Legislative Assembly

Tuesday, the 31st August, 1965

CONTENTS

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

THE SPEAKER (Mr. Hearman): I desire to announce that, accompanied by the member for Dale, the member for Narrogin, the member for Canning, and the member for Maylands, I waited upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech at the opening of Parliament. His Excellency has been pleased to reply in the following terms:—

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

QUESTIONS (10): ON NOTICE

CHEQUES

Misuse: Protective Coverage

1. Mr. HALL asked the Minister for Police:

> As there is growing concern amongst large and small business concerns at the indiscriminate issuing of cheque books by trading banks and the misuse by persons with insufficient funds to meet payment on presentation, and to counter the fly-by-night customer, will he undertake to make public the section of the Police Act (64A) so as to acquaint the traders of protective coverage?

Mr. CRAIG replied:

> Yes, arrangements will be made for publicity to be given to this matter.

ALBANY POLICE STATION

Auxiliary Power: Installation in New Establishment

2. Mr. HALL asked the Minister for Police:

> As power failures at Albany have placed the police in a very invidious position when endeavouring to co-ordinate emergency services under such circumstances without lighting of any description, can he advise if thought has been given

to installation of auxiliary service when planning of new police station for Albany?

Mr. CRAIG replied:

If circumstances warrant it, consideration will be given to the installation of an auxiliary service in the proposed new building.

POLICE STATIONS

Ball-point Pens: Issue and Use

3. Mr. HALL asked the Minister for Police:

Is it true that a circular was issued State-wide through the Police Department advising re issue of ball-point pens as follows:—

Approval has been given for the issue of three ball-point pens each quarter to each police station to be used for the preparation of firearm licenses and documents requiring duplicating work issued to general public. And it must be understood very clearly that this issue of ball-point pens is not and I repeat is not for general correspondence or recording work. ?

Mr. CRAIG replied:

Yes.

MAGISTRATES

Non-appointment of Qualified Public Servants

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

(1) How many Government servants have passed the necessary magistrates' examination but not been appointed to the bench?

Qualified Non-Government Personnel

(2) How many non-Government persons have the necessary qualifications for appointment as a magistrate other than legal practitioners?

Mr. COURT replied:

(1) Three officers of the State Public Service have passed the prescribed examination in law as required by section 25 of the Public Service Act to qualify them for appointment as stipendiary magistrates. Two of these have not applied for recent vacancies.

(2) One, a retired police inspector, now aged 66 years.

LEGISLATIVE ASSEMBLY DISTRICTS: REDISTRIBUTION

Crown Law Department Advice

5. Mr. TONKIN asked the Premier:

(1) With reference to his refusal on Wednesday, the 25th August, to table a copy of the latest advice received from the Crown Law Department on the matter of redistribution and the Governor's duty with regard thereto, on the grounds that "advice received by a Government from its law officers is confidential," when did this Government decide on the present policy?

(2) Is he aware that in 1960 his Government tabled Crown Law file 1231/48 containing advice received by the Government from its law officers in connection with the same subject on which he now claims privilege?

(3) Is it because the Crown Law Department's advice on this occasion (which is necessarily based on the judgment of our Full Court on the Electoral Districts Case) does not support the line of action his Government is currently taking that he acts contrary to precedent and refuses to table that advice?

(4) Did Mr. Wilson, on behalf of the Government, say in the Electoral Districts Case in the Full Court on the 14th April, 1961—

(a) "It would have been remarkable indeed if Parliament had set out in Act No. 1 of 1959 to expunge the proclamation. Now, let us assume for the moment it did: What then is the position? Immediately on the passing of the Act the report of the Chief Electoral Officer, which is not affected by the Act is still there, is still in existence and unaffected by the Act. It would require the issue—the immediate issue, one would think, after the time of the thing . . ."

(b) "What would be the position otherwise? Immediately a fresh proclamation should issue—Parliament, I submit, doesn't pass Acts without seeking some objective, and I submit the objective here was to preserve the *status quo*—to stop the redistribution from proceeding at that time"?

(5) Do the extracts above quoted, convey a meaning different from that which in full context they were intended to bear?

(6) If "Yes," will he explain how this is so?

(7) If "No," do they not mean that Mr. Wilson expressed to the court the view that the receipt by the

Minister of the report of the Chief Electoral Officer on the state of the rolls and showing the requisite number of seats out of balance, required the issue by the Governor of a proclamation directing a redistribution?

Mr. COURT (for Mr. Brand) replied:

(1) It is not a question of policy but of a long standing rule of practice, which may be departed from as a matter of discretion. See May's *Parliamentary Practice*, 17th Edition, pages 272, 459.

(2) I am aware that Crown Law File 1231/48 was tabled in 1960.

(3) No.

(4) to (7) The transcript of the argument in the Supreme Court records Mr. Wilson as saying the words set out in the question.

The full context of the extracts quoted was that counsel for the Government was presenting submissions on a number of distinct questions of law. The primary argument (see the transcript, pages 36-66) was that there was no legal duty imposed by section 12 (2) of the Electoral Districts Act upon the Governor to issue a proclamation.

Having dealt with primary argument, counsel then proceeded to deal with the argument that if there were such a duty arising under the Statute (which was not conceded), in the then present circumstances that duty had been effectively and finally discharged by the proclamation issued in April, 1959, and that the subsequent Act cancelling the proclamation ought not to be construed as reviving any duty upon the Governor. At pages 69-70 of the transcript (i.e. the passages quoted) counsel was attempting to show the absurdity of imputing to Parliament an intent to cancel the proclamation in its entirety as distinct from merely putting an end to the redistribution pursuant to the proclamation, if immediately upon the passing of the Act the duty to issue a fresh proclamation revived.

The point counsel was trying to make was that the Act would on that view have achieved nothing and therefore it should be construed in the alternative manner as submitted by the Government. For the purposes of this argument he assumed the existence of a duty.

SMALLPOX

Warning of Increase, and Vaccinations

6. Mr. FLETCHER asked the Minister representing the Minister for Health:

(1) Is he aware of *The West Australian* Press comment recently regarding a "smallpox warning" on grounds of a 400 per cent. increase in passengers through the Perth Air Port since the inception of jet aircraft?

(2) Is he further aware that Dr. Young of the Commonwealth Department of Health is recorded as recommending that all over the age of 12 months should be vaccinated against smallpox?

(3) Has the Public Health Department given thought or action to implementing such a policy as in (2)?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Yes.

(3) It has been (and is) the department's policy to encourage smallpox vaccination of—

(a) Children, prior to commencing school; and

(b) Adults likely to be first exposed to infection, e.g. nurses, hospital personnel, dockworkers, and similar groups.

LEGISLATIVE ASSEMBLY DISTRICTS

Quotas, and Electorates out of Balance

7. Mr. CORNELL asked the Minister representing the Minister for Justice:

(1) What would the respective figures be for—

(a) metropolitan area;

(b) agricultural, mining, and pastoral area

if new quotas based on enrolments as per the electoral rolls—

(i) for the 1965 biennial election;

(ii) as at the 31st July, 1965,

were ascertained?

(2) On these new quota figures, what electorates would have been out of balance on the two dates mentioned?

Mr. COURT replied:

(1) If new quota figures were ascertained in accordance with sections 5 and 6 of the Electoral Districts Act, 1947-1963, they would be as follows:—

	Metropolitan Area	Agricultural, Mining, and Pastoral Area
Based on enrolments on the rolls made up for the triennial election held on the 20th February, 1965	11,295	5,907
Based on enrolments on the rolls as at the 31st July, 1965	11,666	5,952

(2) The enrolments in the undermentioned electoral districts would have fallen short of or exceeded the appropriate new quota figures by twenty per centum:—

	Metropolitan Area	Agricultural, Mining, and Pastoral Area
Based on enrolments on the rolls made up for the triennial election held on the 20th February, 1965	In the following electoral districts the enrolments would have exceeded the new quota by 20 per cent. :— Balcatta Bayswater	*Nil*
	In no electoral district would the enrolments have fallen short of the new quota by 20 per cent.	
Based on enrolments on the rolls as at the 31st July, 1965	In the following electoral districts the enrolments would have exceeded the new quota by 20 per cent. :— Balcatta Bayswater	Darling Range
	In the following electoral district the enrolments would have fallen short of the new quota by 20 per cent. :—	
	Nil	Merredin-Yilgarn

AIR TRANSPORT

Freights to the North-West

8. Mr. BICKERTON asked the Premier:

What are the air freight loading figures from Perth to the following points for the last 12 months:—

Port Hedland;
Marble Bar;
Shaw River;
Hillside;
Mt. Magnet;
Cue;
Roebourne;
Onslow?

Mr. COURT (for Mr. Brand) replied:

The following information has been made available by the company:—

Port Hedland—497,541 lb.
Marble Bar—52,429 lb.
Shaw River and Hillside—48,209 lb.
Mt. Magnet—29,530 lb.
Cue—12,248 lb.
Roebourne—155,824 lb.
Onslow—68,059 lb.

AIR POLLUTION

Kwinana and Cockburn Sound Area: Incidence

9. Mr. GRAHAM asked the Minister representing the Minister for Health:

(1) What tonnage of sulphur oxides is being emitted daily by the existing works and factories at Kwiniana and Cockburn Sound?

(2) What increase in tonnage of sulphur oxides is expected to come from the oil fuel used at the proposed 240 megawatt Kwinana power station?

(3) At what height will the chimney or chimneys of the new power station deliver their waste gas to the atmosphere?

(4) Over what area is it anticipated the pollution from the new power station will spread?

Mr. ROSS HUTCHINSON replied:

(1) Between 50 and 60 tons per day.

(2) 55 tons per day.

(3) The calculation of the height of chimneys for power stations is an involved technical problem. All the necessary data for solving it in this case are not yet available.

(4) Sulphur dioxide is a gas and will be dispersed into the upper atmosphere. Consequently, when the chimney has been built to the calculated height, it is anticipated that there will be no air pollution at ground level.

AGRICULTURAL SOCIETIES: GOVERNMENT GRANTS

Allocations

10. Mr. RUSHTON asked the Minister for Agriculture:

(1) Has the total fund available to agricultural societies on a £2 for £1 basis been allocated for the year 1965-66?

(2) If so, to which societies have the grants been paid or allocated, the amounts allocated and for what purpose have they been made?

Applications Declined

(3) Have any applications been declined?

(4) If so, who are the societies and amounts involved?

Future Aid

(5) Is it intended to continue similar assistance for another year?

Mr. LEWIS (for Mr. Nalder) replied:

(1) Of the £10,000 provided for 1965-66, £6,897 has been allocated. Further acceptable proposals subject to submission of details amount to £4,210.

(2) Firm allocations are as follows :—

Name of Society	Amount £	Purpose
Harvey	730	Dairy cattle stalls.
Mingenew	1,425	Sheep yards.
Brunswick	516	Cattle pens and poultry shed.
Koorda	528	Sheep and pig pens.
Merredin	1,150	Cattle pens.
Beverley	300	Additions to poultry pavilion.
Gidgiegannup....	606	Poultry pavilion and sheep and pig pens.
Waroona	542	Sheep and cattle pens.
Perenjori	1,100	Sheep pens.
	£6,897	

(3) Yes.

		£	
(4) Dalwallinu	....	500	For sheep pens purchased prior to announcement of subsidy.
Brunswick	....	125	For pigeon shed.
Bridgetown	....	205	For sheep pens purchased prior to subsidy scheme.
Kelmscott	....	193	For exhibition shedf or pedigree goats.
Narrogin....	....	4,267	For replacement of old sheep pavilion deferred due to priority being given to new projects.

(5) £10,000 will be made available each financial year.

QUESTIONS (2): WITHOUT NOTICE

POLICE STATIONS

Ball-point Pens: Issue and Use

1. Mr. HALL asked the Minister for Police:

In view of his answer to question 3 on today's notice paper—

(1) Does he, or does he not, think the issuing of the circular relevant to ball-point pens was niggardly in character and not in the best interests of the service?

(2) Can he advise whether the Police Department issued ball-point pens or fountain pens for the purpose of recording the names on the occasion of the raid on the teenage party at Redmond on Saturday, the 28th August?

Mr. CRAIG replied:

(1) The instruction was issued as a result of representations made by the Police Union.

(2) I am not aware of the circumstances.

