Legislative Council

Thursday, 5th August, 1954.

CONTENTS.

The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

QUESTION.

COUNTRY SWIMMING POOLS.

As to Government Assistance.

Hon. L. C. DIVER (for Hon. N. E. Baxter) asked the Chief Secretary:

(1) Is the Government considering a scheme to assist country districts to build swimming pools?

(2) If the answer is "yes," what stage have considerations reached?

The CHIEF SECRETARY replied:

(1) Yes.

(2) The Government is prepared to grant financial assistance to local authorities in the country to build swimming pools. Each case is considered on its merits, and the amount of the Government contribution is dependent on the size of the local authority and the cost of the swimming pool.

BILL—PUBLIC WORKS ACT AMENDMENT.

Read a third time and *passed*.

BILL—SHIPPING AND PILOTAGE ORDINANCE AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [2.20]: This is simply a machinery Bill which merely sets out to alter a term in the existing Act so that it will not only be more specific, but also in line with the term used in the Eastern States. At this stage I must acknowledge the courtesy of the Minister, who gave me the file dealing with the subject. I browsed through it last night, and it is most interesting.

It goes back to 1919—35 years ago—and it occurred to me that one of the letters on the file might be interesting to members and help them to gather a clear idea of what the Bill sets out to do, and why it was brought down. This letter, which was written by the Crown Solicitor to the Solicitor General on the 12th May of last year, came about as the result of representations from the department to have a Bill framed to give effect to this particular request. This is the letter—

> The Schedules lettered A to D of Ordinance 18 Vict. No. 15 set out lists or scales of dues under headings as follows:—
>
> A—Harbour Master's dues.
> B—Pilotage dues.
> C—Light dues.
> D—Tonnage dues.
>
> 2. By s. 1 of Act 37 Vic. No. 14, the master or commander of every vessel "entering any port or harbour of this colony" is required to "pay the several harbour master's, pilotage, light and tonnage dues" in those lists or scales.
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> 3. S. 2 of that Act gives the Governor power to alter and vary any of the scales or lists of dues and "to declare from time to time . . . . what shall be the several harbour master's, pilotage, light or tonnage dues chargeable."
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> 4. Thus it would seem that while the scales and lists of dues in the Schedules to the Ordinance are alterable by the Governor, the headings (e.g., "Harbour master's dues," "pilotage dues," "light dues," "tonnage dues") under which the lists or scales are set out, are unalterable.
>
> 5. The scale of tonnage dues is set out in Schedule D of the Ordinance, but the expression "tonnage dues" is not defined by that Ordinance or by any of the amending Acts.
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> 6. The Harbour and Light Department collects tonnage dues for the maintenance of navigation lights, sea marks, etc., and it appears from the file that to achieve uniformity within the Commonwealth, dues for such purposes should be termed "conservancy dues."
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> 7. In the course of a telephone conversation today with the manager of the Harbour and Light Department, I gathered that the "tonnage dues" contemplated by the Ordinance and the Act referred to were not intended only for the maintenance of navigation lights, sea marks, etc., but the expression had a wider meaning than it has in practice today; and as conservancy dues, being intended only for the maintenance of navigation lights, sea-marks, etc., will have the

narrower meaning, they might perhaps be regarded as a species of the tonnage dues contemplated by that legislation.

8. It occurs to me, therefore, that the desired amendment might be effected by the interpretation of the expression "tonnage dues" in Ordinance 18 Vict. No. 15 and Act 37 Vict. No. 14 to include conservancy dues. Such an interpretation with consequential amendments of the regulations would enable conservancy dues to be levied in all cases where tonnage dues are now chargeable under the Ordinance and the amending Acts.

That seems to set out the position fairly clearly. It explains why the change is necessary, and why it must be done by Act of Parliament rather than by regulation. It is a small matter, and if this measure is passed it will not in any way affect the collection of dues; nor will it alter the dispositon of those collections when they are made. But it does two things: it sets out specifically what the dues are, and the purpose for which they are collected; and it brings our practice into line with that in other States. Therefore, the Bill is perhaps necessary; although, as I have already explained, its effect is slight.

It has occurred to me more than once, particularly during the time I was Minister in charge of the Fremantle Harbour Trust, that there seem to be anomalies in the administrative set-up of some of our departments. For instance, I have always held the view that departments such as the Harbour and Light Department, and other similar departments, should be tied up with the Department of Supply and Shipping. In my opinion, for what it is worth the Minister for Supply and Shipping should be the Minister to control these related administrations. I have nothing to say about the actual administration of the departments themselves. Mr. Forsyth, who is the manager of the Harbour and Light Department, is a most capable officer—he is very obliging, too—and when, as Minister in charge of the Harbour Trust, I had to refer anything to him, he cooperated as all departmental officers should. Of course, I am not passing any remarks about the Chief Secretary, who is in charge of that department. But in my opinion these related departments should be brought under one Ministerial control.

While I was a Minister, I was in charge of the Fremantle Harbour Trust, but that department is now under the control of the Minister for Works. The Albany Harbour Board is self-contained, but it is also under the control of the same Minister; and the Bunbury Harbour Board functions similarly. The Geraldton port really comes under the control of the Railway Department; and that is rather interesting, because that port is second only to the port of Fremantle in the total volume of traffic handled. The North-West ports are under the control of the Harbour and Light Department, and are under the ministerial control of the Chief Secretary, as they were under the former Administration.

That has nothing to do with the Bill; but as the measure is concerned with a minor aspect of the administration of the Harbour and Light Department, I thought there would be no harm in giving my opinion that all these related activities should be brought under one control, because it makes for easier working and easier co-ordination between the departments themselves. I support the second reading.

THE MINISTER FOR THE NORTH-WEST: (Hon. H. C. Strickland—North—in reply) [2.30]: I want to make only a slight correction. Mr. Simpson who commented on the administration of the various harbour boards, is evidently not aware that the Harbour and Light Department has been transferred to the Ministry of Supply and Shipping.

