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

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

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

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

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

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

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Progress

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

House adjourned at 5.56 p.m.

Legislative Council

Tuesday, the 9th September, 1969

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

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

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

QUESTION WITHOUT NOTICE

SITTINGS OF THE HOUSE

Royal Show Week

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

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

The Hon. A. F. GRIFFITH replied:

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

QUESTIONS (6): ON NOTICE

1. COASTAL WRECK

Protection from Interference

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

(1) Is the Government aware of the great interest being shown in the wreck of a ship discovered earlier this year near the Monte Bello Islands which is believed to be the British ship *Tryall* which sank in 1622, and which, if such proved to be the case, would be one of the earliest wrecks on the Western Australian coast?

(2) What is being done to preserve the wreck from unlawful interference and pillaging?

(3) Is the Government aware that, unless some action is taken, the wreck may be dynamited and ransacked by private salvage operators?

The Hon. A. F. GRIFFITH replied:

(1) Yes. The Government is aware of the importance of this wreck, which is not only possibly the earliest European wreck on this coast but is also an English vessel. Because of this interest the wreck of the *Tryall* was scheduled an historic wreck, the property of the Crown vested in the Western Australian Museum Board under the Museum Act, 1959-64 in December, 1964.

(2) By virtue of the fact that the *Tryall* lies at Tryall Rocks the wreck is subject to the jurisdiction of the State and when a wreck was discovered at that position on the 3rd May, 1969, it was reported to the Board of the Museum in accordance with the Museum Act. A Museum party (which included Mr. Christiansen, one of the discoverers who was seconded for employment from the Child Welfare Department) visited the area of the Monte Bello Islands between the 29th June and the 9th July, 1969, in order to attempt to make a positive identification of the wreck. Unseasonable weather, including easterly winds of 30-40 knots, was continuous throughout the period and prevented diving. A further attempt will be made, on meteorological advice, in about a month's time. In the meantime, I have the assurance of the Minister for Police that the police in nearby ports will maintain surveillance to ensure that the law is not broken.

(3) The Government is aware that action is necessary on this wreck, as on all historic wrecks, if they are to be protected against persons who would exploit the historic wrecks for selfish motives and against the law of the State. At present a committee of historians of the University of Western Australia and of officers of the Museum, under the chairmanship of the Deputy Vice-Chancellor, is discussing ways in which the wreck could be recovered to the best advantage of the State and of obtaining knowledge of its history.

Of the other scheduled historic wrecks a salvage programme by the Museum is at present in operation within the limits of manpower and available funds.

2. WATER SUPPLIES

Catchment at Salmon Gums

The Hon. F. R. H. LAVERY (for The Hon. R. H. C. Stubbs) asked the Minister for Mines:

With reference to the bitumen water catchment area serving the Salmon Gums Dam, will the appropriate department—

(a) repair and resurface the existing area where it is needed; and

(b) provide a much larger bitumen area for the dam catchment?

The Hon. A. F. GRIFFITH replied:

(a) The bitumen catchment will be cleared of weed growth and patched as necessary, but a complete resealing is not at present planned.

(b) The performance of the town water supply scheme does not justify the provision of a larger bitumen area at this juncture as to date supply has not been restricted since the scheme was commissioned some 10 years ago.

3. ELECTRICITY

Subdivision at Hamersley

The Hon. R. F. CLAUGHTON asked the Minister for Town Planning:

(1) Was the cost of supplying electricity to lots recently subdivided and auctioned at Hamersley by the Rural and Industries Bank, included in the development costs?

(2) Is it a fact that the State Electricity Commission will not extend the electricity supply more than six chains to service an individual home?

(3) If the answers to (1) and (2) are "Yes", does the Minister agree that—

(a) the rate of home building will be reduced; and

(b) some owners may be placed in difficult circumstances through not being able to proceed immediately with the home building?

(4) Will the Minister endeavour to ensure that the electricity supply is extended to all intending home builders in the subdivision without unreasonable delay?

The Hon. L. A. LOGAN replied:

(1) No.

(2) The commission does not extend mains further than 6 chains for any one domestic consumer unless the consumer is prepared to comply with the terms of the commission's contributory extension scheme.

(3) See (1) and (2).

(4) Electricity can only be made available under the terms of (2) above.

I might add that I do not think that with the rapid development of Hamersley there will be any delay in the electricity connections; but if there is, it will be of only a very short duration.

4. IRRIGATION

Increase in Water Rates

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

With reference to the recently announced increase in irrigation water rates in the Collie, Harvey and Waroona irrigation areas—

(a) what is the rated acreage in each of the three areas;

(b) what increased revenue is anticipated from each area as a result of the proposed increase in rates;

(c) what is the operating cost per acre foot of water supplied in each area;

(d) what was the total average cost of water supplied to a farm in 1968-69 on a rated area of—

(i) 40 acres; and

(ii) 60 acres;

(e) will the Minister arrange with the Minister for Works to have a fully itemised statement of operating costs of the three irrigation areas for the years 1967-68 and 1968-69 laid on the Table of the House; and

(f) what measures have been adopted by the department in the last three years in an endeavour to contain increasing costs?

The Hon. A. F. GRIFFITH replied:

(a) The rated acreage for each of the three areas is:—

Collie	11,435
Harvey	13,545
Waroona	3,416
Total	28,396

(b) The increased revenue anticipated from each area as a result of the proposed increase in rates is:—

	$
Collie	16,746
Harvey	10,632
Waroona	6,754
Total	$34,132

(c) The operating cost per acre foot of water supplied in each area in 1968-69 is:—

Collie—3 dollars 28.42 cents.
Harvey—4 dollars 77.78 cents.
Waroona—3 dollars 24.30 cents.

(d) The total average cost of water to the farmer supplied to a farm in 1968-69 on the rated areas as stated is:—

	Collie & Waroona
(i) 40 acre farm	$339
(ii) 60 acre farm	$508
	Harvey
(i) 40 acre farm	$286
(ii) 60 acre farm	$429

(e) Yes (See tabled paper No. 95.)

(f) The department is continually exploring methods of increasing the efficiency of its operations with the view of containing costs. An example of this is the use of chemicals and machinery for channel and dam maintenance to reduce the use of manpower wherever the economics of such are justified.

The answer to (e) was tabled.

5. EDUCATION

Removal of Camp at Point Peron

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

(1) As the area now occupied by the Education Department camp at Point Peron may in future be required for industry, has some other suitable site been acquired in the region against this eventuality?

(2) Would the Minister for Education give consideration to acquiring a site between Perth and the Moore River area for a camp similar to that at Point Peron?

The Hon. A. F. GRIFFITH replied:

(1) This matter is at present under discussion between the departments concerned and it is anticipated that some satisfactory arrangement will be made.

(2) This area is one of those being considered in the course of the discussions mentioned above.

6. TRAFFIC

Employment of Shire Rangers

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

(1) Does the Minister for Traffic intend to adopt the amendment to section 22 of the Traffic Act as suggested by the Perth Shire Council in a letter dated the 11th February, 1969, whereby a shire ranger shall be deemed to be a traffic inspector?

(2) If not, will he give his reasons?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) It is proposed to draft a model by-law under the Local Government Act and, if this is adopted by local authorities, they will have power to appoint parking inspectors.

BILLS (6): RECEIPT AND FIRST READING

1. Dairy Industry Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

2. Wheat Marketing Act Continuance Bill.

3. Metropolitan Market Act Amendment Bill.

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

4. Soil Fertility Research Act Amendment Bill.

5. Forests Act Amendment Bill.

   Bills received from the Assembly; and, on motions by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

6. Water Boards 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.

CHURCH OF ENGLAND (DIOCESAN TRUSTEES) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.54 p.m.]: I move—

That the Bill be now read a second time.

The Perth Diocesan Trustees of the Church of England are desirous of having their governing Statute amended to enable missions or institutions of the Church of England in Australia, Diocese of Perth, to be separately incorporated according to law in such manner and subject to such conditions, regulations, limitations, and provisions as the synod may, by resolution, determine.

This Bill makes such provision and as the Perth Diocesan Synod desires to ensure that an incorporation pursuant to this amendment will continue the present exemption enjoyed by church schools and colleges from rating under the Local Government Act, the Metropolitan Water Supply, Sewerage, and Drainage Act, and the Land Tax Assessment Act, it was requested that this Bill be introduced as a Government measure.

The provisions in this Bill are almost identical with the amendment made to the Presbyterian Church Act by section 21 of Act No. 19 of 1964, and that Act was motivated by identical reasons with those now submitted.

Provision has also been made in the Bill for the transfer of assets from the Perth Diocesan Trustees to the new incorporated body free from stamp duty and registration fees. The Bill provides in detail that the Synod of the Diocese of Perth may resolve that any mission or institution of the Church of England in Australia, Diocese of Perth, shall be separately incorporated in such manner and subject to such conditions as the synod may determine.

