said, but I thank him for his interjection. The blood donors, too, give wonderful service to the community, and I say "Thank you" to them also.

Debate adjourned, on motion by Mr. Norton.

House adjourned at 8.48 p.m.

Legislative Council

Thursday, the 16th September, 1965

CONTENTS

	Page
ASSENT TO BILLS	885
BILLS—	
Albany Harbour Board Act Amendment Bill—Assent	885
Architects Act Amendment Bill—2r.	885
Audit Act Amendment Bill—2r.	879
Bread Act Amendment Bill—Com.	880
Bunbury Harbour Board Act Amendment Bill—Assent	885
Debtors Act Amendment Bill—Assent	885
Health Act Amendment Bill—Assent	885
Housing Loan Guarantee Act Amendment Bill—2r.	877
Jetties Act Amendment Bill—2r.	878
Local Government Act Amendment Bill—Receipt; 1r.	877
Marketing of Eggs Act Amendment Bill—3r.	876
Marketing of Onions Act Amendment Bill—Receipt; 1r.	877
Mental Health Act Amendment Bill—2r.	876
Metropolitan Region Town Planning Scheme Act Amendment Bill—Assent	885
Mines Regulation Act Amendment Bill—Assent	885
Petroleum Products Subsidy Bill—Assent	885
Plant Diseases Act Amendment Bill—2r.	880
Spear-guns Control Act Amendment Bill—Assent	885
Stipendiary Magistrates Act Amendment Bill—Assent	885
Western Australian Marine Act Amendment Bill—	
2r.	882
Com.	884
Report	885
QUESTIONS ON NOTICE—	
Education—	
Carnarvon High School: Upgrading to Five-year Status	876
Five-year High School in the North: Provision	876
Handicapped Children—	
Teachers: Overseas Training	875
Teaching Facilities: Availability	875
Housing—	
Housing for Natives: Designs	876
Housing in Country Areas—Local Authority Finance: Use for Building Programmes	875

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (8): ON NOTICE

HANDICAPPED CHILDREN

Teaching Facilities: Availability

1. The Hon. R. F. HUTCHISON asked the Minister for Mines:

   Further to my question on Wednesday, the 8th September, 1965, regarding specialist teachers for handicapped children—

   (1) What facilities are available for the communication-handicapped children, i.e. cerebral palsied, aphasic, autistic and deaf?

   Teachers: Overseas Training

   (2) As the teacher referred to has 10 months to serve overseas, does the Minister think that only three months' leave with full pay is either reasonable or fair?

   The Hon. A. F. GRIFFITH replied:

   (1) There are no facilities in this State designed specifically for the education of the autistic or of the aphasic. In children who are communication-handicapped there are nearly always other factors operative and early diagnosis is most difficult.

   Some provision has been made at:

   (a) The Deaf School where the disability appears to be associated with a hearing loss.

   (b) Sir James Mitchell Spastic Centre where cerebral palsy is apparent; or

   (c) Some occupation centres.

   (2) Yes.

HOUSING IN COUNTRY AREAS

Local Authority Finance: Use for Building Programmes

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

   For the express purpose of overcoming housing shortages in country towns, do shire and town councils have authority to—

   (a) borrow money; or

   (b) use their own finance;

   to institute home-building programmes for residents in their districts for rental and purchase similar to other approved housing schemes?

   The Hon. L. A. LOGAN replied:

   (a) Yes.

   (b) No.

   In other words, they can use loan funds, but not revenue, for building houses.

3. and 4. *These questions were postponed.*

HOUSING FOR NATIVES

Designs

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

(1) When a building is designed for the use of natives, can the Minister advise who designs it?

(2) Is it left solely to the architect, or is he advised by the department?

The Hon. A. F. GRIFFITH replied:

(1) and (2) All houses erected for natives are designed by the State Housing Commission in consultation with the Native Welfare Department.

6. *This question was postponed.*

FIVE-YEAR HIGH SCHOOL IN THE NORTH

Provision

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

Does he not consider that with the rapid growth of the north, and the estimated increase in the population, preparation should be instituted immediately for the establishment of a five-year high school?

The Hon. A. F. GRIFFITH replied:

There is no justification for the immediate establishment of a senior high school in the north. The department keeps a careful watch on all high schools that are likely to warrant the establishment of fourth-year and fifth-year classes, and the needs of the north will be considered amongst all other claims.

CARNARVON HIGH SCHOOL

Upgrading to Five-year Status

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

Whilst acknowledging the proposed alterations to the schools in Carnarvon, can the Minister advise if and when Carnarvon will have (or be upgraded to) a five-year high school?

The Hon. A. F. GRIFFITH replied:

The upgrading will depend on a sufficient number of prospective post-junior students. It is not possible to forecast when this situation will arise.

MARKETING OF EGGS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. A. R. Jones, and passed.

MENTAL HEALTH ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.42 p.m.]: I move—

That the Bill be now read a second time.

This is a small but important Bill designed to improve the existing legislation dealing with the care and treatment of the mentally afflicted people in our community. It will be recalled that a Mental Health Act, to replace the outmoded Lunacy Act of 1903, was passed in 1962, and that it made provision for a new concept of treatment.

It recognised that the relevant ailments needed a new approach to remove the stigma that had always been attached to them. Its big aim was the encouragement of early treatment, as being of the greatest assistance to cure. The manner in which it sought to do this was by making provision for ordinary and realistic hospital procedures for the treatment of this kind of complaint, whatever its category might be. It abolished certification and the necessity for the intervention, except in extreme cases, of legal processes. These were the result of new thinking in the United Kingdom and elsewhere, and the legislation was extremely novel, and even revolutionary in its concept.

The bringing into operation of the Act has been necessarily delayed because of the need to provide for rather lengthy and important regulations. In Victoria, it has taken four years to bring into effect similar type of legislation; and Dr. Cunningham Dax, who is in charge of the mental services in that State, is recognised as a world-renowned authority. Moreover, a new director has been appointed in this State, and he needed time in which to acquaint himself with circumstances and the needs of his services. It was considered inadvisable to impose a cut and dried, and at the same time novel, structure on a new professional head.

Members will recollect that, although some changes were made to the Act last year, these, for the most part, made better provision for the management of the estates of incapable persons, and for other basic matters about which there has been some rethinking and concerning which I am submitting some amendments.

Basically, mental disorder falls into several categories; but it appears that the Act does not give sufficient emphasis to the difference between them or make adequate provision for the difference in their treatment.

For example, it is most important that mental defectives, as a class, receive a completely different type of treatment from those who are now called "mentally ill" and previously known as "insane." The

major approach to mental defectives is now by way of training, and it is important that a person in need of this training should not be classed with others who require a different approach to their problem. The measure to be considered now draws this distinction very sharply and will prohibit the placing of persons, other than mental defectives, in training centres. The others will be cared for in centres best suited for their particular problem.

The original Act lumped all mental disorders under the one heading and did not attempt to draw what are regarded as very necessary distinctions between them. I would refer members to the original definition, which read—

> "mental disorder" means any mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind, however acquired; and includes alcohol and drug addiction and mental infirmity due to old age or physical disease; and "nervous disorder" has the same meaning.

This was to some extent broken down by last year's Bill, but that measure did not emphasise the difference in treatments. The Bill now being presented clears up these points. It provides new definitions. By a new interpretation of "approved hospital", it will be clear that these institutions are such that a person may be detained in them, and that the expression has no other significance. It provides for the continuance of reception homes for the reception, assessment, and early treatment of patients.

Heathcote is such an institution; but, as the original Act read, its character appeared to be changing. It is most important that this should not be the case, for, far from abolishing reception homes, the intention is to extend this facility. It is a vital one if these complaints are to be caught at an early stage as that, after all, as I have said, is one of the primary concepts in this legislation. The major amendments of the Bill are devoted to this end.