Hon. C. H. Simpson: I am pleased to hear that.

The MINISTER FOR THE NORTH-WEST: The Minister for Supply and Shipping controls the Harbour and Light Department, and the Bunbury and Albany Harbour Boards. The Railway Department controls the Esperance, Busselton, and Geraldton jetties. The Harbour Trust of Fremantle, of course, comes under the Minister for Works; so there is quite a mix-up in the overall administration.

Hon. Sir Charles Latham: There cannot be much co-ordination between them.

The MINISTER FOR THE NORTH-WEST: They seem to get along fairly well. As the State progresses, the day will arrive when there will be one harbour authority in the State. This will be brought about by a great increase in the population and much more development than at present. I am glad the Bill has been received in the manner in which all our Bills should be received.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—STATE HOUSING ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—STAMP ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. K. WATSON (Metropolitan) [2.35]: I support the second reading of this Bill. It is designed to amend the Stamp Act by deleting a rather peculiar provision in the Second Schedule which requires all persons who are admitted to the Supreme Court to act as practitioners to pay a fee of ten guineas. As the Chief Secretary mentioned yesterday, this sum has to be paid by young men who have just completed years of study at little or no remuneration. Their having to pay a fee on being admitted as legal practitioners seems like adding insult to injury. It could be more logically argued that a person on being elected to Parliament ought to pay a fee of ten guineas.

The Chief Secretary: He has already paid that before election.

Hon. H. K. WATSON: Be that as it may, I think this is a most timely amendment to the schedule. The Law Students Society has been agitating for the amendment for quite some time.

There is one point I submit for the consideration of the Chief Secretary between now and the time this Bill reaches the Committee stage. It is this: In the Second Schedule of the Stamp Act there is an anomaly which requires correction, and which I understand has for some years been listed by Treasury officers as one matter to be attended to when the next amendment to the schedule is going through. I notice it does not appear in the Bill. I suggest that instead of another Bill being introduced for the purpose, opportunity be taken on this occasion to correct the anomaly, which arises in connection with stamp duty paid on the transfer of shares.

Members may recall that some years ago the stamp duty on the transfer of shares was reduced from £1 per £100 to 5s. per £100; but it so happens that that reduction applies by the particular segregation of the schedule as it stood. Two parts of the schedule were amended; but, inadvertently, no amendment was made to the third, with the result that there is still one class of share which is liable to a stamp duty of £1 per £100 on transfer: namely, a building society share, or—to be strictly correct—shares in any building society and in the War Munitions Supply Co. Ltd., formed in 1919.

Those companies were grouped with a view to receiving a concession over ordinary joint stock companies. Today, not only do they have no concessions, but they are not equal, and they have been penalised. It is purely an anomaly. There is the extraordinary position that all share transfers, with the exception of shares in building societies, are liable for stamp duty of 5s. in the £100, whereas the duty on the transfer of shares in a building society is, through this inadvertence, still liable to £1 per £100.

The Chief Secretary: Does that appear in the Second Schedule?

Hon. H. K. WATSON: That is so. If the Chief Secretary can make inquiries into that point before the Bill reaches the Committee stage, I shall be obliged.

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

BILL—LOTTERIES (CONTROL).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.40] in moving the second reading said: I know that in all cases I am supposed to address you, Mr. President; but, as I have a very soft voice, I have been told on many occasions that I could not be heard from some of the back benches. So if you, sir, would close one eye to the fact that I am not facing you during the course of the debate, it might make it much easier for members to hear many of the words of wisdom which I shall be uttering.

The PRESIDENT: The Minister may proceed.

The CHIEF SECRETARY: This looks a very formidable Bill, but it is not so formidable as it may appear at first sight. It contains only a few actual amendments; but, in submitting them, the opportunity has been taken to consolidate and re-enact the principal Act. This has been amended on so many occasions, since its introduction in 1932, that it is most difficult to follow, and consolidation is advisable.

In addition, the Act is badly drawn. Some of its sections deal with more than one subject matter, and do not follow in logical sequence. References to the commission's own lotteries, and to private sweeps, raffles, etc., are intermingled, and can cause confusion.

It is for those reasons that the Bill seeks to repeal and to re-enact the Act. Some obsolete provisions have been removed, and those being retained are in their proper place and sequence. The result is a shorter, more concise, and explicit piece of legislation; and the measure should be quite suitable to Mr. Watson.

Hon. H. K. Watson: You will always have my heartiest support in any such move.

The CHIEF SECRETARY: I feel sure all members will agree with me when I say that, had it not been for the principal Act, many of our deserving charitable organisations would have found it extremely difficult, in these days of ever-rising costs, to finance their expanding activities on behalf of the more unfortunate sections of the community.

As members know, the Act makes provision for the regulation and control of raffles, art unions, sweepstakes, and other similar devices. Prior to the passing of the Act, these activities were being conducted throughout the State on an increasing scale. Many of them had been of a wasteful nature and some had been accompanied by the hawking of tickets, and balance-sheet scandals.

The policy of the commission has been to limit the number of raffles that approved organisations may conduct in any prescribed period; to fix the maximum subscription and the price of tickets; and to impose such other conditions as are considered necessary to safeguard the interests of subscribers.

As Minister in charge of the Act, I have found that at all times the members of the commission have had a deep sense of the responsibilities of their position, and have discharged these duties in a fair and impartial manner. It is worthy of record that, notwithstanding the huge sums of money that the commission distributes, no real or justifiable criticism of its administration has eventuated.

The ever-increasing public support of the State lottery has enabled the commission to assume additional responsibility in relation to both the present and future requirements of our hospitals and charitable institutions. It is of interest to note that the profits this year are expected to reach a record total of £400,000.