Under these provisions, when a mission or institution becomes separately incorporated, all real and personal property that immediately before the incorporation was exclusively used in the work and activities of the mission or institution, including property held by the Perth Diocesan Trustees upon trust for that mission or institution, and all other legal obligations including debts and liabilities, shall, by force of this amending legislation and without the need for any transfer or assignment, be taken over by the mission or institution as so incorporated. There is provision for indemnity in favour of the Perth Diocesan Trustees and all persons who, prior to the date of incorporation, were liable for or subject to such debts, liabilities, and obligations.

Subject to all easements, encumbrances, trusts, and equities so affected, each mission or institution shall hold in its corporate name all real and personal property,

rights, and benefits acquired by it after it was incorporated or given to the Perth Diocesan Trustees in trust for the mission or institution after incorporation. Notwithstanding the foregoing provisions, any mission or institution incorporated under this Bill shall continue to be a mission or institution of the church.

There is provision also for exemption from stamp duty and fees normally payable under the Transfer of Land Act, 1893, in respect of any transfer, conveyance, assignment, application, deed, and instrument that may be necessary for the purpose of effectually vesting the real and personal property, rights, and benefits in the corporate name of the mission or institution.

It is further provided in the Bill that where an institution is separately incorporated under clause 3, or has been incorporated according to law prior to the introduction of this measure, if the institution is a school or college, all vacant land held by the institution and all land so held that is used exclusively or mainly for the purposes of the school or college, shall not be ratable property or ratable land under the provisions of the Local Government Act, 1960, or the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, and is exempt from assessment for taxation under the Land Tax Assessment Act of 1907.

Finally, there is a protection in respect of assets held in trust by the mission or institution inasmuch as they shall be held subject to the performance of any trusts in relation to them and also subject to the Statutes, orders, directions, and regulations of the synod of the church, so far as they do not contravene, or are not inconsistent with, any Act or law in force in the State.

In commending the Bill to members, I would reiterate that this measure is introduced at the request of the Church of England and as a Government measure, as has been the custom with other similar types of legislation on previous occasions.

Finally, I can only add that this Bill is similar to the Methodist Church (W.A.) Property Trust Incorporation Bill, the second reading of which I gave the other evening, in that it affects no person particularly, other than those who subscribe to the Church of England faith. I commend the Bill.

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

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Receipt and First Reading

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

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Child Welfare) [5.1 p.m.]: I move—

That the Bill be now read a second time.

It has always been my policy as Minister for Child Welfare to ensure that the Child Welfare Act is a modern piece of legislation. I have aimed at ensuring that the Act meets the needs and wishes of the Western Australian community and, at the same time, reflects progressive child welfare policies and practices as they develop in this country and in other parts of the world.

With these intentions in mind, I am proposing several important amendments this year that are necessary if the department is to meet properly some of the new problems in the field of child welfare. The more important of these amendments deal with the problem of ill-treated children, popularly referred to as "battered babies"; the increasing use by young persons of illegally obtained drugs; and a proposed limitation of the total period of time for which a child may be imprisoned.

The Bill proposes to bring a child who is physically ill-treated by its parents clearly within the neglect provisions of the Child Welfare Act. Studies of the ill-treated child have shown very strongly that, in most instances, the ill-treatment is a result of disturbance or maladjustment on the part of the parents. In only rare instances can it be regarded as an act involving cold, calculated cruelty.

Although one's natural human reaction in these cases is to feel considerable anger toward the parents and even a desire to see them punished for what they may have done to the child, such a reaction benefits neither the child nor the parents. Even worse, it makes a guilty parent go to extremes to conceal the cause of the child's injuries, thus making the task of detecting or reporting ill-treatment very difficult.

The amendment proposes a more humanitarian approach in dealing with these cases, in a manner that helps safeguard the welfare of the child and also enlists the co-operation of the parents in the child's future care, and perhaps helps in regard to their own need for psychiatric or other treatment.

By using the neglect provisions of the Child Welfare Act there is no necessity for charges against the child or parent, though the circumstances contributing to the application that the child is neglected still have to be proved to the court's satisfaction.

At the practical level, I should perhaps inform members that my department has trained a small team of officers to deal with the special problems of the ill-treated child in an expert way. The team maintains continual liaison with medical and social work specialists in the field. Through their co-ordinated efforts the future care and treatment of ill-treated children may be supervised in the best possible manner. The proposed amendment allowing a physically ill-treated child to be regarded as neglected will clarify the sometimes uncertain provisions of the existing legislation.

The next amendment to which I would like to refer is one dealing with the increasing use by young persons of illegally-obtained drugs. As members are well aware, there is a growing tendency, by some young people, to use drugs. Although this often begins as an experimental affair, it may all too often become a regular practice and lead to the use of harder drugs. The continued use of drugs also frequently leads the young person into a wayward and irresponsible manner of living.

Present laws provide a range of penalties when a young person is convicted of illegally possessing drugs or illegally using them. However, there is no provision to cover properly a child found in an environment where the illegal use of drugs occurs. Such a child is thereby exposed to risk, because it is subject to harmful influences and the dangerous temptations involved. The amendment takes account of these circumstances and allows for such a child to be deemed neglected if the court is satisfied that the need for care, protection, and control is thereby demonstrated.

In those cases where a child may actually have used drugs, the proposed amendment will allow greater flexibility of treatment by permitting an application being made for the child to be declared neglected in lieu of the present practice of proving an offence against a child. It will avoid the child having a criminal offence recorded against his name, with all the undesirable consequences of such a record on his future life. At the same time, effective treatment and supervision will be assured.

The principal intention of this amendment is therefore to allow early preventive action and provide necessary supervision during childhood; to encourage the child's rehabilitation; and to prevent its involvement in a more serious situation.

The third amendment in importance is the one which seeks to limit the total amount of cumulative imprisonment which can be imposed upon children under 18 years of age. In its present form the Act is deficient in that it limits the length of sentence on any one charge, but makes no provision for cumulative sentences to be restricted. The lengthy incarceration of a child is generally acknowledged to be detrimental to its future development and rehabilitation.

The amendment seeks to limit the maximum of a cumulative sentence according to the particular child's age and in realistic perspective. Should any children's court feel it necessary to exceed this provision, it will continue to have recourse to that section of the Child Welfare Act which permits the remand of any child to the Supreme Court for sentence.

Other amendments in this Bill are of lesser significance than those I have mentioned, but are nevertheless necessary to improve the working of the present Act and to remedy some problems which have been encountered in recent times. I will deal with these in detail at the appropriate stage in the consideration of the Bill.

In referring to the Bill itself, clause 1 sets out the short title and citation, and clause 2 provides that the Act is to be proclaimed on a date to be fixed.

Clause 3 seeks to amend section 4 which sets out the definition of terms used in the Child Welfare Act. The proposed addition of a definition of the word "drug" is now necessary as that term is used elsewhere in the Act. The definition of "neglected child" is widened by including, among the recent 10 sets of circumstances that are evidence of neglect, a clause that covers children who are involved in the use of drugs in the way prescribed.

If the Children's Court is satisfied that the circumstances warrant committal in in any case dealt with under this proposed new clause, then the Director of Child Welfare has the responsibility of ensuring that the child's full needs for care, control, and discipline are met for the term of the committal.

The existing definition 10 of section 4 covers cases where the child's mental, physical, or moral welfare is considered to be in jeopardy because of the circumstances in which he is living or is found, or because of his behaviour. Experience has shown that this existing definition does not always adequately cover those cases where ill-treatment of the child is suspected.

The reason for this is that evidence supporting the possibility of ill-treatment frequently comes to light some time after the injuries are inflicted upon the child; they are usually detected by X-rays and a detailed examination of the child, and this information is used in the court because the parents rarely admit to any ill-treatment. The living conditions of the child, the circumstances in which it is found, and its behaviour are not generally of great significance in the matter of ill-treatment, as many of these children come from materially good homes and they may be outwardly well cared for.

The new addition at the commencement of the present definition 10 will overcome this problem and avoid the present limitations.

The terms "public place" and "street" require definitions as they are not defined in the present Act and yet are used in the sections of the Act concerned with the licensing of children and the restrictions on the employment of children. There have been instances where employers or other persons engaging children have questioned the department's interpretation of the term "public place." The new definitions will clarify this.

Clause 4 seeks to amend section 6 which provides for the Governor's authority to appoint the director to the department. During the absence of the director on leave, out of the State, or because of illness, etc., the Governor's approval must similarly be sought to appoint temporarily an officer to act in the director's absence. This procedure does not always meet sudden emergencies and is unnecessarily complicated. The amendment will give the Minister authority to appoint an acting director and thereby speed up and simplify the present arrangements.

Section 29 of the Act provides that where any child appears, or is suspected, to be destitute or neglected or uncontrolled, and where any such child is apprehended pending the hearing of the application, charge, or information, the child shall be taken to and left in his place of residence; or taken to and placed in a reception or remand home; or placed with some respectable person; or placed in the dwelling of a police officer; or placed, where the charge is of a serious nature, in a police gaol or lockup, apart from any adult prisoners.

No provision exists in the present legislation for a child charged with the commission of an offence to be so placed. The amendment in clause 5 seeks to remedy this.