At the same time, and consistent with the ideas I have mentioned, section 19 of the Act is to be re-enacted to extend the classification of the various types of institutions that can be established under the Act. The section makes better provision for the removal of persons from hospitals to hostels. In this context a hostel is part and parcel of the complete institution. Obviously I do not mean that patients could go to an ordinary hostel, as it is commonly recognised, as opposed to a hotel. Thus, even the mentally ill who have made sufficient progress will be able to be discharged from a mental hospital to a hostel, where they will enjoy a different atmosphere and environment. I would stress that the emphasis is now on removing persons from hospitals and from restraint to new surroundings more conducive to their progress and rehabilitation.

This summarises the major purposes of the amendments sought to be made. There is one of a minor nature, required by The Honourable The Chief Justice, to facilitate a change of managers of estates of incapable persons where, for example, a manager has left the jurisdiction and is no longer under the control of the court.

It is only necessary to add that all the requisite rules and regulations have now been completed by the department and it will, at last, be possible to bring this new law into operation as soon as the measure now introduced has received assent. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee.

BILLS (2): RECEIPT AND FIRST READING

1. Local Government Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee, read a first time.

2. Marketing of Onions Act Amendment Bill.

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

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan) [2.53 p.m.]: I move—

> That the Bill be now read a second time.

Under the provisions of the Housing Loan Gurantee Act, the percentage of the value to be guaranteed is governed by the aggregate value of the house and land. Owing to the inclusion of the value of the land in the aggregate figure, the financing of the purchase of moderately priced houses with guaranteed loans cannot now be assisted to the extent originally intended. This is because of the rising land values.

Neither can the purchaser of the better type of home be financed with guaranteed loans, because the higher land value increases the aggregate value of the house and land to an amount beyond the maximum permitted under the Act.

A guaranteed loan up to 95 per cent. of the value of a new house may be made under the Act where the value does not exceed £3,000. The value of a new house, as defined, includes the value of the land as previously mentioned. So it will readily be appreciated that when the land value is deducted from this amount of £3,000, the balance remaining could be insufficient to finance the construction of a house.

Similar conditions apply, of course, in regard to higher priced homes, with the result that the aggregate value of house and land can render the Act ineffective in many cases. A house costing £4,500 being built on land valued at £1,500 could be financed by a guaranteed loan of up to 80 per cent. of the total; namely, £4,800. Were the land to be valued, however, at £1,600, a loan could not be guaranteed at all, as the aggregate value would then be £6,100 as against the limit of £6,000 imposed under the Act.

With a view to disposing of this disability, it is proposed in the amending Bill that in future the value to be taken into account for determining eligibility for a guaranteed loan will be the value of the house only. So, by applying these proposals to the example last quoted, a purchaser or owner could be assisted with a guaranteed loan to the same maximum as provided in the Act at present—that is, £4,800—should the house to be constructed not exceed in value £5,000. A similar principle is to be applied in the other categories under which loans may be guaranteed.

It is possible that at some future date there may be a need to attract funds for the purchase of previously occupied houses in order to avoid the building industry becoming overcommitted, with a consequent tendency towards inflation of prices.

In order to cope with such eventuality, it is proposed that where the Treasurer, on the recommendation of the Minister, becomes aware that sufficient funds are available to finance adequately new homes, he may declare that during a specified period a stated proportion of guaranteed funds may be utilised for the purchase of other than new homes.

It is emphasised that before such declaration could be considered justified, careful examination of the position would be necessary to ensure that funds were available to finance all new homes required. This step would be necessary also to ensure that the releasing of guaranteed funds for the purchase of existing homes would not have any adverse effect on the building industry. Needless to say, the release of funds for the purchase of other than new homes could be undertaken only when the finance available was more than adequate to meet the demand for new houses.

Finally, there is an amendment inserted in the Bill with a view to clarifying a present doubt as to whether, on the sale of a house purchased with guaranteed funds, the guarantee or indemnity can continue with the new purchaser.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

JETTIES ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.58 p.m.]: I move—

That the Bill be now read a second time.

The conditions under which a license to build a jetty may be granted are required under the provisions of the Jetties Act to be in accordance with the requirements of regulations made under that Act. These provisions have worked quite satisfactorily up to recent times, quite probably due to the fact that such jetties as have been required from time to time have been constructed in accordance with long-established customs to meet every-day requirements.

These days the construction of jetties is becoming a more frequent requirement to meet the needs of great new industries and mining undertakings requiring modern outport facilities. There have been advances in engineering techniques with a result that specifications contain terms and conditions outside the scope of existing regulations. Therefore, if particular conditions necessary for the construction of a jetty at a certain location are not in line with those already provided in the regulations, a new regulation would need to be drawn up in each specific case.

It will be appreciated that considerable difficulty would be encountered were it attempted to prescribe conditions in advance, taking into consideration the rapid progress being made in present-day engineering approaches to structural problems.

It would not be feasible to foresee or be able to envisage all conditions which may be required from time to time now and in the future, and the purpose of this Bill, therefore, is to enable the Minister in charge of the department to issue licenses to build jetties upon such terms and conditions as he considers fit for any particular type of jetty.

The time factor is another important consideration, for it has been found that when a license is requested, it can be required somewhat urgently and certainly without undue waste of time. It is submitted to members it would be impracticable and cumbersome to commence drawing up regulations after a request for a license had been made.

With a view to overcoming these problems, then, the Bill sets out to provide that the Minister in charge of the Harbour and Light Department may prescribe the conditions under which any license is issued. The granting of permits may then be carried out more expeditiously than the provisions of the Act presently allow.

An example of where a permit would be required for a jetty is when considering an application by Australian Iron and Steel

Ltd. to construct a wharf at Koolan Island. Another example would be an application from a company conducting whaling operations.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

AUDIT ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.2 p.m.]: I move—

That the Bill be now read second time.

The purpose of this measure is to amend certain outmoded definitions in the Audit Act, which has been in operation for over 60 years, and to clarify the provisions relating to the office of Auditor-General. The Bill would establish a recognised surcharge procedure and provide a clear legal basis for the charging of audit fees and the making of regulations to ensure the proper care and custody of stores and other property. The title "Accounting Officer" would be substituted for "Public Accountant." A more appropriate definition of the title "The Treasurer" is included.

It is proposed in relation to the office of Auditor-General that the Governor be empowered to grant a limited extension of the term of appointment in special circumstances and also to provide for the appointment of some person to act as Deputy Auditor-General, who would automatically act during the absence of the Auditor-General.

The Auditor-General would also, under the provisions of this measure, be designated a permanent head, as he is required to exercise the relevant powers and functions for the purposes of the Public Service Act. Other proposals clarify and simplify the procedure of salary determination and extend the authorised period of absence from duty to meet changed annual leave conditions.

The Act at present provides that all votes appropriated for any year, and not fully expended at the close of that financial year, shall lapse. It is proposed in the Bill to modify this requirement by authorising the Treasurer to set aside for future payment any unexpended portion of a vote which is represented by a relevant accrued unpaid commitment. This principle is already established in the Audit Acts of several other States.

It is proposed further to ease the present rigid surcharge requirements by allowing the Auditor-General discretionary power to accept suitable remedial action without recourse to surcharge. The Act in its present form requires the Auditor-General to surcharge any officer who, in his opinion, is responsible through negligence, fraud, mistake, default, error, or omission for any deficiency, loss or unauthorised payment, or who has in any respect failed to comply with the law relating to the receipt and disbursement of public moneys.

In most cases procedural errors and omissions are promptly rectified on reference to the department concerned; and defalcations and losses occasioned by criminal act are dealt with by normal process of law. The raising of surcharges in these circumstances serves no useful purpose and it is proposed to give the Auditor-General discretionary power to dispense with surcharge, unless, in his opinion, there is no other satisfactory means of protecting the State finances.

