Legislative Council

Wednesday, the 8th October, 1969

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

QUESTIONS (6): ON NOTICE

1. COASTAL WRECKS

Protection from Interference

The Hon. I. G. MEDCALF asked the Minister for Mines:

(1) Is the statement correct which appeared in *The West Australian* of Friday, the 3rd October, 1969, to the effect that after investigation of allegations of plundering of the wrecks of the *Gilt Dragon* and *Batavia* the C.I.B. has found them to be unsubstantiated?

(2) Is it intended to imply that there has been no recent plundering of the wrecks?

(3) Has an inspection of the wrecks been made as part of the C.I.B.'s investigation?

(4) If not, will an official inspection be made as soon as possible?

The Hon. A. F. GRIFFITH replied:

(1) No such statement was made by the C.I.B.

(2) No.

(3) No. Inspections are arranged by the Museum Board.

(4) Answered by (3).

2. EDUCATION

Cannington Primary School

The Hon. CLIVE GRIFFITHS asked the Minister for Mines:

Further to my questions on the 7th and 13th August, 1969, concerning the Cannington Primary School, will the Minister advise—

(a) have the negotiations been completed; and

(b) will the provision of a grassed sports ground be one of the facilities that will be provided in the proposed new school?

The Hon. A. F. GRIFFITH replied:

(a) Yes.

(b) Yes.

3. HEALTH

Clinics for Diabetics

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

(1) In order to ascertain the incidence of, and to create an awareness of, diabetics in the community, will the Government—

(a) establish appropriate clinics in the metropolitan area and principal country centres, and initiate a campaign to encourage people to either attend these clinics or consult with their own doctor; and

(b) embark on a publicity campaign to educate the public to recognise a "Diabetic Reaction" when it occurs and so provide the necessary assistance by way of a sweet substance which is invariably carried on the person of a diabetic?

(2) If records are available, how many recorded cases of diabetics were there in Western Australia during each of the past five years?

The Hon. G. C. MacKINNON replied:

(1) The Diabetic Association, which receives support and financial assistance from the Government, concerns itself with these questions. Their views will be obtained, and the matter will also be discussed with the Health Education Council.

(2) There are no records.

4. *This question was postponed.*

5. LAND

Tabling of File for Conditional Purchase Lease

The Hon. J. M. THOMSON asked the Minister for Mines:

Will the Minister lay on the Table of the House, the file relating to conditional purchase lease No. 347/1421 of Plantagenet location 6618?

The Hon. A. F. GRIFFITH replied:

No. Appropriate file will be made available to the honourable member at the office of the Minister for Lands.

6. LOCAL GOVERNMENT

Appeal Against Increase of Rates

The Hon. R. H. C. STUBBS asked the Minister for Local Government:

(1) When a rating for a shire has been gazetted, has the shire, the Minister, or a commissioner, the authority to reduce the rating?

(2) Have electors of a shire the right of appeal to His Excellency the Governor objecting to an increase in rates?

The Hon. L. A. LOGAN replied:

(1) and (2) There is no provision in the Local Government Act.

LEAVE OF ABSENCE

On motion by The Hon. W. F. Willesee (Leader of the Opposition), leave of absence for 12 consecutive sittings of the House granted to The Hon. R. Thompson on the ground of ill-health.

LICENSING ACT AMENDMENT BILL (NO. 2)

Introduction and First Reading

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

BILLS (6): THIRD READING

1. Fauna Conservation Act Amendment Bill.

   Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna), and transmitted to the Assembly.

2. The Perpetual Executors Trustees and Agency Company (W.A.) Limited Act Amendment Bill.

3. The West Australian Trustee Executor and Agency Company Limited Act Amendment Bill (No. 2).

   Bills read a third time, on motions by The Hon. W. F. Willesee (Leader of the Opposition), and passed.

4. Plant Diseases Act Amendment Bill (No. 2).

5. Timber Industry Regulation Act Amendment Bill.

   Bills read a third time, on motions by The Hon. G. C. MacKinnon (Minister for Health), and passed.

6. Inspection of Machinery Act Amendment Bill (No. 2).

   Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.45 p.m.]: This Bill seeks to amend the Dog Act in two particulars; firstly, by limiting the number of dogs one owner may possess; and, secondly, by allowing a local authority to specify areas within its district which shall be governed by the provisions of this legislation.

It is interesting to look back over the various amendments that have been made to the Act. They have been occurring with some regularity about every two years, and it would appear that, in all probability, these amendments are necessary where urbanisation becomes more intense. There is no longer the scope within a suburb for anyone to keep dogs in harmony with people who have to share their company. Therefore it is only to be expected that this amendment would be brought forward, and possibly others will be brought forward in the future.

There is continuing difficulty, I think, in most urban areas, between some householders and their neighbours' dogs. No-one has anything against dogs as such. One can be most affectionate towards them if one has dogs as pets, but if they belong to someone else they are like other people's children; they are not as well behaved as one's own.

The Hon. A. F. Griffith: As your colleague in your province, I do not agree with your remarks. I like both dogs and children.

The Hon. L. A. Logan: It depends on how much nuisance they make of themselves.

The Hon. W. F. Willesee: The hands have touched, but the hearts have not.

The Hon. R. F. CLAUGHTON: Be that as it may, I do not think we can quarrel with what is being aimed at with the amendments. It is more than sufficient, I think, to allow one or two dogs to be kept in a suburban home. These animals need a fairly considerable area in which to exercise themselves, and sometimes when the area in a person's home is insufficient they wander abroad to obtain exercise in the street where, very often, they become a nuisance by chasing cars, or disturbing small children, who are naturally frightened of them.

I would perhaps even favour the licensing of dogs only when they are confined to properties which are properly fenced, so preventing them from getting out on to the street.

The Hon. F. J. S. Wise: I would like to know how to limit the number of unwanted cats.

The Hon. R. F. CLAUGHTON: That is a more difficult proposition. The second provision in the Bill seeks to allow a local authority to specify parts of its area in which dogs can be limited. This is necessary, I think, because in rural districts there could be a townsite in which one set of circumstances could obtain, but on rural properties within the same district the restrictions need not be so necessary, and the local authority would be able to differentiate. In suburban districts where, perhaps, breeding kennels are established, the local authorities will be permitted to exempt them from the by-laws.

I wonder how many of the provisions, and the regulations promulgated under provisions, of the Act have been enforced. I am sure that the majority of the people in the community are not aware of some of the provisions. For instance, in section

21 it is provided that sluts are not permitted to be at large in any street, road, or public place unless they are under the effective control of their owners.

Under section 21A dogs are prohibited from certain areas, such as townsites, beaches, etc., unless they are under the effective control of their owners. The penalty is a fine of $10 for a first offence, and a fine of $20 for the second. It would be interesting to find out how many people have been charged with these offences. It comes back to the local authorities to ensure that the law is enforced. If all the provisions of the Act were enforced very few problems would arise from the activities of dogs.

In section 23 a penalty of up to $40 can be imposed on the owner of a dog which rushes at, attacks, worries, or chases any person or stock. We have heard people complaining about such activities by dogs. I am sure that if they were aware of the provisions of the Act they would have made use of them. Under section 24 the owner of a dog is liable for damages if it causes injury to people. While the Act allows local authorities a wide scope to control dogs within their districts, if there was a law which provided that any dog taken to a public place had to be kept on a leash or under the effective control of the owner, I wonder whether we would be able to control the dogs to a greater extent. As the position stands, any dog which bears a license can be impounded, but its owner must be informed. No penalty is imposed on the owners of licensed dogs which are picked up. However, if the Act provided that dogs would be permitted in public places only while they were on leashes or under the effective control of their owners, then any dogs which were picked up on the streets could be impounded and their owners fined.

It might be argued that, in effect, the charge made by local authorities for impounding and keeping a dog amounts to a fine. This would depend on the local authority concerned. Provision is made in the Act to enable a charge to be imposed.

I know of one case where difficulties were experienced with the present legislation. A complaint was made to me about a dog which annoyed the patrons of a public place. I was told by the local health inspector that no action could be taken in that case unless the owner was found with the dog. An officer of the local authority would have to observe that the dog was in the public place. He could then warn the owner that his dog was infringing the law and present him with a summons. This might be a fairly difficult task to perform; whereas if a provision were included in the Act that all dogs taken to public places must be on leashes, or otherwise under the effective control of their owners, the problem would be overcome. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan) [4.58 p.m.]: I have a few thoughts on this particular Bill, which could possibly be referred to the local authorities when they are framing by-laws under the Act. I would assume that different shires have different by-laws. For example, conditions which apply in some shires in the north would be entirely different from those which apply in the shires of the metropolitan area. I have in mind some of the places where large numbers of natives live and each one seems to have two or three dogs. In fact, in some native camps there are more dogs than people; and the natives use the dogs for hunting, as a means of sustenance.

The Hon. F. J. S. Wise: They are also used in lieu of blankets.

The Hon. J. DOLAN: That is right. I have known them to be used for other purposes. The by-laws will vary from shire to shire. I understand that people who keep kennels to accommodate prize dogs will have to register those kennels with the local authority, and as keepers of kennels they will be exempt from the by-laws.

I want to draw attention to a common practice. Many people who go away on holidays desire to leave their dogs somewhere where they will be looked after; they do that instead of taking the dogs with them on holidays. These dogs are left in homes. Special provision will have to be made to license these dogs' homes so that they will comply with the normal shire requirements.

With regard to the taking of dogs to public places on leashes, provision was made in an amendment to the Act last year to cover some conflict which arose in South Perth, and finally that matter has been resolved.

Local authorities will have to consider the situation of the dog pounds. It will not be of much use if a local authority places restrictions on a person because he has a dog which barks and is a general nuisance if, just down the street, the local authority itself has a dog pound where the same sort of nuisance is created all night long by many dogs. The local authorities will have to be careful to ensure that their pounds are well away from the residential areas.

I wish to raise a matter in regard to farmers. If country shires make by-laws concerning dogs, the farmers will have to take precautions to ensure they are well covered. Very often farmers keep more than two or three dogs, and they would find that if the regulations were too strict they would be in difficulties when using their dogs in the course of their occupation; that is, when rounding up sheep, droving cattle, and so on.

These are some thoughts which could be suggested to local authorities so that they may take them into consideration when they are drafting their by-laws. I would also advise country members to point these matters out to their local shires to ensure that their constituents are not inconvenienced.

In conclusion I would like the Minister to clarify one point. When the by-laws are drawn up by shires, will the Minister ensure that they are tabled so that members can study them to see that all is well?

THE HON. E. C. HOUSE (South) [5.1 p.m.]: I rise to support the Bill because in principle it is, I think, a step in the right direction. However, it is easy to pass Bills or make regulations to stipulate that certain things shall be done, but it is another matter to try to enforce the provisions in those Bills or regulations.

The Act contains a provision under which dogs which are mischievous, destructive, or vicious may be destroyed; but it is very difficult indeed actually to catch and destroy the offending dogs. It is one thing to decide that a dog must be destroyed, but it is another matter to try to shoot it. This is almost an impossibility. I know that in various shires many unregistered dogs roam around, but these dogs are almost impossible to track down, and thus force their owners to register them or, if necessary, destroy them.

With regard to dogs on native reserves, I believe these should be banned altogether. For one thing it is very unhygienic for large numbers of dogs to roam these reserves, which are already overcrowded with natives. The natives are not living under the best conditions on these reserves and when, in addition, a large number of dogs are allowed to roam there the position becomes quite critical.

To a very large extent the dogs on native reserves suffer from starvation. Because the natives are in a situation where they have to live on the reserves, they are not in the best financial position and, in addition, there are many dogs. As a result the dogs do not get fed properly. This means that they start attacking the sheep in the nearby paddocks. It is not a pretty sight to see four of five sheep torn to pieces with all their wool off, breathing through the gullet, and with great gaping holes visible. I own a paddock alongside a native reserve and up to 20 sheep a year are destroyed in this manner. Apart from this, the dogs also disturb the sheep, and consequently the paddock is practically unusable for part of the year because it is not possible to place ewes and lambs, and so on, in it.

The police have the power to destroy dogs when they behave in this manner, but it is almost impossible for them also to track the dogs down and get hold of them. It is not an easy matter to shoot a dog under those circumstances. Therefore I think the Minister for Police should give serious consideration to allowing police officers to have transquilliser guns with which the dogs could be destroyed very humanely and without a lot of noise and fuss. This would make the task a lot easier, because it is just not possible for the police or anyone else to go to some of the places concerned, or into the streets, and start shooting and thus have bullets flying everywhere. A tranquilliser gun would simplify the whole situation. The permission to use these guns could be restricted to the police, and I can see no reason why this could not be done.

The situation in the metropolitan area is quite different from that in the country, inasmuch as the same problems concerning stock being destroyed do not arise. Incidentally, in this regard, I do not want to blame only the natives' dogs. Natives who own their own homes—and more and more are reaching this situation—would be in a different position. It would be quite all right for them to keep their dogs. It would be easy for the authority concerned to inspect their houses and ascertain whether any dogs found there were licensed. If they were not licensed the natives could be ordered to license them, or the dogs could be destroyed.

However, on a reserve the situation is entirely different and, although a local authority might desire to restrict the number of dogs to a family to one or two, it is very difficult for the authority to police such a restriction, because it is not easy to get at the dogs on the reserves or check their numbers.

The problem in the city commences with that lovely little puppy which grows into a great big dog and becomes boisterous. It is a nuisance when it is grown up and so it is cast off into the street, where it causes havoc.

Of course, in the old days the natives needed their dogs for kangaroo hunting, but that does not apply now. Although no-one wants to deny the natives their right to have a pet of some sort, something must be done, because the dogs are breeding in almost disproportionate numbers to the number of human beings on the reserves, and thus the situation is completely out of hand.

If the provisions in this measure can be enforced—but I do not think they can be in the country—they will prove to be of great value.

As I said earlier, I would like the Minister for Police to give some thought to allowing police officers in the various districts—or even only the sergeants-in-charge—to have tranquilliser guns with which to destroy the dogs which are

causing trouble, tearing sheep to pieces, and making a general nuisance of themselves.

I want to make it quite plain that dogs belonging to white people in these towns can do exactly the same things as can the natives' dogs. They band together in a pack and create the same havoc. I am not blaming only the natives' dogs, but it is more difficult to curb the situation on the native reserves because it is much more difficult for those concerned to enter the reserves to do anything about the problem.

Therefore I have much pleasure in supporting the Bill and I do hope that something can be done about the destruction of unnecessary numbers of dogs.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th October.

THE HON. I. G. MEDCALF (Metropolitan) [5.10 p.m.]: This is a very simple little Bill, as the Minister has explained, and is one which I am sure will commend itself to all members of the House. I do not desire to make any very deep observations on the measure, but I thought this might be an opportunity to make one or two comments which may be of interest.

