last year were nil, because the actual expenditure for last year was included in the figure in Item 2 of £199,694. This year the estimate for unemployment relief is £186,100. Can the Treasurer give us the amount which is included in the expenditure for 1956-57 under Item 2, but which, in fact, was unemployment relief; and also indicate why that item has to be dealt with under the Child Welfare Vote when presumably it would not be a straight-out child welfare matter and distorts the total figure shown for the Child Welfare Department?

Hon. A. F. Watts: That is the relic of a former greatness.

The TREASURER: I am not able, offhand, to give the amount which was paid out by the department last financial year as unemployment relief, but I imagine it would have reached somewhere near the £100,000 mark. When the Government decided to make some financial assistance available to unemployed people, it was decided to make it available through the Child Welfare Department because that was the only department already in existence which possessed an experienced investigation section.

The Leader of the Country Party referred to this method as being a relic of former days. It is true that the Child Welfare Department has always dealt with the unemployed person who was unemployed because of sickness, or some special reason, and not because there was no job available even though he was fit and ready to take on any employment offering.

Had the Government not operated this system of special assistance through the Child Welfare Department, it would have become necessary to set up a new department to do the work, and the Government naturally was not anxious to set up any new department. We have been able to carry out the investigation work and the payment of the claims, where they were approved, through the Child Welfare Department without incurring for administrative work additional expense of any consequence. In the circumstances, that was highly desirable.

I understand that as a result of the new Commonwealth Budget, additional payments will be made to all or most of the people who are benefiting at present through the Child Welfare Department. The State Government will in the near future have a look at the new situation to ascertain whether the whole of the assistance which it now gives as special help should continue to be made available, and if not, what lesser amount will be fair and reasonable.

Vote put and passed.

Progress reported.

House adjourned at 11.3 p.m.

Legislative Council

Tuesday, 8th October, 1957.

CONTENTS.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

ASSENT TO BILLS

Message from the Governor received and read notifying assent to the following Bills:—

1, Nurses Registration Act Amendment.

2, Stipendiary Magistrates.

3, Honey Pool Act Amendment.

4, Audit Act Amendment.

5, Trustees Act Amendment.

6, Country Areas Water Supply Act Amendment.

7, Coal Miners' Welfare Act Amendment.

BILL—OPTOMETRISTS ACT AMENDMENT

Second Reading.

Debate resumed from the 26th September.

HON. J. G. HISLOP (Metropolitan) [4.40]: It has been our practice in the recent past to appoint boards to regulate the system of training and registration of certain persons practising in occupations which might be regarded as ancillary to the medical profession. These boards have been appointed at the express desire of everyone concerned, to raise the standard of the work or, at least, to maintain the standard which these people have attained.

If we, as a Parliament, decide from time to time that we can so alter the regulations and rules of these bodies as to permit of one person being given consideration, then it is not very likely that we are going to maintain that standard. In the past there have been exceptions—some of them good, some of them bad—but in the main the Bills that have been introduced in this House to give consideration to one person have not been advisable. Admittedly, this Act was amended—in 1944 I think it was—on account of one person who had been in difficulties because of war exigencies. But this Bill has been brought down when no such conditions apply.

I have gone to some trouble to ascertain what actually has taken place, and what led to the request by Sir Charles Latham that the House consider and pass this measure. The matter first started when the applicant concerned wrote to the registrar of the Optometrists Board stating—

> I applied for registration to your board in 1952, but was not passed at that time.
>
> I have since practised as an optical dispenser, but am most anxious to exploit my activities to the full, by becoming registered as an optometrist.
>
> In order to gain this I am prepared to take the course in optometry at the University of W.A. and would ask the board whether consideration can be given to my qualifications and long experience, by minimising the course and thus reducing the time taken before I can qualify.
>
> My qualifications are as follows:—
>
> (1) Member of the Association of Optical Practitioners, London.
>
> (2) Diploma Philadelphia Optical College.
>
> (3) Passed Preliminary Correspondence course of School of Optics London.
>
> Personal Particulars.
>
> Born December, 1904.
>
> Entered optical profession 1924 and refracted since 1930.
>
> Have been in Australia since March, 1952.
>
> I am enclosing herewith references which indicate the scope of my activities prior to arriving in this country.
>
> Hoping to receive a favourable reply.

I do not quite know what the words "optical dispenser" mean; but I understand the only work of an optometric character that this man has carried out since arrival in Australia is that of selling glasses for a wholesale firm. It would seem, therefore, that an optical dispenser is purely a salesman.

Hon. Sir Charles Latham: What do you mean by a wholesale firm?

Hon. J. G. HISLOP: He has been with a wholesale firm for a short time.

Hon. Sir Charles Latham: Which sells ordinary spectacles?

Hon. J. G. HISLOP: It sells them to the opticians and other people in the city.

Hon. Sir Charles Latham: So opticians buy their spectacles from that source.

Hon. J. G. HISLOP: And their frames and sometimes also their glasses.

Hon. Sir Charles Latham: That is news to me.

Hon. J. G. HISLOP: Not every one of the optometrists makes his own glasses. This firm does make quite a number. The reply from the registrar to this applicant was as follows:—

> I acknowledge receipt of your letter of 6th instant wherein you requested information as to the steps to be taken by you to take the course of optometry at the University of Western Australia and thus become entitled to registration under the Optometrists Act, 1940, and its amendments.
>
> Details of your qualifications were considered by the board and they are desirous of obtaining from you particulars of the syllabus of the Philadelphia College of Optometry and of the preliminary of the London School of Optics.
>
> The board is considering your position from the point of view of possibility of granting you credits in certain subjects but before a decision can be made in this connection it will be necessary for you to initially apply to the University of W.A. for admission there as a university student. The papers which you enclosed in your letter are returned to you for this purpose.
>
> The board has instructed me to point out to you that the use on your letterhead of the term "Graduate in Optometry" is incorrect and could be construed as a breach of the Optometrists Act, 1940, and its amendments.

It was on the 11th September, some three weeks later, that the gentleman again wrote to the registrar saying—

> Thank you for your letter of 20th ultimo and regret that syllabus were either lost or left behind in Egypt, but I am sending textbooks referring to both the School of Optics London, and the Philadelphia Optical College.
>
> These books are all I can provide to indicate the subjects covered, apart from the certificates and references which I am sending you again.

I have visited the university with the intention of applying for admission as a student, and was informed by the registrar, after perusal of my testimonials, that this matter has been referred back to you for a decision.

You will notice, Mr. President, that in this letter there was no question of there being any diplomas; it was a question of a syllabus referred to by this man. He also made mention of textbooks. As members know, textbooks can be bought from any bookseller who supplies books on medical and allied works. From what we can understand, the Philadelphia Optical College supplies a certificate by correspondence and on the payment of a fee.

On the 22nd November, 1956, the board wrote back to this gentleman and said—

At a meeting held earlier in this month members of this board gave further consideration to your application for inclusion in the optometry course.

I believe that I advised you verbally that the Faculty of Science of the University of Western Australia, after mature consideration of your case, had consented to your enrolment in the optometry course, as an unmatriculated student in accordance with the University's general regulation 18.

Following the examination of your credentials and a subsequent interview which you had with Mr. H. J. Fuller—a member of this board—and Mr. L. C. Eimer—Supervisor of Optometry Education — the board has agreed that you be permitted to forgo the first and second years but that you be required to sit for examinations in first, second, third and fourth year optical dispensing.

It has also been decided (having in mind the special features of your case) to waive the necessity for sponsorship by a registered optometrist.

In arriving at its decision in this matter due cognisance was taken of the following factors:—

1. The long period of your practical experience with a reputable firm practising optometry.
2. Your age.
3. Your expressed willingness to undertake part of the course as an unmatriculated student.

I feel sure that you will appreciate the fact that decisions by the university and by this board in respect to your case are most exceptional and should in no way whatsoever be considered as having created a precedent in relation to the requirements of the course.

It has since been found out the long period of practical experience with a reputable firm was in Egypt.

A further letter dated the 13th December by this applicant to the registrar reads as follows:—

I thank you for your letter of the 22nd November last and appreciate greatly the consideration given to my particular circumstances.

I had expected without qualification to avail myself of the opportunity offered to me to attend the University lectures.

At present I am an active partner in the business of the J. L. Trading Co., Perth and my sleeping partner insists that it would be a breach of agreement for me to attend the university lectures as it would entail closing the business the hours I would be required to be away from it.

Would it please be possible for me to obtain private coaching from the lecturers concerned, by mutual arrangement as to times, and would this meet with the approval of the board?

In a letter which the registrar sent to the Minister for Health on the 26th September, 1957, after the board had heard of Sir Charles Latham's intention to bring forward his private member's Bill, we find these comments—

The board strongly opposes the proposed amendment for the following reasons:—

(a) That the rules to the Act already provide for the recognition of the following diplomas as a substitute for the examinations of the board:—

(a) Dioptric or Fellowship Diploma of the British Optical Association, London;

(b) Fellowship Diploma of Worshipful Spectacle Makers' Company, London;

(c) Licentiate in Optometric Science of the Australian College of Optometry.

I will use the term "applicant" rather than use the name—

As the applicant does not possess any diplomas whatsoever it is considered that he is not entitled to registration.

(b) Students could claim that the four-year University course which they have to undertake is not worthwhile if the Act is to be amended from time to time to admit people who may have had the practical experience but have not conformed to the curriculum as laid down by the Act.

(c) Health Ministers are at present urging reciprocity between the States and accordingly

any lowering of the existing standard for registration would mitigate against this State's inclusion in the reciprocal scheme.

(d) The board in conjunction with the Dean of the Faculty of Science of the University of Western Australia who is a member thereof is at present formulating a curriculum which would enable students of the optometry course to proceed to a B.Sc. degree.

(e) The board has been concerned for some time with the weaknesses which exist in the Optometrists Act and which create difficulty in taking action —in the interests of the public generally—to restrain unregistered persons from practising optometry and consequently deplores the proposal to further weaken the Act.

(f) Whilst the board realises that a precedent may have been established by the amendment of the Act in 1944 (No. 44 of 1944) it sees no reason for repetition.

As you are aware the board has been endeavouring for some time to have the Act amended with a view to clarifying certain weaknesses therein which now exist and it accordingly deplores the proposal by Sir Charles Latham to further weaken the Act and whilst Sir Charles Latham claims that a precedent was established in 1944 by the insertion of Section 34(a) which enabled the registration of . . .

Again I leave out the name—

. . . the circumstances in this case were vastly different. In the case of this applicant he had been practising as an optometrist for some years in Singapore prior to his being driven out of that country by an invading enemy—the Jananese.

It is considered to be relevant in the case of this applicant to draw attention to the fact that he is not wholly reliant upon the practice of optometry in order to obtain a living. This is evidenced by the fact that in his letter of 13th December, 1956, he states that he is an active partner in the business of J. L. Trading Co., Perth. It would appear too that his interest in this company is so important that his "sleeping partner" contended that it would be a breach of their agreement for this applicant to attend University lectures which would enable him to sit for examinations in the optometry course.

Hon. Sir Charles Latham: I suppose it is a one-man business.

Hon. J. G. HISLOP: It is quite obvious that this gentleman came here some years ago from Egypt and then had no intention of practising optometry when he realised the standard required in this State. After these years and at rather a late stage in life, he has decided to ask that a special Bill be put through Parliament to allow him the opportunity of convincing the Optometrists Board he is capable of practising. I think one must deplore the attempts made in this State at times to lessen the standards of entry into the various professions, which makes it extremely difficult for those who are trying to maintain the standard of these courses. There is no suggestion that these people are trying to create this a close corporation.

I have made inquiries and find that since the formation of the board 20 optometrists have come here and started practising in this State. I can quite imagine that students would feel that the years of work they proposed to do at the University learning the theory of optometry to make them fit to engage in this profession would be of little value if, after five or more years of such work, a Bill was passed to allow people merely to sit for a reasonable examination set by the board without all that study being necessary.

I trust the House will not pass this measure, because it will have a very bad effect, not only on this profession, but on all those for whom the board has recently been inaugurated. When the board has been appointed and endeavours to maintain rules and regulations, it ill behoves us to lessen these in any way whatsoever.

Whilst we may feel sorry for certain individuals who have come to this country, we must realise the standard of work required for this State should be world standard; and we should not attempt to lessen the chance of reciprocity. We have already heard that discussed in this House recently in regard to physiotherapists; and if by introducing Bills of this nature we lessen the chance of reciprocity, we may do some good for one man, but a lot of harm for the greater number.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [4.58]: The Public Health Department believes that now that we have a Medical School, it is more necessary than ever to hold to our standard of medical practice, both with doctors and members of auxiliary medical professions. This Bill, if passed, will have the effect of lowering our standards and belittling Western Australian optometrists. It will also inflict a grave injustice on graduates from our own School of Optometry.

The Bill is said to be designed to enable one person to be registered as an optometrist; but it does not name him, and it may well be that others may seek registration under its very loose provisions.

Western Australian students are required to attend a four-year course at university standard. Some of these students who have graduated were ex-servicemen who fought in our armed services in the Middle East. On return, they had to pass the full course. The fees for this course, which is controlled by the board, are £100 per year and total £400.

