevention of the brain drain of academic personnel from Western Australia to overseas countries or to the Eastern States. To this extent it does prevent an exodus from the State. As a consequence the legislation in that respect is very worth while.

I am concerned to some extent about the distinction which appears to be drawn between the University and the Institute

of Technology. I consider that the propensity of an institute-trained man is quite as good as that of a University-trained man, and I believe greater, rather than less, liaison should exist between the respective bodies. In other words, a greater cross-representation should exist between the institute and the University.

I have mentioned the practical and the theoretical aspects. To me it does appear that there is some snob value in a University training as distinct from an institute training. I would illustrate my point in respect of my earlier comments that the theoretically and practically-trained man has a greater value than a person who has received only theoretical training. For example, if a lad enters into an apprenticeship and subsequently decides to go to the institute to obtain additional qualifications, when fully trained he will have not only the theoretical experience, but also the practical experience, whereas a person trained only at the University is dependent to a large extent upon the tradesman—the practical man—with whom he comes in contact later in industry, generally.

With those few comments I support the Bill.

MR. LEWIS (Moore—Minister for Education) [3.33 p.m.]: I thank the members who have spoken, not only for their interest in the Bill, which is a rather simple one as I announced when I introduced it, but also for their support of it.

I, too, would like to pay a tribute to the late Dr. Robertson, and I am glad the member for Victoria Park mentioned this matter, because it served to remind me of an omission on my part, which I regret very much, when I failed to pay a tribute to the late Dr. Robertson at the time I introduced the Bill.

As most members know, Dr. Robertson came to this State as Director-General of Education quite a few years ago and served education in a magnificent way in Western Australia. I had the great privilege, as Minister, of being associated with him from the 1st February, 1962, and during that time I learnt to appreciate his forward-looking and down-to-earth approach to education. He recognised the great improvements we could make in education, but he was also very appreciative of some of the difficulties involved in implementing those improvements.

With regard to the Institute of Technology, because of the fine qualities he had exhibited as Director-General of Education, I had no hesitation in asking him to act as the foundation chairman of what was then the interim council. As members will appreciate, we had nothing in Western Australia with which to compare. There were no guidelines; and the late Dr. Robertson, with his council at that time, not knowing whether any Commonwealth assistance would be forthcoming, set about to establish the blueprint of what has become a very fine institute. The institute is ever developing and will serve this State in years to come.

I appreciate the indulgence of the House which enabled me to make those few remarks concerning the late Dr. Robertson. I believe his monument at Bentley will stand for many years to come.

The member for Victoria Park, together with other members, agreed on the desirability of providing housing for the staff of the Institute of Technology. As I said when I introduced the Bill, this housing will be provided from the money the institute must eventually set aside to meet the superannuation of its staff. The money will be placed into a fund and then used to provide the housing, which will be made available on a full economic basis, the staff not necessarily meeting the whole cost. The deficiency will be made up by the institute itself. This procedure has been generally commended.

Misgivings have been expressed by the member for Victoria Park and one or two others—I think it was also mentioned by the member for Floreat—about the proposal to delete from the Act the provision for a representative from the University. I have to confess that I am not very enamoured of the suggestion, but nevertheless it is one that we must face.

The University was represented on the institute's interim council, and the council itself at one time expressed a desire that the next time the appropriate Act was being amended, provision might be included for it to be represented on the University Senate. In this way there would have been full cross-representation. However, it appears to me that both these bodies—the University and the institute—rather lost their enthusiasm for this move when the Tertiary Education Commission was established.

Also a factor in this desire for cross-representation was a certain amount of caution—I will not say "jealousy," because I do not think that would be the right word—particularly on the part of the University, which was desirous of ascertaining just what part the institute would play in the field of tertiary education. With the passage of time the University is now satisfied, I believe, that the institute is not another university; it has a different purpose. Whereas the University is more concerned with the theoretical side and the research approach, the institute is more concerned with the practical application and the development of the technologies to meet the application of the research undertaken at the University. I am probably over-simplifying the situation, because the institute itself does carry out research to some degree.

Mr. Tonkin: That explanation—that the University is more concerned with the theoretical side, and the institute with the practical side—would suggest there would be a big difference between a person who obtained his engineering degree at the University and a person who qualified as an engineer at the institute. I do not agree with that at all.

Mr. LEWIS: The Leader of the Opposition will recall that I qualified my statement by saying that I was probably oversimplifying the situation. I am speaking in very general terms. Both bodies have an important part to play, and the establishment of the Tertiary Education Commission will co-ordinate the two, as far as possible. We must all recognise that each body will have its own particular part to play, but I believe the commission will set out on clearer lines the purposes and limitations of each body.

Mr. Tonkin: Where would the better trained engineer come from—the Institute of Technology or the University?

Mr. LEWIS: That is a very difficult question for me to answer. I appreciate the comments made today about the practical approach of some of those people. At the same time, I am not insensible to the value of the theoretical training; I think the two methods of training have to dovetail. I think they are complementary to each other. The training would depend on the profession of the officer concerned, and the two forms of training are complementary to each other.

I was asked to name the personnel of the Tertiary Education Commission. The commission was not set up by me and I must confess that I cannot recall, at the moment, the names of the personnel. The chairman is Professor Sanders. The Director-General of Education is on the commission, and I am fairly certain that the Director of the Institute of Technology is also on the commission.

Mr. Davies: I think you are right.

Mr. LEWIS: However, I am not sure of the names of the rest of the personnel. If the honourable member would like the information, I will be happy to get it for him.

I believe both the University and the Institute of Technology consider that part of the job of the Tertiary Education Commission will be to oversee the courses in both institutions. I believe both the University and the Institute of Technology are happy with this arrangement, and it was for this reason that the University said it now had no desire to be represented on the Council of the Institute of Technology. After being informed of this decision I allowed some months to elapse before the preparation of this present legislation, and I again approached the University for confirmation or to see whether, perhaps, it had had a change of heart about its decision.

Mr. Davies: Was there any indication of the part played by the University on the interim council?

Mr. LEWIS: I have no indication. I suppose the University representative contributed in the same way as the other members. I think the interim council appreciated views from the Vice-Chancellor of the University. I have no indication other than that the University now has no desire to be represented on the council. The University is quite happy with the Tertiary Education Commission.

Mr. Davies: The University Senate told you that?

Mr. LEWIS: Yes, the University informed me. I did not make any approach or suggestion and, as I have said, I allowed the matter to lie before I approached the University a second time in case there was a change of heart. On that occasion I was again assured that it had no desire to be represented on the council.

Also, the Institute of Technology no longer has any desire to be represented on the University Senate. That was the situation which existed between the two bodies. In the meantime, of course, we had set up the Tertiary Education Commission, so I had no option but to accept the views of both bodies. They are composed of very responsible people, and both have done a very good job in Western Australia, so I feel we should leave this decision to them.

