I consulted the Minister for Police regarding the assurance sought by Mr. Wise. He has perused the speech made by Mr. Wise, and has asked me to give this House an assurance that it is not intended to interfere with machines of skill. I reiterate that obviously machines requiring the use of skill are considered by the police to be all right in the circumstances which exist at the present time, because some members were able to see them demonstrated.

That is the situation. The other sections of the Bill are not in question. I think members will support the Bill, and I do not think there is any necessity for me to make further comment at this point of time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 6.10 p.m.

Legislative Assembly

Thursday, the 13th September, 1962

CONTENTS

CONTENTS—*continued*

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

QUESTIONS ON NOTICE

GREEN CRAYFISH

Aden Cray Pot Tests

1. Mr. NORTON asked the Minister for Fisheries:

   (1) Has he seen the Aden cray pot which is purported to catch green crayfish?

   (2) Are any experiments being carried out with the Aden cray pot by the State Fisheries Department or the C.S.I.R.O. in Western Australian waters in respect of the green crayfish found in waters north of Shark Bay?

(3) If the State Fisheries Department is not carrying out tests with this cray pot, when will tests be made?

(4) Should a private fisherman wish to obtain a sample or a diagram of the pot are either or both available?

(5) Is he aware that a crayfishing industry based on the green crayfish in the north-west could be larger than the present crayfishing industry in the rest of the State?

Mr. ROSS HUTCHINSON replied:

(1) No; but I have seen Press pictures of it.

(2) No.

(3) It is anticipated that the State Fisheries Department will carry out tests in the northern waters next July and August.

(4) The Aden pot has been made available for inspection by interested fishermen. Diagrams and specifications of the pot are being prepared.

(5) No. This is purely an assumption, as there is no documented data on crayfish abundance in northern waters.

WATER CONSERVATION

Gascoyne River Scheme: Commonwealth Grant

2. Mr. NORTON asked the Minister for the North-West:

(1) During his recent visit to Canberra to place a case before the Acting Prime Minister and the Acting Treasurer for special grants for areas north of the 26th parallel. did he put a case for a special grant for water conservation on the Gascoyne?

(2) If so, what amount did he seek?

(3) If no case was presented, will he advise the House of the reasons?

Mr. COURT replied:

(1) to (3) The question of water conservation on the Gascoyne River is one of the schemes which has been under discussion with the Commonwealth Government both during my visit last week and when the Premier and I were in Canberra on the 13th June.

The matter under discussion as an initial project was one to further develop the upriver water supplies in the Gascoyne River to make available to plantations on the south bank of the river supplementary supplies of irrigation water.

Stage 1 has been undertaken by the State Government and stages 2 and 3, which would involve an estimated £157,000, were those which the State sought to proceed with at an early date.

This scheme would give greater security of water supplies to plantations but is independent of any major scheme involving large damming works further upstream at one of the sites referred to in the Scott and Furphy report. The Scott and Furphy report recommended gauging and other investigation work which is in hand but will not produce any conclusive information for a considerable time.

The scheme for stages 2 and 3 put forward has not been included in the 1962-63 Commonwealth Budget but will be further discussed with the Commonwealth.

TRAFFIC ROTARY

Establishment at Welshpool Road-Albany Highway Intersection

3. Mr. JAMIESON asked the Minister for Works:

When is it anticipated that a start will be made by the Main Roads Department on the rotary at the intersection of Welshpool Road and Albany Highway?

Mr. WILD replied:

Although a plan has been prepared for the treatment of this intersection, no decision has been made as to when it will be implemented.

LATEC INVESTMENTS LTD.

Local Registration, Principals, and Accountants

4. Mr. JAMIESON asked the Minister representing the Minister for Justice:

(1) Is Latec Investments Ltd. registered as a company or business for operations in this State with the Companies Office of the Crown Law Department?

(2) If so—

(a) who are, and/or were, the principals of this firm since original registration in this State?

(b) who are, and/or were, the accountants for this firm since original registration in this State?

Mr. COURT replied:

(1) Yes. Latec Investments Limited was registered as a "foreign" company under Part XI of the Companies Act, 1943-1961, on the 21st July, 1960.

(2) (a) As a company registered under Part XI of the Act is not required to lodge with the Registrar of Companies particulars of its shareholders, details of the principals are

not available. However, William Harold Roberts, of 48 Riley Road, Claremont, is named, and has been so named since registration, as agent in Western Australia for the purposes of Part XI of the Act.

I have a copy of all lists of directors which have been lodged with the registrar from time to time, and which I will lay upon the Table of the House.

(b) For the periods the 1st July, 1959 to the 30th June, 1960, and the 1st July, 1960, to the 30th June, 1961, Messrs. Frank Henry Perry & Co., Chartered Accountants (Aust.) of Newcastle, N.S.W., were the auditors of the company.

The lists of directors were tabled.

PETROL STATIONS

Number in Metropolitan Area

5A. Mr. CROMMELIN asked the Minister for Labour:

How many petrol stations were established in the metropolitan area at the end of June, 1958, 1959, 1960, 1961, and 1962?

Mr. WILD replied:

According to information supplied by the Automobile Chamber of Commerce the figures are as follows:—

Year.	No.
1958	385
1959	385
1960	399
1961	417
1962	439

MOTOR VEHICLES

Registrations

5B. Mr. CROMMELIN asked the Minister for Labour:

How many motor vehicles of all types were registered at the end of June, 1958, 1959, 1960, 1961, and 1962?

Mr. WILD replied:

The Police Traffic Office supplied the following figures which include vehicles of all types registered throughout the State:—

Year.	No.
1958	114,967
1959	123,803
1960	133,184
1961	142,133
1962	153,214

CENTRALISED MECHANICAL ACCOUNTING

Effects of Growth

6. Mr. D. G. MAY asked the Minister for Industrial Development:

(1) Is he able to indicate the extent to which centralised mechanical accounting has developed in Western Australia since 1959?

(2) Is the effect of this development to create "accounting factories" at head offices of banks, stock agents, oil companies, and insurance companies?

(3) Are any of these "accounting factories" established in W.A., or are they all in Melbourne and Sydney?

(4) Have any staff of large firms been declared redundant or—

(a) told to find other employment;

(b) transferred to Melbourne or Sydney;

(c) been reduced in—

(i) status;
(ii) income;
(iii) opportunity

because of this development?

(5) Is opportunity of advancement in accounting sections of W.A. branches of interstate companies being curtailed in favour of head offices?

Mr. COURT replied:

(1) It would be impracticable to indicate at short notice the extent to which centralised mechanical accounting has been developed in Western Australia since 1959.

It is estimated that at the present time some 50 Western Australian businesses use punched card accounting either completely or in part.

Development in this direction is inseparable from the conduct of certain large-scale industrial, commercial, and other types of undertakings if this State is to keep up with modern practices.

(2) and (3) As to whether the term "accounting factories" is the one to apply to this sort of trend is a point on which I would not be prepared to express an opinion. There are many advantages which accrue to the economy, to the businesses and other undertakings concerned as well as to the employees from a greater concentration of accounting and recording facilities.

The policy in this matter varies between firms. Some local branches operate a full installa-

tion, independent of the head office, supplying a summary of trading results to a central installation. In other cases the local branch undertakes preliminary processing only, the greater part of the work being performed at head office.

(4) I know of no specific cases, although it must be accepted that for a variety of reasons reorganisation is taking place in office staffs and systems.

The general effect of a change to punched card accounting is to make information available more rapidly and to enable the expansion of other activities, such as costing, sales, and statistical analysis. Thus staff tend to be freed from routine compilation and absorbed into the expanded management functions made possible. The effect is often to provide an opportunity for an increase in workers' status and prospects.

(5) Not to my knowledge; and, in any case, whilst the opportunities for advancement in a particular section of Western Australian branches of Eastern States companies might vary from time to time, the general trend is for the Western Australian Branches to become more important with increased general opportunities for executives.

STATE SHIP "KANGAROO"

Passenger and Cattle Accommodation, etc.

7. Mr. RHATIGAN asked the Minister for the North-West:

(1) When does he anticipate the new ship *Kangaroo* will make its first trip on the north-west coast?

(2) How many passengers will the ship carry?

(3) What number of cabins will be available—

(a) single berth;
(b) two berth;
(c) three berth;
(d) four berth?

(4) How many head of cattle will the ship carry?

(5) What is the estimated speed of the ship?

Mr. COURT replied:

(1) The 8th December, 1962.

(2) 91.

(3) (a) 9.
(b) 32.
(c) 6.
(d) Nil.

(4) Approximately 300.

(5) 13 knots.

EGG BOARD

Sale of Fremantle Premises

8. Mr. TONKIN asked the Minister for Agriculture:

(1) What are the reasons for the decision to put up for sale the premises in Fremantle owned and used by the Egg Board?

(2) If the premises are sold, at what place is it intended to conduct the business now being done at Fremantle?

Mr. NALDER replied:

(1) In the interests of economy and more efficient management, it is the ultimate aim of the Western Australian Egg Marketing Board to concentrate the whole of its major metropolitan activities on its new site at 26 John Street, West Perth.

(2) In the event of the board's Fremantle property being sold, it is the present intention to establish in an area in Fremantle, yet to be determined, a smaller receivals and sales depot to cater for the needs of the area.

MINING

Commonwealth Development Allowance

9. Mr. KELLY asked the Minister representing the Minister for Mines:

(1) Will he advise the House what will be the effect of the Commonwealth Development Allowance to mines not in receipt of the production subsidy?

(2) What portion of the tentative estimate of £300,000 for the 1962-63 year is likely to be made available to W.A. mining?

(3) As the assistance is to apply to mines not in receipt of a production of gold subsidy, will this proviso prevent producing mines which are engaged in a developmental programme from drawing on the development allowance?

Mr. BOVELL replied:

(1) The development allowance is broadly to assist mines not receiving Commonwealth subsidy for extra development work.

(2) This is not known, as it will be open to mines in all States to apply. It is anticipated that a substantial portion could be received in this State, due to the extent of our goldmining industry.

(3) The terms and conditions relating to the allowance have not yet been decided. Discussions took

place between representatives of the Chambers of Mines of Australia and Commonwealth officers in Canberra on the 29th ultimo, with a view to assisting the Commonwealth Government in preparing its legislation.

POLICE STATION AT ALBANY

Commencement and Cost

10. Mr. HALL asked the Minister for Works:

(1) When is it anticipated work will begin on the building of the new police station at Albany?

(2) What is the approximate cost of the proposed building?

Mr. WILD replied:

(1) and (2) This work was not included in the building programme submitted by the Police Department for 1962-63.

INNER RING ROAD SCHEME

Compensation for Resumptions

11. Mr. HEAL asked the Minister representing the Minister for Town Planning:

In regard to the inner ring road proposals—

(1) What is the position in regard to compensation and which authority is responsible?