In addition to undertaking to repay to the Government over a period of years the whole of the capital expenditure involved in the construction of the new Royal Perth Hospital, the commission has agreed to meet the total cost of the Mt. Henry Home for Women. Already a sum of £450,000 has been expended on this project, and a further £250,000 will be required to complete the home. I would make it clear that the provision of funds towards financing these major undertakings has in no way limited grants to other hospitals and institutions, which have continued to receive generous assistance from the commission.

The commission has now enjoyed 21 years of existence and I submit that it has become part of the permanent life of the State. One of the amendments in the Bill is to give it permanency of tenure. In effect, the commission having reached its majority, the Government wishes to give it the key of the door. The position at present is that the Act expires on the 31st December, 1955, its provisions having been extended in 1949 to that date. Prior to that it had been reviewed, firstly every year and later every three years.

In no other part of Australia where there is a State lottery is any limit placed on the life of the controlling authority; and in view of the success and achievements of the commission, I do not see any reason why a limit should exist in Western Australia. A further point in favour of the amendment is that it would give greater security to the commission's expanding staff, members of which would then be eligible to participate in the Government superannuation scheme. As members are aware, this scheme is available to permanent and semi-Government employees only. The Bill proposes, therefore, to repeal the provision requiring the periodical renewal of the Act, and to place the law relating to lotteries permanently on the statute book.

Another amendment proposes that the remuneration and allowances payable to members of the commission, instead of being fixed by Parliament, shall in future be determined by the Governor. This practice operates in relation to fees payable to members of most other statutory bodies and commissions, and its adoption in this instance would obviate the necessity for amending the Act each time it is desired to vary the fees payable to members of the Lotteries Commission. I feel that this is a quite reasonable request. The present method is cumbersome, and allows any proposal for an increase of fees to be considered only when Parliament is in session. The fees at present being paid to members were fixed in 1951. The chairman, who is practically a full-time official, receives £900 per annum, and the other three members receive a sum not exceeding £266 13s. 4d. each.

Hon. C. H. Simpson: Why was the amount of £266 13s. 4d. fixed as a maximum?

The CHIEF SECRETARY: A certain amount was allotted, of which so much was for the chairman, while the remainder was divided amongst the rest of the members. Speaking from memory, I do not think the individual amounts were stated in the Act, but only a lump sum was made payable to the commission. Consequently, it works out at the rather extraordinary amount I have stated.

Hon. C. W. D. Barker: Are those the only amounts allotted by the Act?

The PRESIDENT: The hon. member may raise that question in Committee.

The CHIEF SECRETARY: Section 2 of the Act sets out the several objects which may be classified within the term "charitable purpose." It also gives the Minister power to include other worthy objects within the term. By Section 19, the commission is precluded from granting more than £250 from any one lottery to any object included by the Minister as "charitable." This restriction is considered undesirable. Many very worthy objects have been included by the Minister, such as the Queen Elizabeth II Coronation Gift Fund, and there is no reason why the commission should be restricted in the amounts it donates to these purposes.

The Act requires that permits for the conduct of lotteries conducted by approved organisations shall be granted by the Minister on the recommendation of the commission. The Minister has no power to approve an application which has been rejected by the commission, but may reject an application recommended by the commission.

Strict compliance with the procedure laid down would occasion much unnecessary work and delay in connection with the issue of a large number of permits, and it has therefore been the practice for the commission to issue permits and to forward each week to the Minister a list of raffles recommended and rejected.

This arrangement has proved quite satisfactory over a period of years; and, as a result, the Bill does not retain the provision that the Minister himself must approve or reject applications to organise sweeps, raffles etc. This is an authority that can well be handed to the commission.

Hon. H. K. Watson: And yet, according to Clause 7 of the Bill, the commission must make application to the Minister.

The CHIEF SECRETARY: We can have a further talk about that in Committee. I believe that the clause was inserted with the intention that Parliament or the Minister would have some say in the number of lotteries that should be permitted. In the early stages of the lotteries, a restriction was imposed; and the debate in the House indicated a fear that, if an open go were given to the commission, the lotteries might reach such a number as to become a nuisance to the people, possibly leading to a lot of hawking of tickets and to the pestering people to buy them. After 21 years' experience, however, since the commission has not overstepped the mark, we might be able to agree to give it further power.

Hon. G. Bennetts: I think the Government should have some control, anyhow.

The CHIEF SECRETARY: I have endeavoured to make my intentions quite clear, and if members want any further information I will be happy to supply it. As I have said, apart from two important amendments, the aim is to consolidate the present Act and rearrange certain of its provisions in proper sequence. This objective, in the opinion of the parliamentary draftsman, can best be achieved by repealing the existing Act and re-enacting the whole of its provisions in the form set out in the Bill.

If members look at the Act, they will find that the provisions governing commission and private lotteries are intermingled in such a way as to make it difficult for the average individual to understand what is required. This Bill will make those requirements much easier of interpretation. Although the measure is termed a Lotteries Bill, I point out that, apart from the State lotteries, there are organisations that conduct raffles and art unions—I am refering to those that obtain permission—but before they can make an application, they have to study the Act to ascertain what is required. At the moment, it is difficult for them to do so; but we believe that the set-up in this Bill will remove any difficulty in interpreting what is intended.

The main feature of the Bill is the proposal to give the commission permanency. I have not stressed that point; but one of the big advantages of permanency would be that when the commission, which must make extensive contracts, enter into negotiations, it would be able to obtain much more favourable terms for a long period than for a limited time; and the granting of permanency would mean that its costs could be considerably decreased by the ability to make long-term contracts.

Hon. C. H. Simpson: Contracts for printing, for instance?