The Associations Incorporation Act was passed in 1895, which, in the history of the State Parliament of Western Australia, seemed to be a very fruitful period for the passage of legislation. Around about that time some very significant Acts were passed. In 1893 the Companies Act was passed, and that Act was an advance on previous legislation. The Legal Practitioners Act was also passed in that year.

In 1895, not only was the Associations Incorporation Act passed—and that Act is still quoted and extensively used—but also the Arbitration Act, which is still used and referred to in practically every document which deals with disputes in relation to property. A number of other Acts were also passed and it is almost as if the discovery of gold stimulated the Parliament of Western Australia into bringing some of the legislation of the hitherto colonial State up to date.

At any rate, the Associations Incorporation Act has stood the test of time and it has been a most valuable instrument in bringing forth cultural and charitable bodies and giving protection to the individuals who wished to establish them.

The word "Associations" is defined in section 2 and includes churches, chapels, schools, and various other public and charitable bodies. It enables a group of people to join together to form an association and obtain the protection of incorporation.

A certificate of incorporation is issued by the registrar when he is satisfied that the rules have been duly approved by the Attorney-General, and the appropriate documents filed, including a memorial of the seal holders. The seal holders are usually the trustees—the people who have some seniority or standing in this group of people which becomes an association—and they are authorised to affix the seal to documents which require it to be affixed; that is, transfers, contracts, and similar instruments.

The memorial of seal holders has to be lodged with the registrar and it has to be verified by affidavit, as stated by the Minister. This is referred to in section 5 of the Act.

The effect of incorporation is, as members probably well know, that the association is thereafter entitled to use the name of the association and to add to it the word "Incorporated," or the abbreviation "Inc." It is not at all certain that the word "Incorporated" must be added on all occasions. As I read the Act, and as I have always read it, it seems to me that it may be permissible to use the name without necessarily adding the word "Incorporated," and this is important to some associations which have a well-known name they do not wish to have changed in any way, even by the addition of the word "Incorporated." It is true that section 6 provides that the word may be added to the name, but I do not know that this is absolutely essential.

An association is also entitled to sue and be sued, to hold land, and enter into contracts, and generally to behave in the same way as an individual owner of property.

Proposed new section 7B, which is included in clause 2 of the Bill, will, if passed, enable a memorial of seal holders to be verified simply by those seal holders who happen to be in the State. They will simply have to declare that the other seal holders are absent. This, therefore, will overcome quite a problem in connection with property transactions. These problems, of course, frequently occur with associations because, sometimes, they are formed by a group of people who want to achieve incorporation and have the protection and benefits of incorporation.

However, over many years perhaps nothing of any great significance in the way of property dealings occurs. It may be that an association acquires a property in the early stages and years may elapse before the members of that association want to do anything with it. Then they may want to sell the property, exchange it, or buy another one, and at that stage it becomes relevant once again to consider who

the seal holders are. Because many years may have passed difficulties may be caused. The names of the trustees may never have been changed and, in fact, in nine cases out of 10, associations do not bother to change their seal holders until such time as they have particular dealings which require the seal holders to be named and registered.

Therefore, in those circumstances it is important that we should have a provision such as is proposed in this Bill—that the persons who are resident in the State at the time are alone sufficient to execute documents simply by verifying the names of those who are absent.

Proposed new section 10A, which is referred to in clause 3 of the Bill, simply makes provision for overcoming difficulties in the Titles Office. The existing Act, in section 5, requires that upon every change of the persons who are seal holders a fresh memorial shall be lodged with the registrar and verified. It is now proposed that instead of having to file a memorial showing that there is a change in the seal holders it will be sufficient simply for a declaration to be lodged verifying that the persons who affixed the seal are, in fact, entitled to do so. This, of course, will mean a very important saving in time, trouble, and expense.

The Minister stated that the new provisions follow the basis adopted in the Companies Act when companies are engaged in similar matters. With respect, I do not think that is quite so.

The Hon. A. F. Griffith: It is not laid down in the Companies Act.

The Hon. I. G. MEDCALF: No, it is not necessary to verify the signatures of the directors, the secretary, or company officers, when a company executes a document. Of course, it may be done, but it is not strictly necessary. I feel perhaps that this reference is to the fact that when a company changes its name it has to file a certificate of incorporation of change of name, and that certificate has to be verified by a declaration. I think perhaps that is the reference—it is to the filing of that certificate rather than to the filing of any verification of the signatures of the directors.

The Hon. A. F. Griffith: In fact, there is nothing in the Companies Act, but it is a procedure, and the procedure is laid down by the Commissioner of Titles.

The Hon. I. G. MEDCALF: As I understand it, the Commissioner of Titles does not require the signatures of directors to be specifically verified. If he sees a name and it is stated that it is the name of a director, or the secretary, he accepts it without further proof. However, I quite agree, as far as the sealing clause itself is concerned, he does want some proof.

This is a simple Bill and it is still desirable, in certain cases, to use the Associations Incorporation Act. There is an alternative to it in the Companies Act. One can in fact form a company for charitable or public purposes, or for some scientific, literary, or similar purpose, and in such a case the company is limited by guarantee. With permission one can, in fact, leave out the word "limited" so that one can use a name which is closely connected with the body concerned rather than having to adopt some other title.

Under these circumstances a body can still obtain all the benefits of incorporation while being formed under the Companies Act. So there is an alternative to the procedures laid down under the Associations Incorporation Act.

The Hon. W. F. Willesee: Isn't there a problem with regard to numbers?

The Hon. I. G. MEDCALF: I do not think so. I think an association can have any number of people under the Associations Incorporation Act.

The Hon. W. F. Willesee: Can you still get all the advantages accruing to a private or public company?

The Hon. I. G. MEDCALF: A body of people can form a company as a company limited by guarantee, but I do not think there is any restriction on the number of proposed shareholders. However, there are certain advantages in using the Associations Incorporation Act and in many ways its provisions are simpler. A body incorporated under this Act does not have to lodge the same number of returns as are required of a company and therefore it is quite a good Act. It is just as good today as it ever was and I have much pleasure in supporting the proposals in this Bill. I commend the Government for introducing it because the provisions of the measure will tend to make things much simpler for people who desire to use this Act.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.21 p.m.]: I think the only comment I need to make is in regard to the point raised by Mr. Willesee about certain seal holders or trustees who may be absent overseas and something untoward happens during their absence.

In the first place, people who take office as trustees of bodies of this nature are the type of people who are regarded by the members of the body to which they belong as being trustworthy. Therefore, I do not think the passage of this Bill will make such bodies any worse off than they are now. If a seal holder happened to be away and the actions of the other trustees were questionable, or they acted in an untoward manner, they would be liable at law in respect of that misdemeanour, crime, or whatever it was that they had committed.

The proposed amendments are for the registration of documents in the Land Titles Office. The incorrect point I think I made in my second reading speech was to indicate that the procedure was laid down in the Companies Act. Mr. Medcalf corrected me. The procedure is not actually laid down in the Companies Act, but it is proposed, as a result of the amendments in this Bill, that the procedure will follow the same lines as with the Companies Act.

The Hon. W. F. Willesee: I think I asked that question.

The Hon. A. F. GRIFFITH: I am told that the procedure is laid down by the Commissioner of Titles, and he is the person who wants this information. The passage of the Bill will simply facilitate things and make the necessary processes easier. I do not think any incorporated body would be running any risk as a result of the procedures being made easier. I think that was the only point raised and I am satisfied that the Bill has received support. I commend it to members.

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.

Clause 1 put and passed.

Clause 2: Section 7B added—

The Hon. W. F. WILLESEE: I noted Mr. Medcalf's speech but I was somewhat disappointed that he did not deal with the problem I raised regarding the point that a person is given an exclusive right to take upon himself a definite responsibility to do something in the name of a great many people, and to sign documents on their behalf. I asked what would happen if a person was out of the State and could not sign a document, and the other four or five seal holders signed in his absence? If something was wrong would he be held responsible because, in essence, he is one of the trustees who has the right to affix his signature to a document? The basis of the common seal is that it is to be placed on a document in the presence of certain people, and no others.

The Hon. A. F. Griffith: But are you not presupposing that what the other trustees do is in the nature of a misdemeanour?

The Hon. W. F. WILLESEE: Irrespective of that it would still be wrong. In principle if a person has the right to a common seal it should be placed upon a document in his presence.

The Hon. A. F. Griffith: Then you had better defeat the Bill.

The Hon. W. F. WILLESEE: I would have a great chance of doing that when I have 10 and you have 20!

The Hon. A. F. Griffith: That sort of remark is hardly proper coming from you.

The Hon. W. F. WILLESEE: The Minister started it first. He should not have said what he did say. Why defy me? Why say that I should endeavour to defeat the Bill? I am only trying to draw attention to something which I think could be a mistake in the Bill. I do not want to defeat the measure. All I want to do is to point out something which I think is wrong with the principle—the principle that the signature of a trustee is sacred. I say no more.

The Hon. I. G. MEDCALF: The point made by Mr. Willesee is an interesting one, but perhaps I look at this more from the point of view that a body can use the Associations Incorporation Act if it wants to form a charitable organisation, or it can use the Companies Act. There is provision for exactly the same sort of procedure to be adopted under the Companies Act, but more conditions have to be subscribed to over the years. Therefore, the Associations Incorporation Act has many advantages. If a body is formed under the Companies Act a board of directors has to be appointed in place of trustees, and the directors of the company must accept the responsibility of affixing the seal just as the trustees have to affix the seal under the Act with which we are now dealing. The directors of the company will affix the seal in accordance with whatever the requirements are.

The Hon. W. F. Willesee: Isn't the seal usually affixed by one or two persons of the body?

The Hon. I. G. MEDCALF: Yes, the seal would normally be affixed by one director and the secretary—it could be any one of the directors, of course—but one could make any alteration to this procedure.

The Hon. W. F. Willesee: I agree with that.

The Hon. I. G. MEDCALF: As I indicated earlier, there are no requirements to verify the signatures. When a transfer of property is tendered to the Commissioner of Titles, it has the seal of the company on it. That seal might be signed by, say, J. Jones, Director, and J. Smith, Secretary; but the Commissioner of Titles does not want any proof that Jones and Smith are a director and the secretary of the company; all he wants is a certificate from the company to say that the seal was affixed in the presence of a director and the secretary.

The Hon. W. F. Willesee: Both of those persons should be present when the seal is affixed.

The Hon. I. G. MEDCALF: There must be one director present; but I would suggest that under this Bill there must be a seal holder present.

The Hon. W. F. Willesee: That is what I am getting at.

The Hon. I. G. MEDCALF: I do not know that there is any great difference. According to what I have said, under this Bill the conditions relating to the affixing of the seal of an association are more stringent than they are for affixing the seal of a company, because under clause 3 of the Bill, one still has to put in a declaration to the Commissioner of Titles certifying that at the affixing of the seal, one was duly authorised to do so.

The Hon. W. F. Willesee: I am concerned about the fact that there are many seal holders in an association, as against the limited number in a company.

The Hon. I. G. MEDCALF: There could be any number of directors.

The Hon. A. F. Griffith: When an association changes its objectives, that action would be taken as a result of a resolution of the people concerned with the association.

The Hon. I. G. MEDCALF: Yes; but that is a different matter. I am not talking about the changing of objectives.

The Hon. A. F. Griffith: This is one of the facets which is dealt with in the Bill.

The Hon. W. F. Willesee: Naturally, that must be done at a full meeting; but—

The CHAIRMAN: Order! The honourable member cannot make a speech whilst he is seated.

The Hon. I. G. MEDCALF: A change of objectives would have to be made by the association itself. If one of the basic rules or purposes of the association is affected, it would require the consent of the Minister for Justice. Therefore, it is in a different category from that of the transfer of property in Titles Office work.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RECEIPT AND FIRST READING

1. Fremantle Port Authority Act Amendment Bill.

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

2. Alumina Refinery (Pinjarra) Agreement Bill.

   Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

SUITORS' FUND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th October.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.36 p.m.]: Mr. Dolan gave considerable attention to this Bill and raised a number of points to which I wish to devote a little time to ensure that I answer his queries in an accurate manner. I think the first point he raised was the possibility of a judge or magistrate being suspended, and thereby leaving a litigant in the same sort of situation as he would be in if a judge or magistrate had died. All I can say on this matter is that I regard the possibility of a judge or magistrate being suspended as very remote.

The Hon. J. Dolan: I agree; but there have been examples.

The Hon. A. F. GRIFFITH: Yes, there have been examples. I cannot recall them, but I would not deny the interjection of the honourable member. Nevertheless, I think that in the event of such an unlikely occurrence taking place the Government of the day would do something about it. I, personally, am satisfied to leave the legislation as it is.

The Hon. J. Dolan: So am I.

The Hon. A. F. GRIFFITH: If such an unfortunate circumstance did arise, then I think the position could be attended to at the time.

The next point raised by Mr. Dolan was the question of discrimination between an Australian citizen and another person. However, the Bill contains no provision which could cause discrimination, and because there is no provision there is no problem. It is proposed to review the extent of assistance which is provided from the fund as occasions arise, and this is the real purpose of the Bill.

I felt very pleased at the time that I was, shall I say, responsible for the introduction of this measure, because I think we are making history in legal circles when we provide a fund of this nature. In the light of the experience gained since the Act has been in operation, this measure will enable us to extend a little further the manner in which the fund can help.

However, the first and most important consideration is that we keep the fund solvent, and this policy is reflected in the provisions of the Bill which extend the assistance available to other matters. A sum of $45,000 is not really a great deal of money and I would much rather see the assistance extended gradually than move into fields which might deplete the fund to such an extent that we would have to do something about it. The amount charged at the moment—being 10c for each person—has brought the fund to the point where it is now.

Another point raised was in connection with the Third Party Claims Tribunal. The tribunal has made no applications to the Local Court up to the present time. The present load carried by magistrates would prevent any such application at the moment and, therefore, the need to provide for assistance from the fund is not necessary.

Mr. President, whilst I know you will not let me make a second reading speech in relation to another piece of legislation, might I say that notice of the intention of the Government to introduce a Bill to establish a district court is on today's notice paper in another place. My colleague, the Minister for Industrial Development, will do this on my behalf. This is another extension of the administration of the law; and some applications might come from that quarter. However, I am not in a position to allow magistrates to receive applications at the moment, because of the load they are carrying. No consideration has been given to appeals from decisions of an industrial magistrate.

The fund is financed by levies on litigants in other courts, and attention to these areas must be given first priority. At this point of time I just cannot accept the proposition that we should extend the fund to include industrial matters. However, at some later date consideration might be given to this question; but I plead that we allow the extension of assistance to proceed at a gradual pace rather than at a too-hasty pace which might put the fund in the position where it would become not as apparently healthy as it is now. I repeat: $45,000 is not a great deal of money to have in the fund. I think I have covered all the points raised by Mr. Dolan.