(2) Will goodwill and loss of profits be taken into account in final settlement?

Cost, and Time of Implementation

(3) What is the estimated likely total cost and period of time for implementation?

(4) When and over what period is the scheme to be implemented?

(5) Is it proposed to execute the new road in phases or at the one time?

Effect on Business Extensions

(6) Can a business man (within the resumption area), who has planned extensions, continue with the development of his property and business as he desires?

(7) Is it a fact that under the Interim Development Order no new development whatever can take place?

Mr. LEWIS replied:

(1) Compensation for injurious affection which may arise under section 7A or 11 of the Town Planning and Development Act is the responsibility of the Metropolitan Region Planning Authority.

Compensation payable if and when property is resumed is intended also to be the responsibility of the Metropolitan Region Planning Authority.

(2) Yes.

(3) No close estimate of total cost is possible. It is likely to be of the order of £40,000,000.

The complete project is designed to serve traffic needs when the population of the metropolitan region exceeds 1,250,000 people. This may be 30 years or more ahead. Construction will proceed in stages. The first stage will be the western switch road: this will be needed within the next five or six years. It is not expected that the northern section of the highway, on the general line of Newcastle Street, will require to be built for at least 20 years.

(4) and (5) See No. (3) above.

(6) Yes, provided development consent is first obtained from the Metropolitan Region Planning Authority under the Interim Development Order.

(7) No.

MOTOR VEHICLES

Licensing Under R.A.C. Formula

12. Mr. O'CONNOR asked the Minister for Police:

(1) Under the R.A.C. formula used for determining the horse-power of motor engines for licensing purposes, could he inform the House the horse-power of the following engines:—

(a) Holden;
(b) Falcon—
(i) Standard;
(ii) Pursuit;
(c) Ford Mercury;
(d) Ford Fairlane 1962;
(e) Rambler Six;
(f) Volkswagen;
(g) Opposed piston Commer truck?

(2) Can he say what the cubic capacity—expressed, if possible, in cubic inches—is of the engines mentioned in No. (1)?

(3) Does he consider that anomalies are created by the use of the R.A.C. formula for licensing purposes, and is he prepared to consider any remedial measures?

(4) How do licensing costs, as applied to current model International trucks, compare between rigid vehicles and semi-trailers to carry pay-loads of—

10 tons;
12 tons;
14 tons?

Mr. CRAIG replied:

	H.P.
(1) (a) Holden E.J. Model	22.5
(b) Falcon—	
(i) Standard	29.4
(ii) Pursuit;	29.4
(c) Ford Mercury	32.5
(d) Ford Fairlane 1962	39.2
(e) Rambler 6	23.5
(f) Volkswagen	14.7
(g) Commer, Opposed Piston	12.6

(2) The cubic capacity of a motorcar engine is usually expressed in cubic centimetres. These are—

	c.c.
Holden	138
Falcon—	
(i) Standard	144
(ii) Pursuit	170
Mercury (1956)	312
Ford Fairlane (1962) ..	332
Rambler (6)	195.6
Volkswagen	72.7
Commer	199

(3) Some years ago this State adopted the R.A.C. horse-power formula, mainly in order to conform to the practice observed in the Eastern States.

Whilst it is admitted that this formula does create some slight anomalies, in view of the administrative work involved in changing this formula, and having regard to the desire for uniformity with the Eastern States, it is not proposed to make any changes.

(4) Some anomalies could exist as between license fees payable for semi-trailer outfits and rigid vehicles.

HIRE PURCHASE

Legality of an Agreement

13. Mr. TONKIN asked the Minister representing the Minister for Justice:

with reference to the reply given on the 12th September to questions relating to an agreement on hire purchase, is not clause 5 of the agreement which was submitted to the Minister for Justice void as a contravention of section 28 (6) of the provisions of the Hire-Purchase Act?

Mr. COURT replied:

The Crown Law Department can see no reason for thinking so.

CEMENT

Capital City Prices

14. Mr. JAMIESON asked the Minister for Industrial Development:

What is the present capital city price for cement in each State—

(a) per ton ex factory to Governments;

(b) per ton ex factory to contractors;

in bulk and bag supply?

Mr. COURT replied:

An answer to the question as asked cannot be given, as capital city prices for cement are not necessarily ex factory prices. Factory locations and the consequent freight charges from factory to capital city sites vary considerably from State to State.

Comparable prices delivered central city area, or f.o.r. capital city, are—

	Government		Contractors	
	Bagged	Bulk	Bagged	Bulk
Melbourne	£ s. d. 10 5 6	£ s. d. 9 10 6	£ s. d. 11 2 0	£ s. d. 10 7 0
	Prices ex rail Melbourne, all less 2½%.			
Sydney	£ s. d. 12 18 9	£ s. d. 11 12 6	£ s. d. 12 18 9	£ s. d. 11 12 6
	Prices delivered Central Sydney.			
Hobart	£ s. d. 12 17 0	£ s. d. 11 15 7	£ s. d. 13 19 7	£ s. d. No price quoted
	Prices F.O.R. Hobart.			
Brisbane	£ s. d. 9 7 6	£ s. d. 8 15 1	£ s. d. 10 10 0	£ s. d. 9 9 3
	Prices delivered central City area.			
Adelaide	£ s. d. 9 5 6	£ s. d. 8 8 0	£ s. d. 10 6 0	£ s. d. 9 6 0
	Prices are per ton net for minimum loads of bagged, 2 tons to Government and 5 tons to Builders. Bulk, both 10 tons.			
Perth	£ s. d. 12 15 0	£ s. d. 11 17 6	£ s. d. 12 15 0	£ s. d. 11 17 6
	Prices delivered Metropolitan Area. For loads less than 5 tons, prices delivered Metropolitan Area are 3s. per ton higher.			

NORTH-WEST ADMINISTRATOR

Duties, Qualifications, Salary and Term of Office

15. Mr. BICKERTON asked the Premier: Concerning the appointment of the Administrator of the North-West—

(1) What are his duties?

(2) What are his qualifications?

(3) Has he had previous north-west experience?

(4) What will he be paid by way of—

(a) salary;

(b) allowance and expenses;

(c) any other remuneration?

(5) What is the term of office, and what are the conditions of renewal, if any?

Staff and Quarters

(6) To enable him to carry out his duties, what will be the composition of—

(a) his staff (both in the north-west and Perth);

(b) his quarters, both living and working;

(c) his staff's quarters, both living and working;

(7) What salaries and allowances will be paid to the individual members of his staff?

Headquarters

(8) Where will his headquarters be situated, and what influenced the choice?

(9) Will his duties include personal contact with other centres in the north; and, if so, how is it envisaged that this will be done?

Cost of Organisation

(10) What will be the cost of the initial establishment of him and his staff, including living quarters?

(11) What is the estimated annual cost of the organisation for the next three years; if this is not possible to estimate, what is the anticipated cost for the first twelve months?

Establishment of Consultative Councils

(12) Is it a fact that he will organise divisional consultative councils and, if so—

(a) how will these be organised;

(b) whom will they comprise, and what numbers are involved;

(c) how will the members be selected;

(d) how often will they meet, and what are their duties;

(e) will the members be paid, and if so, on what basis, and how much, including expenses;

(f) what is their term of office?

Control of Other Departments

(13) Will the administrator have control over other State Departments in the area, such as Public Works Department, Housing, Mines, Main Roads, etc.; and, if so, to what extent; if not, how will co-ordination with these departments be achieved?

Over-all Planning Committee

(14) What is meant by a Press statement that said "The Administrator will be a member of an appropriate overall planning committee"? Is this to be an additional committee, and if so—

(a) what/who would it comprise;

(b) what would be its duties;

(c) when is it envisaged that it will be formed?

(15) Is the Perth staff of the office of the North-West Department to be included; and, if so, by how many, and for what purpose?

Effect of Appointment on North-West Portfolio

(16) Is it a fact that the portfolio of the Minister for the North-West will be cancelled on the grounds that the Administrator will be carrying out the duties once performed by the Minister?

Liaison with Commonwealth

(17) Has the Commonwealth Government been consulted on the establishment of this new organisation; and, if so, what was its reaction?

(18) Has it been suggested that the Commonwealth Government have a liaison officer on the staff of this organisation; and, if so, what was the reaction?

(19) If not, why not?

Mr. BRAND replied:

(1) (i) The effective co-ordination of departmental activities in the north-west;

(ii) Maintaining close contact with all sectors of the regional community in the investigations of proposals and problems affecting the area and keeping the Minister fully advised; and

(iii) Acting as chairman of divisional consultative councils and participating in current and future planning through membership of an appropriate over-all planning authority.

(2) Long local government associations, proved administrative ability, and experience in the field of co-ordination of departmental activities, public relations, and community service.

(3) No; but he has had experience in a comparable part of Queensland.

(4) (a) Gross, £3,878.

(b) District allowance £156 and other allowances and expenses as payable to senior public servants under the Public Service Agreement.

(c) Nil.

(5) Term of five years, subject to three months' notice on either side.

(6) (a) Staff requirements and salaries will be determined by the Public Service Commissioner in consultation with the Minister and Mr. McGuigan, as required.

(b) and(c) Plans will be prepared by the Public Works Department for both office and living accommodation at Derby and will be subject to consultations between the Minister, the Public Service Commissioner, and Mr. McGuigan.

(7) See answer to No. (6) (a).

(8) The headquarters will be at Derby. This follows a careful examination of the relative merits of several locations by the Public Service Commissioner and the Chief Engineer, Public Works Department, who finally recommended Derby, and their reccommendation was adopted by the Government.

(9) The administrator's duties will include personal contact with the whole of the area north of the 26th parallel and he will be given ample travel facilities both by air and by road. It was clearly understood that the appointment involves a lot of travelling.

(10) Approximately £25,000 including buildings, furniture, and vehicles in the current financial year.

(11) Estimated annual costs of the organisation for the next three years will be dependent upon experience and consultations concerning staff requirements and salaries by the Minister, the Public Service Commissioner, and the administrator.

The estimated cost of the organisation for the current financial year to the 30th June, 1963, is £7,000.

(12) As previously announced, it is an essential part of the new administrative organisation in the north that three consultative committees be established and the administrator, in conjunction with the Minister, will be responsible for organising these.

The consultative committees will comprise nominees of local authorities in the respective areas together with nominees of the pastoral industry. The administrator will act as chairman. The Government will provide the secretary to each committee.

Details of meeting places, frequency of meetings, reimbursement of expenses, term of office, etc. will be the subject of negotiation between the Government and the respective local authorities.

(13) See answer to No. (1).

It is not considered desirable that the administrator should have executive control over the various departments, but under the proposed organisation he will achieve the maximum degree of co-ordination between the departments because of his special position and close contact that he will have with the senior departmental men in the north, as well as contact direct with the head office of the departments in Perth.