The surcharge procedure is also to be standardised and clarified. The Auditor-General is required to audit the accounts of all Government departments and a wide range of semi-governmental and statutory bodies. Departments and concerns which operate directly on the Consolidated Revenue Fund are not charged for audit, but it is the practice to assess and recover nominal fees for a number of other audits.

The Auditor-General has no clear legal power to charge for audit service except where specifically authorised by a relevant Act. It is proposed, then, with a view to resolving any doubt in this regard to confer on the Auditor-General the right, subject to any statutory requirement, to charge a reasonable fee for the audits of other than departmental accounts.

The Hon. F. J. S. Wise: How wide would that power be? Would it apply to subdepartments of Government institutions?

The Hon. A. F. GRIFFITH: I could not clarify that point at this stage. However, I will pursue the point and advise the honourable member later. All audit fees recovered are to be credited to the Consolidated Revenue Fund.

Apart from some minor procedural and consequential amendments, the only other proposal is to provide specific regulation-making power in relation to plant, equipment, and stores. Some provision is essential in the Treasury regulations, with the proposed introduction of separate Tender Board legislation, to ensure the effective control and custody of stores, etc., held by departments. The Bill contains specific authority for the making of appropriate regulations in that direction.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [3.8 p.m.]: I move—

That the Bill be now read a second time.

The owner or occupier of land on which one or more fruit trees are growing is required under the Plant Diseases Act to register the land as an orchard by payment of a fee to the Department of Agriculture annually. Reregistration is due on the 1st July in each year with a period of a month being allowed from that date during which registration may be effected.

Breaches of the Act in this respect are so widespread that nearly 600 prosecutions are taken out each year against persons who have failed to reregister. Yet it is not usual to take action to prosecute for failure to register until default has continued for at least 12 months. Fines for failure to register vary with circumstances in amounts from £1 and costs to as high as £5 and costs—the latter in exceptional cases only.

The public is particularly disadvantaged in the matter of costs for they often exceed the fine, the average being in the vicinity of £2 14s. It will be appreciated that such a large number of prosecutions entails a heavy demand on the time of officers of the department. There is the cost of preparing the cases for legal action and the overheads entailed in officers requiring to attend court as witnesses. It is estimated it takes from two to three hours to prepare each complaint, and attendance at court can involve half of a working day. Therefore, the aggregate cost to the department each year is considerable and, indeed, far in excess of the revenue obtained from the fines imposed.

It is considered also that, in the matter of public relations, the Department of Agriculture suffers quite unnecessarily through the embarrassment caused by the serving of summons, court appearances by offenders, and the charging of the court costs previously referred to. Both the public and the department are unnecessarily inconvenienced and embarrassed, and the purpose of this Bill is to simplify the procedure by providing a means by which a person who has failed to attend to his orchard reregistration may be given the opportunity of paying a nominal fee of 10s., thus avoiding court proceedings.

Greater facilities to reregister are to be made available by a proposed extension of time to two months during which registration may be effected. In the event of failure to register during this period, it is proposed that the Director of Agriculture shall have served on the orchard owner or occupier a notice indicating that by failure to register, an offence has been committed.

It is proposed that a warning should accompany the notice, and this warning would be along the lines that should the orchard be not registered within 21 days of the service of the notice, together with the payment of the 10s. penalty, action to prosecute will be taken in the court of petty sessions.

It is submitted to members that the proposed procedure has much to recommend it by way of benefit to the general public and to the Crown. Much embarrassment will be avoided, late registrations will be effected at a considerably reduced cost to offenders and a considerable reduction in the administrative costs of the Department of Agriculture. The time of the Crown Law Department and the courts in handling these matters will be reduced substantially through the probable reduction by many hundreds of the number of prosecutions required to be handled each year.

It will be noticed that the Bill contains a clause repealing section 41. This section deals with the publication, effect, and disallowance of regulations—matters which are already covered adequately through the provisions of section 36 of the Interpretation Act. It is therefore no longer necessary to retain this provision in individual Acts and opportunity is taken to dispose of section 41 from the Plant Diseases Act.

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

BREAD ACT AMENDMENT BILL

In Committee, etc.

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

Clauses 1 to 3 put and passed.

Clause 4: Section 5 amended—

The Hon. J. DOLAN: I have a number of amendments on the notice paper, and the first one refers to paragraph (b). For the information of members, I have with me a small loaf of Vienna bread and there are three markings or incisions on it which can be plainly seen. On some loaves of Vienna bread there are four incisions, but it is proposed, by this Bill, that each loaf of Vienna bread shall be marked with not less than three and not more than four incisions.

I was debating a couple of amendments with the Minister for Local Government a couple of weeks ago, and he suggested that wherever possible brevity should be introduced into the verbiage of a Bill. In this instance the verbiage "not less than three and not more than four" did not sound too good to me. In other words, if one wished to talk about the number 11" one would not say that it was a

whole number between 10 and 12; one would say straight out that it was number 11. There may be some reason for the verbiage but I am afraid I cannot see it, and so, in this regard, I move an amendment—

Page 2, lines 22 and 23—Delete all words after the word "not" first appearing, down to and including the word "than" and substitute the words "three or".

The Hon. G. C. MacKINNON: I think it is as well to explain to members that the cuts on a Vienna loaf serve a purpose inasmuch as they let the bread open. I think we should leave a little flexibility in the Bill so that if one baker wants to use four incisions and another three they should be able to do so.

The Hon. F. J. S. Wise: The amendment will still allow that.

The Hon. J. Dolan: I am not stopping that.

The Hon. G. C. MacKINNON: Yes, I see. However, I think the Bill could be left as it is, and the draftsman's attention will be drawn to the matter by the debate that has taken place. It is not a matter that one could get into a tizzy about, and I really do not mind a great deal whether we leave the words in or take them out.

Amendment put and passed.

The Hon. J. DOLAN: Proposed new paragraph (c) has worried me a little so I sought information about the procedure of bakers in Western Australia, and I would again draw members' attention to the loaf of bread in my hand. They can see how it is baked, and the only way bakers in Western Australia bake it is by putting it on the floor of the oven or on a tray, in much the same way as one makes scones. As this is the procedure which is always adopted in Western Australia, I cannot see any point in including in the Act a special paragraph insisting that they do this, and stating that Vienna bread shall not be baked in a tin. Bakers in Western Australia do not bake their Vienna bread in tins; they never have, and as far as I know they have no intention of ever doing so.

However, I believe that in other States, because of certain processes, they do bake in tins; and they make an awful mess of it, because the bread finishes up with the inside a mass of dough. In my view, the paragraph is not warranted. The slipper tray is a small tray used in mechanical baking to facilitate the loaves going through the baking process. However, I think the paragraph is unnecessary and would not serve any useful purpose. Therefore, I move an amendment—

Page 2, lines 25 to 28—Delete proposed new paragraph (c).

The Hon. G. C. MacKINNON: On this amendment I have some very definite views. I have with me a slipper tray, and members can see what it is. As Mr. Dolan says, this is used in mechanical baking when travelling ovens are used. There are different types, and the trays are placed on an endless belt which revolves around the oven. After a certain number of circuits, depending on the cooking requirements, the trays are removed through the doorway of the oven.

All the arguments put forward by Mr. Dolan are perfectly valid, with one difference; that it is often essential to include in order to exclude. The mere fact of including this paragraph saying the bread shall be cooked on a plate, or on a slipper tray, automatically means it shall not be cooked in any other way.

It is inherent in the making of Vienna bread to cook it in either of these ways in order to maintain the special crust formation, the flavour, and the other characteristics which one seeks in Vienna bread. If we accept the amendment it would mean a Vienna loaf mixture could be used, and it would be legally possible to cook it in a tin, and also legally possible to sell it as Vienna bread.