The person who is intended to be registered under this Bill was born in Palestine in 1904 and lived there until 1921, when he moved to Egypt. He continued to live in Egypt until he migrated to Western Australia, arriving here on the 14th March, 1952. In Cairo and Alexandria he worked for a firm which dealt in optical requirements. On arrival, his occupation was given as optical mechanic.

The qualifications which he claims, cannot be regarded as acceptable in any way. He was granted membership of the London Association of Optical Practitioners on the 15th January, 1948. This membership does not indicate qualification at any examination and is certainly not recognised for registration purposes. He holds a diploma of the Philadelphia Optical College, obtained by correspondence Many American degrees and diplomas can be obtained in this fashion, but do not indicate a high standard of training. This person also claims to have passed a preliminary correspondence course with the School of Optics, London. The preliminary course does not entitle him to claim to be trained in optometry, and the school has now gone out of existence.

It would be an affront to instructors of the Medical School who assist in the training of optometrists to permit people to practise who know so little about the profession. It would also be dangerous to inflict them upon the public. The Optometrists Act was passed in 1940 in order to raise the standard of practice and exclude persons lacking in proper training. The Bill is contrary to these endeavours.

Hon. Sir Charles Latham: It provided for the registration of all those who were unqualified at the time but who were practising.

The MINISTER FOR RAILWAYS: In 1940?

Hon. Sir Charles Latham: Yes.

The MINISTER FOR RAILWAYS: Most new Acts of this sort, when first presented to Parliament, contain a similar provision.

On motion by Hon. A. F. Griffith, debate adjourned.

BILL—BEE INDUSTRY COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th September.

HON. SIR CHARLES LATHAM (Central) [5.3]: I support the Bill, which is a simple one providing compensation for beekeepers—out of funds provided by the beekeepers themselves—for the destruction of hives that have diseased bees.

In the old days—and even up until now I believe—the bees and the hives have been destroyed by fire when they have been diseased; but now it is proposed to eradicate the disease from the hive by the use of steam pressure. I understand that only two steam chambers are available, both of which are in the metropolitan area; although it has been said that there is one at Northam. In the metropolitan area one of these steam chambers is at the place where they make the steam lime bricks, and the other where the pipes used for sanitary purposes are manufactured.

This fund does not provide for full compensation, but only a portion of it, when the hives have to be destroyed. The disease, which is known as American foul brood, is a bit difficult to handle. The greatest trouble is caused through the wild bees because the disease has got among them, and at swarming time these bees get into the hives and spread the disease. They feed on the honey in the hives and leave some of the disease behind. In many instances it is found that all the hives in a particular locality are affected within a short period.

The Minister described the Bill fully, and I have little more to say except to make a plea for the greater use of honey by the families of Western Australia. Honey is a cheap commodity, there being no waste whatever with it; whereas there is with some jams, because there are stones in the jam.

Hon. F. J. S. Wise: It does not even go to waste.

Hon. Sir CHARLES LATHAM: That is so. It cannot, of course. I do not know why it is not used more frequently.

Hon. A. F. Griffith: You can use it only once.

Hon. Sir CHARLES LATHAM: Yes; but it can be used in many ways. The price of honey in comparison with other sweets that are imported from the Eastern States and are used on bread and for cooking purposes, is much less. For the last six years we have had a good market overseas, particularly in Germany, for our honey; but recently there has been a glut of honey in the Eastern States, and this has rather killed the overseas market so that the price has fallen to such a low level that it will be difficult to make a profit out of exports in the future.

The overseas price is, I think, about 9d. per lb. now so that by the time the honey is put into packs and freight and handling costs are met, there is very little left for the exporter. In the Old Country, honey nearly always appears on the breakfast tables of hotels, but we never see it here.

Hon. G. Bennetts: The only place I saw it was at the State hotel at Bruce Rock.

Hon. Sir CHARLES LATHAM: I shall have to see that the hon. member arranges for its use by the Kalgoorlie hotels. The Bruce Rock hotel is in the hon. member's province; but there are many other hotels in the same province and he might mention to them that he had a very nice breakfast at Bruce Rock where there was honey on the table.

Hon. J. G. Hislop: Woudn't it be wise to provide for it at Esperance?

Hon. G. Bennetts: They have good honey down there, too.

Hon. Sir CHARLES LATHAM: I do not know just what is behind Dr. Hislop's question, or why he wants to emphasise Esperance. After his last speech, I suspect him a bit. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

BILLS (6)—FIRST READING.

1, Cemeteries Act Amendment.
2, Betting Control Act Continuance.
3, Companies Act Amendment.
4, Licensing Act Amendment (No. 1).
5, Bush Fires Act Amendment.
6, Pig Industry Compensation Act Amendment.

Received from the Assembly.

BILL—INTERPRETATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 25th September.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.17]: There is no objection by the Government to this small Bill which was introduced in another place and amended before being sent to this House. Its objective is to allow each House, with the consent of the other, to amend regulations without having to disallow them altogether. It appears to be a progressive move, and no objection is raised to the measure.

HON. J. G. HISLOP (Metropolitan) [5.18]: For the Minister to say that this is a small Bill, and that it does not mean anything and therefore can be agreed to, sounds all very well. I believe that, in itself, the Bill measures up to the Minister's exact words in that it just does not mean anything. I think it is purely a pious hope to feel that it is possible for a regulation to be disallowed by both Houses of Parliament after it has been in operation for some time. The original idea—namely, that either House could disallow a regulation after a certain period—would have had some substance if it had been incorporated in this measure. I cannot imagine, however, that it would be easy to obtain the consent of both Houses.

Hon. A. F. Griffith: The object of this Bill is to permit both Houses to amend the regulation.

Hon. J. G. HISLOP: Yes. I know that the Bill seeks power to amend any regulation, but I do not think it would be easy to get both Houses to agree to an amendment. It would have been much easier to obtain the consent of either House. I do not think the Bill measures up to what we want. This has been a favourite subject of mine for some years, and members will recall that some time ago I spoke on the need for a regulations standing committee to be appointed by this Parliament. The duties of that committee would be to examine every regulation before it was promulgated. It would be comprised of members drawn from both Houses of Parliament and representing all shades of political opinion. Such a committee could review all regulations thoroughly before they become effective.

This type of work performed by members of Parliament has already borne good fruit in South Australia. I am not going to bore members with a lengthy speech on this matter again, because I have spoken on it on more than one occasion in the past. It is wrong for Parliament to permit a regulation to be brought forward when such regulation needs amending after it is promulgated and obeyed by individuals in the community even for a limited period.

We should review any regulation before asking our citizens to obey it. It would not be asking too much to request both Houses to nominate members to form a committee which would examine these regulations before they were brought into force. For that reason I do not believe that this Bill amounts to very much by way of adding to our powers or even to our work.

It is not possible, I think, to amend the Bill to achieve what I seek; but in view of the fact there now seems to be a desire on the part of both Houses to amend regulations after they have been in force, there seems to be a much greater need for a measure to be introduced which will provide for the appointment of a committee comprising members of both Houses of Parliament to review these regulations.

I think I mentioned in this House before that on one occasion I was sitting in the office of one of the senior administrative heads of a department in South Australia when some papers were brought into him and he said, "I would like to see those papers in a few moments after my visitor has gone." He then turned to me and said, "This is a question of regulations. We have to be very careful in regard to what we incorporate in regulations because they have to stand up to the scrutiny of a committee comprised of members from both Houses of Parliament." The attitude and viewpoint adopted by that officer in regard to regulations dealing with public needs certainly impressed me. Therefore, I do not think this Bill will achieve anything for the public good and it certainly will not enhance the prestige of this Parliament.

HON. A. F. GRIFFITH (Suburban) [5.24]: I think the intention of the Bill is quite good, but I have my doubts whether it will have the effect that we would like it to have. I cannot agree with Dr. Hislop that it would be a good idea to have the Bill so couched that either House would have the right to amend regulations; because we know now that, to a large extent, we are governed by regulations.

We find that the Government brings down regulations during the parliamentary recess, and sometimes it is six months before we are able to review their effect on the community and perhaps take steps to have them disallowed. At the moment, that is all we are permitted to do with regulations in this House and in another place.

We can move for the disallowannce of the regulations if we do not think they are right and proper for the public. To be able to amend them would be far better than the method we use now to protest against new regulations. In saying that, I am thinking of the uniform building by-laws, of which some 505 were tabled by the Minister. At the time, I raised quite a number of objections to those by-laws. I was unable to amend them; and, so far as I can gather—up to yesterday, anyway, when the "Government Gazette" came out—there had not been much of an attempt to adopt any of the suggestions that I put forward.

If we had the power to amend those uniform building by-laws, perhaps the local authorities in the metropolitan area and in the country districts where the by-laws apply would not be in such a quandary as at present. In yesterday's "Government Gazette" I noticed that it was necessary to promulgate a further regulation dealing with those by-laws—and it was not an amendment—which provides that car ports may be erected with flat roofs which must be supported by pipes not more than 3in. in diameter.

Hon. J. McI. Thomson: No more and no less?

Hon. A. F. GRIFFITH: Yes, the pipes shall be not more than 3in. in diameter. At the moment we cannot amend that by-law—we must move that it be disallowed. In any case, the building of car ports was not covered in the uniform building by-laws; and if a member moved for the disallowance of this by-law, those people who are anxious to erect car ports would be unable to do so.

The difficulty is, of course, that even if the Legislative Council wished to amend any by-law, the question would have to be dealt with by another place and agreement reached by both Houses before any finality could be reached. However, after all is said and done, that is not of great importance; because the way regulations have been tabled lately—especially when Parliament has been in recess—we are being governed by regulations; and if the Bill is agreed to, they can be dealt with in the same way as a piece of legislation.

At the moment, in connection with the building by-law just gazetted, if one wishes to erect a car port it must have a flat roof supported by pipes not more than 3in. in diameter. For a member to be unable to move for that to be amended is just too silly for words.

I do not wish to do anything to obstruct the second reading of this Bill, because it does represent an endeavour to solve a difficulty with which we are faced; but I do not think it will prove to be a complete solution. Nevertheless, I am anxious to see whether it will go part of the way towards finding some answer to this problem, and I therefore support the second reading.

Hon. Sir Charles Latham: Mr. President, on a point of order, was this Bill introduced in this House or in another place?

The PRESIDENT: In another place.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.28] in moving the second reading said: This is another small Bill which I hope will be

favourably received by this House. The intention of the measure is to authorise the State Government to guarantee loans raised by the University of Western Australia for the carrying out of work at the University.

The University wishes to start work as soon as possible on the construction of new engineering school buildings. This work is regarded as essential. The premises in which the engineering school is housed are very old and can only be described as unsuitable and inadequate. In addition, the considerable increase in recent years in the number of engineering students is an important factor necessitating the provision of a new set of buildings.

The Government's commitments preclude it from providing the University at the present time with any substanial sum. The Senate of the University appreciates this and has been seeking other methods of obtaining funds. It has been successful in securing a loan of £250,000, and building operations are to commence early in the new year.

The Bill will enable the Treasurer to guarantee the loan both for repayment of the principal over a number of years and for the payment of interest, as well as authorising the guaranteeing of any future loans raised by the University for similar purposes.

That explains the aim of the Bill. It is merely one to enable the University Senate to seek loans, provided the Government guarantees their redemption. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—CHIROPODISTS.

Second Reading.

Debate resumed from the 25th September.

HON. J. G. HISLOP (Metropolitan) [5.31]: This is a Bill to form a board for the training of people who desire to enter the profession of chiropody. Whilst it seems to be a small matter, and very few people are involved, it is a method by which those practising in the profession can maintain a standard. If anyone is able to start practising chiropody or any other profession without the necessary qualifications, then the standard must be lowered and the public will have no means of protecting themselves because they have no knowledge of the standard required, or of the standard achieved by the individual practising that art.

I would stress that the field of chiropody is becoming more and more important as the years go by, particularly because people are living to a riper age. The result is that such a board becomes a very useful adjunct to the health of individuals by seeing that foot comfort is maintained. Within the last year or two eminent visitors have come to Australia who stressed very keenly the need for individuals in the geriatric side of life to achieve comfort through foot care, and the provision of sound sight. The result is that more importance is being placed upon the need for such care than was the case in the past. As so many people are living to a much riper age than our predecessors, one finds it necessary for the field of chiropody to extend.

Some people have been able to reach down to their toes during all their lives, but others have not been able to do so. As people get older it becomes more and more difficult for them to reach down and give the necessary care to their feet. For that reason I do not oppose the introduction of this measure. But I have some comments to make about the Bill before us, and in relation to these boards in general.

Recently it was proposed to establish a board to deal with occupational therapists. At that time I suggested that the Bill was drawn up without giving the board the necessary authority to conduct examinations and to pay the examiners. I was very doubtful whether that board would have the right to raise the funds. It is interesting to note that the Physiotherapists Bill, the Occupational Therapists Bill and the Chiropodists Bill have much in common, but in some instances something is left out of one and not the other. Only this afternoon a letter from the Optometrists Board was read out pointing out the weaknesses in its Act. When I originally queried the provision in the Occupational Therapists Bill I was told that everything was in order, and that seems to be the usual method of answering any inquiry.

Hon. Sir Charles Latham: It seems that I would not be permitted to cut the toenails of a person unless I was registered.

Hon. J. G. HISLOP: The hon. member would be permitted to do so, but he would not be allowed to charge for the service. He would not be permitted to set up a plate that he was practising as a chiropodist. There is no reason why a person cannot perform an act of kindness to a friend who knows his qualifications.