(14) The planning authority is something separate and distinct from the day-to-day functions of the administrator. He will be a member of this authority but not its chairman.

This authority when constituted will have the responsibility to prepare plans and undertake research in respect of future projects for the north.

It is proposed that the authority, in addition to the chairman, will comprise senior representatives of the Public Works, Treasury, Main Roads, Lands, Mines and Agricultural Departments, with the usual powers to co-opt or consult for special matters.

Negotiations are current for the formation of this planning authority but the exact time when it is constituted will be dependent on the availability of suitable senior people who can be released for the work.

(15) No change in the present staff attached to the Minister is proposed at this juncture but experience might necessitate reorganisation to fit in with the work of the administrator in the north.

(16) No.

(17) The Commonwealth Government has been advised in the ordinary course of discussions, but there was no need for it to be consulted on this matter.

(18) As has previously been announced from time to time the Commonwealth Government does not favour the establishment of a combined Commonwealth-State authority. There is no suggestion at the moment that it should have a liaison officer designated as such in our organisation, but under arrangements with the Commonwealth there will be continuing discussions between the various Commonwealth departments involved on special matters as they arise.

(19) Answered by No. (18).

STATE FUNCTIONS

Invitations to Dinner for King and Queen of Thailand

16. Mr. JAMIESON asked the Premier:

(1) In what capacity was Mr. W. W. Mitchell, the Government Press Liaison Officer, invited to attend the State dinner tendered to Their Majesties the King and Queen of Thailand?

(2) Would he supply a list of all invitees to this function?

(3) How many local authorities were represented at the dinner?

Representation of Local Authorities at Future Functions

(4) Would he give an assurance that at all future similar functions, less Government employees would be invited, so as to permit a wider representation from principals of local governing bodies?

Mr. BRAND replied:

I do not consider this question to be a profound and important one to the people of Western Australia. The answer is as follows:—

(1) As Public Relations Officer for the State of Western Australia.

(2) Yes. The list of invitees is as follows:—

Members of Their Majesties' Royal Suite and accompanying officials	27
Commonwealth Government representative	1
Lieutenant-Governor	1
Members of the Legislative Council	30
Members of the Legislative Assembly	50
Judges	7
Lord Mayor of Perth	1
Mayor of Fremantle	1
Service chiefs	3
Commissioner of Police	1
Archbishops	2
Permanent trade and consular representatives	4
Former Premier	1
Chancellor of the University	1
Representatives of Thai students	3
President, W.A. Branch, Australian Association for United Nations	1

Official Secretary, Government House	1
State Director, Royal Tour	1
Officers responsible for organising the tour	7
Press	6
Government Public Relations Officer	1
Clerks of Parliament	2
Public Service Commissioner	1
Under-Treasurer	1
Honorary medical appointees to Their Majesties	2

Wives of above were invited where applicable.
Six officials on duty for the dinner were invited to participate.

That was done on a decision made by myself.

(3) Two—

The Lord Mayor of Perth.

The Mayor of Fremantle.

(4) The number of Government employees invited was by no means disproportionately large for the occasion. Depending on the nature of the particular function and the extent of the accommodation available, every consideration is extended to include as many representatives of local authorities as possible. For example, when the Government has prepared a garden party list, a representative of every local authority in the State has been invited.

Mr. Graham: There is nothing very profound in the answers.

Mr. BRAND: There was nothing to hide in the answers.

QUESTION WITHOUT NOTICE

TIMBER WORKERS: DISMISSALS

Provision of Alternative Employment

Mr. ROWBERRY asked the Premier:

Is he aware that some 70 employees have been retrenched from the timber mills at Northcliffe, Nannup, and Palgarup? If so, what steps has the Government taken to provide alternative employment for these people who have been thrown out of work? Recently a special officer from the department went to Pemberton to arrange such matters. Will the Premier give an assurance that similar steps will be taken on this occasion?

Mr. BRAND replied:

No; I cannot give that assurance. The Government will only accept the same responsibility in regard to this matter that it accepts in the changing scene of employment from time to time. The case of Pemberton was one in which the policy of the Government was involved; and we considered that to be the Government's responsibility. There are ordinary avenues such as employment offices and bureaus through which employment is catered for, and the Government will co-operate to ease the situation.

METROPOLITAN MARKET ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [2.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Metropolitan Market Act to authorise the Metropolitan Market Trust to continue to conduct Chambers for the fumigation of fruit.

At the instigation of the Department of Agriculture, the Metropolitan Market Trust provided a fumigation chamber at the West Perth markets late in 1959. The purpose of this facility is to fumigate cases of fruit against fruit fly to enable such fruit to be despatched to the fruitgrowing areas in the southern portions of the State without risk of spreading fruit fly. Fumigation is carried out under supervision and no fruit is permitted to leave the metropolitan area unless it has been fumigated.

Approximately 10,000 packages of fruit, mostly stone fruit but also grapes and citrus, have been fumigated at the Metropolitan Markets this year, and experience has proved the treatment successful; in fact, so successful that for the 1962-63 season the charge will be reduced by 3d. on three-quarter and dump cases to 1s. 3d. per case; and it is now proposed to give this form of treatment more official recognition, and the regulations affecting transport of fruit to southern areas are to be amended to provide that, if fruit has been fumigated under specific conditions, it may be transported anywhere.

Although the Metropolitan Market Trust has provided the chambers and operated them at cost, the Auditor-General has on two occasions drawn attention in his report to the fact that the Metropolitan Market Act did not authorise the trust to conduct such facility, although the authority to establish the chambers has not been questioned. Legal opinion confirmed that the principal Act does not authorise the trust to conduct such a facility.

Examination of the Bill will show that it widens the purposes for which the market and its branches may be established. Ample power already exists to erect and maintain the necessary plant for any of those purposes, but in the light of modern commercial practices the purposes themselves are limited.

The passage of the Bill will therefore remove these restrictions and also authorise the trust to continue the fumigation service which was requested in the first place by the Department of Agriculture as part of its campaign against the fruit-fly pest. Anything that aims at controlling that pest must be given full support. At the same time, it is most desirable that the trust be given proper authority for the other activities connected with its efficient functioning.

I might add here that I am very pleased to say our markets at West Perth are considered to be amongst the most efficient in Australia. Their function and organisation has drawn very favourable comment from visitors; and, in fact, we have been recently informed that Queensland has used our system as a guide in establishing new markets in that State. More recently, on the occasion of the Agricultural Council meeting, which was held in Western Australia in July, the Victorian Minister spent some time inspecting the facilities at West Perth and returned very impressed and armed with full details of what he had seen.

I understand that Covent Garden in London is to be administered by a market authority which follows to a degree the constitution of the Metropolitan Market Trust, full details of which were furnished to that authority some time ago. I think we can all be very proud that we have such an efficient organisation in Western Australia—one that is able to set such a fine example to the other States.

Debate adjourned, on motion by Mr. Kelly.

METROPOLITAN MARKET ACT AMENDMENT BILL

Message: Appropriation

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

MENTAL HEALTH BILL

Second Reading

Debate resumed, from the 11th September, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. BRADY (Swan) [2.43 p.m.]: Since taking the adjournment on this measure I have had a look through it and think it will be the means of tightening up a number of weaknesses in the previous Act. One of my main reasons for taking the adjournment the other night at possibly a very inconvenient time for the Government was the fact that I had received a six-page letter from a lady who said she had been placed in Heathcote and subsequently in Claremont as an insane person when she was not insane in any way.

Despite the fact that this lady should have been released within a few days of being placed in those institutions, she was kept approximately two months at Claremont. I thought I would like to have a look through this six-page letter and compare it with some of the clauses in the Bill in order to see whether the position which arose under the old Act had been cleared up by this new measure. As far as I can see, it has been. I have here extracts from six papers—and anybody who wishes to do so can see them—showing that in Australia there have been six cases of people committed to asylums as having mental health deficiencies when they were not insane.

Mr. Ross Hutchinson: What papers are they?

Mr. BRADY: The first one is the *Daily News* of the 22nd May, 1954. The heading is, "JP Fears He Helped Commit Sane Woman to Asylum." The next one is from a paper dated the 30th April, 1955; and the heading is, "Wife's Startling Evidence Against A City Dentist." The third is from the *Daily News* of Saturday, the 21st May, 1955, and is headed, "Doctor Did Not See Man Certified As Insane." The next is an extract from *The Guardian* of Saturday, the 24th April, 1954, and the heading is, "Doctor's Wife, Sent To Asylum, Wins Her Way Out." The next is from the *Daily News* of Wednesday, the 18th May, 1955, and is headed, "Jill Embarrasses A Government." She was a young girl in Melbourne who was sent to a mental asylum and, as a result of political action that was taken, was released.

Having in my possession these newspaper extracts showing where sane people have been committed to mental asylums, together with this lady's six-page letter—which I do not intend to let go out of my hand—showing her diary over two months.

it occurred to me that it was in the realm of practicability that sane people could be committed to Heathcote and Claremont.

I remember the late Mr. Rodoreda—a former Speaker of this House—going to the airport to see some friends off, and there he met a lady who had just been brought down from the north-west. She was committed to Heathcote as being mentally deficient. He felt that was an injustice; and subsequently, I think, had action taken to see that she was released.

When a member of Parliament receives a letter such as I have, he has to take whatever precautions he can to see that this sort of thing does not happen in the future. That is the only reason I took the adjournment in the circumstances I did the other night.

Mr. J. Hegney: Was the letter written from inside the asylum or outside?

Mr. BRADY: No; I received it subsequent to an interview at my home. I thought this woman was above average intelligence. I often see her now in the city going about her normal business activities. I have not spoken to her, but there is no doubt about it that the gravest injustice was done to her at the time.

In regard to the Bill, I am very pleased to see that it has been introduced in its present form; because, in addition to people being committed to Heathcote and Claremont, they may now be taken to other approved hospitals. To my mind, that is a very good thing.

I remember some time ago being asked, as a justice of the peace, to sign a paper for a person to be admitted to Claremont. I felt that the person concerned should not have been taken to Claremont, and I inquired of a matron of a private hospital whether she could treat that person if brought to her. She was of the opinion that the patient could be treated at her hospital; and she thought that course would be better than putting the person into Claremont because of the effect this could have on the person concerned. The matron was of the opinion that so long as the doctor could prescribe the necessary treatment she could deal with the person in her private hospital. I think the Minister and the Government are taking a step in the right direction when they permit some of these cases to be dealt with in private hospitals.

The Bill provides that boards shall be set up. I think they are to be called boards of visitors and are to be composed of people who will visit the hospitals from time to time and give the patients an opportunity to interview them. The Bill also states that there may be boards for a number of hospitals. I do not know whether that is absolutely desirable. I would be inclined to think that rather than have a number of boards it would be preferable to have one, particularly in the metropolitan area.