The Institute of Technology has accepted that the University Senate no longer wants a representative on the council but, the council has said that it would like to be able to co-opt a third member. They have given me no information as to who the co-opted member would be, and they said as yet they had not made up their minds on this matter. Let us also accept that the Institute of Technology is an autonomous body, and it is not for me to inquire, too closely, who the third member would be.

Mr. Davies: What about a woman?

Mr. LEWIS: I would go along with that, but I would not accept the position where I was obliged to instruct the institute as to who it should be.

Sitting suspended from 3.45 to 4.5 p.m.

Mr. LEWIS: I consider there remains very little I need to say in reply to the comments made. During the afternoon tea suspension, I ascertained for the information of the member for Victoria Park the names of those on the Tertiary Education Commission. I am informed that the full-time chairman of the commission is Professor Sanders. Those on the commission on a part-time basis are Sir Stanley Prescott, the Director-General of Education (Mr. H. W. Dettman), the Director of the Institute (Dr. H. S. Williams), Dr. K. J. Tregonning, and Mr. C. C. Adams. Hence, six members in all comprise the

Tertiary Education Commission which, I repeat, is under the full-time chairmanship of Professor Sanders. I commend the Bill.

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.

LAND ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 2nd September.

MR. H. D. EVANS (Warren) [4.8 p.m.]: I was somewhat disappointed with the limited time which was available to examine the amendment to the extent to which I would have liked to examine it. While I have been in contact with a number of people who have a decided interest in the amendment, there are still three people from whom I have not been able to obtain a reply. The Chairman of the Farm Water Supply Advisory Committee, to whom I spoke yesterday morning, had not seen the Bill in print and was disinclined to offer any comment until he had done so. The best I could do was to make an appointment to see him early next week. Also, a Farmers' Union spokesman was committed to an Australian wheat conference and, consequently, I could not discuss the matter with him. However, I would like to say that I received the usual impeccable co-operation from the officers of the Lands Department with whom I had interviews.

As a result of the insufficient time factor, I am afraid I have several queries in connection with which I must rely upon the Minister for clarification, although I see he has already clarified one point with the foreshadowed amendment which appears on the notice paper.

The Land Act Amendment Bill (No. 2) seeks to alter the present legislation in five distinct areas; three of these are concerned with urban and town lots, while two are concerned with rural land. They involve reprovision for land which has been unsold at auction.

One amendment involves the refund of a deposit on forfeited land. Another amendment is concerned with an alternative method of land sale. There are two amendments relating to rural land: one is concerned with adjacent holdings, and the final amendment seeks to make a further provision mandatory before a Crown grant is issued to a lessee.

The first proposed change deals with land in town and suburban areas which has been put up for auction and remains unsold. Under the present legislation if town or suburban lots are unsold at auction, they must remain available for sale over the next 12 months. The proposed amendment seeks to have such land withdrawn from sale after 14 days from the time of auction, if this is thought to be desirable. The Lands Department could then evaluate the terms of the sale, and the trends, and determine whether such lots should be held and, perhaps, put up for sale again at a later date.

The reason that the evaluation becomes necessary is obvious when we consider the position which has arisen in some seaside areas; and there is commendable wisdom in the action which is being taken. Over the period of 12 months during which a block could lie idle and for sale, an opportunity for speculation could arise. Conditions could conceivably change to a very marked degree in that length of time and a situation which was not fraught with the possibility of speculation at the outset, could, after a period of one year, offer considerable opportunity.

As I remarked, in the case of cottage lots at seaside resorts speculation has been, and probably will be again, a distinct possibility and also a disadvantage.

The next amendment deals with making provision for the refund of a deposit on land which has been forfeited. As the legislation on the Statute book stands at present, a person who forfeits a block under either of the two sections of the Act which make provision for this, loses his deposit. A deposit may be refunded at the moment, but it involves a considerable amount of inconvenience.

As a matter of fact, it is necessary to circumvent the existing legislation in two ways. Firstly, the conditions of sale must be waived to such an extent that the block can be resold. Secondly, special approval must be given for an *ex gratia* payment to be made from the Consolidated Revenue Fund. This method is, to say the least, rather clumsy and the proposed amendment seeks to facilitate the reimbursment of a deposit to genuine and deserving land holders who have been forced to forfeit a block upon which they have paid a deposit.

It is obvious that this situation is becoming more acute and demanding of attention when we have regard for the increased land prices. Twenty years ago the loss of a deposit in this manner would not have been as serious as it is today. The forfeiture of deposits has now become a major consideration because of the inflated prices with which we have to deal.

The amendment is an excellent proposition, but there is one query to which I would draw the attention of the Minister, and I hope he will make reference to it in his reply. It concerns the period over

which a forfeiture may be valid. Does the amendment mean that somebody who wishes to forfeit a block of land can leave it until a week after his first payment is due? He is committed to the agreement under which he purchased the land, but just where does the entitlement cease? There must be some provision in this regard and possibly a little more precise information on this matter would be desirable. However, in its concept and in its principle, the amendment is a meritorious provision.

The third proposed amendment deals with town lots, and is to provide an alternative method of sale. The present provisions for the sale of land—sections 38 and 45A of the Land Act—are insufficient. Those provisions do not adequately meet all the situations which can arise. The proposed amendment will enable applications to be invited for purchase in fee simple of any suburban or town land specified in the *Government Gazette*. The amendment goes on to state that applications are to be made on the specified form and must be accompanied by the required deposit. It states further that applications shall be granted according to the order of their being lodged, or received through the post, at the Lands and Surveys Department office in Perth.

The amendment lays down how applications arriving on the same day are to be dealt with. Each is to be deemed to be equal in order of arrival, provided it is received on the same day. The Minister will have descretionary power to determine the allocation of the land in question by whatever method he thinks most fitting.

The present position of inviting applications can be carried on at the moment, but in the event of a decision having to be made, that decision becomes the prerogative of a land board. A land board, if it adopts the present criteria, would face an almost impossible task in reaching a decision. Of course, the criteria which a land board necessarily uses are, firstly, the applicant's need of land; and, secondly, the applicant's capacity to develop the land.

Using once again the example of a seaside resort lot slightly to the north of the metropolitan area, we would find that almost every applicant would have an equal need; and, it is likely that all applicants would have a capacity to develop the land at least within the terms of the provisions laid down in the purchase agreement. So a land board would be hard pressed to arrive at an equitable decision. It is apparent, then, that some alternative is desirable in such circumstances.

The flexibility of authority granted to the Minister by this amendment will permit him to decide matters which, by other procedures mentioned, would be almost impossible to decide. With his discretionary power the Minister can refer the matter to a ballot, as was done recently by the State Housing Commission, or deal with it in some other manner he considers appropriate. Here I should point out, perhaps, that the method of ballot is not new. It is certainly not unknown in the Lands and Surveys Department. Originally there was a provision in the Land Act that the ballot method could be used for any land, but with the passage of time it was considered that for the allocation of rural land the ballot method was unsuitable and so it was withdrawn; but I am referring to a procedure that was followed some 60 or 70 years ago.