Hon. Sir Charles Latham: He may not know that person's qualifications.

Hon. J. G. HISLOP: Then he would know of that person's lack of qualifications.

Hon. Sir Charles Latham: He would know of it afterwards.

Hon. J. G. HISLOP: He would know probably some time before. When we look at the Bill we find that chiropodists are

to be given the right to make rules for the charging of fees, for registration, licence, tuition, examinations, etc. It is interesting to make a comparison of some of the provisions in the Occupational Therapists Bill and the Chiropodists Bill. Clause 8 (1) (e) of the latter states—

> prescribing the fees to be charged for any registration, licence, tuition, examination, certificate or other matter under this Act:

But the provision in the Occupational Therapists Bill states—

> prescribing the fees to be charged and paid for any registration, certificate, application or other proceeding, act or thing provided or required under this Act or the rules;

I could go on pointing out the difference between the two Bills. I wonder whether some standard method could not be set to cover small boards of this type?

Hon. J. M. A. Cunningham: The Bills would be identical with the exception of the particular terms.

Hon. J. G. HISLOP: Not entirely. There are little bits left out of each of them. For instance, there is in the Chiropodists Bill the following provision:—

> for regulating the manner of making any charge or complaint to the Board against a chiropodist or student, and the holding of an inquiry by the Board into the charge or complaint;

whereas in the Occupational Therapists Bill there is no power to regulate or to make rules for the regulating of an inquiry by the board into such a charge. So these provisions vary from clause to clause.

I would make this suggestion to the Government, and I would ask the Government to consider it very seriously. Boards have been formed in the various occupations to perform small tasks in looking after these ancillary medical services. None of these boards will develop any real standing in the community unless they have achieved numbers in their training schools. The number in training under the Physiotherapists Act, though large at first, has dropped considerably. I cannot imagine that the number training in optometry is very large; nor can I imagine those training in occupational therapy or chiropody to be many.

Hon. Sir Charles Latham: There are only two.

Hon. J. G. HISLOP: Under those circumstances no board can function successfully. I make the suggestion that all these boards be combined to form an ancillary medical services board.

Hon. Sir Charles Latham: That is a very good idea, and I agree with it.

Hon. J. G. HISLOP: I would say that the optometrists, occupational therapists, chiropodists, and physiotherapists boards, if formed into an ancillary medical services board, would assume in time the status of the University Senate. The resultant board would develop very great respect among the public, and it would maintain the standards of all these quasi professions. I cannot imagine anyone being very enthusiastic about being appointed as a member of a board for the training of candidates, or attending meetings of individual boards; but I imagine that a citizen would be very willing to give his time to the service of a combined board looking after a large number of trainees, conferring diplomas, and maintaining the standards of the ancilliary medical services.

On such a board a representative from each of those occupations could be appointed. In my view such a board should be given the power to appoint advisory committees, which could be called upon for information whenever the board wanted advice about any particular field of training. In this way a greater objective would be achieved, which would not be achieved by nibbling at individual boards in this manner. By applying a broader outlook on this matter, some greater objective would be achieved.

While I shall vote for this measure, I do so in the hope that the Government will give very serious consideration to the appointment of a major board, to be clothed with the authority to take over all the minor boards. This proposal is not radical; because, as I see it, the University Senate works on that principle. It is composed of all fields of training, and each faculty is represented. It receives advice from those faculties. I am perfectly certain that if such a suggestion is adopted, the board will gain the esteem of the public; and the various occupations will achieve a higher standing in the community.

HON. A. R. JONES (Midland) [5.43]: I do not wish to oppose this Bill in any way. I believe the time is over-ripe for some move to be made in this matter. The need for the measure was brought very forcibly to my notice recently when a person I know very well attended a so-called chiropodist to obtain some treatment. He was dangled along for some three or four months with treatment consisting of massage and fomentation.

One day that person went along to keep an appointment, and found the practitioner absent through influenza. He was in such dire pain that he called on another person practising the same art, who told him, "You do not require my attention, but the attention of a medical man! He made arrangements for an immediate visit to a specialist; and within a few hours, the man was sent to a hospital to undergo an operation at considerable expense.

He was lucky to be thus saved from being maimed for life. It would seem that this could have gone on for many more weeks, with dire results; and that the person administering the treatment knew very little, if anything, of the art he was practising. So I feel that the bringing forward of this Bill is very timely.

The suggestion of Dr. Hislop that a number of these small boards should be incorporated into one body is an excellent one and should be given consideration, if not during this session then in the next session of Parliament, after it has been considered by all parties. I commend the hon. member who brought the matter to the House.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—JETTIES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.47] in moving the second reading said: Cabinet recently approved of the control of the wharf at Geraldton and the jetties at Busselton and Esperance being transferred from the Railway Department to the Harbour and Light Department.

When draft regulations for the control of this wharf and these jetties were submitted to the Crown Law Department for preparation, the Harbour and Light Department was advised that Section 5 (c) of the principal Act precluded the making of the proposed regulations. Section 5 (c) specifies that regulations made under the principal Act shall not apply to jetties forming part of any Government railway.

Under Section 2 of the Railway Act, wharves and jetties on which railway lines owned by the Crown are laid form part of the railway. As a result, regulations under which the Harbour and Light Department for many years has controlled North-West jetties are not valid and could be upset at any time.

The Bill, therefore, has a two-fold purpose. It seeks to enable regulations to be made under the principal Act for jetties which form part of a Crown railway, and to validate regulations made in the past for this purpose. I move—

> That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—FREMANTLE HARBOUR TRUST ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th September.

HON. C. H. SIMPSON (Midland) [5.50]: This Bill seeks to bring the Federated Ship Painters and Dockers Union of Australia (West Australian Branch) Union of Workers under the direction of the Fremantle Harbour Trust in regard to the payment of attendance money when members of that union attend a pick-up and work is not available.

Provision is made in Clause 3 to enable the Governor to declare by proclamation that work is casual work, and by subsequent proclamation to cancel or vary any such declaration. It also authorises the Fremantle Harbour Trust to arrange for pick-up places and the engagement of men, assess the service charges, pay attendance money and administrative expenses, and so on.

The vital principle contained in the Bill is the question of the payment of attendance money to members of this union if they attend for work and work is not available. The attendance money would be at the rate paid to waterside workers—24s. per day. The claim is supported by the argument that the waterside workers receive this sum, and that the Arbitration Court unanimously recommended it apply to painters and dockers. The first of these statements is true; the second is definitely not true.

It would be well for us to examine these arguments to see how far they are valid. The payment of attendance money, as I think members will be aware, commenced as a Federal institution, having been introduced by the late Mr. Chifley in 1947. It was a Federal award and has been administered over the years by the Stevedoring Industry Commission. It has been widely accepted as filling a special need in regard to the work of handling cargo, unloading ships, and maintaining a body of regular workers trained in that work to be available during the fluctuations of busy times and lean times that affect work in ports.

That has been accepted by the shipping people as being necessary and advisable. While only a few of these men could be classed perhaps as skilled workers—and I am not sure at the moment whether some do not come under a different award: that is, drivers of quay cranes and fork lifts—it is true that the handling of cargo in ships demands certain qualifications. For instance, it is very desirable that the men should be reputable in character, to avoid pilfering. It is an advantage when regular men are employed in the pick-ups from day to day that they should, in certain cases, work in gangs. Men regularly working in a gang can devise different ways and means of doing the work, which makes it easier and ensures the job being done more efficiently; and this is generally more acceptable to all concerned.

But while that principle has been accepted in the case of waterside workers, it is rather a different question when applied to the Ship Painters and Dockers Union which is a small body of men doing

labouring work about the wharves and not generally to be classed, by any stretch of imagination, as skilled workers.

When the Stevedoring Industry Commission was first called upon to deal with this question of attendance money, it was estimated that the cost would be only a very small one on those engaged in the work of unloading ships—I am referring to the employers in this case. It is interesting to appreciate the variation in rates that has occurred with regard to the payments to waterside workers.

The present rate is 2s. per man-hour worked. But when the charge was first imposed in 1947, the amount was 4½d. In October of that year, it was reduced to 2½d. In December, 1951, the rate was raised to 4d.; in October, 1952, it jumped from 4d. to 11d.; and in May, 1954, it was reduced from 11d. to 6d. That was because at that time there was about £1,000,000 in the fund and a proportion of that money was being spent on amenities which were desirable in their way, perhaps, but not connected with the intention when the fund was established.

In October, 1956, there was a big rise to 1s. 7d. per man-hour worked; and in May, 1957, the amount was raised to 2s. According to advice I have received, there is a possibility that the rate may be further increased, because it is said that the fund is hardly solvent and not in a position to bear a heavy strain in the way of payments. I mention these points to let members realise that something which starts in a small way, and is of no particular consequence, can snowball as time goes on. Here we have a rate which started at 4½d. per man-hour worked and has risen to 2s. in a period of 10 years, with the possibility of a still further rise taking place.

The Minister for Supply and Shipping: There are reasons for that.

Hon. C. H. SIMPSON: That is so; but it does not alter the fact that these things are not and cannot be taken into account when awards of this kind are made; and one must always be prepared when there is a question of authorising the spending of money to face the prospect that the commencing figure may be considerably increased over the years.

This award to the waterside workers did not allow for any casual rates. The industry was decasualised. But the system has been accepted in other places, with variations. In England, for instance, there is no big amount envisaged in the rates allowed to waterside workers, but there is a guarantee of a minimum wage so that the necessary labour force can be employed on the job the whole time.

The Bill provides for this small union of dockers and painters to receive benefits in the same way. Despite the claim that these are skilled workers, they are not so regarded in the industry at Fremantle. They are not regarded there as men requiring special skill; in fact, they are regarded as casuals, and the work they do can be done by anyone who is knocking around—

Hon. E. M. Davies: That is not right.

Hon. C. H. SIMPSON: —and who has the ordinary amount of commonsense. The work consists of cleaning ships and slipways; the sweeping out of ships and chipping and painting; the cleaning of bilges; and the installing of temporary fittings in wheat ships—where they act as offsiders to the shipwrights, who do the work and supervise what they do. Some ships prefer to do this themselves; but they have been told in no uncertain terms that if they attempt to do this work, which is the perquisite of this union, there might be trouble in the port.

The Minister for Supply and Shipping: Who wanted to do this work?

Hon. C. H. SIMPSON: Certain ships have come in to Fremantle which did not want to avail themselves of this labour and were prepared to do their own cleaning and sweeping and so on; but there are instances on record of where Mr. Troy told them that there was a possibility of trouble if they persisted in that course, and so they accepted the labour offering—

The Minister for Supply and Shipping: But other ships come here to get that labour.

Hon. C. H. SIMPSON: It applies only to a proportion of the ships in port. Some do not need the services of these men; and as a matter of fact, most of the work done by this union is done for the Government —either for the State Shipping service or for the P.W.D., in regard to painting. The figures supplied to me show that over 50 per cent. of the work done by this union is done for the Government either on the State ships or for the P.W.D.

Hon. H. L. Roche: Would the P.W.D. have to pay, under this Bill?

Hon. C. H. SIMPSON: The proposition under this measure is to utilise a formula worked out, I understand, by Mr. Troy, which would levy a toll on the ships coming into the port, with the result that many people who do not utilise the services of this union would have it included in the charges levied against them. I will deal further with that, later. The men in this union receive a casual rate: and in this regard I will quote from the delivery of minutes dated the 18th December, 1956, by the Industrial Arbitration Court.

There it is explained that the wages of these men consist of the basic wage of £13 5s. 2d.; an additional allowance of £1 4s. 4d. for annual leave and public holidays; 3s. 8d. for sick leave based on three days sick leave as being the average that the worker would obtain during the

year, and a lost time allowance of £2 13s. 1d., which would make up a total wage per week of £19 5s. 9d.

We know that there is a certain amount of lost time and that on the average it works out at about 16 per cent. The statement continues, "The lost time allowance is based on the estimate made by the employers that the time lost is 16 per cent. The union claimed a higher percentage—I think 19 per cent.—but on considering the matter, I am of the opinion that 16 per cent. would be more likely to represent the true position. This rate of £19 5s. 9d. per week would give a basic rate of 9s. 7d. 29/40ths pence per hour." The rate of wage is in any case above the basic wage even on the average received per man and it exceeds the basic wage by £1 18s. 2d. per week.

If men are employed for the whole week—as a number of them are—the earnings amount to a fairly substantial sum for men who cannot be classed as skilled workmen. Unfortunately for the union, perhaps, it has had a bad record; and I think it is only fair to state the facts to members so that they may judge the matter from various angles, and decide whether it is the duty or function of Parliament to pass this special legislation in order to give these men this particular facility.

The Minister for Supply and Shipping: In order that the Arbitration Court may do it.

Hon. C. H. SIMPSON: In the first place, Mr. Troy, the secretary of the union, is a communist, and makes no secret of the fact. I have vivid recollections of his activities in the 1952 strike. The union was deregistered in that year; and then Mr. Troy formed the Maritime Services Union and applied for registration, which was refused; and that union carried on illegally as an unregistered union.

