Clause 36 refers to the completion of an agreement with industrial unions protecting the services of employees at Wundowie prior to their engagement by the company. This agreement has been negotiated with and approved by the Trades and Labour Council. Clause 37 has been included to protect the payroll tax rebates which the industry is normally entitled to for export performance.

Parliament gave the Government virtually complete authority last year to negotiate an agreement in respect of the industry except for an outright sale. The Government has interpreted this to mean that an option to purchase should, for all practical purposes, be treated as a potential outright sale. Therefore, we negotiated the agreement on the basis that it would need to be ratified by Parliament. However, there was the question of the interim period so as to lose no time in the preparatory work for the establishment of the diversified and expanded industry. This is in the interests of the Wundowie community as well as in the interests of the industry itself. It is because of this the agreement has been drawn on the basis of a transition period from the 1st July and pending ratification. This is within the powers granted by Parliament.

There is provision in part I of the agreement for the formation of a management company. This was done on the 24th June when a company known as A.N.I. (Wundowie Management) Pty. Limited was registered for the purposes set out in the agreement. When ratification is complete and the legislation proclaimed, this transition period will have no further significance and the management will be undertaken by A.N.I. Australia Pty. Limited.

The remaining provisions of the agreement do not require comment at this stage as they are those normally expected in an agreement of this kind. I will conclude my remarks by summarising as follows:—

Firstly, Wundowie Charcoal Iron and Steel Industry had little prospect of continuance as a viable industry without a major reorganisation and diversification.

Secondly, the Government did not want to see the industry and the township disappear, but could not see its way clear to provide the additional funds from badly-needed loan funds, necessary to provide this reorganisation and diversification.

Thirdly, the ideal solution would have been to transfer the industry to the private ownership of a company with a strong capital structure and able to diversify and expand.

Fourthly, the form of the agreement now before the Assembly is considered to be the next best thing to an outright sale. The industry remains in State ownership, and a modern foundry—which will be a tied customer for the industry's pig iron—will be established without cost to the Government.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. LEWIS (Moore—Minister for Education) [6.4 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 30th August.

Question put and passed.

House adjourned at 6.5 p.m.

Legislative Council

Tuesday, the 30th August, 1966

CONTENTS

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

QUESTIONS (12): ON NOTICE

RAILWAY CROSSINGS

Esperance: Flashing Lights and Lighting of Engines

1. The Hon. J. DOLAN (for The Hon. R. H. C. Stubbs) asked the Minister for Mines:

   (1) Is it anticipated that the installation of flashing lights will be effected at the ring road railway crossing in Esperance in the near future?

   (2) Is it correct that funds have been allocated for this work?

   (3) Has anything been done to improve the lighting of the diesel engines, or provide sufficient railway attendants to ensure safety when shunting operations are carried out at night at the three major railway crossings in Esperance?

   The Hon. A. F. GRIFFITH replied:

   (1) It is expected that installation will commence within the next two or three weeks.

   (2) Yes.

   (3) A direction has been issued that headlights be switched on full beam at all crossings.
   Present staff establishment at Esperance provides for one shunter who is required to protect the crossing during shunting operations.

HIGH SCHOOL HOSTELS

Number in Operation

2. The Hon. J. DOLAN asked the Minister for Mines:

   What high school hostels are operating at the present time under the provisions of the Country High School Hostels Authority Act, 1960-1961?

   The Hon. A. F. GRIFFITH replied:

   Albany Senior High School:
   The Rocks Hostel—Girls.
   The Priory Hostel—Girls.
   Boys' Hostel—Boys.
   Bunbury Senior High School:
   Craig House—Boys and girls.
   Carnarvon High School:
   Carnarvon School Hostel—Boys and girls.
   Esperance High School:
   Esperance High School Hostel—Boys and girls.
   Geraldton Senior High School:
   Forrest Lodge—Boys.
   Dellahale—Girls.
   Katanning Senior High School:
   St. Andrew's—Boys and girls.
   Merredin Senior High School:
   St. Michael's—Boys and girls.
   Narrogin Senior High School:
   Caloola House—Boys and girls.
   Northam Senior High School:
   Adamson House—Girls.
   St. Christopher's—Boys.

W.A. MEAT EXPORT WORKS

Capital Costs and Negotiations for Disposal

3. The Hon. R. THOMPSON asked the Minister for Mines:

   (1) What is the present capital value in the Treasury Department records of W.A. Meat Export Works, Robb Jetty?

   (2) What was the original cost when these works were acquired by the State Government?

   (3) Is there any truth in current statements that Japanese, or other interests, are negotiating for the purchase of these works?

   The Hon. A. F. GRIFFITH replied:

   (1) $990,336-88 (30th June, 1966).
   (2) $389,422-00.
   (3) No.

ROADS IN EASTERN WHEATBELT AND GOLDFIELDS AREAS

Soft Edges: Warning Signs

4. The Hon G. E. D. BRAND asked the Minister for Mines:

   With reference to my question on Wednesday, the 18th August, 1965, relating to the erection of warning signs at hazardous points on main roads in the eastern wheatbelt and goldfields areas, will the Minister—

   (a) advise whether any further consideration has been given to this proposal; and

   (b) stress to the Main Roads Department the urgent necessity for signs warning motorists of soft edges on main roads during and after wet weather, particularly in regard to that portion of Route 94 between Merredin, Coolgardie and Norseman?

   The Hon. A. F. GRIFFITH replied:

   (a) and (b) The Commissioner of Main Roads has been requested to have his officers inspect that section of Route 94 between Merredin, Coolgardie and Norseman, to ascertain what action, if any, is required.

MILK

Quantity Distributed, Processed, and Exported

5. The Hon. N. McNEILL asked the Minister for Mines:

   For the years 1964-65 and 1965-66—

   (1) What was the total quantity of milk received by licensed milk treatment plants—

   (a) for distribution as whole milk; and

   (b) for manufacturing or processing?

(2) What was the total production of milk for manufacturing or processing purposes, handled by factories or treatment plants other than those referred to in (1)?

(3) What was the total quantity of milk exported—

(a) in whole milk form; and

(b) in processed form for subsequent reconstitution?

The Hon. A. F. GRIFFITH replied:

		1964–65	1965–66
(1)	Milk received by licensed milk treatment plants from licensed dairymen—		
	(a)	17,545,064 gallons	17,674,072 gallons
	(b)	5,999,344 gallons	5,724,129 gallons
(2)		5,436,490 gallons	5,774,379 gallons
(3)	(a)	232,070 gallons	300,345 gallons
	(b)	1,523,046 lb. condensed milk	933,618 lb. condensed milk
		156,800 lb. skim milk powder for stock food	137,256 lb. skim milk powder
			632,112 lb. skim milk powder for stock food

NORTH WEST COASTAL HIGHWAY

Perth-Onslow: Mileage

6. The Hon. F. J. S. WISE (for The Hon. H. C. Strickland) asked the Minister for Mines:

(1) What is the mileage between Perth and Onslow along the existing North West Coastal Highway?

(2) What will be the mileage when the highway is re-located onto Nanutarra Station?

The Hon. A. F. GRIFFITH replied:

(1) 882 miles.

(2) The Main Roads Department proposes to provide a new connection with the re-located North West Coastal Highway and the town of Onslow. At this point of time it is not possible to state what the mileage will be to Onslow via this route.

LIQUOR RIGHTS OF NATIVES

Refusal of Service by Publican

7. The Hon. G. E. D. BRAND asked the Minister for Justice:

What is the position of a publican who does not wish to serve a native with drink even if the native is in possession of liquor rights?

The Hon. A. F. GRIFFITH replied:

If a native is entitled to liquor, then a licensee, on refusal to supply that native with liquor, is in just the same position as he would be if he refused to supply any other person with liquor.

Section 118 of the Licensing Act is relevant. This provides, in subsection (1) as follows:—

Any holder of a publican's general license, an hotel license, or a way-side-house license or an Australian wine, beer and spirits license, who, without reasonable cause, refuses to receive any person as a guest in his house, or to supply any person with food, liquor, refreshment or lodging, commits an offence against this Act.

Penalty: Fifty pounds.

Provided that the burden of proof that there was reasonable cause for not complying with this section shall lie upon the licensee.

HOUSING

Rent Increases: Effect on Amenities

8. The Hon. R. THOMPSON asked the Minister for Mines:

As the State Housing Commission has seen fit to increase rentals on most homes under its control—

(1) Is this a repudiation of the tenancy agreements which tenants have entered into with the State Housing Commission prior to their taking possession of houses?

(2) What extra benefits or services can tenants expect from these increased rentals?

(3) Will hot water systems, electric stoves, and other amenities lacking in the older type homes, be supplied to tenants who request these items, without another increase of rent to offset the capital cost of these items, which are incorporated in the new type home being constructed at a higher capital cost than houses built up to 20 years ago, and whose tenants are required to pay only slightly less rental for timber framed houses as distinct from the superior brick veneer homes?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) None. The increases were approved to cover the increased cost of maintenance, management, and rates—all of which had been greater than the commission's rental income from those factors.

(3) No. The commission does not replace any existing facility until it is irreparable. However, tenant requests for a more modern and costlier facility are approved on agreement to pay added rental to cover the cost of the new facility and its installation.

ROADS IN SOUTH-WEST

Plans for Improvement

9. The Hon. V. J. FERRY asked the Minister for Mines:

(1) In view of the increasing road traffic south of Bridgetown, including heavy haulage vehicles, has the Main Roads Department plans for widening, straightening, reforming and resealing the following roads:—
(a) Bridgetown to Manjimup;
(b) Manjimup to Pemberton; and
(c) Pemberton to Northcliffe?

(2) If works are planned for these sections, how are they programmed?