The Hon. J. Dolan: That is right.

The Hon. A. F. GRIFFITH: I hope the House will accept the Bill as it is.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PRISONS ACT AMENDMENT BILL

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Addition of Part VIC—

The Hon W. F. WILLESEE: I move an amendment—

Page 3—delete paragraph (h).

The other amendments I have on the notice paper depend on the passing of this amendment. Members have had an opportunity to look at those amendments and I would merely content myself by asking the Minister to tell us what he thinks the overall effect would be.

The Hon. A. F. GRIFFITH: As I understand it, Mr. Willesee would like me to address myself to all the amendments which really become dependent upon each other in the event of the Committee's agreeing to take out paragraph (h). If the Committee does not agree to do this I take it the honourable member will not move his other amendments.

The Hon. W. F. Willesee: It would be rather futile.

The Hon. A. F. GRIFFITH: I have got the message. I appreciate the spirit in which Mr. Willesee is moving his amendment, but I would like to read a minute from the Comptroller-General of Prisons which I think is right to the point. The minute states—

> As you are aware, the concept of work release is to provide a rehabilitation measure which would allow a prisoner to undergo conditions of employment exactly fitting those which he will be required to fulfil upon his ultimate discharge from prison.
>
> If normal provisions of employment are not imposed, the prisoner then becomes an individual apart from the normal work force, and as a consequence the value of such a programme commences to lose its effectiveness.
>
> The suggested amendment calls for deleting paragraph (h) of the proposed new section 64S. This section has been inserted in order that a prisoner be paid according to the conditions of any award which may cover his employment.
>
> The insertion of a new paragraph (n) calling for the Comptroller General to hold discussions, seems hardly necessary, since as you are aware,—

This was addressed to his Minister, the Chief Secretary—

> —discussions have been held over a period of almost 2 years, with representatives of the Trades and Labour Council and Employers Federation, upon the employment of prisoners in many and varied fields.
>
> It is hardly necessary to say, that unless the scheme has the support of the bodies mentioned above, it cannot succeed.
>
> The proposed new sections 64T and 64U merely outline the provision of the deleted paragraph (h) referred to above, and are covered in the proposed regulations.
>
> Referring to the proposed section 64V, I do not consider that the Prisons Department by legislation can dictate to employers just who they shall and who they shall not employ. If an

> employer is faced with the choice between a highly qualified prisoner and an unqualified member of the general public, I do not feel that the prisoner, who is after all, within 3 or 4 months of becoming a normal member of the public, should be discriminated against.

This was sent to me to use as an argument against the amendment moved by Mr. Willesee and it strikes me as being a very sensible minute written by a man who knows his business, which Mr. Campbell, the Comptroller-General of Prisons, certainly does.

The last thing we want to do is to discriminate. The whole idea of work release is to give a man a chance to get back into the community a little sooner than would normally be the case. The probation and parole people, who come under my control, talk in the prison to prisoners whose release is imminent; they talk to them prior to their release. Some of these men have even been found employment and, in fact, everything is done to rehabilitate them. This is in keeping with the sort of thing that is being done now; the idea is to get in ahead of time before the man is due for release and thus enable him to become once again a member of the community.

After all, it is true to say that one of the prime purposes of punishment and detention is to assimilate the prisoner back into the community and thus help him become a good citizen. Accordingly, I hope the honourable member will not press his amendment and that the Committee will give the legislation a chance to try itself out in the form in which it has been submitted.

The Hon. W. F. WILLESEE: I accept the Minister's appreciation of the amendment. My present amendment seeks to delete paragraph (h) and a further amendment seeks to add the following—

> In this Act the words "employer", "industrial union", "trade union" "industrial agreement" and "award" shall have the meaning given to those words in the Industrial Arbitration Act 1912-1968.

I feel this is a more comprehensive definition than that contained in the Bill and there is certainly nothing wrong in spelling out the situation clearly.

The Hon. A. F. Griffith: Does not the section give preference to unionists?

The Hon. W. F. WILLESEE: Not until it is dealt with later. I agree that the employer must have a right, but my further amendment will add greater emphasis and spell out more clearly the position as it relates to the industrial situation of the State. My further amendment will merely stress all the things the Minister has said about the present Comptroller-General of Prisons. He is certainly a man of great capacity with the ability to involve people in general discussions with a view to developing a comprehensive situation.

I am completely behind the Act and the principle contained in the Bill, but I am merely trying to give a clearer definition in regard to the role of the employer and the necessity to give a civilian priority as against a person who is being detained for committing a crime. We are not merely legislating for today but for a long time to come, so if the Committee accepts my amendments they will be placed on the Statute book for all time.

While improving the Act by accepting my amendment, we should not in any way detract from the right of a prisoner who has rehabilitated himself transitionally as a result of his confinement to come out and work in society, but in no circumstances should he be given preference against the individual who has abided by the law all his life. While we do not wish to deprive a prisoner who is paying his debt to society of the right to be on an equal footing with the next man, he certainly should not be granted the privilege of having preference, when it comes to being employed, over people who have abided by society's rules.

The Hon. A. F. GRIFFITH: I am struck by the point that Mr. Willesee does not want any discrimination to apply, but I would refer members to proposed new section 64V which Mr. Willesee seeks to add. This states—

> Where two or more persons apply for employment and one or more than one of such persons is a prisoner, the employer shall prefer and employ that person or those persons who are not prisoners.

How far do we go on this question of discrimination?

The intention is to provide a work-release programme; and it must be borne in mind that before a prisoner is released one of the conditions will be that he has a job to go to. Having satisfactorily obtained a job for a prisoner, one could come up against this situation: the law would prevent the person who has been imprisoned from being employed because another man who has not been in prison wants the same job. Is not that discrimination? I do not imagine that any man who is in gaol will displace anybody who is already in a job.

I ask Mr. Willesee if he checked the correspondence I read that was addressed to the Secretary of the Trades and Labour Council.

The Hon. W. F. Willesee: I read your speech; that was good enough for me. As a matter of fact I did check with the Secretary of the Trades and Labour

Council who supposes these amendments are in keeping with what the Minister would accept.

The Hon. A. F. GRIFFITH: I would be surprised if he would think otherwise.

The Hon. W. F. Willesee: In fact, the Minister told me this afternoon he thought you would let most of these amendments go through. Perhaps I am not as close to him as you are.

The Hon. A. F. GRIFFITH: I cannot have that said. Perhaps I should report progress in order to have time to check with Mr. Craig.

The Hon. W. F. Willesee: I do not want to persist, but in the light of what was said to me—

The Hon. A. F. GRIFFITH: If Mr. Craig said to the honourable member—

The Hon. W. F. Willesee: Mr. Coleman said to me—

The Hon. A. F. GRIFFITH: I do not know what Mr. Coleman said to the honourable member, but I want to be sure that I am not at cross-purposes with Mr. Willesee in regard to my understanding with my colleague. I do not want to make the honourable member or myself look silly about this.

The Hon. W. F. Willesee: One of us will; but I am surprised at the attitude, as I thought one amendment would be accepted.

The Hon. A. F. GRIFFITH: Should I have a talk with my colleague?

The Hon. W. F. Willesee: No; you have complete responsibility here, and I will accept what you do, but I am surprised at the trend.

The Hon. A. F. GRIFFITH: Then I promise to resolve the situation in this manner: before the third reading I will certainly make some inquiries and if what the honourable member says is correct I will ask for the Bill to be recommitted. At this point of time I understand Mr. Craig prefers the Bill in the terms in which it is now written.

The Hon. W. F. WILLESEE: I will accept that assurance from the Minister. In view of the fact that the Bill will be further debated, I ask the Committee to support my amendment to delete paragraph (h) of proposed new section 64S.

The Hon. C. R. ABBEY: The whole intention of the Bill is to create a situation where there is a possibility of effectively employing prisoners in times of need, such as I mentioned during my Address-in-Reply speech. I said then that the meat industry was in a difficult situation as the abattoir section was unable to obtain an effective work force.

In my view the intention of the Bill is to provide a pool of labour that can be called upon in situations where shortages of labour exist. It would not be the intention of this or any other Government in the future to bring about circumstances which would disadvantage the ordinary citizen work force. That is my appreciation of the situation and, in my opinion, the Bill is an effective one.

Sitting suspended from 6.7 to 7.30 p.m.

The Hon. A. F. GRIFFITH: I intend to ask that progress be reported, but before I do so I feel obliged to say that I have had a conversation with my colleague, the Minister for Police, and there has been some misunderstanding.

Whilst the amendment which Mr. Willesee has moved is still unacceptable, my purpose in reporting progress would be to offer some other amendment in the form of a compromise. I will put the amendment on the notice paper and the clause can be further debated tomorrow. I think this is the best way to attend to the matter.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Mines).

FORESTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th September.

THE HON. V. J. FERRY (South-West) [7.33 p.m.]: The Bill before us, in this instance, is to amend the Forests Act to clarify the accounting system of the Forests Department. When I say "to clarify," I mean the amendment will clarify what shall be the revenue of the department. Over the years recommendations have been made to have this particular facet of the accounting system clarified.

I believe that this measure is in the interests of the department. I realise that there is an amendment on the notice paper but I will discuss that a little later. At the present time I am supporting the Bill as it stands and I do so for the reason that under the amending Bill the department will have the benefit of the charges and interest on loan moneys being borne by the Treasury rather than by the Forests Department.

Extra costs have been brought about mainly by the planting of softwoods by the Forests Department. Until the softwoods return sufficient revenue to the department the expenses will exceed the revenue. The method which has been practised over previous years will be legalised under this amending Bill, and the department will benefit.

The Bill is fairly simple in its application and I do not wish to speak at any length. I reiterate that in my view the

measure will give a desirable advantage to the Forests Department inasmuch as the Treasury Department will offset some of the costs incurred on interest and loan charges, instead of the department having to meet that expenditure from its ordinary revenue. This system will be changed at some time in the future when the revenue from the pine plantations increases sufficiently to swing the balance the other way. I have no doubt that when that occurs a further amendment will be brought before Parliament to review the situation.

Another matter which is not referred to in the Bill, but is a monetary consideration, is the question of public relations. This is an intangible which goes with forestry work, and involves finance. I believe that from the conservator down there is a movement within the Forests Department to improve public relations not only in the field of forestry, but also in the field of departmental expenditure.

This is a trend which I heartily endorse and if the department were to receive a greater share of funds I believe it could enter the field of public relations to a far greater degree. This, indeed, is important because the Forests Department—by the very nature of its operations over such a large area of the State—has been in conflict with private landholders. However, the Forests Department and the private landholders have to live side by side and it is recognised that the department is making a determined attempt to improve its public relations on all counts.

The Forests Department is extending the facet of public relations at some cost. I know that if more money were made available to the department it would further extend its operations in this regard which would help not only the Forests Department, but the rest of the community also.

THE HON. N. E. BAXTER (Central) [7.38 p.m.]: I notice that this Bill is No. 13 on the file and I do not know whether that means that the Minister will get the Bill through as its stands, or in an amended form.

On looking at the measure which is designed more or less to insert into the Forests Act a definition of "net revenue," one wonders how, by taking the total proceeds of the department and deducting from that an amount appropriated against the Consolidated Revenue Fund, one could reach the true net revenue of the department. Section 41 of the principal Act reads as follows:—

> (1) All revenue of the department shall be paid into the Treasury.
>
> (2) Nine-tenths of the net revenue of the department, to be certified by the Under Treasurer, shall in every financial year be placed to the credit of a special account at the Treasury, and shall form a fund for the improvement and re-forestation of State forests and the development of forestry, and such fund may be expended by the Conservator with the approval of the Minister without any other authority than this Act.
>
> Provided that a scheme for such expenditure shall be submitted annually to and shall be subject to the approval of Parliament.
>
> (3) The balance of the revenue of the department shall be paid into the consolidated revenue fund.
>
> (4) All moneys appropriated annually by Parliament for the purposes of this Act shall be expended under the control and management of the Conservator, with the approval of the Minister.
>
> (5) The revenue of the department shall include all royalties and proceeds of the sale of forest produce, license fees, rents, and damages awarded for offences against this Act, and all rents and royalties payable under leases, licenses, and permits granted under any Act hereby repealed, or payable under any other existing timber leases or concessions, but shall not include rents derived from dwellings.

The expenditure of the Forests Department is set out in the annual report. To arrive at the net revenue by usual good business practices it would be necessary to take the total gross revenue of the department, as is defined under subsection (5) of section 41 of the Act, and subtract from that figure the expenditure of the department. Then, consideration would have to be given to other amounts which would have to be deducted to arrive at the net revenue. Where loan moneys are used the interest and sinking fund on those moneys would have to be deducted.

This Bill does not provide for that. It provides that the net revenue of the department shall be determined by deducting from the revenue the amount appropriated against the Consolidated Revenue Fund for the purposes defined in the Act. I point out that this has nothing to do with the interest and sinking fund.

The amount allotted from the Consolidated Revenue Fund for 1968 amounted to $1,576,776. This is the amount proposed to be deducted from the gross revenue of the department. I take it that this amount, appropriated from the Consolidated Revenue Fund for the Forests Department, is gross revenue, less expenses, to arrive at the figure of nine-tenths of the amount to be put into the reforestation trust fund. The balance goes into revenue.

I believe that the only way to arrive at net revenue, in this instance, is as I have suggested—and as has been suggested by Mr. Wise—that is, take the gross revenue and deduct the expenses. The amendment I have on the notice paper suggests that the interest and sinking fund should also be deducted, and then the true net revenue would be arrived at.

An examination of the report of the Auditor-General, to the end of the last financial year, will show that the Auditor-General had the following to say:—

> Attention was drawn in previous Reports to the change in the basis of apportionment of the "net revenue" of the Department whereby interest and sinking fund contributions on Loan Fund moneys used for Forestry purposes have been excluded from the expenditure of the Department.

Under the provisions of this present Bill too they will be excluded. To continue—

> The Solicitor General, in September, 1919, advised that, in arriving at the net revenue of the Forests Department, interest and sinking fund contributions on loan expenditure of the Department, should in his opinion, be taken into account. It would appear necessary that an amendment to the Act, defining the term "net revenue" along the lines approved, should be sought from Parliament to place the matter in order.

Unless my reading of this reference by the Auditor-General is entirely wrong, I take it he meant that, to arrive at the net revenue of the department, it was necessary to deduct from the revenue the amount of interest and sinking fund covering loan expenditure by the department.