It would not, however, have the traditional and usual characteristics of Vienna bread. It would be a different loaf, which should be called by a different name. I do not mind if someone desires to use a Vienna mixture and cook it in a tin and sell it as Trieste bread or Widgiemooltha bread.

The Hon. H. K. Watson: What about a MacKinnon loaf?

The Hon. G. C. MacKINNON: I have my loaf. In view of the traditional characteristics required of Vienna bread, it is necessary to specify that it will be on the floor of the oven like a bun-type of loaf or, at most, on a slipper tray. I hope the honourable member will not persist with his amendment.

The Hon. J. DOLAN: I thank the Minister for his explanation, which satisfies me.

Amendment put and negatived.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Section 14 amended—

The Hon. J. DOLAN: I notice that the bakers in a district are to be notified when variations are made, and the chief inspector is also to be notified. I can understand the chief inspector being notified because otherwise he may instruct one of his inspectors to go around and pull the bakers into line without knowing that an alteration had been made. It is not unreasonable to expect that the industrial union of bakers should also receive notification of any alteration. There has never been any serious industrial trouble in this union, nor is there likely to be.

This harmony has been maintained because of close co-operation between all parties concerned. In a Bill of this nature

it would be wise and harmonious to accord these people the same privilege that is accorded to the chief inspector and the employers. I move an amendment—

> Page 4, line 6—Insert after the word "may" the words "after consultation with the industrial union of workers operating in such district or place".

The Hon. G. C. MacKINNON: After discussion I hope the honourable member will not persist with his amendment. These provisions represent those which apply to the metropolitan area in section 14 of the principal Act. That is how they appear in the principal Act. Section 14 is applicable to country operations, and because of the country bakers it is deemed advisable to extend to the Minister the same facility as exists in the metropolitan area to adjust hours.

There are two good reasons why we should not agree to the amendment. There are a number of towns—indeed whole districts, of which I understand Southern Cross is one—in which there are no employees in the baking industry. The bakers are all self-employed.

The Hon. L. A. Logan: Northampton is one.

The Hon. G. C. MacKINNON: There are many such places. Even were this sort of negotiation specified in the city there would not be the same necessity for it in the country. I know of no bakeries in country areas in which the master baker does not work within the shop; and he literally talks over most things with his employees. They would be fully conversant with the position.

There is the difficulty of getting a particular representative of the union in the area, although this could be overcome by organisation. I think all members who know the baking situation would agree that this would be a needless inclusion in the light of the situation of the baking trade. For that reason I hope the honourable member will not persist with his amendment.

Amendment put and negatived.

Clause put and passed.

Clause 7 put and passed.

Title put and passed.

Bill reported with an amendment.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 7th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

> That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.30 p.m.]: When we were last dealing with this Bill I sought the adjournment of the debate in order to have an opportunity to seek information to reply to many of the points raised by the members who spoke to the measure. I think you will agree, Sir, the title of the Bill—an Act to amend the Western Australian Marine Act—because of its breadth, gave great scope for discussion in the second reading stage and it was natural for members to cover many of the phases and facets of the Royal Commissioner's report. I did not take exception to this; but there was a tendency to go beyond the clauses in the Bill and you, Sir, permitted this to take place. I repeat: I have no fault to find with that situation, but I merely explain the circumstance.

It should be pointed out that part VIII of the Western Australian Marine Act carries the heading "Boat Licensing" and is divided into two divisions. Division 1 deals with hire boats and fishing, pearling, and whaling boats; while division 2 deals with private pleasure boats. Division 1 comprises sections 183 to 204; and it is in this division that the Bill proposes to insert new sections 195, 196, and 197A. It is apparent, therefore, the provisions contained in these new sections which are being inserted into the Act apply in respect of all types of vessels covered by division 1 only, and not by division 2.

In section 183 a vessel is defined as being any vessel which is of the same or a different kind as or from those enumerated, and which is not the subject of enactment under any other part of the Act or division 2 of part VIII of the Act; and (a) which is used for plying for hire or held or let for hire or reward; or (b) the use of which is permitted in connection with any premises which are held or let for use or occupation in consideration of money or money's worth.

The definition also includes vessels licensed or required to be licensed under the Pearling Act, 1912, the Whaling Act, 1937, the Fisheries Act, 1905, and the Fremantle Harbour Trust Act, 1902.

In view of the foregoing, it will be apparent to members that the powers now being reposed in the Harbour and Light Department, under the provisions of this Bill, are restricted to those types of vessels covered by division 1 of part VIII of the Act, as previously described.

The main point upon which Mr. Strickland addressed the House was in regard to pleasure craft. This, I submit with respect, was not in relation to any part of the Bill. However, he did this in order to draw comparisons and conclusions. I am prompted to say in respect of pleasure craft, as the honourable member himself said, that they are registered by the yacht

clubs; and this was not one of the principal problems brought forward at the time. The problem Mr. Strickland related to us was in regard to a catamaran being able to travel at a fast rate; and he wanted to know why this class of boat should not be registered.

When previous amendments were introduced, the problem, as I understand it, was that some power boats were becoming a danger to the safety of the public. I refer to the activities of these boats diving in and out of surfing areas; towing skiers; their general ability to speed; their mobility and power; and the disadvantage in not being able to press an owner to the point of prosecution when he offended against the public interest in doing the things that I have mentioned. The idea was to register these power craft and make them carry a number so they could be identified; and this is being done. Pleasure craft registered by the yacht clubs were not the cause of the trouble.

The main point which members who spoke seem to have overlooked is that practically all of the recommendations made by the Royal Commissioner can be implemented by regulation made under the Western Australian Marine Act; and the legislative proposals suggested in the report have, in the main, been given effect to under these regulations. Those that have not been given effect to are still being considered. Two of the recommendations of the Royal Commissioner are put forward in this Bill.

Remarks made during the debate extended considerably into the field of fisheries.

The Hon. R. Thompson: They should have, too.

The Hon. A. F. GRIFFITH: In speaking to this Bill they should not, because its clauses do not deal with fisheries.

The Hon. R. Thompson: You are dealing with the safety of men who man boats and who earn their living from the sea by fishing.

The Hon. A. F. GRIFFITH: I agree; and the honourable member was given license on this occasion to behave accordingly. However, the three clauses in the Bill do not deal with the point made by the honourable member; but, as I said earlier, I did not mind.

The Hon. F. J. S. Wise: Why cavil about it!

The Hon. A. F. GRIFFITH: I am not. I wish to explain some of the things in the Royal Commissioner's report.

The Hon. R. Thompson: I was stopped from doing that.

The Hon. F. J. S. Wise: The honourable member was stopped from quoting the report.

The Hon. A. F. GRIFFITH: It did not deter him from going on again.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: The Minister for Fisheries has issued a directive to ensure that a certificate of seaworthiness must be held by fishing vessels before a fishing license will be issued. Two regulations have already been made and these are: One dealing with adequate fire extinguishers and effective fuel systems; and the other dealing with adequate ventilation of engine compartments.

The other night, in another place, the Minister for Works advised that quite a large number of recommendations will be implemented very shortly by way of regulation, and it is expected that an announcement regarding these matters will be made in the—

The Hon. R. Thompson: They are in tonight's paper.

The Hon. A. F. GRIFFITH: Are they? That is a most helpful interjection. I was about to say that they would be made in the near future.

The matter of insurance raised by Mr. Strickland does not come within the jurisdiction of the Minister for Works, but this matter has been referred to the Minister for Labour. That is the only comment I can make at this point, except that insurance is well within the control of the fishermen themselves if they want to get together collectively and pursue this problem.

In relation to the Bill there is nothing more that I can say except to reiterate that if these regulations are in the paper—and I have not had time to read it myself—it gives proof of the fact—

The Hon. R. Thompson: Some of them are.