The Hon. A. F. GRIFFITH replied:

(1) The Main Roads Department has programmed the following works:—
(a) Bridgetown to Manjimup: Reconstruction, widening to 24 ft., priming and sealing approximately 0.5 miles at the northern end of the Manjimup townsite, $12,000.
(b) Manjimup to Pemberton: Reconstruction, widening to 24 ft. and priming 2.3 miles to the south of the Manjimup townsite, $46,000.
(c) Pemberton to Northcliffe: Nil.

(2) It is expected that the aforementioned works will be put in hand during the current financial year.

ROAD MAINTENANCE TAX

Exemption North of 26th Parallel

10. The Hon. F. J. S. WISE (for The Hon. H. C. Strickland) asked the Minister for Mines:

What would be the cost to the road maintenance fund if the area of the State situated north of the 26°S latitude was exempted from the provisions of the Road Maintenance (Contribution) Act of 1965?

The Hon. A. F. GRIFFITH replied:

It is not practicable to segregate the information to indicate the amount of road maintenance contributions derived from vehicle operations north of the 26th parallel of south latitude. This would involve examining every trip on every return for each vehicle likely to have operated in the north. This would be impracticable and with the present staff, impossible.

CATTLE

Spraying: Use of Dieldrin

11. The Hon. V. J. FERRY asked the Minister for Mines:

(1) Is it an offence in Western Australia to spray cattle with dieldrin compounds?

(2) What checks and tests are carried out by the Department of Agriculture, or any other State or Federal department, to determine whether beef for export to the U.S.A. has any dieldrin residue?

(3) Is any beef being currently exported to the U.S.A. from Western Australia?

(4) Is the embargo in the U.S.A. on the sale of meat having a dieldrin residue still operative?

(5) What alternative sprays to dieldrin are available to farmers in Western Australia for the control of lice in cattle, and how does their effectiveness and convenience compare with dieldrin?

(6) Has the Department of Agriculture any knowledge of the extent to which dieldrin is being used in Western Australia for spraying beef cattle or dairy cattle?

The Hon. A. F. GRIFFITH replied:

(1) No, but it is an offence to sell preparations containing dieldrin for the treatment of cattle.

(2) Regular chemical tests are carried out by the Customs laboratory for the Department of Primary Industry for the detection of dieldrin residues in beef for export.

(3) Yes.

(4) Yes.

(5) A number of organo-phosphate preparations which are equally effective and convenient to use are available in Western Australia.

(6) The department has no definite knowledge of the extent to which dieldrin is being used for treating cattle, but minimal levels of dieldrin continue to be reported by the Department of Primary Industry.

LUCERNE FLEA

Bdellid Mite and Other Means of Control

12. The Hon. V. J. FERRY asked the Minister for Mines:

(1) Can the Minister explain to the House in what portion of the agricultural areas of this State the Bdellid mite, the natural predator of the lucerne flea, exists?

(2) Can he advise what progress has been achieved by the C.S.I.R.O. in its search for and introduction of a more widely adaptable and effective predator for the lucerne flea?

(3) What is the effect of D.D.T. spraying on Bdellid mite numbers?

(4) What are the recommendations of the Department of Agriculture with respect to chemical and biological control of lucerne flea?

(5) How close a liaison exists between the Department of Agriculture and the C.S.I.R.O. in respect to control of pasture pests?

The Hon. A. F. GRIFFITH replied:

(1) The Bdellid mite is widely distributed in the clover growing areas of Western Australia, and is found roughly west of a line drawn from Badgingarra through Coomberdale, Goomalling, Kellerberrin, Kukerin and Ongerup to the south coast.

(2) The C.S.I.R.O. has introduced a new species of Bdellid mite which it is hoped will become established in areas not now occupied by the local species.

(3) D.D.T. is toxic to the Bdellid mite and can seriously reduce the population of the predatory mite.

(4) Lucerne flea is controlled chemically with organic phosphate insecticides. The Bdellid mite was distributed for many years by the department but it is widespread and distribution has now ceased.

(5) There is close liaison between entomologists of the C.S.I.R.O. and the Department of Agriculture on all entomological problems.

QUESTIONS (2): WITHOUT NOTICE

METROPOLITAN REGION TOWN PLANNING AUTHORITY

Advertisement in "The West Australian"

1. The Hon. N. E. BAXTER asked the Minister for Town Planning:

(1) Has the Minister read the advertisement in *The West Australian* of the 25th August, 1966, with the heading, "Planning Metropolitan Perth" inserted in the name of "David Carr", Chief Planner of the Metropolitan Region Town Planning Authority?

(2) Did the Minister authorise the advertisement?

(3) What was the cost of the advertisement?

(4) Is the advertisement intended to convey—

(a) what a wonderful job the authority is doing for posterity;

(b) that money is short to pay for acquisition, so it does not matter if almost $100 is wasted by the authority in advertisement; and

(c) that it is a forerunner or warning that regional tax will be increased?

(5) As the advertisement states "Regional Planning offers the open-air life", is this intended to mean that people should cease building houses and live in tents to avail themselves of the open-air life?

The Hon. L. A. LOGAN replied:

(1) to (5) Whilst I could give an answer off the cuff, I do not intend to do so because I think this question needs a considered reply. Therefore, I ask the honourable member to place the question on the notice paper. If he wants to know whether people should live in tents in open spaces, I could suggest that if they wanted to they could build eagles' nests and live in them!

MILK

Quantity Distributed, Processed, and Exported

2. The Hon. N. McNEILL asked the Minister for Mines:

With your permission, Mr. President, I would like to ask the Minister for Mines a question without notice following on his reply to my question which is No. 5 on the notice paper?

The PRESIDENT: I will allow the honourable member to ask the question provided it is not too lengthy.

The Hon. N. McNEILL: Thank you, Sir. It is a short question. I asked the Minister what was the total quantity of milk received by licensed milk treatment plants, and the Minister replied that "the milk received by licensed milk treatment plants from licensed dairymen" was the quantity he proceeded to give in his answer. I wonder whether the Minister would ascertain whether there would have been any difference in his reply if my specific question was answered.

The Hon. A. F. GRIFFITH replied:

I do not know the answer offhand, but I will ascertain it for the honourable member and advise him accordingly.

BILLS (2): INTRODUCTION AND FIRST READING

1. Evidence Act Amendment Bill.
2. Debt Collectors Licensing Act Amendment Bill.

Bills introduced, on motions by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

MOTOR ACCIDENT VICTIMS: COMPENSATION

Inquiry by Select Committee: Motion

THE HON. E. M. HEENAN (Lower North) [4.55 p.m.]: I move—

> That in view of the pressing need to amend the law relating to the compensation of persons injured in motor vehicle accidents and also in view of the criticism by responsible bodies, which has been levelled against the Government's proposed Bill to amend the Motor Vehicle (Third Party Insurance) Act, this House is of the opinion that a Select Committee consisting of three members from each House be appointed to consider the overall position and to submit recommendations during the present session of Parliament.

Towards the end of last session a Bill was presented in another place the short title of which was an Act to amend the Motor Vehicle (Third Party Insurance) Act, 1943-54. The main purposes of the Bill were to effect three changes in the existing law. The present limit of £6,000 —and I will continue to quote in pounds —in respect of each passenger, with a total of £60,000 for all passengers, was to be removed; an injured spouse would be able to claim for injuries arising from the negligence of the other spouse; and an independent tribunal, headed by a judge or a solicitor, with judicial qualifications, with two experienced members nominated by the Minister, was to determine all claims for damages both on the questions of liability and quantum.

Those are the three main purposes which the amending Bill sought to achieve. I do not think anyone will quarrel with the first principle, or with the second.

The Hon. H. K. Watson: I think there is room for a difference of opinion on the second one.

The Hon. E. M. HEENAN: The second principle in the Bill provides that one spouse will be able to claim damages against the other. Members will recall that a year or so ago I introduced a Bill to achieve this purpose, and I think it received a considerable amount of support. It was defeated largely on the ground that rather than deal with one specific piece of the law it would be better to allow the Government time to make some overall amendment to the existing law. Members may have read the following stop Press note in this morning's paper:—

> DANGER LIST: Mrs. . . .

I will not quote her name—

> (28) . . .

I will not give the address—

> received severe head injuries when the car in which she was a passenger overturned three miles west of Mingenew. She was taken to the Royal Perth Hospital and her name is on the danger list. Her husband John (about 33), the driver, was not seriously hurt.

What will happen to that unfortunate woman, of course, is unpredictable. She suffered severe head injuries which I consider to be the worst form of injury one could sustain in this type of accident. What her husband does for a living, we do not know. Whether there are any children, we do not know. What we do know is that she is critically ill in Royal Perth Hospital. It can be surmised she will be there for some time and that she will receive the very best medical and nursing attention that can be given to her; but, as the law stands at the present time, unless she or her husband have some private insurance policy she will not receive any compensation. Who will pay the hospital and the doctors, goodness only knows.

If her husband is a man of means, of course, he will have to pay; but if he is a working man, or of moderate means, he may have a wife who is going to be permanently afflicted for the rest of her life, and he may have an amount of debt owing for hospital and medical expenses that will be a tremendous burden to him for the immediate years to come.

That is just one case that was reported this morning; and it is not uncommon. I think the Government is to be applauded in endeavouring to do something about that state of affairs. However, even with the amendment which the Government proposes in its Bill, that wife would have to prove that her husband was driving at fault—that he was guilty of negligence. He might have been speeding; he might have cut a corner; he might have had his car in inefficient repair; and he might not have been watching where he was going; but the wife would, under the Government's measure, still have to prove one of these things against her husband.

She is critically injured and is in Royal Perth Hospital and will probably not remember one thing about the accident. If and when she recovers, it will be a complete blank to her; and she is confronted with the onus and responsibility of proving negligence. She will probably be in hospital for many months, maybe years; and any witnesses who might be about the place today will be very hard to find in a month's time or a year's time. Even under the Bill which the Government put before us, that unfortunate woman will have an almost insuperable task if the Motor Vehicle Insurance Trust calls upon her, as it is bound to do, to prove that her husband was negligent. The Motor Vehicle Trust cannot just pay out any money, because the law under which it operates requires that it can pay only in cases where negligence is proved.

