benefit those amongst whom it is placed as well as those who are numbered among its offspring."

A second article, which I would ask all members who are interested in the formation of a medical school in this State to read—I do not know of anyone who can afford not to be interested—appears in the same journal. It was written by Dr. Eric G. Saint, and in it he draws attention to the value of a medical school in Western Australia. He says that such a school is not only an economic necessity, but is also a cultural and an educational necessity, and that the moment to form such a school is opportune. I ask members to read this article because it will give them in words much better than I can employ an interest in this matter.

If they do so, I feel sure that they will begin to impress even more urgently upon the Government the need for a medical school here. I have previously emphasised the fact that we have been informed by the university authorities of Adelaide that the present arrangement cannot be continued much longer. If we are going to have a medical school with a determination to succeed and achieve world standards, we must start to look for men of high standing and teaching ability to fill the posts necessary in such a school. I am hoping that at some early date we shall have the Government's decision on the recommendations already made to it by the Medical Advisory Board of the Senate of the University of Western Australia. I support the motion.

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

House adjourned at 8.45 p.m.

Legislative Assembly

Tuesday, 20th July, 1954.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to Contract with Wagon Timber Construction Co.

Hon. Sir ROSS McLARTY asked the Minister for Railways:

With reference to his comments in this House, on the 8th July, 1954, relating to Wagon Timber Construction Co., will he please advise the House:—

(1) (a) How many firms tendered for the 1,000 F.D. louvred vans?

(b) Were any of these tenderers overseas firms?

(2) (a) Was the contract for the vans in question let to the Commonwealth Engineering Co. at a fixed price?

(b) If not, what was the basis?

(3) Was the Wagon Timber Construction Co. formed before or after the contract was let to Commonwealth Engineering Co.?

(4) (a) Was not the Wagon Timber Construction Co. a sub-contractor of Commonwealth Engineering Co.?

(b) If the answer is "Yes", does it not follow that, no matter what price the Wagon Timber Construction Co. received, it had no bearing on the cost of the vans to the W.A.G.R., as the Commonwealth Engineering Co. has to stand the amount from their over-all price for the job?

(5) If he considers the price charged by Wagon Timber Construction Co. excessive, is he arranging—

(a) For the State Saw Mills to refund part of what it received to Commonwealth Engineering Co.?

(b) For the State Saw Mills to withdraw from the venture?

(6) Has the principal contractor—Commonwealth Engineering Co.—complained to W.A.G.R. or the Government about the price charged by Wagon Timber Construction Co.?

(7) (a) In view of the Press report in "The West Australian," dated the 10th July, 1954, from Wagon Timber Construction Co., does the Minister still persist that the company is a monopoly?

(b) If so, why does he still consider it a monopoly, in view of the large number of timber merchants and saw millers not interested in handling the work when invited to do so?

(8) Would the State Saw Mills have been able to undertake the work, and have tendered lower at the time, as a separate entity, had they not entered the partnership of Wagon Timber Construction Co.?

(9) (a) What was the total volume of sawn timber output in Western Australia for the year when tenders were called?

(b) What would be the total volume of timber involved in the 1,000 F.D. louvred vans?

(10) Did the contract for 1,000 F.D. louvred vans specify jarrah and karri only, or permit the use of other Australian hardwoods?

(11) Was there any reason why the Commonwealth Engineering Co. could not set up its own works in Western Australia and fabricate the timber components for the vans from timber supplies from State Saw Mills or other Western Australian timber sources?

The MINISTER replied:

(1) (a) Ten.

(b) Five lodged through Australian representatives and comprised three German and two French.

(2) (a) Yes, with a rise-and-fall clause to cover variations in the cost of basic wage and margins, materials, etc., at the date of tender. Provision was also included for rise-and-fall adjustments in quotations by material suppliers or sub-contractors.

(b) Answered by (a).

(3) Wagon Timber Construction Co. had its genesis in August, 1950, before tenders were closed. Tenders were received in October, 1950. Under date the 16th August, 1950, the combine issued a basis for quotation to the prospective tenderers stating what price they must charge, and in Clause 6 that the quotations are subject to the whole of supplies being drawn from timber merchants participating in the combine and not part thereof.

Associated Timber Industries of W.A., 16th August, 1950:

The participating members of Associated Timber Industries of W.A. were:

Millars' Timber & Trading Co. Ltd.
Bunning Brothers Pty Ltd.
Whittaker Brothers, and
State Saw Mills.

Eight other sawmillers were co-opted; it thus was a closed market for Western Australian timber.

Joint Organisation, Wagon Body Construction, 31st January, 1951.

Having issued their basis for quotation on the 16th August, 1950, Associated Timber Industries of W.A. (comprising the Sawmillers' Association of W.A. and the Timber Merchants' Association of W.A.) then wrote to the contractor on the 1st February, 1951, confirming telephone advice from Mr. G. M. Bunning on the 31st January, 1951, saying that the combine would change its name and that the future correspondence for the time being, should be addressed to Mr. F. Gregson, Acting

Secretary, Joint Organisation, Wagon Body Construction, Box A28, G.P.O., Perth, W.A. This letter was signed for and on behalf of the joint organisation by Mr. W. A. Rees, Millars' Timber and Trading Co. Ltd.; Mr. G. M. Bunning, Bunning Bros. Pty. Ltd.; Mr. S. D. Gomme, State Saw Mills of W.A.; and Mr. J. Gow of Whittaker Bros.

Wagon Building Construction Co., 2nd March, 1951.

The next stage in the formation of this monopoly was that on the 2nd March, 1951, they were heading their stationery with the name "Wagon Building Construction Company" and the Acting Secretary was still Mr. F. Gregson. This company was still using the stationery of Associated Timber Industries of W.A., but in writing to the main contractor it was typing the name "Wagon Building Construction Co." on the top of the letterhead.

Wagon Timber Construction Co. 21st June, 1951:

The ultimate stage was when Wagon Timber Construction Co. was registered, still with the same four partners, Millars, Bunnings, Whittakers and State Saw Mills, under the Business Names Act, as Wagon Timber Construction Co. The registration was issued on the 21st June, 1951, and was dated back to the 1st February, 1951. This combine or monopoly contained the same membership right through from August, 1950, before the tenders closed till it finally registered this official name under the Business Names Act in June, 1951.

(4) (a) Yes.

(b) No. By reason of the provision in the principal contract for adjustment of variations in the costs of materials to the contractor.

(5) (a) State Saw Mills profit from the partnership to the end of May was £60,000. £15,000 was utilised to repay the initial advance made by Treasury and the balance — £45,000 — was credited to the 1953-1954 Railways Loan Vote for reduction of the expenditure incurred on the contract.

(b) No, it is now too late to be of any benefit to the railways but the withdrawal of the State Saw Mills would advantage the remaining partners in the combine.

(6) No. There was no reason for complaint on their part because the exhorbitant charge for timber components made by the combine had already been passed on to the railways in the contract price.

(7) (a) Yes.

(b) Because of a "basis for quotation" sent to tenderers on the 16th August, 1950, under the name of Associated Timber Industries of W.A. which indicated and named the following firm as "fully participating"—

Millars' Timber and Trading Coy. Ltd.
Bunning Bros. Pty. Ltd.
Whittaker Bros. and
the State Saw Mills

and named the following members of Associated Timber Industries of W.A., which could participate in collective arrangement or in supply of timber—

Adelaide Timber Co. Pty. Ltd.
Kauri Timber Co. Ltd.
Worsley Timber Co. Pty. Ltd.
Douglas Jones Pty. Ltd.
Buckingham Bros.
Joiners Pty. Ltd.
W.A. Salvage Co. Pty. Ltd.
Anderson Timber and Hardware.

(8) Whether this could have been done is not known, but if they had kept out of the combine a complete tie-up of supplies of karri and jarrah could not have taken place.

(9) (a) Approximately 12½ million cu. ft.

(b) Approximately 143,000 cu. ft.

(10) Specification stipulated jarrah and karri or other similar approved timbers.

(11) This is not known.

(b) As to Recently Appointed Commissioner.

Hon. D. BRAND asked the Minister for Railways:

In view of the reference by him in the House, on the 8th July, 1954, to the recently appointed Railway Commissioner, and "the things which he unearthed," will he inform the Legislative Assembly—

(a) The position held by the said commissioner when the contract with the Commonwealth Engineering Co. was entered into by the W.A.G.R.?

(b) Was it not part of the responsibility of the said commissioner, whilst holding such position, to report these matters, which he now considers should be "unearthed"?

(c) Did he, in fact, report such matters whilst holding his position prior to appointment as a commissioner?

(d) If so, to whom, and when, did he report?

The MINISTER replied:

(a) Comptroller of Accounts and Audit.

(b) Yes.