When a child is apprehended for breaking the terms of probation, delay may occur in bringing the offender before the court because the present provisions of section 38 require ministerial consent to be obtained before the subsequent continuing proceedings. The proposed amendment in clause 5 will adjust this problem in section 38 and provide that the child shall be brought before the court as soon as is practicable.

Section 28 of the Act deals with "admission to bail." Thus the proposed amendments to section 29 will not restrict a child's right to be granted bail.

Under the present legislation, cumulative sentences of imprisonment imposed by a children's court have no limit. If many charges were preferred against a child, he could receive very long prison sentences. Whilst it would appear that some limitation is being placed on children's court the right still exists under section 20(3) for a court, if hearing and determining a complaint and convicting a child, to commit him for sentence before the Supreme Court. The suggested amendment seeks to limit such sentences to three months' imprisonment if the child is under the age of 16 years, or six months' imprisonment if the child is aged 16 years or more.

In clause 7, an amendment to section 34B is sought. This section describes the various ways in which a child convicted of an offence not punishable with imprisonment may be dealt with by the court.

The amendment seeks to provide an additional method of dealing with a child; that is, to discharge the child upon his entering into his own recognisance, with or without sureties, in such amount as the court thinks fit, that he will keep the peace and be of good behaviour for a term not exceeding one year.

Clause 8 seeks to amend section 35 which prevents the imprisonment of children in default of non-payment of fines, costs, and restitution, but in turn directs that default shall be served in an institution. A person who defaults once he reaches the age of 18 years can hardly be detained in default in a child welfare facility

The amendment seeks to alter this by making provision for defaulters over 18 years of age to be called to account to a children's court and enforcement provided by imprisonment in default. There is provision for safeguarding the youth should the circumstances be felt by the court to warrant such action. The amendment seeks to provide imprisonment for default. This is a safeguard clause.

Clause 9 seeks to amend section 38. Section 38(2), mentioned earlier, deals with a child who has been apprehended and provides that the director may, with the written consent of the Minister, cause the child to be brought before the court. Authority exists that, where a child does not comply with terms of probation ordered by a children's court, he may be apprehended without warrant.

It is essential that, where such action occurs, the child be given the earliest opportunity to answer the court. There could be delays in obtaining this; and this would prevent the child from answering a charge at the earliest possible moment, thus perhaps being unnecessarily detained.

The amendment seeks to allow action to flow, and to provide the court with the earliest opportunity to decide whether or not the charge is well founded.

Clause 10 seeks to amend section 40A. The amendment suggested allows a maintenance order to be sought and granted in actions where children are committed to the care of the department for non-attendance at school.

Clause 11 seeks to amend section 121. The amendment clarifies the rights of a Child Welfare Dpartment officer appearing in actions in children's courts.

Clause 12 seeks to amend section 149. This is a consequential amendment.

Debate adjourned until Tuesday, the 16th September, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. J. DOLAN (South-East Metropolitan) [5.16 p.m.]: This Bill is for an Act to amend the Legal Practitioners Act. I notice that the word "amend" means one of two things: to make better, or to alter and improve. Generally speaking there are three ways in which a Bill can be amended. The first is by deletion, whether it be of words, phrases, or clauses; the second is by substitution of a word or phrase for another word or phrase, and so on; and the third is by the addition of words, phrases, or clauses. In this particular Bill the amendments all come under the third category.

The main purpose of the Bill is to protect the clients of legal practitioners who might not have been living up to the high ideals of their profession. In cases where it is suspected there is a deficiency in trust funds, or where there has been delay in making payments from the trust funds, the Barristers' Board may approach a judge; and if the judge is satisfied that there are reasonable grounds for suspecting there is a deficiency in the trust funds of any legal practitioner, or that there is any delay in making payments to clients, he may make an order directed to the legal practitioner, his bankers, and their respective servants so that the money in such trust funds may be—to use a common expression—frozen.

In order to go a step further, apart from the question of the funds, very often the Barristers' Board takes action, and the solicitor against whom such practices have been alleged may be suspended, even if only temporarily. In those circumstances an injustice may be done to many of the clients on whose behalf that solicitor has been acting. Provision is therefore made in the Bill for another legal practitioner—referred to as a supervising solicitor—to be appointed to take over the control of the office and the business of the legal practitioner against whom the allegations have been made, and to attend to any uncompleted work.

Many matters have to be attended to; and one of them is the payment to be made to the supervising solicitor, in order to compensate him for the time spent in attending to the work of the legal practitioner he is replacing. It is necessary for the board to make arrangements for the payment for his services. The trust funds which are placed in a separate account have to be safeguarded, to ensure that nothing untoward happens over and above the troubles which the clients of that solicitor have experienced.

There are a couple of matters to which I wish to draw the attention of the Minister. Speaking as a layman I experience some difficulty in understanding why certain things have to be done. I notice that when an order is made under proposed section 58C, the trust may, on the certificate of the supervising solicitor, request that certain moneys be made available to him, for the purpose of satisfying clients, making necessary payments, and so on. On the certificate that is presented the trust may pay to the supervising solicitor, or as directed by him in the certificate, out of the moneys deposited in the trust funds such amount or amounts as are specified. This is the part I want to query: the trust may pay these amounts out without having to inquire as to, or being liable in respect of, the correctness of the certificate or the application of any money paid on that certificate.

As a layman, that wording worries me a little. In this case a supervising solicitor is appointed to look after the affairs of a legal practitioner who has not been playing the game; yet when the supervising solicitor presents a certificate to obtain such moneys as he requires for various purposes, there is no obligation on the trust to make inquiries into the amounts requested in the certificate. I assume that inquiries would be made, and I could not imagine the trust paying out money on such a certificate, without checking; but the Bill makes no provision for that. The provision states that the trust may make such payments without inquiring as to the correctness of the certificate, etc. So far as the trust is concerned everything is aboveboard so long as the certificate is signed.

The Hon. A. F. Griffith: What part of the Bill are you referring to?

The Hon. J. DOLAN: I am now dealing with proposed section 58F.

The Hon. A. F. Griffith: You were referring to proposed section 58C.

The Hon. J. DOLAN: I said that if an order was made under proposed section 58C then what is stated in proposed section 58F applies. There is no reference as to whether a certificate has to be made out in duplicate or triplicate. It appears that all that is necessary to be done is for the certificate to be signed before the trust makes the payments. The trust keeps no record whatsoever. If the trust holds the certificate what would happen to the supervising solicitor when the auditor comes in and wants to know about the moneys which have been paid out? The supervising solicitor would say that he did

at one time have the certificate, but that it had been handed over to the trust. I raise the point that it would be desirable that at least a duplicate copy of the certificate be made, and that it be held by either the trust or the supervising solicitor.

Under proposed section 58F (b) a judge may, on the application of the board, the trust, or any person interested, give such directions as he thinks fit for the payment by the trust of any part of the moneys deposited in the separate account under the order. I do not want to appear to be pedantic, but does "any part" include the whole amount? I do not know whether it is intended that some money will be kept in the account, in order to avoid the necessity to start a new account in the bank.

The Hon. A. F. Griffith: You say you do not want to be pedantic. I think that perhaps you are being a little pedantic.

The Hon. J. DOLAN: The Minister might have the information which I am seeking, and I would be grateful if he could supply it.

The Hon. A. F. Griffith: If you took the whole, you would have the whole part of it.

The Hon. J. DOLAN: I suppose that is fair enough. I have always understood that a part does not mean the whole.

The Hon. A. F. Griffith: You would like the words "or whole" in the provision?

The Hon. J. DOLAN: Yes. I do not know whether that is really necessary, and I am only speaking as a layman. All our legislation should be couched in language which can be interpreted by laymen—and not merely by members of the legal profession. We feel the Bill is very desirable, and we support it.

There are one or two more queries I wish to raise. The first is: is the supervising solicitor permitted to carry on his normal practice while he is supervising, or does his appointment confine his activities solely to the business of the legal practitioner he is replacing? If the supervising solicitor is permitted to carry on his normal business, then does he carry it on from his own address or from that of the solicitor he is replacing? It seems strange that provisions of this nature have not been made previously, because in reading the newspapers it is not unusual to see cases in which large defalcations have been revealed, sometimes running into hundreds of thousands of dollars. These cases have occurred not so much in this State but in the bigger States where the solicitors handle much larger estates.

I feel that anything which safeguards the interests of the clients of those practising in the professions is most desirable. The legal profession is a very honoured profession, and as such has very high standards. The board which controls the activities of its members, and so on, has done an excellent job.

I am sure that the few points I have raised can be clarified quite simply; and if they are it will put my mind at ease to know that there is nothing left which needs improvement. However, if there is something which needs improvement, either in the verbiage or in the requirements, now is to time to attend to it. With those few remarks I support the Bill.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [5.29 p.m.]: I intend to support the Bill, because I believe that its provisions are most desirable. However, I feel I should take this opportunity to pass a few comments about the lack of consideration which a few legal practitioners show to their clients. Unfortunately it has been my experience since I have represented the South-East Metropolitan Province to be approached by a few of my constituents who have been unable to obtain conscientious representation by the legal practitioners whom they have engaged.