The present union was registered in 1956; and in an interim court statement regarding the present claim, dated the same date as the extract I have just read, Mr. Christian had something to say; and I mention this particularly as the circular which was sent to all members here claimed that the attitude of the court was unanimous in approving the application of the employees or, rather, the desirability of providing legislation which would enable their claims to be implemented. Mr. Christian said—

> Margins: Historically the margin of these workers has always followed the Federal ship painter and docker and I see no reason for departure from this practice. The method the court has adopted, mainly to ascertain the margin to be paid in an as yet unregistered agreement between the union and the Department of Labour and fix the same figure for this award is in my experience, unheard of and so contrary to the many times expressed opinion of the court that consent awards or agreements should not be taken into account on assessing margins, as to astound me. Furthermore, these unskilled men will now receive about 9s. 7d. per hour compared to 8s. 7½d. received by a shipwright who serves a five-year apprenticeship at his trade and for whom these men act as labourers fetching and carrying as directed.

Further—

> The employers brought evidence which proved that when the workers had been asked to knock off at 5 p.m. and asked to return at 6 p.m. for overtime work they have refused to do so but have elected to work through the nominal meal periods. If workers prefer to work through it is obviously illogical and inequitable that they should receive a penalty rate for working as they prefer and contrary to the employers' wishes. I am therefore at a loss to understand my colleagues' decision to grant the union double time and at the same time refuse an employer's counter claim that when men elect to work through their nominal meal hour they shall not be paid the penalty rate.
>
> Overtime rate for Saturday work: In support of his claim for increase in penalty rates for Saturday work Mr. Troy submitted that his union members desired to attend football matches etc. The court decided to refuse the claim but my colleagues prohibited Saturday afternoon and evening work except to complete a job thus delaying the turn around of certain vessels for 12 hours for this ludicrous reason.
>
> I can see no reason why these workers should be treated differently from any other casual workers except so far as a few conditions are concerned but in respect of such clauses as overtime, weekend penalty rates, meal times, work during meal times and rest periods, I think the normal conditions should apply. Certainly no good cause for differential treatment was made out. Taken as a whole, I think the only word which will suitably describe the award now proposed is "fantastic."

The Minister for Supply and Shipping: There is no mention of attendance money.

Hon. C. H. SIMPSON: That is his opinion; and I mention it because much has been said in regard to the claim that the court was unanimously of the opinion that legislation was desirable to implement the claims of this union.

The Minister for Supply and Shipping: For attendance money.

Hon. C. H. SIMPSON: That is so. I have more to say about the court's attitude. Mr. Troy claimed, in his circular, and

the Government also maintains this claim in submitting the Bill to the House, that the court had made a unanimous recommendation regarding the desirability of this measure. I will endeavour to show that in part that is not in accordance with what actually happened: and I refer to a copy of the interim decision issued by the court on the 29th Oct, 1956, where the key sentence of the president's pronouncement is found on page 2 of his address. There he states—

> As the court has no jurisdiction to introduce an equitable and practical scheme these claims must in my opinion be refused.

With regard to that determination, Mr. Davies, the second member of that tribunal, said: "I agree with the decision as announced by His Honour the President," and Mr. Christian said, "I, also, agree." There is the kernel of the actual judgment issued, and the claim that the balance of the statement, which is mainly explanatory, was agreed to by the other two members of the tribunal, apart from the president, is definitely not true.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. SIMPSON: Immediately before tea I was quoting from the statement by the Arbitration Court, and that part which had particular reference to the statements of Mr. Christian, one of the members of that tribunal. The next question that we might consider is the charge that has to be levied in order to meet the cost of paying attendance money. The Bill makes provision that the amount shall be paid, but there is no clear indication as to the method of collecting the necessary money.

In Clauses 3 and 5 reference is made to the service charges assessed and collected by the commission. As I explained, under the waterside workers' arrangement the charge was a direct one on a per man hour basis against those who actually employed the labour. But in this case it appears likely that it will be a charge on shipping generally. Mr. Troy has put up an ingenious proposal that the cost of the scheme can be covered by a general levy on all inward tonnage; and he takes as the basis of his determination the inward tonnage for last year which was 8,112,189 tons gross, and submits a formula showing that the cost per ton would work out at .00164d.

That sounds trifling, although it could amount to a fairly substantial sum on tonnage, particularly where it was levied on vessels that had no occasion to use the service. Then again we have the previous experience under the attendance money schedule for waterside workers, where the rate started at 4½d. and after various fluctuations up and down has now reached an amount of 2s. Of course we have to remember that the waterside workers have a Federal award, and that the scheme is administered by the Stevedoring Industry Board. The union in this case is a Federal union with a Western Australian branch, but it has approach to the State Arbitration Court, and it is proposed that the Fremantle Harbour Trust shall administer the fund, charge the levies and distribute the attendance money.

The question arises as to what would be the Harbour Trust's attitude to this scheme? The Fremantle Harbour Trust is a semi-governmental instrumentality; and no doubt, would take instructions from the Minister controlling it. It is another question as to whether the trust itself, which works out its own policy, would be keen on engaging in such a service as agent because it could lead to all sorts of trouble by way of complaints and the possible threat of hanging up, and industrial disturbances of that kind, which I would imagine the trust would be particularly anxious to avoid, if possible.

The Minister for Supply and Shipping: The trust raised no objection.

Hon. C. H. SIMPSON: Has the trust been consulted on the matter?

The Minister for Supply and Shipping: Of course. Its opinion is that it can do the job.

Hon. C. H. SIMPSON: I am not in a position to know that and I must accept the Minister's assurance that that is so.

The Minister for Supply and Shipping: That is a fact.

Hon. C. H. SIMPSON: I do not question that; but it does seem to be inconsistent with the known efforts of the trust to try to meet competition from road and air transport. The object of the trust is to reduce charges wherever possible and to induce shipping to come here. The trust's charges are the highest in Australia; and I understand that from hook to the van, the charge works out at 40s. 1d. a ton whereas the charge on similar work in Melbourne is under 20s. a ton. So I would assume that attendance money paid to members of the dockers' union, which would be an extra charge levied on shipping, would bring the cost beyond 40s. 1d. per ton.

The Minister for Supply and Shipping: It is not on cargo.

Hon. C. H. SIMPSON: I do not think we can escape coming to that conclusion. Generally speaking, it is the principle of the payment of attendance money which we criticise. I have a statement in regard to the question, submitted by the Associated Steamship Owners; and it can be accepted as their attitude to the question. They state—

> (1) The principle of the payment of attendance money in this instance to apply to a small group of workers at the Port of Fremantle is a new one to the State.

(2) The acceptance of this principle opens up an avenue which, if granted in this instance, could reasonably be explored by many other groups of casual workers in this State, many of whom are not associated with shipping, i.e. casual labour for wool stores, seasonal workers for fruit, etc.

(3) Other groups of casual workers associated with shipping which would also seek payment of attendance money include watchmen, shipwrights and tally clerks.

(4) Shipwrights, although at present covered by a Commonwealth award, now have an application before the State Arbitration Court for a State award.

(5) Tally clerks are employed under terms of a Commonwealth award and have already sought the payment of attendance money through the Commonwealth Court. This application was refused for reasons almost identical with those given by the State Court in respect of ships' painters and dockers, namely, the absence of enabling legislation. The payment of attendance money to ships' painters and dockers would undoubtedly give rise to a request from the tally clerks employed at Fremantle for similar treatment. This in turn will probably initiate an agitation on the part of the union concerned for such payments to be made at other Australian ports where casual tally clerks are employed in far greater number than is the case at Fremantle. In other words, the granting of attendance money to dockers at Fremantle could set off a series of claims involving the whole of the Commonwealth.

(6) The payment of attendance money will involve the setting up of an organisation which must of necessity be in many respects similar to that provided by Commonwealth legislation for the payment of attendance money to waterside workers. This organisation will, in addition to the payment of attendance money, be required to regulate for the registration of employers and workers, keep records, exercise disciplinary powers, determine quotas, arrange rosters, fix levies to be paid by employers, etc. In view of the small number of workers involved this might bring into being a topheavy organisation with considerable overhead cost involved.

(7) If the payment of attendance money to ships' painters and dockers becomes law and the necessary administrating organisation is set up it is very probable that the union will seek to have this organisation deal with annual leave, payments for sick leave, public holidays, etc. (as has been the case with waterside workers), which will involve additional costs of administration.

(8) Although it is possible that if attendance money is granted to ships' painters and dockers, their present inclusive high casual rate may be reduced by the court, it would appear that the acceptance of the principle of the payment of attendance money can only result in increased cost.

I repeat that allowance is already made in the casual rate paid to these men, which is now 2s. higher than the rate paid to similar workers in Melbourne. It was mentioned in the statement I read that there may be a possible spread to requests from other branches of industry.

Although this Bill may seem small, and it may involve comparatively few workers, it could establish a principle which could affect many workers. I would not like members to be misled by the assumption that the passing of this Bill is a solution to the problem. It can only start a much bigger problem—it can snowball. Already other claims have been submitted to the court regarding shipwrights, ship construction and boat builders, and night watchmen; I understand that the application regarding night watchmen has been withdrawn from the court and there is now a discussion going on between the employers and the employees.

I would now like to quote two clauses from the schedule of claims submitted by the Shipwrights and the Ship Construction and Boatbuilders' Union of Western Australia; in this case Petterson & Company Pty. Ltd. and the State Shipping Service and others are the respondents. Clause 17, referring to the engagement of labour, states—

> (a) All labour required for work under this award shall be engaged at a recognised pick-up centre or such other place as may be mutually agreed upon between the employer and the union.
>
> Such engagements shall be made between 7.45 a.m. and 9.45 a.m. on any day, Saturdays, Sundays and holidays excepted.
>
> In the event of an emergency or any unforeseen circumstances arising which call for the supply of labour outside picking up hours, the secretary of the union shall, upon being requested by an employer, assist him in obtaining such labour.

Clause 29 which is also very interesting, reads as follows:—

> Registered shipwrights who attend at the recognised pick-up centre and who make themselves available for engagement in accordance with the terms of this award shall,

if not engaged to work on the day of such attendance, be paid an amount equal to four (4) hours' pay at ordinary time rates for such attendance.

The liability for payment of attendance money for each attendance at the pick-up, and for which no engagement occurred, should be that of an employer immediately he engages a worker at the pick-up;

The liability for payment of attendance money for each attendance at the pick-up, and for which no engagement occurred, should be that of an employer who last employed the particular worker concerned;

I mentioned those two clauses because, while they are not directly concerned with the subject of the Bill—they refer to a different union—they do indicate that there is already in the minds of those who seek the payment of attendance money the object of applying it not only to the union of dockers and painters but also to shipwrights; and, as I have already said, the watchmen are now the subject of discussion between the employers and the employees.

But I venture to suggest that even if some agreement is reached in those discussions at the present time, it would be pretty safe to say that a claim for attendance money would be lodged next year if the present Bill went through. I think we can also say that this measure, if passed, could quite easily establish a principle which could also extend to other spheres of activity.

I must emphasise the fact that none of these amenities exist in any of the other States. Special awards for waterside workers have been recognised throughout Australia; they are governed by a Commonwealth award and administered by a Government instrumentality. In principle the same state of affairs has been adopted in other countries, but not in regard to the class of workers here.

I have mentioned the wool stores and the meatworks, but it could apply to goldmines, to coalmines, to fruit pickers and to seasonal operations in the rural industry. It could be very far-reaching in its application.

In conclusion I want to mention that the general conduct of this union over the past years has not been such as to warrant any special consideration; we cannot say that its past good behaviour warrants this.

Hon. R. F. Hutchison: In what way?

Hon. C. H. SIMPSON: Its good behaviour has been conspicuous by its absence. Mr. Troy professes himself to be a communist, and I have nothing against him on that score. He is honest about it, and is not without ability, and is probably very sincere. He might be proud to make that claim. He is certainly very energetic, but he is not regarded in industrial circles as a worker for industrial peace. Rather the reverse is the case.

It is most disturbing to know that one of the unions which claims affiliation with him—and I refer now to the Federated Miscellaneous Union of Workers which is actively enrolling workers all over the State—has to my knowledge during the past week approached the staffs in the secondary schools of this State. I find this trend most disturbing. It shows they are trying to enrol into their particular unions—which undoubtedly are influenced by communist leaders, and presumably by communist doctrines—the staff of our educational institutions. I know that those approaches have not been welcomed by the authorities concerned in these various schools.

They have said quite frankly that their employees are free to affiliate with the unions or not, as they desire, but they would certainly not extend the facility to the people concerned. The man in question, Mr. Lippiat, made no secret of the fact that he was a friend of Mr. Troy, who acknowledges that he is the communist leader of the painters and dockers union.

Having in mind my own experience during the strike of 1952, which seriously affected this State when I was Minister for Railways, I was under no illusion as to the liaison that existed between Mr. Troy, who was then particularly active, and the parties to the dispute between the metal trades workers and the Arbitration Court, which had the effect of prolonging the strike and causing a loss of millions of pounds to this State. So it behoves us to view with great suspicion any approach by this particular union; and, so far as I am concerned, I propose to vote against the second reading of the Bill.

HON. L. C. DIVER (Central) [7.53:] In rising to speak to this Bill I know it deals with a subject in which I am not very well versed; and, consequently, I have taken the liberty of making arrangements with certain of my colleagues to try to gain a little knowledge of the conditions under which these men were first employed, with particular reference to the nature of their pick-ups. The Bill sets out to extend to the Ship Painters and Dockers Union conditions similar to those which are given to the waterside workers.