(c) He did report on the contract and subcontracts.

(d) To the commission on several occassions.

(c) As to Conversion of New Equipment to Standard Gauge.

Hon. C. F. J. NORTH asked the Minister for Railways:

Did the Railway Commission in ordering the locomotives, coaches and wagons already delivered or being delivered, arrange for their being convertible to run on the Australian standard gauge?

The MINISTER replied:

When designing the locomotives and rollingstock, convertibility was kept in mind to the greatest extent practicable, and adaption for standard gauge is feasible.

(d) As to Action by Commission.

Hon. D. BRAND (without notice) asked the Minister for Railways:

In reply to my earlier question, the Minister stated with regard to query (d), that the commissioner had reported to the Railway Commission. Can he say what action the commission took upon receipt of that advice?

The MINISTER replied:

I do not think the Railway Commission was much concerned in the question of the monopoly that was being formed. I do not know that it had any knowledge of the matter to any great extent. The present Assistant Commissioner, Commercial, did, I know, draw the attention of the Railway Commission to something in connection with what was taking place. If the hon. member will place his question on the notice paper, I can obtain from two of the commissioners—the other unfortunately is deceased—as to what action, if any, they took.

EDUCATION.

(a) As to Long Service Increments.

Hon. A. F. WATTS asked the Minister for Education:

(1) Will he state how the answer given to questions Nos. (1), (2) and (3) of my questions re teachers' salaries on Thursday last, can be regarded as an answer to questions Nos. (4) and (5) thereof?

(2) What examination of the records of 1,500 women teachers is necessary to enable him to inform the House as to the matters raised in questions Nos. (4) and (5)?

(3) If no such examination is justified, or required, as appears to be the position, will he now answer the questions mentioned?

The MINISTER replied:

(1), (2) and (3). It is considered that the time required to make these calculations asked for in Question No. (4) of Thursday, the 15th July, is not warranted.

(b) As to Special Allowance to Women Teachers.

Mr. HUTCHINSON asked the Minister for Education:

(1) In view of his answer in the negative to the first and second part of question No. (2) standing in my name on the notice paper on Thursday, the 15th July, will he undertake to have a look at "The Government Gazette" dated the 11th June, page 1075, paragraph 7, the latter part of which states, "The allowance shall not be paid if the difference is less than £5"?

(2) If this is so, how then does he reconcile his negative answer to my question, which asked if it was a fact that "the special allowance shall not be paid if the difference is less than £5", with "The Government Gazette" quotation as stated in question No. 1?

The MINISTER replied:

(1) and (2). The regulation quoted was drafted before the Government promised that teachers would not receive less pay under this reclassification than they had received on the 31st December, 1953. Steps have already been taken to amend this in accordance with the Government's promise.

WATER SUPPLIES.

(a) As to Cunderdin-Minnivale Pipeline.

Mr. CORNELL asked the Minister for Works:

(1) What length of piping is required to construct the pipeline from Cunderdin to Minnivale?

(2) What is the length of steel piping involved in a contract let to Hume Steel Ltd.?

(3) Is the piping the subject of the contract to Hume Steel Ltd. at present being fabricated and if so, when will it be completed?

(4) If the work under this contract has not yet been put in hand, when is it expected a start will be made?

(5) Can he indicate when tenders are likely to be called for the piping for the remainder of the Cunderdin-Minnivale pipeline?

The MINISTER replied:

(1) Thirty-seven and a half miles.

(2) Eight miles.

(3) No.

(4) No indication can be given at present as loan fund allocations to departments are not yet known.

(5) No.

(b) As to Laying of New and Replacement of Old Pipes.

Mr. CORNELL asked the Minister for Works:

On the 27th May, he advised that the laying of new 2in. pipes along the boundaries of Avon Locations 10004, 15299 and 15809 and the replacement of the existing line along location 11394 with 1½in. piping would be put in hand immediately and completed by the 30th June.

(1) Has this work been completed by the target date?

(2) If the work is not yet completed, when is it expected that it will be?

(3) Will it be possible to provide a water service for the adjacent farmlands owned by Mr. Fisher?

The MINISTER replied:

(1) and (2). Owing to a shortage of G.W.I. piping, considerable delay has been caused and it is not expected that the work will be completed until the end of September. Some 7,000 lineal feet of piping is on the job and the balance is expected within about one month.

(3) Mr. Fisher's property cannot be supplied from this extension. It will be served in due course from the proposed North Kellerberrin main.

(c) As to Barbalin, Waddouring and Knungajin Reservoirs.

Mr. CORNELL asked the Minister for Works:

(1) What are the respective capacities of the Barbalin, Waddouring, and Knungajin reservoirs?

(2) What water is at present held in each reservoir?

(3) Is it possible to increase the run-off into any of these reservoirs?

(4) Do the departmental engineers consider the sealing of the non-rock portion of the catchment areas would increase the run-off?

(5) Has any proposal to bituminise the west side of the catchment area at Waddouring been investigated?

(6) Will he give an assurance that, if it is necessary, the pumping of water from the G.W.S. main conduit into these reservoirs will begin in time to ensure that they are full at the beginning of the summer?

The MINISTER replied:

(1) Barbalin reservoir, 41.0 million gallons; Waddouring reservoir, 21.4 million gallons; Knungajin reservoir, 7.8 million gallons.

(2) Barbalin reservoir, 16.3 million gallons; Waddouring reservoir, 9.1 million gallons; Knungajin reservoir, 7.8 million gallons.

(3) Yes, but only at very high cost.

(4) Very costly work would give a slight increase in run-off.

(5) Yes.

(6) Pumping from the G.W.S. main conduit has been continuous since the 10th February. It is not possible to ensure that the reservoirs will be full at the beginning of the summer.

NORTH-WEST.

As to Carnarvon and Overseas Ships.

Mr. COURT asked the Premier:

(1) In view of the answers given to my question No. 11 and subsequent question without notice on the 15th July, 1954, regarding overseas ships at Carnarvon, will he re-examine the answers given, as my object is to seek the official Government understanding of the position, as distinct from the information available from other sources?

(2) (a) Does he not feel that the Minister for the North-West should have given a more informative answer to my question No. 11, on the 15th July, 1954, especially as this particular Minister is Minister for Supply and Shipping as well as Minister for the North-West?

(b) Does the Minister for Supply and Shipping not interest himself in the movement of freight by private shipping?

The PREMIER replied:

(1) Yes.

(2) (a) No.

(b) Certainly.

GOVERNMENT MENTAL HOMES.

As to Cost and Number of Patients.

Hon. A. F. WATTS asked the Minister for Health:

(1) What number of patients were admitted to Government mental hospitals and institutions during each of the following years, viz.: 1946 to 1954 inclusive, giving figures for each hospital and institution separately?

(2) What number of patients is there at each of the same places now?

(3) What has been the cost of maintaining these hospitals and institutions during the years mentioned?

The MINISTER replied: The details are as follows—

ADMISSIONS TO GOVERNMENT MENTAL HOSPITALS AND INSTITUTIONS, YEARS 1946 TO 1953 AND FOR SIX MONTHS to 3RD JUNE, 1954.

Direct Admissions.

	Heathcote.	Nathaniel Harper Homes.	Lemnos.*	Claremont Mental Hospital.		Greenplace.*		Whitby Falls.*	Totals (excluding Heathcote and Nathaniel Harper Homes).
				Lunacy Act.	Inebriates.	Lunacy Act.	Inebriates.		
1946	422	....	7	126	6	....	6	....	145
1947	443	....	10	164	6	....	6	....	186
1948	484	....	16	190	7	....	7	....	220
1949	513	....	15	191	9	....	5	....	220
1950	592	....	8	189	14	....	6	....	217
1951	572	....	20	221	21	....	2	....	264
1952	627	....	31	214	9	....	6	....	244
1953	662	....	15	6	228	28	....	6	....	263
to 30-6-54	322	....	2	4	105	11	....	....	....	120

Note.—In addition to direct admissions, admissions to hospitals are effected under the Lunacy Act by transfer between hospitals.

* All admissions to Greenplace (except inebriates) and Whitby Falls are by transfer from Claremont, and transfer of ex-servicemen occurs between Claremont and Lemnos.

PATIENTS IN HOSPITALS AS AT 30TH JUNE, 1954.

Heathcote.	Nathaniel Harper Homes.	Lemnos.	Claremont Mental Hospital.		Greenplace.*	Whitby Falls.	Total (excluding Heathcote and Nathaniel Harper Homes).
			Lunacy Act.	Inebriates.			
122	41	94	1,490	10	*Nil*	44	1,638

Note.—* Greenplace closed for renovations and Greenplace patients are temporarily at Claremont. Greenplace normal accommodation is 20 mental patients and four inebriates.