The Hon. A. F. GRIFFITH: What are not there I feel sure will be pursued in the future, and regulations will be made if it is considered desirable.

The Hon. R. Thompson: All the regulations that have been made now are against the boat-owners and the fishermen. No suggestion has been made by the Government as to what it is going to do.

The Hon. A. F. GRIFFITH: In respect of?

The Hon. R. Thompson: Anchorages, leading lights, boat harbours, and things of that nature.

The Hon. A. F. GRIFFITH: Once again, this is a field that, I suggest with great respect, I am not able to enter into with a Bill containing these limited clauses. However, there is no reason why these matters cannot be pursued; but they cannot be at this time, because there is no scope for that in this Bill.

I trust these explanations will be of a satisfactory nature. I think it has been demonstrated quite convincingly that action is being taken, because even since

I gained this information from my colleague on the 8th September, some of these regulations have come to be. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 195A added—

The Hon. H. C. STRICKLAND: This clause states that an authorised person may, where he considers it necessary, and with the assistance of such persons as he may require, board a vessel. I feel that the phrase "such persons" should read "such authorised persons." I asked the Minister earlier to check on this point.

The Hon. A. F. GRIFFITH: I am told that what is often done is to gain the assistance of the skipper of another boat or even of all of the crew. My colleague, the Minister for Fisheries and Fauna, who knows something of this, has just told me that this is often done.

The Hon. H. C. STRICKLAND: That is an explanation all right, but it is the type of explanation with which I do not agree. It seems that the authorised person making the inspection could call on anyone. What would be the situation if he were inspecting a ship by a jetty and there was no other boat there? Would he be able to call upon members of the public who might be there to assist him? What is the position? I feel an inspector should call upon another authorised person. He should not be able to enlist the assistance of the general public.

The Hon. N. E. Baxter: An authorised person may wish to commandeer another boat to take him out to the vessel in question.

The H. C. STRICKLAND: Who can the authorised person recruit to assist him?

The Hon. A. F. GRIFFITH: If a boat is tied up at a jetty, it is not being navigated; and the clause refers to a vessel being navigated.

The Hon. H. K. Watson: Would you mind repeating the explanation you gave a few minutes ago?

The Hon. A. F. GRIFFITH: Mr. MacKinnon tells me that it is not an unusual practice for the skipper and some of the crew, or all of the crew, of another boat to be requested to help in a case like this. They would perhaps even transport the authorised person to the other vessel. The provision does not state that a person shall go.

The Hon. H. C. Strickland: The Bill uses the word "require".

The Hon. A. F. GRIFFITH: I do not think this goes quite that far. For instance, if the honourable member and I were asked to go out in our boat and it was not convenient for us to go at that time, I do not think that under this provision we could be compelled to go. After all, it might be a long trip. It is not similar, in my opinion, to the old law of the posse when the vigilantes were in existence and it was the responsibility of people to answer the call of a posse to go out to apprehend someone.

I do not think it goes as far as that. If the honourable member is not satisfied —and it appears to me that he is not—I will endeavour to get further information before the Bill is completed at the third reading stage.

The Hon. H. C. STRICKLAND: It would be appreciated if the Minister could give us some more information as to what is intended by this clause. He said that a boat tied up to a jetty is not being navigated. I do not know anything about that, but the Act says that there must be somebody on the bridge in charge.

If I can draw a comparison with a motorcar; I would point out that if a car owner gets into his car anywhere, he is in charge of it. He can be charged with drunken driving although he is asleep in the back of the car; and that has happened.

The Hon. A. F. Griffith: Can you show me in the Police Act—

The Hon. H. C. STRICKLAND: The Minister knows that what I say is so. The provision here does not only apply to fishing vessels, but to ferries going to Rottnest and to hire boats. It covers any of the public ferries operating under the Act. A boat which called at Fremantle recently tied up at the wharf. The Harbour and Light Department would not, for safety reasons, allow more than a certain number of passengers to be taken on board. I would say that boat was being navigated.

The Hon. H. K. Watson: The last few words do say he must take the vessel to the nearest port. The implication is that it is not in port.

The Hon. H. C. STRICKLAND: I would be very happy if the Minister would get a clear definition of this.

The Hon. A. F. Griffith: Would you listen to the Minister for Fisheries and Fauna, and he will tell you what his department does?

Sitting suspended from 3.55 to 4.12 p.m.

The Hon. G. C. MacKINNON: What I want to explain is that, quite often, it is the custom for the Fisheries Department to take on board any of its vessels an officer who wishes to inspect a fishing craft. The provision here is to make it perfectly clear that this should be done. I think the honourable member may be a

little confused over the form this assistance is to take. It is proposed that the assistance is to enable one to get from point A to point B. The authorised person must have authority to charter a vessel whenever it is considered necessary or, as in this case, to request the assistance of the Fisheries Department to board a particular vessel.

A careful reading of the clause will indicate that there is nothing obligatory in the provision whereby the authorised person can demand that the other person shall make his boat available. The word "require" must surely be governed by the phrase, "with the assistance of such persons as he may require."

If a vessel happens to require an engineer, a coxswain, and a deckhand to operate it, they could be included in the category of persons who are required to assist. The authorised person would have to seek permission to board the vessel and to use the services of those three people in order that both he and they would be in the clear.

On one occasion I was asked by a policeman to follow a car, but I have not found out since whether or not I had the right to refuse to comply with his request. There is no obligation built into the provision in this clause requiring a person to render assistance, with a penalty for failure to do so. The authorised person may want to get out to a fishing vessel, and may need the authority to seek the assistance of such persons as he may require.

The Hon. H. C. STRICKLAND: I understand what is intended in the clause, but I cannot understand what the wording really means. If an authorised person wishes to inspect some machinery he can take an engineer along with him. That seems to be the intention of the clause; to enable the authorised person to make an inspection with such qualified assistance as he may require.

Pompous persons could be appointed as authorised persons; and it is proposed that yacht club officials may act in certain circumstances, because there are insufficient officers in the department to police the Act over the 4,000 miles of coastline and the inland waters. My fear is that an authorised person could throw his weight around when he seeks assistance to make a search of a vessel. The Parliamentary Draftsman should be consulted so that his Minister can give us more light on this clause.

The Hon. A. F. GRIFFITH: There is no room for the pompous individual. In the proposed section an authorised person means a member of the Police Force or a person employed by the department. If the honourable member will agree to this clause I will obtain more details by referring it to the Parliamentary Draftsman before the third reading is proceeded with.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (9): ASSENT

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

1. Debtors Act Amendment Bill.
2. Stipendiary Magistrates Act Amendment Bill.
3. Mines Regulation Act Amendment Bill.
4. Metropolitan Region Town Planning Scheme Act Amendment Bill.
5. Health Act Amendment Bill.
6. Bunbury Harbour Board Act Amendment Bill.
7. Albany Harbour Board Act Amendment Bill.
8. Spear-guns Control Act Amendment Bill.
9. Petroleum Products Subsidy Bill.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 14th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.24 p.m.]: Very rarely has the Architects Act been before Parliament since its introduction in 1921. According to my research it has only been brought up on two occasions. It is rather interesting that legislation to set up a board and to provide for the registration of professional people should be as old as the Architects Act. This Act provides for the appointment of a board, the keeping of a register, and the registration of architects.

When it was initially introduced it provided that only qualified people could be registered under the Act—persons with qualifications obtained by examination, associates of royal institutes, and students who were at that time indentured to the profession. It also provided that engineers who had three years of experience could be registered as architects if they were then engaged in the profession of architecture. The board has very strong and not unusual powers in its ability to refuse the registration of persons. In short, it is a highly professional board, which is jealous of its standing and its rights.