For the Minister's information I would like to make two observations. The first deals with the disposal of land in these circumstances and the responsibility that is placed on the Minister and the Lands Department. It is conceivable that adverse comment could be made against the Minister or his appointed officer as the result of any decision made. I do not think, for one moment, there is a likelihood of there being any substance in such a suggestion in the present circumstances, but even now unsuccessful applicants who find themselves disappointed by a land board decision are hypercritical of the land board itself, and I suppose that disappointment and human nature leads to the adoption of this sort of attitude by unsuccessful applicants.

So I hope no officer of the Lands Department will be placed in the position of being the subject of adverse comment. If any individual is to be charged with this responsibility, I consider it should be the Minister alone, and I hope this principle will be retained. Whilst on the subject of the alternative method of disposal, I can visualise that people in the more distant areas of the State could, to a marked degree, be disadvantaged. If applications are to be dealt with in order of receipt at the Lands Department, it follows that an applicant who is in a remote area, such as Kalgoorlie, Meekatharra, or other centres, would, firstly, be at a disadvantage in that he would not receive notice of land being available until well after people in the metropolitan area had submitted their applications.

It follows also that, in returning his application, a person in a remote area would still be faced with the disadvantage of time and distance. I know there has to be some method of selection, but I would like to hear the Minister comment upon the time and distance factor which, to my mind, handicaps people in the more distant parts of the State.

Of the two proposals dealing with rural land, I can again comment on the one which deals with the allocation of land to adjacent landholders. Under the terms of

the existing legislation, where available land does not exceed 500 acres, it may be specified for release to adjoining owners only. The present measure seeks to grant eligibility to applicants whose land does not necessarily abut on the land in question, but is in close proximity to it. This provision is not only desirable; I would go so far as to say it is necessary in the light of economic trends today, which necessitate expansion by farmers. Primary producers find that they must increase the area of their holding, their production, or both if they are to survive in accordance with the current economic trends of Western Australia.

To illustrate this point I refer to the 1952-53 survey made by the Bureau of Agricultural Economics, which established that an area of 160 acres was needed for a dairy farm in the south-west. The bureau made a follow-up survey 11 years later and at that time suggested that 200 acres was nearer the mark. In 1969, it would appear that about 220 acres would just maintain the economic standard of a dairy farm. As I said, this is an illustration, but it is applicable in a general way throughout all rural industries in this State at present. It is desirable, but not essential, that a dairy farm should be a single area of land, because it makes for better planning and better management. However, land which is a short distance from the homestead could still be worked in conjunction with the homestead area. This is being done in many instances, and is quite acceptable as a farming practice. Where suitable farming land of this kind is available, and could be used to assist some farmer to reach the stage of making his property a viable or economic unit, it should be used.

As a matter of fact, there are at least six properties in my area which fall into this category, and I consider the farmers in question should be assisted, wherever possible, by the release of adjacent land. The method proposed in the Bill, whereby adjacent land need not necessarily abut on the property of a farmer, will facilitate this practice to a marked degree. The previous method of allocating land by the determination of a land board would be retained, the only difference being in the designation of adjoining holdings. Once again, the clause which seeks to retain the provision stipulating a maximum of 500 acres to be released for this purpose is most satisfactory, and commendable.

I now turn to the last proposed alteration which this amendment seeks to make. In the Act at present there is no provision for an adequate water supply to be provided before the issue of any land which is the subject of a Crown grant, but the amendment seeks to make it mandatory that there shall be an adequate supply.

I see the amendment on the notice paper extends this a phase further because it says, "if required by the Minister to do so." So we have a situation where, if the Minister requires an adequate water supply, this must be provided by the lessee before the Crown grant can issue. The origin of this amendment stems from the Farm Water Supply Advisory Committee, which considered that the provision of a good water supply should be a prerequisite to the freeholding of any Crown land. In the light of the present drought situation this provision can be regarded as acceptable.

We find that in many cases the State is going to be faced with an extensive boring programme and an extensive water cartage programme before the drought ends, and a provision of this nature could well preclude this possibility at some time in the future.

The measure is to be operative only from the date on which this legislation was introduced. Before the proposed amendment was considered we had the situation where three or four blocks might comprise a farm unit and this could have meant that each one of the blocks would have had to provide an adequate water supply before the Crown grant could issue.

This situation, however, is now obviated in that the Minister will have discretionary power and flexibility of movement, because he can either insist on, or waive, the implementing of the clause if he feels that an adequate water supply is available on adjacent land.

I think we can wholeheartedly support three of the proposed five provisions. So far as the other two are concerned, I would very much appreciate it—as I am sure would other members—if the Minister could make some reference to the points raised. I support the measure.

MR. BOVELL (Vasse—Minister for Lands) [4.33 p.m.]: Might I be permitted to commend the member for Warren for his detailed attention to, his examination of, and his research into this measure. Any measure which affects primary production and the operations of farmers is, of course, very important.

Mr. Tonkin: I think it was an excellent analysis.

Mr. BOVELL: I have no dispute with the Leader of the Opposition today. We might have been at cross-purposes yesterday, but we seem to be getting on much better today, and this is a very good omen.

Mr. Bickerton: I think you should have let the member for Warren introduce the Bill.

Mr. O'Connor: It is an indication you are on the wrong track.

Mr. BOVELL: The member for Warren referred to the entitlement and conditions in respect of land which is forfeited. I might say that before forfeiture action takes place it must be approved by the Minister, or by whomever the Minister delegates his authority to under the Act. No forfeiture action is taken without a great deal of consideration.

Mr. H. D. Evans: I should have mentioned that.

Mr. BOVELL: For that reason I think there need be no fear—in my opinion at any rate—in regard to the amendment relating to the return, if it is at the Minister's discretion, of any moneys to which he considers the person might be entitled.

We might have the circumstances where a large area of Crown land has been allotted and where the people at that time thought, in good faith, they could proceed with the improvement requirements, but because of circumstances—for example, the breadwinner might die or be taken ill—the people concerned might realise they could not proceed with the obligations under their lease.

In such circumstances it is, of course, wrong that they should lose the money they have expended on the enterprise, particularly if the circumstances are beyond their control. At present the Minister has no right under the Act to approve of a refund under such circumstances. I quote that case as an example where a refund would be warranted and justified.

I can assure the member for Warren that so far as forfeiture action is concerned, this is not taken lightly. As a matter of fact, several members who are in this House at the moment have made representations to me because of action which might have been initiated for the forfeiture of Crown land of one type or another. Such members have explained why an extension should be given, and I have, in many cases, granted such an extension.

From memory I think the Act states that the Minister can grant an extension of only 12 months at any one time, but, of course, a further 12 months could be approved, and has been approved, because of justifiable circumstances. This practice will continue.