I think the Auditor-General's report states fairly clearly that this is so, but in my opinion the Bill does not do this at all. It merely mentions the amount appropriated from the Consolidated Revenue Fund. In the case of the 1968 accounts, I assume this was the sum of $1,576,776, whereas the amount for interest and sinking fund and loan moneys applied to forestry to June this year was approximately $355,689.

If we take the gross revenue of the department and deduct from it an amount of approximately $1,576,000, and then allocate nine-tenths of the balance to the Forests Department for its reforestation programme, we find the Forests Department would receive a very much greater figure than the amount which would be received if we were to deduct the cost of the interest and sinking fund. Which is the right method of accounting? Is it to deduct the expenses—the normal business expenses—from the revenue, plus the interest and sinking fund on loan—which, again, is a business expense—to arrive at a net revenue? Alternatively, is the right method to take the gross revenue and deduct from it the amount appropriated by the Government for forestry purposes? I say that proper accounting, which I believe was in the minds of the Auditor-General and the Solicitor-General, is that the expenses and the amount appropriated for interest and sinking fund should be deducted to give the net revenue. I cannot see this in any other way.

Those are my views on the Bill and I have amendments on the notice paper which I will argue further at the Committee stage. At this moment I cannot support the Bill in its present form.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [7.47 p.m.]: I hope, of course, that Mr. Baxter will be able to support the second reading of the Bill, because he is concerned virtually with one clause which can be discussed fully at the Committee stage. It would be quite safe for him to support the Bill in its present form at least until the Bill reaches Committee when, as I have said, the clause in question can be further debated.

The Hon. N. E. Baxter: I will support the second reading.

The Hon. G. C. MacKINNON: The Bill which has been debated at some length by three members is, in effect, a straight-out administrative Bill; it purely and simply sets out an administrative accounting procedure.

It seems to me that Mr. Ferry believes the Bill is perfectly satisfactory so far as accountancy procedures are concerned, but Mr. Wise and Mr. Baxter disagree. I am not an accountant and, consequently, I have sought some advice on this point.

I could be wrong, but it does not appear to me to be a matter of deep policy but a matter of accounting procedure. Several questions have been raised, however, and perhaps I may elucidate as I proceed.

Firstly, I refer to the Solicitor-General who, in fact, looked at this matter. Under date the 20th June, 1969, he said that he could see no reason for any difference in opinion from that expressed by the Solicitor-General in 1919, and he therefore supported the amendment as it was proposed.

The Chief Parliamentary Draftsman has examined the suggested amendments, and has set out his reasons for disagreeing with them after an examination of the proposals. The Conservator of Forests does likewise.

Incidentally, there is one matter which Mr. Wise would remember quite vividly, I am sure, since it is concerned with a decision he made and an instruction which he issued as Premier in November, 1945. Consequently, the date "January, 1945" in the Bill is incorrect and should be "1946."

The Hon. F. J. S. Wise: I have had one victory then.

The Hon. G. C. MacKINNON: The Parliamentary Draftsman is very grateful that this error has been pointed out. Obviously a decision could not have been made in November, 1945, and become effective in January, 1945. I will ask the House to agree to amend the year to 1946 at the Committee stage.

In discussing this matter, the Solicitor-General says—

> The phrase in the Bill—the amount appropriated against the consolidated revenue fund for the purposes of this Act—is a compendious phrase which includes all the administration costs to which he has referred. The words chosen are general and all embracing and, taken with the express exclusion of amounts appropriated to meet interest and sinking fund charges on loan fund moneys used pursuant to this Act for the purposes of forestry, have resulted, in my opinion, in a sufficient definition of the phrase "the net revenue of the department" as used in section 41 (2) of the Act.

The operative words, I suppose, are "sufficient definition." All I can say is that the Solicitor-General, the Conservator of Forests, the Chief Parliamentary Draftsman, and the Under-Treasurer agree that, in terms of accounting procedures for the purpose of proper administration of the Forests Act, the right amendment has been included in the Bill, provided the amendment of the year to 1946 is made.

The Under-Treasurer agrees with the comments made by the Solicitor-General. The Chief Parliamentary Draftsman and the Conservator of Forests think that the only amendment necessary to the Bill now before Parliament is to change the reference at the end of clause 2 from 1945 to 1946.

These gentlemen, who are well known, are men of independent minds and have very high qualifications as, indeed, is the position with the members who have disagreed with them. As I say, I hope the House will agree to the second reading, because a more detailed study of the clause can be undertaken in Committee.

However, on all the information which I have been able to gain for members at the request of Mr. Wise, unless something revolutionary comes up which not one of these gentlemen has so far examined, the indications are that it is considered desirable to agree to the Bill as it is printed with the alteration of the year from 1945 to 1946.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Amendment to section 41—

The Hon. F. J. S. WISE: It is rather pleasing for me to note that my observations on the second reading have brought about a further elucidation on what is intended if clause 2 is passed as it is printed. The origin of the need for this legislation goes back a long time. The question is simple: Does clause 2 give a clear and sufficient definition of "net revenue"? That is what it is all about. It has nothing to do with the question of simplifying the accountancy methods of the department.

My first query is: Does the clause, as it is printed, provide a sufficient definition of "net revenue"? Does it achieve what the Solicitor-General requested of the Minister in charge of the department some 23 years ago when this matter was raised in the Auditor-General's Report? The request was made in these words—

> The term "net revenue of the department" is not defined in the Forests Act but the Solicitor-General advised the Under-Treasurer in September, 1919—

I would like the Committee to note these words in particular; namely—

> —that in arriving at the net revenue of the Forests Department interest and sinking fund contributions on the loan expenditure of the department should, in his opinion, be taken into account.

They mean that the money paid by the Treasury in the redemption of a loan—over a 53-year term, as a rule—with the interest additions should be charged against the department and the Treasury recouped. That is what it means.

Does clause 2 achieve this? I say it achieves just the opposite. On this point the wording is—

> . . . but in so determining the net revenue the amounts appropriated to meet interest and sinking fund charges on loan fund moneys used pursuant to this Act, for the purposes of forestry, shall not be taken into account.

The Hon. N. E. Baxter: It states just the opposite.

The Hon. F. J. S. WISE: Yes. I ask the Minister in charge of the Bill one very clear question: Is it the intention of the Government not to have the Treasury recouped for interest and sinking fund charges or, in other words, does it intend to give to the Forests Department absolution so far as recouping the Treasury is concerned? Quite inadvertently, I think, the Bill will not effect the intention explained by the Minister.

Let us go a little further in the analysis of what the Solicitor-General required. Members will find the words appearing in successive copies of the Auditor-General's Annual Report. These words are—

> An amendment to the Act defining the term "net revenue" should be sought from Parliament to place the matter in order.

It does not matter how one analyses what the Bill purports to do, because what it intends to do is simply to define "net revenue."

Initially, when I looked closely at the Bill I was not satisfied that the words, "the amount appropriated against the consolidated revenue fund for the purposes of this Act" clearly defined all the deductions which appeared in the annual reports of the Conservator of Forests where it is quite clearly defined what expenditure is permissible year after year by the Auditor-General as deductions against the income, before arriving at the net revenue.

The figure used by Mr. Baxter for last year is the one which appears in Appendix 1A of the report of the Conservator of Forests. I have to be satisfied on two points. Do the words, "the amount appropriated against the consolidated revenue fund for the purposes of this Act" express with sufficient clarity all those items which should be charged against the gross revenue, and, in addition, include amounts to meet the interest and sinking fund charges?

I strongly point to the way this clause is worded, and the Committee will need an assurance in regard to it because the Bill is definitely contrary to the recommendation that the interest and sinking fund contributions should be taken into account. That recommendation has been made down through the years—not that they shall not be taken into account. What do the words mean? They mean that if the contributions are not taken into account they do not become part of the deductions. If they are to be taken into account they will be among other charges for the running of the Forests Department and become part of the deductions. I cannot express it in more simple language. I would like the Minister to convince me that those all-embracing words permit all the deductions listed so that the net revenue can be arrived at.

My second point is: With the word "not" included in that phrase, is the Minister not denying the Treasury reimbursement before the net revenue is arrived at?

The Hon. G. C. MacKINNON: Mr. Wilson, the Solicitor-General, has expressed the opinion that the Bill, as written, gives a sufficient definition of the phrase "the net revenue of the department." Mr. Townsing, that careful man in regard to Treasury matters, agrees with him. Perhaps the best answer to the questions raised by Mr. Wise could be framed in these words—

> The amount to which subparagraph (i) of the amendment refers would already have been included in the amount to which subparagraph (ii) thereof refers, having been appropriated under s. 41 (4) of the principal Act, and to deduct, in the words of the amendment, "an amount equal to the aggregate" of those amounts is to include the first mentioned amount twice. Further, the reference to "every" financial year—

I do not think there is any need to mention that.

The Hon. F. J. S. Wise: That is a reference to the amendment I have on the notice paper.

The Hon. G. C. MacKINNON: The sentence reads—

> Further, the reference to "every" financial year is incorrect.

The minute continues—

> The references in the *Hansard* report to only one deduction being made, namely "interest and sinking fund charges on loan fund moneys used pursuant to this Act for the purposes of forestry" are not correct. Such interest and charges are not deducted; they are not taken into account. The Bill as presently drafted deducts from the revenue, as defined in subsection (5)—

Members will recall that Mr. Baxter read out the definition of "revenue" as follows:—

> The revenue of the department shall include all royalties and proceeds of the sale of forest produce, license fees, rents, and damages awarded for offences against this Act, and all rents and royalties payable under leases, licenses, and permits granted under any Act hereby repealed, or payable under any other existing timber leases or concessions, but shall not include rents derived from dwellings.

I will now continue to read from the minute as follows:—

> The Bill as presently drafted deducts from the revenue, as defined in subsection (5), the amount appropriated against the Consolidated Revenue Fund for the purposes of the Act, but not including the interest and sinking fund charges.

I suppose the only answer I can give to Mr. Wise is that I have read to the Committee the opinion of the Chief Parliamentary Draftsman and the Solicitor-General. I have not read out the minute of the Conservator of Forests which merely agrees with the opinion I have already

quoted, and I have already read to the Committee the opinion of the Under-Treasurer. All these officers believe that the Bill contains a sufficient definition of "net revenue" and, in fact, validates the administrative instruction issued by Mr. Wise in November, 1945.

Mr. Wallace, the Conservator of Forests, has also filed a report, in which he states—

> I have checked the financial statements for the years prior to 1946 and it is clear that although the administrative instruction was given by the Premier, Mr. F. J. Wise, in November 1945, it was not put into effect until the 1st January, 1946. The figure for the year 1945 as shown in the Bill should therefore be amended to 1946.
>
> With regard to the further backdating to 1919, it is a fact that during the period 1919 to 1st January, 1946, interest and sinking fund were, in fact, deducted with other charges from the gross revenue of the Department in order to arrive at the nett revenue.
>
> As I have previously pointed out, I think that in 1945 the attention of the Treasurer was drawn to the inability of Forest revenue to provide for interest and sinking fund charges if adequate funds were to be made available to the Department (i.e. the Reforestation Fund) to carry out the necessary programme of protection and management of State Forests.
>
> As the present Bill seeks only to incorporate in the Act a provision to validate Mr. Wise's administrative instruction, I can see no point in altering the date in the Bill to 1919.

He has dealt with the matter at much greater length, but I do not know whether there is any point in reading the rest of his minute to the Committee. I can only repeat that these officers have checked this point very carefully because of the query raised by Mr. Wise, and they are quite sure that the Bill, as printed, gives them the necessary definitions they require.

These are men who have to be sure, in the same way as we have to be sure. I can only hope my remarks are sufficiently convincing to answer the query raised by Mr. Wise.

The Hon. F. J. S. WISE: I am quite willing to concede that the explanation of the Solicitor-General quoted by the Minister almost satisfies me in regard to the phrase, "the amount appropriated against the consolidated revenue fund for the purposes of this Act." However, according to the legal advice I have received, these words do not satisfy the need to define "net revenue." I went for advice to the Parliamentary Draftsman, who is a legal gentleman, and he agrees that my amendments are necessary if "net revenue" is to be adequately defined. That is the purpose of the Bill; to define "net revenue."

In addition to defining it, are we following what the Solicitor-General required so long ago, and what the Auditor-General referred to in every annual report; namely, that interest and sinking fund contributions on the loan expenditure of the department should be taken into account? What does the Bill say? It says it shall not. By the inclusion of the word "not" are we giving effect to what the Solicitors-General and the Auditors-General have advanced through the years as being the need? The Bill is not doing that; it is doing exactly the opposite.

Let me crystallise my words to say that I am quite prepared, in spite of the legal advice I have received on the drafting of my amendments, to accept the view of the Solicitor-General on the first point; namely, that this would include all other expenditure necessary for the purposes of the Act in administering the department. However, is the Minister achieving the objective of Solicitors-General and Auditors-General by including the word "not"? When the Bill passes and becomes law, the appropriate amounts for interest and redemption of the loans advanced to the Forests Department will be met by the Treasury and not by the Forests Department. Is that the intention? Does the Minister for Forests intend that the amount required to meet interest and sinking fund charges on the loan expenditure of the Forests Department shall still be paid by the Treasury? I do not think that is his intention.

It is quite definite that it shall be charged against gross revenue, which is a fair requirement of the Treasury, and the net amount shall be paid to the Forests Department for administration. I think that is the intention, but the Bill does not seek to do that. Through the years the Solicitors-General and the Auditors-General have said that the interest and sinking fund contributions should be taken into account. But the Bill says they shall not. What is meant? That is the most important part of the points which I raised in the second reading debate.

The Hon. A. F. Griffith: I am wondering whether the revenue of the Forests Department is paid into Consolidated Revenue. Is it not kept in a separate account?

The Hon. F. J. S. WISE: It is paid into Consolidated Revenue in accordance with the provisions of the Forests Act. That is the essence of the provision in section 41 in relation to gross revenue. We are not discussing that. We are discussing what is deducted from the earnings of the Forests Department to enable the net profit to be arrived at, of which nine-tenths comes under the control of the Forests Department, subject only to the Minister, and without reference to the Treasurer.

There is no other Statute quite like this one, where the earnings of the Crown to be paid into Consolidated Revenue are administered and controlled by an officer. The only department that is kindred to this one is the Main Roads Department, the funds of which come from an entirely different source, and not from the assets of the State.

I plead with the Minister to look at the point I am raising: Does the wording in lines 19 and 20 on page 2, with the inclusion of the word "not," set out what the Treasurer requires?

The Hon. A. F. Griffith: Will you be prepared to pass the Bill in its present form?

The Hon. F. J. S. WISE: I realise how important it is for a Minister to get a Bill through. I will give him every assistance to facilitate the passage of the Bill if the Minister can convince me that the word "not" should remain, that it is the intention that the Forests Department shall not repay its loan, and that the money is a gift to it. That is what the Bill will do, but I am sure that is not the intention.