TRAFFIC ACCIDENTS

Industrial Vehicles: Involvement and Control

2. Dr. HENN asked the Minister for Police:

Recently in the Leederville area two young children were killed by vehicles other than passenger-carrying types. I therefore ask the Minister: Has he any information that progress on the roads of industrial equipment such as mobile cranes, concrete mixers, tractors, etc. is the cause of a specific type of accident? If so, would he investigate the possibility of regulating the movement of these vehicles so as to reduce the chance of accidents in which these types are involved?

Mr. CRAIG replied:

The two accidents referred to were both instances of young children running across the road into the side of vehicles. One vehicle was a mobile crane and the other a concrete mixer. The characteristics of the vehicles cannot be attributed to the cause of the accidents. No information has been tabulated which indicates industrial types of vehicles are inherently more dangerous on the roads than other classes of vehicles. Where these vehicles conform to regulations as to dimensions and standard equipment, no special regulatory measures for their movement are considered necessary. Oversize vehicles of all classes run under special conditions designed for their safe movement.

LAND ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 19th August, on the following motion by Mr. Ross Hutchinson (Minister for Works):—

That the Bill be now read a second time.

MR. GRAHAM (Balcatta) [4.45 p.m.]: After the Bill had been introduced and we had listened to the remarks of the Minister for Works I studied the measure and, to be perfectly frank, felt that it accorded with a situation in order to allow a *bona fide* firm or body corporate, in which at least some of the personnel of the firm were not qualified architects, still to be in a position to use that term when describing the partnership in advertising and at other times.

It was my intention with but a few words to give my blessing to the measure. However, several days after the Bill had been introduced I was approached by one who is a qualified consulting engineer, and he has raised considerable doubts in my mind. I hope that I am able to do his point of view justice to the extent at least that the Minister will give further consideration to this matter.

From the remarks of the Minister it appears that the Institute of Architects and the Architects Board are in favour of this Bill, and I should say that is quite understandable because it makes one-way traffic of a principle. Members will see from a reading of the Bill, which is exceedingly short, that it deals, or pretends to deal, with situations where there are architects and engineers, planners, surveyors, and/or quantity surveyors who

might be associated with the architects in a particular business conducting the work of more than one profession.

The situation is that under current law, of the people likely to be affected only architects have legislation governing their activities. Anyone here can call himself an engineer, a planner, or a quantity surveyor. He is not, however, able to call himself an architect; and therefore the architects are in a privileged or protected profession. With that I have no particular quarrel; but if we are seeking to take steps to make it easier for architects to form their business concerns and conduct their work, I do not see that it should be to the detriment of other professions.

For instance, there could be a firm of engineers which is engaged principally in the work of designing factories and in which the content of architectural work might be only, say, 10 per cent. of the work that is performed. There could be in that firm three engineers, who are directors, and one architect. However, under this legislation it would be unlawful for that firm to call itself "engineers and architects" because it is proposed that two-thirds of the directors shall be architects before the term "architects" can be used. Therefore, if there were three engineers, there would have to be six architects—in other words, another five—who would be quite unnecessary—to be picked up from somewhere else.

Mr. Ross Hutchinson: I am afraid I still cannot see your point.

Mr. GRAHAM: The proposition in the Bill is that where a body corporate desires to trade under the name of "architect", or as a firm of architects, two-thirds of the directors must themselves be architects and hold two-thirds of the voting strength. What would be the position of a firm which does engineering work—which, of course, more than likely also embodies quantity surveying—and a small amount of architectural work?

Mr. Ross Hutchinson: But that has nothing to do with this Bill. It is not intended that those people should be included.

Mr. GRAHAM: If the Minister will allow me, it has everything to do with this Bill, because such a firm could not call itself engineers and architects. It could not use the term "architect"; yet, in fact, it is a firm of engineers and architects. However, there is nothing to stop a firm of architects calling itself engineers and architects, whether one of the principals or directors is, in fact, an engineer or not; or if merely an employee is an engineer.

From the look on the face of the Minister he is unable to follow me, but I think it is a most important point. It means that architects will be at libetry to call themselves architects and engineers, architects and planners, architects and surveyors, or architects and quantity surveyors; and there is, and there will be, nothing under the law to prevent them from doing so. However, if an engineering firm, or a firm whose work is carried out largely by one of those other professions, but which also does architectural work, wants to use the term "architect" in its style and title, it will be forbidden by law to do so unless two-thirds of the directors of that engineering firm are architects.

Mr. Ross Hutchinson: That is right. The term applies to an architectural company, not an engineering and architectural company.

Mr. GRAHAM: I feel that I have expressed myself two or three times on the same point apparently without the Minister being able to grasp the substance of my argument. Let us assume a position where there are two people, one an engineer and one an architect and they are in business together, or want to be in business together. Why should they not be able to call themselves a firm of engineers and architects? Under this legislation they could not do that. It would be necessary to appoint another architect to the board of directors and give him a vote in order to have the two-thirds preponderance. Therefore, this Bill will have the effect of stultifying a number of people in business, or who wish to go into business, and surely it is not the intention of the Minister or the Government that that should be the case.

Mr. Guthrie: That would apply only in the case of forming a body corporate. If they want to form a partnership this Bill will not affect them.

Mr. GRAHAM: If they want to form a partnership, what is it to be called?

Mr. Guthrie: Engineers and architects. This Bill only deals with corporate bodies.

Mr. GRAHAM: That is so; but there is a general ban on anybody using the term "architect" unless he has been accepted by the Architects' Board. The Architects Act came into operation quite a few years ago, and I will quote from section 29. It reads as follows:—

> (1) After the expiration of six months from the commencement of this Act no person, unless he is registered under this Act, shall take, use, or adopt the title or description of architect or architectural practitioner, or shall use any name, title, words, letters, additions, or description implying or leading to the belief that he is, or by words or conduct shall hold himself out as, or imply that he is, registered under this Act, or that he is qualified to practise as an architect, or is carrying on the practice of architecture.
>
> Penalty: Fifty pounds.

I repeat, the architect is protected under law, but the engineer, the quantity surveyor, and the planner are not. There is some protection for a licensed surveyor under appropriate legislation. I have here a communication which I received from a chartered consulting engineer, and I will read it for the edification of the Minister and others. It is addressed to me, and is as follows:—

> Dear Sir,
>
> The following points summarise my personal thoughts on the Bill to amend the Architects Act, 1921-1960. These thoughts are naturally biassed towards the engineering profession.
>
> 1. I agree that Architects should only enter into partnership with kindred professional people.

There is no argument on that score between the Minister and myself, or between the legislation and the correspondent. To continue—

> 2. Should section 3 (b) (i) be worded to include engineers with qualifications suitable for acceptance as an associate or a member of the I.E.A.—

That is the Institute of Engineers of Australia. The letter goes on—

> there are many highly skilled engineers excluded by this.

So, it will be seen that this is a mild criticism of lines 27 to 29, inclusive, on page 2 of the Bill. To continue—

> 3. Does the Act mean that a firm "Joe Smith and Associates Engineers & Architects" cannot be registered either as a partnership or a limited liability company because one is an engineer, one is a surveyor and one an architect? The main work may be foundries or factories and all the architect is required to look after is the office accommodation and change rooms.

If my analysis of the Bill be reasonably correct, it would not be possible for such a firm to call itself engineers and architects, because the requirement will be that architects must hold two-thirds of the voting strength on the board of directors. In other words, instead of one architect, four would be required to counterbalance the engineer and the surveyor. To continue the letter from the chartered engineer—

> 4. It depends entirely on the attitude of the partners towards their responsibilities as to whether qualified men are engaged to carry out the work. Limited liability companies do not protect professional men from negligence. In fact it is hardly worth while forming a Limited Company and bear the stigma that you are endeavouring to avoid your professional responsibility.

Here, of course, the writer is indicating that the profession—or a number of professions—have a high sense of responsibility. That, of course, is common to all professions. To continue—

> 5. There are firms in existence who consist of several partners, the bulk of whom are engineers. Will they be prevented from operating?

Perhaps I can answer that question by saying they will not be prevented from operating, but will be prevented from using the term "architect" and applying it to the firm's name, when in fact the firm is capable of doing engineering and architectural work for any client.

Mr. Ross Hutchinson: It does not mean that such a firm could not cater for that section.

Mr. GRAHAM: I think we should have legislation to cater for such circumstances. To get back to my letter—

> 6. The two thirds majority of architects limits the legitimate association of professional people and is unnecessary. I would like to see the Act read so that the partnership or directorate is limited to other kindred professions which can be specified.

Here let me observe that the list which the Minister has in clause 3 of the Bill probably mentions those kindred professions whose members would have some association with the work of architects. Finally, the letter reads—

> 7. I agree that within their own domestic association the architects are entitled to exclude firms that are not substantially made up of architects. However, it should not be written into an Act so that ethical firms who do not have this architectural majority are deprived of their means of earning a living. There are several firms in Perth now who claim to be Architects and Engineers because they have an engineer on the staff. There is not an engineer in the partnership.

It will be seen that if we pass this legislation it will ensure that in a joint arrangement with a body corporate the position of the architect is assured, but those who are members of kindred and honoured professions, some of which, incidentally, are senior, will be denied the right to advertise and place on their letterheads, their brass plates, and the rest of it, the fact that they cater for more than one profession.

Just now I used the word "senior" and I meant it, because I think if anybody cares to refer, for instance, to the Public Service list, he will find the classification of "engineer" at a higher level than that accorded to architects in the Public Service. Therefore it seems strange that in an engineering-cum-architectural firm, particularly where the bulk of the work

is of an engineering nature, that firm cannot call itself "engineers and architects" without giving the architects representation on the directorate out of all proportion; and, indeed, for the purpose of conforming with the law, without having to recruit, perhaps, a couple of architects to make up the numbers and give those who would have no direct interest in the firm a parcel of votes to ensure that the architectural directors would have two-thirds of the voting strength.

I have not placed amendments on the notice paper, for a number of reasons; but I would suggest that the position of safeguarding the interests of architects, and, perhaps more importantly, the people, would be met by stipulating that before the word "architect" can be used, at least one of the directors shall be a person registered under the Architects Act—of course, he would be on the board of directors—and that each of the other directors shall be engineers, planners, surveyors, quantity surveyors, or those listed in the Bill, in order to avoid the situation where non-professional people are in a majority. To stipulate that architects shall be in a majority, when only a fraction of the work undertaken by the firm is architectural work, is absurd.

I ask this question of the Minister: What harm can be done if there are three persons—one an engineer, one a quantity surveyor, and one an architect—and they wish to call themselves the firm of—whatever be their trade name—"engineers and architects"? They are all professional men; some of them are subject to an Act of Parliament, but all of them are subject to the controlling bodies of the profession of which they are members. If any non-professional conduct were undertaken by them, they could either be denied the right to earn a livelihood in their profession or they could suffer severe detriment.

I feel, therefore, that if we make this provision for professional men to be on the various directorates, but without the requirement that there should be a two-thirds majority of architects, it would cover the position.

Let me say finally that I hope I am not judging them wrongly, but I can appreciate that the architects would want legislation such as this. It gives them an importance out of all proportion to that which is rightfully theirs, and it will give a firm which wants to give an adequate description of its activities no alternative but to have additional architects as members of its board of directors. That will be necessary to comply with the requirements of this measure.

Therefore, while I can appreciate what it is the Minister seeks to do, I feel this Bill does not do it in a fair manner, having regard for the fact that we are not dealing with architects on the one hand and irresponsible people on the other. This is a matter of some half-dozen different professions, all of them reputable and some of them classified on a higher scale than architects themselves; and to expect that Parliament should accept legislation which makes all of them subordinate to the architects in the legislation, and makes it necessary for them in their activities to be subordinate on a board of directors on a two-to-one majority basis is anything but a fair reflection on those who constitute these other professional bodies.

I repeat: I have amendments which I have not yet placed on the notice paper, but I would like the Minister to examine the points I have endeavoured to submit and, if possible, consult with representatives of at least one or two of the professions outside the architects themselves.

Mr. Ross Hutchinson: Have you got the amendments there?

Mr. GRAHAM: Yes; I can scribble them out presently while the Minister is replying to the debate; but the effect of them would be—

Mr. Ross Hutchinson: I would like to have them. I do not mind if the debate is adjourned, or if progress is reported in the Committee stage.