TABLE SHOWING GROSS COST OF EACH MENTAL HOSPITAL AND TOTAL NET COST TO STATE FOR YEARS 1945-46 TO 1953-54.

Year.	Claremont.	Lemnos.	Green-place.	Whitby Falls.	Heathcote.	Nathaniel Harper Homes.	Total Gross Cost.	Total Revenue.	Total Net Cost.
1945-46	122,548	10,387	1,165	4,829	20,539	....	159,468	32,620	126,848
1946-47	137,475	11,331	1,663	4,677	21,823	....	176,969	32,734	144,236
1947-48	171,273	13,332	1,687	5,433	26,168	....	217,893	38,443	179,450
1948-49	197,856	17,372	1,827	6,748	31,761	....	255,564	43,783	211,781
1949-50	244,339	21,568	2,726	8,680	39,446	....	316,759	55,525	261,234
1950-51	279,349	24,615	3,424	10,666	44,842	374	363,270	58,790	304,480
1951-52	400,900	31,850	4,362	13,448	57,148	511	508,219	68,446	439,773
1952-53	443,748	39,151	4,896	15,667	71,271	10,365	585,098	72,797	512,301
1953-54	466,242	40,814	*1,157	14,885	70,612	14,436	608,145	84,316	523,829

Note.—* Greenplace closed for renovations, 29th October, 1953, to 30th June, 1954.

COCKBURN CEMENT CO. LTD.

As to Government Guarantee.

Hon. A. F. WATTS asked the Minister for Industrial Development:

(1) Has Cockburn Cement Co. Ltd., taken advantage of advances under the Government guarantee proposal?

(2) If not, is it likely to do so or to finance its programme from its own funds?

(3) If so, is it likely that the full amount to be guaranteed will be required?

The MINISTER replied:

(1) Funds have been set aside for use in accordance with the agreement between the Government and the company, but have not yet been drawn on.

(2) Yes, it is likely to do so during the current financial year.

(3) The latest advice from the company is that the full amount of assistance originally contemplated will not now be required.

NORTHERN DEVELOPMENT AND MINING CO. PTY. LTD.

As to Government Assistance.

Hon. A. F. WATTS asked the Premier:

(1) Since the 9th Sepetember, 1953, has the Government given any further financial assistance to Northern Development and Mining Co. Pty. Ltd., or to Donald W. McLeod, then its managing director?

(2) If so, to what extent?

(3) What amount is now owing to the Government by the company or McLeod?

The PREMIER replied:

(1) and (2) No.

(3) £3,000.

REDEX RELIABILITY TRIAL.

As to Omission of Guildford-rd. from Route.

Mr. OLDFIELD (without notice) asked the Minister for Works:

Is it a fact that the organisers of the Redex reliability trial deleted Guildford-rd. from the route as originally proposed owing to its condition?

The MINISTER replied:

I have no definite knowledge of that matter, but I would say "No." If the hon. member wants more precise information, I suggest he puts the question on the notice paper.

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Supply Bill (No. 1), £16,500,000.

BILL—DROVING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. H. H. Styants—Kalgoorlie) [4.50] in moving the second reading said: This measure has been requested by the Police Department to enable it more readily to detect and prevent the stealing of stock. It will safeguard the interests of pastoralists, will apply particularly in the areas of the State outside the South-West Land Division, and will assist the Department of Agriculture in the control of stock diseases.

There are only two small amendments in the Bill and the object is to bring under the definition of "travelling stock" any stock that is being transported by a motor vehicle. In order that members may grasp the intention of the proposal, I shall quote Sections 9, 15 and 15A. Section 15 states—

> (1) No drover shall allow any travelling stock to—
>
> (a) Enter any enclosed run; or
>
> (b) approach within 10 miles of the homestead or head station on any run; or
>
> (c) approach within 10 miles of the headquarters of any person in charge of stock on any part of any run,
>
> unless he first gives the occupier or manager of such run, or the person in charge as aforesaid, as the case may be, not less than 18 hours, nor more than three days' written notice of his intention to cross or enter such run.
>
> (2) Such notice shall specify by what route and on what day and time the stock are to cross or enter the run, may be served by being left at the homestead, head station, or headquarters respectively.
>
> (3) No such notice shall be necessary in the case of stock bona fide used for saddle, packing, or draught, nor where stock, not exceeding in the whole seven in number, are in charge of a drover.
>
> (4) The owner or lessee of a run into which any travelling stock enter shall keep the route clear of his own stock after receiving such notice as aforesaid while the travelling stock are crossing the run.

Section 15A. provides—

> (1) Subject as hereinafter provided, no sheep shall be removed from any place pursuant to any sale or contract of sale, unless the owner or agent selling the sheep on behalf of the owner—
>
> (i) first makes out and signs in duplicate a statement relating thereto in the prescribed form.

For each type of stock to be moved under the four schedules contained in the Act, certain forms must be signed. As the Act stands at present, the conditions contained in Section 15 make it mandatory for anyone intending to drove stock to give the owner of an intervening lease over which the stock is to be travelled at least 18 hours' notice so that he may get his stock out of the way, detect the stock that is being driven through and inspect the stock.

Under Section 9 of the Act, any justice of the peace, constable, inspector, agent of an inspector authorised by an inspector in that behalf, or any occupier of any run through or along which such stock has been travelling, or any person acting on his behalf may inspect any travelling stock and compare the brands or marks thereof with the brands or marks set forth in any such way bill or delivery note or interim way bill or delivery note. Those notes are provided for in the schedule.

At present none of those conditions applies to stock being transported by motor vehicle. As members are aware, large numbers of stock are being transported in the pastoral areas, not only by motor

vehicles, but by vehicles that I might term motor trains. They can simply pass through a pastoralist's run without giving notice, and the intention of the amendment is to bring under the definition of "travelling stock" any stock that is being transported by motor vehicle.

In the Act of 1902 and the amendments of 1919 and 1935, the definition of "travelling stock" applies to stock that is being driven on the hoof. Consequently, the police have little or no power to inspect, nor has an adjacent owner, justice of the peace or inspector any control over stock transported by motor vehicle. It would be a simple matter for a dishonest person travelling through another man's lease with a motor train to pick up a number of head of stock en route, and there would be no supervision as far as detection was concerned. Stock that may be transported by a motor vehicle do not come within the provisions of the Act.

The police are firmly of the opinion that in certain places stock are being stolen and taken away in motor vehicles. Years ago, before the advent of motor vehicles, a considerable time was required to drove stock over the distance to the railhead and get them trucked away. This gave the police, inspectors, and owners of stock who suspected that some of their stock was being stolen, an opportunity to make an inspection, but with the fast-moving motor vehicles now in use, stock may be got away hundreds of miles in a night and it is very difficult for the police to detect offenders.

The Bill contains only two amendments —one to alter the definition of "travelling stock" and the other to include in the Act the same definition of "motor vehicle" as appears in the Traffic Act. The amendments are not in any way repugnant to the parent Act, and the sole objective is to adapt the Act to present-day conditions and render it efficient in the light of modern transport conveyances. I move—

That the Bill be now read a second time.

On motion by Mr. Hearman, debate adjourned.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [5.0] in moving the second reading said: A similar Bill to the one which is now before members was introduced during last session. This is not the first or second occasion when a Bill to amend the State Government Insurance Office Act has been introduced. Since 1938 various amending Acts have been passed and last year the Government sought to extend the activities of the State Insurance Office to include life assurance.

On that occasion, too, a schedule was annexed to the Bill and after thoughtful debate in this Chamber—the member for Mt. Lawley and the Leader of the Country Party made valuable contributions—the measure duly reached the Upper House, where it passed the first and second reading stages. The second reading was agreed to by 16 votes to nine and, after being amended in Committee, it was thrown out at the third reading stage. Another place was exercising its prerogative, but it is rather strange that after having received due consideration in this Chamber, and in another place, it should have been rejected at the third reading by, I think, two votes.

The Government feels that it is necessary to take early steps to reintroduce a similar measure to meet the public demand. I am advised by the general manager of the State Insurance Office that there is a steady and continuous demand from members of the public for the office to accept other types of insurance. But, as members know, the office has a restricted franchise, and unless and until Parliament grants an extension of its activities, it cannot meet that public demand.

If members opposite study the Bill closely, they will find that all the objections they had to the measure last year have been met. There is no reference to life assurance. I think, too, that the member for Mt. Lawley raised the question of the State Insurance Office being liable for certain forms of taxation. That phase has been embodied in the present measure. The schedule is excluded but a number of clauses from it have been incorporated in the Bill. On examination it will be found that they are more or less of a machinery nature, and certainly are not contentious.