I mention that case because it is very apposite, having just happened this morning; and, as I have said, I think the Government is at least trying to achieve some-

thing by partially remedying the great disability under which spouses suffer at the present time. This proposal will cost more money, but other States of Australia have adopted it and it is about time we in Western Australia did likewise.

These remarks emanated from my viewpoint that very few will cavil at the first and second proposals in the Bill. Then we come to the third one which has aroused criticism and contention, because it is a very radical departure from the *status quo*. At the present time, claims for damages have to be made in the usual way through the courts of the land; and this outline I quote from the *Australian Law Journal* of the 28th November, 1963, sets out more clearly and better than I could do what the normal procedure is in these cases. I quote—

> The subject of "liability without fault" has its roots in the undoubted problem which has arisen in this, as in other communities, consequent upon the rapid growth of vehicular traffic with its inevitable by-product of death and injury to road users whether drivers, passengers, pedal cyclists or pedestrians. The present state of the law, based as it is on proof of fault on the part of a defendant motorist, results in some injured persons, and the dependants of others fatally injured, having to bear their own loss, with, in some cases, disastrous financial consequences to them and fringe disadvantages to other members of the community. The claim is made by some that in this enlightened age, in which the social conscience of the community pays or should pay more attention to the welfare of all members of society, young and old, rich and poor, this state of affairs calls for a remedy.
>
> At the outset it is, perhaps, important to see what the law requires in relation to a road accident victim before he can recover damages for his injury. (a) He must prove that the offending motor vehicle was driven negligently and that such negligence was the cause of his injury. (b) He must not have materially contributed to his injury by his failure to use reasonable care for his own safety. (c) He cannot recover if, being married, the offending vehicle was driven by his spouse.
>
> It follows from that brief summary that an injured plaintiff may fail to recover damages because—
>
> > (a) The vehicle inflicting injury was not being carelessly driven. (b) His injury was solely due to his own carelessness. (c) His injury was materially contributed to by his own carelessness. (d) His injury was due to a latent defect in the vehicle. (e) His injury was due to inevitable accident. (f) His injury was due to the negligence of his spouse.

These involved, difficult, and complex cases, in the main, are heard by the courts of the land and, in reality, they take up a great amount of time of the judges who preside in our Supreme Court; because it is well known to all of us that motor vehicle accidents are happening with great frequency.

I shall quote from a paper which was read at the Third Commonwealth and Empire Law Conference—

> Every nine minutes someone is injured—this is in Australia—every four hours someone dies. Road accidents are a major epidemic—they kill more than lung cancer, tuberculosis or war. Sir John Barry, who is a judge at the Supreme Court of Victoria, estimates Australian war casualties in four wars since Federation at half the number killed or wounded on our roads. The National Health and Medical Research Council has estimated that an average of one person in every family will be a victim during a lifetime. During 1964 in New South Wales alone there were 1,000 deaths, 26,000 injuries.

With the increasing number of motor vehicles that are owned by the people of Australia, and in spite of all the precautionary efforts that are being made by well-meaning Governments, societies, and people in our midst, it seems inevitable that this holocaust on the road will, at least, not decrease in the years that lie ahead.

I was saying that, when it is a matter for the courts to deal with civil damages, many abstruse and difficult facets have to be decided. First of all, there is the question of negligence, or fault, which has to be established. And, indeed, how difficult it is for the ordinary individual to establish fault at certain times.

I do not want to keep referring to the unfortunate woman who was injured this morning, but that is a fairly typical case. The person who is seriously injured frequently suffers from concussion, frequently is in hospital for long periods, and frequently is a person of modest means. This person cannot make his claim before the courts a day, a week, or a month after the accident happens, because frequently he is in hospital for a long period. He is then confronted with the onus of proving that his injuries were caused by the other driver's negligence.

Always, his adversary is the Motor Vehicle Insurance Trust, with its power, experience, and staff of trained personnel who are able to investigate these accidents right at the start. The question of liability is the essential matter which the courts have to decide and, having decided it, the question of quantum has to be arrived at. In what amount is the victim to be compensated; what has he lost; and what is his future loss going to be? Of course these are very

difficult questions and, at the present time, they are being handled by the best trained men that our society can put on tribunals —the judges of the Supreme Court.

If one of the judges of our Supreme Court fixes a figure which either side considers to be unsatisfactory, then either side can appeal to a higher court. If a judge disallows the question altogether, the victim can appeal. If the judge awards damages which the Motor Vehicle Insurance Trust considers should not have been awarded, the trust can appeal to a higher court. As the law now stands, this seems to be as near a perfect system as can be achieved.

The Bill proposes to dispense with that system altogether and, instead, to substitute a tribunal which will be presided over by a judge, or by a legal practitioner with long experience, and by two assessors who are to be appointed by the Minister, and from which there will be no appeal unless the members of it make some mistake of law.

To my mind, this proposition requires a great deal of consideration. It will affect to a vast extent every man, woman, and child in Western Australia because every man, woman, and child in Western Australia is a possible victim of an accident on the roads.

I am not going to criticise the proposition much further except to warn members of the fact that one has to be very guarded against departing from the rule of law. Our judges are selected for their pre-eminence in learning, integrity, ability, and experience, and I think we have to be very guarded against departing from the system which operates at the present time.

The Bill was submitted last year by the Government and, there again, I applaud its action. The Government submitted it in order that interested parties could consider, approve, criticise, and make suggestions about it. The Law Society of Western Australia has come out very strongly against the proposition to create an independent tribunal. The Law Society is a most responsible and—I think I can say with confidence—a highly respected body. In expressing the view that the Law Society has expressed it, it has in mind only the good of the community.

Some might suggest that lawyers have a vested interest in these cases and I will be the first one to admit that road accident cases do take up a lot of time in the courts and provide the legal profession with a great amount of work. However, lawyers would still appear before this suggested tribunal so I do not think that anyone would suggest seriously that the legal profession has any vested interest, or has anything but the best motives in voicing its opposition. This is one body of standing which very much criticises the board proposal.

Another body which represents the motoring public—the Royal Automobile Club of Western Australia—has also criticised the Bill.

I readily agree that, in many ways, the Bill is to be commended. I think it represents an honest endeavour on the part of the Government to make improvements in the existing state of affairs. However, in view of the high stakes involved, in view of the far-reaching consequences to the community of Western Australia, in view of the genuine criticism that has been levelled against the Government's Bill, and also in view of a very important shortcoming—to which I shall advert shortly —I seriously suggest to this House, and to the Government, that nothing would be lost and a lot would be gained if this motion of mine were carried and a Select Committee appointed.

[Resolved: That motions be continued.]

The Hon. E. M. HEENAN: In his reply to the debate I anticipate the Minister will say that many inquiries have taken place in other parts of Australia, New Zealand, and elsewhere, and that an inquiry such as I propose would not achieve anything. If he does put forward that argument I consider members should not subscribe to it. This is a problem which concerns the people of Western Australia, and we have to do our part by contributing our best efforts to bring about wise, humanitarian, and sensible legislation. The motion gives us an opportunity to contribute something along those lines instead of drawing upon proposals made in other parts of Australia.

It is interesting, perhaps, for me to point out to members that we were the last State in Australia to introduce third party motor vehicle insurance. New Zealand pioneered it. In 1928 that dominion was the first country in this part of the world to bring in third party motor vehicle insurance. The reason for its introduction was the tragic situation which existed in that people were injured and killed on the roads and either they or their dependants had to recover damages from the individual who was in the wrong, and who, in nine cases out of 10, was a man of straw and had nothing. In order to rectify this situation third party motor vehicle insurance was evolved and introduced in New Zealand in 1928. Queensland followed in 1936, South Australia a little later in 1936, Victoria in 1939, New South Wales in 1942, and Western Australia in 1944.

One problem which agitates those concerned with people who are involved in motor accident cases is the necessity to prove fault. There is a strong body of opinion among eminent judges and writers which claims we have now reached the stage where every victim of a road accident should be compensated, irrespective of whether he can prove negligence or not. In other words, this strong body

of opinion holds that the onus of proving the other person at fault should be abolished.

One of the authorities who has led the fight in this field is a Western Australian, Mr. Ross Parsons, B.A., LL.B., who published an article in the *Annual Law Review* of the University of Western Australia in December, 1955. This article has since been referred to by eminent judges and writers in other parts of Australia. Mr. Parsons holds the strong view that the necessity to prove fault on the part of the other driver should be abolished.

I have already instanced the case of the poor woman who was injured this morning. As I was driving to Parliament House last week, I saw lying on the road in front of Newspaper House a body covered by an overcoat. Shortly afterwards an ambulance came screeching up behind me, and the following day I read in the Press that it was a woman who had been knocked down. She was taken to Royal Perth Hospital, but I do not know how seriously she was injured.

When a person is involved in a motorcar accident, invariably the head injuries, caused by striking various parts of the motorcar, are extremely serious. If it is a pedestrian who is knocked down on to the bitumen road, invariably that pedestrian suffers concussion and, when there is concussion, the injured person cannot remember anything.

The woman who was knocked down in St. George's Terrace will no doubt be in hospital for some time and will have to receive a great deal of medical attention. It is also possible she will have to receive physiotherapy treatment afterwards. Eventually she will receive bills from the hospital, the doctors, and the physiotherapist, and her own doctor will probably finally say, "She has now reached the stage where I think her claim can be settled. She will suffer from headaches for the rest of her life, or some part of her body will be permanently affected in some way." That woman then has to establish that whoever knocked her down was in the wrong, and no doubt she would obtain the services of a lawyer. Months after the accident endeavours would be made to locate witnesses who saw the accident so they could support her claim that the driver was in the wrong; that he had not kept a proper lookout. In such circumstances the odds are greatly against her.