Whilst I realise that so far as the profession is concerned these particular practitioners are in a minority, and that the majority do give energetic and conscientious consideration to the cases accepted by them, the fact remains that the ordinary members of the public become overawed when confronted with the fact that they have to engage a legal practitioner to look after their interests, or they have to seek his advice for some reason or other.

The members of the public generally have to accept, without question, the treatment they receive whether it is good or bad simply because they feel inadequate, in themselves, to do anything about the situation. Quite a number of people have approached me indicating that, as far as they were concerned, the results achieved by their legal representatives were unsatisfactory. I listened to those people—as I always do—and heard the presentation of their problems and in most cases I could do nothing but agree with them. However, I had to bear in mind that I was hearing only one side of the story.

A legal representative is usually engaged because a person does not know how to solve a problem, or because he does not know the answer to certain questions and is anxious to find out his position. I believe that when engaging a solicitor one of the first ingredients is to receive some speedy assurance that one is on the right track, or the wrong track, or whether a solution to the problem can be found.

I believe a great deal of the trouble stems from the lack of communication between some of the practitioners and their clients. I certainly do not intend to weary members with all the details of all the problems which have been brought to me. However, I think it would be sufficient for me to read some small sections of a

letter which I wrote recently to the Law Society. With your permission, Mr. President, I will read a section of the letter to give members an indication of the type of situation I have had presented to me. Subsequently, I shall read the answer I received from the Law Society.

On the 6th June I wrote to the General Secretary of the Law Society, Mr. Wood, Mr. Wood extended to me nothing but courtesy and consideration at all times when speaking on the phone, and during the course of our correspondence. I wrote as follows:—

> It is with regret that I write to you in order to express my concern at the apparent lack of consideration given to clients by some solicitors in W.A.
>
> During the past 3 or 4 years I have had approximately 10 or 12 complaints from people who have been to see solicitors and have then been left without sufficient or clear enough advice as to what is going to happen with their cases.
>
> Many cases have gone on for months without the client being able to get back to the solicitor because he is allegedly always out or in court.
>
> Whilst I understand that this of course could be true, I myself have even gone as far as ringing and asking for the person concerned to ring me back when he returns, but to no avail. This personal experience only substantiates the fact in my mind that the clients are being given far from satisfactory consideration.
>
> I believe that if a case is accepted by a law firm the client should be kept up to date with what is happening and in particular the solicitor should make every effort to get on with the job.
>
> It is quite apparent from my experience that many firms are taking on cases which they cannot handle either because of lack of sufficient staff or indeed because of lack of knowledge of the particular subject.

I then went on to point out a couple of examples to illustrate what I was driving at. One of the examples, briefly, was a situation brought to my notice in 1968. A person was summoned to appear as a witness in the Supreme Court, and the summons meant that he had to miss two or three days' work. As the man was an ordinary unskilled labourer the two or three days' wages which he would miss were very vital indeed to him and were vital to his ability to pay his way.

The man was unfamiliar with the correct procedure, so he used what he thought would be the quickest method of getting his money. He phoned the solicitor, but was not able to speak to the man concerned because he was out. To cut a long story short, the worker rang on several occasions and he left a message every time. On each occasion the solicitor was supposed to do something, but he never did.

Finally, the worker came to see me because he needed the money. Indeed, I do not really think it mattered whether he needed the money or not, he was entitled to it. Also, the solicitor had promised he would get the money.

The PRESIDENT: Order! Will the honourable member please couple his remarks with the Bill before the House? At the present time I am at a loss to get the thread of his argument.

The Hon. CLIVE GRIFFITHS: I certainly will attempt to do that, Mr. President. The Bill is intended to provide facilities for extra power to be given to the Barristers' Board so that it can take action where legal practitioners step out of line or do not do the right thing. I believe my discussion is an indication to the House of some of the ways in which legal practioners do, indeed, step out of line. In such cases, the Barristers' Board will step in and take some action against those solicitors. I trust this explanation is satisfactory, Mr. President, and will enable me to proceed.

The PRESIDENT: If the honourable member couples his remarks to the Bill, he may proceed.

The Hon. CLIVE GRIFFITHS: Thank you, Mr. President. Getting back to the story I was relating, the fellow finally contacted me and I rang the solicitor concerned. The girl who answered the phone told me the solicitor was in court. I left a message, giving my name and who I was, and asked that the solicitor ring me at Parliament House. However, he never did.

A couple of days later I rang again, stating who I was and that I had left a message for the solicitor to ring me. I asked if the girl had given the message to the solicitor.

The Hon. F. J. S. Wise: There may have been a mistake between your name and the Minister's name.

The Hon. CLIVE GRIFFITHS: I have already had a call today, in that situation. However, I am sure the Minister would have informed me had that been the case.

The Hon. A. F. Griffith: I often feel I would like to be able to sort the situation out, though.

The Hon. CLIVE GRIFFITHS: I do get mixed up with the Minister occasionally, but, unfortunately, never on pay day.

The Hon. A. F. Griffith: You cannot connect that with the Bill.

The Hon. CLIVE GRIFFITHS: Returning to my story, I rang the solicitor on several occasions and each time the girl

who answered told me that he was in court. On no occasion did he pay me the courtesy of ringing back to see what I wanted—because at this stage he did not know. This case was first brought to my notice earlier in 1968 and at Christmas time I intended to go away for some six or seven weeks. I was running out of time so I took the step of ringing the solicitor at his home. I apologised profusely for doing so. I said I was very sorry to ring him on Christmas eve and I told him that, unfortunately, his girl had not been giving him my messages. I then explained the situation.

The solicitor told me he had been on holidays and, therefore, had not got my messages. I pointed out that this was a most unsatisfactory state of affairs because his girl did not know he had been on holidays and, for weeks, was under the impression that he was in court.

That clearly indicated to me a lack of appreciation for a member of the public as far as this particular solicitor was concerned. My letter to the Law Society also instanced another case which, perhaps, it is unnecessary for me to refer to because you, Mr. President, keep looking at me to see that I associate what I am saying with the Bill.

I complete my remarks on this point by saying I feel that only a very small section of the profession is involved. That very small section should be made to understand that ordinary people place their entire trust in legal practitioners and, therefore, members of the legal profession have an obligation, if nothing else, to keep clients informed of what is happening.

Many cases taken to solicitors are, of course, quite hopeless. However, a client is at least entitled to know that his case is hopeless. Also, when he rings up he is entitled to speak to the solicitor, even if he has to ring back at a set time on the next day.

I intend to support the Bill because it certainly strengthens the situation as far as the Barristers' Board is concerned. I felt I should make this contribution to the debate just to let members know—and to let the profession know—that as members of Parliament we appreciate the good work done by the majority of the profession. At the same time, we are appalled at some of the treatment meted out by the small minority.

I want to pay a tribute to the Law Society which replied to me with a most courteous letter. I was thanked profusely for my opinion. The Law Society made several comments with which I will not weary the House, but I would like to read the final paragraph of the letter, which is as follows:—

> Finally, we join with you in condemning the lack of consideration and plain bad manners that would evidence itself in the subpoenaing of witnesses unnecessarily and unreasonably.
>
> We will undertake to assist any constituent of yours who has a complaint against a practitioner, and we will take the opportunity of bringing the contents of your letter before Council of this Society for the purpose of disseminating the message therein contained.
>
> Yours faithfully,
> L. C. Wood,
> Secretary.

I took the opportunity to accept the invitation extended to me by the Law Society and sent one of my constituents who had a problem of this nature to see the society. I am very pleased to say that the gentleman had nothing but praise for the treatment he received from the society and, indeed—and this was the essence of his particular problem—the swift action that was forthcoming from the society. I believe it should be unnecessary for my constituents to come to me and ask me to assist them in this way. I believe it is the obligation of every legal practitioner to give this help to every one of his clients, irrespective of who it may be.

THE HON. I. G. MEDCALF (Metropolitan) [5.46 p.m.]: I support this Bill. I would like to mention at the outset that the Barristers' Board, which is the body which has the task of administering the Legal Practitioners Act, consists almost exclusively of members of the legal profession and includes the Attorney-General or Minister for Justice, the Solicitor-General, and the Chief Justice and former judges. The actual working members of the board—apart from the Attorney-General—are basically the legal practitioners themselves who are elected to that position, and Queen's Counsel who, *ex officio*, sit on the board.

The Barristers' Board has certain existing powers, as members will know. Section 25 of the Act provides that any person who is aggrieved by reason of any alleged illegal or unprofessional conduct on the part of a legal practitioner, or any neglect or undue delay, may make a complaint to the Barristers' Board. Section 25A provides that the Law Society itself, through its secretary, upon the resolution of its council, may make a complaint to the board against any legal practitioner whom it believes to be guilty of illegal or unprofessional conduct or neglect or undue delay.

Section 26 of the Act gives the Barristers' Board the power to summon before it any legal practitioner in order to conduct an inquiry into the cause of a complaint, and to summon the complainant so as to reach its conclusions on the subject matter of the complaint.

Section 29 gives the board the power to transmit its report to the Full Court. That is, having decided that the practitioner is guilty of unprofessional or similar conduct, it may transmit a report to the Full Court or inflict a fine not exceeding $200, or suspend the practitioner for two years or reprimand him, and make other consequential orders. If a report is transmitted to the Full Court, that court has power under section 30 of the Act not only to fine or suspend the practitioner, but also to strike him off the roll.