Last year members opposite contended strongly that the State Government Insurance Office would not have the experience necessary to cope with the various forms of insurance. I can say quite candidly that the State Office, over a period of years, has obtained the requisite experience. It acts as agent for the Government with regard to the Marine and General Accident Insurance Fund; the office has a most competent staff, and, if Parliament sees fit to grant an extended franchise, the staff will be able to cope with those extra activities.

Another point raised last year was the matter of reinsurance. I think the member for Nedlands suggested that the State could not obtain a satisfactory reinsurance in the same way as private companies; that is not the case. The State Government Insurance Office has reinsurance

overseas and I find, on investigation, that that is common practice. It may be of interest if I quote a few lines from the "Insurance and Banking Record," dated the 21st December, 1953. Mr. E. R. Knox, chairman of the United Insurance Co., had this, among other things, to say at the annual meeting—

> Because the Australian market could not retain more than a token proportion of the huge liability represented by premiums paid in Australia, overseas reinsurance markets must be used to cushion the effect of the majority of losses with Australia.

Therefore, the State Insurance Office is only carrying out accepted practice in the insurance world.

Without having had to draw on the funds of the Government to any great extent, the State Insurance Office has operated for some years. It started from a humble beginning—as a matter of fact, an unlawful one— and the office did not receive the blessing of Parliament until 1938. Because of judicious and competent administration over the years, it has grown into quite a large organisation, performing a useful service in the interests of the State. Without forgetting in any way its obligations to its policy-holders, or without dabbling in high finance—it has had to conform to certain regulations —it is in the position of being able to build a fine edifice in St. George's Terrace. This building which will be 10 storeys high, will, when completed, be a material factor in relieving the fast-growing congestion in various Government offices.

With regard to the Bill, I do not propose to go into great detail, because members will find that the main provision is to grant the State office the right to indulge in general forms of insurance, excluding life assurance. Generally, the other clauses centre round that principle. As members know, a local government pool insurance has been operating for some years and 122 road boards participate. During the last few years a substantial sum of money, in the immediate vicinity of £8,000, has been rebated to those local governing bodies and, of course, ultimately the ratepayers are the people who benefit. It is suggested that the time has arrived when the State Government Insurance Office might be granted extra authority so that it can continue to fulfil a useful function in the community.

It might not be out of order at this stage to say a word of commendation in respect of the staff, from the general manager down to the latest employee. After I was appointed Minister in charge of the office, I took the opportunity of going through the whole of the office—I have done that on two occasions. I have met all the employees personally, and from my observations, and from what I have heard from members of the public who do business with the office, I would say that they carry out their activities in a most efficient manner.

I know it is said that at times some members of the Public Service are inconsiderate in their dealings with the public and their method of approach is not all that it could be. But the attitude of the staff of the State Insurance Office is beyond reproach. They are most courteous and always do their best, and I have no doubt that if Parliament grants the extra authority asked for, the same rate of progress will be made in the future as has been maintained in the past.

If members care to examine the Bill introduced last year, and the amendments made in Committee, and they read in "Hansard" the speeches made, they will find that this measure faces up, almost 100 per cent., to the requirements of those who took part in the debate. I hope the legislation will have a speedy and successful passage through both Chambers, and I move—

> That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [5.14] in moving the second reading said: This is only a small Bill—

Hon. D. Brand: The first of the small Bills.

The MINISTER FOR JUSTICE: —and I hope that members will deal with it in a just and impartial way. We all want proper representation and, if we are democratic, we do not want to be ruled by a minority —we want majority rule. I am certain, too, that members want to see that this Chamber gets a fair crack of the whip and is not dominated by any other place.

Hon. L. Thorn: She is as good as through!

The MINISTER FOR JUSTICE: The main object of this measure is to put the electors of members of both Houses on the same footing, and to incorporate the franchise provisions for both into one Act, namely, the Electoral Act. This could have been attempted in one measure, as was done in 1907, when the provisions relating to the Assembly franchise were removed from the Constitution Acts Amendment Act, 1899, and incorporated in the Electoral Act by No. 27 of 1907. I would refer particularly to Section 211, which has been renumbered Section 214 in the 1949 reprint.

As two Acts are affected, however, it is felt that each should be the subject of a separate amending Bill, and therefore there is on the notice paper a notice of motion relating to the Constitution Acts Amendment Bill. The Electoral Act Amendment Bill is, however, the principal measure of the two, the other being only complementary to it. Provision is made in each for proclaiming the day of commencement so that they can both be brought into operation on the one day. I hope that can be achieved because we will then be moving in the direction followed by most Dominion Governments.

Mr. Yates: Are you making voting compulsory for both Houses?

The MINISTER FOR JUSTICE: Yes. As is well known, qualification for the franchise of another place depends in the main both upon age, 21 years, and what, for brevity's sake, I shall call property qualifications mentioned in Section 15 of the Constitution Acts Amendment Act, while the franchise for this Chamber depends in the main on the age qualification. One of the fundamental advantages, it is claimed, is that the bicameral system provides for a House of review.

If there is to be a second Chamber, which, be it remembered, far from acting merely in the capacity of a House of review, does veto, and, in fact, has vetoed outright, measures that have already been approved by a Chamber that has been elected by the votes of all electors, then what good reason is there for the franchise of the former being limited to a property qualification? It is really a House of opposition and not a House of review. Recently we have had a very fine demonstration of this in relation to the Bill dealing with rents and tenancies.

Mr. Brady: Hear, hear!

The MINISTER FOR JUSTICE: There is no question about that.

Mr. Yates: There is.

The MINISTER FOR JUSTICE: If it were elected on the same basis as this Chamber, there might be some justification. When we realise that that House represents only 16 per cent. of the electors that this House does, it seems hard on the public to have an opposition Chamber which vetoes measures that have passed through this House, which has been elected by the people. What sound reason can be advanced for denying to every sane, well-behaved adult person the right of representation in the decision of matters affecting his own destiny? Because there is no good reason, the Government believes that the discrepancy in the franchise qualifications should be abolished.

It may be said by opponents of the measure that the value of the property required to be held is not very great. The fact remains, however, that while at present 335,590 persons are enrolled as electors for this Chamber, those enrolled as electors for another place number only 91,060; that is, less than one-third. In order to give some indication of those that voted, although they represented only one-third of the number able to exercise the franchise for this Chamber, I shall quote some statistics I have with me. They relate to the Legislative Council biennial elections, held on the 8th May of this year, and are as follows:—

	Net enrolment.	Total votes recorded.	Percentage of votes Recorded to net enrolment.
North Province	1,523	1,230	81·16
North-East Province....	5,120	3,741	73·07
South-East Province....	4,276	2,729	63·82
Suburban Province	26,988	13,164	48·78
West Province	11,468	3,301	28·78
Total of Contested Provinces	49,375	24,171	48·95

From those figures, members will see that measures that have been passed through this House can be thrown out by a Chamber constituted by 16 per cent. of the total number of electors, who vote for the Legislative Assembly.

Mr. Yates: People vote for this Chamber only because it is compulsory to do so.

The Premier: That may be so for South Perth.

Mr. Yates: It is so for all.

The MINISTER FOR JUSTICE: I think there is a good case for this Bill. Just as enrolment and voting at elections for the Assembly are compulsory, this measure proposes that they shall also be compulsory for another place. Can it be justly claimed that on such a basis as this, bearing in mind the restrictive nature of the franchise, the voice of the people is now properly represented in another place?

The unhappy state of affairs which obtains here in relation to this matter has been remedied in Victoria by the Legislative Council Reform Act, No. 5465/1950, Section 3, which introduced adult suffrage with respect to Legislative Council elections and applied compulsory voting provisions. In Queensland, the Legislative Council was abolished by Section 2 of the Constitution Act Amendment Act, 1922. In New Zealand, it was abolished by Section 2 of the Legislative Council Abolition Act, No. 3 of 1950, and by a Liberal Government.

Hon. D. Brand: Tell us how the New South Wales House was abolished.

Hon. A. V. R. Abbott: It does not work very satisfactorily.

The MINISTER FOR JUSTICE: It works very satisfactorily in Queensland and New Zealand. The position is more

satisfactory than it is here, because here the Upper House represents only 16 per cent. of the electors who vote for this Chamber; it represents only a few landlords and wealthy people.

Hon. A. V. R. Abbott: You do not represent the majority of the people!

The MINISTER FOR JUSTICE: I represent the whole section. I want to see justice done to all. I hope the Bill does go through this Chamber and that it will not be vetoed by another place; we are representative of the people.

Hon. A. V. R. Abbott: What people? A few extra hundreds.