Mr. GRAHAM: Very well. I will write out the amendments; or, if I have time, I will put them on the notice paper so that the Minister may study them; and, in addition, I ask him to confer at least with an engineer in order to see whether there is anything of substance in what I have said, which, after all, is based on a submission I received from one who is an engineer and with whom I spent some time in discussing the various aspects involved in this mater. In view of the attitude of the Minister, about which I am pleased. I will delay the House no more.

MR. DURACK (Perth) [5.9 p.m.]: It was my intention to address the House briefly on one aspect of this Bill only, and that was in relation to the statement of the Minister, when introducing the measure, that, if passed, it would not affect the present legal liability of architects regarding negligence in the performance of their work. However, in view of some of the remarks made by the member for Balcatta, I should, perhaps, refer to the object of the Bill in more general terms.

As I understand it, its object is simply to enable architects who may now be practising in partnership, or on their own account, to form themselves—himself, or herself—into a company under the Companies Act and thereby, presumably, derive some advantage which they consider they would obtain by such conversion. I think the engineer who wrote to the member for Balcatta is under some misapprehension as to the present status of architects and the effect of the Act upon them.

As I understand the comments of the member for Balcatta on the information made available to him by the engineer, there is some concern that members of other professions, particularly engineers, may be prejudiced in some way by the passing of this Bill. Personally, I cannot understand how that could come about. Any privileges that may be contained in the Architects Act are governed by section 29, to which the member for Balcatta has referred; and the first portion of that section provides, in effect, that no person shall practise under the name of an architect and use that name in practice unless he is registered under the Act.

The amendment does not affect that section, but simply means that instead of the Act being limited to a person, any body of persons may form themselves into a limited company and gain registration; and the object of clause 3 of the Bill is solely to ensure that the control of an architectural company will remain in the hands of architects in the same way as architectural partnerships are now, and as they have been in the past; that is, under the control of architects and not in the hands of other persons.

The right of professional people—or of anybody, for that matter—to carry on the same work as that performed by architects is provided under subsection (2) of section 29 of the Act, which reads as follows:—

> Subject to subsection (1) of this section nothing in this Act shall be deemed to prevent an engineer, builder, or other person from designing or superintending the erection of any building.

So the concern expressed by the consulting engineer to whom the member for Balcatta refers is already fully dealt with under that section of the Act, and the amendment does not affect that section in any way.

What the Act does seek to do, is to prevent any person who is designing a building and who is not an architect from calling himself an architect. It would be quite permissible for people in this field—architects, engineers, quantity surveyors, and so on—to combine for some business venture, but as I understand the position it would not be permissible for them to describe themselves as "architects and engineers," because this would be a breach of the other provisions of the Architects Act. However, there would be nothing to stop them from being associated in business with each other, or, indeed, from forming a partnership. It is quite legal to have a partnership between a company and a private person.

What I suspect is behind the submissions that have been made to the member for Balcatta is that consulting engineers, quantity surveyors, and so on, may desire to obtain the benefits that could be obtained in their professions by forming themselves into a limited company. I am speaking somewhat off the cuff in regard to this, but I do not know of any legislation which would prevent them from doing so; and there is certainly nothing in this amending Bill to prevent them.

I repeat that the sole purpose of the Bill is to enable existing firms of architects, or people practising as architects under that name, to operate as limited companies as well as by forming partnerships. This principle is very important, and it is one which, although it has been the subject of considerable discussions among members of professions, has not hitherto, to my knowledge, been accepted by the members of any profession. We have seen some attempts by medical practitioners in other States to form themselves into companies, but I do not know whether medical practitioners in this State have made any such attempt.

I know that lawyers or accountants are certainly not permitted to form themselves into companies; and the member for Wembley has just informed me that doctors are not permitted to do so. There was some attempt to get around that ban on professional men; that is, the ban on their forming themselves into service companies to assist their professional work. So hitherto it has been accepted in the professions that their members are to practise on their own account, or in partnership, and not under the formation of a company; which, as members know, is a separate legal entity from the persons who compose it.

The Bill is simply designed to enable architects to perform that conversion: something which so far has been unknown in the profession. However, if architects desire this—and I understand they requested this Bill which the Minister has introduced—I do not see why we should stand in their way. The only concern I have in the matter relates to the existing legal rights which members of the community have against architects today. I do not want to see them whittled away or lost in any way by the passing of this amendment. That is certainly not the intention of the Minister, and I feel sure the Bill did not have that intention.

On examining the measure more closely, however, I was not satisfied that it preserved the existing rights of clients against architects or members of the community in their dealings with them; and members will see that I have placed on the notice paper an amendment which I propose to move in Committee with the object of ensuring that the existing rights of members of the community are preserved if the Bill is passed. I do not propose to discuss the amendment in any detail at this stage, but will deal with the reasons for it more fully in Committee.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.20 p.m.]: I think the member for Balcatta was proposing something which was not at all intended to be included in this Bill, and for very good reasons. The honourable member mentioned that anyone can call himself an engineer, a planner, or a surveyor, but not everyone can call himself an architect. That might be so; but of course an architectural company would not have as one of its directors a man who merely called himself an engineer. An architectural company would have as one of its directors a man who was a qualified engineer, and it would ensure that this was so.

The member for Balcatta also said that the Bill could be detrimental to the profession of engineering. I fail to see why this should be so, because I cannot see how the engineers are concerned. The measure before us is to permit the formation and registration of an architectural company, and to permit the use of the word "architect" or "architectural". It is not intended—indeed it was never intended—that a firm could use the name "architect", or that a non-architectural body could have this name given to it. Yet, in essence, that is what the member for Balcatta seemed to desire, at least at one stage of his argument.

The object of the Bill is to extend the powers of registration to cater for modern trends; that is, the formation of architectural companies. It is proposed that two-thirds of the directoral strength shall be architects with two-thirds voting powers. This was deliberately done to ensure the architectural strength and preserve the power of any company which would perforce be registered as an architectural company. It was not intended that there should be any minimal number of architects given the right of registration as an architectural company.

I did, however, make a promise that I would have a look at the amendments which the member for Balcatta would produce for me, and I will adhere to that promise. Before I leave his remarks, I should say that I feel he has overlooked one important point, which is that when the fraction of two-thirds was chosen it was not selected to protect the architects, or to look after engineers, planners, or surveyors; it was designed to protect the public, and to ensure the architectural strength and character. I would stress that it was not put there to help the engineers or the architects, but to protect the public.

I feel the member for Perth gave a most interesting description of some of the legal niceties, and he referred to the parent Act when stating his opposition to some of the points made by the member for Balcatta. The member for Perth also failed, as I do, to see the strength of the member for Balcatta's argument.

The amendment which the member for Perth has placed on the notice paper is one which, I feel, can be accepted; because if it is not included I appreciate that it would destroy a principle which has applied in the profession up to this point of time; and it is necessary to keep strong in this amending Bill, which will eventually be included in the parent Act, the ethical standards which have applied in this important profession.

After having a second look at the amendment I am not at all sure whether it incorporates all the things that are desired. However, when I am having a look at the amendments which will be submitted to me by the member for Balcatta, I will have another look at the amendment placed on the notice paper by the member for Perth to see whether or not it is all-inclusive, or whether something else might not be included to the advantage of the amendment and the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Crommelin.

PETROLEUM PRODUCTS SUBSIDY BILL

Second Reading

Debate resumed, from the 19th August, on the following motion by Mr. Craig (Chief Secretary):—

That the Bill be now read a second time.

MR. BICKERTON (Pilbara) [5.29 p.m.]: As the Minister pointed out when he moved the second reading of the Bill, this is a complementary measure to a Bill which was introduced in the Federal Parliament in May, known as the States Grants Petroleum Products, 1965, Bill. In view of the fact that the Federal measure is the one that brings about the State Bill which we have before us, it is not possible really to discuss the State measure without going over, to a fairly large extent, the actual Bill that was introduced in the Federal Parliament to bring uniformity in petrol rates, although it did not achieve that objective. To my way of thinking the Federal Bill, in itself, would be as close as one could get to a political confidence trick; and I think an analysis of the measure itself will prove this to be so.

Probably there is no better way to bring to the notice of the House the reasons for this particular Bill than to read a short extract from the speech of the Federal Minister for National Development (Mr. Fairbairn) when he introduced it in the Commonwealth Parliament. In his opening remarks he had this to say—

> The purpose of this Bill is to provide for payments to be made to the States as the first leg of the plan to provide subsidy on the distribution of petroleum products in country areas. In his 1963 policy speech, the Prime Minister (Sir Robert Menzies) undertook to do something about the burden placed upon rural costs by the higher prices of petroleum products in the more remote areas.

To interpolate, I think those remarks point out quite correctly the actual promise made by the Prime Minister in his 1963 election speech.

The Minister for National Development went on to say—

> He proposed that we should bring it about that the normal price of these products would nowhere in Australia be more than 4d. a gallon above the level of capital city prices.

To digress again, I think everyone at that time was under the impression that the Prime Minister's policy speech intended that nowhere in Western Australia would anyone pay more than 4d. per gallon over and above the city price for petrol.

The Federal Minister for National Development referred in his speech to normal prices of petrol, and I suppose the average person will consider the normal price of petrol to be the price which he pays when the petrol is put into the tank of his vehicle. However, as I go through some figures relevant to this matter, it will be seen that in most country districts throughout Western Australia the price of petrol is a great deal more than 4d. per gallon above the city retail price.

To continue with the speech of the Federal Minister—

> He went on to say that the Government would put this proposal into effect by arrangement with the petrol companies and by arranging with the States for the Commonwealth to make grants to the States, under section 96 of the Constitution, to enable them to pay the appropriate compensation to those companies. Accordingly, this Bill provides for grants to be made to the States to enable them to subsidise sales of certain petroleum products by oil companies and some other distributors in country areas.
>
> The second leg of the plan to give effect to the proposal will be appropriate State legislation under which the States, subject to a number of safeguards, will pass on those moneys to the distributors. State Governments have indicated that they will introduce their legislation as soon as practicable, and the subsidy scheme will come into effect shortly after this legislation has been passed. It is hoped that the subsidy will be in operation throughout Australia by 1st October.

That speech was made in the House of Representatives, and appears in the 1965 Commonwealth *Parliamentary Debates*, page 1425.

From those opening remarks of the Minister for National Development, two things are clear: One is the purpose of the Bill which is now before us; and the other is that the electors have, undoubtedly, been hoodwinked as regards the electoral promise made by the Prime Minister in connection with the proposed subsidy on certain petroleum products. Before pointing out the discrepancies, and the actual figures which apply in Western Australia it is as well for us to look at the other side of the story. I refer to a brief extract from the speech made by Mr. Collard, the member for Kalgoorlie in the House of Representatives, on the Bill, which appears in the 1965 Commonwealth *Parliamentary Debates*, page 1672. It adequately sums up the opening remarks of the Federal Minister, and is as follows:—

> Honourable members will recall that in 1963 the Prime Minister (Sir Robert Menzies) told the people that if his Government was returned to office it would bring down legislation which would ensure that petrol prices in country areas would be no more than 4d. a gallon above the prices charged in the relevant capital cities. That promise by the Prime Minister was repeated by Government supporters and Government candidates over the air, in speeches and even in casual conversation. It was also repeated as recently as the Senate election last year, when Government senators and Government candidates were telling the people that immediately Parliament resumed legislation would be introduced to honour the promise made by the Prime Minister and the Government and that, as a result of that legislation, petrol prices in country areas would not be more than 4d. a gallon above those charged in the cities. We all heard them telling that story, and we all know that they were most emphatic about the 4d. Quite naturally, the people in the country areas expected that when this legislation was at last introduced the promise made by the Prime Minister and his colleagues would be honoured; but, unfortunately, many of the people are going to be very sadly disappointed.
>
> When the Government, prior to the 1963 general election, promised to reduce petrol prices, no strings were attached to the promise. There were no "ifs", "buts" or "maybes" about

> it. It was just a straight-out promise to the people. But, once again, this Government has failed to honour a promise. Once again, it has brought down legislation that will give far less than it promised the people in an election campaign. We find that this Bill will still leave petrol prices in many places much more than 4d. a gallon above capital city prices. I have taken the trouble to obtain information about the price of petrol at places throughout most of the Kalgoorlie electorate, which, as every honourable member knows, takes in some nine-tenths of the large State of Western Australia. On checking prices and subsidy payments, I find that over almost the whole of the electorate the price of petrol will be more than 4d. a gallon above the price in Perth. At some places it will be 5d. a gallon higher and in others it will be as much as 1s. 1½d. a gallon higher, or 9½d. a gallon dearer than the Government promised the people it would be. In some isolated places in respect of which I have not been able to check prices, it could be even higher . . .