I think it could be agreed by all political sections that every man is entitled to a reasonable living wage, to a reasonable living standard and to reasonable working conditions. Accordingly I wanted to

find out whether the conditions available to the members of the Ship Painters and Dockers Union met those requirements. I was advised that there were approximately 130 men on the roster to be picked up from time to time as the occasion demanded. They were required to do the work of cleaning the holds of ships, and other internal work in the ships such as cleaning the bilges, the tanks, etc. The conditions I witnessed inside the ships were certainly not as congenial as might be desired; but they were no worse than those we find in many of the less congenial industrial occupations.

That being the case I then tried to satisfy myself as to what their rates of pay were; as to what the average was that these men might be able to procure during the whole year. On the evidence submitted to me I think it is reasonable to say that they obtained the best part of £2 in excess of the basic wage per week—that is, taking the good with the bad over the year. They were also in the position—those workers who were unfortunate from time to time not to be in the pick-up—to take up casual labour if they desired; and such labour was offering. But I did not take outside work into consideration in coming to the conclusion that these men were reasonably treated at present by their Arbitration Court award.

I also found that this Bill as presented to us has a very serious weakness—even if this House does agree to it—in that a good deal of employment is created on the slipways at Fremantle—both at the main slip, and the lesser one at the north wharf. I am advised that in both instances employees on those slipways are engaged by the Public Works Department, and are not under the direction of the harbour trust. If my advice is correct—and I would be surprised if it were not—I should have thought that those who were responsible for having this Bill drafted would correct that state of affairs before bringing this measure to the House.

The objection I take to this Bill is on lines similar to those mentioned by Mr. Simpson; that it proposes to make a uniform charge against all tonnage entering Fremantle Harbour.

There will only be a very small percentage of that tonnage that will require the services of this union. Therefore we are going to have the spectacle of the overseas freight consigners having to pay a subsidy to our coastal shippers.

The Minister for Supply and Shipping: You could call it insurance.

Hon. L. C. DIVER: The Minister cannot deny it is a subsidy also. I think that is fairly stated.

The Minister for Supply and Shipping: It applies everywhere.

Hon. L. C. DIVER: Shipping is only another form of transport so far as Western Australia is concerned. I have yet to hear of any similar proposal by which the Goverment proposes to subsidise our losing rail system. Although this charge, when initially made, will be very light, as time goes by it will increase and further increase. I have never known the original imposition of a tax of this nature ever being lessened.

The Minister for Supply and Shipping: Or the price of goods.

Hon. L. C. DIVER: There is nothing that exercises my mind more than the implication contained in the Minister's interjection. The price of goods can fall overnight; but the spectacle of fixed charges does not alter, and we will find industry saddled with charges—particularly primary industry—and it will be put right out of the world's markets.

I do not think that if we reject this Bill we are going to do these people a great deal of harm, because at present they are being treated fairly reasonably by the Arbitration Court—so reasonably that many of these gentlemen employed in this union have, from time to time—so I am advised—been offered permanent employment but have always refused to accept it.

I take it that my information is correct and trust it is, although it was not given on oath. However, I take it that it is correct; and I am treating it on that assumption. There must be some reason why these men will not accept permanent employment because I think any industry is entitled to treat its employees on the fundamental ground of permanency. From time to time the spread of hours in this industry is necessary because of the incoming of ships; but at the end of the year each individual is entitled to the standard of living I mentioned previously, and the rate of wage which gives it to him.

Here we have a body of men who do not want permanent employment; but they do want to be paid attendance money on such occasions when there is no work offering at the port. I can understand a limited number of men not taking permanent positions, because I was told by Mr. Troy—who spent quite a time with us this morning—that some of these men have peculiar skills and they are just on the cleaning of a ship's hold etc., as a stop-gap between the times when their specialised knowledge is required. I take it that on these occasions they are amply rewarded for that skill, which makes an inducement for that section.

However, I gathered from my conversation with Mr. Troy and others that it was only a limited number. Therefore, I hope I am excused for coming to the conclusion that those who do not fall within that category have the opportunity, from time

to time, of getting odd jobs outside when they are not required to perform duties on behalf of the union.

Hon. E. M. Davies: There is not much chance of getting any job at 10 o'clock in the morning.

Hon. L. C. DIVER: I have been a wool grower for a long time; and if someone is needed to wheel the barrow around the wool stores, it does not matter whether it is 10 o'clock in the morning or 2 o'clock in the afternoon provided there is a shortage of labour.

The Minister for Supply and Shipping: They are never short now.

Hon. E. M. Davies: It is only seasonal.

Hon. L. C. DIVER: That is so. As I have already pointed out, it is perhaps only a token premium; nevertheless it is still a premium above a reasonable wage.

Hon. R. F. Hutchison: What would you call a reasonable wage?

Hon. L. C. DIVER: I would say £15 per week. Mr. Simpson dealt very comprehensively with this Bill, and I do not propose to labour the point. I have, as briefly, as reasonably and as comprehensively as I could, covered the position as it appears to me. I feel there is no need for Parliament to deal with this proposed amendment to the Act, and therefore it is my intention to vote against it.

On motion by Hon. W. R. Hall, debate adjourned.

BILL—JURIES.

In Committee.

Resumed from the 26th September; Hon. W. R. Hall in the Chair; Hon. E. M. Heenan in charge of the Bill.

Clause 38—Right of peremptory challenge (partly considered):

Hon. A. F. GRIFFITH: You will remember Mr. Chairman that when we reported progress on this particular clause some eight days ago the Committee decided not to agree to the amendment I moved to delete Subclause (3). I had an amendment to Subclause (4) which seeks to delete the words, "for cause", but since the Committee has decided not to delete Subclause (3), there is no point in my moving to delete these words.

Clause put and passed.

Clauses 39 and 40—agreed to.

Clause 41—Number of jurors required to agree on verdict in criminal trials:

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

> That the words, "of all" in line 7, page 29, be struck out.

I respectfully submit this is another example of bad draftsmanship. It would be a wrong decision if a majority verdict were not the verdict of them all; and if the decision of not less than 10 of the jurors is taken as the verdict, that is all that is necessary.

Hon. E. M. HEENAN: I would like to see these words left in the clause. If members will look at lines 5, 6 and 7 they will see the words only tend to make the clause abundantly clear. It reads, "the decision of not less than 10 of the jurors shall be taken as the verdict of all."

Hon. A. F. Griffith: It is not the verdict of all.

Hon. E. M. HEENAN: I think the hon. member is splitting straws, and I am not prepared to say it is bad drafting. I think the draftsman would probably know more about it than either Mr. Griffith or I, and he has included the words to make it abundantly clear that the verdict is the verdict of the whole jury.

Hon. Sir CHARLES LATHAM: If I were on a jury and were one of the two not agreeing, I would not want to be included. Why should we tell the public the whole of the jury agreed to a verdict when there were two against it? For that reason, I must support the amendment.

Hon. A. F. GRIFFITH: I am going on advice given to me by a number of lawyers who went into this question with me. This is not the verdict of all, but a decision of 10 which shall be the verdict. Therefore the words are both incorrect and redundant.

Hon. E. M. DAVIES: I cannot see any great objection to the wording which means that it is the verdict of the jury notwithstanding that it is a majority verdict.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 42 and 43—agreed to.

Clause 44—Deposit of expenses of a civil jury:

Hon. A. F. GRIFFITH: I ask Mr. Heenan to tell us why there should be a marked distinction between a civil trial and a trial under the Criminal Code. I am of the opinion that it is the responsibility of the State to provide a jury where one is required. After all, it is the State's responsibility to supply a magistrate or a judge, but here—and I realise this provision is in the principal Act—the suggestion is that the cost of the jury shall be borne by the parties.

Hon. E. M. HEENAN: Normally a jury is empanelled in criminal cases. It is rare these days that civil juries decide issues. Claims for breach of promise, libel and those arriving out of accidents are now invariably tried before a single judge. In former years the custom was to have a civil jury, and the parties still have the right to be tried by a civil jury. The jury tries the issues of fact; and that is a luxury the litigants ask for.

A civil trial has nothing to do with the rest of the community. The two parties agree that the issues on fact shall be delegated to a jury. In those circumstances it is only right that the litigants should pay the jurors.

Hon. Sir Charles Latham: Is not the cost of a civil case paid by the people who go to court?

Hon. E. M. HEENAN: Yes.

Hon. Sir CHARLES LATHAM: The position is totally different from that of a criminal case where the Crown pays the cost. We had better strike out the whole clause. I agree that there are very few civil juries today, but in the olden times quite a number of matrimonial cases were tried before juries consisting of three or four members.

Clause put and passed.

Clause 45—Challenge to the array:

Hon. A. F. GRIFFITH: Clause 38 (3) deals with the right of peremptory challenge which has to be exercised as the juror goes up to take his seat and not after he takes it. When we debated that clause Mr. Heenan pointed out that if a juror were challenged after he took his seat he would be subject to considerable inconvenience in shuffling out again. For that reason he persuaded the Committee not to take the clause out. Is there any difference in challenging the array in a civil trial before the juror is sworn? Is he not subject to the same inconvenience and shuffling as he would be in a criminal trial?

Hon. E. M. HEENAN: I hope the clause will be passed as it is. In a civil trial the number of jurors is only six. I do not think any previous argument has anything to do with the clause.

Hon. A. F. GRIFFITH: I point out that Mr. Heenan is inconsistent on this subject. I will not move any amendment to this clause because to my mind it is correct; but I do intend to recommit the Bill at a later stage in connection with Clause 38 (3), and I shall ask the Committee to recall Mr. Heenan's remarks on Clause 45. If we have a desire for consistency we will strike out Subclause (3) of Clause 38.

Clause put and passed.

Clause 46—Discharge of juror:

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

> That the words "and shall be a sufficient verdict" in line 36, page 30, be struck out.

It will probably be argued by Mr. Heenan that these words make the verdict more conclusive, but I think they are redundant. It is already a full verdict in the text. It cannot be a verdict to which something can be added. In fact, I doubt whether the words "of a full jury" are necessary.

Hon. E. M. HEENAN: There may be some merit in the amendment. However, I do not like to disagree unduly with the Parliamentary Draftsman. Apparently, the words are put there for some reason. Perhaps they are inserted to make it sufficiently clear that the verdict is a full, sufficient and complete verdict. However, if the amendment is agreed to, I do not think any great harm will be done.

Hon Sir CHARLES LATHAM: If I had thought of it earlier I would have moved to strike out all the words after the word "verdict" in the second last line of the clause. I can quite understand why we have to pay so much for litigation these days. All these "wherefores" and similar words are entirely unnecessary in legislation except to create argument between lawyers.

Hon. G. E. JEFFERY: I support the clause as printed. The final three words are inserted to cover a situation that could arise. If the verdict went against him probably counsel could plead mistrial on the ground of lack of numbers on the jury. Four jurors could not be regarded as being a full jury, and the final words of the clause "and shall be a sufficient verdict" are inserted to cover that point. For instance, they could be very useful in the event of an appeal being made.

Hon. A. F. GRIFFITH: With all due respect to Mr. Jeffery, I suggest he is quite off the beam. This clause is inserted in the Bill to cover any situations that might arise, including those mentioned by Mr. Jeffery. The clause is included as a ratification; namely, that the verdict of the jury shall not be challenged because one of the jurymen has been discharged. The words "and shall be a sufficient verdict" are completely redundant. However, I do not agree with Sir Charles that the words "of a full jury" should also be struck out because as the clause reads the decision made shall be a decision of four jurors, but that decision shall be made as if they were acting as a full jury of five.

Hon. J. G. HISLOP: I take sides with Mr. Heenan on this clause because I think the words are absolutely essential. There are two factors. A man has been discharged from the jury in this set of circumstances. As Mr. Griffith has said, the words "of a full jury" simply mean that this clause interprets that the verdict that they reach shall be acceptable as being a verdict made by the full and original jury. The verdict of four people is regarded as being a sufficient verdict as if it were made by the original jury of five. That is what it conveys. The clause also conveys that it shall be a sufficient verdict.

Hon. A. F. Griffith: What is sufficient verdict?

Hon. J. G. HISLOP: An insufficient verdict could be regarded as being one that is made by only four jurors. However,

with the final words contained in the clause the decision of a jury of four men shall be regarded as being a sufficient verdict in the same way as if it were made by a panel of five.

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

Ayes	10
Noes	14
Majority against	4

Ayes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. A. R. Jones
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. L. A. Logan	Hon. R. F. Hutchison
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. H. K. Watson	Hon. G. Fraser
Hon. R. C. Mattiske	Hon. F. R. H. Lavery

Amendment thus negatived.

Clause put and passed.

Clause 47—Jurors may be allowed fire and refreshment:

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

That the words "such refreshment to be provided at their own expense by the summoning officer" in lines 5, 6 and 7, page 31, be struck out.

I regard this clause as unreasonable. This provision stipulates that jurors sitting in a dingy room in a civil trial will have to say to the attendant, "Here is some money to buy something for us to eat." Even women serving on juries will have to reach into their bags for money to pay for the refreshment. The Crown should bear the cost of refreshment.

Hon. E. M. HEENAN: There is no objection to the amendment. In practice the condition has long been obsolete. Refreshments allowed by the judge are, in fact, paid for by the Crown.