The CHIEF SECRETARY: Yes. Under the existing Act, the commission has to take a risk. It must keep an eye on the law to a certain extent; but if at the expiration of five years, Parliament refused to renew the legislation, there would be difficulties. If we make the Act permanent, this restriction will not exist. I shall be pleased to hear any member state such objections as he may have so that I can reply to them when closing the second reading debate; but I feel confident that the measure will receive the serious and favourable consideration of the House. I move—

> That the Bill be now read a second time.

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

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. McI. THOMSON (South) [2.58]: This is a very short Bill, in that it proposes only to insert a new paragraph in the Act. The object of the provision is to prescribe precautions for ensuring the safety of men who are called upon to work on a roof constructed of asbestos cement or other brittle material, so it affects everyone concerned, whether he be employer or worker. Whenever a person meets his death following an accident such as the Chief Secretary described, there is a desire to remedy the fault, and ensure that there will be no possibility of a recurrence. What I am concerned about is that the measure does not indicate fully what the

intention really is. For the information of members, I will read the proposed new paragraph—

> Section twenty-seven of the principal Act is amended by adding a new paragraph as follows:—
>
> (i) Prescribing the precautions and measures to be taken for securing the safety of persons where the roof of any building or structure whether constructed or in the course of construction is or is intended to be sheathed with asbestos cement or other brittle material.

When a man is called upon to fix corrugated asbestos sheeting on a roof, he may step back, break through the material, and fall to the ground. That is clear enough, but it is the practical application of the proposed amendment that calls for consideration. We have not been told what it is intended shall be done.

In this case, death could have been caused by impact with the earth, or with a beam. I appreciate the Chief Secretary's position, but would like him to inform the House, later, whether the intention of those who conceived the necessity for this amendment was to have brought into force regulations making it mandatory for a staging to be set up beneath the roof, or whether the extra precautions were to be taken by the use of additional planking on the external surface of the roof. Instead of leaving such matters to supposition, I think we should be informed what is the intention. We all agree that it is necessary to ensure the safety of employees in the building industry, but the erection of a scaffolding beneath a roof might prove very costly. I would be pleased if the Chief Secretary could inform us what is meant—

The Chief Secretary: I did not say what it meant.

Hon. J. McI. THOMSON: As I said earlier, I appreciate the Chief Secretary's position in this regard; but he may have an opportunity of informing the House, later, what is intended. Surely the people who frame legislation know what they propose should be done! I repeat that a scaffolding erected beneath the roof would be very costly, and it is necessary that those engaged in building should know what they have to do.

Another point is that we have not been informed what type or size of building this provision is to apply to, or whether it is to apply to all structures roofed with asbestos cement or other brittle material covering houses, or buildings such as shops, factories and the like. I think the measure should be more explicit in this regard. I support the second reading in the hope that the Chief Secretary may, when the Bill is in Committee, be able to give the information I seek.

HON. A. F. GRIFFITH (Suburban) [3.4]: After listening to Mr. Thomson, I take it that the position is that any building to be roofed with asbestos sheeting must be provided with a net underneath for the protection of the workmen—

Hon. J. McI. Thomson: But we do not know that.

Hon. A. F. GRIFFITH: No. I think Mr. Thomson — perhaps not deliberately— glossed over the words "or other brittle material." While not knowing much about the building industry, I would think that a tile is made of brittle material.

Hon. J. McI. Thomson: The battens on a tile roof are much closer together than the timbers on an asbestos roof.

Hon. F. R. H. Lavery: The battens on a tile roof are about 11 inches apart, and a man could not fall through them.

Hon. A. F. GRIFFITH: Is it felt that they would afford a workman sufficient protection?

Hon. F. R. H. Lavery: Yes.

Hon. A. F. GRIFFITH: In that case, why is it necessary to include the words "other brittle material"? What roofing material other than asbestos sheeting would be brittle?

Hon. C. H. Simpson: Glass, perhaps.

Hon. A. F. GRIFFITH: Is that what those who framed the Bill had in mind?

The Chief Secretary: It might be anything, in these days of invention.

Hon. A. F. GRIFFITH: If tile roofs are brought under this provision, the construction of most buildings other than those roofed with iron or steel will require the erection of a net to protect the workmen, and that will put the building industry to a great deal of cost. I agree that workmen should have every possible protection; but if there is any doubt on this point, I think we should be told whether the words "other brittle material" would include tile roofs. I hope the Chief Secretary will be able to clear up any doubts in that regard. I support the second reading.

HON. G. BENNETTS (South-East) [3.7]: I can see the force of Mr. Thomson's argument. A person putting on an iron roof must keep his feet on the rafters to prevent the iron being dented; and a workman constructing an asbestos-sheeting roof must protect himself against flaws in the sheets, some of which are very brittle. Unless a workman has had experience with asbestos sheeting, he might easily be trapped; and there is always a possibility of a man being killed, not by falling through a roof, but by sliding off it altogether. The erection of a net beneath the roof to protect workmen would be very costly; and if they are protected by the clamp system while placing the sheets, I think that is all that should be required.

Only about two months ago, a huge building being erected in Canberra by the R.S.L. gave trouble when the second floor of that concrete structure collapsed, due to faulty work by men lacking practical experience in that kind of structure. The same thing could happen in the case of a roof and I think this provision should be explained further.

HON. C. W. D. BARKER (North) [3.10]: I do not think there is any need to worry about the wording of the Bill, as it would be difficult to lay down anything hard and fast in this regard. We are all aware of the accident which resulted in this measure being introduced. In these modern times certain brittle materials are being used which make scaffolding necessary—

Hon. J. McI. Thomson: Is it not necessary to have a better definition in the Bill?

Hon. C. W. D. BARKER: I do not think so. One man might find it easy to use scaffolding for protection, and in other cases a net might be preferable. I think we should leave it to the inspector to say what precautions are necessary—

The PRESIDENT: Order! Members must allow the hon. member to proceed.