That is a good summing up of the Commonwealth legislation as it affects Western Australia. Calling it a political confidence trick adequately describes that measure, in view of the fact that the Prime Minister said that petrol prices in country districts throughout Australia would be no more than 4d. per gallon higher than they are in the capital cities.

I have obtained some figures as they apply to Western Australia, and they give some idea of how certain country areas will fare. The feature which I do not like about the promise of the Prime Minister and its implementation is that from the time when the promise was made until the Bill was introduced in the Commonwealth Parliament a period of some 17 months elapsed. So it cannot be said that a hasty decision was made by the Commonwealth authorities, who, on endeavouring to put the undertaking of the Prime Minister into legislation, found it could not be worked out as promised.

The Commonwealth had 17 months to prepare this Bill; and it must have been quite obvious to that Government that it would not be possible—the way it was going about these subsidies—to ensure the promise could be carried out. That must have been obvious to the Federal Government because it had a period of time for its investigations. The thing that brings this discrepancy of prices about, as pointed out by the Minister when introducing the measure, is the difference in the resellers' margins. The Commonwealth Government has got around its election promise by subsidising petrol by the amount of 4d. per gallon on the wholesale price.

The Commonwealth Government introduced a subsidy which, in effect, provides that nowhere in Australia will petrol be more than 4d. a gallon above the Perth wholesale price; but, of course, the resellers' price varies right throughout Australia; and the Minister was aware of this when he introduced the Bill, because in his remarks in the *Hansard* record of his introductory speech he pointed out that the resellers' margins vary throughout Australia, and, in fact, do so in individual towns within Australia. So he must have realised, as the Federal Cabinet would have realised, that it would not be possible, by introducing this measure, to honour the promise made by the Prime Minister in the 1963 elections.

Even in capital cities, the resellers' margins are not the same. They vary throughout Australia; but why they vary, I do not know. I can understand the resellers' margins varying in country towns, as the Federal Government should have realised—and did, in fact, realise—because one could not expect a reseller in Wyndham or Esperance to work on the same margin as resellers in Perth. Local costs are ever so much higher to start with; and the volume of turnover is not there. So he must work on a larger margin than the city reseller. But, as I have said, even the margin of city resellers varies.

Looking at premium grade petrol in the capital cities of Australia, these are the wholesale prices to the resellers and the resellers' margins: In Sydney, the wholesale price to the reseller is 3s. 0¾d., while the resellers' margin is 5¾d. In Melbourne, the price to the reseller is 3s. 1¼d. and the resellers' margin is 6¾d. The difference between these two capital city prices is probably a secret of the petrol companies; but I cannot see why there should be any difference in the wholesale price of petrol, say, in Melbourne and in Sydney. We obtain some supplies from Indonesia, but I suppose the bulk of our petrol comes from the Middle East, and why the freight should be greater to Melbourne than to Sydney, I fail to see.

In Brisbane, the wholesale price to resellers is 3s. 1d., and the resellers' margin is 5½d. In Adelaide, the wholesale price is 3s. 0¾d. while the reseller's margin is 5¾d. In Perth, the wholesale price to the reseller is 3s. 1¼d., while the resellers' margin is 6¾d. In Hobart, the wholesale price is 3s. 1¾d. and the resellers' margin is 7¼d. So even in the capital cities the resellers' margins vary between 5½d. per gallon and 7¼d. per gallon.

Therefore it would be obvious to the Federal authorities that if they were to just standardise the wholesale price throughout Australia in relation to capital city prices it would not be possible to have a standard resale price, because resellers do not, would not, and could not, work on the same margins right throughout the country and particularly, within Western Australia.

Looking at Western Australia, where the people in remote areas believed—and I suppose a lot of rural people and mining people did, too—that the price of their petrol would not be any more than 4d. above the Perth price, I will refer to a few towns in this State. In Broome the price would be 7d. per gallon more than Perth; in Boulder, it would be 5d. more than Perth; and in Carnarvon it would be 9½d. more than Perth. Carnarvon will, I think, receive ½d. subsidy, because, as I said before, the subsidy is based on the wholesale price. The wholesale price at Carnarvon is apparently only 4½d. per gallon, above the wholesale price of Perth.

This is probably brought about by bulk installation. Therefore Carnarvon will receive only ½d. subsidy, as was pointed out by the Minister, because that is all over the freight rate of 4d. per gallon which can be subsidised under this scheme. The wholesale price of petrol in Carnarvon is 4½d. per gallon over the Perth wholesale price; and out of this great scheme that the Commonwealth Government dreamed up, the subsidy will be ½d. It appears as though the Minister wants to say something.

Mr. Craig: Only to the extent that there is a high resellers' margin in Carnarvon.

Mr. BICKERTON: That is so; but even if the resellers' margin was not quite as high as it is, it would not be possible, by any stretch of imagination, to get within 4d. of the Perth resale price.

Mr. Craig: If the resellers of Carnarvon brought their margins down commensurate with the accepted uniform margin, I presume Carnarvon would benefit.

Mr. BICKERTON: I cannot see how resellers can please themselves so far as their margins are concerned. There must be some control by the petrol companies, because they do not have to supply the resellers with petrol; and if the Minister is trying to tell me that a reseller could, if he wished, sell at 10s. per gallon and that the petrol companies would do nothing about it, I would find that hard to believe. In certain towns a specified amount must be considered to be a reasonable resellers' margin because, otherwise things would get completely out of hand.

I admit that at Carnarvon, the margin is high, and I do not know why it should be as high as it is. Whether the town is over supplied with service stations or not, I do not know. The companies' way of getting around it is perhaps to increase the resellers' margin; but we have to bear in mind that we have always been told by the oil companies that this is a very competitive business, and that the more service stations there are the cheaper the petrol will be to buy. However, it appears that the more service stations there are the more a resellers' margin has to increase to make it a proposition for him to sell petrol.

In Esperance, petrol will be 5½d. a gallon above the Perth price and Esperance will receive no subsidy whatsoever. Apparently the wholesale price of petrol in Esperance is only 4d. above the Perth price, so the subsidy there will be nil. At Halls Creek the price will be 9d. a gallon above that of Perth; Kalgoorlie, 5d.; Wyndham, 6d.; Onslow, 7½d.; Port Hedland, 9½d.; Wittenoom Gorge, 11½d.; Nullagine, 1s. 1½d; Laverton, 1s. 0½d.; and Leonora 7d., to mention a few.

A quick look through those figures will show they are a long way from the promise made by the Prime Minister that people throughout Australia would buy their petrol at a price no greater than 4d. per gallon above the normal capital city ruling price. To consolidate some of those figures, on looking through the schedule of distribution points throughout Western Australia as supplied by the Commonwealth Government, I notice, according to my count, that there are 480 recognised distribution points in Western Australia. Of these, 240, or half, will be subsidised no more than 1d.; 107 will receive no subsidy whatsoever; 120 will receive a subsidy of no more than 2d.; and the other 13 will receive a subsidy of 1½d. up to and including 2d. Only 34 localities will be subsidised more than 6d., and only 46 localities will be subsidised from 3d. up to and including 6d.

I think we would all agree that this is a long way from what we were told by Sir Robert Menzies in his 1963 policy speech. In Western Australia, anyway, there is plenty of room for more subsidy to be paid. I did think it rather strange, when I first read the newspaper account of the introduction of the Federal Bill, that it would involve the Commonwealth Government in an outlay of only £6,000,000 per year. That seemed to me to be a very light figure, realising the prices paid for petrol in some parts of Australia. It seemed a very light figure if all the areas in Australia were to be brought within 4d. of the city price.

We find out now, of course, that what we hoped for just has not been achieved, and apparently there was no intention of its being achieved. It was an election gimmick, probably thought up hurriedly at the time. Whilst one could forgive the Federal people for, perhaps, hoodwinking the public at the 1963 elections on this issue, it is hard to forgive them for using the same propaganda 12 months later at the Senate elections, because in 12 months they must have found out that they could not put into operation that 1963 policy as they had promised.

The only way to do this properly—and it would have been a great thing for Australia as far as transport costs and the

rural industry were concerned—would be to subsidise the retail price. That is where the subsidy should have gone, and not on the wholesale price. It would first have been necessary to endeavour by negotiation to stabilise somewhat the resellers' margins within zones throughout the State and then subsidise so that the country people would not be paying any more than 4d. a gallon above the city price. It would have been not only the sensible thing to do but, in view of the statements made, the right and honourable thing to do.

However, I feel sure that everyone realises at this stage—and if they do not they are in for a rude awakening—that they will be paying very much more than 4d. above the Perth price. As far as this State Bill is concerned it is purely a complementary measure to the Federal Bill, and one can do no more than suppport it because we cannot deny the towns that receive even a ½d. subsidy. We cannot rob them of that.

As I have said, we do get something out of this, but the overall picture—and particularly from the Western Australian point of view—is a very dismal one.

MR. CRAIG (Toodyay—Chief Secretary) [5.54 p.m.]: I thank the honourable member for his comment on this Bill which, as he said, is complementary to the Federal legislation and is necessary in order that the State might receive the amounts of money in subsidy form that are to be passed on to the distributors.

I feel that the honourable member has, to a certain extent anyhow, tried to write down the value of this scheme to the consumer, particularly in Western Australia. He said it was stated that the cost to the Commonwealth would be something like £6,000,000 per annum; and I do not think the Commonwealth is going to be far wrong in its estimation.

We must realise that possibly Western Australia and Queensland are the two States most affected by this subsidy scheme, and therefore it will afford a measurable benefit to so many of our consumers in remote and very remote centres. I realise the shortcomings of the scheme, as pointed out by the member for Pilbara. I also pointed them out when I introduced the Bill. I said I felt it did not go far enough, in so far as certain very remote centres were excluded from the full benefit of the scheme; and also, because of the variation in the resellers' margin, those who were retailing petroleum products at a figure over and above the accepted or normal margin as observed elsewhere in Australia would have an effect on the amount of subsidy that would be paid by the Commonwealth.

The honourable member said there should be some control over the price at which resellers can mark up their price of fuel; but the oil companies have no control in this, despite the comment of the honourable member that they would take some action if a reseller was charging, say, 10s. a gallon. I am under the impression that the companies have no control. I can understand their position with the very keen competition that exists between so many companies. Naturally, each company is going to watch that the fuel is retailed at a reasonable price.

Mr. Bickerton: That is the control then. They would not continue to supply him if the price was not within reason.

Mr. CRAIG: If one company refused to supply a retailer, another company would come into the field and make the fuel available. As far as the other point is concerned, I quoted Derby as an instance where the resellers' margin is 6¾d. Consequently those there will get the full benefit of the subsidy.

We must not forget that the subsidy is based on the wholesale price and not on the retail price. I could not help thinking at first that, possibly, if the subsidy were based on the retail price it would answer the problem raised by the honourable member and the various features I pointed out earlier. The reason it cannot be done is the difference in the resellers' margins.

Under this scheme the Commonwealth has carried out its intentions as much as possible, despite the particular points to which reference has been made. I would not like members to gain the impression that the member for Pilbara is against the scheme. He realises, as do all of us, that this Bill is going to benefit many people in Western Australia and it is going to offer some considerable assistance to them.

With regard to increases an increase has, as was recently announced, been made in the retail price of motor spirit. This does not affect the subsidy, because the subsidy is based on the freight differential above 4d. on the wholesale price of each capital city.

However, as I have said, this is not a State scheme; it is a Commonwealth scheme, and we are acting as agents for the Commonwealth. I repeat that this legislation will offer considerable benefit to many thousands of consumers in this State and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Chief Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

Mr. GAYFER: I would like to ask the Minister if "automotive distillate" mentioned in line 2 on page 2 means distillate used on farms for the purpose of running tractors and other agricultural implements.

Mr. CRAIG: Yes. I understand that is so.

Clause put and passed.

Clauses 4 to 17 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 19th August, on the following motion by Mr. O'Neil (Minister for Labour):—

That the Bill be now read a second time.

MR. W. HEGNEY (Mt. Hawthorn) [6.4 p.m.]: Legislation in regard to the registration of hairdressers was first passed by Parliament in 1946; and, since that time, as the Minister pointed out in his second reading speech, there has been only one small amendment, and that was effected in 1953.