The MINISTER FOR JUSTICE: The Council here has greater power than any other Chamber in the world. The House of Lords can only veto for a certain time. In matters relating to finance it must concur immediately. In other matters, if the House of Lords continues to disagree after the measures have been submitted a certain number of times, the business that has been passed by the House of Commons becomes law automatically. So, even in England the House of Lords does not possess the power with which the Legislative Council is clothed. I would now like to read a quotation from "Responsible Government in the Dominions" by Keith, Vol. 1. At page 391 we find the following:—

> There has been a decided tendency in the Dominions to create single-chamber legislatures in place of the original bicameral system. In Ontario responsible government began under the Federal Act of 1867 with but one chamber, and British Columbia in 1871 entered the federation with one; Manitoba was given two when created in 1870, but rid herself of the second in 1876 (c.28). New Brunswick, which had a chamber of twenty-three members, abolished it in 1891; Prince Edward Island merged it with the Assembly in a composite body in 1893 (c.21), the result being led up to by the decision in 1862 to make it elective, and Saskatchewan and Alberta never had second chambers.

On page 393 of the same volume we find Keith has this to say:—

> Sir John Macdonald used to prefer a property franchise, owing to the illiteracy of considerable sections of the people, but with the growth of education this policy has been antiquated.

I could, of course, continue to quote, but there is no need to do so. We find that in the other Dominions, in places like Alberta and Saskatchewan, the authorities have been most successful in their governmental administration, while having only one House.

The matters to which I have referred are the important objectives of this measure, and I will leave the consideration of them to the commonsense of members. I feel sure they will deal with them in an unbiassed manner. We have nothing against members of another place personally. We appreciate they must look after their own as we look after ours. But the second House is superfluous and the power of veto in another place does take away responsibility from the Government in this Chamber. That should not be.

We should be responsible for everything we move and do here. I have heard somebody say, "Thank goodness for another place." I have never thought along those lines. Again, I have heard members on the other side of the House say, "It will be dealt with in another Chamber." I think it is wrong that a Chamber that is elected by a minority of the people should find itself in opposition and veto legislation that has been passed through this Chamber, which is representative of the majority vote.

I gave figures a few moments ago indicating that members of another place represent less than a third of the number of electors represented by this House. Can any fair-minded person say that that is a fair representation or that it is reasonable that that Chamber should have more power than this one? We cannot even demand a double dissolution. If we go to the people, we can do so only on our own, and the Council remains just as it was.

Hon. A. V. R. Abbott: Are you putting through an amendment to provide for a double dissolution?

The MINISTER FOR JUSTICE: No.

Hon. A. V. R. Abbott: Why don't you?

The MINISTER FOR JUSTICE: Because we have not the power. If we submitted such a Bill, the other place would not agree to it.

Hon. A. V. R. Abbott: That is a weak argument.

Hon. J. B. Sleeman: You would not want a double dissolution.

The Premier: The member for Mt. Lawley would not mind a dissolution of the other House.

The MINISTER FOR JUSTICE: If there were a double dissolution, members in another place might not be as well off as they think they would. I consider it might be helpful if we could have a double dissolution.

Hon. A. V. R. Abbott: Why not introduce a Bill to provide for that?

The MINISTER FOR JUSTICE: Anyhow, that matter is not dealt with in this measure—

Hon. A. V. R. Abbott: I thought it would not be.

The MINISTER FOR JUSTICE: —because we knew that we would have no hope of getting it through another place; but if we had the backing of our friends opposite we might get somewhere, because they might be able to persuade members in another place to be reasonable and agree at least to the adult franchise, which would put that House on the same basis as the Senate of the United States of America. Why is there no property qualification for that House? There are two Chambers in the U.S.A. and they seem to have worked reasonably well.

Hon. A. V. R. Abbott: You are not trying to establish the American system here, are you?

The MINISTER FOR JUSTICE: We are asking for the introduction of the adult franchise for the Legislative Council, to put that House on the same basis as the Senate of U.S.A. The measure also provides, in terms similar to those already relating to failure to vote, for persons who fail to enrol the right to elect whether they will be dealt with by a police court, or permit the Chief Electoral Officer to deal with the case. This is proposed so that persons who fail to enrol when they should may avoid being taken to court if they so desire. Similar provisions appear in Commonwealth and Queensland legislation. Minor amendments in the measure affect consequential adjustments and correct errors that have crept into the principal Act in previous reprints. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [5.35] in moving the second reading said: This is a very small Bill and is complementary to the Electoral Act Amendment Bill. As that Bill proposes to incorporate the franchise provisions in the Electoral Act, this measure removes them from the Constitution Acts Amendment Act. Provision is made in this measure for its coming into operation on a day to be fixed by proclamation. This will enable both measures to be brought into operation on the one day and for necessary adjustments to be made to rolls. I move—

That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [5.37] in moving the second reading said: Only two amendments are embodied in this Bill to amend the Matrimonial Causes and Personal Status Code, which is commonly known as the divorce code.

The first amendment concerns the section that contains the grounds for dissolution of a marriage. There are a number of such grounds, but the one with which this particular amendment deals is that of incapacity or wilful refusal to consummate the marriage. The section goes on to say, however, that a marriage shall not be dissolved on such grounds where the action is not commenced within three years of the date of the marriage.

During the time the code has been in operation—that is, from the 1st January, 1950—the opinion has been voiced that, in some cases, which are exceptional, the period of three years is too short. One such case was brought to my notice earlier this year. I submitted this particular matter to the Chief Justice. It was considered by all the judges, and Mr. Justice Wolff in particular, as he had drafted the code. The Chief Justice intimated to me that, if the Government contemplated taking action to amend the paragraph under consideration, it might be preferable to provide that, where action was brought after three years, the relief should be in the discretion of the court.

This is something that does not happen very often; but a case was brought to my notice in which the period of three years had expired, and the person concerned had no redress. It was then suggested that the time should be extended to seven years; but, after further consideration, it was thought that if there was some particular reason for the taking of action having been overlooked, the person should be able to go to the court and, if the judge agreed, the case might be brought on. But unless this amendment is agreed to, the court procedure is cut short, and no action can be taken after three years.

It is proposed, therefore, that discretion shall be given to the court so that in the event of wilful objection or incapacity to consummate a marriage, the wife or husband, as the case may be, will have some redress. The present absolute limit might be regarded as somewhat arbitrary in that action may be brought just within the three-year period and will then, subject to proof of relevant facts, have every chance of success. However, if action is brought immediately the three-year period has expired, the court is absolutely debarred from giving relief.

Then again, it may be doubtful whether all persons who may be affected by this section in the code are aware of the legal position and are able and willing to act within the prescribed period. For these reasons it has been decided to retain the present provision regarding the three-year period as a guide to the court regarding what Parliament considers to be a reasonable period in ordinary circumstances, but to give the court discretion in the exceptional case to grant relief where the action is brought after the three-year period has expired.

I now propose to deal with the second amendment. The principal Act provides that, at the expiration of five years from its commencement, and periodically every five years thereafter, and oftener if the circumstances require, the Chief Justice shall furnish the Attorney General with a report on the working of the code and the rules made thereunder. The section in which this provision is contained goes on to say that any amendments proposed by the Chief Justice shall be submitted to Parliament and a Bill introduced to give effect to them. If the Bill is passed there shall be a full reprint of the code with the amending Act embodied therein. Then follow instructions as to how the reprint shall be made. It is rather a cumbersome procedure.

The reprint is required to be made under the Statutes Compilation Act, 1905, which provides that the compilation shall be made immediately after the close of the session; that it shall be printed and forwarded to the Clerk of Parliaments for tabling in each House; that there shall then be an enacting statute or a resolution of both Houses. Finally, a copy of every such compilation shall be found with the volume of statutes of the session in which the resolution of Parliament was passed next after the statutes of such sesion.

To begin with, His Honour the Chief Justice has expressed the opinion that judges should be reluctant to propose substantive changes in the law, but should rather confine their recommendations for legislative amendments to procedural matters; although they might, without making any specific recommendation, draw the attention of the Government to any apparent anomalies in the law. In view of the opinion of the judiciary that the judges should be enabled, rather than compelled, to propose or comment upon proposed amendments to substantive law, the Bill seeks to repeal the provision. Not only does it delete this particular provision but it repeals the whole section, for the reasons I shall mention. I must explain here that the code is not due for review until January, 1955. Mr. Justice Wolff has stated that at the present time he is considering only one amendment to the divorce code.

It may be doubted whether the expense of reprinting the whole of the code simply to incorporate one amendment is justified. I do not feel that it is, and if it is recommended by the judge, as the Act stands —as the ex-Attorney General, my predecessor, will know—it will mean the reprinting and binding of that particular code. I do feel that that is quite justified. If a private member were to bring down a Bill, there would be no need to have a reprint. Last year a short amendment to the code was put through Parliament by a private member, but this did not necessitate a reprint. Had it come from the judiciary, it would have necessitated a reprint. I submit that it is anomalous that there should be no necessity for a reprint when an amendment is made to the code by a Bill of a private member, and an absolute necessity for a reprint of the code when the Bill is introduced following the recommendation of the Chief Justice.