All these actions may be taken upon a complaint being received from any member of the public or from the Law Society, and they may be taken by the Barristers' Board itself—that is, by a body which consists largely of members of the legal profession. In other words, the profession is a self-disciplining body.

Part V of the existing Act also refers to the obligations of legal practitioners. Sections 34 and 36 are particularly important. Section 34 provides that a practitioner must keep a trust account and deposit any trust moneys to the credit of that trust account. Section 36 provides that he shall maintain books of account and keep proper records of all trust moneys received so that they can be conveniently audited.

If the Barristers' Board suspects that a practitioner is not complying with his obligations in respect of trust accounts, it may, under section 38, either on its own motion or at the request of the Legal Contribution Trust, appoint an accountant to conduct an examination of the practitioner's books; and the accountant has to furnish to the board a confidential report as a result of his examination. Finally, when the examiner's report is received, the Barristers' Board, under section 41, shall consider it and may deal with the practitioner under the earlier sections of the Act—and I refer to section 26 in particular.

As the Minister pointed out in his second reading speech, there are certain defects in this whole procedure; and the first and most obvious one is: what happens while all this procedure is going on? Let us assume the Barristers' Board suspects that a practitioner, either on a complaint from the public or the Law Society, is not carrying out his obligations with regard to his trust account, or suspects that his trust account is deficient and, therefore, the practitioner cannot account for all the moneys he should be able to account for to his clients. What happens while this is going on? Clearly there is a hiatus while the board is appointing an accountant and while the accountant is conducting his examination and making the report. Then there is a further hiatus before the board can bring the matter to the attention of the Full Court in order to have the practitioner struck off the roll.

During the interim period, the public who have been dealing with the practitioner are clearly in danger, because in all that period their moneys are in the practitioner's power. There is nothing they can do about it and nothing the board can do about it; hence the very sensible proposals which are contained in clause 3 of the Bill and which are referred to in proposed new section 58B. That section provides that where a judge, on the application of the board, believes there is a deficiency in the trust account of a practitioner, or there has been undue delay in paying out to a client, the judge may make an order restraining all dealings in all the bank accounts of the practitioner.

Note that the clause mentions all the bank accounts of the practitioner, and not only the trust account as such. Of course, it is quite obvious why it refers to all of the bank accounts, because if anything has been going on, the clients' moneys might have found their way into some other account improperly.

Proposed new section 58C, which is a corollary of new section 58B, provides that a judge may make an order that the Legal Contribution Trust should take possession of the moneys constituting the balance of the account of the practitioner, and deposit them in accordance with section 11 of the Legal Contribution Trust Act in the practitioner's account. This is the account which the practitioner is required to maintain with the Legal Contribution Trust.

Under section 11 of that Act every practitioner must maintain an account in which he has a certain percentage of his trust account deposited. That account is maintained for the Legal Contribution Trust in a bank of the practitioner's own choosing. It is credited to the trust, but in the books of the trust it is credited to the practitioner's account.

The Hon. A. F. Griffith: The interest thereon.

The Hon. I. G. MEDCALF: No, it is a deposit as distinct from the interest. In effect, that account is the practitioner's trust account temporarily deposited with the trust. The moneys which the practitioner has in his own accounts will, if an order is issued under the proposed new section 58B, be deposited in that particular account with the trust.

I make that distinction because the interest on the accounts constitutes a separate account called the guarantee fund, which is maintained by the Legal Contribution Trust. It is the interest on all practitioners' special accounts which comes into the possession of the Legal Contribution Trust and which forms a fund which is used for the purposes of guaranteeing solicitors' defalcations. So there are two accounts, and the moneys

we are talking about now, which are frozen, are deposited in the practitioner's account with the Legal Contribution Trust.

The second defect which the Minister pointed out in the present situation is: what happens after a practitioner has been struck off the roll, or suspended, or some action is taken of a disciplinary nature which results in his being unable to practice? What happens to his unfortunate clients? As the Minister said, there has been one case where a practitioner was unavailable and his clients were unable to obtain their documents or even find their files, and in such a case it is now proposed, under new section 58D, to appoint a certificated practitioner to be a **supervising solicitor.** Under proposed new section 58D the Barristers' Board may authorise the trust to advance moneys out of the solicitors' guarantee fund with which to carry on the practice of the practitioner.

These moneys come out of the solicitors' guarantee fund to carry on the practice; they do not come out of the solicitor's account which is deposited with the trust. So the practice is to be carried on out of the guarantee fund on the authority of the **trust.**

Proposed new section 58E provides that the supervising solicitor shall conduct the practice for the purposes of disposing of matters which are then current, and locating documents. Proposed new section 58F provides that the trust may, upon the certificate of the supervising solicitor, pay to him or as he directs, out of the moneys deposited in the separate account of the practitioner, certain amounts in the course of carrying on the practice. That section is merely designed to provide the power for the practice to be carried on. Clearly, the moneys must come out of the separate account for the carrying on of the practice, because these are trust moneys belonging to the clients of the solicitor and it is necessary that access should be had to them.

Before closing, I would like—if you will permit me, Mr. President, to mention what you may have already indicated is an extraneous matter—to deal briefly with one or two questions raised on the subject of the complaints which have been made to Mr. Clive Griffiths. The Law Society is well aware that there have been complaints against legal practitioners and, of course, the Barristers' Board which deals with these complaints is also well aware of this.

The situation has become aggravated in the last year or two, due to the general increase in population in Western Australia and the failure by the legal profession to provide a consequential number of practitioners. The number of practitioners per head of population in Western Australia is considerably below that per head of population in most other British countries. To a large extent this is due to our isolation and to the dramatic increase in population, and to the growth and expansion which has occurred in this State during the past few years. In a sense it is growing pains.

It may surprise the House to know that about half the practitioners who annually take out new practising certificates come from places other than this State. Only about half come from the University of Western Australia; the other half come from all over the British Commonwealth. Hence, in a sense, we do face very distinct growing pains and it is difficult for the profession to discipline its members when they come from such diverse areas.

If you will pardon me for concluding with these remarks, Mr. President, I believe that the profession is quite seriously attempting to discipline any of its members who transgress. The offences of dishonesty and unprofessional conduct are extremely rare in Western Australia. Very few practitioners here are struck off the roll. Occasionally it happens here, regrettably, but it happens quite frequently in other places. In this State the main offences are of delay, not advising clients of the progress of their affairs, and so on. In other words, a lack of public relations is the cause of most complaints and this, I think, is a symptom of growing pains. However, I have been assured by the President of the Law Society that the matter of dealing with errant members of the society is well and truly in hand.

Finally, I should like to quote from a letter which was written to me by the President of the Law Society (Mr. Wallace) on this subject, which contains, I think, a sufficient answer to critics. It is as follows:—

> We are no less human, and therefore subject to error, than any other section of the community.
>
> At least we are honest enough to confess our own faults and endeavour to do something about them.
>
> We are putting our own house in order to the best of our ability.
>
> We are most conscious of the community's rights and more disciplinary in our action towards fellow practitioners than any other profession.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [6.3 p.m.] I do not think it is necessary for me to say much in reply but, firstly, I wish to thank Mr. Dolan, Mr. Clive Griffiths, and Mr. Medcalf, for the remarks they made in connection with the Bill, and for the obvious support they have given to it.

I think the important point, when a solicitor finds himself in the position which has been referred to, is, as Mr. Medcalf said, that the supervising solicitor keeps the practice of the defaulting solicitor going in the interests of clients and for

the obvious reason that the practice must be kept going, otherwise all sorts of things detrimental to the clients can happen. Mr. Medcalf adequately covered this situation.

As regards the point raised by Mr. Dolan about the certificate, the situation is simply this: the Barristers' Board appoints another man to take over the task of carrying on whatever duties the defaulting solictor had at the point of his trust account being frozen and the judge making an order. I think it would be frustrating and meaningless to have the actions of the supervising solicitor interrupted by having his certificates in respect of the things he does inquired into. The Barristers' Board would be satisfied with the person it had appointed and, as Mr. Medcalf said, the supervising solicitor must be free to get on with the task.

The Legal Practitioners Act and the Legal Contribution Trust Act—and we will discuss an amendment to this Act after we have dealt with this Bill—set out what every practitioner shall do and, having had a trust reposed in him, a solicitor must be free to get on with his job.

With reference to the point of the supervising solicitor giving up all his other duties to carry on the practice of the defaulting solicitor, I am not certain about the point, but I do not think he would be expected to do this to the detriment of his own practice. He would do the work of a supervising solicitor at the same time as he carried out the work involved in his own practice.

A supervising solicitor could very well be a member of a firm which employed a number of solicitors, or he may be a member of a large or a small partnership. However I do not think he would be expected to give up his own practice to take over the particular function of a supervising solicitor.

The Hon. J. Dolan: Can I ask you this question? Is there an obligation on him to accept the office of supervising solicitor?