If it is the intention of the Minister that some of the approved hospitals shall be in the country, then I can see the advisability of having separate boards; and I am pleased to know that the Government is thinking along the lines, perhaps, that even in country districts there can be approved hospitals to which people with mental disorders may go for treatment.

Clause 18 sets out the powers and duties of boards and visitors. I think another duty should be added to overcome the difficulties which the lady, to whom I referred in my opening remarks, encountered, according to her letter, when the board of visitors visited Heathcote while she was there. Instead of the board being allowed to see her, she was taken out of the institution and ushered into some part of the grounds where the board of visitors could not see her.

In view of possibilities of that description, an extra subclause might be added to the clause to read something like this—

> In addition to the other duties, the board shall see all patients admitted since the last visit of the board.

According to the Bill, as I read it, the board is obliged to visit these hospitals once a month. One can quite conceive of a person being taken away while the board is there for a few hours, and then being left for another month before being seen by the board.

If the board, in carrying out its duties, had a list of those admitted to the institution since its last visit, and insisted on seeing each one individually, we would at least reduce to an absolute minimum, if not altogether, the possibility of a sane person being incarcerated in one of these institutions. So I suggest to the Minister that he give consideration to providing that the board shall see all new patients within a reasonable time, irrespective of what other people might say or think.

There is something else which could be introduced. At Heathcote and Claremont the names of the board of visitors, if they are not already there, should be made public on a notice board. That sort of thing is done in other institutions. If we go to the Karrakatta Cemetery we will see the names of the members of the Karrakatta Cemetery Board outside the gates; and I believe that visitors to the asylum and to Heathcote should be able to see the names of those who comprise the board of visitors so that, if necessary, they can contact them and draw their attention to what may be desirable matters for the board members to know.

Mr. Ross Hutchinson: Inquiry, of course, would reveal who they are.

Mr. BRADY: It is not always advisable for people to let the officials know they are inquiring, because the officials would be put on their guard immediately and take steps to cover up. I think it is advisable for all and sundry to know who comprise the board of visitors so that they can be approached privately and given information they may not be able to get if the person wishing to see a member of the board has to be directed to a board member by some officer of the department.

In view of the statement made by the lady to whom I have already referred, and in view of the cuttings which I have revealed to the House, I think it is more essential to have the names of the members of the board of visitors made public in this instance than it is in the case of the Karrakatta Cemetery Board.

If doctors, dentists, and other people in professional callings can do certain things, it is hard to see what else they might do with the officials of these institutions. We, as members of Parliament, are here to do a job; and we want to give protection. It would appear that there are at least half a dozen cases in less than 10 years in Australia, including two in Western Australia, of people who apparently have been put into institutions, as being insane, when they were 100 per cent. sane.

There is another provision stating that if there is a psychiatrist at an institution that may be an approved hospital, he can be considered the superintendent for the sake of the Act. By and large that might be desirable—that a person who has the qualifications of a psychiatrist and is conducting an approved private hospital, should be the superintendent. On the other hand, having regard to my earlier remarks, I do not think it is desirable in regard to approved hospitals where they have the right to hold people who are insane or mental, because some of the abuses that have taken place in the past in connection with the people I have mentioned earlier could also take place in an approved hospital with a psychiatrist who might own the hospital in charge.

The other evening the member for Gascoyne—in my opinion quite rightly—drew attention to the responsibility placed on justices under this proposed new Act. I feel the responsibilities are too onerous and embracing. They go beyond what should be reasonably required from people who are carrying out an honorary service. In some districts justices are doing an outstanding job; and for them to have the responsibility, individually, of sending people to Heathcote and subsequently to Claremont and of their own volition is not fair.

Mr. Ross Hutchinson: They have not got that responsibility.

Mr. BRADY: They have in some cases, and it is a very embarrassing one.

Mr. Ross Hutchinson: Under the Bill there is no responsibility of that kind.

Mr. BRADY: The Minister may be absolutely right, but according to my reading of clauses 29, 31, and 32, a great amount of responsibility is placed on the justices, in conjunction, I might say, with a qualified medical man, in regard to sending people to Heathcote.

I hope the Minister will see his way clear to ensure that two justices will assume this responsibility in conjunction with each other, because I think that sometimes there is wisdom in numbers. I, as a justice, have refused to sign papers for people to be committed; and I believe other justices have refused to sign without seeing the people concerned. I will be quite honest in this. On one occasion a father came to me late at night to have his son taken to one of the institutions, and the story he told me was a harrowing one. I had known the family for years; and, on the evidence of the father, I signed that paper after the doctor had certified that his son should go to Heathcote. Nevertheless, I took that action with a great deal of reluctance. I point out that it is not always a son that is committed to a mental institution, but a wife, or a husband.

Justices have a great many responsibilities to shoulder without having this important one thrust upon them. Therefore I hope the Minister will have another look at the provision to see whether he can introduce an amendment in Committee to provide for two justices to act in conjunction, together with a medical practitioner. A justice might sign a document to incarcerate a man for the rest of his life. That is an extremely important step for anyone to take without considering seriously all the pros and cons.

Mr. Ross Hutchinson: When did you receive the letter to which you referred earlier?

Mr. BRADY: I received it in 1956. I had to go through a good deal of correspondence before I found it. Perhaps I could read a paragraph from it.

Mr. Bovell: You might have to table the letter if you read from it.

Mr. BRADY: Yes. I thank the Minister for Lands in drawing my attention to that fact, because perhaps it would not be fair to the person concerned if I had to table the letter. I wanted to let members know the nature of the provisions contained in

the Bill before us so that we will all have equal responsibility when the vote is taken. I have drawn the attention of the House to the cases that have come to my knowledge in the past, and to some of the aspects of the new order as contained in this measure. I am of the opinion that the amending legislation will be extremely desirable and a great improvement, and I am only too happy to support the Minister in achieving his objective. However, I still think I should draw his attention to what I regard as weaknesses in the Bill in the hope that they may be rectified and other improvements made. That is all I have to say, and I hope some attention will be paid to the remarks I have made.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [3.4 p.m.]: From the remarks made by speakers during the second reading debate, it is obvious there is no serious opposition to the principles enunciated by the legislation. In fact, it would appear that all members who have spoken endorse heartily the principles underlying the Bill. I am glad that is so; and I think it is a tribute to all those who have assisted in the preparation of this measure that comparatively few amendments have been suggested, or comparatively few criticisms have been levelled at the more detailed provisions in the Bill. However, one does not have to search very far to find the reason for this.

The Bill has had a thorough vetting by a wide cross-section of the community. The result is that although the legislation which is now before us may not be perfect, it is as near perfect as it could be, bearing in mind the subject involved. With a Bill of this magnitude and importance it is not to be wondered at that there will be some minor machinery amendments to be made; and, in fact, the Crown Law Department has advised me that a few such amendments are necessary. I would like these amendments to be moved in another place, as the preparation of the Bill has occasioned a good deal of work. The amendments do not involve principles and they could be moved without any trouble in the Legislative Council. As the criticisms levelled against the Bill could, in the main, be better dealt with in Committee, I will not enter into any detailed argument on them at this stage.

Mr. Norton: Will the Minister give us some idea of the machinery amendments he has in mind?

Mr. ROSS HUTCHINSON: Yes. But would not the honourable member prefer that I raise them in Committee as I deal with each clause in turn?

Mr. Norton: Yes; that will do.

Mr. ROSS HUTCHINSON: The member for Gascoyne drew attention to four or five aspects in the Bill and pointed out what he considered were some weaknesses. The amendment he desires to clause 29 now appears on the notice paper, and members will also note from the notice paper that he intends to move an amendment to clause 59 to provide that the next-of-kin or guardian, or the legal practitioner of any inmate shall be added to the list of those persons to whom letters can be sent by an inmate without their being opened by the medical superintendent. A further amendment to clause 55 is envisaged.

The member for Gascoyne was fearful that only a wealthy patient would have the right to apply to have his case reviewed. The provision he was referring to is contained in paragraph (d) of subclause (2) of clause 55. The honourable member mentioned that if a patient had no assets or property it would appear from the Bill that he would be unable to have moneys taken therefrom so that he could make application for a review of his case.

This is not so, because such a patient would have every right to have his case reviewed by obtaining help through the Poor Persons Legal Assistance Act. It is not intended that paragraph (d) should exclude any inmate from making application to have his case heard. The rights of an individual to seek redress regarding his status in the hospital can be gained through many channels, such as the medical superintendent, the board of visitors, any individual member of the board, a member of Parliament, or the Minister for Health. Therefore, a patient would appear to be completely safeguarded by the provisions contained in the Bill.

The reason for inserting paragraph (d) in this clause was to enable money to be used if the inmate had property or assets in the hands of the Public Trustee. This money could be used to defray the expenses of his case, if necessary. However, if a patient did not have any property or assets, his rights would not be jeopardised in any way.

The honourable member also drew attention to the time lag of one month as mentioned in subclause (4) of clause 21. In his view, in the event of the death of a permit-holder in charge of a hospital, one month was too long to wait before another permit-holder or other person was appointed to control the hospital. I would point out that in the interim someone would be placed in charge of the hospital; but it has been felt by people in other quarters that a month is too short. However, I do appreciate the view of the honourable member that it would not be a good thing for patients to be kept in a hospital where no proper person was in authority. I would point out that a

hospital may be closed at any time when the Director of Medical Health Services considers there is necessity for so doing.

The member for Subiaco spoke solely to part VI of the Bill which relates to the estates of incapable persons; and he mentioned that in clause 68 there is no specific power for managers or trustee companies to invest funds belonging to the estates of such incapable persons. He asked me to make a check to see whether it was desirable that this specific power should be incorporated in the Bill.

For his information, I have checked on this point, and it would appear to be desirable to incorporate that specific power in the legislation. I have been informed by the Crown Law Department that provisions of this kind are contained in the Perpetual Trustees Act, the W.A. Trustees Act, and the Trustees Act of 1900; but it is considered desirable to incorporate the same specific power in the Bill before us. I give him the promise that I am causing a suitable amendment to be drafted, and this will be placed on the notice paper of the Legislative Council where I hope it will be agreed to.

The member for Fremantle mentioned a matter which is purely one for discussion during the Committee stage; and I propose to refer to it then. The member for Swan mentioned a six-page letter, but he informed me subsequently that it was addressed to him in 1956. It is possible for members to receive this sort of letter, and I say quite frankly that it is possible for mistakes to be made; but they are more likely to have been made in past years, although even in the enlightened future it will still be possible for mistakes to occur. I am sure the honourable member, in reading this Bill—I do not know whether he did so exhaustively—will have appreciated the fact that every possible safeguard has been included to avoid certification, unduly long detention, and admission into a hospital unless three or four checks have been made along the road.