Section 29, which the Bill seeks to amend, provides that no person shall use or adopt the title or description of architect or architectural practitioner, or shall use any name, title, words, letters, additions, or description implying or leading to the belief that he is registered under the Act. This section stipulates that a person cannot carry on the profession of architecture without being registered, and therefore without being qualified.

One very interesting aspect, which could have been the initial cause of the introduction of this law, was introduced into the parliamentary debate by the then Minister for Works (The Hon. Mr. George) when he was referring to the handy-man type of builder who might be able to design a simple structure and erect a house, or even a more ambitious building. In the *Parliamentary Debates* of 1921 it was shown that this sort of builder was not qualified to construct a roof over this Parliament House, because the jobber had no place on such a structure.

Members might be interested to learn that when the original Bill was debated in 1921, the then Minister for Works had this to say—

> Seeing that I am dealing with Parliament House, I might repeat what I have already said, that the roof of the Legislative Council showed signs last session of giving way. The danger was seen in time and the defect has been remedied. The roof was designed to carry galvanised iron, but the aesthetic taste of an influential person caused tiles to be placed upon the roof instead of iron. Whoever was responsible for the drawing of the architect's plans at the Public Works should have had more backbone than to have allowed this. The pitch of the roof was not designed for tiles, and the weight of the tiles nearly resulted in the complete destruction of the roof.

Originally the roof of this Chamber was intended to be of galvanised iron, but some interfering person made it possible for tiles to be used without the roof structure being strengthened to carry the weight of the tiles!

The Hon. H. K. Watson: Do we still enter the Chamber at our peril?

The Hon. F. J. S. WISE: According to the *Hansard* report it was corrected as long ago as 1921. It is an indication that the parent Act was introduced as a result of the haphazardness and looseness of some people who called themselves architects in those days.

The provision which this Bill proposes to amend provides that any person may be registered as an architect. It is the stress on the word "person" that makes this Bill necessary, because it is now intended to include a body corporate.

Hitherto, it has not been the situation, generally, in regard to professions; because, while professional people are allowed to practice on their own account or as persons—whether it be the medical profession or the legal profession—it is unusual for professions to include corporate bodies or companies. Those organisations have a separate legal responsibility, of course, where a person is concerned.

In the clause in this Bill providing that a company may be registered, there is also provision that not less than two-thirds of the directors of that company are to be architects. The other one-third of the directors shall belong to one of the following organisations: The Institution of Engineers, Australia; the Australian Planning Institute Incorporated—

The Hon. H. K. Watson: What does that institute do?

The Hon. F. J. S. WISE: I suppose the planning institute would be the authority in the Standards Association. That would be my interpretation, although I have not had the definition given to me. The other organisation is the Institute of Quantity Surveyors (Aust.).

To one of those three bodies only may the other one-third of the directors belong. I am interested in knowing—and it is not clear from what the Minister said—where this Bill originated. He said that the amendments have been discussed with the Architects Board of Western Australia, and I think it would be interesting to know if this request emanated from that board. The Minister did not say so but I think the House is entitled to know whence this request came.

The Minister said the matter had been discussed with the board and that the board was in agreement with the provisions in the Bill. If it is in agreement with the Bill, is it by request of the Architects Board that this Bill is here? The persons concerned must be members coming within the purview of the Architects Board because none other than architects can, at present, be members.

The Bill will make a wide advance in so far as professional matters are concerned, and I think I am right—both Mr. Heenan and Dr. Hislop are in a position to know—in saying that in the legal and medical professions, bodies corporate do not exist. Partnerships, yes. So, professionally, it is a departure of a very important kind. The Act prevents companies, and people who take on responsibility in a company sense, from operating as registered companies under the Architects Act. So, the Bill really centres around the alteration of the word "person" to "body corporate." I think that if the Minister could tell us what inspired this move—was it a matter of having been discussed or a matter of request?—it would be interesting.

I have no intention of opposing the Bill in either case, because if persons are to act within the responsibilities of a company they have certain civil liabilities. In fact, the word "liability" occurs in subsection (2) of proposed new section 29A, and I think an explanation from the Minister would not be inappropriate. What does the word mean in that context?

The Hon. L. A. Logan: Liability?

The Hon. F. J. S. WISE: Yes. The proposed subsection reads—

> Where a member or employee of a body corporate incurs any liability as such member or employee—

The Hon. L. A. Logan: It would be the same liability as that of a single body.

The Hon. F. J. S. WISE: There is nothing in the Act; I studied it closely.

The Hon. L. A. Logan: There would be a definition in common law.

The Hon. F. J. S. WISE: I agree. There is nothing in the Architects Act dealing with any liability in connection with improper workmanship, only matters affecting the jurisdiction of the board.

The Hon. L. A. Logan: It could be under the by-laws. Did you look there?

The Hon. F. J. S. WISE: No. So what is civil liability for? The word "liability" appears more than once in proposed subsection (2). I wonder if the Minister would have a simple explanation of what it means in that context.

I repeat, it is unusual to have a Bill to amend an Act which governs the domestic affairs of a professional organisation, or a body of professional men; and I am wondering why the departure, other than the need for those who form themselves into a company to have some recognition. I will support the Bill at this stage.

THE HON. H. K. WATSON (Metropolitan) [4.37 p.m.]: This is one of those occasions when one is inclined to deplore the fact that we do not have an architect in this House. However, it is interesting to recall that the apparent lack of interest of architects in parliamentary life was not ever thus. I can remember that my predecessor in office, the late Len Bolton, and his predecessor in office, Arthur Lovekin, were, on both occasions when they were elected—Mr. Lovekin in 1919 and Mr. Bolton in 1932—opposed by very prominent architects. Sir Talbot Hobbs opposed Mr. Lovekin in 1919, and my dear friend Harold Boas—still in the land of the living—stood against Len Bolton in 1932. As I say, it is a matter of regret that on a subject such as this—because this measure does raise a very important question—we have not an architect in the House.

The Bill proposes a radical alteration in the law and practice relating to architecture. As Mr. Wise indicated, an architect, like a doctor, a solicitor, or a chemist, enjoys, as a professional man, rights and privileges and benefits. However, on the other hand he also has responsibilities and obligations, and he suffers some disadvantages. As his professional service—which is pursued in a closely protected preserve, by virtue of the Statute—is essentially of a personal nature, so also is his liability for professional negligence.

We also know that he cannot enter into partnership except with another qualified architect. Unlike the butcher, the baker, and the candlestick maker, and the farmer, he cannot take his wife or his family into partnership, unless they are registered architects. It needs no words of mine to say, from an income tax angle at any rate, that could be quite a disability which the professional man suffers as compared with the ordinary businessman. Neither can he, so far, form himself into a limited company and obtain the protection of limited liability as is the case with a merchant or manufacturer. Such is life; he has to take the bitter with the sweet.

With respect to the architect, some of the "thou shalt nots" are contained in section 21 of the principal Act, which reads as follows:—

> The following acts and practices on the part of an architect are hereby prohibited, and shall be deemed misconduct within the meaning of that term in this section:—
>
> (a) Allowing any person except a registered architect in partnership with himself to practise in his name as an architect.
>
> (b) Directly or indirectly sharing his professional remuneration with any person not being a registered architect in partnership with him, or directly or indirectly accepting any share of the professional remuneration of such person, or any commission or bonus thereon.

Then follows a list of further prohibitions.

The Hon. L. A. Logan: How does that tie up with the present amendment? It seems as though it might clash.

The Hon. H. K. WATSON: I think it will; but I will develop that point a little later.

This Bill, in one respect at any rate, proposes to abrogate one of the basic principles to which I have made reference. It proposes, in effect, to provide that an architect may practise as a company and that he may do that in association with any member of the Institution of Engineers, Australia; any member of the

Australian Planning Institute Incorporated; any member of the Institution of Surveyors, Australia; or any member of the Institute of Quantity Surveyors (Aust.); and also in association with any unqualified person, because that—to the extent of one-third of the members—is clearly authorised by paragraph (c) of subsection (1) of proposed new section 29A.