The Hon. A. F. GRIFFITH: Of course, otherwise how would he be able to move in and perform the task.

The Hon. J. Dolan: But suppose he said "No"? That is the point I wish to make.

The Hon. A. F. GRIFFITH: If he said "No"—

The Hon. J. Dolan: They would get someone else.

The Hon. A. F. GRIFFITH: —the board would ask someone else to do the job. The board would not insist that he did it if he did not want to do it. If a solicitor were reticent, reluctant, or unwilling to perform the task, what would be the use of appointing him? Where would that get the board?

The Hon. J. Dolan: The point I wish to make is that the top echelon would be so busy with their work that they may not be available, and the person who took over would not be so highly efficient.

The Hon. A. F. GRIFFITH: I think it is safe to say that the board would get somebody who was available.

The Hon. J. Dolan: Good.

The Hon. A. F. GRIFFITH: I think it is safe to say, too, that the profession and the Barristers' Board are vigilant in regard to this matter, particularly where there is a possibility of one of their number defaulting.

The only point I want to make in reply to Mr. Clive Griffiths, and the complaint he made—and this applies to members of Parliament generally—is that it is always a good idea, when this sort of question is posed to members, to have a look at the legislation which controls the particular section of the community which is under discussion at that time.

What would happen if there were a complaint regarding a doctor? The Australian Medical Association is the disciplinary authority for doctors and the Act sets out what shall be done in the case of malpractice on the part of a doctor, in the same way as the Legal Practitioners Act sets out the position with regard to legal practitioners.

I think the advice the honourable member should give to his constituents—and this applies to all members who find themselves in the same position in the future—is to approach the Barristers' Board and make a complaint. As Mr. Medcalf has pointed out, all the processes are set out in part IV of the Legal Practitioners Act, and I am sure there would be no difficulty in getting the board to act immediately upon any complaint made.

Sitting suspended from 6.8 to 7.30 p.m.

The Hon. A. F. GRIFFITH: The only other comment I wish to make is that in my opinion "any part" in the context referred to by Mr. Dolan, means the whole.

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.

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. J. DOLAN (South-East Metropolitan) [7.34 p.m.]: This Bill is complementary to the one with which we have just dealt. It is, of course, necessary to make amendments to the Legal Contribution Trust Act for two reasons: firstly, because the trust must receive the proceeds of the money referred to in proposed

section 58C of the Legal Practitioners Act; and, secondly, it must have power to dispose of that money. Proposed section 58C with which we have just dealt states that—

the Judge may order that the Trust—

(a) take possession of the moneys constituting the balance of the account and amalgamate them with moneys deposited by the practitioner to the credit of the Trust under section eleven of the Legal Contribution Trust Act, 1967;

(b) deposit the amalgamated moneys in a separate account in the name of the Trust; and

(c) deal with those moneys according to law.

The Bill with which we are dealing makes the necessary provision. Perhaps I should refer to the set-up of the Legal Contribution Trust. It is a body corporate with perpetual succession; it has a common seal, and all persons acting judicially recognise this seal of the trust and give it the respect it warrants.

There are three trustees of the trust account, one of whom is nominated in writing by the Barristers' Board, the second is nominated in writing by the Law Society, and the third member is nominated in writing by the Minister.

In the event of necessity, provision is made for any one of the trustees to be removed from the board by the body which has appointed him, and for somebody else to be appointed in his place. Should anything untoward occur—such as a member dying or leaving the State—provision is made in the Legal Contribution Trust Act for a month's grace to be allowed before another appointment is made.

The Bill is necessary in order to implement the measure with which we have just dealt, and I support it.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

COLLIE RECREATION AND PARK LANDS ACT REPEAL BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. T. O. PERRY (Lower Central) [7.39 p.m.]: This Bill seeks to repeal the Collie Recreation and Park Lands Act which came into operation in 1931 and vested in the board some 576 acres of land. As the Minister explained in his second reading speech, the Act laid down that the board should consist of five members—an appointee of the Governor, two members of the Collie Municipal Council, and two members of the Collie Road Board.

The Collie Municipal Council and the Collie Road Board amalgamated many years ago and became the Collie Road Board, and now, of course, that board has become the Collie Shire Council.

With a change of administration in local government in Collie it becomes necessary to repeal the old Act, and it is most desirable that the land in question be vested in the Collie Shire Council. We in Western Australia are very fortunate indeed that our forefathers planned for the future. Where else in Australia, for example, would we find a piece of natural bushland in the heart of a capital city as we have not far distant from this Chamber?

Only this morning I had breakfast with a couple of visitors from the Eastern States, and they were loud in their praise of the provision made for natural parklands for purposes of picnicking and recreation.

The strip of land referred to in the Bill lies along the banks of the Collie River. It is adjacent to the Minninup freshwater pool which is suitable for boating and swimming. It has been suggested that a portion of this reserve be set aside for industrial purposes and, provided that not too much land is involved, I see no harm in this being done. The portion of the land in question is adjacent to the old power alcohol and timber mill site in Collie, and so far as I know no land adjacent to Collie is zoned for industrial purposes. As there are 576 acres of the reserve, possibly a portion of this land could be used for industrial purposes.

Years ago, of course, the Collie Racing Club had its racecourse on this reserve, but for the past 10 or 15 years, racing has not been carried on in Collie. The Collie Trotting Club has its own trotting track on the Wallsend sports ground, and I do not think it would ever move to the reserve on the Collie River.

I think it is fitting that a responsible body like the Collie Shire Council should have some control over the land in question. Not many of our country towns are fortunate enough to have a large piece of land adjacent to the town boundary, much less to have such land in the ideally situated position which this land occupies along the river foreshore.

If the land can be preserved for future generations for sporting and recreation purposes, I am sure it would be a very good move indeed. As the Minister indicated when he introduced the measure, it is in the best interests of the people of Western Australia for this land to be reserved for future generations. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FISHERIES ACT AMENDMENT BILL (No. 2).

Second Reading

Debate resumed from the 3rd September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.45 p.m.]: It seems the Minister for Fisheries and Fauna is facing no opposition to his Bills tonight. He can be assured that he will experience no difficulty with the passage of this one.

From time to time Ministers are criticised for the short introductions they make to what might be important legislation. I nearly fell into the trap of criticising the Minister for his lengthy introduction on this occasion. Then I thought that if I did he could not possibly win under those circumstances, and neither could I. Therefore I commend him for his lengthy introduction because it gave us a good resume of the work of his department. It also indicated his great enthusiasm for the portfolio he controls.

As a matter of fact, how easy it is to be caught up in the interests of a particular subject was demonstrated recently when the Minister took us to a research field day. We then had the opportunity to listen to experts. What they said activated my brain to the point where I began to get some ideas regarding the development and processing of a crayfish or rock lobster.

The Hon. F. J. S. Wise: We will need to photograph them soon so that we will know what they look like.

The Hon. W. F. WILLESEE: That is true. I was intrigued to know how an expert could determine, and have it accepted as being true, that a mother crayfish lays 1,000,000 eggs. I accepted this without question, but in that atmosphere of thoughtfulness and preoccupation on research, I began to wonder how the eggs were counted. Was it done by a computer, or did someone meticulously, under a microscope I imagine, single out each one? What did the mother crayfish think when she found her eggs being so maltreated? That was an item of research about which they told us nothing.

The Hon. E. C. House: Were they fertile?

The Hon. W. F. WILLESEE: That is another point, but as only 10 come back out of 1,000,000, it does not matter very much. We were told also that the crayfish go 200 miles out to sea. When we were told this by one of the learned gentlemen, I felt like asking, "Who cares?" Then I realised it was necessary that some should come back and it was nice to know that someone knows they go 200 miles away.

I do not say that facetiously, but merely to illustrate how one can become absorbed in research and how one thought can lead to another. It must be an interesting and absorbing subject for those who have the type of mind which can follow developments of this kind.

The Bill itself deals particularly with the changing of the name. I am not going to attempt to use the technical terms concerning which the Minister has had some practice. Suffice to say that the Bill changes the name "crayfish" to "rock lobster," and this is to be done for perfectly good reasons.

The measure has been introduced as a result of the deliberations of an international committee, and its purpose is to strengthen Australian delegations when they move into an international sphere. It may not be very important to members in this Chamber to know that the old familiar title of "crayfish" will disappear; but if this change is to be of some value to us in an international sphere, and will be of some assistance in the world markets, the move must be supported.

The other amendment in the Bill deals with those people who still endeavour to evade the law by using fictitious names on bags. This practice will, in future, be reduced. In fact, it could possibly cease altogether if this amendment can be effectively policed.

The Hon. F. J. S. Wise: It will help the Taxation Department.

The Hon. W. F. WILLESEE: If the Taxation Department is helped, this will be to the detriment of someone else. This I have found to be the case in the course of time. Nevertheless, this is an important amendment in the Bill and the further tightening of the law will be in the interests of all Western Australian operators.

No good purpose would be served by my delaying the passage of this Bill which is designed to do exactly as the Minister stated, and it will certainly help the industry.

THE HON. C. R. ABBEY (West) [7.50 p.m.]: I rise to support the Bill also and to make a few brief comments.