Once a person is admitted into an approved hospital he must be examined. After the expiration of six months, as is provided in the Bill, the patient becomes a free person, unless the superintendent examines him again to ascertain whether or not he should remain in the hospital. It is the right of the patient to be a free person unless he is examined again, and punishment will be inflicted on medical practitioners who do not observe this procedure.

This Bill has received the vetting of the Law Society, interested legal practitioners, psychiatrists, the medical fraternity, interested lay organisations, and a variety of individuals. They have all helped to produce a Bill which they consider will eminently suit the circumstances of almost every case. No doubt from time to time amendments will have to be made in the light of experience; however, the Bill is a very good one as it is.

The member for Fremantle referred to the obligation of the board to see every new patient. I tried to cover that aspect when I dealt with the remarks of the member for Gascoyne. If a patient considers he has been wrongfully committed to an approved hospital he has merely to state in writing that he has been wrongfully admitted and to request an interview with the board of visitors. In those circumstances the board of visitors must see the patient as early as possible.

There is also another avenue for redress. If a person states in writing that he has been wrongfully admitted he can receive another examination by the superintendent, by the psychiatrist at the hospital, or by his own psychiatrist. The board of visitors may also appoint an outside psychiatrist to examine the patient to ascertain whether he can be discharged.

The whole tenor of the Bill is designed to prevent people from being detained unnecessarily in mental hospitals. There is perhaps some possibility of people saying that the Bill makes the position too free and open, but I do not think so. In this day and age we have arrived at a point of time when we realise that mental illness, in many of its forms, can be treated, just as physical illness can be treated. I am pleased indeed that during the debate on the second reading there was general approval in this House of the principles contained in the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Health) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Superintendents—

Mr. BRADY: I pointed out to the Minister that it was not desirable for a psychiatrist who has a license to conduct an approved hospital, to be the superintendent of that hospital, because of the possibility of abuse taking place. I am wondering whether the Minister has had any regard for my remarks, and whether at this stage he feels it is still desirable that a person should be (a) a psychiatrist of an approved hospital, and (b) a superintendent of an approved hospital for the purposes of this Act.

Mr. ROSS HUTCHINSON: I do not think the honourable member need have any fears in this regard. Apparently he feels that a psychiatrist of an approved hospital may sign papers which will admit a patient who is not mentally disordered and who should not be admitted. I would not think that likely. I do not suppose I can say there is no possibility of a psychiatrist doing such a thing, but certainly it is not in the nature of a psychiatrist to admit a person to an approved hospital unless that person deserves to be admitted for treatment. I do not think it is necessary to take the step suggested by the honourable member.

This particular clause was included because it conforms with the concept of a person being referred by a medical practitioner. If a person who goes to a medical practitioner, or who is taken to a medical practitioner, is felt by that medical practitioner to be in need of medical treatment at a mental hospital, then that patient will be referred—just the same as in the case of physical illness—to an approved hospital. In the first instance a medical practitioner may feel a patient needs to be examined. The physician superintendent would not admit a patient to the hospital immediately, but would receive him into the hospital where, for 72 hours, he must conduct examinations to prove whether a patient should or should not be admitted. I do not think the honourable member need have any fears on that point.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Board of Visitors—

Mr. FLETCHER: I need a little clarity on this clause. The member for Swan referred to the board of visitors, and the Minister referred to it in a general way. The clause reads—

> (1) There shall be a Board of Visitors for every approved hospital . . .

Does it mean there will be a multiplicity of boards for a multiplicity of approved hospitals, or will there be an over-all board which will have jurisdiction over all the approved hospitals which exist at the present time and those which may be established in the future?

Mr. ROSS HUTCHINSON: There may be a board of visitors for each approved hospital, but it has been found that in practice one board of visitors may look after three hospitals. For example, a board of visitors has been appointed to do the work and to deal with the problems of Claremont and two other hospitals. There is a separate board of visitors for Heathcote. When an approved hospital is appointed, the same board of visitors may administer that hospital if the work involved is not too great. The position will be watched very closely because the board of visitors plays a very responsible part in safeguarding the rights of the individual in an approved hospital.

Clause put and passed.

Clauses 12 to 17 put and passed.

Clause 18: Powers and duties of Board—

Mr. FLETCHER: Subclause (4) reads—

> A Board may order a patient to be examined by a psychiatrist selected by it and that psychiatrist is thereupon authorised to carry out the examination and shall submit a report of the result thereof to the Board . . .

On whose request would this be made: the patient's or that of his relatives? The Minister mentioned earlier that after six months it is mandatory for each patient to be examined. Would the six-monthly examination cover a patient if no request is made? Would there be no examination?

Mr. ROSS HUTCHINSON: No. The board of visitors pays monthly visits and interviews very many patients. It might refer a patient to a physician superintendent or to a psychiatrist and say, "We think this particular patient is practically ready for discharge. We would like you to give him an examination to see whether or not he can be released". The report of the psychiatrist might indicate that the patient was not yet ready for release. However, the board of visitors could say, "We are not satisfied with your report; we would like an outside psychiatrist called in". An outside psychiatrist might then make an examination; and if the patient had no relatives to make application on his behalf, the patient himself might apply to the board, to the psychiatrist, or to the Minister.

Mr. FLETCHER: What about a patient who is a quiet type of person and who withdraws into himself? I would like an assurance that that type of patient, who evades having any notice taken of him, would not be overlooked in this respect. He may be a retiring type of person who withdraws within himself.

Mr. ROSS HUTCHINSON: As I intimated earlier, that type of patient will not be overlooked. That is why a period of six months is provided in the Bill; and at periodical intervals thereafter a patient will be adequately examined.

Mr. BRADY: During my second reading speech I referred to the obligations of a board of an approved hospital. In this clause there are five paragraphs from (a) to (e). Four of them say that the board shall do so-and-so, but in the fifth it says that the board may do so-and-so. I mentioned a letter in which a lady said that on

the day the members of the board visited the hospital where she was, she was ushered out of the way and was not able to see them; nor were they able to see her. I suggest to the Minister that perhaps we could add another paragraph which would read as follows:—

(f) shall see all patients admitted since the last visit by the board.

I do not want to insist on this amendment, and if the Minister can put up a reasonable case I shall not pursue the matter. However, I think the Minister would agree there would be no harm in its being in the legislation, and it would make certain that the board would interview all new patients.

Mr. ROSS HUTCHINSON: This is not a very practical suggestion, and I had hoped the honourable member would have regard for what I said earlier about the multiplicity of safeguards that exist now for individual patients in an approved hospital.

Mr. Brady: Many of those are there now; but, in the hospital I mentioned, this woman was not seen.

Mr. ROSS HUTCHINSON: I cannot follow the honourable member's remarks. Under this legislation any patient can write asking to be examined again, and to see the board of visitors. If an examination is requested that must be carried out, and there are punishments involved if the requests to see the board of visitors or to have an examination are not heeded. So I cannot see that there is any need to load unnecessary work on to the board of visitors. A reading of the Bill will indicate that the patients are safeguarded, and to include an amendment such as this would be impracticable and unnecessary.

Mr. BRADY: I do not think the Minister has put up a very convincing argument as to why my suggestion should not be agreed to. There would not be many patients admitted between the visits of the board; and, as the lady I referred to said, a board could go to the hospital two or three times and a patient might not be seen. The Minister talks about submitting an application in writing. There are many people who are perfectly sane but who do not like writing letters, and therefore I think it is an imposition to ask for a letter in these circumstances. If the board is any sort of a board at all, and it has any regard for its obligations, it should of its own volition insist on seeing all new patients. I move an amendment—

Page 10—Insert after paragraph (e) in lines 20 to 24 the following new paragraph:—

(f) shall see all patients admitted since the last visit by the board.

Dr. HENN: I think I can see what the honourable member is driving at, but I think he is being a bit hard, because it is not the board which is managing the hospital, but it is in fact the medical superintendent, who, in this case will obviously be a psychiatrist. The board has a very useful function; but to compel it to see every patient who went into the hospital each month would be a most unwieldy practice, and a most unnecessary imposition upon it.

I do not think the honourable member need have any fears, because the one object of the superintendent and the visiting psychiatrists is to get the patients out of the hospital. In a hospital there are the superintendent, the medical officer, the nurses, and the other hospital employees; and if the superintendent or the psychiatrist was not behaving himself in regard to a certain patient, and was not treating the patient properly, I feel sure one of the people I have mentioned in the hospital would bring the matter to the notice of the board. I believe the amendment is unnecessary and therefore I oppose it.

Mr. NORTON: I can quite understand the feelings of the member for Swan because I happen to know one of the cases mentioned in his second reading speech. From the information I have this person is perfectly sane, but nevertheless was put into the hospital. Had that person been visited by the board no doubt a discharge would have been agreed to immediately. The amendment is merely a safeguard and would not be a great hardship on the board because very few patients would be admitted between the board's visits at any one hospital in any one month.

Dr. Henn: How do you know?

Mr. NORTON: That can be seen from the records. As a matter of fact, in his speech last year the Minister quoted figures to show how the numbers in all hospitals were declining. A person might be admitted and discharged in between the visits of the hospital board. It is only those who are kept in the hospital that the member for Swan wishes the board to see.

Mr. ROSS HUTCHINSON: If members will read clause 18 they will see that there is sufficient power for the board or the director to see any patient at any time. It may be on a request from the relatives or from a member of Parliament: anyone may request an examination. It is just sheer redundancy to include this amendment when there is no necessity for it. I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Approval of private hospitals—

Mr. NORTON: This is the clause about which I asked the Minister to give some more detail in respect of the cancellation of a permit. What I want to know is just what happens when the permit-holder—who, I take it, would be the manager of the hospital—becomes suddenly ill or incompetent for some other reason. What is the procedure in regard to that hospital? Does the Minister, or the commissioner, or the superintendent immediately appoint a new manager to take over? If it takes a month or more somebody has to manage during that time.

Mr. ROSS HUTCHINSON: The point raised by the honourable member is a fairly logical one. Nobody wants to see a hospital conducted by a person who has not the appropriate authority to carry on the management. A period of one month has been fixed beyond which time the license will not continue, but within that month it may continue with someone holding the fort until a new manager can be appointed. It gives a period during which another permit-holder can be appointed; but if within that month it is found necessary by the Minister to close the hospital, then that may be done. I think the period of one month is a point of time beyond which approval cannot be given.

Mr. Norton: I am interested in the conduct of the hospital during such a period.

Mr. ROSS HUTCHINSON: The hospital will be carried on by the deputy manager or by a person appointed by the Minister.

Clause put and passed.

Sitting suspended from 3.45 to 4.8 p.m.

Clauses 22 to 28 put and passed.