This is what Mr. Ross Parsons points out, when he says—

> Probably no more than one-third of victims seek legal assistance in pressing their claims. Of the rest, some have been told by the police officer who attended the accident or by a Trust investigator that they have no case and accept this as an authoritative judgment. Others are less timid and put forward a claim which comes mediately or immediately to the Trust. They are now opposed by a financially powerful, highly trained, and heavily armed adversary. The Trust is entitled to use all of its power, its training, and its armament to defeat the victim's claim entirely or to limit what he receives. One should not expect it to do otherwise. The word "Trust" tends to make one forget that the Trust is not a department of government. Nor is it a philanthropic institution. It is an association of insurers, only one of which (the State Government Insurance Office) may be said to have any public duty, engaging in a kind of insurance where premium income is limited in the last resort by public control, and it may fairly seek at least to avoid a deficit. The writer does not intend that this statement should be regarded as a polemic against the Trust or its officers.
>
> The victim may be defeated at this stage by the fact that he has made a statement to a police officer or to a Trust investigator which would tell heavily against him in the forensic rites. Or he may be defeated because he is unable to show any evidence likely to be sufficient in the forensic rites, or indeed because he is unable to show any evidence at all.
>
> And even if he has made no statement and has some evidence he cannot lightly refuse an offer of settlement even though it is only an offer of a fraction of his loss. If he refuses, the hazard of the list in the selection of the trial judge and the hazard of judicial evaluation in the forensic rites lie ahead.

Some lawyers are more capable than others; the best can demand high fees; and so the victim in poor circumstances, who has an action to contest, certainly has an uphill battle.

I refer to the case of a man in poor circumstances who was injured in a motor accident at Esperance in, I think, 1964. I will not refer to him by name, but he was driving his vehicle at night when it collided with another vehicle near a crossroad. He was seriously injured and I think he lost a leg. It was obvious he would be in hospital for a long time.

I think it was about two years later, after consulting a couple of lawyers, that he finished up with one who took his case to court. He was not able to prove that the driver of the other vehicle had been negligent; he did not have the evidence; and the claim was dismissed. I do not think the hospitals or the doctors have been paid, because this person does not have any means.

The injury has obviously affected him, because he has been writing to all and sundry. I am sure the Minister for

Justice has heard of this person. I think he has written to the Governor and to various people in authority. His whole life has been ruined, and he will be a cripple for the rest of his life. He feels he has been treated wrongfully; and he thinks the lawyers have combined with the Motor Vehicle Insurance Trust, as a consequence of which he has suffered an injustice. Obviously this matter has become an obsession with him.

This is not an isolated case. In other cases we have had to say to the people concerned, "What evidence is there? How can you satisfy a judge that your accident was due to the fault of the other party?" Sometimes the necessary evidence is not available. This person who sustained the accident at Esperance might have been at fault himself. He, of course, blames the other driver; but the judge who heard the case and the evidence found that he had not been able to establish the necessary onus of proof, and the claim was dismissed. Costs were awarded against him, and all the bills were left with him for settlement.

Many people who are giving great attention to, and making a deep study of this state of affairs think the time has now arrived when we should evolve some better system whereby every person who is injured in these circumstances is compensated.

The Hon. H. K. Watson: How would that apply in the case of the three larrikins who were blind drunk and successfully wrapped themselves around a tree in King's Park?

The Hon. E. M. HEENAN: It would include such people. I must point out to my friend that I have not all the answers, and that is why I am asking that this difficult problem be submitted to a Select Committee which could obtain evidence and weigh up the pros and cons. To be quite honest with Mr. Watson, if all restrictions were entirely abolished then these people would receive compensation. But surely safeguards could be brought in to handle such a state of affairs.

I do not propose laying before the House an answer to all these questions. My role in moving the motion is to point out the problems that exist. Now that the Government is tackling the position to some extent, it should appoint a Select Committee. We have a great deal of knowledge and information available on this subject; and I am sure many knowledgeable people in Western Australia will be very ready to help to the best of their ability. Who knows that something worth while might not be achieved? New Zealand pioneered this form of compensation years ago, so why cannot we in Western Australia come up with something that will be a contribution and will help to overcome this great problem which is with us, which will remain with us, which affects everyone, and which—with the ever increasing use of motorcars on the roads—seems likely to come nearer home to all?

At the present time the person who is injured but cannot prove that the other party has been negligent is not the only sufferer. He goes into a private or a public hospital, and receives the best of treatment. These institutions do not ask for money in advance. All the facilities of the hospital are made available to the patient, as are the services of the best doctors in the land. Eventually the patient is discharged, and if he cannot recover any compensation for his injury then everyone is left lamenting—to say nothing of the wife and family of the patient.

Many people consider that some wiser scheme could be introduced—a scheme which could be financed in ways which seem to me, at any rate, to be practicable. I shall not weary the House with further quotations and further details, except to say that eminent men have put up various proposals for the payment of compensation in these cases. In my view such a scheme is not beyond accomplishment.

I think I have said enough; I thank the House for listening to me; and I put this motion forward seriously, not in criticism of what the Government is doing. It has been said that half a loaf is better than no bread at all; but we should remember that the Law Society, through its president, after considering the Bill very carefully, has criticised the establishment of the proposed tribunal.

The Hon. H. K. Watson: Are you assuming the Minister has not heeded that criticism?

The Hon. E. M. HEENAN: I am sure he has heeded it. I give the Minister that much credit, but I do not know what conclusions he has reached regarding it.

The Hon. A. F. Griffith: As a matter of fact you are talking about a Bill which is not before the House.

The Hon. E. M. HEENAN: That is so. Perhaps the Minister should have pointed that out before. I have done my best, but I am afraid it has not been a good enough best, because in the last day or two I lost some papers and notes that I had prepared for speaking to this motion last week. Consequently I have been under some difficulty in making my remarks.

I hope I have made my point. The essential point is that this whole problem is a serious one, and justifies the appointment of a Select Committee. It might achieve something worth while. I would remind members that the parliamentary all-party committee into the goldmining industry brought in a number of worthwhile recommendations which the Government adopted. I hold the view that frequently Select Committees achieve quite a lot; and it is my hope, if the House agrees to the motion before it, and a Select Com-

mittee is appointed, that some worth-while contributions will be made to resolve this very serious problem.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Local Government).

CEMETERIES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [6 p.m.]: I move—

That the Bill be now read a second time.

Applications have been received in recent years from a local company seeking the sanction of the Government to conduct a private park cemetery in Perth, and also from a firm in the Eastern States and one from Singapore. The proposals were to establish cemeteries similar to those now operating in the Eastern States and in the United States of America. The schemes involved the establishment of a park and lawn-type cemetery wherein the only headstones are horizontal and do not project above the surface.

One of the ideas behind these schemes is that people commence paying on time-payment for their cemetery plot, and their fee is high enough to meet the maintenance costs in the future. By arranging an insurance policy for the person purchasing the grave plot, it is made certain that on that person's death the plot would already have been paid for by him, or will be paid for by the insurance policy. By arranging the prepayment the cemetery is placed in a position with regard to funds which will enable it to function better than if fees are simply paid upon the death of a person.

Whilst it is the policy of the Government to encourage private enterprise, it is felt that matters concerning death are not areas in which private enterprise should be encouraged. In America, and in other States, the funeral and cemetery business has become a highly organised and profitable scheme which involves estates and bereaved persons in considerable expenditure. The selling techniques also have been reported in some instances to be unsatisfactory.

The Karrakatta Cemetery Board has indicated its opinion that the introduction of privately-owned cemeteries in this State would not be in the best interests of the community in general. The board agrees that some of the principles of the private cemeteries should be introduced into the new Pinaroo Cemetery, but at this stage it is desirable that all remaining grave space in Karrakatta should be readily available for immediate use.

The secretary of the cemetery board has recently visited the Eastern States and has inspected cemeteries in that area. It is the policy of the board to incorporate in the Pinaroo Cemetery the highest possible plane of cemetery development and provide all the facilities prevailing in modern cemeteries throughout the world.

The Bill provides for an amendment to section 12 of the Cemeteries Act by an addition to that section and the inclusion of authority to enable trustees of a public cemetery to provide this type of cemetery development.

The amendment also provides for the trustees to make by-laws under section 14 of the Act with the approval of the Governor to provide for maximum sizes of monuments, tombstones, etc., prescribing fees for the maintenance of the lot or lots, and for requiring the applicant for the exclusive right to pay for the grant by instalments and to enter into agreements, setting out the terms and conditions upon which the grant is made wherein the maintenance of the graves will be undertaken.

By-laws could also be introduced requiring that the applicant should provide such security for the due payment of the amount of the instalments in the event of the death of the applicant as the trustees may require. This security could be made by an insurance policy arranged through the trustees.

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

Sitting suspended from 6.4 to 7.30 p.m.

RURAL AND INDUSTRIES BANK ACT AMENDMENT BILL.

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.30 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to permit the Rural and Industries Bank to engage to a greater extent in the State's housing programme. The bank has made loans totalling almost $13,000,000 to some 13,923 applicants for assistance in some aspect of housing over the past 10 years, which is a considerable contribution to the State's housing needs.

Excepting the Empire Games Village homes, sales of which the bank sponsored, the bank's housing loans have been made in the normal course of banking business with customers coming to the bank for assistance to purchase or build a home. It is now proposed to enlarge the bank's scope beyond this point enabling it to have dwellings constructed to meet the needs of the State's increasing population.

As an assurance that the bank's activities in this regard will in fact be implementing a policy in line with the State's requirements, the new proposals are to be subject to the approval of the Minister

and the Treasurer. In order to provide the legislative facilities for these proposals to be put in train, it is proposed to add two subsections to section 19 of the Act. The first of these will enable the commissioners to purchase land and construct houses or flats for the purpose of sale or rental, and to sell land with or without houses erected thereon, and to enter into building partnerships or consortium arrangements in order to assist the housing situation.