Furthermore, it should depend upon the nature and extent of the amendments made whether or not a reprint was desirable. The procedure prescribed by the Statutes Compilation Act is very cumbersome compared with that prescribed by the Amendments Incorporation Act, 1938, and His Honour, Mr. Justice Wolff, has stated that he would have no objection to a reprint under the Amendments Incorporation Act, 1938, rather than under the Statutes Compilation Act, 1950. There is already power under the 1938 Act, as well as under the Reprinting of Acts Authorisation Act, 1953, for the reprinting of statutes whenever the Minister for Justice thinks fit.

Now that the system of binding reprinted Acts is firmly established, it is undesirable to revert to the old practice of binding reprints or compilation with a sessional volume of the statutes, as would be necessary under the Statutes Compilation Act. In view of the foregoing points, I think the best thing to do is to repeal the section entirely. I move—

> That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—POLICE ACT AMENDMENT.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie) [5.50] in moving the second reading said: The main purpose of this Bill is to increase the penalties provided for wilful damage to property and also to birds, animals,

gardens, trees, etc., in places where they are maintained for zoological, botanical or acclimatisation purposes, or for public resort and recreation. These increased penalties are intended to act as a deterrent to the incidence of vandalism which has been the cause of grave concern to local government authorities and others for some years.

The average number of convictions for this type of offence over the past seven years is 170, added to which is the number of cases in which the culprits are undetected. Apart from the inconvenience and expense caused by the deeds of these vandals, there is the dangerous aspect created, for instance, by the repeated damage done to life-saving reels on our beaches, when ropes have been cut and removed, and other life-saving equipment interfered with.

On the aspect of wilful injury or destruction of animals, we also have the quite recent case of the killing and maiming of the quokkas at Rottnest Island. This act was the cause of considerable public outcry and is indicative of the public reaction to vandalism. Offences of wilfully, maliciously or wantonly destroying or injuring property—including vandalism—are dealt with in the Police Act and its amendments, and in the Criminal Code. Different penalties are provided for offences in relation to various kinds or values of property, and apparent anomalies occur.

The original Police Act, 1892, provided in Section 58, and still provides, that any person who wantonly breaks or injures any public property or the property of any public company or body is liable to a maximum penalty of £5, and the justices can order the offender to repair damage only to a total value of £50. Under Section 80, a person who wilfully, wantonly or maliciously damages any real or personal property whatsoever, either of a private or public nature, "not otherwise herein provided for" is liable to a penalty of £5, to pay reasonable compensation for the damage up to a limit of £10, or may be imprisoned for any term not exceeding two calendar months.

The Police Act Amendment Act, 1902, Section 10—now Section 58A of the Police Act—provides that whoever wilfully or wantonly does, or attempts to do, any act which may directly or indirectly damage, injure or destroy any beast, bird, reptile, fish or other living creature, or any garden, tree, shrub, plant or flower, or any other property in any place maintained and used as a garden for zoological, botanical or acclimatisation purposes or for public resort and recreation, is liable to a penalty of £10 or imprisonment for six months.

The Criminal Code of 1913 provides in Section 453 for a general penalty of two years' imprisonment for any person who wilfully and unlawfully destroys or damages any property, and a penalty of three years' imprisonment where the offence is committed by night. Punishment in special cases, as set out in Section 453, varies between three years and life imprisonment. Under Section 465 of the code, justices have power to deal summarily with a wilful damage indictment if the amount of the injury done does not exceed £50, and the accused admits his guilt. The justices then may impose a sentence of six months' imprisonment or a fine equal to the amount of the injury done, plus £25.

Thus, under the Police Act in its present form, if a person damages a tree or other property in a place maintained and used as a garden for public purposes, he is liable to a fine of £10 or to imprisonment for six months. If, however, he breaks or injures public property or the property of any public company or body, he is liable to a fine of only £5 and not to imprisonment. In any other case, he is liable under the Police Act to a fine of £5 or two months' imprisonment. The alternative to a prosecution under the Police Act is an indictment under the Criminal Code involving trial by jury and liability to a penalty of two years' imprisonment, or, if the offence is committed at night, a penalty of three years' imprisonment, with additional punishment in particular cases.

It is obvious therefore that the discrepancy is great between certain penalties under the Police Act and the penalties under the Criminal Code. Offences of malicious damage to property may be, and often are committed under circumstances where the penalties provided by the Police Act are quite inadequate and yet where a prosecution under the Criminal Code is not warranted. It seems that, over the last seven years, there have been 1,195 convictions for this offence under the Police Act, but none under the Criminal Code, and the inadequacy of some of the penalties imposed are now drawing protests.

The increasing of penalties for vandalism is dealt with in the amendments to Sections 58, 58A, 80, 97 and 107. The reason for the amendment to Section 84 is that when the Police Act was reprinted in March, 1953, pursuant to the provision of the Amendments Incorporation Act, 1931, the word "lawful" appeared instead of "unlawful" in the section. This was noticed immediately and the Government Printer was advised and he immediately placed in all copies of the Act distributed an erratum notice (vide p. 47 of reprinted Act). However, in view of Section 6 of the Amendments Incorporation Act, 1938, which reads—

> Any Act reprinted pursuant to this Act shall in all courts and by all tribunals, bodies and persons, be judicially noticed and deemed for all purposes to be an Act of the Parliament of Western Australia.

it is arguable that the erratum notice is not sufficient to put the matter in order. This amendment will therefore remove any doubts on this point.

It will be seen that with the exception of one amendment to correct what was obviously a misprint in the consolidated Act of 1953, the whole purpose of the Bill is to increase the penalties under the Police Act for vandalism. Most members will agree that penalties fixed in 1892, with a maximum of £10, are completely out of proportion today.

The necessity for a Bill to deal with this matter was first brought under my notice, as Minister for Police, by the Minister for Education who had been written to by the secretary of the Local Government Association. That body is greatly concerned because of the tremendous increase in vandalism and the inadequate penalties which are provided in the Police Act. It is true that under the Criminal Code, where cases would have to be tried by a judge and jury, the penalties are much heavier, but, as I have already pointed out, not one case of vandalism has been tried during the last seven years under the provisions of the Criminal Code.

I think all members will agree in principle that vandalism should be discouraged by very severe penalties. I want to say that the increased penalties are on a steep scale in most cases. I do not think the Government would be adamant with respect to the penalties proposed in the Bill, but if any members wish to move amendments in Committee, to deal with the penalties set out in the measure, I would like them to consider seriously their effect. The penalties we have provided are the maximum, so it would still be left to the discretion of the magistrate, dealing with these cases, to apply the maximum or only a portion of it. I think the maximum should be high, and discretionary power given to the magistrate. I have seen some examples of this wilful, wanton destruction—vandalism in its worst form. Where we can catch up with these people, the penalties should be much heavier than they have been in the past. My personal opinion is that the penalties in the Bill are not too high. I therefore commend the measure to the House and move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [6.1] in moving the second reading said: This is a small measure to amend the Warehousemen's Liens Act which was first placed on the statute book in 1952. The amendment which the Bill now seeks to enact has reference to the period of time after which the proprietor of a storage establishment may sell goods stored with him and for which no storage charges have been paid.

The Act at present provides that the proprietor of such an establishment cannot sell until the goods have been stored with him for 12 months without payment of storage charges. In practice, this has been found to be too long a period as, in some cases, the value of the goods does not equal the value of the storage charges remaining unpaid. This involves the warehouseman in a loss on the transaction. He also has to meet the cost of advertising the goods for sale.

Representations have been made to me by the West Australian Road Transport Association to have the time of twelve months reduced to six. The request does not seem unreasonable to me. The interest of anybody concerned is safeguarded as the Act compels the proprietor of a warehouse in which goods are stored to give notice before selling, and permits persons having an interest in the goods to apply to a local court to stop the sale. I move—

That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—INQUIRY AGENTS LICENSING.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [6.6] in moving the second reading said: This is a Bill that may require some consideration, but I think its provisions are just and will afford some protection to the public. In 1952 a select committee was appointed by the Legislative Council to investigate and report upon the activities of private inquiry agents and, if deemed advisable, to make recommendations for legislation in connection therewith. A report was subsequently submitted to the House and a motion agreed to that the recommendations of the select committee should be carried out.

In the course of its inquiries the committee found that South Australia has had such legislation in existence since 1945. Two main lines of inquiry were followed, viz—

(a) whether the occupation known as private inquiry agent was a necessary part of our social order; and

(b) whether legislation should be introduced to control this occupation.

The committee called a number of witnesses and, after careful consideration of the evidence, reached the unanimous conclusion that this occupation, or calling, is a necessary one. The services of private inquiry agents are required by a section of the public in many instances.