Hon. C. W. D. BARKER: By laying down hard and fast rules, we would be doing a disservice to those concerned, because different methods of protection might be found better on different buildings. It is necessary only to give the inspector the power to say what is required. I support the Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [3.12]: I have listened with interest to the debate on this measure, and will answer first the remarks of Mr. Griffith, who wanted an explanation of the words "other brittle material". I do not think I can give an explanation of that wording, but believe it to be a sweeping provision to cover new materials which may come on the market from time to time. Unless a provision of that kind is included, some new brittle material might be in use for perhaps six months before it could be dealt with by Parliament.

Hon. A. F. Griffith: Would the builders say a tile roof was being fixed when the tiles were going on or when the battens were being put on?

The CHIEF SECRETARY: That is too technical for me.

Hon. A. F. Griffith: Is not the law technical?

The CHIEF SECRETARY: It is highly technical. I think this sweeping provision is necessary in view of the fact that new materials and methods are being introduced almost every day.

Hon. A. F. Griffith: If the regulations provided that the roof was being fixed when the battens were going on—

The CHIEF SECRETARY: Members will have some say in that. I know that Mr. Thomson can lose me in building matters; but I think he has taken a wrong slant on this measure, and a different one from that which he has taken on the legislation that has been in operation for many years. This Bill seeks to insert a provision giving power to prescribe the precautions to be taken to ensure the safety of persons engaged on the roofing of any structure—

Hon. J. McI. Thomson: I do not oppose the measure. I support it, but would like some clarification.

The CHIEF SECRETARY: All this provision does is to make it possible to prescribe the precautions to be taken. The hon. member takes no exception to what is already in the Act, and now the Act of 1927 is to be added to. The relevant provisions read as follows:—

> (2) The Governor may from time to time make regulations . . . .
>
> (a) Regulating the duties of inspectors and other officers, and providing that such inspectors and officers in the exercise and discharge of their duties shall not unreasonably or unduly interfere with the work or processes being carried on in any place . . . .
>
> (b) Providing for and prescribing the standards for the examination of persons desiring to act as scaffolders and the granting of licences to them.
>
> (d) The manner in which scaffolding and gear shall be set up, built, maintained, and used . . . .

I am only citing these various provisions in the Act to show that at no stage is the measure varied by the Bill. The Act merely gives power for regulations to be prescribed to cover these matters.

Hon. J. McI. Thomson: But the schedule indicates what is required.

The CHIEF SECRETARY: In the schedule to the Act, regulations are prescribed enabling an inspector to do a dozen and one things, including the directing of gear; proving the dimensions and the spacing of the standards; proving that the putlogs are of approved hardwood timber, and directing where they may be used; and so on.

Hon. J. McI. Thomson: If all those things are to apply now, why could they not do that as far as builders are concerned?

The CHIEF SECRETARY: The Bill merely follows along the lines of the Act. For example, where it has to be shown

that putlogs are to be of approved hardwood timber, it does not say which hardwood. It merely says that power is given to prescribe for these things.

Hon. L. A. Logan: The hon. member wanted to know what the intention was, more than anything else.

The CHIEF SECRETARY: I was coming to that point. The hon. member, and other members, will know what is intended when the regulations are printed; and then Mr. Thomson will have his opportunity either to agree or disagree with them when they are tabled in this Chamber.

Hon. J. McI. Thomson: But it is not so easy then.

The CHIEF SECRETARY: Yes, it is.

Hon. J. McI. Thomson: To alter regulations?

The CHIEF SECRETARY: Yes, if there is good cause for altering them.

Hon. A. F. Griffith: Will the Chief Secretary say that the purpose of the law should be altered by regulation?

The CHIEF SECRETARY: No; but there are quite a few things which are not capable of being inserted in the Act.

Hon. A. F. Griffith: I meant the intention of the law.

The CHIEF SECRETARY: In the Act, there is power to prescribe regulations to cover all the scaffolding activity. All the Bill does is to cover one small point that has been overlooked.

Hon. J. McI. Thomson: The necessity has never arisen until recent years.

The CHIEF SECRETARY: That is the reason why the words "brittle materials" are in the Bill. It is quite possible that materials may be produced that are not known now, in the same way as known materials today were not thought of when the original Act was passed.

Hon. N. E. Baxter: The Chief Secretary says that it is meant to cover only one small point, but it might not be so small when one comes to erect a scaffold.

Hon. A. F. Griffith: Nobody wants to oppose the Bill.

The CHIEF SECRETARY: No; but I think members are on the wrong track in regard to the Bill.

Hon. N. E. Baxter: What sort of scaffolding do you suggest they should use? Skyhooks, or something like that?

The CHIEF SECRETARY: If the regulations do not meet with the approval of the hon. member, I know it will not be long before he will move for their disallowance.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. K. WATSON (Metropolitan) [3.23]: I support the second reading. As the Chief Secretary explained, when introducing the Bill, it is designed to give warehousemen the right to sell goods when the storage charges on them are in arrears for a period of six months and not 12 months, as is prescribed in the Act. That is the sole purpose of the measure. However, on looking at Section 7(8) I would suggest to the Chief Secretary that inasmuch as we are amending that subsection, we might take the opportunity of correcting what appears to be either a drafting or a printing error. In the second line of this subsection, the word "arrear" is spelt with only one "r." I suggest that this error should be corrected.

HON. C. H. SIMPSON (Midland) [3.25]: I have no wish to oppose the Bill. I understand the amendment has been called for by the warehousemen in order that goods which are stored and which may be deteriorating can be realised on to cover the storage charges before the goods become unsaleable. However, I ask the Chief Secretary if there are safeguards in the Act, which I have not had time to examine, covering the cases of those people who, for quite good reason, have been away and have been unable to pay their dues. Also, they may not have had the opportunity to communicate with the people who stored their goods.