Up until now, the Act has applied only within a 25-mile radius of the General Post Office; and the main provisions of this Bill, I suggest, are four in number. The most important of them is the one dealing with the extension of the application of the Act, by way of proclamation, to any area within the State. I envisage that if this Bill is passed such places as Albany, Kalgoorlie, Geraldton, Northam, and Bunbury will be given some early consideration by the board and by the Minister.

Once the proclamation is issued it will have effect over the particular area concerned; and those engaged in hairdressing —both employers and employees—who are not already registered will be required to apply for registration within a period of 12 months. The Bill also provides that those who are practising hairdressing in areas now outside the 25-mile radius, will be entitled to registration provided they have been practising continuously for a period of five years and are of good character; or, those with less than five years, practising experience in a country area could demonstrate by way of examination by the board that they were proficient in their calling.

Another provision relates to the restricting of the profession, and I am pleased to note that the member for Subiaco has an amendment on the notice paper. I make the point now because I think it is important. The Bill provides that a person must be of good character in the opinion of the board.

The words "good character" could be wide in their meaning. A person could serve a period of imprisonment for a certain offence; but such person having paid the penalty for his crime—it might have been a traffic offence or a minor offence, or a number of civil offences—the question is, if he happened to be a qualified hairdresser, is he entitled to be registered? If in the opinion of the board, he is not, is that opinion to be sacrosanct? Certainly, he could appeal to a magistrate, but he would be restricted to a great extent to the board's interpretation of "good character". I have had a look at the amendment proposed by the member for Subiaco and I am in agreement with it.

Another provision is in connection with the determination of the registration fees, the examiners' fees, and also the fees to be paid to the board members. At present the Act provides that the board members shall be paid such fees as are prescribed, but those fees shall not exceed £50 per annum to any members of the board. The registration fees, in the case of employees, are 12s. 6d. and, in the case of employers, £2 12s. 6d.; and for examinations the fees are £2 2s. for the examiners.

If passed in its present form the Bill would remove the specific fees from the Act, and the figures to which I have referred would be determined, by way of prescription, by the board or by the Governor.

At this stage I would like to point out that personally I have always been against the principle of an employee having to pay a registration fee to permit him to follow his calling or occupation. However, I understand that the Hairdressers' Union and the Master Hairdressers' Association both favour the idea, and it has been in operation for some years. As a matter of fact, the only amendment effected in 1953, when I happened to be Minister for Labour, was regarding the rates, and the fees for the registration of employees were increased by 7s. 6d.—from 5s. to 12s. 6d.—and the employers' registration was increased by 7s. 6d.—from £2 5s. to £2 12s. 6d.

I believe, and I hope the Minister will give some consideration to this, that in the matter of registration and examiners' fees, and especially in the matter of registration, the fees should be set out in the Act. They should be determined or amended from time to time, and the necessary legislation should be brought to Parliament if any alteration in the registration fees is contemplated. I do not think we should leave those fees to be prescribed by the board from time to time; on the contrary, I think the responsible Minister should be in a position, when representations are made to him, to discuss

the matter with Cabinet, and amending legislation can be introduced so that the fees are still embodied in the Act.

During the Address-in-Reply debate I mentioned the question of price fixing; and I know that some members, at least, will agree that where there is a restriction on employment, or there is a premium on employment and on entry into certain trades or callings, there is a tendency to restrict the position further; and sometimes there is a tendency to use the position further to increase charges for services rendered.

If this Bill is passed I hope some serious consideration will be given to the matter before any increase is allowed in the charges for services given in the profession with which we are now dealing. I think some independent authority should determine the prices which are permitted to be charged in regard to hairdressing. I have always held the view that there should be a price-fixing authority to determine the prices of many vital commodities and services, and I consider this to be one of those services. If the employers and employees in this profession are to be protected, then the public, too, should be protected to an extent, and before there is any radical increase in charges I think at least the Minister might be consulted and some justification given to the public regarding the matter so that they will know what is the position from time to time.

Those are the main provisions of the measure. I support the second reading, but I hope the Minister will give consideration to the few points to which I have made reference, and that he will agree that the fees which are already mentioned in the Act will continue to be embodied in the Act even though they may have to be increased to conform with present-day prices of other commodities.

MR. GUTHRIE (Subiaco) [6.13 p.m.]: Like the previous speaker I support the second reading of the Bill, and I wish to address myself to only one aspect of it. I suppose I am entitled as much as anybody in this House to say what I am about to say: I always view with some cynicism Bills produced by professions, trades, or industries for their own registration under the guise, we hear so often, of the protection of the public. I do not deny that the public has to be protected in many cases, but I do know that very often professions and trades are interested only in self-preservation; and I do not mind admitting that. Therefore I am very conscious of the fact that sometimes we introduce safeguards, passing through an Act of Parliament, for the protection of people in certain professions through boards that we are told are of their own profession and will therefore look after their own interests.

That is not always true. In many cases the members of these boards are senior members of the profession concerned who have ceased to have to battle for a crust—if I might use the vernacular—and are a little bit out of touch with the conditions which they themselves endured, say, 20, 30, or 40 years earlier. Consequently I think it is always important to make certain that there is an adequate right of appeal for a person who is aggrieved by the actions of a board; and sometimes this Parliament has been guilty of not being absolutely certain that that adequate right of appeal is there. In my own profession, for instance, the Barristers' Board does not even have the say.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GUTHRIE: The House will recollect that just prior to the tea suspension I was explaining that although we have the Barristers Board operating among members of my own profession, it is only a board which recommends, and the decision on who shall be admitted to or removed from the roll is made by the Full Court of the Supreme Court; in other words a court that is normally constituted by three judges and with the hearings held in open court with the Press and members of the public looking on. Further, from that decision there is an appeal to the High Court and to the Privy Council.

In this case there is provision for only somewhat limited appeals and, furthermore, the appeal must be brought forward within one month. Those provisions were accepted by Parliament back in 1946 and I hope that, at his leisure, the Minister will look at the provisions in the Hairdressers Registration Act relating to appeals and determine whether his statement, made during his speech on the second reading that there is an adequate right of appeal, is justified. At this moment I do not press for anything on that particular point, but in view of the fact that two of the amendments the Minister proposes to make to the Act are changing the style of the language in the relevant section which deals with the cancellation of registration, I consider we should take no risks in the matter.

Previously, section 16 of the Act, in dealing with the powers of the board to cancel registration, dealt with factual things, but now it is proposed to insert two provisions which refer to the opinion of the board. Time does not permit me to make a close study of the Bill to determine whether a certain principle of law applies in this instance, but it is a principle of law that if a person or board is given a discretionary power, and there is an appeal to a tribunal on the exercise of the discretionary power, the tribunal could be limited to inquiring into the way such person or board has exercised its discretion

to determine whether it has been exercised in a proper manner. If it has exercised its discretion in a manner considered capricious, the appellant tribunal can deal with it; but if the board has gone through the proper processes the appellant tribunal has no power to alter the board's decision if it disagrees with it. Consequently, in Committee I will move for an amendment to make certain that that construction cannot be placed on any provision in this Bill.

MR. HALL (Albany) [7.35 p.m.]: The Bill is acceptable to the members of the hairdressing fraternity in Albany. Copies of the Bill having been circulated among them during the weekend they have found that it meets with their approval and, in many respects, they commend it. The proposed amendment to section 2 of the Act seeks to insert the following interpretation of "apprentice" in place of the existing interpretation:—

> "apprentice" includes a person who is entitled to a rate of pay prescribed for an apprentice under any award made under the Industrial Arbitration Act, 1912, that relates to hairdressing.

That new interpretation will bring many apprentices in the country areas into line with the terms of the proclamation relating to all districts within a 25-mile radius of the metropolitan area. There have been many instances where people have overcome that difficulty by entering into apprenticeships either by private treaty or by arrangement with the Arbitration Court. However, generally the award is not policed unless a flagrant breach has been committed and the Industrial Registrar has been requested to investigate the registration. Therefore the Bill seeks to put that position in proper perspective.

It is interesting to note that this legislation was first introduced in 1946 and operated until 1953 before an amendment to the Act was made—a period of seven years. A period of 12 years has now elapsed before this further amendment to the Act has been introduced. This indicates that there has been movement taking place in the hairdressing field to the satisfaction and benefit of those employed within it. Since the Act was first brought into effect the trade has been going through a period of evolution so that today, in the metropolitan area, we have a high standard of hygiene in the hairdressing trade, and this high standard is now being set in the country districts.

There is one minor feature of the hairdressing trade which disturbs me and that is that in some hairdressing salons in the country men have their hair cut on the same premises as those which serve the ladies. I do not think this is an aspect of the trade which should be encouraged, because I think men, particularly, are not in favour of it. I have no actual grievance to make, because the operators in these salons say they can manage quite well, and perhaps they can.

The proclamation of this Act will affect hairdressers in many country areas and will definitely be the means of eliminating the backyard or kitchen hairdresser. In the past it has been quite common practice to find in country districts a man who is employed in one vocation practising hairdressing intermittently—at weekends or holiday periods—and this operator is the means of lowering the standards which the hairdresser of high repute is trying to establish. This Bill undoubtedly will give those engaged in the hairdressing trade some protection by wiping out the intermittent operator.

Hygiene is another significant feature in this field of employment, and the only means by which a high standard can be maintained is under the model by-laws of the present Health Act. They cover a good deal of the aspects of the trade, but they could be brought up to date because it is many years since they were revised. We often hear talk about sterilising combs and the necessity for marble bench tops in hairdressing salons, but there have been no investigations by the department into what is really required. Further, with the steady flow of migrants into the State over the past few years more diseases are being introduced, and therefore we should be policing the hygiene standards in this field of employment more extensively.

A point that was brought to my attention by hairdressers who have entered this State is that in countries overseas it is often a rule that if a client enters a hairdressing salon and he is found to have a disease of the scalp such person is referred to a medical clinic. In fact, the hairdresser has the right to refuse to give such a client any attention, and it is considered his duty to refer him to a clinic for treatment and advice. The introduction of such a proposal could be considered in this State so that many people who are suffering from a disease of the scalp or are having trouble with their hair could have their complaint treated at a medical clinic and subsequently cured by proper care and control.

I repeat that I consider the clause relating to apprentices in the Bill will prove to be of advantage to those young people desirous of entering the trade. It will also bring into the trade qualified hairdressers, be they male or female. The important thing is, however, that people will be getting value for their money. There is no doubt that the apprentices will go out as fuly trained tradesmen or tradeswomen, as the case may be, and be qualified to carry out their duties.

I have compared the Bill with the original Act; and after viewing the amendments, repeals, and substitutions sought, I

have no condemnation of the measure whatever. The Bill will not be detrimental to the general public and is worthy of commendation.

MR. ROWBERRY (Warren) [7.41] It is not often that I find myself in agreement with the member for Subiaco, but on this measure I do find myself in agreement with some of the things he said when criticising the Bill. He said, in effect, that we should view with a certain amount of cynicism motions and Bills brought before this House by trade associations and the Employers Federation.

Mr. Guthrie: I said nothing of the sort.

Mr. ROWBERRY: I said the honourable member had said something to that effect. The Bill before the House certainly appears to me to have been brought forward by a trade association, and not by the customers or the people who attend these places of hairdressing, combing, and curling, as the original legislation describes them.

I notice in the first place that the time of apprenticeship was originally four years. The Bill now seeks to make it five years. It seeks to do this at a time when pressures and persuasions are being brought to bear on the metal trades to cut down their apprenticeship period to four years. I cannot see, therefore, why we should insist on a five-year apprenticeship in the case of hairdressing.

Let us consider the example of nurses. A nurse has the right to practise after a training period of three years. What is the difference between a female hairdresser and a nurse? Why should it be necessary for a hairdresser to undergo an apprenticeship of five years, while a nurse can practise after a training period of three years?

In considering the clauses of the Bill dealing with the right of appeal, and so on, I think this is something that should be adjusted by Parliament. I know these things are fixed in the arbitration court, and that they are eventually included in the awards. But this House determines matters which affect the whole country, and such things as apprenticeship periods should be dealt with in the parent Act. As I have said, the original Act mentions a four-year period of apprenticeship.

Another feature that struck me as strange is that in the original Act there is power to set up a board, and the board can then appoint examiners. Let us, however, look at the qualifications necessary for a member of the board. I think this is something the Minister should have a good look at. In section 5, subsection (3), paragraph (b), we find the following:—

> four other persons, all appointed by the Governor, of whom each person shall be a person who has had at least three years' experience either as a principal or as an employee (other than as an apprentice) in any business in the practice of hairdressing.