Clause 29: Order for conveyance to hospital—

Mr. NORTON: Before I move my amendment to this clause I would like to comment on an aspect which actually comes before it. It is something that has caused a good deal of concern in the past. The original Act requires two justices to commit a person to a mental hospital, or an approved hospital. It also requires two doctors to do so; or one, if two are not available.

I think it is too great a responsibility to place on one person, to ask him to certify that somebody is suffering from a mental illness, whether or not the person concerned has a certificate from a doctor. I would ask the Minister to provide in the clause that two justices are necessary for this examination. This would not take a great deal of amendment. It would only mean the letter "s" having to be added to "justice" in all cases.

Mr. Ross Hutchinson: But that is not your amendment.

Mr. NORTON: No. The word "justice" actually comes before my amendment. If the Minister can give us some idea of what his thoughts are on this subject—and perhaps the member for Wembley might also like to do so—it would speed up the passage of the Bill. I would like the honourable member to tell us whether he considers it would be sufficient to have just the one justice accept this responsibility of ordering a person to be taken, conveyed, or received into an approved hospital.

Mr. ROSS HUTCHINSON: There is no need for two justices to sign the order. It is possible that this suggestion may be more appropriate than the amendment the honourable member intends to move; but one must regard it in the context that the justice does not sign the order for admission of a patient to a hospital—it is merely for the reception of a patient. There is a great difference between being received into a hospital and being admitted to a hospital for treatment.

A justice may be considered in the light of a conduit pipe. He is there to safeguard the rights of the individual. He does not certify that a person must go into hospital. He is only used when the provisions for the voluntary patients who are catered for under division I do not apply; and where a patient should be compulsorily placed in a hospital. Say a parent or a policeman feels that a patient is endangering the public or himself. He may take steps to have a warrant issued, and then convey the patient to the hospital. There is no necessity for two justices. The Victorian Act has been similarly amended, and even the Mental Treatment Act of 1927 does not incorporate two justices. The justice is merely the conduit pipe by which the various phases of the person's admission to hospital takes place.

Mr. NORTON: I feel there is a call for a second justice. It may not be quite so necessary in the city area, or where there is an approved hospital. But it is necessary when patients have to be escorted from long distances. In such cases it is too big a responsibility to place on one justice. It could be that his thoughts were not sure on this matter. Therefore, he would not commit them.

Mr. Ross Hutchinson: Therefore, he does not do it.

Mr. NORTON: It might be against the good health of that person or his well-being if he were not committed. If two

justices could consult each other each would be relieved of the total burden of committing a person.

Mr. Ross Hutchinson: You could go on and say there might be a conflict of opinion between two and that there should be three.

Mr. NORTON: No country town or district is short of justices, and it would not cost the State or the person anything to have two people judge their case. It is not my intention to do anything now, but I will make a submission to my counterpart in another place to see whether something can be done there. I move an amendment—

> Page 16, line 10—Insert after the word "hospital" the words "for observation and examination."

This will make it clear that a person will not be admitted until such time as he has been held for observation and examination. Under the Act he can be held only for a period of 72 hours; and this is to make the paragraph absolutely clear.

Mr. FLETCHER: Originally I took exception to the clause as printed, and I support the amendment. Since I first took exception to the clause I have read the Bill more closely and I admit that that has put a different complexion on the matter. I support the amendment but would like to see the addition of the word "only". In addition, I would rather the clause read "require that the person be taken" than "order that the person be taken".

It has been the responsibility of the almoner in the Fremantle public hospital—a person possessing the qualifications of justice of the peace—to attach a signature to any order to dispose of a patient from the general hospital to Claremont. It is necessary for that almoner to get a second signature under the Act as it now stands. She used to go to the superintendent of the prison—who was also a justice of the peace—and obtain his signature to that order. The superintendent would sign it in good faith, thus making the requisite two signatures. However, he would never have seen the patient. He would merely take the word of the hospital almoner that two doctors had examined the patient and it was necessary for that patient to be transferred to Claremont. There is considerable concern that elderly patients who are senile may be certified in this manner and sent to Claremont.

Mr. Ross Hutchinson: Without proper examination?

Mr. FLETCHER: No; the doctors do examine the patient. I think the Act provides that two doctors shall examine the patient. However, the almoner and others at the hospital are alarmed at the ease with which a patient can be committed to Claremont and it would be difficult for a person who was merely senile on occasions to be released.

Mr. Ross Hutchinson: The new Bill changes it.

Mr. FLETCHER: I admit that. I support the amendment but would like to see the word "only" added. When introducing the Bill the Minister said:—

> In a case where compulsion is necessary, this would be on the basis of a medical report and the authority of the justice for the conveyance of the patient to, but not admission to, a hospital. The final question of admission would rest with the superintendent of the hospital.

That is a laudable amendment. However, if the amendment were passed the clause would be more palatable to those whose responsibility it is to sign the necessary order for patients to be admitted to a mental institution.

Dr. HENN: It was my intention to refer to what the Minister said in his second reading speech, but that has been done for me by the member for Fremantle. I think the Minister explained the position very succinctly in the words read out by the member for Fremantle, because he stated facts which are in the Bill.

The CHAIRMAN (Mr. I. W. Manning): Order! I ask members to keep quiet, because I cannot hear what the speaker is saying.

Dr. HENN: It is quite proper that members of this Committee should concern themselves with this matter because it is one of extreme importance. We are dealing with the mentally sick, and anyone who has been associated with that sort of work will realise—and this applies particularly to members of Parliament—how important it is not to pass an Act which would in any way prejudice any member of the public.

A person should not be declared to be insane or in mental conflict in any way when he is not; and therefore we cannot pay too much attention to the clauses in this Bill. I can see the point of the member for Gascoyne when he wants to add these words to the clause, but we must refer back to division 2—Admission by Referral. Subclauses (3) and (4) of clause 28 read as follows:—

> (3) Every person referred under this section may be received into an approved hospital for observation, for a period not exceeding seventy-two hours; and during that period he shall be examined by the superintendent or another psychiatrist.

(4) If, after his examination, the superintendent or other psychiatrist is of the opinion that the referred person needs to be treated, in an approved hospital, he shall admit him as a patient; otherwise the person shall leave the hospital.

These subclauses are followed by subclause 29 (3) of division 3 which reads as follows:—

(3) Any order made under this section shall be accompanied by the referral and be presented at the approved hospital to which the person is conveyed.

That, in my opinion, would make the addition of the words unnecessary; but if I am not right in my argument, we have a provision in clause 34 (1) which certainly does.

Mr. Ross Hutchinson: That is what the amendment states.

Dr. HENN: Yes; it clinches the whole thing. It prevents anybody being ordered and conveyed and received in an approved hospital; and it prevents anybody from being held unnecessarily when he is not mentally ill, because he will be examined by a psychiatrist or a medical superintendent, or both, most likely. I think clause 34 deals quite adequately with the question raised by the member for Gascoyne, and the words in his amendment are redundant.

Mr. ROSS HUTCHINSON: I appreciate the remarks made by the member for Wembley. He pointed out that the words in the amendment are redundant, and indeed they are. The amendment does, perhaps show an appreciation by the member for Gascoyne of the purpose of the Bill, but I have already mentioned that the measure must be read as a whole in order to follow the step-by-step procedure in respect of the admission of a person as a patient in a hospital. Clause 34 states what happens to a person after being received into a hospital. It is foolish to put in redundant words; it does not make for good legislation. I refer to the definition of "patient" on page 4.

The member for Gascoyne has probably gained the impression that the words in his amendment are of some value, but they will only be additional words in the measure. For that reason they should be opposed. I do not oppose them because they do not coincide with the meaning of the Bill, but because they are unnecessary.

I refer to the remarks of the member for Gascoyne in regard to what he feels is the necessity for two justices to sign an order. This would be a retrograde step. He said he was not going to proceed along these lines now, but would get one of his colleagues in another place to move an amendment in this regard. I urge him not to do that, because there is no necessity for it. At present section 66 of the Lunacy Act provides that one justice may sign an order, and I think that in one section it provides for two.

Mr. Norton: But we do know what has happened under the other Acts.

Mr. ROSS HUTCHINSON: That is different. Here the referral order is made to a specialist to determine whether the patient may be admitted to a hospital. In the past, two justices, or one, could order a patient into hospital; and that was on the say-so of a medical practitioner and not a specialist as is stated here. Under the Mental Treatment Act only one justice is required; but under this legislation someone else has the last word in the admission of a patient to a hospital, and that someone else is a specialist.

Dr. Henn: That is the safeguard.

Mr. ROSS HUTCHINSON: Yes; and it did not exist previously.

Mr. Norton: Were there not specialists in these hospitals to examine the patient?

Mr. ROSS HUTCHINSON: Yes; but the patient would be admitted to the hospital as insane.

Mr. Norton: And retained.

Mr. ROSS HUTCHINSON: And retained, perhaps.

Mr. Norton: There is no "perhaps" about it.

Mr. ROSS HUTCHINSON: The honourable member is only wasting time if he tries to proceed with his amendment. He need have no fears in this respect. I wish to refer now to the member for Fremantle, who spoke about referrals and said that some medical practitioners would sign a document without examining the patient.

Mr. Fletcher: I did not say the doctor would do it: I said the second justice of the peace would do so without knowing the circumstances or even the case.

Mr. ROSS HUTCHINSON: Therefore the honourable member has helped me to defeat the argument advanced by the member for Gascoyne. I feel there is no necessity for these words to be placed in the clause, and the Committee should oppose them.

Mr. NORTON: I wish to make it quite clear to the Minister that I am not in any way seeking to hamper the legislation. I have known of cases which make me a little careful about having people committed. There was a very old person who had been in Carnarvon for about 60

years. He became quite senile, but not by any means mad. There was no suitable place to hold him in Carnarvon, so there was only one thing to do, and that was to have him certified.

Mr. Ross Hutchinson: He could have gone to *Sunset*.

Mr. NORTON: Let me tell this story! He was sent by the doctor—and I take it by one or two justices—to Claremont. The Minister has said that there are experts at Claremont to determine whether a man is sane or not. Well, this man was admitted; and until I intervened, through Mr. Wise, he was detained at Claremont. After our intervention he was moved to *Sunset* where he remained until his death. I am trying to be particularly careful in this matter.

I agree with the Minister that a clause further on provides for what I wish to do. But I do not agree with the comparison made by the member for Wembley. The wording might be similar, but the cases are totally different. One deals with compulsory reception and the other with voluntary admission. It is not my intention to press the amendment.

Dr. Henn: Admission by referral can be compulsory.

Amendment put and negatived.

Clause put and passed.

Clauses 30 to 54 put and passed.