The Hon. A. F. Griffith: We have had a lot of information from you.

The Hon. F. J. S. WISE: If the Minister can say that is the intention of the Treasurer, then that is the end of my argument.

The Hon. N. E. BAXTER: I go a little of the way with what Mr. Wise has said. I say that the amendment which appears on the notice paper will achieve what is desired. In 1968 the amount appropriated to the Consolidated Revenue Fund was $1,576,776; and that is the exact amount of the expenditure of the department. Why not make it absolutely clear in the Bill that the amount to be deducted shall be the actual expenditure of the department? The term "the amount appropriated against the consolidated revenue fund" should not be used in clause 2, because there is an additional amount that it requires for interest and sinking fund charges.

We know that in 1969, according to the report of the Auditor-General, after revenue had been apportioned for the reforestation fund—being nine-tenths of the net revenue—the amount paid into the Consolidated Revenue Fund was $306,797. Further down in this report the following appears:—

> The effect on the Revenue Fund of the operations of the Forests Department for the year is indicated in the following summary.

We will find that after the application of interest and sinking fund on loan moneys was made there was a deficit of $77,593.

I believe the Solicitor-General and the Auditor-General intended that the amount of interest and sinking fund charges on loan moneys shall be deducted from the earnings of the department to arrive at the net revenue. If that is done we will find that instead of a deficit there will be a credit.

The Hon. L. A. Logan: If there are more expenses how will there be a greater credit?

The Hon. N. E. BAXTER: When the figures are worked out, with nine-tenths of the net revenue being apportioned for reforestation, there is a credit balance. The amount of $355,689 has already been deducted for interest and sinking fund on loan moneys.

The amount appropriated from Consolidated Revenue each year for the purposes of this Act is the amount of expenditure; so why not say that in the legislation, and adopt the recommendation of the Solicitor-General and the Auditor-General to deduct also the interest and sinking fund charges?

In the Bill the deduction for the interest and sinking fund charges has not been taken into account. I say the accounting is not correct, because that is a charge against the department, unless the Government wants to make a gift from the Consolidated Revenue Fund—which in the last financial year amounted to $355,689.

I would like to see the amendment passed to provide for what is really intended: Deduct the expenditure and the amount for interest and sinking fund, and then arrive at the net revenue.

The Hon G. C. MacKINNON: The only people to whom I could refer for information were the gentlemen mentioned. The advice I have received from the Chief Parliamentary Draftsman was—

> The reference in the Hansard report to only one deduction being made, namely "interest and sinking fund charges on loan fund moneys used pursuant to this Act for the purposes of forestry" are not correct. Such interest and charges are not deducted; they are not taken into account.

The Hon. F. J. S. Wise: That is now.

The Hon. G. C. MacKINNON: He advised further—

> The Bill as presently drafted deducts from the revenue, as defined in subsection (5), the amount appropriated against the Consolidated Revenue Fund for the purposes of the Act, but not including the interest and sinking fund charges.

I have also mentioned what the Conservator of Forests had to say in this regard.

He said—

> Neither our Auditor, Accountant, nor I myself can see any value in Mr. Wise's additional clause and feel quite sure that the specific items he seeks to cover are already adequately provided for by the words in the Bill "the amount appropriated against the Consolidated Revenue Fund for the purpose of this Act" and, in this, the Chief Parliamentary Draftsman agrees.
>
> These items are perhaps more clearly set out in the report of the Auditor General (1968 Report attached, see page 73) rather than in the Balance Sheet shown in the Forests Department's Annual Report.

On page 73 of the 1968 report of the Auditor-General, various matters are set out. At the bottom of the page the following appears:—

> The effect on the Revenue Fund of the operations of the Forests Department for the year is indicated in the following summary:—

	$	$
Revenue Collections—		
Territorial	3,416,807	
Departmental (including Recoupable Projects)	1,415,676	
		4,832,483
Expenditure—		
Salaries and Incidentals	1,576,776	
Treasury Charges	14,435	
Transfer to Reforestation Fund (Special Acts)	2,935,327	
	4,526,538	
Interest and Sinking Fund on Loan Moneys applied to Forestry (approx.)	344,210	
		4,870,748
Net Deficiency		$38,265

I do not know whether that has clarified the position for Mr. Wise.

The Hon. F. J. S. Wise: Not a bit.

The Hon. G. C. MacKINNON: If that has not, then I will get more information on the particular queries the honourable member has raised. He wants to know the implication of the words "shall not," and whether the Treasury pays or the Forests Department pays.

The Hon. F. J. S. WISE: I have already said that the comments of the Auditor-General and the Solicitor-General have satisfied me that the words "the amount appropriated against the consolidated revenue fund for the purposes of this Act" cover the specific items mentioned by Mr. Baxter and me. My main concern is to put a precise question to the Treasurer: Is it the intention that on the passing of this Bill the amounts representing interest and sinking fund charges on loan moneys used for forestry are intended to be a grant to the Forests Department; or is it his intention that they shall be collectable?

From the reports of the Auditors-General there is no doubt that the request made to Parliament is that in arriving at the net revenue of the Forests Department, interest and sinking fund contributions on loan expenditure of the department should, in its opinion, be taken into account; that they shall be deductible from the gross revenue, and therefore that the Treasury shall be recouped.

Let us see what amount is involved. This year it was $355,689. I think it is the intention of the Treasurer that that amount be recouped.

The Hon. G. C. Mackinnon: So do I

The Hon. F. J. S. WISE: I think that the inclusion of the word "not" in the provision in clause 2 will deprive the Treasurer of the amount involved in this connection. Last year it was $344,210. They are big sums for the service of the debt owing by the Forests Department.

The Hon. G. C. MacKinnon: Which last year was recouped—on paper, anyway.

The Hon. F. J. S. WISE: No it was not, according to the Auditor-General's analysis. It was not recouped when the net revenue was arrived at to enable nine-tenths of it to be paid to the conservator for his funds, and one-tenth to remain in Consolidated Revenue. It was not taken into account then.

I think the intention is that it shall be taken into account. If it is not, this Committee is entitled to know that the Treasurer is anxious to give to the department this $350,000 a year. We have not been told whether this is the case, and that is the crux of the situation.

I would like the Minister to report progress in order to ascertain the Treasurer's intention. If it is intended that the word "not" is to remain, and that is the Treasurer's intention, I am satisfied. By that action the department is to get an extra $350,000 each year. If that is not the intention, the word "not" will have to come out.

The Hon. G. C. MacKINNON: The answer to the specific question asked by Mr. Wise I will obtain for him between now and the next sitting.

Progress

Progress reported and leave given to sit again, on motion by The Hon. G. C. MacKinnon (Minister for Health).

ARCHITECTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st October.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.33 p.m.]: Members will recall that when I introduced this Bill I commenced as follows:—

> The object of this Bill is to amend the existing Architects Act, 1921-1965, in the following particulars:—

I went to some length to set out what these particulars were, and they included these objects: to strengthen the board; to remove personal liability of its members; to clarify the qualifications necessary for registration; to broaden the scope of the provisions dealing with professional misconduct; to update and define in more detail the educational provisions; and so on.

When the debate was resumed, I was greeted by these remarks—

> I have pleasure in supporting the Bill and I am delighted to see that the Minister has taken note of the advocacy of one of my colleagues to preserve a measure of what I consider to be fairness to those people already engaged in the profession.

That was said by Mr. Dolan. A little later I listened to these remarks—

> I intend to oppose the whole Bill, only on the basis that we should ask the Minister to have an inquiry made into this matter and come back to Parliament with a Bill that leaves no shadow of doubt as to the functions of the board. I oppose the measure.

That was said by Mr. Clive Griffiths.

Well, I found myself in a somewhat difficult situation because I felt sure, when Mr. Dolan addressed himself to the Bill on behalf of the Opposition, that the Opposition intended to support the Bill. However, I had an inkling, because of the number of questions I had answered for Mr. Clive Griffiths, that that would not be the case when it was his turn to address himself to the Bill. Could I say at the outset that, having listened to the honourable member, I think he put up a very good case?

The Hon. Clive Griffiths: I do, too!

The Hon. A. F. GRIFFITH: I was sure the honourable member would think so! His case was presented with an intermingling of that very pleasant sense of humour the honourable member has; and this enables him sometimes undoubtedly to persuade us that we should see his point of view when he is talking about these matters.

The Hon. F. R. H. Lavery: Soft persuasion!

The Hon. A. F. GRIFFITH: I think it quite right that I should say I believe he made a very good speech on that occasion. I was quite intrigued with some of the information the honourable member gave us.

The Hon. Clive Griffiths: I still have a lot more!

The Hon. V. J. Ferry: A bit like a "whodunit"?

The Hon. A. F. GRIFFITH: Mr. Clive Griffiths will find that the Chairman of Committees will limit him during the Committee stage. We do not make second reading speeches during Committee—at least we should not. Perhaps the honourable member can take that as a warning.

I want members to appreciate that I have been supplied with some information to reply to Mr. Clive Griffiths' remarks. Quite naturally the speech he made was referred to the Architects Board, and a good deal of the information I am going to give has come from that board. Members might have expected that to be the case, because it is reasonable that the complaints which have been made about the board by a member of this House should be referred to the board in order that it might be given an opportunity to reply to them.

As I go through this speech—I hope not laboriously—I will try to make it as interesting as I can. As I proceed, members will realise that there are always two sides to a story; and the more I go through life, and the more experience of this type of thing I have, the more satisfied I become that people should always be sure to listen to both sides before making a decision on a matter.

The Hon. Clive Griffiths: That is all I wanted the board to do!

The Hon. A. F. GRIFFITH: All I want the honourable member to do at the moment is to listen to this side of the story.

The Hon. E. C. House: He is not the only one listening.

The Hon. A. F. GRIFFITH: I am glad I have Mr. House's attention too. I do not think for a moment that Mr. Clive Griffiths will agree with all I say, or anything that the board might say.

The Hon. F. J. S. Wise: Do you agree?

The Hon. A. F. GRIFFITH: Basically, yes, because as I proceed members will find that the board admits some mistakes. What does Mr. Clive Griffiths say to that?

The Hon. Clive Griffiths: I would say it was obvious because yesterday the board answered my letter—the one I wrote on the 7th August!

The Hon. A. F. GRIFFITH: That is not a bad basis on which to commence these remarks!

First of all I want to remind Mr. Clive Griffiths that the original Act to which he referred is being amplified by amendments contained in the Bill before the House. The Bill was intended to improve the Act.

I hope I will experience your usual tolerance, Mr. President. The other night, because the honourable member every now and then used the words "the Bill before the House" in a very well prepared speech, he was able to cover a host of matters not covered by the Bill, but pertaining to the practices of the board established under the Act.

In requesting a review of the Act, the Architects Board included a provision for a modification of the section dealing with professional misconduct and the penalties the board could impose. Under the existing provisions the penalties which may be inflicted on a member found guilty may be either suspension or deregistration. These are very severe penalties in themselves and can seriously affect the livelihood of the architect concerned.

Under the amendments in the Bill the ability of the board to fulfil its functions would be greatly improved. Under the Act, when it appears to the board that a registered person is guilty of misconduct, the board may inquire into the misconduct. Before proceeding with such cases, legal opinion on the original complaint is always sought. Subsequent decisions of the board are subject to appeal to a court, and, as such, full recognition must be accorded to all legal requirements.

The board receives legal advice on procedures dealing with allegations of misconduct, and this is accepted by the board in arriving at its decision.

With a spirit of good humour, we listened to the honourable member give a serial concerning the things the board did and did not do. I repeat that the honourable member made it very interesting indeed.

When a complaint is received by the board, in accordance with this advice, the board appoints a small subcommittee to consider the circumstance and to report to the board on the facts only as ascertained, together with recommendations if these are considered appropriate. This provision is to minimise the possibility of prejudice in any subsequent inquiry into the matter by the full board. This sounds to me to be a reasonable proposition. It is emphasised that in every case the decision whether a full hearing shall be instituted is made at full board level, based on the established facts, the documentary evidence, and the recommendations of the subcommittee which was appointed to look at the basis of the complaint.

In arriving at its decision the board must consider the meaning of the term "misconduct" under the Act and the ultimate penalty which should be imposed.

These facts are all relevant in the general matters which have been raised by Mr. Clive Griffiths and I do not think we want to lose sight of this sort of thing as it is spelt out in the Act at present.

I now want to refer to the particular references made by Mr. Clive Griffiths in regard to the three cases of alleged misconduct which were considered by the board. It is clear from the context that two of the complaints were made against two architects at different times in advising the same client. This is right; and they were about the same contract. The third concerns a complaint alleged by a Mr. Sanders.

In the first case the honourable member referred to a letter the complainant had addressed to the board on the 2nd February requesting an interview be granted with a high executive of the Institute of Architects. I would appreciate it if Mr. Clive Griffiths would check that for me.

The Hon. Clive Griffiths: You tell me.

The Hon. A. F. GRIFFITH: The honourable member could be helpful! Following the initial complaint, he received a letter on the 9th February, 1968, from the Secretary of the R.A.I.A.; that is, the Royal Australian Institute of Architects. The institute formed a subcommittee to investigate the complaint against the architect concerned.

The subcommittee assembled evidence, including a transcript of an interview with the complainant and the architect. Subsequent correspondence dealing with the matter, although addressed to the board, was directed to the institute as a continuation of the complainant's original request and existing arrangements. Members will recall that part of the case the honourable member submitted was to make great play on this tremendous mistake which had been made.

The Hon. Clive Griffiths: That is not right, you know.

The Hon. A. F. GRIFFITH: It is not right?

The Hon. Clive Griffiths: No, it is definitely not right.

The Hon. A. F. GRIFFITH: That the honourable member did not make great play on the mistake that had been made, or the fact that the complaint was sent to the institute when it was addressed to the board?

The Hon. Clive Griffiths: I made great play on the fact that they were passing on confidential correspondence to another organisation.

The Hon. A. F. GRIFFITH: The second complaint in August by the same clients in regard to the same contract was against another architect, and on the 25th November, these complaints and the evidence were referred by the institute to the board for consideration at its next meeting, which was in December. The complainants were advised in writing of this action.

The Hon. Clive Griffiths: On what date?

The Hon. A. F. GRIFFITH: I may be able to give the date as I go on as I am not sure on that point. In effect, although the complainant wrote to the board on the 2nd February, 1968, his initial request was for an interview with the Institute of Architects. This is the point I was trying to make to the honourable member. The complainant asked for an interview with a member of the Institute of Architects.

The Hon. Clive Griffiths: He said, "With a high official of your institute." He did not say, "An interview with the Institute of Architects." I have the letter, and he said that he wanted an interview with a high official "Of your institute." We must bear in mind also that one of the other things I said was that no ordinary member of the public knows the difference between the board or the institute.