The Hon. F. J. S. Wise: That is a new principle.

The Hon. H. K. WATSON: While Mr. Wise was speaking I inquired, by way of interjection, whether he could enlighten me as to the aims, objects, and practices of members of the Australian Planning Institute. I had a look through the telephone book to see if I could find the name of the institute, but it did not appear there; and I am wondering whether they are town planners or draftsmen. I could understand draftsmen having an institute; I could understand town planners having an institute; but it is not clear to me how they fit into this Bill; and, at the moment, like Mr. Wise, I am trying to fathom the real reason for its introduction.

In moving the second reading of the measure the Minister was extremely brief; and I do not hold that against him, because I freely concede it is not his Bill for one thing, and for another it is a Bill of an unusual nature.

The Hon. L. A. Logan: Mr. Dolan and I agreed on brevity, you know.

The Hon. H. K. WATSON: Yes. However, as far as I can see, the two reasons which have been advanced in support of the Bill are, firstly, that it will enable a company to be registered as an architect. That is not clear to me, because even with the adoption of the new section 29A which, so far as I can gather, refers only to a man holding himself out as being an architect and being able to do architectural work, I do not see how it will enable a company to be registered under section 14 of the principal Act.

The Hon. L. A. Logan: The Companies Act?

The Hon. H. K. WATSON: No, section 14 of the Architects Act. That section is drawn on the assumption that whenever it refers to a person it is referring to a natural person and not an incorporated body.

The Hon. F. J. S. Wise: An individual.

The Hon. H. K. WATSON: For example, it provides that he shall be 21 years of age, and so on. Therefore, it is not clear to me how, even if the company were formed, it could be registered as an architect under the principal Act. The only other reason advanced by the Minister, if I recollect his speech correctly—

The Hon. L. A. Logan: Section 14 of the Architects Acts deals only with the qualifications for registration.

The Hon. H. K. WATSON: —was that it would facilitate the administration of architectural business—I think that was the expression used—by the architects concerned. However, I would point out that only last year in the Pharmacy Act we were at pains to make it very clear that a limited company was not entitled, under any circumstances, to start business as a chemist, even if all the members of that company were qualified chemists, and even if all of the directors were qualified chemists, and even if all the employees were qualified chemists. Even under those circumstances they were not entitled to carry on business as a company.

The Hon. F. J. S. Wise: They were excluded.

The Hon. H. K. WATSON: The question then arises that if we are going to give this radical concession to architects, how can it be denied to doctors, solicitors, and chemists? I suggest, therefore, that the proposal contained in the Bill cannot be considered in isolation but must be considered in relation to closed professions generally, and we have to look at the broad principle. In lighter vein, Sir, I might suggest that the passage of this Bill could afford even a member of Parliament a claim to have himself and his wife formed into a limited company, with the parliamentary allowance divided equally between the two of them.

The Hon. L. A. Logan: They get more than their share now.

The Hon. H. K. WATSON: Because on the merits that would be more justifiable than the proposal in this Bill. What member will deny that his wife is not playing an important part in his parliamentary activities? Therefore, I would say the proposition I have just put forward would be more justifiable than the proposition of an architect being able to divide his fees with his wife or with his children.

The Hon. E. M. Heenan: Or with members of the public!

The Hon. H. K. WATSON: Yes; and to develop the argument a little further, I could say, "Vote for Keith Watson Limited." That sounds pretty good.

The Hon. L. A. Logan: Or against him!

The Hon. F. J. S. Wise: What about "Keith Watson Unlimited"?

The Hon. H. K. WATSON: My peculiar difficulty would be in explaining that the word "Limited" referred to liability and not to ability!

The Hon. R. Thompson: Very good.

The Hon. H. K. WATSON: Then Mr. Wise raised what I considered was a pertinent point: Where did this Bill have its genesis? Was it originated by the Government, who consulted the architects; or was the thought originated by some architects who consulted the Government?

I think that question is important; because we have not only the architects to consider but also the general public, as well as the other institutes to which I have referred. It is all very well to say that the architects may take these other professional men under their wing, but to what extent are the architects then encroaching upon the preserves of other professional institutes, such as that of the engineers, and so on? I think their views on the mater should be heard. In my examination of the position of architects I found, in perusing the pink pages of the telephone directory, that in this State there are already at least two limited companies advertised as practising as architects. To me that suggests one of two things: Either this Bill is unncessary; or else the Architects Board, or someone else in authority, has slept at his post in allowing these two companies to carry on business as architects, or to advertise themselves as architects.

The Hon. F. J. S. Wise: There may be a third reason. It may be to condone and ratify what they are doing.

The Hon. H. K. WATSON: If that is so it is not apparent from the Bill. As regards these two companies which are operating at the moment, I am relying only on the telephone book where they are advertised as architects; but from my knowledge of the Postmaster General's Department, it does not make an entry in the telephone book unless it is supplied with the entry; and I would like some enlightenment from the Minister on that particular point.

Having found that there were two companies practising in this State as architects, and being under the distinct impression that they were not entitled to practise, this morning I improved the revenue of the State by paying £1 as a search fee at the Companies Office to have a look at the particulars of these two companies. Without looking at any member in particular, I am sure—and I am confident the Minister will agree with me—that a bit of self help by members, such as I indulged in this morning is much better than putting 10 or 20 questions on the notice paper.

I found, from an examination of the documents of these two companies, that one of them has a paid-up capital of about £9,000 with four shareholders, two of whom I assume to be architects; and there are no members of the Institute of Engineers, or the Australian Planning Institute, or the Institution of Surveyors, or the Institute of Quantity Surveyors. The other two prominent shareholders are the wives of the male members. The four of them are not equal shareholders; the two husbands own 1,000 shares each and the wives own 3,700 shares each.

The other company's particulars were equally illuminating. This company has a paid-up capital of £4, and it appears that it was formerly a clothing company which fell upon hard times and virtually wound up.

The Hon. F. J. S. Wise: Is it listed as an architect?

The Hon. H. K. WATSON: It is listed in the pink pages as "architects" and in the white pages the word "architects" appears as well.

When I recall some of the prosecutions that have taken place by the Architects Board against people who were unregistered, and who advertised themselves as architects, I repeat the proposition: If what they have done is legal, as the Act stands at the moment, this Bill is unnecessary. However, if it is not legal, then for my part I am at a loss to understand how two companies of this nature can carry on as architects, profess to be architects, and advertise themselves as architects.

As I have said, one of the reasons for the introduction of this Bill is the matter of administrative convenience. However, if "administrative convenience" means having one-eighth of the shares held by each of the architects and the balance held by their respective wives, it is a new explanation of the term "administrative convenience" as I understand it.

From a practical angle, anyhow, I could understand this proposal if it were one to scrap the Architects Act altogether and to say that in these days, with buildings of the nature they are, we should scrap the professional architects and have contractors who could give us a package deal—big civil engineers who would draw the plans and include the whole lot, and who would charge a fee for doing so.

I could understand a suggestion like that being one to facilitate administration; because outside any large building construction today we find the usual notice board, which goes something like this: Contractor So-and-so; Architect So-and-so; Structural Engineer So-and-so; Lift Engineer So-and-so; Air Conditioning Engineer So-and-so; Electrical Engineer So-and-so; Quantity Surveyor So-and-so; Plumbing Consultant So-and-so. I could understand all of them being merged into a top contracting organisation.