Clause 55: Application to the Court—

Mr. ROSS HUTCHINSON: During the second reading debate I promised to tell the member for Gascoyne about these minor amendments. On page 30, in subclause (2) (b) the word "person" is used three times. It is intended to have it changed to "patient", which will be more in keeping with the measure.

Clause put and passed.

Clauses 56 to 58 put and passed.

Clause 59: Letters of patients—

Mr. BRADY: Can the Minister tell us why "next of kin", "guardian", and "legal practitioner" have been omitted from this clause? There is no reason why these people should not be added to the list of persons set out in the clause.

Mr. Ross Hutchinson: The member for Gascoyne has an amendment to this clause set out on the notice paper.

Mr. NORTON: As I mentioned in my second reading speech, I was of the same mind as the member for Swan; namely, that the next of kin, guardian, or legal practitioner should be added to the list of persons mentioned in this clause to whom an inmate can write without the letter being opened by the medical superintendent. My reason for suggesting this is that if an inmate wanted to write a confidential letter to his mother or to his wife he would feel more contented in his own mind if he knew that it was to be delivered unopened by the medical superintendent. Similarly, if an inmate wished to correspond with his legal practitioner on some private business, such an inmate would prefer that any letters he forwarded to his legal representative should be unopened before delivery.

Mr. ROSS HUTCHINSON: The honourable member no doubt recalls my saying I prefer that any amendment to the Bill should be moved in another place. In regard to this amendment I would be prepared to have the words, "a legal practitioner" inserted in this clause, but no mention of the next of kin or guardian. That may sound strange, but I have been informed by mental hospital authorities that letters written by inmates to their relatives can prove to be most distressing to the recipients. There is nothing to prevent any next of kin from visiting the hospital at any time during the day or at a certain hour during the night, and therefore any communication the inmate wished to pass to his next of kin could be passed by word of mouth. In the light of experience it has been found that it is not wise to allow letters from an inmate to be forwarded to his next of kin without being opened.

At present, any letters written by an inmate are forwarded to his relatives or to any other correspondent should the medical superintendent consider they are quite suitable for delivery; otherwise, they are not forwarded. I would therefore agree to my colleague in another place moving an amendment to insert the words "a legal practitioner" in this clause.

Mr. NORTON: In view of the fact that any amendment moved in this Chamber would mean the reprinting of the Bill, and in view of the assurance given by the Minister that he will direct his colleague in another place to move an amendment to this clause to insert the words, "a legal practitioner," I will not press my amendment in this Chamber.

Clause put and passed.

Clauses 60 to 67 put and passed.

Clause 68: Additional powers conferrable on managers—

Mr. GUTHRIE: During the second reading stage I spoke on this clause in regard to the investment of funds. I now thank the Minister for his statement that the

matter has been examined and an amendment to cover the point I raised will be moved in another place. In the course of speaking during the second reading, I did not enter into any details, so in order that members may have full measure of the problem I will now state what detail will need to be covered, in my view, by this clause.

For the benefit of the Minister I would mention that it would not necessarily suffice to give a manager power merely to invest the funds of a patient's estate in any investment allowable by law, and I would suggest that consideration be given to his possessing that power in any event, but having power to invest in any other investment approved by the court. Incidentally, that is the position at the moment, because the Lord Chancellor, in days gone by, and long before there was legislation such as this, did approve of investments. I doubt whether, after the passing of this legislation, there will be any inherent jurisdiction left in the court.

I will mention one case that has been brought to my attention. As members know, there is power in the Bill to enable a manager to carry on the business of a patient. However, it should be a family limited company; and the mental patient's interests may take the form of shares, debentures, and money in deposit in that company. Therefore, it is quite feasible that the judge would see fit to approve of, say, money in deposit continuing in deposit with a particular company. I happen to know of a case concerning a very well-known and old-established company in this city, with one of the members of the firm having his affairs administered under the provisions of the Lunacy Act. Therefore, in many investments of that nature difficulties could arise if the judge did not have power to authorise investments.

So I hope that when amendments are being prepared for another place, they will include one to clause 58 to enable power to be given to the court to invest the money of the person concerned in any specified investment, or the assets of his next of kin on his subsequent demise.

Mr. ROSS HUTCHINSON: I have already indicated to the member for Gascoyne that his proposed amendment would be placed on the notice paper in another place, and I will do the same with the amendment that has been suggested by the member for Subiaco in regard to clause 68 to ensure that specific power is given to the court for the investment of funds in the estate of an incapable person.

Clause put and passed.

Clauses 69 to 91 put and passed.

First schedule put and passed.

Second schedule—

Mr. ROSS HUTCHINSON: In paragraph (c), on page 52, the words, "under section six of the Inebriates Act, 1912" are redundant, as they appear twice in this paragraph. Therefore, it is intended to move an amendment in another place to remove these words at the end of the schedule.

Second schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Brand (Premier), read a first time.

BILLS (2): RETURNED

1. Grain Pool Act Amendment Bill.
2. Superannuation and Family Benefits Act Amendment Bill.

Bills returned from the Council without amendment.

PUBLIC TRUSTEE ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 11th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

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.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed, from the 11th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. BRADY (Swan) [5.5 p.m.]: I took the adjournment of the debate on this Bill as well as that on the Mental Health Bill, with a view to making some comparisons with what took place in the past, to ensure that the Bill should be passed in its present form. As far as I am concerned it seems to be in order.

The main objective of the Bill is to make it an offence for a person to harbour a patient who is suffering from a mental disorder and who should be placed in a mental home. Another amendment makes it illegal for anyone to commit a person to an institution by the issue of a false certificate; such an act becomes an offence.

Finally, provision is made in the Bill to empower a magistrate to convict a person who has been led into crime as a result of excessive alcoholism. The magistrate will be able to commit such a person to an institution where he can receive treatment. Some people may take exception to matters, which previously were dealt with under the Inebriates Act, being transferred to the jurisdiction of the Criminal Code. They may feel it is a slight on the character of those concerned to be treated under the Criminal Code. In this case it looks as if the Government is closing the door after the horse has bolted.

I would have liked to hear the Minister inform the House that he was considering the introduction of a Bill which sought to prevent excessive alcoholism. The old adage that prevention is better than cure is applicable to this problem. I urge the Minister to give some consideration to the imposition of restrictions on people who partake of alcohol to excess.

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [5.9 p.m.]: The member for Swan has no objection to the Bill, although he did raise the problem of alcoholism. This Bill is consequential on the passage of the Mental Health Bill which has just passed through the Committee stage. It provides, in the main, for the conviction of alcoholics and for the placing of them in an institution set aside for treatment, where alcoholism forms the major part of their crime. It is to be hoped that in the institution currently being built, a number of reformative steps will be taken to assist alcoholics in a practical way. Those remarks will answer in part the question raised by the honourable member.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 669A added—

Mr. ROWBERRY: This clause provides that a stipendiary magistrate may, in his discretion, order an offender to be placed in an institution established for the reception of convicted inebriates. Is there such an institution established, or is it only the intention of the Government to establish one? I thought the Minister said he hoped there would be such an institution. In placing people under restriction we should provide the facilities necessary for their treatment. Alcoholism is a mental disorder and requires special treatment.

Mr. ROSS HUTCHINSON: During my second reading speech I devoted considerable time to informing the House about the construction of a rehabilitation centre for these people, which will house 60 persons. It is in the course of construction. I hope it will be ready by March next, although I cannot say definitely at this stage.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PRISONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 11th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

> That the Bill be now read a second time.

MR. BRADY (Swan) [5.15 p.m.]: As the Minister pointed out when introducing this Bill, it is one of a series of four which more or less deal with people who are mentally afflicted. This measure simply introduces an amendment to the Prisons Act and enables a new part VIB to be inserted so that the Prisons Department can deal with such people as inebriates who are at present in institutions such as Karnet, and other institutions mentioned by the Minister. This emphasises the remark I made about closing the stable door after the horse is out. Even at this early stage the Prisons Department visualises that a number of these people will be able to obtain easy

egress from an institution for various reasons, with the approval of the Comptroller-General.

It seems that a lot of people who will be at Karnet will be there because they have over-indulged in alcohol over a long period, and it is unfortunate that society allows them to reach that stage. I hope something will be done in the near future to protect such people before they reach that stage, and the sooner we are able to close the Karnet institution the better. I support 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.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.20 p.m.]: I move—

> That the Bill be now read a second time.

This Bill has for its purpose the adjustment of salaries of judges of the Supreme Court of Western Australia, to bring them more into line with those being paid in other States. It proposes to increase the salary of the Chief Justice from £5,310 to £6,400; the senior puisne judge from £4,810 to £5,750; and other judges from £4,660 to £5,660. The difference of £150 in the rates payable to the senior puisne judge and the other judges follow established precedent for seniority.

It will be noted that there is a slight difference between the salaries actually paid and those stated in the principal Act; namely, £5,250, £4,750, and £4,600, respectively. This difference is in consequence of the cost-of-living variations provided for in subsection (1a) of section 5 of the principal Act.

An investigation has shown that in New South Wales the Chief Justice receives £7,250, and the puisne judge £6,500; in Victoria, the Chief Justice receives £7,250 and the puisne judge £6,475; in Queensland, the Chief Justice receives £6,400, and the puisne judge £5,900; in South Australia, the Chief Justice receives £6,250 and the puisne judges £5,550; in Tasmania, the Chief Justice receives £5,200 and the puisne judges £4,600.

It will be seen, therefore, that the salaries proposed for the judges in Western Australia—namely, £6,400, £5,750, and £5,600 respectively—although higher than those paid in South Australia and Tasmania, are lower than those in New South Wales and Victoria. They are approximately the same as in Queensland and close to the average of the rates paid in other States.

Although it is invidious to compare judges' salaries with those of senior public servants, nevertheless judges have, in fact, suffered in comparison with salaries now paid to senior officers in the service. The last increase in judges' salaries operated from the 1st January, 1959. Since then officers in the Public Service gained a considerable increase in consequence of the margins decision. Certain of the top level officers received increases ranging from £488 to £518 per annum.

The highest paid officer under the Public Service Act is now paid a salary of £4,638 per annum, which is only a few pounds less than the salary of a puisne judge. The 1959 amending Act increased judges' salaries by £1,100 per annum. That increase brought their salaries to a level above Tasmania, but somewhat lower than that of the other States. The position was improved in the light of what had previously obtained, but since then the value of their salaries has considerably deteriorated in comparison with all the other States except Tasmania.

Mr. Graham: The judges would not be the only ones in that category, would they?

Mr. Brand: Who are you referring to?

Mr. Graham: Myself.

Mr. COURT: I think I will confine myself to the judges for the time being. The judges occupy a vital and independent position in the body politic and are the people's guarantee of justice as between them and the executive, and as between citizen and citizen. There is no provision for the periodical review of judicial salaries. Judges are dependent on the goodwill of the Legislature, which can only be invoked by the executive. English history has demonstrated that not only should the judges have independence by security of tenure and be divorced from the Civil Service, but they should have a measure of remuneration and financial security..