In relation to the responsibility of those to whom the authority has been delegated, I might mention that the Minister is responsible for any action that is taken by the delegated authority. We have heard members in this House challenge Ministers for action taken by their departmental officers. Under the Act the Minister must accept the responsibility for such action and he must have confidence in the person to whom he delegates his authority. In the event of anything going wrong the Minister is, of course, responsible to Parliament.

On the other hand, however, the officer to whom the authority has been delegated is responsible to the Minister who, no doubt, will take whatever action he thinks fit under the Public Service Act. I want to stress, however, that the Minister is still responsible even though he might delegate his authority. I think that explains the position on this point.

Mr. H. D. Evans: If an officer made a wrong decision it might reflect on the department.

Mr. BOVELL: I cannot help that. Being human, like everyone else, officers of the department do make mistakes. Thank goodness they do not very often make mistakes, but if they do they must suffer the consequences and the department has to extricate itself from the position in which it has been placed. I do not know whether I understand what the member for Warren is driving at, but it would appear to me that no problem exists, because there are so many equivalents in the functions of the department in respect of this activity. The member for Warren made a point in regard to the people who live in remote districts being disadvantaged, because of the receipt of applications on the one day. I must admit that I do not know how this obstacle can be overcome, and I will give some thought to finding a solution. I am a great believer of giving everybody an equal advantage, and if there is any preference to be given I think the people in the remote areas should be given it. However, I will have this matter examined, and I thank the member for Warren for drawing my attention to it.

Mr. Bickerton: I think he brought up a very important point.

Mr. BOVELL: I agree it is most important, and I express my appreciation for his submissions.

In regard to the provision of adequate water supplies, there is one omission in the Bill, and I have an amendment on the notice paper which will deal with it. I was advised by the Chief Parliamentary Draftsman this morning that it is preferable to insert the words in line 13, instead of line 15, of clause 7. That amendment will be moved at the Committee stage.

Generally I have dealt with the matters which have been raised by the member for Warren, and again I thank him for his detailed study of the measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Amendment to section 47—

Mr. BOVELL: I have an amendment on the notice paper which seeks to insert certain words in line 15 on page 4. I was informed by the Chief Parliamentary Draftsman this morning that it is preferable to insert those words in line 13. The reason for this amendment has been given by the member for Warren in the second reading debate. The Land Act provides the Minister with discretionary powers in respect of many provisions, and this is only right because many altered circumstances apply in different places.

The amendment will give the Minister a discretion in a case such as this: a farmer owning three blocks may have an adequate water supply on two of them, and there is no reason for a water supply to be installed on the third block. In these circumstances the Minister may waive the water supply conditions. I therefore move an amendment—

> Page 4, line 13—Insert after the word "lessee" the words "if required by the Minister to do so".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with an amendment.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd September.

MR. GRAHAM (Balcatta — Deputy Leader of the Opposition) [4.47 p.m.]: The Minister for Works will probably anticipate that my initial remarks will contain some reference to the entirely different approach of the Government in respect of legislation covering architects as measured against legislation covering the registration of painters.

In the case of the architects the Government has been generous to a degree, and I find no fault with that. I think it is proper that qualified persons, whether they be in a profession or a trade, and particularly where their own funds are responsible for maintaining their registration board, should be adequately represented; and, indeed, should constitute the majority on the board.

At the present time the Architects Board comprises nine members, all of whom are architects. It is proposed in the Bill before us that the membership shall be increased to 10, by the addition of another architect. Yet, in respect of the legislation to which I have made reference and which is now on the Statute book in an emasculated form, only one-third of the representation on the board comprises those who have been registered as painters. In this respect it stands in splendid isolation; in other words, it contrasts with every other piece of similar legislation.

Generally speaking I have no fault to find with the contents of the Bill. There are several comments I would care to make, and perhaps the Minister can ease my mind on some of the points when he replies. First of all, I want to compliment him on his choice of language. To me it is a new approach for the Minister to say—when a Bill is introduced to increase the membership of a board which is a little overburdened in number—that the board is to be "strengthened" by the addition of another representative.

If we carry this to the nth degree, of course, there would be a public meeting and it would indeed be vigorous in every respect. However, if the architects want it that way I have no quarrel with them.

The Minister used as an excuse the statement that amongst other things it would ease the problem of obtaining a quorum of six. I have searched through the Statute and cannot find any reference to a quorum of six. Indeed, if the Minister cares to refer to the second paragraph of the second schedule to the Act he will find it provides that the quorum shall comprise five persons. I would ask him to look elsewhere in the Act as well because to me there seems to be a little conflict. Section 28 reads—

> (1) The Board may make by-laws for any of the following purposes:—

Then follows paragraph (a). Paragraph (b) reads—

> Regulating the meetings and proceedings of the Board and the quorum to be present.

Parliament has already stipulated in the second paragraph of the second schedule as follows:—

> A quorum of the Board shall consist of five members.

If Parliament has laid it down at that figure, it appears to me there is some conflict when section 28 (1) (b) provides that the board can make by-laws for the purpose of deciding its own quorum. I suggest the Minister could have a look at that aspect.

Mr. Ross Hutchinson: I will.

Mr. GRAHAM: Some alterations are being made in the qualifications necessary before a person can be accepted as an architect. One of them states that he must have passed an examination in architectural subjects conducted by the board and have not less than six years' experience in the work of an architect. At present the provision in the Statute is for four years' practical experience, and I am wondering why this change is to be made. No reason was given when the Bill was introduced. I am not necessarily contesting the lengthening of the period from four to six years, but I would like information concerning the reason for it.

Mr. Ross Hutchinson: I think I will be able to give you an answer in Committee if you raise the matter then.

Mr. GRAHAM: I suppose that as there are so many facets of the Act dealt with by the Bill it is, very largely, a Committee Bill.

In the same clause of the Bill—clause 5—it states that a person making application must have certain qualifications, and also must satisfy the board by examination or otherwise, as the board thinks necessary in any particular case, that he possesses sufficient knowledge of matters concerning the practice of architecture in the State.

No mention is made in the Act at the moment regarding the necessity for a person to be familiar with the practice of architecture in the State. Surely there are certain basic principles and laws of engineering and the rest of it, so that if one is a competent architect in one part of the world or in another part of the Commonwealth of Australia, one ought to be acceptable here. If not, we could have the situation where the most outstanding architect in the world decides to come to Perth for his own good reasons, but because he is not familiar with goodness-knows-what, but certainly something pertaining to Western Australia, he cannot be registered. I think this situation is farcical, and I am wondering what the points would be in connection with which it would be desirable for him to be familiar.

Mr. Ross Hutchinson: Did I say that in my second reading speech?

Mr. GRAHAM: It was mentioned in the Minister's speech although he certainly did not give reasons for it. It appears on page 3 of the Bill in lines 10 to 12.

Mr. Ross Hutchinson: I know that, but I thought I said it was necessary for a person to have a knowledge of local ordinances, and so on.

Mr. GRAHAM: Apropos of that, the legislation has been on the Statute book now for 47 years without the inclusion of this requirement, and I do not know to what extent anyone or anything has suffered as a result.