Amendment put and passed; the clause, as amended, agreed to.

Clause 48—Incapacity or non-attendance of juror:

Hon. A. F. GRIFFITH: In view of the decision of this committee against my amendment to Clause 46 to strike out the words "and shall be a sufficient verdict," I do not propose to proceed with my amendment.

Clause put and passed.

Clause 49—On a civil trial majority decision to be accepted after three hours:

Hon. L. A. LOGAN: I move an amendment—

That the word "four" in line 25, page 31, be struck out and the word "five" inserted in lieu.

In Clause 41 the Committee has accepted the principle of a ten-twelfths majority in a criminal trial where the offence is not punishable by death. Under this provision for civil trials the ratio is reduced to four-sixths. In my opinion the ratio should be maintained at five-sixths.

Hon. A. F. GRIFFITH: I would point out that the amendment will conflict with Clause 46 which makes provision for two jurors to be discharged from the six. That would leave four in number. We have already agreed to a verdict of four being sufficient.

Hon. L. A. LOGAN: There is no difficulty. In one case there is a jury of four, and the verdict of four is accepted. In the other case there is a jury of six and the amendment provides for the acceptance of a verdict of five out of the six.

Amendment put and division taken with the following result:—

Ayes	13
Noes	10
Majority for	3

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Cunningham
Hon. G. MacKinnon	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. H. K. Watson	Hon. G. Fraser
Hon. R. C. Mattiske	Hon. F. R. H. Lavery

Amendment thus passed.

Hon. L. A. LOGAN: For the same reason I move an amendment—

That the word "three" in line 27, page 31, be struck out and the word "four" inserted in lieu.

Hon. A. F. GRIFFITH: I would refer to Clause 46. If for some good cause the court has stood down two jurors from the six and only four remain, Clause 46 provides that the verdict shall be taken as sufficient. If there are six jurors, under the previous amendment a sufficient verdict shall be five out of six. Under this

amendment if there are five jurors a sufficient verdict shall be four out of five. What happens when there are only four jurors?

Hon. L. A. LOGAN: Where there are only four jurors this amendment will not apply. The Committee has already agreed to a verdict of five out of six, and the same argument is advanced in a verdict of four out of five.

Amendment put and passed; the clause, as amended, agreed to.

Clause 50—agreed to.

Clause 51—View by jury on a civil trial:

Hon. A. F. GRIFFITH: This clause really complicates matters. Up to this stage the Bill provides for two things to be done by a jury in a civil trial under certain circumstances. If the jury consists of six, a sufficient verdict will be five-sixths; if the jury consists of five, a sufficient verdict will be four-fifths. If this clause is agreed to, the decision will revert to two jurors. I would refer to the wording of the clause.

Often we have read in the Press where magistrates have ordered an inspection of the scene of the incident. Under this clause it is possible to convey two out of the four, five or six jurors to the scene. They could inspect the scene and tell the other jurors what they think, and upon what those two jurors think the rest would base their verdict. That is a wrong principle. If the jury is required to inspect the scene for the purposes of assessing damages, then every juror should go; because if they do not all go, the responsibility of returning the verdict will be placed on two of them.

Hon. F. J. S. Wise: They are a sort of select committee.

Hon. A. F. GRIFFITH: If the select committees for which I move in this House, and the recommendations made by them were taken as much notice of by the Government as the court would be obliged to take of the verdict of those people, I would be a lot more satisfied!

Hon. H. L. Roche: You sound like a disappointed man.

Hon. A. F. GRIFFITH: If the hon. member moved for the appointment of some select committees when the Government did not want to take notice of their findings, he would be disappointed too. I move an amendment—

> That the words "any two or more of" in lines 14 and 15, page 32, be struck out.

This would provide for the whole of the jury to make the visit and not just two.

Hon. E. M. HEENAN: This is a matter on which the select committee was silent, and upon which it gave us no lead. As this deals with a civil jury, it is a matter that could well be left to the good judgment and discretion of the judge trying the issue. It might be necessary for a site at Carnarvon to be inspected, and it would be very expensive for all of the jury to go there. It must be borne in mind that this refers to a civil action which does not concern the hon. member or me, and does not involve us in any expense. The clause provides that the judge may order at least two of the jury to take this view, and he can provide for a greater number to do so. He would see that there was fair play and that sufficient jurors made the visit to provide for a proper job being done. Presumably counsel on either side would have their views listened to.

The Minister for Railways: They appoint them.

Hon. E. M. HEENAN: Yes. Do not let us play around with something that really should not concern us at this stage.

Hon. J. D. TEAHAN: I have had practical experience of how this works. It was not in a civil action, but it could have been. The jury wished to see a place underground in a mine for the assessment of damages. This involved a lot of climbing ladders and going into almost inaccessible places. There were four of us, and I was exempted and the other three went. This provision may be designed to cover cases where people would not wish to make such inspections because of the hazards involved.

Hon. A. F. GRIFFITH: I realise that judges would exercise discretion; they always do. But the judge does not see what the jurors see. His responsibility ends when he appoints them to take the view required to be taken in the civil trial. When they have taken the view they report what they have seen and the rest of the jury accepts their report.

The Minister for Railways: Not necessarily.

Hon. J. G. HISLOP: I see a lot of merit in what Mr. Griffith said, and a lot of merit on the opposite side. If we do what Mr. Griffith desires, we will bind the hands of a judge absolutely to the point where he must send the whole jury to view a site. We might find that while it was desirable that some facts should be brought back to the jury, it could not be done in the circumstances on the ground that an individual would not be justified in calling for such expense to be incurred during the trial as would be involved in sending a whole jury to view a site. I prefer to leave the decision to the judge rather than bind him so completely that he would have no alternative but to send the whole of the jury to a certain spot.

Hon. Sir CHARLES LATHAM: The clause provides that the jurors shall be nominated by the parties or their respective solicitors or, in the event of their disagreeing, by the summoning officer. The order could be made before the trial and

before the jurors were sworn in so that the jury might not even come into it. This is tangled enough as it is, and I think we should not alter the clause.

Amendment put and negatived.

Clause put and passed.

Clauses 52 to 56—agreed to.

Clause 57—Restriction on newspapers publishing names or photos, etc., of jurors on criminal trials:

Hon. H. L. ROCHE: I move an amendment—

That all the words after the word "who" in line 18, page 35, down to and including the word "trial" in line 31, be struck out and the following inserted in lieu:—

takes or causes to be taken or publishes or causes to be published any photograph or likeness or other pictorial representation of any person summoned to attend or empanelled as a juror for any trial whether civil or criminal.

I move that these words be struck out not only with a view to inserting the other words mentioned but also including a new subclause later on. I do not suggest that this is an ideal solution of the problem. But while the Press in this State has justified a considerable amount of criticism in recent times, I do not want to see Parliament taking steps at this stage to introduce direct legislative control over it.

The words I wish to substitute cover, I think, that portion of the original clause providing for the printing of photographs; but in this form it forbids anyone to take as well as to publish them, which I think is better than merely forbidding them to publish. It is necessary to leave something to the good sense of the Press. If later on it were found that the provision was abused, then perhaps Parliament would have to consider legislation to restrain the Press.

In my opinion, our daily Press has no need to try to take the place of some of those publications that used to be circulated in Western Australia and dealt with the more unsavoury side of court cases here. I think their good sense should enable them to work in with the court in regard to what should or should not be printed or published.

Hon. E. M. HEENAN: This contentious clause has achieved an odious reputation through misapprehension of what it connotes. A reading of the wording of the clause shows that the person concerned would be one injured as the result of newspaper publicity, who would therefore be entitled to receive as damages any penalty imposed. For that reason he would not be in the category of an ordinary informer; and before he could take action, which would be in a civil court, he would have to obtain permission of the Minister, and then he would have to establish his case in that civil court. This provision would therefore prevent unnecessary or mischievous proceedings, and it must be remembered that the only object of the provision is to achieve a fair trial and justice to all concerned. We know the Press today has enormous power, and the man in the street believes implicity what he reads in the daily newspapers.

Hon. Sir Charles Latham: And particularly the pictures.

Hon. E. M. HEENAN: Yes. The sacrosanct principle which exemplifies our law is that a man is innocent until he is proved guilty.

Hon. A. F. Griffith: That is not always so.

Hon. E. M. HEENAN: A person prosecuted in a lower court is entitled to reserve his defence and place it before the appointed tribunal. Newspapers can unwittingly prejudice a trial by over-emphasising some aspect of the evidence in a lower court because the jurors trying the case may have absorbed unfair reporting and propaganda, thus doing an injustice. In most cases the Press does all it can to be fair and promote justice, but we know that people's minds are easily conditioned by the Press and that is the reason for this provision.

Hon. G. C. MacKINNON: I am sure Mr. Heenan realises the dangers of muzzling the Press by legislative action, and it was therefore amazing to hear his defence of this clause. As a lawyer he should be more capable than any other member of giving specific instances of where publication of evidence at a preliminary trial has impaired the functioning of justice; yet he gave no such instance, but simply said certain things could happen. If we ever take legislative action to impose limits on the Press, I hope it will be on firmer grounds than those now before us.

We have heard a lot about the way the Press influences opinion, and no doubt many members have read Victor Courtney's book, "All I May Tell," in which he says there was a time when newspapers had such influence, but that those days are gone. The present Government in this State could prove that also; and I think Victor Courtney in that book tells how on several occasions almost the whole weight of a Press in a particular State was anti-Labour, yet Labour won the election. The Press is not as powerful as Mr. Heenan would have us believe.

The Minister for Railways: But this is dealing with people's characters.

Hon. G. C. MacKINNON: We have been told nothing about a preliminary investigation where there may be just a body and no defendant, and the evidence is given and a verdict is returned against a person or persons unknown. A preliminary

investigation might start in Bunbury and adjourn, and the scene move to some other place where evidence is called; and perhaps weeks after that evidence has been published, new evidence might bring a suspicion of foul play. In some cases a defendant, acting on the advice of his lawyer, might be anxious that the preliminary investigation should be made public; but this would preclude that. The muzzling of the Press is the first step taken by any totalitarian Government, and I know Mr. Heenan would abhor such action. I oppose the clause.

Hon. A. F. GRIFFITH: During the debate on the second reading I mentioned some aspects of this clause which seeks to select something from the recommendations of the select committee. In its recommendations that committee said—

> Finally your committee recommends that a comprehensive Bill be introduced along the lines of the draft Bill referred to—

That was the 1945 Bill—

> —including such of the recommendations contained in this report as may be applicable.

There was a reference to the fact that the Government might well have a look at the question of the Press because it was considered that in some cases the Press had acted in a manner prejudicial to a lower court trial. But the Government jumps straight in like a bull in a china shop.

The Minister for Railways: According to you.

Hon. A. F. GRIFFITH: I am as much entitled to my opinion as the Minister; and according to me, that is what happened. The Bill does not mention any journal or periodical, radio broadcasting or television. It jumps straight in and tries to clamp down on the Press. I got so interested in it that I had a look at a Bill for an Act to prevent undue profit taking, unfair methods of trading, and unfair trade competition and for other and incidental purposes. The same pimp clause was written into that Bill as is in this measure. The same common informer clause.

The Minister for Railways: That has been explained to you.

Hon. A. F. GRIFFITH: Not to me.

The Minister for Railways: You don't listen. Mr. Heenan explained it.

Hon. A. F. GRIFFITH: I listened to the explanation given by the hon. member, but the Bill clearly sets out the position.

The Minister for Railways: You are misrepresenting it.

Hon. A. F. GRIFFITH: Will the Minister tell me where?

The Minister for Railways: The hon. member in charge of the Bill explained it. You are taking a narrow view.

The CHAIRMAN: The Minister will have the right to speak to the amendment.

Hon. A. F. GRIFFITH: This clause was put in the Bill against the advice of the Crown Law Department; and for the benefit of members I will read the Crown Law opinion on the matter. It is as follows:—

> Cabinet agreed to the provision as in the 1945 draft, plus the select committee's recommendation.
>
> The 1945 draft Bill provided for the imposition of restriction on newspapers publishing names or photos, etc. of jurors on criminal trials, but did not restrict publication of proceedings in a lower court.
>
> The Victorian Act imposes restrictions on newspapers publishing names and additions of empanelled jurors on criminal inquests. It imposes no restrictions on newspapers publishing proceedings in the lower courts.
>
> Judge Devlin commented that—
>
> > It is only in a few cases of exceptional public interest that a juryman is likely to read an account of the preliminary proceedings, and it is doubtful if in any event he will read it with such attention as to carry away any clear recollection of a particular part of the evidence.
>
> In my opinion, the existing provision with regard to restriction on the publication of names and additions to names, and photographs should be retained.
>
> The further amendment would make it an offence to publish lower court proceedings only in cases of committal for wilful murder, murder or any other offence for which the penalty is death.
>
> I submit it would be most difficult for any court at the outset to decide whether or not it would be in the interests of justice to prevent publication of proceedings, since the Bench would have an open mind at that juncture and there would probably be a suggestion of prejudice if an order were given for the restriction of publication of proceedings. In committal cases such as the recent Wagin murder case, proceedings are published from day to day, and it would be too late at the conclusion of the case to make any order of restriction.
>
> I am inclined to agree with the views of Judge Devlin, when he says that it is doubtful if a juror would read the account of preliminary proceedings with such attention as to carry away any clear recollection of a particular part of the evidence.