During the first world war I went to London and I had to store my goods with Cook & Sons because I knew of no one who could take care of them for me. That firm gave me a cheap rate. Whether they granted a concession rate to me, because I was a soldier, I do not know. I have been thinking that when the Bill becomes and Act a similar case to mine might arise and that is why I am wondering whether there is any provision in the Act to cover, say a soldier who is engaged on active service and also other people who, for valid reasons, may be prevented within 12 months from communicating with the agent who is in possession of their goods. Subject to some reassurance on that point, I support the Bill.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [3.27]: I will make inquiries about the point raised by the hon. member and supply any information received when the Bill is taken into Committee.

Hon. H. K. Watson: Section 7 (2) seems to answer the queries raised by the hon. member.

The CHIEF SECRETARY: Yes. However, I will make inquiries and later submit a report which can be recorded in "Hansard" and then everybody will be satisfied. I do not think there will be any difficulty. It will be just as well to make sure that we do not do something that may prove to be injurious to someone rather than to agree that six months is too short a period, especially in the case of a person who proposes to make a trip overseas. For that reason, I will not take the Bill into Committee at this stage.

Question put and passed.

Bill read a second time.

BILL—POLICE ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the previous day.

HON. A. F. GRIFFITH (Suburban) [3.28]: The Bill seeks to increase the penalties for vandalism provided under the Police Act. I think the measure is justified and should receive the support of the House. The Chief Secretary has given reasons why the penalties now laid down should be increased, and I am sure that all members listened to them with interest. We all know that the incidence of vandalism has been growing and is causing great concern, not only to many local authorities, but also to private individuals.

It is difficult to understand the actions of adolescents and adults who are responsible for vandalism. The destruction of birds, and damage to trees and other property, are bad enough; but the wanton interference by vandals with life-saving equipment established on our beaches is beyond my comprehension. How anybody can deliberately go on to a beach and interfere with such equipment is hard to understand. Such a person could well be guilty of causing the death of a relative. I do not think there is any doubt that interference with life-saving equipment is positively criminal, and should be dealt with harshly.

I happened to be at Rottnest Island during the week-end that wallabies were destroyed by people with spear-guns, and it was quite a pitiful sight to see those defenceless creatures treated in such a manner. People, for sheer want of something better to do, destroyed the animals, often leaving them to die lingering deaths from injury caused by the spears. Frequently, people who indulge in a certain sport or hobby are branded by the actions of a few who do not know how to conduct themselves, particularly in circumstances of this kind; and I feel that the Government is entitled to increase the penalties under the Police Act in order to make an example of those who have no regard for public property and the feelings and rights of other people.

I speak sincerely on this point, because it is distressing indeed to find people who, for some extraordinary reason, adopt ways of entertaining themselves that are to the detriment of other people and of animals as well as of private and public property. The Government is quite right in seeking to increase the penalties provided under the Act for offences of this kind.

When the Bill was being dealt with in another place, it was suggested it was time something was done about the breaking of bottles on beaches, an extremely dangerous practice. From what I have been able to ascertain since the Bill was before this House, the Licensing Act deals with the breaking of beer bottles, or bottles containing other alcoholic spirits, but not with the breaking of soft-drink bottles. Vandalism of this kind on our beaches causes injury to children and others; and I suggest that the Chief Secretary might look at the Bill to see whether the Government could make any provision, while the time is opportune, to deal more adequately with vandalism of this kind. I support the second reading.

HON. G. BENNETTS (South-East) [3.36]: I support the measure, and agree with what was said on this subject at a school in Perth, according to the newspaper by Mr. Glew, an ex-schoolmaster at Kalgoorlie: namely, that there are certain types of pictures which influence youths to indulge in this kind of stunt. I also agree that a lot of it is due to the amount of spending money available to young people.

On the Goldfields, we have suffered for a period of years from the destruction of property caused not only by small children, but also by youths of 18 to 20. Only three years ago, the wonderful statue of Paddy Hannan, on the corner of Hannan-st. and Wilson-st., Kalgoorlie, was broken. The pick was removed, and this meant that the statue had to be sent to Perth to be remodelled, at considerable cost to the municipal council. Recently, three or four small children did damage to the South Kalgoorlie school estimated at £150. They broke windows, and damaged a 16 mm. movie camera and a piano. They broke the keys of the piano and damaged other parts of it.

Hon. J. McI. Thomson: That does not speak well for parental control.

Hon. G. BENNETTS: From the school they went to the racecourse, where they broke windows at the totalisator. Again, the windows of the home of the Bishop of Kalgoorlie were smashed during his absence in Perth. Older youths in Kalgoorlie have pulled down ornamental trees in the town. This sort of vandalism is increasing, and I think it is largely due to what these

young folk see in pictures, which show how people can get away with criminal actions. It is about time that such pictures were rigidly censored.

Hon. A. F. Griffith: What pictures show children how to get away with a crime?

Hon. G. BENNETTS: I saw one in Perth recently which amazed me. I do not remember the name of it; but it was annoying to sit there and observe the type of film which was shown to young people. A lot of ridiculous stuff is included in the cowboy pictures that are exhibited to children. At Kalgoorlie, there is a picture day for children, and nothing but rot is shown, in robbery and crime films. The whole business is overdue for review.

All that perturbs me about the Bill is that the cost will come back on the parents, who have to face the consequences of what their children do. I know one very respectable family in Kalgoorlie whose small boy recently got into mischief. The home is a good one, and the child is well looked after. It was thought that he had gone to a show; but, instead of that, he met some other boys, and they broke a few windows. So, no matter how children are looked after, the time comes when they are tempted to get up to mischief. Under the old system, when children received a good hiding, they were given food for thought, and parents were not penalised to such an extent. I think the Bill is a good one, and I support it.