Like Mr. Willesee, I congratulate the Minister for his arrangement of the parliamentary visit to which Mr. Willesee referred. The morning tea was also very much appreciated and I would like to thank the Minister for having provided members with the opportunity to make this visit.

Too few of these visits are arranged. Too little opportunity is given the average member of Parliament to inspect these projects and so I am very glad that the

opportunity was made available by the Minister on this occasion. We all certainly appreciated it.

With regard to the Bill under discussion, the crayfish industry appears to be in a very satisfactory state from a commercial point of view. We have been told by the Minister, and have at various times read in the Press, that huge overseas sales are made and large sums in export income are earned by this industry. It is an extremely good industry and one for which we are very grateful.

However, I would like to raise one small point which I think is probably quite important. No doubt the Minister, in common with most members of Parliament, has received a copy of a report of the Combined Committee of the Council of Underwater Activities of Western Australia and the Underwater Explorers' Club. I do not wish to read the report, but I think the points raised by the Council of Underwater Activities in Western Australia have some reasonable grounds. It appears to me that the council is correct in its contention that the enjoyment of catching and eating fish of any type should not be confined to any one section of the community. We should not make fish of one and flesh of another. I feel it is quite legitimate that this committee should request that any restrictions should be placed on everyone. The same bag limit should apply to all individuals.

The Minister may have very good reasons for suggesting otherwise, but personally I feel this delectable crayfish, or rock lobster as it will be known, should be enjoyed by everyone, whether it is caught by pot, line, spear, or hand. Everyone should be permitted to obtain sufficient for his own use and that of his family. I believe this is a reasonable request. We should not be so overcome by the commercial aspect that we are prepared to allow the situation to develop under which the population as a whole will be unable to catch and utilise a reasonable amount of crayfish, or fish of any sort, for that matter.

The Hon. F. J. S. Wise: Even those which are undersized?

The Hon. C. R. ABBEY: No. I certainly do not believe that undersized fish should in any way be made available to anyone.

The Hon. G. W. Berry: They are illegal.

The Hon. C. R. ABBEY: That is quite true. We can become too carried away with the commercial aspect of fish, whether these be rock lobsters, prawns, or any other type. Therefore I hope that some rational approach will be maintained, and I have every confidence in the Minister to know he will be rational in his approach.

However I did want to say I believe the committee's request is quite reasonable and that the community as a whole should be treated on the same basis, no matter by what means the fish are caught. All types of fish should be reasonably available to the public as well as to the commercial producers.

I raised those points because I think they are important.

THE HON. G. C. MacKINNON (Lower West—Minister for Fisheries and Fauna) [7.56 p.m.]: I would like to thank Mr. Willesee and Mr. Abbey for their comments. Mr. Willesee mentioned the nature of my introductory speech. I have been aware that there is a great deal of interest in the industry and I felt constrained to take the opportunity to make a speech, more or less in the form of a report. I trust members were not too cross about its length, but I felt it was a reasonable opportunity to give them the information.

Incidentally, speaking in the same vein in which Mr. Willesee spoke, I would say that I asked the same question one day and I was told that they count about 50 eggs and then weigh the lot. This was such an obvious solution that I felt rather foolish I had not worked it out for myself.

Two matters were mentioned, one by interjection and one by Mr. Abbey in his speech, both of which illustrate the sort of conflicts which create a tremendous amount of difficulty in the management of an industry such as this one. Mr. Wise made the complaint, which I receive fairly regularly myself, about the difficulty of obtaining a crayfish—or rock lobster—at what we consider to be a reasonable price. Incidentally, I would say in passing that I am quite sure that colloquially in Western Australia it will be a long time before we forget "crayfish."

Returning to the complaint mentioned by Mr. Wise, there may be some method of overcoming this in one way or another. Now that the trafficking in undersized crayfish at literally every pub corner has stopped, some attention may be paid to this aspect, because something does seem to be a little wrong when someone else is eating 22,000,000 lb. of crayfish. This is a fair enough complaint.

The other matter touched on by Mr. Abbey is a different subject, but I would like to say a word or two about it. This raises again the sort of conflicts which enter into this field. He mentioned the commercial activity and the fact that we should not be carried away too much by it. In this respect we should take note of the absolute disaster which was created in the Alaskan salmon fishing industry.

The conflict there resulted in lobbying in Washington in the Parliament of the United States and in the inability to carry out any proper plan. This created a disaster in the salmon fisheries on the west coast of America. It saddens the heart to realise that such a magnificent species could be so ruined, as an industry, because of indecision.

I know that the decision made by this Parliament some years ago is regarded very much as a model overseas, because it was laid down clearly that this was a professional area in which, in the main, professionals would operate.

This brings up the sort of controversy which we are talking about. As a matter of fact, Mr. Abbey may be interested to know that the only point which really surprised me about the skindivers' circularised submission was that they made the submission at all. Prior to their bringing out that submission, I had seen Mr. Wallis and Mr. Robinson, two executive members of the two organisations, and we had had very amicable discussions in my office on two separate occasions when they had put forward some suggestions of a compromise nature which, rationally, was the sort of thing I had been looking for.

I wanted to get different views and the views they put forward were under consideration, but a decision had not been made when they put out that screed. I must admit I was a little surprised that the organisations had gone to this trouble after the quite considerable time which I had spent in discussions with them. Perhaps they think I am a little less reasonable than I would hope to be. I hope the few comments I have made in answer to the honourable member may help the situation. I thank members for their comments and commend the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. F. J. S. WISE (North) [8.3 p.m.]: This very short Bill proposes to amend, in part, section 44D of the Licensing Act. Section 44D deals specifically with licenses for canteens and, in particular, refers to premises which are situated within the licensing district of East Kimberley, West Kimberley, Broome, Pilbara, Roebourne, Gascoyne, or Murchison; or such other licensing district as the Governor declares and is authorised to declare from time to time, but only on the recommendation of the court.

That section of the Act also provides that a canteen permit or license shall not be granted in respect of premises which are situated within 20 miles of premises which are the subject of a publican's general license or a wayside inn.

Bill No. 54 of 1967 amended the legislation to provide that notwithstanding the proviso that a canteen license shall not be issued if the canteen is to be within 20 miles of a publican's general license, this could be varied if, in the opinion of the licensing court, circumstances exist which warrant a necessity to grant a license for a canteen which is closer than 20 miles. Consequently, the proviso may be varied and a license granted at the discretion of the Licensing Court.

In the main, the reason for that amendment is the difficulty which is associated with the terrain of the Pilbara, in particular. A hotel in the area may have a publican's general license and the construction of a railway or a big mining operation may be under way only 10 miles away as the crow flies, but more than 50 miles away by road.

I think the Minister was quite right when he said that men who work as hard and in such difficult circumstances as those who work on the operations which now obtain in the north and, particularly, in the Pilbara district, do not want to go 10 or 20 miles when they cease work; they want something right on the spot.

The Hon. A. F. Griffith: They do not want much time between drinks, either.

The Hon. F. J. S. WISE: It is inconceivable to them that it is practicable for people to travel even 10 miles after work to visit a canteen. Consequently, I have some doubts as to whether we should be rigid on this point. Perhaps the committee of inquiry, which is now sitting, may make some recommendations on this section of the Act and may deem it wise to prescribe lesser limits than 20 miles in all circumstances. For example, it is not far across from Port Hedland to Finucane Island, but it is 16 miles by road. Some members in this Chamber could swim the direct distance once or twice before breakfast.

There is one point I wish to consider in regard to the time factor which has been provided; namely, the 31st December, 1970. I wonder why it has been provided at all and whether there is a necessity for it. By the nature of the development in part of our State, the provisions of this legislation are likely to be required for the next generation or two. I assume that the Minister, in his wisdom, has decided that a year's extension at this stage will overcome the difficulty of granting canteen licenses, until the committee reports so far as the Licensing Act as a whole is concerned.

One point I noticed in connection with the Minister's speech was that he made no mention of any detail. In general, he said that the Licensing Court had advised of licenses which are current under the

special provisions made in 1967 and which cannot be renewed after the 31st December, 1969. I wonder whether the Minister had a particular reason for not telling us where these licenses are. I cannot see any reason that this should not be made known. This information would indicate to members in this Chamber who do not know the nature of the country in which these canteens operate just how difficult it is to provide for the normal circumstances of the Licensing Act obtaining in certain cases.

The Licensing Court has advised the Minister of some licenses which are current and I daresay they would all be in the Pilbara district. There are places in that district which are known to many members, where one can see the light on a mast which has been erected by the Department of Civil Aviation and which is 20 miles by road from where one stands but only two miles as the crow flies. That is how difficult the country is in that region.

In any case, after this amendment has been passed and when the legislation is next reviewed, I hope this will become a permanent feature of the law, because I am sure it will be required for a long time. I support the Bill and hope that it has a speedy passage.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [8.10 p.m.]: I would like to answer one or two points raised by Mr. Wise. First of all, let me say that I had hoped to have the opportunity to look at the debates of 1967 which are recorded in *Hansard*. However, if my memory serves me correctly, the amendment to the section in question did not have an easy passage in this Chamber.