The second new subclause provides for the Governor to grant the commissioners Crown land on such terms as he considers suitable for the purpose of advancing the bank's approved housing policy and, also, that a municipality may sell or exchange land with the bank for the same purpose.

It is envisaged that all sections of the building industry may have a share in the erection of homes, providing the interests of the eventual purchaser are preserved by way of cost, though, naturally, jobs would go to the lowest tenderer so long as quality and standards are maintained.

It is considered a fair proportion of its building blocks would be sold by the bank not only to accelerate progress, but also to give purchasers the opportunity to make their individual arrangements as regards the choice of design, finance, and builder. Thus, the small builders will be given an additional opportunity to participate in the scheme by building homes for individual owners. With a view to preventing speculation through the scheme, all blocks sold will carry a suitable building covenant. The commissioners will endeavour, also, to take some similar precaution in the case of homes to be sold when they consider this course desirable.

The bank will set aside an amount of $2,000,000 for the project as a rolling fund over the first two years of the scheme. The profits accrued from the land dealings will also go into the rolling fund and be available to home builders in this State in perpetuity. It is projected that the standard of homes to be erected will equal at least those already erected in the area in which it is proposed to build.

An advisory committee, consisting of an architect experienced in housing construction, a member of a prominent real estate firm, and a senior officer of the bank, is to be appointed to keep a watchful eye over all aspects of the scheme. The committee will be in close liaison also with the taxation valuation department.

It is envisaged that many of the homes, which will be built under the scheme, will be suitable for those, who, by reason of income, are ineligible for State housing assistance. Nevertheless, the scheme generally will be offered as available to all sections of the community. In the overall, it is planned that the State Housing Commission, together with the Rural and Industries Bank, will be in a position to meet the demands of a wider group of people than as at present.

While no maximum or minimum prices are to be set, it is at this stage expected that the price of the house and the land will range between $9,000 and $14,000, depending upon the area and the demand.

I might mention here that it will not be mandatory for the purchaser to finance his home through the Rural and Industries Bank. Finance may be arranged through any bank, building society, or similar institution of his choice. The proposal has, as its aim, the erection of good homes at reasonable prices but, more importantly, a significant contribution to meet the rising demands for houses caused by development and migration.

With a view to getting the scheme under way, tenders for the first 16 homes have been received but not accepted as the bank is awaiting legislative powers. In practice, it is intended that tenders generally will be called for the erection of homes in groups of five, 10, 15, or 20 lots depending on such things as street layout, contours, etc.

The Government will dispose of the land to the bank at such a price as will achieve the Government's objective of good homes at reasonable prices. It is difficult at the present time to have any firm opinion on the number of homes which will be built each year but it is thought that a figure of between 80 and 100 will be attainable.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

COMMONWEALTH AND STATE HOUSING AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.37 p.m.]: I move—

That the Bill be now read a second time.

This measure has been introduced for the purpose of ratifying a new agreement between the Commonwealth and the State of Western Australia to provide for advances from the Commonwealth to the State for housing purposes for the period of five years from the 1st July, 1966. It may be of benefit to members, were I to review the successive Commonwealth-State Housing Agreements, which have been entered into since 1945, explaining briefly the variations which have occurred in them.

The original Commonwealth-State Housing Agreement of 1945 made provision for the erection of rental homes for families in the low and moderate income group, with the Commonwealth and State sharing losses on a 60/40 per cent. basis in favour of the State. If my memory serves me correctly, this particular agreement was entered into by The Hon. F. J. S. Wise as Premier of the State at that time. The

agreement provided also for the granting of rental rebates calculated on family income and while, initially, the houses could not be sold to tenants, enabling legislation in 1955 made provision for such sales.

Under the 1956 agreement, the sharing of losses provisions were dropped but the principle of State determination in the erection of houses and conditions of sale or rental was established. This five year agreement made provision for an allocation of 20 per cent. of funds to building societies in its initial two years of operation, increasing to 30 per cent. for each of the following three years. There was a further requirement that the State allocate up to five per cent. of the funds, if requested by the Commonwealth to do so, for the building of homes for serving members of the armed forces. In respect of such allocation, however, the Commonwealth agreed to match the amount of money entailed by a similar sum as an additional loan to the State for the year in question.

The 1961 agreement was for a period, again, of five years, as is the current agreement, the subject of this ratifying Bill. The same basic principles are apparent in both the 1956 and 1961 agreements and the 30 per cent. allocation to building societies, operative from 1958 to 1960, was applied to the full term from 1961.

The main purpose of the 1966 agreement is to provide homes of reasonable size and standard for the low and moderate income groups of families, with the State continuing as the determining agency in the matter of conditions for the erection, sale and letting of dwellings. Funds advanced by the Commonwealth will continue at the concessional interest rate currently fixed at one per cent. below the long-term Commonwealth bond rate.

There are certain amendments, however, which will interest members. The definition of "member of the forces" is extended to include members of the forces for the purposes of the Repatriation (Special Overseas Service) Act, 1962-1965. Members affected are those serving in South Vietnam or Malaysia, or any other area which may be declared subsequently as a "special area."

The restriction apparent in both the 1956 and 1961 agreements, under which it was necessary for the State, prior to erecting blocks of flats exceeding three storeys to obtain the agreement of the Commonwealth Minister for Housing, has been deleted.

While houses for serving members of the armed forces were restricted previously to dwellings of the size and standard normally erected by the State, the new provisions enable the building of varying types so long as they accord with, but do not exceed, the scales and standards for the time being set out in the services scales and standards of accommodation issued under the authority of the Department of Defence.

One of the reasons why this departure was considered necessary was the avoidance of unnecessary transport of furniture entailed in the transfer of members of the forces; hence built-in cupboards and furniture and, in some cases, garages and carports, may be included. Appropriate arrangement as to standards to be adopted is subject to agreement between the Commonwealth and State Ministers concerned.

There was provision in previous agreements, with a view to facilitating assistance to home builders in country areas, where there were no existing building societies, for proportion of the home builders' fund to be made available to a Government lending institution, subject to consent each year of the Commonwealth Minister. In this State, portion of each year's funds has been made available in country areas through the Rural and Industries Bank. It is now provided for the institution to be approved by the Commonwealth Minister and such approval to extend over the duration of the agreement, thus obviating the necessity for seeking approval each year.

It is intended that funds allocated under these provisions be made available for the purchase of homes in the more remote rural towns, where it is considered impracticable for building societies to become established and operate satisfactorily.

The current matters to which I have made reference were discussed as between various State Ministers at the Housing Ministers' Conference in Adelaide, last March, and were generally agreed upon.

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

FOOT AND MOUTH DISEASE ERADICATION FUND ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.44 p.m.]: I move—

That the Bill be now read a second time.

The Commonwealth and all States have legislated for the establishment of foot and mouth disease eradication funds for the purpose of compensating owners of animals and property destroyed with a view to eradicating or preventing the spread of this disease. These Acts are to be proclaimed simultaneously in the event of an outbreak of the disease in any part of the continent, funds being subscribed on a proportionate basis by the Commonwealth and States.

The Exotic Diseases Committee recommended to the Standing Committee on Agriculture in April, 1965, that this legislation be widened to cover two other diseases—vesicular exanthema of swine and

vesicular stomatitis, a disease of horses, cattle and swine—in addition to foot and mouth disease.

The former diseases are indistinguishable clinically from foot and mouth disease. Both cause similar symptoms and lesions and the three conditions can be differentiated only through inoculation and laboratory tests.

It is essential, in dealing with foot and mouth disease for purposes of eradication, that speedy and drastic measures be implemented at the earliest possible moment. It could be disastrous were action delayed for the purpose of establishing a differential diagnosis to determine whether the disease was either foot and mouth disease, vesicular exanthema, or vesicular stomatitis. It is considered the problem would be best resolved by regarding the indicative symptoms as representing foot and mouth disease and be dealt with accordingly, until proven otherwise.

The recommendation that these two diseases be included in all foot and mouth legislation was adopted by the Standing Committee on Agriculture in July, 1965, and the Commonwealth has legislated accordingly.

This Bill provides that the legislation in this State be amended to provide a definition for "foot and mouth disease" sufficiently wide in its application to include the two diseases, vesicular exanthema and vesicular stomatitis.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

POTATO GROWING INDUSTRY TRUST FUND ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.48 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to increase the potato growing industry trust fund levy from 2d. to 2c per hundredweight of potatoes, and opportunity has been taken also to substitute appropriate amounts in decimal currency for references in old currency at present contained in the Act.

The advisory committee of the trust fund recommended this increase be included in the schedule to the Decimal Currency Bill of 1965, but it was excluded because it represented an increase in charges and, also, as it was physically possible to deduct the aggregate charge from growers' accounts. Since the introduction of decimal currency, however, the matter of the levy has been carefully considered by the State Executive of the Potato Growers' Association. The question was referred to all potato growing zones, as a result of which it was confirmed that the association expressly desired that the levy be altered to 2c per hundredweight. This will remove any difficulty from calculations and facilitate deductions by the Potato Marketing Board.

I take the opportunity of mentioning briefly some of the work being carried out with these trust funds. The fund was established in 1948 to meet the cost and expenses of measures taken to prevent or eradicate pests and diseases affecting potatoes, and for the payment of compensation to growers resulting from associated losses.

The fund is used, in addition, for the promotion and encouragement of scientific research, for the improvement and transport of potato crops, and any other purpose considered by the Minister to be beneficial to the industry.

The balance of the fund was $111,145 on the 31st July last, and during the 1965-66 financial year expenses for the activities carried out by the Potato Growers' Association for the benefit of the growers amounted to $9,148. There is the additional cost of the potato research programme, at present $3,800, which growers have requested be increased for additional research into new varieties of potatoes.