Here we have the strange situation that the members of the board who determine the qualifications of the examiner, and who also appoint the examiner, need only have three years' experience. That strikes me as being too funny for words. I certainly cannot understand it. Here we have the members of the board who have complete power to appoint examiners and to determine the standards of efficiency of hairdressers, needing only three years' experience, while it is necessary for apprentices under the original Act to undergo training for a period of four years; and now, under the Bill, this period will be increased to five years.

I mentioned the fact that I thought the Bill had been brought here as a result of pressure from the hairdressers' association, male and female; and I am inclined more to that idea when I examine the position of female apprentices. I wonder how many female apprentices continue in the trade? I wonder what restriction there is in the number of apprentices to the number of journeymen or trained people in charge of those apprentices. I ask this question because I have heard both from female acquaintances and from relatives that whenever they go to a hairdressing establishment they are attended by the apprentices, after which they are left sitting for hours and hours until a trained person comes along and finishes the job.

I am sure that was not intended by the original legislation, which was set up to protect the public from people who practise upon them, and to ensure that the people concerned have the necessary qualifications. The legislation was inaugurated in the first place to protect the health of the public; and, accordingly, we expect certain training standards, certain skills, and certain knowledge from these people. In this way the public is protected.

The legislation was also intended to protect the employees, so that after they have served a five-year apprenticeship they will be considered trained personnel, and will have the necessary standing in the community. Apart from having the trust of the community they will then be considered capable of doing the job for which they advertise their services.

Unless there are certain restrictions on the number of apprentices in relation to the number of trained people in the establishment, it must necessarily follow that the requisite standards are not achieved. It could be argued that after three years' training it is necessary for them to pass a certain standard of examination before they are allowed to call themselves hairdressers, but this only obtains in an area contained in a 25-mile radius of the G.P.O., Perth. The country districts have no protection whatever, except that which they set up themselves.

The Governor proclaims the areas in question, and the Act gives the Governor power to make a proclamation outside

these areas; and since no proclamation has been made up till now, the inference to be drawn is that the people in the country districts have not had the protection the original Act set out to give them.

The member for Mt. Hawthorn mentioned the charges, and said they should be regulated in a Bill of this description. I agree with him, because I consider the apprentices who are engaged in the hairdressing trade—especially the female apprentices—are a source of cheap labour. What happens in most cases is that by the time the girls have served the five-year apprenticeship they get married and leave their establishments. Most of these girls must leave the trade, otherwise I cannot understand where they get to, in view of the numbers which enter it. A constant stream of apprentices passes through the trade, and this is a prolific source of cheap labour. If that is the case then why should not the economy effected in the hairdressing trade by this means be passed on to the public?

I agree with the member for Albany that the hairdressing trade generally has increased in efficiency, and in the standard of cleanliness and hygiene; and this has been much more evident in latter years. I cannot understand why—with the constant stream of apprentices passing through—the cost to the public is not less. In fact, the apprentices do most of the work after they have been in the trade for three or four years. If one were to discuss this with the womenfolk one would find there is a certain amount of truth in this assertion.

A further look at this legislation is desirable for the protection of the public, both from the efficiency point of view and the economic point of view. I have no other quibble with the Bill. It sets out to achieve certain purposes, but it does not really go far enough. I maintain that any legislation which allows cheap labour to be exploited, even though it is done ostensibly for the purpose of training apprentices, should not be looked upon with equanimity.

MR. O'NEIL (East Melville—Minister for Labour) [7.53 p.m.]: Having introduced this Bill to amend the Hairdressers Registration Act, I imagine that is exactly what it is doing. The comments of the member for Warren were applicable to only two parts of the Bill, and I shall confine myself to a reply on those two parts. He mentioned that whereas in the past apprentices had to serve four years of training, under the amending Bill a term of five years is prescribed. I would point out—and he did admit it at a later stage of his remarks—that the longer period was the subject of agreement under an industrial award, and the agreement had been registered in the Arbitration Court. The amendment in the Bill to which he referred does nothing more to the Hairdressers Registration Act than to define more clearly the term "apprentice."

The honourable member also criticised the fact that here was a board the members of which were required to have only three years' experience in the trade. I would point out that this is three years of experience as a journeyman, if one can call a qualified hairdresser a journeyman. Apart from this minimum qualification, the section to which he referred contains other requirements of the members of the board. One member has to be nominated by the Master Gentlemen's Hairdressers' Association, one by the Metropolitan Ladies Hairdressers' Industrial Union of Employers, and two—one of whom shall be a female employee, and one a male employee—by their union. The latter two can be regarded as the representatives of the workers; they are, in fact, teachers in the subject of hairdressing at the Technical College.

I thank the member for Mt. Hawthorn for his appreciation of the Act, and for the fact that he recognises the main purpose of the measure; namely, to extend at the appropriate time the provisions of the Act to areas of the State as proclaimed. He did have some criticism to make on the proposal for the determination of registration fees by regulation, rather than by prescription in the Act. The fact that this Act has been in existence since 1946—and the only amendment made to it was to adjust the fees in 1953—indicates they are not required to be adjusted regularly.

I would point out that in the remodelled regulations which were gazetted on the 21st July, 1965, and laid on the Table of the House at the beginning of this session, the fees were prescribed on page 5. They are exactly the same as those which appeared in the parent Act. I still believe it is preferable to have the fees prescribed by regulation, particularly in the case of a board such as this, which has a Government member as its chairman, two employers' representatives, and two employees' representatives. I did say when I introduced the measure that the proposals came forward as a unanimous recommendation of the board which is charged with the administration of the Act and with the conduct of the industry.

The other criticism of the member for Mt. Hawthorn was to the effect that the amending Bill proposes to lift the limit which is placed on the fees which may be paid to each member of the board. Although the fees are to be prescribed by regulation, the parent Act did place a limit of £50 to be paid to any member of the board in any one year. The chairman, provided he is not employed by the Government, receives a payment of £5 5s. for attendance at each meeting, but if he happens to be a Government employee then the fee is reduced to £3 3s. We could

find an occasion when the chairman is nominated by the Government, but is not a Government employee. In this case, if the limit of £50 is retained in the Act, and the board meets once a month—or 12 times a year—then the limit will be exceeded. It is not proposed at this stage to increase the fees which are now payable. Whilst the Act is before the House for amendment—and only on the second occasion since it was introduced in 1946—it is considered desirable to remove the annual limit.

During the introduction of the measure I said there was adequate right of appeal against the refusal to register, or against the cancellation of registration. The member for Subiaco questioned whether there was, in fact, an adequate right of appeal. Since his argument was based upon the word "opinion" it is once again a matter of opinion as to whether the right of appeal is adequate. However, I have checked on the amendment which he has proposed, and its effect is that on appeal the magistrate will be empowered to entertain, inquire into, and decide upon the appeal by way of rehearing. In my opinion this will certainly give the magistrate the power to review completely whatever determination the board makes. I propose to agree to that amendment.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Clauses 1 to 7 put and passed.

Clause 8: Section 16 amended—

Mr. GUTHRIE: Before moving my amendment I wish to stress for the benefit of the Minister two points that I would like him to look at in regard to future amendments on the question of appeal: (a) The adequate right of appeal when a person has only one month; and (b) The adequate right of appeal which gives an appeal to a magistrate sitting by himself with no further right of appeal. As far as the amendments on the notice paper are concerned, the first amendment is simply to add a semicolon.

The CHAIRMAN (Mr. W. A. Manning): There is no need for the honourable member to move his first amendment, because it is consequential if his second amendment is passed.

Mr. GUTHRIE: I move an amendment—

> Page 5—Insert after paragraph (b) in lines 16 to 24 the following new paragraph to stand as paragraph (c):—
>
> (c) by adding after the word "appeal" in line two of subsection (6) the words "by way of rehearing".

The purpose of this amendment is to enable the magistrate to start *de novo* by having the board's opinion reconsidered, and not by seeing the decision was given in a proper judicial manner.

Mr. O'NEIL: I propose to agree to this amendment; and I will undertake to look at the other two matters raised by the honourable member with respect to adequate right of appeal.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Section 21 amended—

Mr. W. HEGNEY: Some considerable time ago a part-time inspector was appointed. There is a provision in the Health Act for the inspection of establishments, such as hairdressing establishments; and also in the Factories and Shops Act there is power to inspect to see whether a hairdressing shop is a shop within the meaning of that Act.

If the Minister is in the position to tell me, I would like to know what authority or authorities inspect hairdressing shops to see, among other things, whether the health aspect is taken care of and to ensure that those engaged in the particular shop are registered in accordance with the provisions of the Act. Another purpose is to see that the matter of apprentices is taken care of by the particular authority.

Mr. O'NEIL: As far as I am able, I will answer. There is still a part-time inspector employed by the Hairdressers Registration Board. The establishments are subject to regulation and inspection under the Factories and Shops Act. I presume the health aspect is covered by local authorities, the Health Department, and the Factories and Shops Act.

I am unable to give the honourable member the exact details in regard to the watching of the interests of apprentices, but I presume this aspect is covered by the Factories and Shops Act.

Clause put and passed.

Title put and passed.

Bill reported with an amendment.

MINING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August, on the following motion by Mr. Bovell (Minister for Lands):—

> That the Bill be now read a second time.

MR. MOIR (Boulder-Eyre) [8.7 p.m.]: This is a small measure to rectify a couple of matters. The first deals with tailings that may be left on a tailings area or on a lease. It has always been considered that these tailings belonged to the Crown and that the Crown had the right to allow anyone to apply to treat them. It appears that some doubt has arisen in regard to

these areas, so far as leases are concerned, and this amendment endeavours to put the matter right.

I might say that tailings sometimes produce quite considerable quantities of gold. They are the residues that are pumped away into an area when the crushed ore has been treated and the gold extracted according to the formula that is used at a particular time, or at a particular mine, according to the processes that are known at the time.

I think it is fairly well known that, from time to time, new processes are discovered, and these tailings are then re-treated. I think anybody who is familiar with mining at all knows the history of the Horseshoe dump and other dumps on the Kalgoorlie-Boulder goldfield, where some millions of pounds' worth of gold have been recovered from the re-treatment of the sands.

It is very interesting to know, in relation to the Big Bell mine, that throughout its lifetime it had a very low recovery rate of somewhere in the vicinity of three pennyweight to the ton, and finally it had to close down because of that low recovery rate and the increased costs.

However, for some years now a gentleman of, I think, Hungarian extraction has, with his family, been treating the sands from that mine. He is evidently a very clever metallurgist, and has been recovering up to seven pennyweight to the ton—more than twice the amount originally recovered. It is quite evident that had that man's knowledge been available when the mine was working it could probably have kept on working for quite a long time.

Those concerned at the Bell had quite a problem with the extraction, inasmuch as the ore contained antimony. Evidently this metallurgist, who is still working on the sands, has the necessary knowledge and a process that was not known when the Big Bell company was working; and he has successfully treated many thousands of tons of these sands with, as I have said, results of up to seven pennyweight to the ton. As his costs are very low, the profit is very good indeed.

This indicates that as time goes on other sands with, for instance, a copper content, which makes gold extraction difficult at times, may be capable of being further treated; because new processes, which are being discovered all the time, might make it possible to obtain further recovery from this type of residue later on.

The other amendment arises from the fact that some time ago the Arbitration Court was abolished, and this amendment is purely machinery in nature to substitute for the word "Court" where it appears, the word "Commission".

These amendments appear to be very necessary, and I am completely in accord with them and support the second reading.

Mr. Bovell: Thank you.

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.

POLICE ACT AMENDMENT BILL

Second Reading.

MR. CRAIG (Toodyay—Minister for Police) [8.17 p.m.]: I move—

That the Bill be now read a second time.

The purposes of this Bill are, in the first instance, to amend section 64A of the Act dealing with fraudulent cheques; and, secondly, to insert a new section to deal with the alleged fraudulent use of washers or lead tokens in slot machines.

As it now stands, section 64A of the Police Act refers to the passing of fraudulent cheques within a period of 60 days from the opening date of the bank account. Nothing in the section, however, sets out the maximum amount of money which might be fraudulently obtained, and it is possible that, when the section was drawn up, it was not envisaged that such large sums would be involved.