The Hon. F. J. S. Wise: That is right, and it was suggested it be made permanent then.

The Hon. A. F. GRIFFITH: I am not sure, but I think the provision was more permanent in the first place than it is now, but because it did not get an easy passage it was amended and a limitation of time was put on it. At the time we thought that 1969 would probably see the areas, which are subject to canteen licenses, completed in the north, but this has not been the case. It has now become obvious that developmental projects are likely to go on for a long time.

This very small Bill has been drawn up and now makes the effective date the 31st December, 1970; because the Government has appointed a committee to inquire into the Licensing Act and one of its functions will be to report upon and make recommendations in respect of licenses under the Act generally. I think it is sufficient to leave the date one year hence.

I did not make any attempt—and I know Mr. Wise did not suggest this—to mislead the House in respect of the number of licenses that may be affected. Frankly, I do not know exactly where they are, because I did not inquire. I could have stated a number, but I did not; because I thought the principle of extending the right of the court to grant licenses for another year was the important factor.

The Hon. L. A. Logan: Finucane Island, too.

The Hon. A. F. GRIFFITH: I think it is obvious that the places which will be affected are those in which development is going on. Of course, Finucane Island was one of the real reasons that the additional provision was put into the Act. The amendment read—

> Notwithstanding the provisions of the proviso to subsection (1) of this section, if the Court, after due inquiry, . . .

The word "notwithstanding" means, of course, that the court may grant a canteen license in the circumstances mentioned by Mr. Wise. One may be granted if the canteen is 20 miles from the nearest licensed premises. However, the fact that Finucane Island was such a short distance by sea and such a long distance around by road made it necessary to provide the wording in the legislation.

The Hon. F. J. S. Wise: There could be at least one in the Kimberley, too.

The Hon. A. F. GRIFFITH: There could be. I wish to refer to one incorrect statement which I made. By way of interjection, Mr. Willesee asked me, just as I was about to resume my seat after moving the second reading, whether the amendment applied almost entirely to the north. My comment was "It applies to the State, but my particular interest lies in the difficulties which have arisen while projects are in progress in the north."

The incorrect part of that statement is that, in fact, it does apply to the whole of the State, but only when the Governor exercises discretion. He has to declare portions of the State other than East Kimberley, West Kimberley, Broome, Pilbara, Roebourne, Gascoyne, or the Murchison. Therefore, I did not intend to mislead. The Act can apply to the whole of the State; specifically to those areas, but to the rest of the State only by proclamation.

I make no comment about the permanency of this section in the Act, because again I cannot recall exactly the debates of two years ago. However, one of the specific questions was that the canteen license was merely a convenience and was not intended to be permanent, because a permanent license would be a publican's general license, or some other license

which would have a greater permanency than a canteen license. I think it would be safe to say that any person authorised or licensed by the Licensing Court to establish permanent premises and who is obliged to provide facilities not only for drinking, but also for accommodation and meals, would not, for obvious reasons, feel kindly disposed towards a person who was granted a permanent canteen licence. Therefore I do not think there is any necessity for me to make any further comment on that point. Suffice to say the provision will live only till the 31st December, 1970, subject to its being passed by this Parliament.

If the honourable member so desires, I could ascertain from the Licensing Court the particular places to which it has drawn attention, but at this moment I do not know where they are. I thank Mr. Wise for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

METHODIST CHURCH (W.A.) PROPERTY TRUST INCORPORATION BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. S. T. J. THOMPSON (Lower Central) [8.20 p.m.]: I commend the Bill to the House because, to the Methodist Church of Western Australia, it is a very important piece of legislation. If my memory serves me correctly, it is based on the submissions we distributed throughout our State in 1967. The matter has passed through all the channels of the church per medium of quarterly meetings, synod conferences, and the General Conference of the Methodist Church of Australasia, so it can be seen that it has been fully considered by the representatives of the church as a whole. Therefore, I do not propose to deal with the Bill at length.

I have been asked today to explain what effect the Bill will have on the present trustees of the church. One has to realise that we have been suffering from a multiplicity of trustees in the Methodist Church organisation. For instance, in the circuit from which I come, the superintendent minister would have four trusts under his control, with a varying number of trustees for each trust. All of these, of course, have to be registered with the custodian of deeds which is a very complicated method of administration in this phase of the work of the church. This Bill will obviate all this, but the effect on the trustees will not be very great.

In the past the trustees were appointed by a superintendent minister, but under the Bill the trustees will be appointed at quartely meetings. They will be appointed for five years at the end of which time they can be nominated for re-election, but they cannot be nominated for election after they reach the age of 70. It can be seen, therefore, that there will be some alteration in the present system because there will be a limit of 15 trustees to one trust. This will effect an improvement as there is one instance where a trust is administered by 30 trustees which no doubt would be very unwieldy. There are a host of amendments in regard to this aspect and, in effect, the current trustees will be given duties of management. They will have much the same responsibilities as they had in the past.

However, whereas, at present, they have to make application to the property board for permission to erect a building, borrow money, or enter into a mortgage, under the Bill, when passed, they will make application to the property trust. So, once again, it will be seen that the measure will have very little effect on the trustees. To the Methodist Church the Bill is a great step forward, and I heartily commend it to the House.

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.

JOINT STANDING ORDERS

Consideration of Report

Report of Standing Orders Committee now considered.

In Committee

The Deputy Chairman of Committees (The Hon. J. M. Thomson) in the Chair.

The DEPUTY CHAIRMAN: I wish to draw the attention of members to the report of the Standing Orders Committee which has been distributed.

The Hon. N. E. BAXTER: If members will turn to page 103 of our Standing Orders they will find Standing Order 9. The first recommended amendment is to delete the passage ", in the order of such assent or reservation." These words have no bearing on the numbering of Acts.

The next amendment in the recommendation seeks to delete the words "with each year of His Majesty's reign" and substitute the words "in each calendar year."

Standing Order 9 of the Joint Standing Rules and Orders provides for the numbering of Acts in accordance with the year of the reign of the Sovereign.

To comply with this provision, and at the same time to have a simple annual reference, the Acts of this State have in many instances been given two numbers; that is, a number in Roman in accordance with the regnal year, and a number in Arabic as a calendar year reference.

For many years there was no firm system, and there are instances of numbering of the Acts in relation to particular sessions. This is wrong and has led to confusion.

With the regnal year commencing as it now does on the 6th February, it has been possible to give our Acts an annual reference and at the same time comply with the requirement of Standing Order 9. However, it is considered that it should be amended so that Acts can be numbered consecutively throughout the calendar year.

This is the practice in the Commonwealth Parliament and in the Parliaments of all States except Victoria, where numbering of Acts is continuous year after year.

The recommendation of the Standing Orders Committee is—

> That Joint Standing Order 9 be amended by—
>
> (a) deleting the passage ", in the order of such assent or reservation"; and
>
> (b) deleting the words "with each year of His Majesty's reign", and substituting the words "in each calendar year".

I move—

> That the recommendation be agreed to.

The Hon. A. F. GRIFFITH: I think the proposition put forward by Mr. Baxter on behalf of the Standing Orders Committee has merit, and I support it.

The Hon. W. F. WILLESEE: There is no need for me to comment on the recommendation, but as a matter of interest I am wondering why the words "His Majesty" are to be retained.

The Hon. N. E. BAXTER: This Standing Order will apply to either His Majesty or to Her Majesty.

The Hon. A. F. Griffith: That is covered by the Interpretation Act.

Question put and passed; the recommendation agreed to.

Report

On motion by The Hon. N. E. Baxter, report adopted, and the recommendation transmitted to the Legislative Assembly for its concurrence.

House adjourned at 8.37 p.m.

Legislative Assembly

Tuesday, the 9th September, 1969

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

QUESTIONS (8): ON NOTICE

1. BRIDGES

Swan River

Mr. GRAHAM asked the Minister for Works:

(1) What are the situations of bridges planned to span the Swan River?

(2) What is the estimated date of commencement and completion in each case?

Mr. ROSS HUTCHINSON replied:

(1) New bridges planned over the Swan River are—

(a) at Burswood Island;

(b) and a further crossing at Fremantle.

(2) No firm time has been approved. In the case of the Burswood crossing, it is possible that construction could commence in the latter half of 1972 with completion in 1974. With respect to the new bridge at Fremantle, it is possible that construction could commence in the latter half of 1971, with completion towards the end of 1973.

Mr. Tonkin: What has happened to the Premier's promise that this would be started in five years?

2. NATIVES

Fitzroy Crossing

Mr. RIDGE asked the Minister for Native Welfare:

(1) How many Aboriginal people are camped at the native settlement near Fitzroy Crossing?

(2) Is it considered that the native population in the Fitzroy area has stabilised?

(3) What steps have been taken towards the creation of a camping reserve in the area?

(4) Will efforts be made to provide a permanent water supply, ablution facilities and adequate housing before the onset of the 1969-70 wet season?

(5) Could arrangements be made to transport children from the existing settlement to and from school each day?

Mr. LEWIS replied:

(1) Between 80 and 100. The numbers fluctuate as Aborigines proceed to or from employment.