There is no doubt that the Government decided to proceed with this clause in spite of the fact that the Crown Law Department thought it unwise to do so. I am sure that members will recall the trial of Dr. Adams in England. If ever a man was committed, tried and hanged before he set foot in the dock at the Old Bailey it was Dr. Adams.

The Minister for Railways: By the newspapers.

Hon. A. F. GRIFFITH: Yes. The newspapers wrote the case up; and if we accept the principle that juries are persuaded by what they read in the newspapers, the jury in this case would have found the man guilty. But a verdict of not guilty was returned in spite of all the Press publicity.

Hon. R. F. Hutchison: Why did the select committee recommend it?

Hon. A. F. GRIFFITH: If the hon. member read the recommendations she will see that we recommended that the Government have a look at it. Also, if she looks at the report into Local Government she will find that it states that adult franchise should not be granted. Yet, year after year the Government tries to introduce that principle.

Hon. R. F. Hutchison: You can't get off with that snide.

Hon. A. F. GRIFFITH: At present the British Government has appointed Lord Tucker to act as chairman of a committee to inquire into and report upon whether restraint should be placed on the publication of reports and proceedings before examining magistrates, and this is an article which was published in "The West Australian"—

> An air of paradox breathes over the Home Secretary's decision to appoint a departmental committee to deal with the publication of reports of proceedings before examining magistrates.
>
> Lord Tucker, the chairman of this committee, and his colleagues are to consider what restrictions, if any, should be placed on such reporting.
>
> Now what has led to the launching of this inquiry? It has arisen out of a murder charge in which preliminary publicity had been allowed and in which a jury nevertheless brought in a verdict that has been widely received with relief.
>
> Ten men and two women, the lay agents of justice, have triumphantly survived the perils into which such weak vessels are alleged to plunge when they are exposed to publicity. Nobody has raised a question about them and that is more than can be said about the professional handling of this case in some of its aspects. Yet Lord Tucker is to set to work.
>
> His committee will, we may hope, remember that Lord Shaw of Dunfermline, a great lawyer, having quoted the verdict on Hallam, that the publicity of judicial proceedings ranked even higher than the rights of Parliament as a guarantee of public security, said that there was no greater danger of usurpation of this liberty "than that which proceeds, little by little, under cover of rules of procedure, and at the instance of judges themselves."
>
> Another great lawyer, Lord Halsbury, had, at that same time some hard things to say about what he defined as "injunction of perpetual secrecy," for which, in his view, there was not a judgment of authority to be pleaded in justification.
>
> It will be argued that these considerations do not apply to a court of first instance. But why should they not? It is the principle that is at stake. The one certain consequence of imposing secrecy on a court is to give rumour a flying start. Does anyone suppose that after all that had transpired in Eastbourne, however sternly the law had let down its iron curtain, any jury could have been got into the box at Old Bailey in a state of virginal innocence of mind about what was being said?
>
> Newspapers and journals do, indeed, too often give unwarrantable prominence and scandalous distortion to crime. But to censor them would only lead to results far more harmful to justice. If secrecy prevailed, to quote Lord Shaw again, "an easy way would be open for judges to remove their proceedings from the light and to silence for ever the voice of the critic and hide the knowledge of truth."
>
> A warning so authoritative and so emphatic may seem out of place in this context. But it is by nibbling that freedom can most insidiously be hurt.
>
> Those eminent lawyers and their supporters in Parliament who are in favour of secrecy do less than justice to the man in the street and to his wife.
>
> The average member of a jury knows perfectly well that, when he is in the box, he must make up his mind solely from what judge and counsel tell him. He is no less aware than they are that the popular Press is an unreliable guide and magistrates are not infallible.
>
> Lord Tucker will perform a public service if he comes down against secrecy on the ground that British juries are composed of men and women of the world.

The Minister for Railways: Who wrote the article?

Hon. Sir Charles Latham: And who published it?

Hon. A. F. GRIFFITH: I did not ask "The West Australian"; but if the Minister would like me to find out, I will let him know.

Hon. Sir Charles Latham: They paid a man to write it.

The Minister for Railways: They might have paid someone to read it.

Hon. A. F. GRIFFITH: The Minister accused me of not listening, but apparently he was not listening.

The Minister for Railways: I only asked a civil question.

Hon. A. F. GRIFFITH: And I gave a civil answer. I am concerned at the amendment which Mr. Roche has moved.

Point of Order.

Hon. G. C. MacKinnon: On a point of Order, Mr. Chairman. Did I hear the Minister interject that they might have paid someone to read it?

Hon. Sir Charles Latham: You should have taken that point immediately.

The Chairman: I did not hear the Minister make such a remark.

Debate Resumed.

Hon. A. F. GRIFFITH: In case the remark was made, I apologise to the Minister for not reading it to his satisfaction; but there is some excuse when one considers it is a long and closely written article.

Hon. L. C. Diver: Do you believe it entirely?

Hon. A. F. GRIFFITH: No more than the member believes it entirely. If we are going to restrict the newspapers from printing the proceedings of a preliminary court, then we should look at the overall phases of publicity, and the other avenues of publicity that are left open. If Mr. Roche's amendment is carried, I will not have a chance to mention the amendment I have on the notice paper.

The CHAIRMAN: Mr. Roche has already moved his amendment.

Hon. A. F. GRIFFITH: If members will read my amendment together with the clause of the Bill, they will see what I wish to have left in the Bill. I do not think the Western Australian Press has behaved in a manner prejudicial to the lower court; and we would be well advised to await the outcome of investigations going on overseas and reap the benefit of Lord Tucker's advice in this matter. The provisions of a common informer are well and truly retained in this Bill; and on the information being supplied, the Attorney General would give a person permission to sue, and the penalty which the court imposed would be payable to such person as the court which imposed it directed. I hope the Committee will not agree to Mr. Roche's amendment.

Hon. Sir CHARLES LATHAM: I support the Bill as it is printed even at the risk of being called totalitarian. It is surprising that we should seek to protect newspapers; they are the most protected body in Western Australia. We all know what happened after the Wagin case. When I was travelling by bus the day after that case I heard people say, "He did it all right, and he ought to hang." At that time the man had not even been arrested. "The Daily News" and "The West Australian" and other papers merely reported this case from the sensation angle, and it created no end of ill feeling. I will support the Government in this measure, and in any other measure of a similar nature which will help curb Press publicity.

Hon. G. C. MacKINNON: It is not a matter of defending the newspapers. I cannot understand the attitude adopted by Sir Charles Latham. If they are prevented by law from publishing then surely they are automatically removed from the type of criticism which Sir Charles has suggested. We are in fact protecting the right of a newspaper to write what it wishes within reasonably good taste. If a person feels that "The West Australian" is not in good taste, then he does not buy that paper. There was a newspaper which I did not consider to be in good taste and I never bought it. It is a matter of opinion.

It has long been said that it is not only essential that justice be done, but also that it should appear to be done. Many preliminary investigations do not end in a trial; but as Mr. Griffith said: How will they know when they start? If we pass this legislation we will prohibit the papers from publishing information from its inception. There will be many cases when justice would be better served in appearing to be done by publishing the preliminary investigation. We are not worried about protecting the newspapers, but about the way of life of our people and the right of a newspaper to publish. We are very chary about muzzling the Press.

Hon. R. F. HUTCHISON: I would like to read one of the recommendations of the select committee—

> Your committee considered the matter of Press publicity. In many trials it appears that in some cases the Press acts in a manner prejudical to a fair trial by high-lighting the evidence to build up a "good seller." This applies particularly to preliminary trials, the Press publicity of which is read by the public as a whole, many of whom are potential jurors, and may result in some influence on the juror before he goes into court.

The implication in the Bill is that preliminary evidence might be taken in camera. Mr. MacKinnon referred to the book "All that I might Tell" by Victor Courtney. We all know to what lengths reporters go in order that they might be in first with the news. It is not intended to accuse any particular newspaper, but merely to ask that certain things be not published. We want to see that justice is done.

I have read the report of the case of Dr. Adams in England, and I think it would have been better had the preliminary hearing been held in camera. No malice is intended in the Bill. It seeks to carry out the recommendations of the select committee. Mr. Griffith again has indulged in political kite-flying; he does not seem to be able to resist it. I am not aware of newspapers having been indicted for printing anything which might be to the detriment of certain trials. We all know that news of a sensational nature appeals to a certain type of person. Unfortunately there is a trend today for journalists to highlight sensational news.

Hon. L. C. Diver: "Pix" would be free at the present time.

Hon. R. F. HUTCHISON: I would say that the clause in the Bill is an endeavour to carry out what has been recommended by the select committee, and I do not think it muzzles the Press. It is only a just provision if a person has to stand for trial, perhaps for his life. The Press can attend and listen—which is far from muzzling it—but it cannot publish any evidence where a man is committed for trial. However, the Press can print full evidence after the man is committed for trial. I think it is an endeavour to protect an innocent person and I can see nothing wrong in that.

The reference to adult franchise and other things by Mr. Griffith is absolutely irrelevant. I cannot see anything wrong with something being put into the Bill to protect an innocent person and asking newspapers to refrain from highlighting a preliminary investigation, which is already done in other countries. In Northern Ireland a preliminary trial is always held in camera.

Hon. G. BENNETTS: I intend to support the clause with the exception of a few words in line 37. It seems to me that there is a certain amount of money to be paid to an informer.

Hon. A. F. Griffith: You agree it is an informer?

Hon. G. BENNETTS: I object to the words I have referred to, as it looks as though they would encourage pimps and informers. I do not believe such people should be included in legislation. Otherwise I support the clause.

Hon. H. L. ROCHE: I would point out to members of the Committee who are concerned in regard to the protection of the individual that there is a provision in this Bill which it would not be wise to accept at this stage. I think it would be far better for the Committee to accept my amendment, imperfect though it might be. I do not want anyone to have any illusions as to what I think of the conduct of the Press in this State in recent times. In the future we may have some legislation to control or direct the Press, but I do not think that time has come yet. We should be prepared to rely on the good sense of the Press for the time being. So much so that I would sooner see this Bill defeated than remain in its present form.

Regarding Mr. Griffith's suggestion that his amendment is better than mine, if the House rejects mine, I would suggest to him in all seriousness that the words he leaves in the Bill contain the principle of direct interference with the Press.

Hon. J. Murray: What about deleting the whole clause?

Hon. H. L. ROCHE: The hon. member could have done that a week or two ago and saved a lot of time. It is something to which I have not given consideration until now. I do not like the proposal in the Bill, which provides for reward for an informer or pimp. I do not think the Government is wise in bringing legislation of this kind before Parliament. Whatever else happens, it should go out of the Bill.

I ask the Committee to agree to the deletion of the words mentioned in my amendment with a view to substituting the words on the notice paper. Whilst I am not unmindful of the position, we should also be concerned with maintaining a measure of freedom from legislative interference with the Press. Anyone who is libelled or wronged can take action under a measure which was recently passed by this House.

Hon. A. F. GRIFFITH: I would like to make two comments. I am pleased to hear that Mr. Bennetts was able to read this clause in the same way as I did in regard to an informer. Apparently he and the Minister will differ on this point. The other point is that if I have reached any standard of political kite-flying it is entirely due to listening to the hon. member who made that reference.

Hon. J. G. HISLOP: Reading Mr. Roche's amendment gives me the impression there is something wrong with it. I think it is possibly a typographical error and the word "published" in line 1 should read "publishes."

Amendment put and passed.

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

> That all words after the word "court" in line 34, page 35, down to and including the word "notwithstanding" in lines 5 and 6, page 36, be struck out.

Hon. E. M. HEENAN: I prefer Mr. Roche's suggestion and hope that the Committee will not agree to the amendment, which would delete the penalty. I think we should retain the penalty provision.

Hon. A. F. GRIFFITH: As a practising lawyer, Mr. Heenan must know that contempt of the Supreme Court is punishable; and surely this would be a severe contempt with which the court would deal accordingly! We could well leave this to the discretion of the judge; and I would rather have this provision than that relating to the common informer, to which I take violent objection. I hope the Committee will agree to the amendment.

Hon: H. L. ROCHE: I have already expressed my opinion regarding the reward to the common informer and I would ask Mr. Heenan how he justifies the idea of alternative penalties. I understand there is a penalty of up to £500 for contempt of the Supreme Court, and I believe this alternative provision is necessary to reward the informer, so I think it could well go out.

Amendment put and passed.

Hon. H. L. ROCHE: I move an amendment—

> That after the word "notwithstanding" in line 6, page 36, the following new subclause be inserted:—
>
> (2) If the court at which any person charged with any crime in respect of which the penalty of death may be inflicted and at which such person may be or is committed for criminal trial at any time before the rising of that court in the interests of justice it is undesirable that any report of or relating to the evidence or any of the evidence given at the proceedings before that court should be published then thereafter no person shall print, publish, exhibit, sell, circulate, distribute or in any other manner make public such report or any part thereof or attempt so to do.

This will complete the provision regarding the Press and Press reporting and the initiative will be left with the court.

Hon. G. C. MACKINNON: I would ask Mr. Roche to examine the amendement carefully because it would be an offence under it to publish or make public in any other manner—

The Minister for Railways: Only in capital offences.