Additionally, the growers have plans for sending an expert, possibly from the Department of Agriculture, overseas to study the potato industry in other countries. Meanwhile, a reasonable balance is maintained in the fund to be used to eradicate disease outbreaks and compensate growers where necessary.

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

BRANDS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Brands Act, though comprised of 12 clauses, amends the existing law in only five of these, the remaining seven comprising the short title and citation, together with six clauses merely bringing monetary references into line with the Decimal Currency Act which became operative from the 14th February last.

I mention this by way of introduction and my initial explanation of the purposes of this measure has reference to clause 2, which amends section 11. Section 11 of the Act requires every brand for horses and cattle not to exceed in overall measurements 9 inches by 3 inches, and that each letter or figure be not less than 1¼ inches in length or width. Any horse or head of cattle branded with any smaller letters or larger brand is deemed unbranded.

The Act does not, however, specify similar requirements in respect of the wool branding of sheep. This is not entirely satisfactory for the reason that, at times, very small and closely spaced brands are often used. These are difficult to decipher, even when freshly applied, then later they become illegible when the dye fades.

It is proposed, therefore, to add an additional subsection to section 11 requiring every wool brand to be in overall measurement not less than 7 inches in length and 3 inches in width, with each letter or numeral being not less than 3 inches in height or length and spaced not less than ¾ inch.

The next amendment to which I refer is contained in clause 8, amending section 29. Subsection (1), which it is proposed to repeal and re-enact with amendments, requires the owner, after every shearing of sheep, to place his wool brand on the sheep in the prescribed manner, but with the proviso that stud sheep registered in any recognised stud or flock book, or any sheep under the age of six months, be excluded from this requirement. In the proposed re-enactment, the proviso in respect of stud sheep is retained but that in respect of sheep under the age of six months discarded.

It is considered desirable that all sheep, irrespective of age, should be wool branded immediately after shearing. It is not unusual to see freshly shorn unbranded lambs at Midland and other markets side by side with shorn and legibly branded grown sheep. This leads to difficulties in administration and the practice is open to criticism. For instance, whilst some of the unbranded lambs appear to be more than six months old, this is invariably disputed by the vendor. There could be no logical objection to the exception being made of sucker lambs, which are sold for slaughter in the wool, but where lambs are retained on the property and are shorn, it is logical to require they be branded in the same manner as adult sheep.

The next amendment which I shall explain is that contained in clause 9, amending section 45 by repealing and re-enacting subsection (2) of that section. Section 45 of the Act has reference to stock on which the brand has been altered or blotched. Subsection (2) states that all sheep above the age of six months, upon which the registered wool brand is not renewed from time to time, and kept visible and legible, shall not be deemed branded with such wool brand.

It is proposed that in the re-enacted subsection these provisions shall not apply to unshorn lambs. I have earlier referred to the exception of sucker lambs being taken into account.

Similarly clause 10, amending section 46, rejects the proviso to subsection (1) to the effect that the subsection shall not apply to any sheep under the age of six months, and substitutes a proviso that the subsection does not apply to unshorn lambs. As a consequence, all other sheep and lambs become subject to subsection (1) of section 46 requiring only wool branded sheep to be run in a place of which the proprietor is the owner of a wool brand.

Finally, clause 11, amending section 47, similarly makes unshorn lambs the lone exception in the matter of the sale of sheep and lambs, in respect of which a registered earmark and registered wool brand are required to be distinctly and legibly marked in the prescribed manner. Subsection (2) of section 47 refers only to horses and cattle, and the amendment in paragraph (b) of clause 11 merely clarifies this.

This measure is commended to members and its provisions could well lend greater security in the proof of ownership in selective marketing and in the better administration of the Act.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.57 p.m.]: This Bill amends the parent Act which was introduced into this House in 1964; and I think it follows as a result of a period of trial and error, during which time the parent Act was given practical application.

As the Minister advised us when he introduced the Bill, the amendments have been submitted by the advisory committee. The first amendment is to section 5 of the principal Act and it adds to the interpretations the definition of a prohibited plant. Apparently at present there is no law in Western Australia which prohibits the growing of poppies in this State. Outright prohibition is not proposed in this legislation but it is intended that the growth of this plant shall be controlled by the issue of licenses. The proposal in the Bill reads as follows:—

> (a) by adding after the interpretation, "poison", the following interpretation—
>
> "prohibited plant" means any plant from which a drug of addiction may be obtained, derived or manufactured, or such other plant as the Governor declares and is hereby authorised to declare from time to time to be a prohibited plant for the purposes of this Act; and includes any part of such a plant, except in the case of the plant Papaver somniferum, the non-viable seed of that plant; and

(b) by adding after the interpretation, "substance", the following interpretation—

"to cultivate" in relation to a plant includes to sow and to plant; .

It would appear that that amendment will be sufficient to cover what is required.

The next point at issue concerns permits; and it is proposed that applications for permits shall be made to the commissioner, and shall be granted or refused by him, rather than to the committee itself. The period of time during which the Act has been in force has proved that the granting of permits by the advisory committee itself is a somewhat slow process, because the comimttee does not meet frequently enough to expedite the handling of the number of permits applied for. It is an advantage to speed up the issue of simple permits, and the machinery for that purpose is submitted in this amending Bill.

It has been found that in its wording the principal Act prohibits the sale of prescribed poisons to persons under the age of 18 years, and in practice this wording has been found to have an ambiguous effect; it has been somewhat confusing to applicants. Substitute wording has now been submitted which should clear up any misunderstanding that might exist in this direction.

Section 39 of the Act is another case where experience has proved that there could be an improvement by a further amendment. Apparently it has been the case that before a new drug can be sold it must be registered as a poison. If upon subsequent investigation it is found that the drug is not a poison drug there is no process in the parent Act to withdraw such drug from the poisons list. The machinery provided in the Bill makes it possible to withdraw from the list of poison drugs those drugs which are not in themselves poison drugs.

The Bill also seeks to include a new section 41A which will permit the granting of a license to cultivate a prohibited plant, or to sell, or purchase a prohibited plant under the control of the board,

All the amendments to which I have referred appear to be quite logical. They will have the effect of improving the administration of the Act. If my approach is correct, however, there is one amendment which could have some very serious repercussions, and I would ask the House to give very serious consideration to what I have discovered. When introducing the Bill the Minister said that section 50 of the principal Act required all poisonous containers to be labelled "poison", with the exception of stocks in use in pharmacists' dispensaries. The Minister went on to say—

> A review of other establishments, such as chemical laboratories and analysts' premises, indicates that the exemption should be extended to them also, and it is proposed to give the Commissioner of Public Health power to grant exemptions from labelling.

Section 50 of the parent Act reads as follows:—

> A person who being in charge or possession of any poison leaves it in any place (whether that place is or is not ordinarily accessible to other persons), unless the bottle or container in which the poison is contained is marked clearly and legibly with the word "poison", or with other prescribed words, and otherwise duly labelled in the manner provided by section forty-six of this Act, commits an offence against this Act.

Subsection (2) of section 50 reads—

> This section does not apply to pharmaceutical chemists in the conduct of their business.

I rang a chemist of repute; a man who has been in practice for over 40 years, and asked him how he was getting on without the necessity of having to label in his dispensary. He said that was unthought of; that everything in the dispensary was labelled. He was amazed to find that we should have legislation on the Statute book permittng poisons to be stored unlabelled.

He was considerably disturbed and rang his superiors in this matter—I think it was the chemists' council that he phoned —who advised him that the council was sticking strictly to the provisions of the old Act, and that all labelling was carried out as provided under the old Act. While further talking to this particular gentleman, he said there would be a great danger of error if labelling were stopped. He indicated that at the present time a container was received, labelled, and placed on the shelves where it stayed.

It would seem that we might be building up a false premise in this instance. The extension in the amendment in the Bill is based on the fact that the pharmacists' dispensaries have been operating under the present legislation. In fact, that is not the case, because they are still carrying on under the old Act in this regard. If that be the case I think we should have another look at this provision in the Bill on the basis that it has been found better in practice to continue under the old legislation. We should do this rather than consider amending subsection (2) of section 50, and dispense with the additional amendment in the Bill.

I will leave this with the Minister and ask that inquiries be made of the organisations I have mentioned to see whether it is their practice to do as I believe they are doing. If such be the case then we could very well continue with that practice and implement it in this legislation.

The remainder of the Bill merely deals with machinery matters, such as the

alteration from pounds to dollars and so on, and I daresay we will get quite a lot of that presented to us in future legislation. The last point I have mentioned is the only one which I feel has some danger in it. If some mishap occurred in the course of dispensing, because of handling bottles without labels, the results would obviously be of great consequence. I support the Bill and I hope the Minister will, in a spirit of co-operation, have this matter looked at with a view to incorporating something which is more fitting and which is evidently in practice at the moment.

Debate adjourned, on motion by The Hon. E. C. House.

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. F. J. S. WISE (North) [8.10 p.m.]: This Bill seeks to amend a very old Act on our Statute book. It is one that has been amended on many occasions. I think it is a tribute to those who initiated this legislation, much more than 50 years ago, to find that the principles which were laid down as requirements for public health have stood the test of time.

In the main, the amendments that have been made have been implemented to bring the law up to date, or to permit of its application to the circumstances contained in the amending Bills. This is such a Bill; to meet the need of today in some particulars.

There are some very interesting features in the measure before the House. I do not recall a Bill, or any legislation, other than this one, which has contained a provision permitting of amendments to an existing Statute, or a schedule to such Statute, by proclamation.