If it is a matter of being familiar with the building by-laws, well, as we are all aware, practically every local authority has some points at variance with those of other local authorities. Therefore, I think this provision is not essential. Surely when the occasion arises an architect familiarises himself with the requirements of the local authority at Bridgetown, Port Hedland, or wherever it might be! This provision has not been included before and its inclusion now suggests we are becoming a little more difficult or more restrictive, and I am not satisfied there is any requirement for it.

However, I would be pleased to hear further from the Minister, but if he is unable to satisfy me, and I do not overlook it, I will endeavour to delete that reference to the State of Western Australia; in other words, the last three words in that clause.

I am pleased to notice further on in the Bill that steps are being taken to widen the scope of sins of commission and omission. Clause 11 specifies certain lines of conduct which are to be classed as "misconduct" and then paragraph (n) reads—

> (n) any other thing that constitutes infamous or improper conduct in a professional respect.

With regard to penalties, the situation up to the present time has been that the board can only suspend or cancel an architect's registration; in other words, deny him his livelihood in his profession for a stipulated period or as a lifetime sentence. However, many breaches are of a comparatively minor nature, in connection with which some other less severe action is necessary. Indeed, my leader has just drawn my attention to a paper which indicates that an official complaint was not made in one matter, because obviously the architect was guilty of only a minor misdemeanour, but if the person concerned had been found guilty, the board would have had no alternative but to suspend his registration for a period, and this would have been considered too harsh.

Provision is being made for the board to reprimand an architect. I suppose that if he did not heed the reprimand the offence would then be regarded much more seriously and accordingly the board could call him to order by suspending his registration for a period or until he mended his ways.

By and large those are all the comments I want to make at this stage, with the exception of one. With the kindly cooperation of one of your Clerks, Mr. Speaker, I am having prepared a list of amendments with which I wish to deal in Committee. I do not know whether to describe this list as an imposing one or a frightening one. The list is somewhat lengthy, but all the amendments embody the one principle.

Here I make some criticism of the Parliamentary Draftsman. This Bill seeks to amend some 13 sections of the Act, almost half the total number the Act contains. Yet a number of other sections are completely redundant as they provided the machinery for the preliminary steps to be taken in the first six months or so during the establishment of the board. As the legislation was passed in 1922, all those steps have been taken and I therefore wonder why advantage was not taken at this time to amend the Act further? It would reduce its size by removing the redundant sections, subsections, and paragraphs which do not make common sense at present; and at the same time it would make the working of the Act more practical.

Mr. Ross Hutchinson: If I can interrupt, I have in the back of my mind the idea that the amendments were considered and it was decided to leave the provisions in the Act for historical reasons. I am not quite sure that this was so.

Mr. Tonkin: Like the Wheat Marketing Act; for historical reasons.

Mr. GRAHAM: Who would make such a decision?

Mr. Ross Hutchinson: Those in the department. They considered that in the interests of the architects it would not be amiss to leave the provisions in the Act.

Mr. GRAHAM: I think that is completely unreal. This should be a workable document for easy reference by those who have need to use it from time to time. The Act should not be cluttered up with a whole host of such things as "The first meeting of the provisional board shall be held . . ." and that sort of thing; different members, their number, and how they will move about, and so forth. After several pages the Act deals with the board itself which, of course, was set up a few weeks after the appointment of the original committee.

Mr. Tonkin: The Minister's explanation puts this in the same category as the Barracks Archway.

Mr. GRAHAM: Let us not get onto that one again. The Minister and I made common cause on that debate with my worthy leader being on the other side of the House when the division was taken.

What the Minister has said does not have much to do with the matter because in 1965, with the same Government in office, some of the history in respect of one section was knocked for a six. That was done in exactly the same way as I am seeking to do it to a whole host of sections. Be that as it may!

Surely, when a number of amendments are being made to a Statute the job should be done thoroughly so that it will be a workable 1969 model of the legislation. The earlier prints are available to the Historical Society, or the Institute of Architects, or whoever might be interested in their history.

We, who are comparative laymen, spend a great deal of our time wading through Statutes and I think that process should be made as easy as possible. Indeed, we probably do the public a good turn as well because when the members of the public find it necessary to approach a legal adviser, because of the "history" which appears in the Statutes, it takes longer for the legal adviser to find the proper part of the Act which applies to the case in question.

I repeat: my amendments are in the process of preparation and I am sorry I did not have them available earlier. I hope the Minister does not feel any great urgency in this matter and will therefore, after proceeding a certain distance with the Commitee stage, agree that progress be reported.

MR. MENSAROS (Floreat) [5.4 p.m.]: This is a fairly far-reaching measure affecting—directly or indirectly—almost everyone who is a member of the architectural profession. This applies whether he is already registered, or wishes to be registered, in this State. Perhaps it affects more particularly those who are not as yet members of the profession, but who wish to become so, whether they have already embarked on the endeavour to achieve this under the existing requirements, or are only planning to do so.

The latter does not only include youngsters approaching their leaving year and making up their minds about their future occupations, but it also affects people in other occupations and professions bordering on the architectural profession. I refer to quantity surveyors, draftsmen, engineers, and even builders who may wish to become architects and registered in Western Australia.

During the past two decades I have had fairly close association with members of the architectural profession. Perhaps it is not surprising, therefore, that since it was publicly announced that it was the intention of the Government to amend the Architects Act—that announcement was included in the Governor's Speech at the opening of Parliament—I have received quite a number of inquiries regarding the intention of the proposed amendments. Naturally enough, I have tried to follow up those inquiries. Another reason perhaps, for this was that despite the various occupations and professions followed by members in this Parliament—both past and present—it so happens that we do not have a member of the architectural profession either in this Chamber or in another place.

Mr. Ross Hutchinson: Does that mean they have brains, or do not have brains?

Mr. MENSAROS: I would not like to say. It occurred to me that I was not able to recall the name of any architect who was involved in politics in recent years, which is, perhaps, an interesting fact.

Referring to the inquiries I have made, I would like to commend the Minister and thank him very much for his extreme courtesy. The Minister spent valuable time discussing this matter with me personally. I also express appreciation of the work done by some of his officers on the queries I raised. I am particularly grateful to the chairman of the board, Mr. Stewart Cole, who expelled some of my doubts; but in any case explained

most of the queries I raised. The Minister answered some of those queries in his second reading speech.

It might be worth while to dwell upon some of the queries and objections raised in connection with the Bill, and also in connection with the answers I received from the chairman of the board.

Before I do this it seems to me to be proper to try to clarify the terms, conceptions, and various definitions which are used in connection with the principal Act and the amendments which are before us. To start with, there is no definition or, at least, no statutory definition of the word "architect." Neither is there a definition contained in this Bill.