Although their activities are mainly devoted to matrimonial causes, there are other avenues in which their services are more or less essential. In many cases involving matrimonial misconduct, evidence can only be obtained by the employment of investigators and, when cases come before the court, such evidence has to be proved conclusively. With regard to the committee's second line of inquiry, the findings of the members led them to the conclusion that some measure of control was urgently necessary. Undesirable persons sometimes engage in the business. Exorbitant fees have been charged and, in many instances, people have been badly let down.

The recommendations made by the committee in connection with private inquiry agents have been embodied in the Bill now before the House. It provides for the licensing of persons who, for remuneration, undertake to obtain evidence for the purposes of divorce or married women's protection cases. An unlicensed person obtaining, or undertaking to obtain, evidence in expectation of gain, is liable to a penalty and is debarred from charging or recovering the remuneration.

Certain unlicensed persons, namely, members of the Police Force and the Public Service, legal or medical practitioners, are exempt while carrying out their duties as such. A licence in the first instance may be granted by a court of petty sessions to a person who has attained 21 years and who, in the opinion of the court, is of good character and is, in all other respects, considered to be a fit and proper person to be the holder of a licence, which will be granted for a maximum period of one year and will expire on the 30th June in any year.

A licence is not to be transferable. Where two or more persons are associated for the purpose of obtaining evidence for reward, each shall hold a licence. The Bill also provides for the renewal and cancellation of licences. A person who desires to obtain a licence must make application in the prescribed form to the clerk of the court of petty sessions in the district in which the applicant resides. The application shall be accompanied by at least three testimonials from reputable persons as to the good character of the applicant, and with the fee prescribed by regulation. Notice of the application shall be advertised in accordance with the regulations. An application for renewal is not required to be advertised or accompanied by testimonials.

Mr. Yates: Will people who are employed by inquiry agents have to apply?

The MINISTER FOR JUSTICE: They will have the right to make application. A time is appointed by the clerk of the court for the hearing of an application. Inquiries are made by the Commissioner of Police as to the fitness of an applicant to hold a licence. The commissioner, or any other person, may object to the granting of a licence or its renewal. A magistrate shall hear and determine applications under the provisions of the Justices Act. A provision is inserted authorising the Under Treasurer to keep an inquiry agents' register, which may be searched by any person on payment of the prescribed fee. The Bill allows for the rectification of any errors in applications without requiring an applicant to commence his application afresh. There is also a regulation-making clause.

I believe the Bill will be satisfactory to the public generally because in the past some persons have exploited the position they hold and have been exorbitant in their charges. A few inquiry agents have not enjoyed a good reputation which is required of those who engage in this type of work, and there is no doubt that such persons could do a good deal of damage. There could be agents who are merely "peeping around" and who are not justified in taking certain action to obtain evidence. The measure should make for a higher standard in the qualifications of private inquiry agents. I move—

> That the Bill be now read a second time.

On motion by Mr. Yates, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—REPRINTING OF REGULATIONS.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [7.30] in moving the second reading said: This Bill is framed to deal with the reprinting of delegated legislation, that is to say, regulations, by-laws and rules. In my explanation of the Bill only the word "regulations" will be used to save repeating the phrase every time. The Bill is similar in principle to the Reprinting of Acts Authorisation Act, which was passed by Parliament last year. As prepared, the measure will authorise the reprinting of regulations, rules and by-laws and allow for the incorporation of amendments in the reprints of amended regulations.

With regard to the reprint of regulations which are unamended but which are, or may become, out of print, it has been found on occasions that some departments and authorities have caused reprints to be made of regulations which they administer which were not accurate and had no official standing. If such reprints were produced in court, they would have no

force or effect. I think members will agree that this Bill is a desirable measure. I understand that South Australia has had such an authorising Act since 1937.

Where regulations have been amended piecemeal over a number of years, the inconvenience involved suggests itself. The convenience of having a reprint, and one of which a court could take judicial notice, is clearly manifest. Reprints will only be made on the authority of the "Minister", which expression is interpreted to mean either the Attorney General or Minister for Justice, and under the provisions of the Act.

Before the Government Printer can reprint regulations, the Minister shall supply him with a copy of the regulations to be reprinted, together with a certificate by the Minister to the effect that it is a correct copy of the regulations as amended to the date given in the certificate. The procedure leading up to this is for the head of the department administering the regulations to send to the Minister a copy of the amended regulations so that they may be examined by a practitioner of the Supreme Court employed in the Crown Law Department of the State. The Bill will ensure that the reprinted regulations are correct since the Minister will only give a certificate to the Government Printer, if he, in turn, has received certificates from the head of the department concerned and the legal practitioner employed in the Crown Law Department as to the correctness of the regulations.

There is a further safeguard in that the Minister must satisfy himself as to the correctness of the Printer's proof before final printing. Reprinted regulations shall be published in the "Government Gazette." As I said before, it is provided in the Bill that reprinted regulations are to be judicially noticed and shall be evidence in courts of law of the existence of the regulations and of their being in force, etc. This will be of considerable advantage. It will obviate the necessity of a solicitor on some occasions perhaps carrying as many as half-a-dozen volumes of the "Government Gazette" into court in order to prove certain regulations relevant to his case.

Members of the public and other persons frequently using regulations will also benefit. The Bill will enable corrections to be made in printing and spelling errors and permit of the regulations being renumbered so that regulations promulgated after the initial regulations can be given an appropriate number and position in the reprinted regulations. Other adjustments in this connection are provided for. The provisions in the Bill will apply only to regulations which, at the time of reprinting, are no longer subject to disallowance. There is no need for the reprinted regulations to be retabled, and they may be amended as required.

The Bill will be of considerable help because in the past, when regulations were out of print, they were reprinted haphazardly without any authorisation as to correctness. This aspect will be safeguarded in the Bill. Obvious amendments in regard to spelling and correct English will be ensured in the reprint. Of course, the substance of the regulations will not be altered in any way. In some instances this will probably be clarified, and will have judicial recognition before a court of law. In the past, had some of the regulations been challenged in court, they would not have stood up to the test. I move—

> That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville) [7.38] in moving the second reading said: Last year a workman engaged on the construction of a building, which had an asbestos roof, fell through and lost his life.

Following that fatality, it was decided to promulgate regulations to provide adequate safety measures to be taken by those engaged in building construction where the roof was of asbestos cement sheets or material of a brittle nature. It was found that the regulations could not be promulgated because no authority existed under the Scaffolding Act for such a course. The purpose of this Bill is, therefore, to provide authority by amending that Act, to make regulations under which adequate safety measures must be taken for the protection of workers engaged on the construction of buildings where the roofing material is of such a brittle nature that there is danger of the workmen falling through and being injured or killed.

This Bill has no other purpose than that. Similar authority exists in the New South Wales and Queensland scaffolding Acts. Thus, provisions of a like nature have already been put in practice and the department is well aware of how they work. The Bill will cause no hardship to any party but will furnish a very necessary safeguard. I move—

> That the Bill be now read a second time.

On motion by Hon. D. Brand, debate adjourned.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville) [7.40] in moving the second reading said: Act No. 48 of 1953 was passed for the purpose of amending the Public Works Act to provide that where land was taken, rights to mine for coal or other minerals should be vested in Her Majesty. Unfortunately, an error crept into the drafting, and the purpose of the Bill is to correct the mistake.

It was intended where land was taken by local authorities for public works, that the right to mine for coal or other minerals should revest in Her Majesty, in like manner to land taken by the Public Works Department. Unfortunately, instead of the words "those rights revest" appearing in Section 4F of the amendment, the words used were "the land revests."

Obviously it was not intended, having taken the land, that it should revest in Her Majesty. It was meant that if the land was taken, the rights to mine for coal or other minerals should not go with the land, but that they should revest in Her Majesty.

Hon. D. Brand: How was that discovered?

The **MINISTER FOR WORKS**: It was discovered after the Bill had been assented to on the 29th December. The Crown Law Department brought the matter up; certain local authorities must have noticed it in the first instance. It was subsequently brought under my notice that this was an obvious error; it did not make sense to provide that the land should revest in Her Majesty when it meant that those rights should revest. The words "the land revests" were used inadvertently. The amendment is designed to correct the error, and will bring the wording of Subsection (2) of the principal Act into line with Subsection (1) of Section 15, and in accordance with the original intention. I move—

> That the Bill be now read a second time.

On motion by Hon. D Brand, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [7.47] in moving the second reading said: I have been reminded that this is a medium Bill, which may mean quite a lot. By the introduction of this measure, women are to be admitted to serve on juries. I think we agree that women have as much right as men to serve on juries and quite a number of them think the same, but there are some women who are not desirous of serving. However, the measure provides for women who desire to serve.