In section 186 of the Health Act there is a provision in the schedule which deals with offensive trades and practices. But until this Bill there has been no provision to take from that schedule things that have been prescribed as offensive trades and practices. It is an interesting point. I wonder whether this is a sound move generally in regard to the application of legislation; because unless one watches the *Government Gazette*, the non need for a prescribed requirement in the existing law could easily pass unnoticed, as it is proclaimed as an excision from that law.

One can quite readily understand the other angle—adding to the provisions of an Act by including something else that has developed and become an obnoxious trade. But when we consider the matter, and look at the original second schedule, we will find that everything, including what this Bill provides for—such things as cleaning methods and laundry practices—were included as far back as 1912. They have been added to from time to time as the footnote in the bound copy of the Statutes discloses. This takes in many other offensive trades which have developed since those days.

Clause 5, to which I am addressing myself, provides that it will be possible for an offensive trade—and in his notes the Minister refers to drycleaning practices—in future not to come within the ambit of the second schedule. I wonder whether the established organisation—the body which, within its organisation, controls all the operators of the drycleaning industry as such—has been consulted in the matter.

The Minister did refer to the fact that an inquiry had been held; that an examination had been made of the proposals by the department under the Commissioner of Public Health. The drycleaning business is not merely a prosperous one, but is one which has a very great employing capacity. People who are employed under certain prescribed conditions could be affected by the proposals anticipated in the operation of this Bill if laundries or drycleaning establishments are to be prescribed, or are to come within the operation of the Health Act, and not be offensive trades in supermarkets or planned suburbia.

Today, in new establishments, there must be many changed techniques in use; and there must be many differences in the solvents which are applied. If they can now, from the passing of this Bill, be designated non-offensive, I would like the Minister to tell us whether the drycleaning industry, as such, has been approached for any comment on these proposals, or whether it has made any suggestions to the Minister as to what may be the effect if this Bill becomes law.

The sections of the Bill which deal with penalties simply bring them into line with today's money values as well as providing, in the words of the Bill, for a pecuniary penalty to meet the needs of today. Also, under the three sections affected, fines can be imposed which are much higher than token fines for offences against the Health Act. No one could cavil at a proposal of that kind.

There are far too many people in all sorts of businesses that are subject to the operations of the Health Act, whether by local governing bodies or by the department itself, who are very careless in attending to the needs and requirements of public health within their businesses. So I am on the side of the proposals in this Bill which make the pecuniary penalty $200, unless a specific sum is stated.

The words "pecuniary penalty" are interesting in their application, as one does not find these words in many Bills or in many Acts. The words are included in this measure for the reason that in addition to the pecuniary penalty, other demands may be made for the alteration of premises and all sorts of things; and, unless the specific words are used, it could be assumed the persons had paid the penalty in one way or another.

In general, I have little objection to the Bill, but I am a bit concerned as to the advisability of taking out of the Statute rather than adding to the schedule some things for which provision has been made over a long period, and which definitely could be regarded as offensive, if not a menace to health, and a nuisance to surrounding premises. For the time being I support the Bill.

THE HON. N. E. BAXTER (Central) [8.20 p.m.]: I was interested to hear the remarks of Mr. Wise, but there is one clause to which he did not refer, and that is clause 3. Unfortunately I have not the Minister's speech with me, and he may have given a complete explanation of this clause and how it links up with section 107 of the Health Act. The clause deals with local authorities and the construction and operation of any sewer, drain, or sanitary convenience. The proposed new section provides as follows:—

> 107A. Any person who manufactures, sells or offers for sale an article designed for use in the construction or operation of any sewer, drain, sanitary convenience or receptacle for drainage, commits an offence if the article is not of the prescribed standard and construction.

I recently made an approach to the Minister in regard to the use of polyethelene piping for sewerage and septic tank installations and, at the time, he informed me the Health Department had no objection to the use of this material when it was not in a sewerage district. I take it that the provision in this Bill does not alter the information given me recently by the Minister.

The Hon. J. Heitman: It does not say that.

The Hon. N. E. BAXTER: No it does not. The new section says, "commits an offence if the article is not of the prescribed standard and construction."

I would like an assurance from the Minister that the prescribed standard in regard to these fittings for the construction of sewerage systems and drains will not result in one being forced to use more expensive materials than are really necessary. I support the Bill, subject to that explanation.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.22 p.m.]: The various members who have spoken have raised interesting points. First of all I would point out that the Department of Health is charged with the responsibility of caring for health. Mr. Wise brought up the possibility of an effect on employment. My own opinion would be—and I think other members would agree—that whilst it is proper we should have regard for such a matter as employment, that is not the sort of thing for which the Department of Health should be responsible. The job of the department is to recognise that a particular process either does or does not represent a risk to health. A matter such as employment, is something which is really outside the scope of the Department of Health.

Those who are employed in the Department of Health would be very aware of that sort of thing, and might be extremely sympathetic, but it would be a slight misuse of the department if its requirements were varied in order to meet that sort of commitment. This is just a slight philosophic aside, if one likes to call it that.

In regard to power to remove from the schedule, the measure provides that the Governor may, by proclamation, amend the second schedule and remove from it. The reason for this, as I tried to explain in my introductory speech, is the rapid change that has taken place in technological processes. I instanced drycleaning as an example.

I think all of us are aware of the system used in drycleaning. There is a process in which the fluid, after it has been cleaned and filtered, is put through a garment. This is the process in a normal drycleaning establishment; but a machine has been developed in which one places 10c in a slot, opens the door, pops in a jumper, suit, or whatever it might be, and this is drycleaned. It is then taken out, spun dry, and taken home. This process is similar to that which is used in laundromats, and with which we are all probably familiar. At the present time to my knowledge we do not have this new drycleaning process in this State, but it is an example of the sort of thing that does happen.

The Hon. L. A. Logan: There is one in Claremont, is there not?

The Hon. G. C. MacKINNON: I am not sure.

The Hon. R. Thompson: There is one in Myers' big store in Melbourne.

The Hon. W. F. Willesee: One is being built here.

The Hon. G. C. MacKINNON: As far as the health aspect is concerned, this process can be operated in a supermarket as there is no risk to health. There may be a smell from an installation of this kind, but there is no risk to health. I should imagine the most unpleasant smell I have noticed in recent years is that which emanates from establishments that engage in the permanent waving of women's hair. I have walked past these establishments and have not found the smell of acid or neutralising agent very pleasant.

The Hon. R. Thompson: You will not be subject to getting your hair permed.

The Hon. G. C. MacKINNON: That smell is not a menace to health, but is an aid to beauty. Of course, we are all in favour of this; but simply because we do

not like the smell, it would be wrong not to approve of these establishments being in operation.

I have given these examples to show why it is desired we should be able to amend the schedule by proclamation. The department is aware of the expense involved in many of the actions it requires to be taken. Mr. Wise mentioned that the measure includes pecuniary penalties. This is necessary because the Act provides for other penalties in regard to such things as chimneys, which have to comply with the Clean Air Act, and so on.

The department gives people time in which to comply with certain requests because of the expense involved. However, the department is solely responsible for health and is extremely jealous of the high standards it has laid down. When the need for a particular situation no longer exists, it is desirable the requirement should be removed.

From the point of view of business, let us imagine some new process is evolved and a local fellow wants to start something. If we have to wait until Parliament sits in order to get a Bill drafted so the schedule can be amended to allow this fellow to commence business, a lot of wasted time would be involved; and during this period so many things could happen.

The Hon. R. Thompson: Two sessions of Parliament would overcome that.

The Hon. G. C. MacKINNON: Not necessarily, as there would always be a break of three to four months. To me, it seems wrong to have to bring a Bill before Parliament to allow such a small thing as, say, a slot machine drycleaning business to be established.

I hope I have given a satisfactory explanation to members who are, no doubt, aware of the vast changes that have taken place today in so many different processes.

I sent Mr. Baxter a copy of some notes in connection with a particular matter with which I dealt. On examination, I think he will find that the Act at the moment places a penalty on the person who actually installs a particular septic tank, or provides parts which are required to make up the connection from, say, the pedestal to the tank. There is a penalty that can be applied to the fellow who fits these in position if they are not up to standard, but under this measure an equal burden can be placed on the manufacturer.

At the present time, if a manufacturer falsely states that fittings comply with requirements, the plumber fits them, and when it is found subsequently that they are not up to specifications action can be taken only against the plumber; it cannot be taken against the manufacturer. It is desired that we should be able to take action against the plumber or, if he is not the responsible person, against the manufacturer. Therefore, we have asked to have this included in the Act. Those members who were here at the time would have remembered this but, as Mr. Baxter said, he had not had the chance to have a look at it.

If I have not convinced honourable members, I trust that I will be given the opportunity to do so in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 4 put and passed.

Clause 5: Section 186 amended—

The Hon. F. J. S. WISE: I am afraid the Minister was very unconvincing in his attempt to explain the benefits of being able to amend the law by proclamation. Of course it will facilitate matters but I am simply pointing out how dangerous this practice, if extended, can be if we are to permit of the passing of a simple Bill of this kind to meet the need of the Act which it amends. That is all very well, and it may be that it is an easy way to do it—and it is. However, can members imagine the extension of this custom and this practice to many laws which would permit of amendment by proclamation? I simply draw attention to this fact because I am not even going to vote against it.

The Hon. G. C. MacKINNON: I agree with Mr. Wise. As he suggests, I, too, think that this would be a dangerous practice, if extended. His mentioning this matter only emphasises precisely why it is so extremely valuable to a Parliament such as this that we have members as vigilant as Mr. Wise. I suggest that in the matter of businesses, such as, say, a laundromat, or a slot-machine-drycleaning establishment, it is reasonable for it to apply. However, if this principle were extended to one or two other Acts, I would certainly be on the same side as Mr. Wise.

This matter has been brought to our attention and I think, at this time, it is reasonable to agree to it because this is a question of technological changes. A problem no longer exists and, therefore, one can allow something to be done after due examination. A department as vigilant of the State's health needs as the Western Australian department has proved to be over the years would never take risks in a matter such as this.