The involvement of large sums of money has been apparent in many cases, and recently an offender, on opening an account, within the space of 60 days drew a cheque on the account for the sum of £800 and thereby fraudently obtained a motorcar.

At the present time, the penalty provided by the section is a fine of £50, or imprisonment for six months, irrespective of the amount fraudulently obtained. It is felt that such a penalty would be adequate for sums up to £50, but for anything in excess of that amount, somewhat inadequate.

For that reason, the suggested amendment makes provision for an increased penalty when the valueless cheque drawn against the account amounts to more than £50, and the penalty suggested is to be a fine not exceeding £250, or imprisonment, with or without hard labour, for a term not exceeding 12 months.

I feel at this stage that I should make it clear that the increased penalty shall only apply to the passing of any valueless cheque that is drawn within that period for an amount exceeding £50.

It may be asked why such penalty should not be awarded when the value of a number of cheques cumulatively exceed, £50; but it should be borne in mind that the passing of each cheque, regardless of the amount for which it is drawn, constitutes a separate offence for which a cumulative penalty may be provided.

As the Act now stands, prosecution under section 64A cannot take place without the written consent of the Commissioner of Police. This, of course, is far from satisfactory as an offender may be operating as far afield from the commissioner's office as Wyndham, Kalgoorlie, or Esperance, and before written consent to a prosecution can be obtained from the commissioner, the offender is provided with ample time to leave the town or even the State.

There is far too much of this fraudulent passing of cheques; and as people—frequently shopkeepers, and the like, in a small way—suffer, no obstacles should be placed in the way of apprehending the offenders. To correct this, the Bill empowers the Commissioner of Police to delegate his authority to an inspector of police.

The second amendment to the Act deals with the fraudulent use of washers or lead tokens in slot machines. During the past year, and in preceding years, there have been numerous instances where metal washers have been inserted in slot machines, such as drink dispensing machines and amusement parlours' slot machines.

At the present time there is nothing in the Police Act to enable proceedings to be taken against offenders, and the Crown Law Department is of the opinion that action should not be taken under the Criminal Code or Crimes Act for this type of offence. Prosecution under the Commonwealth Coinage Act is also considered unwarranted as, in the main, juveniles are responsible for the insertion of metal washers in slot machines.

Clause 9 of the City of Perth Parking Facilities Act, 1956, provides the means for dealing with such offenders summarily, dispensing appropriate penalties. As a result, the Bill allows for the insertion of a new section 89B, which is similar to section 9 of the City of Perth Parking Facilities Act, 1956, and which has the same penalty—a fine not exceeding £20.

Debate adjourned, on motion by Mr. Brady.

COAL MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [8.21 p.m.]: I move—

That the Bill be now read a second time.

This Bill has come from another place and has been passed there. The trustees of the Collie coalminers accident relief fund trust have requested this amendment to section 38 of the Coal Mines Regulation Act, 1946-62, for the purpose of extending the provisions of the accident relief fund to certain timber cutters who are employed by contractors whose workmen are solely engaged in supplying timber to the mines. All these men are members of the miners' union and classified as "mine timber cutters" in the miners' union award, No. 4 of 1953.

The timber cutters in question comprise an essential entity of the coal industry, portion of their work being done in or about the mines. It is considered by the trustees an anomaly that cutters are not included within the provisions relating to the fund. The Bill affects only men who are engaged solely in timber cutting for the coalmines.

The number affected would not be more than approximately nine at the present time, and the Government is not affected financially in the matter. The fund is a statutory one financed by the producing companies through contributions of ½d. per ton on all coal sold, and payment by the employees of 1s. 6d. per fortnight per adult and 9d. per fortnight by junior workers. The Bill received unqualified support when introduced in another place and I commend it to members.

Debate adjourned, on motion by Mr. Bickerton.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [8.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill has also been passed in another place, and its purpose is to provide retiring benefits in respect of some miners who were displaced from the flooded Hebe mine and who elected to retire from the industry. Those affected would be those who had qualified for normal age 60 retirement pension benefits and who had attained the age of 58 years on the 30th April, 1965. The introduction of this Bill concurs with agreement by the Government to this procedure with a view to avoiding any hardship resulting to miners affected by the flooding of the mine.

There is provision that the period of 12 months provided in the 1964 amendment Act concerning the refund of contributions made to certain workers, following retrenchment from the industry, be extended to any further period considered by the pension tribunal as reasonable, but up to a maximum period of three years. I might mention in this regard that the Collie miners union claimed that it would cause hardship for men with families to refund the amounts within the shorter period at present stipulated in the Act.

The Bill further provides that retrenched non-pensionable workers be accorded a similar concession; that is, to repay contributions refunded to them following retrenchment in 1960. Though a non-pensionable worker does not actually qualify for retirement benefits at age

60, he is covered for invalidity pension benefits if he has paid regular contributions for a period of 10 years; or, in the event of his death after having paid contributions for five years, his widow would receive pension benefits.

As earlier indicated, the Government had previously approved the principle of allowing the refunds. The matter of non-pensionable workers was, however, overlooked by all parties at the time and is being attended to now.

Debate adjourned, on motion by Mr. Bickerton.

HEALTH ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [8.27 p.m.]: I move—

That the Bill be now read a second time.

In introducing the second reading of this Bill I would mention that the sewers in the City of Perth area are owned by the Metropolitan Water Supply, Sewerage and Drainage Board. The Perth City Council has authority to order owners to connect their premises to these sewers, but, if the order is ignored, the only resort is prosecution for failure to observe the order. This approach achieves nothing, and is not desirable where the owner is a pensioner or impecunious.

Where a local authority owns a public sewer, such as at Kalgoorlie, it may act to connect the premises when the order is not obeyed, and the cost remains a charge on the land until paid.

This Bill will standardise procedures in cases where the public sewer is owned by either the Metropolitan Water Supply, Sewerage and Drainage Board, or the local authority. There is a sprinkling of houses throughout the city council area still served by a pan service. The owners of these houses have all ignored notices to connect to the sewer, and these houses are all owned by persons in relatively poor circumstances.

After consulting the Metropolitan Water Supply Board and obtaining its agreement, the council now seeks this extension of its powers to have the work done, thus eliminating the pan service. To achieve this an amendment to section 81 of the Health Act is required and is contained in this amending Bill.

Debate adjourned, on motion by Mr. Toms.

MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [8.29 p.m.]: I move—

That the Bill be now read a second time.

This is another Bill which has been passed in another place. The Mines Department is most concerned in the matter of men firing faces in mines outside of the prescribed times. While there is in existence full co-operation as between the Australian Workers Union, the Chamber of Mines, and the Mines Department inspectors in the prevention of early or indiscriminate firing, it still occurs from time to time and creates unhealthy, hazardous, and sometimes quite dangerous conditions in the mines.

Regulation 51 provides that the time of blasting be so arranged that workmen be not exposed to fumes, dust, or danger generally. The penalty for an infringement of the regulation is contained in section 55 of the Act. This is a general penalty for an offence for which no specific penalty is provided and, at the present time, amounts to a fine not exceeding £50 as against the owner, agent, or manager of a mine should he be the offender; or up to £10 in respect of any other person breaching any regulation for which no specific penalty is provided.

The purpose of this Bill is to raise the general penalties under section 55 to £100 in respect of offences committed by the owner, agent, or manager of a mine, and £20 in respect of other persons breaching the Act or regulations, where no other specific penalty is provided.

It is not known, of course, whether the proposed increase in penalties will have the desired effect. However, the amendment proposed in this measure will enable a greater penalty to be imposed, and this may be a deterrent to those who would breach this particular regulation at which the amendment is directed.

Debate adjourned, on motion by Mr. Moir.

MARKETING OF EGGS ACT AMENDMENT BILL

In Committee

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

Clause 1: Short title and citation—

Mr. **BRADY**: I am wondering whether the Minister in charge of the Bill can tell us why there is not some definition in the measure regarding "commercial purposes." Earlier in the session I asked a series of questions of the Minister on this proposal because of the anxiety of some people in my district, and the Minister replied that the levy would apply only to eggs produced for commercial purposes.

The people about whom I am concerned —and there are a number of them—have a variety of birds which they keep for competition purposes and which they exhibit at the various shows around the country.

They are of the opinion that at some point they might be charged with this levy; and despite the fact that I have taken the precaution of looking through the Minister's speeches in the Federal House, and through the Bills that have been passed, I can see no definition of "commercial purposes."

It may be that the Minister can convince me that the term "commercial purposes" refers only to people who are keeping birds for egg production, and who sell them either wholesale or retail; but under the second clause we will be permitting the board to collect money under the Poultry Industry Levy Collection Act of the Commonwealth Parliament as amended from time to time, and that could be dangerous. I would like to hear the Minister on those two points.

Mr. LEWIS: I, too, was curious about an interpretation of the word "commercial", and so I took the trouble to inquire from Crown Law Department officers in regard to it. The term "commercial" is not defined in the Commonwealth legislation, and my advice from the Crown Law Department is that the term in what is known as their legal dictionary means "for profit." I was advised that anyone who sells eggs is assumed to be keeping poultry for profit, and if he does not sell or receive some other equal consideration for the eggs then he is deemed not to be keeping his poultry for commercial purposes.

As regards the second point made by the honourable member, the words "as amended from time to time" refer to the levy, which will be no more than 10s. per hen per annum. For the time being this levy will be only 7s. per hen per annum, and I would assume that the phraseology "as amended from time to time" leaves room for the Commonwealth to raise the levy from 7s. to a higher figure, but with a maximum of 10s.

Clause put and passed.

Clause 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

DOG ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [8.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill will correct an anomaly which has appeared in the parent Act and will also delete those provisions which apply specifically to natives. The owner of certain domestic animals as specified in the Act has the right to destroy on sight a dog which attacks such animals. However, in defining "domestic animals" the Act takes no cognisance of domesticated goats. Accordingly, the owners of goats, some of which are quite valuable, receive no protection. To remedy this defect it is proposed to extend the definition of "cattle"—a term used throughout the Act —to include goats.

There are two sections in the Act which discriminate against natives. The first prohibits natives from laying poison for the destruction of dogs without the consent of a protector of natives. It is clear that the original intention of this provision was to protect unsophisticated natives from the danger of handling poison baits. It is very doubtful whether there are now any natives who would not recognise a poison bait. Even the fully-tribalised desert natives have become familiar with them through the practice of aerial baiting by the Agriculture Protection Board.

Furthermore, these provisions are not generally known and it is not unusual for natives to be requested to lay baits in the course of their employment. Although the original intention of the legislation was protective, it is also restrictive; and since the need for it has disappeared, and in conformity with the Government's policy of removing, where and when practicable, all restrictions on our indigenous population, it is proposed to remove all special reference to natives from this section.

The second provision concerns natives living outside the South-West Land Division, who are at present permitted to register one male dog without payment of a fee; and who, in addition, are entitled to receive a free collar and disc from the local authority. This concession, however, loses some of its force by the further provision which allows dogs belonging to natives to be destroyed without the prior formalities required in respect of dogs of white owners.

It is difficult to find any justification for the retention of these provisions. There is no reason why the native should not be on an equal footing with his white neighbour in this respect. It is therefore proposed that the relevant section be repealed. This will ensure that all dogs held by natives must be licensed irrespective of locality. The Bill is commended for the approval of members.

Debate adjourned, on motion by Mr. Sewell.

STIPENDIARY MAGISTRATES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 26th August, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. JAMIESON (Beeloo) [8.43 p.m.]: This Bill, in the main, is aimed at granting extension of the period of service by a number of magistrates who are now serving on the bench and who, by virtue of the 1957 Act, would be required to retire at 65 years. The Bill seeks to permit them to serve for a further five years until they reach the age of 70.

I am inclined to think that any move such as this, whether it be of a temporary nature or otherwise, is most undesirable. It does appear that there is a dearth of magistrates at present, but the Government must have known for some time that there has been a lack of candidates for the magisterial examination, and I would like to know what it has done to encourage some of the younger officers in the Crown Law Department to sit for this examination.

There is no doubt that the problem will not be overcome by extending the present magistrates' period of employment on the bench for a further five years, because it will be found that most of those who will be affected will be serving in the metropolitan area and, if they are reappointed for a further five years, they will not care to move out of the metropolitan area. This will mean that if the services of a magistrate are required in the country, the Government will have to send one of the younger magistrates to the district concerned to fill the vacancy so created by extending the period of service of one of the retiring local magistrates for a further five years.