This Bill, if passed, will correct the existing anomalies and authorise the payment of salaries to judges at rates which will compare favourably with the average salary of the other States. It is, I believe, a reasonable proposition which

merits the support of this House. Provision has been made in the Bill for the increased rates to operate as from the 1st July, 1962.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Message: Appropriation

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

BUSH FIRES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 6th September, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

MR. KELLY (Merredin-Yilgarn) [5.26 p.m.]: This is a Bill of great importance, affecting as it does all parts of the State. I cannot let this opportunity pass without saying that it was very refreshing to hear the Minister giving such a clear and lucid explanation of the measure. It was undoubtedly in marked contrast with what has occurred with some of the Bills we have had in recent times.

Mr. Brand: You have spoilt a good speech.

Mr. KELLY: As a matter of fact, because of the very fine explanation we were given of the various clauses—and there are a number of new provisions in this Bill—one finds it possible to read very intelligently what is contained in the measure, and it does lessen to a great degree the need for voluminous comments.

As the Minister told us, this amending Bill has been brought down partly because of previous experience; partly because of the disastrous fires which have swept this State on several occasions—resulting in great loss of property but, fortunately, without loss of life—and as a result of the findings of the Royal Commission which was appointed following the last disastrous fires.

Taking into account the recommendations of the Royal Commission, the general review which has been given to the necessity for improving the Act, and, finally, in the light of experience, it has been possible for the department, through its Minister, to bring down a Bill which must meet with the approval of all those who take an interest in this matter.

I desire to thank the Minister for Lands for making available to me all those notes which led up to the decisions which were reached and which might be termed explanatory notes, because they have been very helpful to me in forming an opinion.

I do not propose to deal with the amending Bill in detail; because, as I have said, we have had ample explanation of it from the Minister when he introduced it at the second reading. However, there are a few short comments I would like to make at this stage. I think the increase in the number on the board from 10 to 13 could have a very desirable effect, because it will bring in three entirely new opinions and that will be a guide not only to the board itself, but also to bushfire officers throughout the State.

One of the three new representatives will be a member of the outer suburban shires, and I think the inclusion of such a person could have a broadening effect on the machinery of this legislation. Another very necessary inclusion is the Commissioner of Police, or his representative I take it. Frequently we find in districts, particularly where fires are under way, that the police play a secondary role to that of the firefighting organisation. In my view a co-ordination of effort is desirable and a great deal of good could come from the inclusion of the commissioner or his representative on the board. The third and final new representative will be from the associated sawmillers and timber merchants.

I think that in the past one weakness in the Act has been evident even to laymen, and I refer to control over the huge heaps of sawdust and so on which are burning almost alongside fairly heavily-timbered country. Undoubtedly that has been a severe hazard in the past. To have a representative of this section of the timber industry on the board to accept some of the responsibility should prove most effective, and I look forward to a great improvement in regard to what in the past has been some laxity in the disposal of waste at mills in general. The inclusion of these three members will undoubtedly broaden the scope of the board and will enable it more successfully to deal with fires throughout the State.

There is a clause in the Bill which refers to the power of entry. Normally I am opposed to such a provision. Under this clause bushfire control officers and the police will be enabled to go on to a person's property to make investigations where it is considered there might have been some negligence or some deliberate intent about lighting a fire which has become a menace to the district. In past times it has been possible for an officer to go on to a property, I understand, only during the course of a fire and the amendment in the Bill

will broaden that power by enabling officers of the bushfire control section, or the police, to enter properties when a breach is thought to have occurred. That will be usually immediately following a fire.

As I said, normally I am opposed to allowing officers of any kind to enter people's private property. I have opposed this proposition when it has meant officers entering people's homes; but in this case, of course, the object is an entirely different one. Therefore I find myself in agreement with the conditions laid out in the Bill.

In fact, allowing a right of entry to these officers could mean that a person who has had nothing whatever to do with the starting of a fire, but who could easily be blamed for allowing it to get away on his property, would be exonerated following an investigation. That sometimes happens; and I think this clause could have the effect of enabling these officers, very soon after a fire had occurred, to discover just where the responsibility lay; or, if it were not caused by carelessness, they would soon be able to state that no blame was attachable to anyone. These officers would be in a position to find out for themselves once they were able to enter the property concerned.

There is another clause which gives the local authority the power to extend the prohibited burning time, up to 14 days, if it is considered that the weather hazard would have an effect and a fire lit within that period could cause a danger. This provision has been in the Act previously: but, in the past, if a local authority did not indicate, prior to the opening date, that it intended to extend the prohibited period, it had no authority after the opening date to impose any control, even though a severe hazard might develop within one, two, or three days after the opening date. That position will be rectified by this amendment; and exercised, as it will be, with judgment by the local authorities, I think it could be the means of preventing some fires from getting away.

There is another matter which I consider to be a weakness in this legislation, although it is in the parent Act as well—I refer to the appointment of bushfire control officers. In many cases fires have not occurred in areas where bushfire brigades are in existence. Consequently many bushfire brigade officers have had no actual experience of bushfire control work. They may have read articles or pamphlets which are supplied and which would give some indication of what was expected of an officer, but they have had no actual experience of what method would be the best to adopt. Of course, circumstances would vary in every district, and almost on every day because of the prevailing winds, and for many other reasons.

Therefore, I do not know how we could overcome the position unless we could run schools where our bushfire control officers could attend periodically. If not all of them could attend then perhaps the leaders of those brigades could attend classes and be shown how to act in cases of emergency. I know, because I have had to fight about seven or eight fires in the last few years, that there is a pronounced lack of skill and knowledge when some of these officers have to face up to a responsibility and direct the fighting of a fire once it starts to get away.

As a matter of fact, on one occasion—I think it was last year—a fire broke out adjoining a property that I know very well, and within a matter of 20 minutes that fire had literally galloped a mile and was totally out of control. It went from that property right through to the coast, a distance of about nine miles, and there the prevailing winds changed its course and it burnt almost down to Mandurah.

Of course, a number of bushfire brigade officers were in attendance, but in those circumstances it is difficult for such a large number of men to agree on the best method to adopt in fighting the fire. Each man has his own ideas and that is where I think there is a weakness in the Act in willy-nilly appointing officers without training them as to the best methods to adopt in fighting fires.

In many cases and on many counts these men who, after all, are only laymen, are inexperienced; and that must have a deleterious effect on the ultimate result when they are fighting fires which can bring disaster to the State. I suppose one could name at least 50 per cent. of the brigades which come under this Act and which up to this time have had no experience in fighting fires in their districts. Therefore I say to the Minister that some close attention should be given to the matter in an endeavour to overcome this problem, because it could have a far-reaching effect; and unless we have experienced people in all districts we are placed in a very vulnerable position.

There is one other point to which perhaps the Minister has not given his attention, or it may not have come under the notice of the board, but I think it is worth commenting on at this time. I refer to the habit of Western Australians, and I suppose of all people in the warmer climates, to go picnicking during the summer months. Frequently we will find picnic parties on the road between here and Northam, or on any of the main arteries. They can be found not only on Sundays but on other days of the week also, and particularly over the week-ends and even late in the afternoon.

People go out with the intention of boiling a billy and making billy tea, and in a number of instances one finds the same areas are used over and over again. Every time I travel the road to the goldfields I find many of these spots frequented by people picnicking. As we are imposing conditions in regard to the control of fires, I believe we are not being fair to many of our people if we do not make some provision in most of these popular spots to enable them to build a fire in a contained area so that they can make a billycan of tea.

It would be quite easy and inexpensive if the board were to closely examine these areas I have in mind, with the idea of placing at intervals, or at least in the most deserving places, a very plain fireplace, with perhaps a supply of wood in close proximity, if none were available, which would enable picnic parties to enjoy what they have been accustomed to enjoy for many years, without fear of prosecution.

Another portion of the Bill deals with the recovery of expenses by the bushfire brigades. I understand the early Act had a section which dealt with just this very matter. For some unknown reason, however, it was taken out of that measure, and the desire now is to re-enact that part. This refers to cases where gross carelessness or disregard for ordinary precautions have brought about a fire at which the brigade has had to act on behalf of the local authority, and as a result of which it has incurred expenses. I understand that under this legislation those expenses can be claimed by the brigade from the local authority which, in turn, would have to charge the people responsible for the calls that had built up the costs.

Mr. Bovell: If, of course, they refuse it will have to be decided in a court of summary jurisdiction.

Mr. KELLY: That is right; and I understand that is provided for in the parent Act. Another matter on which I wish to comment, and one that has a very reasonable application, is the production on request of a forest officer, of a permit to burn. I know that on many occasions in the past bushfire brigade officers have gone on to properties where smoke was evident from fires that had been lit; and on discussing the dangers that were inherent in the actions that had brought about the lighting of these fires, they were told in conversation that the people concerned had a permit anyway. As a result the officer had no means of checking this until he returned to headquarters, after which quite a lot of time would have elapsed, and in some cases he would have had no witness of the happening, or that he had been given the information in question.

Accordingly the Bill provides that on request by a forest officer the permit must be produced. In this case again there is a penalty for failure to comply. There are a number of new small clauses that deal with matters such as the burning of carcases of sheep that have perished; or the carcases of any stock at all that it is necessary for the settler to cremate. This practice has normally been carried out without any precaution at all. From now on it will be necessary for these carcases to be burnt between the hours of 6 p.m. and 11 p.m., when the danger is likely to be less. So that difficulty will be overcome.

There is also a precaution in the amending clauses of the Bill which covers the lighting of incinerators, the lighting of lime kilns and brick kilns, and also the burning of sawdust and waste timber. As I mentioned earlier, the appointment of a sawmillers' representative will overcome the last of these items; and greater precautions will be taken from now on. I think it is well to bring in line those people who are in a position to burn lime or bricks, because undoubtedly there is a hazard in both these methods of burning. Accordingly, the powers provided to direct occupiers to exercise more caution will achieve a very satisfactory purpose.

Throughout the wording of the amendments a number of anomalies have also been corrected; and this too would have a very good effect. Taking the Bill throughout, it does undoubtedly ensure that we now have a reasonable approach to overcoming the great hazard that has been with us for quite a long time; and although the activities of many of the officers in the bushfire brigades, and those of the board itself, have always been of a very high order, undoubtedly the legislation we now have before us will make the job of these officers a great deal easier. I feel it will lend itself to greater efficiency, and will have a beneficial effect all round. It will also be responsible for deterring many of those who normally would commit breaches without realising they were doing so. I therefore have much pleasure in supporting the Bill.

Debate adjourned, on motion by Mr. Mitchell.

House adjourned at 5.50 p.m.