Hon. G. C. MacKINNON: In any offence in which the death penalty may be inflicted. But there might be a case where something has been made public and the penalty of death is not inflicted. It is a matter of interpretation. This is a dangerous type of amendment which it would be almost impossible to put into operation. The court might decide that something should not be published, while the defendant and his lawyer might be anxious for it to be published.

Hon. H. L. ROCHE: If we try to be more specific and overcome the objections raised by the hon. member, we must be prepared to legislate to control the Press; and that is what I wish to avoid. I repeat that this is not the ideal solution, but will be an indication to the Press that Parliament expects it to be circumspect in dealing with reports on these cases. The amendment would indicate to the Press what the attitude of Parliament is; and until we feel we have to direct the Press by means of legislation, I think we should agree to this amendment in its present form.

Hon. E. M. HEENAN: The amendment proposed by Mr. Roche does not go nearly as far as the clause itself. However, as pointed out by the hon. member, it is a step in the right direction in that it is an indication to the Press that it has to be circumspect in reporting criminal proceedings. The amendment specifies that in regard to any crimes where the penalty of death may be inflicted—

Hon. H. K. Watson: It may not be inflicted.

Hon. E. M. HEENAN: The wording is: "may be inflicted". That means, in simple terms, that in a murder trial where the court indicates that it is not desirable for any part of the evidence to be published, the Press shall not be permitted to publish it. The select committee was convinced that in some cases the Press acts in a manner which is prejudicial to a fair trial. That is a far-reaching statement.

The amendment merely seeks to provide that, in a murder trial, where an unfortunate being is charged with murder in the lower court, and where the magistrate feels disposed to indicate that he does not consider it is fair that reports of the evidence should be published, the Press should be prohibited from publishing such reports. That is a simple straightforward statement which nobody can refute.

Hon. A. F. GRIFFITH: All I ask Mr. Heenan is: How many persons has he seen charged with murder in the lower court?

Hon. E. M. Heenan: That does not assist the argument.

Hon. A. F. GRIFFITH: I think it does. The hon. member said that a person is charged with murder in the lower court.

That is wrong. A person is merely committed for trial in the lower court. In some cases there is a preliminary hearing following which there is no committal.

Hon. H. K. Watson: He must be charged with something.

Hon. A. F. GRIFFITH: But he is not charged with murder.

Hon. R. F. Hutchison: Of course he is!

Hon. A. F. GRIFFITH: What would the hon. member know about it?

Hon. R. F. Hutchison: I know plenty.

The CHAIRMAN: Order!

Hon. H. K. WATSON: Mr. Heenan referred to the select committee's reference that publication of Press reports is prejudicial to a fair trial. In my view any publication that is prejudicial to a fair trial constitutes contempt of court as the law stands today and can be dealt with by the courts accordingly. The more I look at this clause and the amendment proposed, the more I think we should delete the whole clause from the Bill.

Hon. J. G. HISLOP: I am coming to the same conclusion. The more I study the amendment, the more doubt I have on the matter. In the amendment appears the word "thereafter." For how long does "thereafter" last?

Hon. G. C. MacKinnon: Just short of hereafter.

Hon. J. G. HISLOP: That may be so. But following this trial, in accordance with the word, "thereafter," no one can publish anything. I think the Bill would be much better if the clause were deleted.

Hon. E. M. HEENAN: I cannot allow the virtue of this clause to be misrepresented. The committee should debate the clause on its merits. If the Committee thinks that no restriction should be placed on the Press I am prepared to respect that argument. But I cannot stand by and have the merits or demerits of this clause misrepresented. Mr. Griffith made an absurd statement when he said that I should know that a man could not be charged with murder in the lower court.

Hon. A. F. Griffith: I corrected my statement when you advised me.

Hon. E. M. HEENAN: Any child in a primary class knows that a person can be arrested, charged with murder, brought before our primary courts and committed. Dr. Hislop, who usually gives a proposition more careful consideration, caused laughter among members of the Committee by referring to the word "thereafter." However, that word is in its proper sequence and simply means that where a man is charged with murder—not in every case but only in such a case where the magistrate presiding in a lower court directs that no reference be made to the evidence—the word "thereafter" is a direction to the Press that no reference shall be made to that particular evidence. The amendment is quite all right, and if any member takes the trouble to read it, he will find it is well composed and singularly clear.

The Committee has struck out the strong provisions that were in the Bill; and I can understand its point of view in that regard. However, in this amendment there is considerable merit. The select committee expressed the opinion that fair trials have been prejudiced by the publication of Press reports. Where life is at stake, I do not think we are going too far in introducing this proposition; and it is proposed to implement it only in circumstances where a magistrate considers it is the fair thing to do.

Hon. J. G. HISLOP: I am not going to become hysterical over the clause; but whatever we put into this Bill should read commonsense. The amendment reads, with the use of the word "thereafter," that after that trial no one shall publish anything. We should insert something in the Bill that is good English and which can be interpreted correctly.

Hon. E. M. HEENAN: Dr. Hislop has suggested that I am getting hysterical over this clause and the amendment, but we will soon see who is hysterical. In reading the amendment again, I am certain that it is perfectly clear to any member of the Committee. By the wording of the amendment the court is referring to the report mentioned at that time.

Hon. A. F. GRIFFITH: I would refer Mr. Heenan to the right of the defence counsel to challenge jurors. He said that because jurors would be inconvienced by being shuffled backwards and forwards, the provision should be agreed to.

Hon. H. K. WATSON: The provision seems to be confined to the report of the evidence given of the proceedings. The new subclause should enable the publication of the final verdict of the court, as to whether the offender is or is not guilty.

Amendment put and passed.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. R. F. Hutchison

(Teller.)

Noes.

Hon. J. Cunningham	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. F. Griffith *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. H. K. Watson
Hon. F. R. H. Lavery	Hon. R. C. Mattiske

Clause, as amended, thus passed.

Clauses 58 to 62, First Schedule—agreed to.

Second Schedule:

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

> That after the word "schoolmaster" in line 5, page 38, the words "and the wives of persons to whom this provision applies" be inserted.

It is very obvious from the Second Schedule that no consideration has been given to the exemption of womenfolk. It is undesirable that the wives of the persons exempted under this schedule should be called upon to give jury service.

Hon. E. M. HEENAN: I do not oppose the amendment.

Amendment put and passed.

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

> That after the word "ushers" in line 8, page 38, the words "and the wives of persons to whom this provision applies" be inserted.

It would be incongruous to call upon the wives of the persons referred to for jury service.

Amendment put and passed.

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

> That the words "Executive Council —members of the" in line 11, page 38, be struck out.

The reason is that members of the Executive Council are members of Parliament, and they have been granted exemption in other parts of the schedule.

Amendment put and passed.

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

> That the words "Governor—officers and servants of household of" in line 13, page 38, be struck out.

The Governor is not likely to be called upon for jury service. He has no vote and his name does not appear in any Legislative Assembly roll. He cannot be called or empanelled, therefore I see no reason why his household should be called upon for jury service.

Hon. E. M. HEENAN: I oppose the amendment. It will readily be seen that officers and servants will be called upon to perform duties which will preclude them from jury service.

Hon. A. F. GRIFFITH: There is already provision in the Bill to permit the summoning officer to exempt people from service for any reason he thinks fit.

Amendment put and passed.

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

> That the words "if actually practising" in lines 16 and 17, page 38, be struck out.

This would mean that legal practitioners would be exempt. There are many instances where legal practitioners are employed by the Government and they are not actually in practice. They should be exempt from service.

Amendment put and passed.

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

> That after the figure "1893" in line 16, page 38, the words "and the wives of legal practitioners" be inserted.

Hon. G. C. MacKINNON: I move—

> That the amendment be amended by inserting after the word "wives" the words "and their office employees."

Point of Order.

Hon. R. F. Hutchison: Is it not a fact that these wives should be included under the section of the Bill which deals with women between the ages of 21 and 65 years?

Hon. L. A. Logan: These are exemptions.

Hon. R. F. Hutchison: Could I object to the exemptions?

The Chairman: When we are ready.

Committee Resumed.

Hon. L. A. LOGAN: I hope Mr. MacKinnon and Mr. Griffith will use a bit of reciprocity on this. We are allowing for wives. What about husbands?

Hon. A. F. GRIFFITH: I would point out to Mr. Logan that a practitioner can be a lady or a gentleman.

Hon. G. E. JEFFERY: I had no great objection to the original amendment, but I do not see any merit in including office employees. I do not see why a typist in a lawyer's office should be exempt from jury service any more than the girl in a doctor's surgery or a dentist's waiting rooms. I believe articled clerks are in a different category, but this goes further.

Hon. G. C. MacKinnon: That typist may have to type the briefs of the case.

Hon. J. D. Teahan: She would get exemption.

Hon. R. F. HUTCHISON: I cannot see the sense in what Mr. MacKinnon says. She might not get called up for jury service, but if she were, she could be challenged. They should be called up for service and I object to the exemptions.

Amendment on amendment put and negatived.

Amendment put and passed.

Hon. L. A. LOGAN: When I put certain amendments on the notice paper, I considered the jury list was restricted and could not see why these people should not do jury service as well as anyone else. However, that is not the case now, and therefore I will not move the amendment.

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

> That after the word "Parliament" in line 45, page 38, the words "and the wives of such Justices." be inserted.

Hon. L. A. Logan: Why not include wives of members of Parliament?

Hon. A. F. GRIFFITH: That is open for the hon. member.

The CHAIRMAN: Order! Hon. members will address the Chair.

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

Ayes	12
Noes	12
A tie	0

Ayes.

Hon. J. Cunningham	Hon. G. MacKinnon
Hon. L. C. Diver	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. C. H. Simpson
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. E. M. Davies
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. H. K. Watson	Hon. G. Fraser
Hon. F. D. Willmott	Hon. F. R. H. Lavery

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

Hon. H. K. WATSON: Members of interstate commissions are to be exempted. We have not had an interstate commission for over 50 years. This seems a bit superfluous.

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

> That in line 4, page 39, the words "Commonwealth Public Service — officers of" be struck out.

I can see no reason why there should be a general exemption for officers of the Commonwealth public service.

Hon. E. M. HEENAN: Any provision in the Bill attempting to make Commonwealth public servants liable for jury service would be inconsistent with Commonwealth law and would be invalid by reason of Section 109 of the Commonwealth Constitution.

Hon. H. K. WATSON: Section 109 simply provides that where a State law conflicts with a Federal law, the Federal law shall prevail. I would like to know what Commonwealth law this provision conflicts with or contravenes.

Hon. A. F. GRIFFITH: I would like to ask Mr. Heenan what possible application the Commonwealth law can have to jury service in the State of Western Australia.

Hon. E. M. HEENAN: I am not going to debate the matter any further. I am sorry I have not made further research, but I cannot say more. We can assume that what I have said is the position.

Amendment put and passed; the schedule, as amended, agreed to.

Third Schedule—agreed to.

Title:

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

> That the words "and for other purposes including provision for service on juries by women" in lines 2 and 3 of the Title be struck out.

Hon. R. F. HUTCHISON: I would like to know why the hon. member wants these words deleted.

Hon. A. F. GRIFFITH: I do not think I am under any obligation to give an explanation. The hon. member should have been able to see the reason for the amendment after the hours of debate on this question. This is a Bill to amend the law relating to juries; and both during the second reading debate and while in Committee, I have drawn no distinction between men and women. Under the Bill, if it becomes law, persons will be called for jury service, and a person will be a man or a woman. The words sought to be struck out are redundant.

Hon. H. K. WATSON: The words "and for other purposes" may be intended to cover the reference to the Press, as that has nothing to do with juries.

Hon. E. M. HEENAN: I was about to point that out. We have brought in matters normally outside the ambit of a jury Act, and so the words are justified. I see nothing offensive in them.

Hon. A. F. GRIFFITH: It is not a matter of their being offensive but of not being consistent. I realise now that the words "and for other purposes" should remain. Have I leave to withdraw my amendment with a view to moving another amendment?

The CHAIRMAN: There being a dissentient voice, permission to withdraw the amendment cannot be granted.

Hon. A. F. GRIFFITH: I think this Chamber is being reduced to a complete and utter farce when Mrs. Hutchison objects strenuously to the reference to women being taken out of the title, and then when I want to withdraw the amendment hers is the dissentient voice which prevents me from doing so.

Hon. E. M. Davies: But you were still going to take out the reference to the women on juries.

Hon. A. F. GRIFFITH: I think I should have had opportunity to withdraw the amendment; but I have been prevented from doing so by a dissentient voice, and so I hope the Committee will agree to the amendment.

The MINISTER FOR RAILWAYS: The title of the Bill sets out its purposes: Firstly to consolidate the Act; then to make certain other provisions in relation to publicity; and, finally, to make provision for women jurors. If it becomes law the measure will be cited as the Juries Act, and the long title will not remain. There is no point to the amendment, and I hope it will not be agreed to.

Hon. Sir CHARLES LATHAM: We have placed in this legislation something that should have been dealt with in another Act; and I refer to the libel law, which should come within the scope of the Criminal Code. However, I think that point will be taken in another place, because we have no right to attach to special legislation something foreign to it.

Amendment put and negatived.

Title put and passed.

Bill reported with amendments.

House adjourned at 11.27 p.m.

Legislative Assembly

Tuesday, 8th October, 1957.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.