Although this information is not seen on the notice board, I do think it is worth while remembering that the fee for an architect is 7 per cent., and the fee for the air conditioning supervisor is 4 per cent., as is the fee for the lift supervisor, the electrical supervisor, and, presumably, most of the other supervisors. So, in respect of a building costing £1,000,000—and there are quite a few such buildings even in this State today—the architect's fee would be £70,000. He certainly has a lot of expenses, and that would be his gross

fee; it is certainly not the net fee; though I understand there is a reasonable net always left.

The Hon. F. J. S. Wise: And people fall into it.

The Hon. H. K. WATSON: While our local friends might envy the architect of the Opera House in Sydney, which is expected to cost £25,000,000, the fact remains that while the professional man's income may be high and may be localised, that is one of the disabilities which go with being a professional man.

In discussing matters like this, illustrations from ancient and modern history often help to point a moral; and Mr. Wise has furnished us with very interesting information concerning the structure of this House. For my part I will provide the modern part of the history by referring the House to the bridge in Melbourne. That was a structure where a number of structural engineers formed a limited company and acted as structural engineers for that bridge.

The Hon. L. A. Logan: They did the designing of it.

The Hon. H. K. WATSON: Yes, as a limited company, if I recollect correctly. The bridge authority called for tenders. One of the leading tenderers—a very big contracting firm with its own skilled men—queried the design of the structure and the contents and declined to tender on the specifications. Indeed, that firm put in a tender at a certain price for a slightly different construction which, in its opinion, was much safer and sounder. That tender was not accepted. The original design was pursued, and we all know what happened.

I also know that it was the contracting company which first queried the original specifications which was ultimately called in to renew the bridge. So there is a case which serves to illustrate my point that the contracting company was more alive to the possibilites than the professional men who were doing the designing.

A few moments ago the Minister queried whether the Bill as at present drafted really gives effect to the apparent intentions and desires of its sponsors, whoever they are. Section 21 of the principal Act says that no person shall directly or indirectly share his professional remuneration with any person who is not a registered architect in partnership with him. In this connection I do not overlook the distinction in law between a limited company and the members of that company, as affirmed by the House of Lords in Salomon's case, and by the Privy Council in Lee's case.

Nevertheless I ask this question: If the proposal contained in this Bill is not for an indirect sharing of professional income, then what is it? If it is for an indirect sharing of the fees then, in my opinion, it is prohibited by section 21 of the principal Act; or, at any rate, as the Minister interjected, it certainly appears to clash with section 21 of the principal Act.

In this connection the *dictum* of Mr. Justice Windeyer in the High Court in the case of Peate v. the Commissioner of Taxation seems to me to be relevant. That was a celebrated income tax case where Dr. Peat and some of his associates formed a limited company, the shareholders of which were their wives and families in the main. They ceased to carry on practice themselves and became servants of the limited company. Taxwise, had all gone well, it would have been to their advantage.

However, under section 260 of the Income Tax Assessment Act, the commissioner challenged the set-up and held that it was a sharing by the doctor of his own income. The case went before the High Court and is reported in 9 A.I.T.R., 1964. In the course of his judgment at p. 364 Mr. Justice Windeyer said—

> A proprietary company, controlled by one man, has today taken the place of John Doe, William Roe and others who at an earlier time came out of ink-wells in attorneys' offices to do acts in the law of which law-abiding citizens might have the benefit while avoiding disadvantageous consequences. By incantations by typewriter, the obtaining of two signatures, payment of fees and compliance with formalities for registration, a company emerges. It is a new legal entity, a person in the eye of the law. Perhaps it were better in some cases to say a legal *persona*, for the Latin word in one of its senses means a mask: *Eripitur persona, manet res.*

Then the learned Judge goes on to say—and this is particularly important to my mind when we are considering the question the Minister has raised—

> Whatever philosophical theory, if any, one entertains of the nature of corporate personality, not much assistance for questions such as arise in this case is got by emphasising that in law a company is an entity distinct from its members. What is important is the function that the company in fact performs and which it was created to perform.

If we look at the circumstances of the formation of the two companies to which I made reference earlier, it is obvious as to why they were formed. As I have indicated, this Bill, as I see it, raises the general question of whether a profession, other than the oldest profession, is to be practised by an individual with personal service, personal gain, and personal responsibility; or whether it may also be practised by a company with no body to be kicked, or soul to be damned.

I am concerned about this Bill as, I imagine, are other members, and I would suggest that it requires much more pondering by all of us before we give it a second reading. With respect I would suggest to the Minister that it be put at the bottom of the notice paper until we have had time to give it much more consideration than has so far been possible.

Debate adjourned, on motion by The Hon. E. M. Heenan.

House adjourned at 5.14 p.m.

Legislative Assembly

Thursday, the 16th September, 1965

CONTENTS

	Page
ASSENT TO BILLS	914
BILLS—	
Albany Harbour Board Act Amendment Bill—Assent	914
Builders' Registration Act Amendment Bill—	
2r.	922
Com. ; Report	922
Bunbury Harbour Board Act Amendment Bill—Assent	914
Debtors Act Amendment Bill—Assent	914
Health Act Amendment Bill—Assent	914
Laporte Industrial Factory Agreement Act Amendment Bill—2r.	902
Local Government Act Amendment Bill—3r.	901
Marketing of Eggs Act Amendment Bill—Returned	914
Marketing of Onions Act Amendment Bill—3r.	901
Metropolitan Region Town Planning Scheme Act Amendment Bill—Assent	914
Mines Regulation Act Amendment Bill—Assent	914
Petroleum Products Subsidy Bill—Assent	914
Public Works Act Amendment Bill—2r.	901
Rural and Industries Bank Act Amendment Bill—2r.	914
Spear-guns Control Act Amendment Bill—Assent	914
Stipendiary Magistrates Act Amendment Bill—Assent	914
Tuberculosis (Commonwealth and State Arrangement) Bill—	
2r.	922
Com. ; Report	924
Western Australian Coastal Shipping Commission Bill—	
2r.	916
Message : Appropriations	922
LOAN ESTIMATES, 1965-1966—	
Message : Appropriations	901
Com.	903

	Page
QUESTIONS ON NOTICE—	
Boat Safety—	
Rescue Operations : Facilities Available at Fremantle	898
Sea-going Craft : Restrictions	892
Education—	
Institute of Technology—Commonwealth Grant : Use	901
School Bus Services : Mileages and Rates	900
Teachers' Bonds : Repayment Conditions	898
Fishing, Tuna—Negotiations for Development : Progress	897
Housing Loan Guarantee Act : Loans and Treasury Payments	893
Keg Party near Albany : Proceedings against Organisers	899
Land—	
Esperance Land and Development Co. Agreement : Sales of Land	895
Pastoral Leases in the North : Land Available	893
Legal Aid—Cost : Government Assistance	894
Local Authorities—	
Existing Rating Retention : Number and Names Involved	896
Increased Rating : Number and Names Involved	895
Milk—Bulk Pickup Scheme : Introduction	893
Mining—	
Goldmining Research—Help to Industries : Availability of Information	894
Iron Ore Deposits : Reservation	899
Mines Regulation Act : Permits under Section 45—	
Breaches and Prosecutions	900
Notification of Unions	900
Prospecting : Entry to Native Reserves	898
Mitchell Freeway : Resumption of Properties	896
Natives—	
Allawah Grove—	
Provision of Adult Education Classes	899
Trade Training and Apprenticeships	899
Housing : Building by Natives	899
Laundry Work for Government Departments : Training of Women	899
Superintendent of Economic Development : Appointment of Mr. J. Harman	899
Police and Citizens Youth Clubs' Appeal : Donation by Government	897
Price Control—Legislation : Introduction	893
Railway Crossing at Market Street, Guildford—	
Level Crossing Protection Committee Review	898
Use by Public	898
Traffic—	
Carrington Street : Junction with High Street and High Road—	
Realignment Intentions	892
Traffic Lights : Installation	892
Traffic Act : Amendments Requested by Goldfields Local Authorities	894