The PRESIDENT: Order! I cannot allow this dialogue to continue. The Minister will please address his remarks to the Chair.

The Hon. A. F. GRIFFITH: It would be more orderly if I did that, Mr. President. However, the board apparently agreed with the request of the complainant when he asked to see a high official of the institute.

The Hon. Clive Griffiths: He said, "Of your institute."

The Hon. A. F. GRIFFITH: The Institute of Architects.

The Hon. Clive Griffiths: He did not say that at all.

The Hon. A. F. GRIFFITH: Do not let us argue about that because I do not think the point is worth debating. The fact remains that that was the basis of an interpretation of his request. Yet we heard the honourable member say, in somewhat sarcastic terms, that the complaint was forwarded to the wrong people. I repeat: In effect, the complainant wrote to the board on the 2nd February, 1968, and his initial request was for an interview with the Institute of Architects. His initial complaint was addressed to the Institute of Architects, and these matters were under consideration and were dealt with by that institute on the 25th November—

The Hon. Clive Griffiths: That is entirely incorrect.

The Hon. A. F. GRIFFITH: What am I to do? I am not being called a liar, but this is the information supplied to me.

The Hon. Clive Griffiths: That's all right.

The Hon. A. F. GRIFFITH: The complaint and the evidence were then referred to the board by the institute for its consideration but, due to its commitments with examinations, and the annual general meeting, the board was unable to consider the matter immediately. Arising from the January meeting, legal advice was sought, and a subcommittee was appointed. This subcommittee reported on the complaints and evidence to the March meeting of the board. The full board considered the complaints at successive meetings in March and April, and both the complainants and the architect were advised in writing of the board's decision on the 29th April.

The Hon. Clive Griffiths: Of which year?

The Hon. A. F. GRIFFITH: Presumably it would be 1969, if a meeting was held in November, 1968, and at which the complaint was considered. Would that be correct?

The Hon. Clive Griffiths: It was the "24/4/69" according to my notes.

The Hon. A. F. GRIFFITH: Then why ask me which year?

The Hon. Clive Griffiths: Because—

The Hon. A. F. GRIFFITH: You already know?

The Hon. Clive Griffiths:— he originally wrote in February, 1968.

The Hon. A. F. GRIFFITH: But you knew which year when you asked me the question.

The Hon. Clive Griffiths: You left it out and I thought you were implying that it was done in 1968.

The Hon. A. F. GRIFFITH: I just want to straighten the honourable member out on one point: I do not deliberately leave things out.

The Hon. Clive Griffiths: But you did not mention it.

The Hon. A. F. GRIFFITH: I said that I do not deliberately leave things out. If the honourable member can tell me that the 29th April, 1969, would not follow November, 1968, then I do not know what to say. I will leave it at that, because I do not want to be involved in any acrimonious debate about these matters. I want to put the point of view that has been submitted to me and relate the circumstances and events which took place. As I say, I am giving the other side of the story.

It is emphasised, however, that before the final decision was forwarded on the 29th April, 1969—I am glad I have not left the year out on this occasion—the complainants were advised, in writing, in November, 1968, and in April, 1969, that the matter was under consideration by the board. Confusion arising from the initial approach by the complainant to the Institute of Architects, complicated by ensuing

correspondence and an interview by the institute during the period preceding the 25th November, 1968, resulted in delays and somewhat inadequate written replies to the complainant. For this the board accepts responsibility, and the chairman has expressed his regrets in respect of the delay.

The complaints in this case were directed against two architects, each of whom had been asked, at widely different times, to inspect, report, and recommend, where considered appropriate, on particular circumstances related to work already completed by a builder. No architect was employed to design, prepare contract documents, or supervise the work, and this should be emphasised because of its bearing on the course of the debate. It transpired that in neither case were there sufficient grounds to sustain a complaint of misconduct against the architects concerned. The board gave full consideration to all the relevant facts in reaching its decision.

With reference to the complaint lodged with the registrar by Mr. Sanders, on the 31st May, the letter was redirected in error to the R.A.I.A. This error is acknowledged. It came about by the letter being interpreted as devolving on the fees charged by the architect. Apparently it was thought that the question under consideration, or the basis of the complaint, was the fees that were being charged, so the letter was sent to the institute.

The Hon. N. E. Baxter: If no architect was employed, how did he charge fees?

The Hon. A. F. GRIFFITH: This is an entirely different case. This redirection of the letter is readily understandable because of the inability of the board, under the Act, to deal with complaints on fees. There is no provision in the Act to allow it to deal with fees.

The Hon. Clive Griffiths: Is it not the board's responsibility to write to the fellow and tell him this?

The Hon. A. F. GRIFFITH: If the honourable member will allow me to explain the position I will continue.

The Hon. Clive Griffiths: It is pretty one-sided.

The Hon. A. F. GRIFFITH: What on earth did the honourable member consider his argument to be?

The Hon. Clive Griffiths: You have an opportunity to say something. I have not.

The PRESIDENT: Will the Minister please address his remarks to the Chair and discontinue baiting the honourable member?

The Hon. A. F. GRIFFITH: Mr. President, I am amazed that you are on his side to such an extent!

The Hon. F. J. S. Wise: The Minister is obviously trailing his coat.

The Hon. A. F. GRIFFITH: Fancy accusing me of baiting my colleague, Mr. Clive Griffiths! As if he needs any baiting! He needs neither baiting nor encouragement in matters of this kind. I had better repeat what I said just before I was interrupted. This redirection of the letter is readily understandable because of the inability of the board, under the Act, to deal with complaints on fees. Mr. Sanders, in a subsequent interview, stated that the complaint was directed to the board on the understanding that it could arbitrate on the fee for the work done by the architect.

Following a telephone call from Mr. Clive Griffiths—I am sorry, Mr. President, but I have to mention the honourable member's name in this instance; I cannot help it—the registrar raised the matter at the board meeting of the 1st July, and Mr. Sanders was advised in writing on the 2nd July that the board had referred the matter for legal advice, in accordance with its policy. On receipt of legal advice, an appointed subcommittee made telephone arrangements, which were confirmed by letter, dated the 13th August, to interview Mr. Sanders and his wife on the 19th August. A similar interview was arranged with the architect concerned on the 21st August.

Therefore, I do not think there has been any undue delay in attending to these matters, but these points were left out. The ascertained facts and the subcommittee's report were presented for consideration at the full board meeting on the 2nd September, and on the 4th September the board's solicitors were requested to advise both parties of the board's decision. The solicitors advised both parties in writing on the 11th September. So there was quite an even process, in regard to time, as these matters were dealt with.

The following relevant information derived from the board's investigation of the complaint is supplied and it is quite important: The client intimated his intention to subcontract the construction of his house to effect substantial savings over the orthodox means of construction with a building contractor. When Mr. Clive Griffiths read the letter in question he started off like this—

> Dear Sir,
>
> I wish to lodge a complaint, for your investigation, with regard to the treatment I have received from a Member of your Institute, namely, Mr. . . .

That portion was left blank. The honourable member then went on to read the last paragraph.

The Hon. F. J. S. Wise: The man who wanted a house built drew a blank.

The Hon. A. F. GRIFFITH: The name is scratched out of the copy.

The Hon. Clive Griffiths: All I did was to protect the architect. I made particular reference to the fact that I was not judging the architect.

The Hon. A. F. GRIFFITH: That is not the point I am making. The point I make is that these words were not read to us—

> My wife and myself first met Mr..... on 2nd February, 1969, and a few days later, after seeing a house designed by him, asked him to design a house for the sum of $17,500. It was particularly intimated to him that this house should be designed quickly as we were living in undesirable accommodation with a lease only for a six month period.

Mr. Clive Griffiths told us that. To continue—

> Mr..... said it would take six weeks to get a set of drawings completed. The second sketch produced by Mr..... was accepted at a price of $22,250.

The Hon. J. M. Thomson: That would not be the first job that exceeded the estimate, would it?

The Hon. A. F. GRIFFITH: I want to read this to members because it is an important part of the letter—something that we did not hear—

> Our intention was to build the house with sub-contract labour under supervision and we intimated this to Mr. ..... at our first meeting. No contract has been signed between us but Mr..... gave us a copy of the "Agreement between Client and Architect".

The Hon. Clive Griffiths: The architect filled it in.

The Hon. A. F. GRIFFITH: That is not the point. The client indicated his intention of subcontracting the construction of his house to effect substantial savings over the orthodox means of construction—namely, through a builder.

While the architect's estimate was on this basis, the check prices were $30,000 and $27,000, which were on orthodox contractor's figures. So he was going to make a substantial saving. He set out and said, "I want to build a house for $22,500; I will build it myself and save on the transaction." But the figure for orthodox construction was what it would have cost had it been built by a contractor. I may be wrong, but if this were not the case the client surely did get a quote for $22,500 and still thought he could build it for $7,000, or some figure less.

The Hon. Clive Griffiths: Absolute nonsense.

The Hon. A. F. GRIFFITH: The honourable member might think so. The client received from the architect, albeit unsigned, the Standard and Institute Architect Client Agreement. He also received two sketch plans and full plans, details, and specifications, and the preparation took from the 5th February, 1969, to the 10th April, 1969, a period of nine weeks which, although longer than promised, is not excessive.

It is not intended to indicate that the foregoing points should be construed as the sole basis of the board's decision; a decision which was taken after full consideration of the facts derived from both sides, supported by documentary evidence, where available.

It was considered, however, that there were insufficient grounds to sustain a complaint of misconduct under the Act, against the architect concerned.

While these matters were under the consideration of the board, and following a telephone conversation with the chairman, Mr. Clive Griffiths wrote to the board.

At this point it was considered that as the matter was receiving the consideration of the board, no correspondence should be entered into, other than with those directly involved with the investigation, until the board had considered the full circumstances.

The chairman of the board sought an interview with the honourable member on the 22nd September, in order to clarify any circumstances relating to the Bill, and at this interview I am advised that the honourable member indicated his intention of raising these matters, but declined to discuss them at that juncture.

The Hon. Clive Griffiths: If he is suggesting that, then I would point out that he asked me not to mention the fact that he came to see me.

The Hon. A. F. GRIFFITH: I do not think the chairman is suggesting anything. Did the honourable member indicate his intention to raise these matters but at the same time decline to discuss them at that juncture?

The Hon. Clive Griffiths: I did.

The Hon. A. F. GRIFFITH: So we have agreement on all the things the honourable member said, but not on what the chairman said. It is regretted that the board has not replied to Mr. Clive Griffiths' letter by way of confirming the above-attempted clarification. However, the board has drafted a letter in reply and explanation for despatch, following the October meeting. I understand the honourable member got the letter today. I dare not ask whether it was satisfactory because you would not permit me to do so, Mr. President.

With respect to the circumstances governing the return of documents, the chairman wishes to offer to Mr. Sanders and Mr. Clive Griffiths a full apology for having stated that these had been posted.

The board—since learning through Mr. Clive Griffiths' speech that no postmark appeared on the documents, notwithstanding a postal book entry and the statement of the architect's junior employee concerned that the documents were posted on that day—through further inquiries obtained the true circumstances as outlined by Mr. Griffiths. Apparently the documents were not posted and that is the explanation.

When I heard this matter raised in the House I wondered what sort of people these were to do this sort of thing. But I think members will agree that the explanation is a reasonable one and that some junior employee did not do what he should have done. Later however, he saw that the gentleman concerned got the documents.

The Hon. N. E. Baxter: By delivering them to a neighbour's place!

The Hon. A. F. GRIFFITH: What would the honourable member like to make out of that?

The Hon. E. C. House: I think it ought to be explained a bit more fully.

The Hon. A. F. GRIFFITH: Can I explain the matter more fully than I have done? Can I do more than say that the board is sorry; that it made inquiries when it read the assertions made by Mr. Clive Griffiths, and that it found one of its junior employees had not posted the letter although there was a mark in the postal book to that effect?

The Hon. Clive Griffiths: I found this out before I made my speech.

The Hon. A. F. GRIFFITH: I am not concerned with that. I am being accused of not explaining the position. I am merely offering the board's apologies because the board subsequently found out what had been done.

The Hon. F. R. H. Lavery: It shows Mr. Clive Griffiths was not wrong.

The Hon. A. F. GRIFFITH: I have said that. I said that in a number of instances in this case he was right.

The chairman and board members were equally misinformed but at the time felt that they had every justification for accepting the information supplied by the board's junior employee, though he has now retracted in full his earlier statements.

The board wishes to refute entirely all inferences which may be drawn from the comments in the honourable member's speech with respect to the appointment on the 1st September, 1969, of a new registrar. The integrity and conduct of the previous registrar in the affairs of the board were never in question in arriving at a decision.

The new appointment, which was first considered in March, was dictated by the need for an alteration in the conditions of employment to cope with a greatly increased volume of work.

Due to the altered employment conditions, the previous registrar, when advised of these, declined the opportunity to continue as registrar. We all know what was said about this.

Further, the board wishes to refute inferences which were drawn by the honourable member from the date of a letter from the architect's solicitor to Mr. Sanders.

Neither the registrar nor any board member communicated the decision of the board to the architect concerned before the dates mentioned in replies to questions in Parliament.

It is pointed out that the architect advised Mr. Sanders of his intention to initiate legal action to recover his fees before the complaint was addressed to the board. The letter in question was part of this action.

The information which I have put before members is intended to place matters raised by the honourable member in perspective. In conclusion, I would reiterate that the standard of professional conduct and penalties for a breach are specifically defined in the Act, and the board can only act when an architect contravenes these provisions. Where complainants seek redress on fees charged, or for breaches of contract by architects, the institute provides the avenue for investigation and solution. Civil action may also be taken. Many additional hours above meeting times are spent by board members as responsible members of the profession.

Finally, I want to point out that by far the greater part of Mr. Clive Griffiths' speech was devoted to complaints which really did not have any bearing on the existing Bill, but I felt obliged to answer them as fully as I could on the information made available to me.

I believe it would be quite meaningless for the honourable member to vote against this Bill, and for the House to turn it down, because it seeks to improve a set of conditions which the honourable member spent two and three quarter hours complaining about.

The Hon. Clive Griffiths: Not as long as that.

The Hon. A. F. GRIFFITH: Let us say he spent two and a quarter hours on the subject; he certainly spent over two hours voicing his criticism of the position. I do not complain about this because that is the purpose of this House—to enable members to address themselves to Bills at any length they might desire.

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

The Hon. A. F. GRIFFITH: That is so.

The Hon. E. C. House: How does it take another architect to improve the situation?

The Hon. A. F. GRIFFITH: How would the defeat of this Bill bring about a situation which Mr. Clive Griffiths seeks? I have explained what is sought by the addition of another architect, and have pointed out how busy these people are who give their services voluntarily. The honourable member may not be satisfied with this but I merely say that there would be no value in Mr. Clive Griffiths voting against the Bill.