According to the Act, a "registered architect" can be defined. However, for the definition of "architect" we have to be satisfied with common usage. This definition, as we know, means a creator. Originally, it meant a creator of everything or anything, but later it has come to be known as the creator of buildings. The *Oxford Dictionary* describes an architect as a person who prepares plans and superintends work. In common use, of course, we widen that definition and generally imagine that within the connotation of "architect" is a person who not only prepares plans and supervises building, but who also has some sort of academic or technical qualification. This is not just playing with words; it has an importance to fully understand the Act and the Bill before us.

We have architects in this State, of course, and they are usually qualified people who draw plans and supervise buildings. Then we have "registered architects."

Again, the third category within the registered architects are the members or associates of the West Australian Chapter of the Royal Australian Institute of Architects, which is the only local body which represents architects generally. I have said, "within the registered architects" because, as far as I know, the institute makes it compulsory for its members to be registered as architects.

Statutorily—that is, according to our rules—there are no privileges for a registered architect as against an architect, other than that he can call himself so. Plus that the registered architect is compelled, of course, to pay the fees, which are proposed to be raised now, and the architect is prohibited from calling himself a registered architect if, in fact, he is not registered. Incidentally, I have never seen a letterhead or any other advertisement which proclaimed that an architect was a registered architect. Usually such advertisements refer to the institute or the British body to which the architect belongs. It is interesting to note, perhaps, that approximately two-thirds of registered architects do belong to the institute.

There are no Statutes—and I hasten to add, rightly so—which require anyone who does architectural work to be a registered architect. I consider this is right and I believe my opinion is shared by the Opposition or, at least, it was shared by the Opposition; because I understand that some ambitious propositions by the board which were put forward under a Labor Government, as well as under a Liberal-Country Party coalition Government, were rejected. At present as in the past plans need not be submitted only by registered architects. In other words, not only registered architects can submit, approve, or design plans.

This is in contrast with the practice adopted, possibly legally, by local authorities which requires a registered builder to submit an application for a building permit and to execute the building. As I have said, it is not a statutory requirement for plans to be prepared by registered architects.

An architect may be self-employed or employed by a firm of architects; but, in either case, he does not have to be registered. Although the State and Commonwealth Departments require most of their employees who are engaged in architectural work to be registered, there are still some who I understand are not registered. Of course, private firms do not care whether their employees are registered as long as they are qualified and capable to do the work for which they are employed. I admit, of course that most practising architects are, in fact, registered, because registration adds to their trustworthiness and the prestige which this gives them in the eyes of their clients.

Nevertheless, it is not only theoretical, as I have said, to point out these differences; because they might have some bearing towards what I will mention and towards the inevitable development in the components of the whole building structure—that is, the architect, the engineer, the quantity surveyor, and the builder—in most building operations.

I should like to revert to the observations I made and queries I received in connection with this Bill. The first point I wish to mention is that there appears to be some uneasy feeling in the institute, generally, and especially amongst the younger members, who possibly represent the majority, towards the composition, the policies, and the thinking of the board, as it is constituted, which they consider too conservative, impracticable, and ignoring of the requirements of modern times and business customs.

This query was answered, and I think very satisfactorily, by the board when it told me that, in fact, the majority of the members on the board are elected from time to time, and, if architects complain that anyone is not the right person to

represent them, they are at liberty to elect some other person. I have no quarrel with this.

The other prevailing view which was put to me was that all members of the institute or the profession should have been consulted, perhaps, before the measure was prepared and brought to the House. To this, the answer was that, indeed, all members had been consulted or, at least, it was possible for them to know about the legislation; because this subject was on the agenda and came up at a general meeting of the board. However, I think we have to be practical about this and realise that if notice of this item was not given on the invitation, quite a few people, if they did not know the item would come up, could not be blamed for not attending. Without quarrelling with this particular measure, I might suggest that, in future, the members of the profession itself could be notified if any change which concerns them is to take place.

Perhaps I might digress on a jocular note to say that most architects undoubtedly belong to electorates, such as the electorate represented by the Minister for Works, the electorate of the Deputy Leader of the Opposition, who spoke before me, and mine, who only count half as much as those represented by our country colleagues. Nevertheless, by way of analogy, not long ago we heard there was to be some compulsory marketing of seed—I beg the pardon of the Country Party members, but I cannot remember the name—and although only 28 farmers were interested, all of them were invited to vote. If this is so, I feel it would be just, too, to ask members of a profession—mainly in the metropolitan area—for their views if anything happens which is likey to affect them.

I heard two other specific observations in connection with clause 5. The Deputy Leader of the Opposition referred to this as well. Paragraph (b) of clause 5 proposes to extend the period of practice from four years to six years. I admit that practice is very important and certainly as important as, if not more important than, theory. Indeed, I have seen from personal experience that one cannot go very far in the architectural world without practical knowledge. Nevertheless it is questionable whether the six years are absolutely necessary.

In any case, I feel this might represent some injustice to those who have already started on their way towards registration and who, when they started, thought they had four years in front of them, which has been the period up to now.

When Parliament brings down legislation connected with the registration of members in any profession or occupation —I regret to say fairly often—a so-called grandfather clause is included in the legislation. On this occasion, we are not talking about grandfathers but we are talking about people who are possibly youngsters who started their education towards being registered with a certain aim. They have aimed at having a certain earning capacity within four years, which has been the practice up to now, but in future they will find they are confronted with a period of six years. People might have their reasons for choosing this profession and might need to reach a certain earning capacity.

With reflection, one can imagine that if there is to be compulsory training, the salary during that period would not be very high. I suggest consideration might be given to the suggestion that the six-year period should not apply to those people who have already started their training.

The second observation I want to make in regard to clause 5 is to query the necessity for another alternative condition to be added to the conditions which are already set out which must be met before any person can become a registered architect. I do not know whether the Minister mentioned this, but I think my opinion is slightly different from his. The Bill contains three alternative conditions which must be observed by any applicant who wishes to become registered by the board, and all three conditions are under its jurisdiction, because they are as follows:—

(a) has completed a course of studies in architectural subjects approved by the Board at a college, school or other educational institution approved by the Board;

(b) has passed the examinations in architectural subjects conducted by the Board and has had not less than six years' experience in the work of an architect; or

(c) is a member of a prescribed institute or is registered as an architect by a prescribed body or authority.

From that it can be seen that all three conditions are under the auspices of the board, and I cannot see the necessity to add a further condition to provide that any applicant for registration shall also satisfy the board that he possesses sufficient knowledge of the methods and practice of architecture in this State. The Deputy Leader of the Opposition followed up the point that it is a knowledge of the methods and practice of architecture in this State that must be gained by any applicant.

In reflecting on this, I would like to ask the Minister if there are any conditions to be laid down which are peculiar to this State. I admit that conditions vary between one country and another, but the variations could, no doubt, be learnt very quickly. Indeed, conditions could vary from the area of one local authority to

another, so if we persist with this added condition we could almost require a new clause to be inserted in the Bill for architects who have work in more than one local authority.