Reference was made by Mr. Griffith to the breaking of bottles. Last year, my family and I were on the beach at Cottesloe, and I noticed quite a lot of broken glass, which was quite dangerous. Something should be done regarding that matter. I take it that if the Bill is passed, that aspect will be covered.

HON. F. R. H. LAVERY (West) [3.41]: In supporting the Bill, I would request the judiciary to see that appropriate punishment is meted out to those who deserve it. It has been distressing to find in the past that the Legislature has provided certain fines for vandalism and other crimes, but when a case has come before a judge or a magistrate, a very moderate penalty has been imposed. If vandalism is to be eradicated, the judiciary should punish offenders to the limit.

Take a person who has been caught stealing poultry out of a yard. The police go to all kinds of trouble to catch him, and then he is fined 10s. or £1, which is utterly ridiculous. The amount does not even pay the police for the time occupied investigating the case. Only a couple of days ago in Fremantle a young fellow was charged with stealing a motorcar. It was his fourth offence—though not all were concerned with motorcars—at the age of 17; but he was released on a bond of £30 to be of good conduct for 12 months. If the Bill is to become law, I hope the judiciary will take the opportunity to award fitting punishment for those guilty of the offences it deals with.

HON. E. M. DAVIES (West) [3.43]: I do not raise any objection to the Bill, which has been introduced with a view to deterring certain individuals who seem to find delight in committing acts of vandalism. However, I am at a loss to understand how the measure will prevent vandalism from being committed, because it merely provides for penalties to be inflicted after an offence.

Quite a lot of offences are committed by people in the adolescent stage. After the school-leaving age is reached, these young folk have a certain amount of unexpended energy which they utilise in destructive actions, with a view to providing some amusement for themselves and their friends. But those actions cause a great deal of harm and disability to other folk. One of the principal ways of attacking this problem is through the youth organisations. I pay tribute to the Police Boys' Club which has done such a lot to bring a section of our adolescents into a group where they can be taught to act in a way that will mean that they can be classified as being decent citizens.

The Bill provides for penalties to be inflicted after the offences have been committed. I cannot see how that will be of such great advantage, because all we will be doing is to ask the parents or guardians of these juveniles to pay for the offences that are committed. Admittedly, there is provision for a term of imprisonment; but we know that, as Mr. Lavery has pointed out, the judiciary at times take a lenient view when dealing with young people, and do not inflict penalties commensurate with the offences. One of the reasons is that they do not desire to brand young people with a criminal record, because they have to carry that stigma throughout their lives.

Greater emphasis should be placed on the tuition—if I may use the word—of the younger generation from the time when they leave school until they reach adult age. One of the ways of doing this is to foster our youth organisations. At one time a policeman was regarded by boys as someone to be frightened of, but today he is their friend. The police boys' clubs gather in a section of our juveniles who are not associated with other youth movements such as the Y.M.C.A., Young Christian Workers, and other church organisations.

In addition, the National Fitness Council started off to do a very good job; but, unfortunately, due to lack of finance, it has not been able to carry it out altogether. In consequence, in some of the State

schools, where the National Fitness organiser was also a teacher, the organisation has largely gone to pieces because of the teacher's transfer.

The Government should give considerable thought to this matter, and should make money available so that our youth organisations will be able to provide ways and means to engage the youth of the State in something that is profitable to themselves in particular and to the State as a whole.

I support the measure, but I feel it will not do a great deal of good. It provides penalties, but they will only be paid after the offence has been committed. We should tackle the problem of preventing the offences being committed, because then it would not be necessary to bring these penalties into operation.

HON. R. F. HUTCHISON (Suburban) [3.50]: I did not intend to speak on this measure; but from the debate I can see that we should contribute something to it. The subject of youth is one that I have been concerned with for many years outside of my own home. One of the problems that has brought vandalism forward more prominently in the last few years is the housing situation. I think that a lot of the vandalism in the city today is due to the bad housing conditions and overcrowding which have come about as a result of the war.

When severe penalties are inflicted, they generally come back on to the parents—sometimes widowed mothers—who cannot afford to pay them. These penalties are inflicted because the children get into trouble, and this is the result of the change in social conditions through which we are passing. Today, many mothers have to go to work. The pension of a civilian widow is quite inadequate to keep a family.

Through being connected with youth movements—I have been associated with the scout and guide movements during the last 25 years—I have watched the position. Boys will do things in the adolescent stage—the gang age. It is a stage that they all go through. I am not upholding lawlessness; but I do point out, as Mr. Davies has done, that penalties will not correct the position.

We have new suburbs; and while we build houses in them, we give no thought to the establishment of playing fields, with the result that the children play on the streets. I do not know why, but boys just naturally want to break electric light globes if they are allowed to play in the streets. They take their cricket bats and play on the roads.

At Rivervale there was hardly any provision for recreational facilities, but now we have a small place there which is used every day and night of the week. We should tackle the question of changing social conditions, and see that proper provision is made for children. Money is being made available for most other purposes; but when we want to help our young people, we have to get it the hard way, and in doing so the youth are going by the way.

They get into mischief because there are no amenities for them. The tempo of life has quickened so much that activities we used to look upon as out of accord with life are now considered usual. With our present density of population, there are not sufficient amenities for the use of our children. I think that the police boys' clubs have done a good job, and cater for the high spirits of our young boys, who indulge in such sports as boxing, and so on.

There is also a great shortage of amenities for girls—I would say more so than for boys—throughout this city. We should tackle this problem by giving more help to such organisations as the Parents and Citizens' Association, which are doing their best to provide amenities in schools. The best way to start is by educating our children when they are young; that is why I am a firm believer in kindergartens. If we train our children at that age, they become better equipped to withstand temptations later in life.

I am a mother; and while I do not like vandalism, I think that if we get rid of the fighting spirit of our boys, we will be rendering our country a disservice. Because of their natural high spirits, our lads do indulge in some forms of vandalism, and I think that in such cases harsh penalties should not be imposed. I have seen youngsters doing things that would surprise their parents. The children are not bad; they come from good homes. It is just the natural exuberance of youth.