The Hon. E. C. House: If we vote for it it shows we agree to the whole principle, which I do not.

The Hon. A. F. GRIFFITH: Does the honourable member not agree that we should put another architect on the board?

The Hon. E. C. House: I think things are all right as they are.

The Hon. A. F. GRIFFITH: That is the prerogative of the honourable member. The point I am trying to make is that if this Bill is defeated we will be left with the principal Act unimproved. May I remind members that the Legislative Assembly thought it was a good idea to do this; Mr. Dolan thought it was a good idea; and I think it is a good idea. I will leave the matter there and let the House decide.

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

Ayes—13	
Hon. G. W. Berry	Hon. G. C. MacKinnon
Hon. G. E. D. Brand	Hon. I. G. Medcalf
Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. J. M. Thomson
Hon. V. J. Ferry	Hon. W. F. Willesee
Hon. A. F. Griffith	Hon. J. Heitman
Hon. L. A. Logan	*(Teller)*

Noes—11	
Hon. C. R. Abbey	Hon. F. R. H. Lavery
Hon. N. E. Baxter	Hon. T. O. Perry
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. G. Hislop	Hon. F. J. S. Wise
Hon. E. C. House	Hon. J. J. Garrigan
Hon. R. F. Hutchison	*(Teller)*

Pairs	
Ayes	Noes
Hon. N. McNeill	Hon. H. C. Strickland
Hon. S. T. J. Thompson	Hon. R. Thompson

Question thus 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 Mines) in charge of the Bill.

Clause 1 to 4 put and passed.

Clause 5: Section 5 amended—

The Hon. CLIVE GRIFFITHS: This clause is the main one to which I object. It increases the membership of the board from nine to 10 with the proviso that the tenth member will be a nominee of the Western Australian Chapter of the Royal Australian Institute of Architects.

I do not think that because people are good architects they need necessarily be good administrators of justice. I believe that if it is necessary to increase the strength of the board, provision should be made for someone who is not an architect. I suggest that the Minister give consideration to increasing the size of the board, if this is necessary, but to make provision for a person other than an architect to be appointed.

I certainly intend to oppose this clause and I hope members of the Committee will agree with me. The board is composed of nine architects and is big enough in numbers.

The Hon. E. C. HOUSE: I would like to voice my protest in regard to this clause. I cannot see any good purpose being served by appointing another architect to the board. I agree with Mr. Clive Griffiths that the board should be reconstructed and other people included on it, even an engineer. I feel it is the duty of Parliament to show some consideration for the public who have to deal with this particular profession.

I am not suggesting that architects deliberately go out of their way to try to mislead people, or to be dishonest, as I know there are some very fine architects. However, in this day and age one finds unscrupulous people in all professions.

The Hon. J. M. Thomson: Who would you suggest be appointed to the Barristers' Board?

The Hon. E. C. HOUSE: That is a difficult one. I would go so far as to say that an architect would probably not be able to give an informed opinion on cases that came before the board. What would be the position if the W.A.T.C. had a committee of jockeys and nobody else, to investigate protests, and decided to add another?

The Hon. F. D. Willmott: Are all members of the Egg Board egg producers?

The Hon. E. C. HOUSE: No. I do not suppose many boards are composed of one kind of producer only.

The Hon. G. C. MacKinnon: I think you will find that boards of this type are.

The Hon. E. C. HOUSE: Let me go back to racing and inquiries into malpractices on the racecourse. I have no doubt that jockeys would like to be the judges, but if another jockey were added to the committee, nothing at all would be achieved. Again in regard to racing, sometimes jockeys, trainers, and racehorse owners are suspended for periods because of their involvement with public money. Architects do the same, so the public is entitled to be protected.

As Mr. Clive Griffiths said, a person usually builds a house only once in a lifetime and is not likely to understand what his entitlements are. I feel the board needs reconstructing; and that a different set of rules should be set down under which it will operate. I oppose the clause and hope some means can be found to have another look at this Bill.

The Hon. A. F. GRIFFITH: This clause increases the membership of the board from nine to 10, and the additional person will be the nominee of the Western Australian Chapter of the Royal Australian Institute of Architects. The purpose is to provide an official source of communication between the Architects Board and the Institute of Architects on a number of matters, such as ethics, education, and the spread of voluntary work amongst busy people.

I think Mr. Jack Thomson made a very important interjection when he asked what sort of a man would one appoint to the Barristers' Board. Who other than a barrister? Who would one appoint to a medical board? Could I join the Farmers' Union if I were not a farmer?

The Hon. E. C. House: My word!

The Hon. F. J. S. Wise: What about the Nurses Registration Board?

The Hon. A. F. GRIFFITH: I am sure Mr. Wise could name many boards, but, in the main, professional boards are controlled by professional people because of their responsibility for the standard of ethics of the people concerned.

The Hon. J. G. Hislop: That is what we are frightened of.

The Hon. A. F. GRIFFITH: I think that is a bit rough. I hope the Committee will agree to the clause.

The Hon. J. G. HISLOP: With things as they are today, I think it might be advisable to have a legal predominance on boards, because I think these people consider the story that is given to them from both sides. I think quite a number of boards could benefit in this way. I would not mind if a legal man were appointed to the Medical Board, as members of that profession have a different outlook regarding medicine, surgery, or anything else.

The Hon. W. F. Willesee: How would a legal man help in matters of medicine?

The Hon. J. G. HISLOP: Which one does the honourable member mean?

The Hon. W. F. Willesee: You have mentioned the Medical Board, and that a legal man should be in charge. What could he do to assist?

The Hon. J. G. HISLOP: A legal man could quite easily find a solution to a problem. I have only spoken to this matter briefly but I do think that someone who is not an active member within the profession could certainly be of assistance. He would be able to listen to and assess the statements which are made. I think that a man with legal knowledge could give a much better finding on statements and I think that justice would be done.

I am discussing this matter on a wide basis. Someone with a high degree of training should take the chair when required. I think this line of thinking will grow and will be accepted. I also think the matter should be given a good deal of thought to see that we get exactly what we want.

The Hon. CLIVE GRIFFITHS: One of the reasons put forward for the necessity to increase the strength of the board from nine to 10 was the fact that an investigating committee always consisted of six members. In the three cases brought to my attention six people did not attend. Indeed, two attended one meeting.

I do not believe that architects are necessarily the best judges of the actions of other architects. Indeed, I would point to the Builders' Registration Board which has been set up to protect the public and, indeed, to protect the registered builders. That board does not consist of builders only, and that is the way it should be. A member of the public sits on the board, and he is certainly not a builder, and certainly not an architect. I would point out to the Minister for Health that there is a legal practitioner on the Chiropractors Board.

The Hon. G. C. MacKinnon: As chairman; the board members are all chiropractors.

The Hon. CLIVE GRIFFITHS: I am not necessarily suggesting that there should be a legal practitioner on this particular board. However, a legal practitioner could very well be a member because legal opinions are required.

A board consisting of nine members is reaching gigantic proportions, and I cannot see any advantage in extending that number to 10. If the additional member is to be nominated by the Western Australian Chapter of the Royal Australian Institute of Architects then I cannot agree with the proposal. I have already read a letter which had reference to members of the board only. However, the letter was handed to the Institute of Architects and the justice which was handed out by the Institute was a letter stating that an inquiry into the person concerned indicated that he had not acted unfairly.

At no time have I made reference to architects in general as not being highly ethical. Indeed, I mentioned I had many good friends who are architects, and I think they are better friends because I have brought this matter to the light of day.

The Hon. V. J. FERRY: The clause we are discussing deals with the addition of a member to the existing board. The overriding feature is that the board is

composed of volunteers, and I think this is important. The proposed additional member to the board is to be nominated by the Western Australian Chapter of the Royal Australian Institute of Architects. Personally, I believe there should be a link between the institute and the board, but I do not believe that one should override the other. The architects should be organised so that there is some form of ethics. I do not think all architects are members of the institute.

The Hon. L. A. Logan: That is right.

The Hon. A. F. Griffith: It is normal that they shall be, but not essential.

The Hon. V. J. FERRY: It may not be essential, but I believe that if there is an Institute of Architects there should be some form of affiliation. This would mean that at least a section of the architectural fraternity would be acting under a common code.

I am inclined to agree that the board could, perhaps, be reconstituted. Perhaps the members should not be volunteers, and the board should be properly constituted.

The Hon. E. C. House: Now you are getting somewhere.

The Hon. V. J. FERRY: This appears to be the main stumbling block to the acceptance of this clause. I propose to support the clause as printed if the board is to remain as intended by the Bill. I would like the Committee to consider seriously a proposed change in the composition of the board. The scope of the board could be widened so that not only the interests of the architects could be watched, but also the interests of the public at large. I would like to hear some other expressions of opinion on the clause.

The Hon. J. DOLAN: There are two points which the Committee should take into account when considering this matter. We should consider this clause and also clause 16. The board is not the sole authority so far as architects are concerned.

The most important thing in any profession is to keep up the standard. Clause 16 refers to a committee of architectural education, which shall have the job of keeping up the standard of architects. The committee will comprise one person nominated by the University of Western Australia; one nominated by the Western Australian Institute of Technology; the chairman of the Board of Education of the Western Australian Chapter of the Royal Institute of Architects, as well as other members.

A great deal of stress has been placed on the fact that members of the board act in a voluntary capacity. This gives the impression to me at least—and probably to other members—that a person volunteers by saying, "Yes, I will go on the board." This is a long way from what actually happens. Six of the nine members at the present time are elected and they have no difficulty in being nominated. If it was found that the board was not functioning in the best interests of architects, I am sure architects would vote off the fellows who were not doing their job properly.

I have the greatest respect for architects as professional people and I am sure the members of the board would have the same principle in mind. I see nothing wrong with the board being composed completely of architects. Similar provisions apply to the composition of many other boards. It might be all right to have other members if it was a question of diversification of interest. However, what purpose is there in having someone on the board who is not an architect? He would have very little chance of making any radical changes. I know all kinds of witticisms may be made but if a person who is not an architect is a member of a board of 10, and the other nine are architects, he would not get very far with any radical changes which he may suggest.

A parallel has been drawn to the Chiropractors Board which includes a member of the legal profession. Chiropractors are people who do not have the same professional training as architects, or as members of the medical and legal professions. The members of the Chiropractors Board were quite happy to have a lawyer directing their operations in case they got into legal difficulties, which, of course, was a very real possibility.

I think it is wise to vary the composition of boards when it is considered desirable. A suggestion has been made that this board should be composed differently. I do not think an additional member would alter the position which this board is in today. However, for the reason given by the Minister—namely, the hearing of charges of misconduct, etc.—I think it is desirable to have the extra person on the board who will act as a liaison. He will be elected for 12 months only and at the end of that time another person may be elected if it is considered that the appointee is not doing his job properly.

The Architects Board and architects themselves will have a good look at the debate and perhaps the desired effect will be achieved in that, in future, the Architects Board may operate more efficiently and keenly, perhaps, than it has in the past. I am not saying that the board has not acted in the past as it should have acted, but I always consider that a body takes a critical look at its activities after it has been subjected to criticism of any kind. The attitude generally taken is that the body concerned considers it

is not satisfying people and sets about tackling its job thoroughly and competently.

Therefore I ask the Committee to consider clause 16 in conjunction with clause 5. I am sure the board and the committee of architectural education will serve the purposes for which they are established.

The Hon. C. R. ABBEY: I rise to express my thoughts on the matter. Obviously a great deal of disquiet has been felt by members of this Chamber over the points raised by Mr. Clive Griffiths. The vote on the second reading is an indication of that. As this is so, it is surely the responsibility of Parliament to see that the matter is decided satisfactorily.

I think a probable solution lies in the suggestion that an outside member be appointed to the board, preferably as chairman, who would be paid for doing the job and nominated by the Minister. I go along with the suggestion that he should be a legal man.

Mr. Dolan has expressed the opinion that one man who represented outside interests would be outvoted on the board. This is quite true, but it is equally true that his views would have to be taken into account. It would not be so much a matter of the vote as the matter of a difference of opinion. Any profession, I consider, must be rather biased in its approach to a question. This is only human nature. The same difficulties have arisen with many other boards and similar institutions.

Therefore, it seems to be an obvious solution to appoint a legal man initially, and one who is nominated by the Minister. He should be paid for the job and act as chairman. From the public's point of view this would help to allay any feelings of doubt in the matter.

The Hon. A. F. GRIFFITH: I only wish to say that I agree with Mr. Dolan. It seems to be considered that the board exists for one purpose only; namely, to discipline its members for something which a member of the public says an architect has not done. That is not the prime function of the board, although it is one of its functions.

The purpose of the board can be divided into two main functions. The first is to ensure that people who become architects are well qualified in their profession in order that they may discharge their duties as architects. This is clearly laid down in the Act and the Bill meets that situation.

Mr. Dolan has suggested that we should look at clause 16 which proposes to repeal and re-enact section 26. If members look at the existing section 26 they will see the provision is not stated as firmly as it is in proposed re-enacted section 26. The parent Act presently states—

> The Board shall annually appoint a Committee of Architectural Education to deal with . . .

Proposed re-enacted section 26 would improve the position, because it sets out the persons who shall comprise the committee of architectural education. This will ensure that the committee comprises properly qualified people.

The other function of the board is the disciplinary side in the event of complaints being made. I consider the man who complained to Mr. Clive Griffiths may have had a good case, but I also think that his was a case for common law. If he was dissatisfied with the treatment he received from an architect the remedy lay in common law action. There is nothing in the Architects Act which would enable a man to gain redress from an architect; he could not get his fees back.

The Hon. Clive Griffiths: He did not want them back.

The Hon. A. F. GRIFFITH: He did not pay them and so he could not get them back. The point I wish to make is that the remedy lay in common law.

However, the board is able to discipline any architect who requires to be disciplined. This provision exists in the present legislation, but it will be improved if the Bill is allowed to pass.

The purpose of the additional member from the institute will be to provide closer liaison between the Institute of Architects and the Architects Board itself. I think this is a perfectly reasonable way of improving the situation.

The Hon. E. C. HOUSE: I am still not convinced that the extra architect on the board will serve any useful purpose. Further, I firmly believe that the public would have much more confidence in a person whose interests lie in another direction. If members of the public had reason to complain to the board—as the person mentioned by Mr. Clive Griffiths had—they would probably think that their treatment was fair, if the composition of the board allowed for a person who was not an architect.

One can consider the case quoted by Mr. Clive Griffiths; and that is certainly not an isolated instance, because this has happened frequently. This causes one to wonder why architects, especially in those cases where a specific sum is mentioned, cannot take out a quantities estimate which should be fairly close to the estimated figure. What a builder adds to the estimate is fairly well known, and it is possible to get a fairly accurate idea of what a house would cost.