However, there are local conditions which may be different from those outlined in the courses of study which applicants might have taken. There are different conditions because of varying temperatures; there are different local conditions relating to soils which must be known. Also there is a difference between using local timber for building and that used in the Eastern States, or on the Continent. Still, it appears to me that these are conditions which could quite easily be learnt in addition to those general conditions that must be learnt by an applicant for registration to comply with other qualifications.

Therefore, the only conceivable reason for this added condition is that the board, for instance, could request an applicant to have a year's practice in addition to taking the course of studies required, or a part time student to have two years' practice. However, anyone who meets the requirements of paragraphs (a), (b), and (c) set out in clause 5 would have no difficulty in obtaining registration.

To my mind this condition could be too harsh and, with all due respect to the board, as suggested it might be used as a "dictation test" of the applicant. I admit that provisions for appeal exist, but nevertheless, I consider this condition is not necessary.

My next remark, which refers to paragraph (m) of clause 11, falls within the same category. As members know, in that clause there are 13 paragraphs specifying the various kinds of misconduct and, in addition, for good measure, another one has been thrown in which can override all the others, because is provides that "any other thing that constitutes infamous or improper conduct in a professional respect is also regarded as misconduct." There again, I have been told that such a provision might be abused despite the fact that the appeal provisions in the legislation have been widened.

Mr. Ross Hutchinson: This is a provision we can discuss in Committee.

Mr. MENSAROS: I was also told, in regard to this provision—and I think the Minister also mentioned this—that this is customary with all registered bodies. I raise the query: If it is customary, why has it not been placed in the Act before this, especially when the board constituted by the Act is 47 years old; only one year younger than I am? It would appear that there has never been any use for such a provision. The only reason the Minister gives for the inclusion of this provision is that a certain practice, which could be regarded as misconduct, and which are not specified in the other 13 paragraphs, might develop.

Nevertheless, I feel that the board, during the course of the many years it has been operating, has had ample opportunity to ascertain if such a practice was developing and, according to its experience, it could have specified any acts of misconduct that might have occurred.

Mr. Ross Hutchinson: There is no limit to human ingenuity.

Mr. MENSAROS: That is quite correct. I do not oppose this provision, because I have not had sufficient legislative experience or an adequate knowledge of the activities of the board to discuss it thoroughly, but it has been pointed out to me that such a provision seems to be superfluous, and the argument has been advanced that if no acts of misconduct in this field have materialised so far, why do we expect other acts of misconduct, in addition to those listed, to be committed? In deference to human nature one can say that if a person wants to circumvent a law, or commit a breach of it, he always will, and he will be looking mainly for the loopholes and will not practise according to the ethics of the profession. We are told that this upholding of the ethics is the main reason for the legislation before us.

I would like to refer back to the argument and the point I made earlier. I said that I wondered for how long the present operation in the building industry would be sustained. We find that in the United States, in Canada, and even in the Eastern States of Australia, building operations are not carried out in the fashion as we know them in our State. These operations are not started with an architect who calls for tenders, employs the builder, engineer, etc.; they are usually commenced by the big operator who then generally employs the architect, the builder, engineer, quantity surveyor, etc.

I am quite sure the profession itself wishes to avoid this position developing for as long as possible. To refer to my final query in connection with the legislation not permitting companies to operate, I wonder whether the Bill really achieves what it seeks to achieve, because if we are realistic we will probably come to the conclusion that if architects are allowed to work as companies, they may delay the development about which I have been speaking.

As I have said, I do not oppose the Bill at all, but I did want to ventilate some queries which I received, to most of which I have been given answers either by the Minister or his departmental officers. I hope I have not done a disservice to the profession, and I trust it will continue for a long time to be as highly regarded as it is now.

MR. BERTRAM (Mt. Hawthorn) [5.33 p.m.]: I would like to say a few words in respect of this Bill because of an experience I have had over the past year or so in connection with architects. If we look at section 12 of the parent Act, under the heading of "Registration," we find provision for the registration of persons as architects.

This Act does not define who a "person" is for the purposes of the Act, and therefore perhaps it is not irrelevant to remind ourselves that the Interpretation Act says that a person or party includes a body corporate. I would think that, with but few exceptions, when a person reads this Act he will come to the conclusion that the only people who can practise architecture in this State are natural persons; that is all.

This is the case in other professions, as I understand the position at any rate. In the legal profession one practises as a natural person, either alone or in partnership with one or more people. One does not practise as a company under the Companies Act of this State. I understand that medical practitioners also practise in the way I have indicated; they cannot practise as a limited company, proprietary or public.

Accordingly members may well be very surprised to learn that currently, or certainly until recent times, limited companies in my belief, have been practising in this State as architects; if not in the plural, then as a limited company in the singular.

Mr. Ross Hutchinson: I do not think they are registered.

Mr. BERTRAM: This is the reason I have risen to speak. I would like to find out whether it is still happening; whether there are any organisations practising as, say, XY Pty. Ltd., Architects, and rendering accounts for architectural fees and so on. I do not believe this is the intention of the Act; it seems to be against the whole spirit of the Act.

Yet when we look at clause 11 of the Bill before us there is almost room to think that the proposed amendments are directed at this sort of situation so that we shall have natural persons and natural persons alone being entitled to practise as architects and to charge for such service. I think the position should be made perfectly clear.

I think we have already had some experience of this Act in the Supreme Court where one of the learned judges said that the law was such that a coach and four could be driven through it. I admit he was not referring to section 12, but we do not want to perpetuate that situation, and in view of the spirit of the Act and the wording of section 12 and other sections, and the disciplinary provisions contemplated, we should be given an indication and an assurance that, in the circumstances, architects are natural persons and can practise in no other legal guise or as any other entity. I have no doubt that the Minister will be able to make it clear as to whether clause 10 is aimed at this particular situation.

It seems to me rather odd that we should be enacting a measure which contains a provision like that in clause 11 (a) (1) (e), which renders it an offence or misconduct for an architect to assist in litigation upon the condition that he shall be paid only if the litigation in which he is involved in assisting the litigant is successful.

I am aware, of course, that in a legal situation a lawyer is met with that position if he assists with litigation and relies on the result—he is involved in maintenance and champerty. This is something he must not do. I have not heard of any case in this State of a practitioner being caught up in it. There will be less and less opportunity for people in such circumstances, because those who have legal rights but no money are being given relief—very belately it is true—under the Suitors' Fund Act and otherwise.

What is the position if a person receives assistance under the Suitors' Fund Act; has no money at all but has a first-class case; and needs an architect to assist him to adduce expert evidence? He may require expert evidence which will cost something to the tune of hundreds of dollars. How does he get assistance for the engagement of the architect? As I understand the position, there is no provision to enable an architect to assist such a person.

In view of the provision in the clause I have just mentioned, the architect will be precluded from acting for a litigant in that situation. It seems to me to be inconsistent if on the one hand we are relaxing the position and making it possible for people of very limited means to get justice, but on the other hand we are doing something which runs in the opposite direction. It seems that a person can obtain his legal rights through the Suitors' Fund Act, but when he wants to get a star witness in a building case—or some case of that nature—and he has not the money to pay that witness he is not able to obtain his legal rights. The architect cannot help, because his only hope of payment is after the event is over.