This could conceivably mean that before long the benches of the Perth Police Court will be occupied, almost completely, by men who are over 65 years of age; and it must be borne in mind that it is in these courts that the most exacting duties of a stipendiary magistrate are performed. Therefore it is doubtful whether this is a desirable step.

I would draw the attention of the House to the fact that once a man has reached 65, in the normal course of events he does not possess that degree of energy required for his job which is enjoyed by other members of his profession. Of course, the exception always proves the rule. Because of this we could find that the men who have the most difficult task to perform in the role of stipendiary magistrate will be the oldest in that group, and to my mind that would not be a very satisfactory situation.

On this aspect I would now draw attention to an article which appeared in this morning's issue of *The West Australian* on the comments made by Mr. Peter Brett at the legal conference which is at present being held in Sydney. It is true that the first part of this article deals with another matter, but to avoid being accused of taking text out of context I will claim the indulgence of the House to quote the whole of the article, which reads as follows:—

> Legal Wigs and Robes Criticised
>
> Sydney, Mon.: A Melbourne professor today criticised the 18th-Century dress of judges and barristers and suggested that they be unfrocked and unwigged.
>
> Mr. Peter Brett, professor of jurisprudence at the Melbourne University, told the law conference: "If I had to suggest one single form of law reform to bring us into the 20th Century, it would be simply to take our judges and advocates out of the fancy dress in which they go about their work.
>
> "The psychological impact of the change would propel us to divest ourselves of the 18th-Century mentality which accompanies the present mode of dress."
>
> Professor Brett also said judges should retire before they were so old that their minds became hard and inflexible.

The latter part of that article may appear to you, Mr. Acting Speaker (Mr. Crommelin), to be rather harsh; but a degree of inflexibility must be obvious in persons who are getting on in years, and this occurs among men in all professions, whether a man is a surgeon, a lawyer, or is in some other occupation. Once he reaches 65 he is generally far removed from the latest school of thought that has developed in his particular calling, and is therefore less capable, in more modern circumstances, of performing the duties that are required of him.

To have the majority of the stipendiary magistrates concentrated in the metropolitan area—that is, to have a fairly large group of such men engaged on cases in the Perth Police Court—could engender a degree of inflexibility, as envisaged by Professor Brett in the Press article I have just quoted. He is a man of great legal knowledge, and in that article he is referring mainly to judges. However, the work of a judge is only a further step beyond that of a man who is at present employed in the role of stipendiary magistrate.

The answers I received to the questions I asked today on the number of Government servants who have passed the magisterial examination but who have not been appointed to the bench, show that there are only three such persons in Western Australia, two of whom have not applied for recent vacant positions on the bench because, obviously, the appointment would lead to the disruption of the successful applicant's domestic affairs as, no doubt, he would be required to do a country circuit before he was transferred to a position in the metropolitan area.

There again is the problem of the gravitation of magistrates, ultimately, to the metropolitan area. They would be more experienced, no doubt; but whether or not they would have gone past the degree of flexibility that is necessary in law is the problem. This is something to which consideration must be given. It is obviously the usual practice; and the present move by the Government would indicate that the position is even worse than it has been in the past. The only other person who is qualified—in the answer given to my question—is a retired police inspector who is now 66 years of age. Of course he would not be much good.

There are other people in the community who would qualify, apart from those who take the magistrates' examination. These people would qualify by virtue of their own calling; and surely the Government should be able to induce some of them to leave their worthy professions and take on this work as stipendiary magistrates. It is desirable to have these types of men, if it is not possible to get trained men from within the Civil Service.

I am sure we would get sufficient personnel from the Crown Law Department if the inducement were there; if the encouragement were there; and if conditions were made available to enable them to study for a magistrate's certificate. There are many ways in which this could be done. It could be started with the junior clerk in the Crown Law Department, and continued right through to the clerk of courts. Such things as study grants could be provided by the department as an inducement.

I would like to have the matter of superannuation cleared up. I believe it is the intention of the Government, where a man is eligible, to have superannuation paid to him, and for him also to draw his salary as stipendiary magistrate. If this is the case these men will, of course, have a distinct advantage over others. If they are to go back on to the full payroll then, like members of Parliament, surely they should cease to have applied to them any superannuation to which they are eligible. However I am sure the Minister will be able to clarify that point.

Because of the circumstances in which the State finds itself, and the fact that it needs more magistrates, I have little option but to support the proposal in the Bill. At the same time, however, I feel the Opposition is entitled to be critical that the position should have arisen at all; that we should be so short of qualified men in this State to take the place of those who are leaving as a result of retirement, resignation, and so on.

I support the Bill, but I hope this will not became a practice. I would like to see a period of time imposed on this extra provision, so that we can have another look at it in five or 10 years' time to see whether or not the position has improved. If it has we might then be able to wipe out this provision to which I have referred, so there will not be the temptation to maintain a magistrate after he has attained the age of 65, as distinct from those who might not have been thought of so highly at the time of being discarded. This provision could lead to a degree of preference being shown by Governments in the reinstating of these people, even though it may only be for a few years. I give the Bill my support, but I would like to hear the Minister on the points I have raised.

MR. COURT (Nedlands—Minister for Industrial Development) [8.56 p.m.]: I thank the honourable member for his remarks, and for his support of the Bill. He has asked for comments on a number of points. Firstly, let me say that the situation that has developed in respect of magistrates is not a new one. It has, of course, been accentuated by the greater activity, and the greater need for the services of magistrates. This is a natural corollary of development. In addition, it has been found in recent years that there has been a greater demand for magistrates for special duties. Their training and experience have made them the obvious appointments for the various appeal and other boards that have been set up. When we summarise the list of people engaged in these special activities, it will be seen that the demand has increased greatly.

It is the intention of the Minister concerned and the department to continue their efforts to attract suitable men to be trained for this type of work. At the same time it is their purpose to attract men from the legal profession.

There has, however, been a reluctance on the part of qualified lawyers to apply for these posts. There could be a number of reasons for that; but the fact is that there has been a reluctance on their part to make application for the posts in question. The Government, like its predecessors, has wanted to see a balance between the men coming into this type of work—those who are trained in the legal profession, and those who are qualified under the other provisions.

It is the Government's intention, however, to try to increase the interest of people with suitable qualifications and experience in this sort of work. The provisions in the Bill, I think, admirably suit the situation in which the State finds itself, and I do not think it would be desirable to adopt the suggestion of the member for Beeloo of imposing a time limit.

It is possible that, from time to time, the Minister of the day, and the Government of the day, might want to make greater use of the men in the 65 to 70 bracket. A man who is used to this type of work would still be of considerable help between the ages of 65 and 70.

The honourable member indicated that these people could have been removed from modern practice, and could have grown old in their work. On the contrary I think this is a profession where they will have gained in experience by being closely in touch with modern practice. The question of health is, of course, an important factor in considering an extension of their appointment. There are some men who are old at 65 while others are quite young at 67 and 68. There must be some elasticity in considering their duties; and, taking into account the condition of their health and their general suitability for this period; I do not think there is any danger in the matter. It could be a very useful safety valve for Governments in the future, particularly if they had a run of special appeal boards where the experience of a magistrate of some standing was required.

Mr. Davies: Couldn't they be brought back for special duties, or would they still require the status of appointment?

Mr. COURT: As I understand the Bill, there could be a broken period of service. In other words, under this Bill their experience and training would be available. There will be a natural tendency for the position to ease itself, as I see it from a study of the papers, because most of the men coming in with special training and qualification for this work would have about 25 years' service ahead of them in the future. This will ease the position progressively in the years that lie ahead. It is not as though the men appointed to these positions have a limited period of service of five, six, or seven years. The extra safety valve that is built in between the age of 65 and 70 years, when these officers may be required by the Government of the day to remain in the service, will more than take care of the period during which the greater pool of these trained people is developing.

I personally cannot see an upsurge of a large number of applicants from the legal profession applying for positions as magistrates. There is not a surplus of trained legal men going through the University. Of course, this trend might change, but I cannot at the present time see a very large number of legal practitioners applying for appointments as magistrates. There are always some, but most of them settle down into private practice, or get into Government service—State or Commonwealth—where the demand is fairly heavy. There is also an increasing demand for legal men in private employ, where there is a tendency for large firms to engage their own legal officers to do their work.

The honourable member also raised a further question; namely, superannuation. This is taken care of under section 60A of the Superannuation and Family Benefits Act. I could not obtain a copy in time to quote from it, but I did query this point myself. I understand it is taken care of by that section, so the recipient of superannuation is not disadvantaged, but at the same time he does not achieve a great advantage over someone whose services are terminated at the age of 65 years.

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.

DEBTORS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 26th August, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [9.4 p.m.]: This Bill proposes to amend the Debtors Act in two respects, one of which is rather important and the other of a machinery character. Under the existing law a local court has authority to issue a committal-to-prison order on a certificate of judgment issued by the Supreme Court, provided the amount involved does not exceed £50. For amounts beyond £50 the obligation is upon the Supreme Court to issue such committal-to-prison order.

The practice appears to have grown up over a long period of time for local courts to act in this field, irrespective of the amount involved in the judgment against the debtor. Recently the practice of local courts in this matter, in respect of amounts of over £50, was questioned quite strongly. On inquiry and after study, the Crown Solicitor of the State agreed that the local courts did not, under the Debtors Act, have the right to issue any order of committal in respect of amounts exceeding £50.

The Master of the Supreme Court, on being approached, agreed that the opinion of the Crown Solicitor was well based legally; therefore the matter became one of importance not only to all those involved, but also to the Government itself. The Government apparently decided to seek views from at least two separate directions. It obtained the view of the legal advisory committee of the Law Society, and also the view of the Master of the Supreme Court. The views which were given by those two authorities did not coincide.

The opinion of the Law Society was to the effect that there should be no ceiling in regard to the activities of local courts in this field, whereas the view of the Master of the Supreme Court was to the effect that local courts should not be permitted to issue orders of committal for amounts

beyond £500. The Minister in explaining this measure to the House did not give in any detail, if at all, the reason which the Law Society or its appropriate committee offered to the Government in support of its view; nor did he give the reasons which the Master of the Supreme Court advanced in support of his assessment of the situation. If the Minister is in possession of the reasons given by both those authorities I am sure some, if not all, members of this House would appreciate those reasons being given in full, in order that members might have a better understanding of the reasons which prompted the Law Society to recommend as it did, and the reasons which prompted the Master of the Supreme Court to recommend in the manner in which he did recommend.

It is of interest to learn, as the Minister told us, that of the 408 judgments made in the Supreme Court during the calendar year of 1964, no fewer than 363 were for amounts exceeding £500. From that it is clear that local courts have been issuing orders of committal in many cases where the amount of the debt involved was over £500.

Apparently that would indicate the local courts have handled this situation quite efficiently, quite capably, and quite effectively; and it might be an argument as to why the proposal in this Bill should be accepted. My inclination is to give my approval to the proposal in the Bill. However, I think we should have been given more reasons in support of the proposal; and especially should we have been given, I think, more information of the views which the appropriate committee of the Law Society advanced in support of its recommendation; and also more of the reasons which the Master of the Supreme Court must have submitted to his departmental head or to his Minister in support of the view which he advanced.

I sincerely hope and trust the Minister has information available at this stage so he can give it to us before a vote is taken on the second reading of the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [9.11 p.m.]: I thank the Leader of the Opposition for his comments and for his support. Between now and the third reading I will obtain more detailed expert information on the exact reasons for adopting the Law Society approach in preference to the suggestion of the Master of the Supreme Court. I satisfied myself on studying the papers. First of all I read the speech of The Hon. Eric Heenan who, as members know, is a practising solicitor. He referred to the measure as being well-founded, and its aim a good one. I thought that his practical experience and and the fact that the measure had run the gauntlet of the Crown Law Department would be sufficient.

However, I also ascertained that the respective views of the Master of the Supreme Court and the Law Society were submitted to the Solicitor-General, who recommended, without any reservation, that the views of the Law Society be adopted. I think that was probably the reason why the Minister made this recommendation to the Government, and why it was incorporated in the Bill.

I will ascertain the technical reasons why the one approach was accepted or recommended in preference to the other; but I must admit I do not know the really technical reasons for the preferment of one.

Mr. Hawke: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.15 p.m.

Legislative Assembly

Wednesday, the 1st September, 1965

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