Clause put and passed.

Clauses 6 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. J. DOLAN (South-East Metropolitan) [8.41 p.m.]: I feel that the amendments proposed in this Bill are most commendable. In my opinion, the fact that they have been recommended by the Barristers Board, and supported by the Law Society, commends them even further.

The main purpose of the Bill is to set out the qualifications which are necessary before a person can be admitted to practise in Western Australia. It should be understood by members, of course, that the qualifications of men proposing to become barristers, or solicitors, varies as between States, and as between countries. I feel that the really desirable standard is the one which has been generally accepted here since about 1948, and most of those qualifying and being admitted to practise here have undergone their training in Western Australia. First of all, this training consists of a four-year course at the University from where they graduate. This is followed by a two-year articled period, and subsequently they have to pass further examinations in what I would term practical subjects prescribed by the Barristers Board.

I noticed that in the Minister's speech he made reference to the fact that they passed further examinations in technical subjects. That expression worried me a little because I had the feeling that, in technical colleges, law was one of the subjects which was not taken. I felt that probably the word "technical" did not apply. Therefore, I made inquiries and I feel that if the terminology had been "practical subjects", instead of "technical subjects", I would have been saved quite a few embarrassing moments. By practical subjects, I mean such subjects as taxation and accounting procedures, and details associated with practising the law in Western Australia. Provision is made, of course, that after graduation articled clerks continue to attend the University for these particular subjects. The examination which is prescribed is one which is set by practising lawyers, and consequently ensures that those who eventually are admitted to practise know the procedures before they start.

In the past few years there have been some difficulties. Some bright boys—and probably those who could afford it—went to England and were able to secure their qualifications in three years. Then it was possible for them to return to Australia and, by a roundabout way, become admitted in Victoria, and after admission there, to come eventually to Western Australia and be admitted here.

I understand that a few years ago the Law Society, through the Law Council of Australia, made efforts to have a uniform system established in Australia so that the acceptance of certain qualifications would be standard. I, personally, feel that this is most desirable because it ensures—as I would think both the Barristers Board and the Law Society would wish—that the public here would be fully protected by men who knew their job well. Not only that but it would also safeguard the very jealous feeling that the Barristers Board and the Law Society have that our standards are high, and that the standards of our practising lawyers are high, and that these standards should therefore be protected in every possible way.

There was one provision—I think it was the first amendment made—which has been tidied up a little. The word "hereafter" was omitted. It stated that no person shall hereafter be admitted. By removing that word the language was simplified. A little further on, we used to have a provision in the Act that a person could not be admitted unless he was a natural born or naturalised British subject of the age of 21 years. It could be that we could feel that only any person whose age was 21 years could be admitted. The two simple words, "or upwards" have been added after the reference to 21 years. This, I feel, clarifies the position, in the mind of a layman at least.

By setting standards which are reasonable, I feel that this Bill is to be commended. The Barristers Board is to be given the right in circumstances where qualifications may not be up to the required standard—"suspect" is not the word—to insist that further examinations should be taken. No matter how qualified a man may become in another country, there are certain difficulties associated with his practising, say, in Western Australia.

Until such person is completely familiar with practice here, I feel the Barristers Board is entitled to insist that further examinations should be taken, or that a certain period of articles be undergone before he is admitted.

I feel that the Bill has everything to commend it. I cannot see anything in it to which we cannot agree and, consequently, I support it.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.43 p.m.]: I would like to ask one question and I have a reason for asking it. In clause 3, which deals with the admission of practitioners, it states—

> No person shall be admitted as a practitioner unless he is a natural born or naturalised British subject of the age of 21 years or upwards.

I have had experience of a very qualified lawyer by Italian standards who came to live in this State and who found himself in the position where he has not been able to practise because of restric-

tions. This is rightly so, of course—I am not objecting to restrictions, originally.

This man finally has taken out a land agent's license and the Minister for Justice was good enough to have him appointed as a commissioner of declarations.

I am wondering if the Minister could enlarge on what the situation is now for people who have been here for, say, 12 or 15 years.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [8.45 p.m.]: Firstly, I thank Mr. Dolan for his support of the Bill. Having done that, I will now turn to the point that has just been raised by Mr. Lavery, although I do not quite understand it. He has stated that the person in question has been here for some 10 or 12 years. You, Mr. President, might tell me that this is something we can deal with in Committee.

The PRESIDENT: I probably will.

The Hon. A. F. GRIFFITH: I thought you may be indicating in that direction, so before sitting down I will say we can probably elucidate this point in Committee.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 15 repealed and re-enacted—

The Hon. A. F. GRIFFITH: Do I take it from what Mr. Lavery said during the second reading debate that the point raised by him is that the person in question is not naturalised?

The Hon. F. R. H. Lavery: That is correct.

The Hon. A. F. GRIFFITH: Having been a resident of this State for some 10 or 12 years is there anything to prevent him, being qualified to practise law, from becoming naturalised?

The Hon. F. R. H. Lavery: I would not know; I am merely seeking information.

The Hon. A. F. GRIFFITH: As it is a condition of the law, there are two ways of looking at this question. On the one hand we can say that we encourage migrants to become naturalised. On the other hand we could consider his right as an individual and say, "Why should we force him to become naturalised if it is not his desire to do so?" Therefore, I do not know from which angle the person who has been named views the question. The fact remains that the clause in the terms it is now written provides he shall not be admitted unless he has fulfilled one of the conditions; namely, has become naturalised.

The Hon. R. F. Hutchison: That is quite right.

The Hon. A. F. GRIFFITH: It is not always quite right. It might be right in one respect, but in another the imposing of such a condition could prevent him from earning a living. However, in this instance I think it is a desirable provision.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS OF SALE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.51 p.m.]: This Bill seeks to amend the Bills of Sale Act which, in itself, is a very old Act, having been assented to in December, 1899. I suppose it is reasonable to assume that from time to time amendments must be made to this Statute as more modern processes in business are developed; but at the same time it is quite possible that several clauses in the Bill might not be necessary because of modern usage and techniques.

However, in the first instance, the Minister stated the purpose of the Bill, in the main, was to deal with the registration of bills of sale which have not been presented for registration within the time required by the Act, and the existing machinery for this late registration—if one might call it that—is through the offices of a judge. The Bill proposes to allow such registration to be effected by the registrar where the period of lapsed time does not exceed three months, and the registrar will also be granted power in such an instance to extend the time for registration for a period not exceeding seven days after the application is granted. However, in those cases where the registrar refuses an application to grant an extension of time, under the relevant section, an applicant can appeal to a judge. To me, those provisions seem to be quite reasonable. Any move which seeks to expedite the machinery required to register a bill of sale and which, at the same time, lessens the duties of a judge, should be supported.

The second part of the Bill seeks to extend the provisions of the Act by enlarging the capacity of any person to take out a bill of sale over crops, in view of the fact that we are now turning our attention to the spraying of crops from the air, and treating them by other modern methods. The Bill also seeks to add a new passage at the end of the schedule whereby large contracts can be negotiated, and the right of a bill of sale will be extended to such contracts.

It is a logical conclusion that as industry progresses by the introduction of new techniques and processes so the Government must amend relevant legislation accordingly. Another clause in the Bill which struck me as being of interest is that which seeks to amend section 5 of the Act by adding after the word "grain" in line 3 of the interpretation, "crops", the passage, ", and vegetables, cotton and clovers."

The definition of "crops" in the Act at the moment, is as follows:—

> "Crops" means European flax, hemp, wheat, maize, barley, oats, and grass, whether for hay or for grain,—

and following the word "grain" it will read—

> and vegetables, cotton and clovers,

in accordance with the amendment contained in this Bill. Then the definition will conclude with the existing words in the interpretation—

> and all tobacco, cereal and root crops and fruit.

When considering this amending Bill I seemed to bog down at the words, "root crops." It would appear to me that these words cover many products that are grown. On referring to the *Oxford Dictionary*, I found that the definition of the word "root" is as follows:—

> root. That part of a plant or tree normally below earth surface.

and the definition of "crop" reads—

> crop. The head of a herb, flower, tree, etc.; a supply of anything produced or appearing; the annual produce of plants grown for food; the produce of the field either growing or when gathered; the produce of some particular plant in one season or locality.

Further, the definition of "vegetable" was, "A plant cultivated for food"; and the definition of "cotton" was, "white downy fibrous substance clothing seeds of cotton plant, used for making cloth, thread, etc."

The definition of "clover" also read—

> Clover grass. Common low growing herb having three lobed leaves and white to purplish close headed flowers.

After reading those definitions it occurred to me that products grown in the ground could all be termed, broadly, "root crops."

The Hon. A. F. Griffith: Because they all have roots?

The Hon. W. F. WILLESEE: Yes. Therefore, I could not see the reason for the Bill seeking to add words in addition to those which are already there. Nevertheless the definition has remained in the Act for a long time and I do not suppose there is any purpose in having it deleted. It just occurred to me that the words sought to be added do not have any real importance in the definition of the word "crop."

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended—

The Hon. A. F. GRIFFITH: I thought this might be the more appropriate stage at which to give Mr. Willesee some information. On looking at the Act, and comparing it with the Bill, the amendment does not alter the expression "root crops" in the definition of "crops." The Bill seeks merely to add the words, "and vegetables, cotton and clovers." A root crop is applicable to potatoes where the root crop in itself is harvested.

The Hon. F. R. H. Lavery: And to carrots.

The Hon. J. Dolan: And even to peanuts.

The Hon. A. F. GRIFFITH: Yes, because they grow underneath the ground. Everything must have a basis for growing, and the roots are the basis, but I do not think that is the intention of the definition. Personally, I think the definition is quite all right as it is.

The Hon. W. F. WILLESEE: Mr. Chairman, so do I.

Clause put and passed.

Clauses 4 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.1 p.m.