New Zealand, Queensland and New South Wales provide for women on juries. In New Zealand, women between the ages of 25 and 60 who notify the sheriff in writing that they desire to serve are qualified and liable to serve on juries in the same manner as men. There is no property qualification for women. In Queensland, any female person between the ages of 21 and 60, who notifies in writing the principal electoral officer that she desires to serve as a juror, is qualified and liable to serve. A woman is required to be a householder and to be enrolled on the electoral roll. There is no property qualification for such enrolment.

In New South Wales a woman is required to be enrolled as an elector and there is no property qualification for such enrolment. Every woman who is entitled to be enrolled as an elector and who notifies the chief constable of the police district in which she resides that she is desirous of serving as a juror, is qualified and liable to serve. In England, every British subject, male or female, between the ages of 21 and 60, is qualified to serve and liable to serve if his or her name is included in the jurors' book.

Subject to certain qualifications, this Bill provides that any woman between the ages of 21 and 60 is qualified and liable to serve as a common juror in all civil and criminal proceedings within a radius of 36 miles from her residence. She must be of good fame and character and enrolled as an elector and entitled to vote for a member of the Legislative Assembly pursuant to the provisions of the Electoral Act. The opportunity is given to any woman qualified and liable to serve as a common juror to be relieved of the duties if she gives written notice to the sheriff to this effect. She shall thereupon cease to be so liable. The same disqualifications and exemptions apply to women as already exist with regard to men jurors.

Provision has also been made to admit of women serving as special jurors. An amendment has been inserted to extend the number of jurors that may be summoned from 40 to 50. It was thought advisable to do this to compensate for applications which may be made by women to be disqualified from service, or for those who are excluded on medical grounds, or on account of the nature of the evidence, or the issue to be tried. The summoning officer may use his discretion in the number he summons.

The section of the principal Act, which allows the summoning officer to omit from a panel any name in the jurors' book and excuse from attendance any person who has been summoned as a juror, is being repealed and a new section enacted in its place. The new section provides that, on production of satisfactory evidence, the names of persons may be omitted from the jurors' book, and any person summoned as a juror may be excused from a criminal trial by the summoning officer.

The proposed new section also states that a female juror shall be excused from attending as a juror at a criminal trial if, before being empanelled, she applies to be exempted from service by reason of the nature of the evidence to be given at the trial, or the issues to be tried, or on the ground that she is unfit, for medical reasons, to attend.

Hon. J. B. Sleeman: A woman can listen to the same evidence as a man. It is only mock-modesty to say that she cannot.

The MINISTER FOR JUSTICE: If a woman does not desire to serve, men are the stronger.

Hon. J. B. Sleeman: We are?

The Premier: We were.

The MINISTER FOR JUSTICE: I thought we still were; otherwise, we would have to go back to the jungle. As a result of the intention to admit women on juries, it is necessary to delete the definition of "juror", which applies only to male persons. Having women jurors will mean that the jurors' book will have to be amended and, in some court buildings, it may be necessary to make alterations in the way of toilets, etc., to accommodate mixed juries. In order to permit of the necessary alterations and arrangements being made, the Bill proposes that the particular sections I have been discussing shall apply only to such magisterial district, or part of a district, as the Governor may from time to time declare by proclamation. It may even transpire that some districts never have women on juries. Power is provided for such proclamation to be revoked, varied or amended.

I now pass to another amendment which is desirable. The section to which I refer concerns the session held for the fixing of the jury list for a district. The principal Act states that the justices of the peace of such district shall hear all objections to the said list. Members will agree that it is not always possible for justices in some of the remote parts of the State to get together on a set day, so the Bill contains a provision to the effect that at least two justices shall suffice at such a time. This applies to my district as well as to many others; it is not always possible to get the justices, and two should suffice.

The principal Act is lacking also in the fact that there is no provision for a magistrate to adjourn a special session, the hearing of which is rigidly fixed for the Tuesday of the third week in the month of January in every year. Circumstances could, and presumably do, arise that necessitate the postponement of such a session. It is therefore proposed to insert a paragraph to permit the magistrate of a district to adjourn, on reasonable cause, the holding of a special session for any period up to but not exceeding 14 days from the date appointed.

The provision for women jurors is long overdue. Women serve on most juries throughout the world. There are a few exceptions, but in nearly every State of the Commonwealth provision is made for women jurors. In England, service by women has been compulsory for a long time and, with very few exceptions, they are placed on the same footing as men. I feel that this measure will enable us to catch up some of the leeway by permitting women desirous of serving on juries to do so, while those who do not desire the privilege may, by making application, be struck off the roll forthwith. I cannot see how anybody can find fault with that provision. If a woman juror wishes to remain on the roll but is not desirous of serving on a certain criminal case, she may withdraw from that jury, provided she has not been empanelled. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—STAMP ACT AMENDMENT.

Second Reading.

THE TREASURER (Hon. A. R. G. Hawke—Northam) [7.59] in moving the second reading said: This Bill proposes to delete Sections 102 and 103 from the principal Act, and to make a consequential deletion from the Second Schedule. The sections to which I have referred provide that stamp duty must be charged upon the admission of practitioners of the Supreme Court. The amount of stamp duty one has to pay is £10. It is thought that when a law student has been able to succeed in passing the necessary legal examinations, after much study, and has become qualified to be admitted as a practitioner of the Supreme Court, the occasion should be one for rejoicing and congratulation, and that such rejoicing and congratulation should not be made harsh by the imposition of the £10 stamp fee.

Hon. A. V. R. Abbott: They are a very ill-paid class of workers.

The TREASURER: Whether that be so or not is a question which I would not care to argue because if it be true, and they are poorly paid, it could be an argument as to why their employers should pay them decently.

Hon. J. B. Sleeman: That is what they should do.

The TREASURER: They certainly should. However, I would prefer to argue in favour of the Bill upon the ground that these particular individuals are the only ones in this State who are penalised in this way. There are many other groups of students who have to study to enter other professions in the same way as these young students, but not one of those who

enter the other professions is penalised in the same way as these people are when they have completed their studies and passed their examinations. Therefore, in point of pure merit, there is no real justification for penalising these successful law students.

Representations have been made to the Government from a number of directions and after having given the matter careful consideration the Government has agreed that the penalty—because it is indeed a penalty—is not justified. Therefore this Bill has been introduced to abolish the penalty. By administrative act the Government has, this year, forgone the collection of the stamp duty which would have been collected from the batch of legal students who were, this year or towards the end of last year, admitted as legal practitioners of the Supreme Court in this State. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

House adjourned at 8.3 p.m.

Legislative Council

Wednesday, 21st July, 1954.

CONTENTS.

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

QUESTIONS.

TOWN PLANNING.

As to Professor Stephenson's Fees, Privileges, and Plan.

Hon. H. HEARN asked the Chief Secretary:

(1) What fee was paid to Professor Stephenson for his work on—

(a) his first visit to Western Australia; and

(b) the second period?

(2) What privileges were extended to him, such as motorcars, cost-of-living allowance, etc.?

(3) What fee is to be paid to him for the suggested extended term of one month or any other period decided upon?

(4) When is it expected that the plan will be submitted to Parliament?

(5) Will any public discussion of this plan be allowed anywhere in Australia before it is submitted to Parliament?

The CHIEF SECRETARY replied:

(1) (a) £1,575 for the first period of three months.

(b) £3,159 for the second period of six months.

These fees and other privileges were fixed in 1952 by the then Government.

(2) A motor-vehicle has been made available. A cost-of-living allowance of £3 3s. daily is being paid. The professor's travel expenses to and from Australia of £1,538 have been paid.

(3) This will be based on that already paid.

(4) I expect to receive the plan about October, 1954.

(5) No.

ROADS.

As to Sealing Southern Cross-Bullfinch-rd.

Hon. G. BENNETTS asked the Chief Secretary:

In view of the fact that a gang is now employed in sealing nine miles of the Southern Cross-Bullfinch-rd., will the Government consider the allocation of a further grant to complete the sealing of the final 13 miles of this road, thus avoiding the heavy cost of transferring the gang and plant away and subsequently having to bring them back to complete the work?

The CHIEF SECRETARY replied:

Funds have been provided on the current programme to complete 10 miles of this road to the sealed stage. The remaining twelve miles are not sufficiently developed to enable the seal work to be extended.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. HEARN (Metropolitan) [4.37]: I have listened with a deal of interest to the speeches made on the second reading of the Bill, and also to those made during the debate on the amendment proposed by Mr. Watson. In the period that I have been connected with this House, I have not heard such a diversity of speechmaking as I have listened to on this measure. We have heard constructive and objective speeches from both sides of the House, and I was particularly impressed with the speeches by Mr. Teahan, Mr. Heenan and