The plans which were prepared for this man cited by Mr. Clive Griffiths had to be paid for, but they were completely useless to him and they could not be used by anybody else. In fact, they could not be sold, because they were the property of the architect.

The CHAIRMAN: The honourable member will relate his remarks to the subject of the Bill.

The Hon. E. C. HOUSE: Yes, I will do that, Mr. Chairman. The administration of the board could be assisted by the appointment of a lawyer. It was also suggested that the person mentioned could have recourse at law. However, he was already in trouble because he had to keep plans he did not want and was therefore faced with unnecessary costs. If he took action at law the legal costs would be quite considerable, and he could not be certain that he would be successful, because it is not clearly laid down what the Architects Board should know.

I am firmly of the opinion that an additional member should be appointed to the board, because he could serve a useful purpose. Mr. Dolan suggested that all board members were volunteers and that difficulty was experienced on occasions to obtain a quorum at the board meetings. From what Mr. Clive Griffiths said, I understood that these meetings were fairly infrequent.

One can well imagine that the fact that these board members are voluteers would, in itself, not be in the best interests of the public in general. I do not know whether we are approaching the problem in the right way by suggesting that the clause should be deleted so that this additional member cannot be appointed. The point is we are not very happy about the situation and we are voicing our protests in the hope that some other means will be found to amend the Act so that its provisions will be of assistance to the general public.

The Hon CLIVE GRIFFITHS: I wish to refer to two or three points that other speakers have raised. I must mention the word "volunteer." Members should try to understand this word by placing it in its right context. Mr. Dolan has stated that these board members are volunteers in that they have offered themselves for election. My information is that these elections are keenly fought, and these positions are keenly sought after by architects.

This work is voluntary in that the members are not paid for their services; but I would point out that not many members of boards are paid for their services. Just because somebody does a job voluntarily he should not be treated leniently.

The Hon. A. F. Griffith: Nobody has said that he should be.

The Hon. CLIVE GRIFFITHS: A great responsibility rests on the members of the Architects Board, and the fact that they render this service voluntarily does not lessen that responsibility. Anyone who offers himself for election to the board should be prepared to attend the meetings of the board. If a board member does not attend meetings it is in the hands of the ordinary members not to re-elect him.

This Chamber has expressed grave concern over the past actions of the board. I agree that some portions of the Bill will tend to overcome the problem, but I do not believe that the provision in clause 5 will make any contribution to that. I would ask members to vote against the clause to indicate to the Minister that we would like the board to be reconstituted. If I were given the task of reconstituting the board I would put into effect various proposals, one of which is the addition of people other than architects to the board.

In regard to the case I brought to the attention of members, the Minister said that the only redress of the client was recourse to common law. I am confused as to the functions of the Architects Board. There are several objectives in the legislation, one of which is to ensure that only people with the required qualifications shall be registered as architects. I have pointed out that in my opinion there is a grave doubt that the Act was intended to protect the people against misconduct by members of the architectural profession. I hope that members will express their dissatisfaction by voting against this clause.

The Hon. E. C. HOUSE: It is becoming plainer that the board exists for one purpose only: to keep an eye on architects to ensure that they are registered and that they have passed the appropriate examinations.

The Hon. V. J. Ferry: That is very necessary.

The Hon. E. C. HOUSE: I am not denying that. Nothing would be gained by the addition of another member to the existing board of nine members. Publicity has been given to a recent case in which the Architects Board refused to register an American architect, the reason given being that he was not sufficiently qualified according to the standards of this State. It seems that all the board does is to decide whether an applicant for registration has the required qualifications. For that reason I could not support the addition of another member to the board.

The Hon. F. J. S. WISE: The purpose of this clause is clear. It is to add an architect to an existing board of nine—an architect who is a member of the elevated order expressed in the Bill. I do not think that a case has been made out for the addition of an architect or anybody else to the board.

This Act, intended to do certain things for the architectural profession, places a very great responsibility on the members

of the board who all belong to the profession. When an opinion is sought from the board, if it is the judge as well as the jury of its own case, then the decision would be in its favour. That is what has happened. The doubts which have been raised by members as to the efficacy of the board in extending benefits to the community have been established.

I do not think there is any doubt that members who have criticised what the board is doing for the general public have been quite valid in their criticisms. I do not think there is any need or justification for a board to be controlled by architects; and especially is there no need for the addition of another architect. I intend to vote against the clause.

The Hon. A. F. GRIFFITH: As far as I am concerned, this is my final word on the clause, but I cannot allow the remarks of Mr. House to pass without some rejoinder. The parent Act is not limited by any manner of means to the purpose suggested by the honourable member.

I invite members to read section 21, sentence by sentence, as it sets out the type of misdemeanour or misconduct that an architect may be capable of performing and the consequences he may suffer as a result.

The reference of appeals being from Caesar to Caesar may be true, but members of these professions are jealous of their status.

I only suggested that the man who complained to Mr. Clive Griffiths should perhaps have gone to a court of law because, as I understand it, there was no complaint about professional ethics or the work done. All the architect did was to fail to produce a plan so that this man could build by subcontract a house for $22,250. He complained bitterly about that, but the plans and specifications, as I understand it, were of professional standard as required by the Act.

I think a lot of red herrings are being drawn across the trail. Whether the number of architects on the board should be increased from nine to 10 is a different matter from those being raised by members. I am satisfied to let the Committee vote on the clause as we have debated it for too long.

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

Ayes—13

Hon. G. W. Berry	Hon. G. C. MacKinnon
Hon. G. E. D. Brand	Hon. N. McNeill
Hon. J. Dolan	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. W. F. Willesee
Hon. J. Heitman	Hon. R. H. C. Stubbs
Hon. L. A. Logan	*(Teller)*

Noes—11

Hon. C. R. Abbey	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. S. T. J. Thompson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. G. Hislop	Hon. F. J. S. Wise
Hon. E. C. House	Hon. R. F. Claughton
Hon. R. F. Hutchison	*(Teller)*

Pairs

Ayes	Noes
Hon. F. D. Willmott	Hon. H. C. Strickland
Hon. T. O. Perry	Hon. R. Thompson

Clause thus passed.

Clauses 6 to 8 put and passed.

Clause 9: Section 14 amended—

The Hon. E. C. HOUSE: This clause sets out the studies required to be undertaken by an architect and the qualifications he must have. I do not think the course is anywhere near hard enough. I believe that if architects had to undertake the same sort of course as a draftsman is required to do, and over the same period of time, it would be to the advantage of the profession, and a great number of the present problems in the architectural field would not exist. There is no doubt that a draftsman's course is a hard one and the same standard should apply to architects.

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 3—Delete paragraph (b) and insert a new paragraph (b) as follows:—
>
> (b) has passed the examinations in architectural subjects conducted by the Board and has had not less than—
>
> (i) in the case of a person who has, on or before the first day of December nineteen hundred and sixtynine, given notice to the Board of his intention to present himself as a candidate in the examinations conducted by the Board and has on or before that date satisfied the Board that he is eligible to be such a candidate—four years' experience in the work of an architect; or
>
> (ii) in the case of a person not referred to in subparagraph (i) of this paragraph—six years' experience in the work of an architect; or

This is the amendment I foreshadowed by way of interjection when Mr. Dolan was speaking. I said that my colleague, the Minister for Works, would submit it to this Chamber for consideration.

The Hon. J. DOLAN: I just want to indicate briefly that this amendment is fair and carries out the promise made by the Minister in another place. I therefore have pleasure in supporting it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Section 15 amended—

The Hon. A. F. GRIFFITH: The Clerks pointed out to me that this Bill, as it arrived from another place, required some attention as a result of amendments that had been made. Mr. Roberts was good enough to indicate that if the amendments which appear on the notice paper are made, the clause will read as it should have read when it reached here. I therefore move an amendment—

Page 4, line 4—Delete the passage "(a) Subsection (1) of section" and substitute the word "Section".

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 4, line 5—Insert before the word "by" the paragraph designation "(a)";

Page 4, line 6—Delete the words "from lines three and four";

Page 4, line 8—Insert after the word "establishment" the words "in lines three and four of subsection (1)".

The Hon. A. F. GRIFFITH: I move an amendment—

Page 4, line 9—Insert a paragraph to stand as paragraph (b) as follows—

(b) by deleting the words "and thereafter shall be addressed to the latter Board" in lines five and six of subsection (1).

The Hon. J. DOLAN: I saw the Clerks about this amendment. The words to be deleted are redundant following the abolition of the temporary board, and I therefore support the amendment.

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 4, line 9—Delete the passage "Subsection (4) of this section is amended";

Page 4, line 11—Delete the word "occurring";

Page 4, line 12—Insert after the word "three" the passage "of subsection (4)";

Page 4, line 13—Delete the words "both cases" and substitute the words "each case" .

Clause, as amended, put and passed.

Clauses 11 to 14 put and passed.

Clause 15: Section 22A amended—

The Hon. CLIVE GRIFFITHS: This clause, which stipulates the acts of misconduct with which architects can be charged, incorporates all the provisions contained in the original sections 20 and 21 of the Act. The Minister informed us when introducing the Bill that the scope of the provisions dealing with professional misconduct was to be broadened so that the board would have more power to deal with those who committed offences.

Let us see what clause 15 will do that the Act does not do. Paragraphs (a) to (m) are identical with the provisions already in the Act. The only additional provision to deal with complaints against architects is paragraph (n).

Paragraph (m) of the Bill reads as follows:—

being guilty of negligence or incompetence in the performance of any contract, or of fraudulent conduct in regard to carrying out his duties, as an architect;

In my opinion, if the board has any power to deal with an architect who is complained against by an individual, that particular part of the Bill provides that power. However, the board states that it has not enough power so paragraph (n) has been added, which reads as follows:—

any other thing that constitutes infamous or improper conduct in a professional respect.

I do not believe that this gives very much more power to the board than is already provided. If we are concerned with giving the board more power, then we should spell out the offences. The offences which are mentioned are purely against other architects. I think that paragraph (n) is pretty ambiguous and there will be as much difficulty in interpreting it as there has been in the past with regard to the existing provisions.

I will not vote against the clause, because if I did there would not be any provision in the Act to give anyone even a fighting chance of getting the board to deal with a wayward architect.

The Hon. A. F. GRIFFITH: The redesign of the clause brings into logical sequence those things which are regarded as matters that may be complained of. The paragraphs in the Act compare with the paragraphs in the Bill up to paragraph (e), but in the Bill we have additional paragraphs from (f) to (n). The Bill brings into logical sequence specific actions considered to be misconduct, and it widens the scope of the definition of misconduct in a manner which will lead to the establishment of case law and will provide guidelines for the definition of misconduct. What is missed in the previous paragraphs is covered by the final paragraph (n).

The Hon. CLIVE GRIFFITHS: Clause 11 of the Bill amalgamates all the provisions which were already in the Act in sections 21 and 22A.

The Hon. A. F. Griffith: The Bill puts the provisions into logical sequence.

The Hon. CLIVE GRIFFITHS: The Minister said there were some additional provisions.

The Hon. A. F. GRIFFITH: I did not say "additional"; I said the comparison stopped at (e) and then we went on from paragraph (f) to paragraph (n) in the Bill. You are correct in pointing out that another section is being combined in this clause. If I gave you the wrong impression I am sorry.

The Hon. J. Dolan: Paragraph (n) would be the dragnet provision.

The Hon. CLIVE GRIFFITHS: I am saying it is a rather ambiguous paragraph. This is the only additional power which the board will have to deal with architects who are the subject of complaint by individuals.

The Hon. E. C. HOUSE: As Mr. Dolan has said, paragraph (n) does cover the situation. It seems to me that the board would be very cautious about taking any action. I do not know why minor penalties cannot be laid down. In this way the board would have a chance more or less to warn someone if necessary. Further, I consider other provisions could be added.

The Hon. Clive Griffiths: Fining, for instance?

The Hon. E. C. HOUSE: Yes, or putting a person off for six or 12 months, or something like that. In addition, I cannot understand why an architect is allowed to become a registered builder simply as a result of asking the Builders' Registration Board. There are dozens of architects on the list.

The Hon. A. F. Griffith: That is in the Builders' Registration Act.

The Hon. E. C. HOUSE: I suggest that we should somehow add to this clause something to the effect that architects shall not be permitted to become registered builders.

The Hon. A. F. Griffith: The Committee is talking about the Architects Act and not the Builders' Registration Act.

The Hon. E. C. HOUSE: Yes; but what an architect may or may not do is contained in this clause.

The Hon. A. F. Griffith: In his professional capacity as an architect.

The Hon. E. C. HOUSE: I suggest it is not a very good practice for an architect to be allowed to become a registered builder. Further, I suggest that we should in some way add to the clause to provide that he shall not become one. At present I think it is left wide open because, quite legitimately, an architect may become a registered builder. He could be allowed to cover up too much by taking on work from builders who themselves are not qualified. He would be able to do this simply because he was a registered builder. Some members may think this is all right, but I do not think it is.

If a complaint is made to the Builders' Registration Board about a builder who is an architect, the board will not take any action against that builder because he is an architect. I cannot see the merit in allowing an architect to incorporate the two professions. There must be some reason for architects rushing to become registered builders. I do not think this is desirable.

I do not know who has drawn up the legislation, but I think more careful attention should be given to this matter and something added to the clause to counter this position. After all, an architect is an architect. The original Act of 1921 states quite definitely that an architect shall not be licensed for any other field. Why that provision was deleted I do not know, but apparently it has been deleted because an architect is now permitted to become a registered builder.

I voice my criticism on this aspect and suggest that the legislation is not completely perfect. For that matter, I do not suppose any Act ever is, but a great deal more could be done in this case to tidy up the legislation. We still have that duty, even though it is obvious that the Bill will pass through this Chamber this evening.

The Hon. A. F. GRIFFITH: I do not want to risk labouring the point, because we have had a very full evening debating the Bill. I must tell Mr. House, however, that I gather the significance of his remarks. However, the provision for an architect to be permitted to become a registered builder is in the Builders' Registration Act. If it were planned to prevent an architect from having that qualification automatically because he is a qualified architect, then an amendment would have to be made to the Builders' Registration Act.

The Hon. E. C. House: That is fair enough.

The Hon. A. F. GRIFFITH: It could not be incorporated in this legislation. Finally, clause 15 enumerates the actions which constitute misconduct and it culminates in paragraph (n) which says—

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

I do not think we could go further than that.

The Hon. E. C. House: So long as the Minister is satisfied.

The Hon. A. F. GRIFFITH: It is very much a dragnet provision.

Clause put and passed.

Clauses 16 to 21 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 10.46 p.m.