I just mention this aspect, because it is something upon which the Minister may touch when he replies. If he can give some enlightenment and some assurance that some remedy can be provided I will be indebted to him. Perhaps he will also comment on what seems to me to be a clear inconsistency compared with the spirit of other enlightened legislation, such as the Suitors' Fund Act.

MR. FLETCHER (Fremantle) [5.42 p.m.]: I have only a few words to say on this measure, as a consequence of my interest in the subject and of the interest of my electorate in some of the buildings of architectural design which do not meet with the satisfaction of my constituents. However, I shall not deviate from the Bill for the present.

The Bill appears to extend control over architects generally, by giving the board more power. This Bill will strengthen the powers of the board and will remove the personal liability of members. It will broaden the scope of the provisions in the Act dealing with any professional misconduct of architects. It seeks to update and define in greater detail the educational requirements of architects, and I shall deal with that aspect later; to make adequate allowance for future increases in fees and subscriptions; and to clarify the appeal rights of persons refused registration by the board.

I think the provision to allow an appeal is a very desirable one, because in future an architect charged with misconduct will be able to challenge in the Supreme Court any decision made against him.

The aspect I promised to return to is in regard to the registration of architects. The member for Floreat has given us a good deal of the historical background in respect of the difficulties associated with people applying for recognition. I am also concerned with that aspect, and I notice the position is to be met by these words which appear in clause 5—

> by examination or otherwise as the Board thinks necessary in any particular case, that he possesses sufficient knowledge of matters concerning the practice of architecture in the State.

My purpose in rising is to ensure that this does not deny qualified people from overseas the opportunity to practise in this State.

If I might digress, by way of example at one time all doctors had to serve a considerable period in Vienna before they were considered to be fully qualified.

In the case of architects we could find people from Europe who hold qualifications higher than those required in this State not being recognised here. I hope the board will make allowances for a situation like that by ensuring that such a person—possibly because of language difficulties or some other drawback, real or imaginary—will not be denied the opportunity to practise in Western Australia. In effect, I do not wish to see, as a consequence of this legislation, the profession of architecture becoming a closed shop—for want of a better term.

Mr. Ross Hutchinson: Well, it will not be.

Mr. FLETCHER: I am pleased to hear that. I noticed in recent days that Press comment pertinent to this matter has made reference to the fact that architects are subjected to the dictates of some builders who put up multi-unit accommodation of an ugly character.

In the Address-in-Reply debate I made reference to the exception which was taken by the East Fremantle Town Council to some types of buildings which were being erected—types of which no architect could be proud. I have no doubt that the architects concerned were subject to the whims of the builders who wished to erect structures with an eye to a quick return on the finance outlayed.

As a matter of fact, one architect is on record as having said, "You do not have to be an architect to know that some of the new flats are ugly. Some flats have been built to which no reputable architect would be pleased to put his name." I admit this does not have a great deal of relevance to the Bill, but it does seem illogical that such highly qualified people can be directed to construct buildings of this type. One town council is reported to have said—

The SPEAKER: Order! I have given the honourable member a fair enough go on this. He will get back to the Bill.

Mr. FLETCHER: My purpose in rising to speak is to make known to this House that some types of buildings do not require the services of people with qualifications as high as those laid down in the Bill. I want to ensure that this Bill will not make it too difficult for qualified people from overseas to engage in the profession of architecture in this State.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.48 p.m.]: In brief reply to the speeches of members who have supported this legislation I would like to say that most of the comments that have been made lend themselves to debate in the Committee stage. I imagine that debate will ensue on several of these points at that stage.

The Deputy Leader of the Opposition mentioned two points on which I will endeavour to obtain further information. First of all, he referred to the question of a quorum. I will endeavour to discover what anomalies exist, if any. He also explained that he wanted me to consider certain amendments which have not been completely prepared. I assure him that in the Committee stage when he comes to a point where he desires progress to be reported I will agree.

The member for Floreat spoke on quite a number of interesting issues. He made mention of the fact that there was no definition of "architect"; and this point was also raised by another member who dealt with the question of company registration.

Despite the lack of definition in the Act, I do not think any hardship is experienced. It seems to me that the Act does not stipulate that the privilege of architectural practice belongs only to registered architects. However—and this was the point also raised by the member for Mt. Hawthorn—a person cannot have his name placed on the register of architects unless he has fulfilled the obligations and possesses the qualifications required by the Act. Nevertheless, there is nothing to prevent a person from performing architectural services, I would think; but there is with regard to the placing of his name on the register.

Several other matters raised by the member for Floreat can be discussed in Committee. Company registration was raised by both the member for Floreat and the member for Mt. Hawthorn. To the best of my knowledge there is no company on the register. Indeed, some few years ago an amending Bill was submitted and passed in this Chamber. In it was a provision to enable a company to be registered, but it contained certain restrictions. One of these was that a specified number of the directors had to be qualified. I cannot be completely sure of this, but will familiarise myself with the facts later. If my memory serves me correctly the Bill went to the Upper House, where it was defeated.

I understand that there is so much ferment and change in the architectural profession now, that company registration is coming more and more to the fore. Indeed, as I understand the position, a proposition has been submitted to the Victorian Government that an amendment, similar to the provision in the Western Australian legislation, should be effected. However, at this stage we do not consider we should do anything further about this matter, but we will watch developments.

Mr. Bertram: Can you perhaps ascertain positively whether any companies are currently practising?

Mr. ROSS HUTCHINSON: Yes, I will do that. I could almost give an assurance now, but would not like to be absolutely positive. Amongst other things the honourable member said it would be good if everyone knew where he stood in relation to the law. I say, with some degree of jocularity, and with apologies to you, Mr. Speaker, that some people might think the honourable member is looking forward to the millennium when lawyers will no longer be required!

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

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 and 2 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Graham (Deputy Leader of the Opposition).

House adjourned at 5.56 p.m.

Legislative Council

Tuesday, the 9th September, 1969

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

THE PRESIDENT (The Hon. L. C. Diver): I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply:—

> Mr. President and honourable members of the Legislative Council: I thank you for your expression of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTION WITHOUT NOTICE

SITTINGS OF THE HOUSE

Royal Show Week

The Hon. W. F. WILLESEE asked the Minister for Mines:

> Will he clarify the position concerning the days on which the House will be sitting during Show Week? Some confusion has arisen because the Royal Show starts in one week and continues into the next week. If the Minister can clarify the position, members will be able to make any arrangements they desire.

The Hon. A. F. GRIFFITH replied:

> As far as the sittings of the House are concerned the operative week is the week in which People's Day falls, so it is proposed the House will not sit on Tuesday the 23rd September, Wednesday the 24th or Thursday the 25th.