The trouble seems to lie in the broken homes. When the children are neglected, they form themselves into gangs, and that is where the trouble starts. We should tackle this problem through education and the provision of social amenities in our new suburbs. Many of our older suburbs, too, require amenities for children; and if we can provide these facilities, we will obtain better results for our children. I support the Bill.

HON. L. A. LOGAN (Midland) [3.55]: It seems tragic that in these enlightened days we have to introduce a measure to increase the penalty for vandalism. However, I am afraid that an increase in the penalties will not stop the vandalism. Unfortunately, I should say that 90 per cent. of the children responsible do not know what is in the Act, because they are too young to understand it; they certainly will not know what is in this Bill, either. So what is the use of increasing the penalty? Where adults are responsible for acts of vandalism, the cat-o'-nine tails would not be out of order. There might

be a dozen cases before the court involving adolescent youths, but I venture the opinion that not one of them would know the penalty.

While I do not oppose the Bill, I think we must look at other ways of overcoming the problem. Mr. Davies mentioned the police boys' clubs and that is an excellent avenue for training our youths. But there again, the public is not very sympathetic. Recently the police boys' club in Geraldton convened a public meeting in an endeavour to get public support to extend its already excellent set-up. But that meeting had to be abandoned, because an insufficient number of people were present. It is a poor look-out when that sort of thing happens, and organisations like that cannot get public support. If the public is not interested, how can we overcome the problem?

Frequently, too, the public are to blame for vandalism. In many cases, if they see it occurring, they close their eyes and walk away. People do not admonish offenders or notify the law of what is taking place. We have increased the standard of our education over the last few years; but despite that, vandalism is increasing also. I agree with Mrs. Hutchison in one respect: that if all our boys reached the stage where they did not create any trouble, it would be a poor look-out for the future of our country. Boys must give way to natural exuberance; and if only we can lead that exuberance into more profitable channels, we will be better off.

Hon. A. F. Griffith: There is a lot of difference between youthful exuberance and wilful damage.

Hon. L. A. LOGAN: I admit that. I agree, too, that the housing standards probably have something to do with the problem, particularly in areas where children have no playing fields and are forced to use the streets. However, a street is not a bad place for children, particularly if it is a by-street. In such cases they are usually under parental control. The street in which I played as a boy had many youngsters living in it, and we all played in the street together; but we were under parental control, and that makes a big difference.

Hon. A. F. Griffith: How often have you seen boys playing in the street when there was a park alongside?

Hon. L. A. LOGAN: Plenty of times, I agree. The problem is not an easy one, and just how it can be overcome I do not know. But I appeal to members of the public to take an interest in this problem; and if they see any acts of vandalism, they should admonish the youths responsible or inform the authorities. If we can get the public on our side, there may not be any necessity to increase the penalties. I hope that these harsh penalties will not be inflicted too often.

Sitting suspended from 4.0 to 4.22 p.m.

HON. C. H. SIMPSON (Midland) [4.22]: I am entirely in agreement with the views expressed by previous speakers in regard to this measure. With others, I find it difficult at times to understand what motive actuates those who wantonly damage public and private property. Sometimes it is a matter not so much of wilful damage as of carelessness, such as leaving bottles on roads or on beaches. But there seems to be, at the bottom of it all, a lack of realisation of the obligations of a citizen to the community.

I have for a long time been a strong believer in the teaching in our schools of citizenship and the value to the community of all forms of property. It has been said that up to a certain age children are not regarded as being capable of assimilating those ideas; and, while there is some provision for the teaching of citizenship at the earlier ages, there is a comprehensive curriculum of citizen tuition in the more advanced stages of a scholar's education.

I think that we could inculcate a sense of community values by applying the minds of the young to some set idea. To give an illustration: I was talking to the Director of Education in Victoria, Major-General Ramsay, not in regard to vandalism, but in regard to school efforts in the matter of collections for various purposes. He said that the response to appeals was not very great until he introduced a new idea. He suggested that different classes should adopt a specific institution to whose interests some of their efforts should be devoted.

He gave me details of the classes that he had nominated to care for different institutions. He told me that, as a result, the collections had been stepped up to a great degree. He used to take the children to the institutions and permit them to see the specific object of their charity, with the result that their interest was aroused and there was a considerable increase in the sums collected.

I am wondering whether something like that could not be introduced in our schools. We could say that a fund was to be raised for some specific object—say, a park—and the scholars could be taken along and shown exactly what was being done with the money donated. That would develop an interest in property of which members of the community are, in a sense, part-owners. I consider that some positive means like that of enlisting the interest of the younger generation might be adopted with advantage. In the meantime, the penal provisions of this measure should go some way at least towards reminding those who do embark on wilful damage that they will have to pay for their fun, if they call it such.

The last time I was in Victoria, I went on a trip to Mt. Macedon. On the top of that mountain there is a look-out. A memorial has been established, with floodlights to illuminate it; and it can be seen from Melbourne. There is also a fountain, and other objects in keeping with the ideas of the very generous individual who made the spot available for the purpose. To my surprise, I found that vandals had broken the fountain and the drinking trough, had smashed the floodlights, and had damaged the memorial. I cannot understand the mentality of people who do that sort of thing. But it was done; and possibly the penalties provided in this measure will bring to such people a realisation of the seriousness of what they are doing when they commit acts of vandalism. I support the measure.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [4.27]: I want to thank members for the interest they have taken in this measure. I can assure them that the Government realises that an increase in the penalties will not prevent vandalism. But offenders will know that if they commit such offences and are apprehended, they will be subject to a severe punishment and that should make them and others think twice before committing similar offences. It is one of the only ways open to us to deal with the problem.

Some members have said that many of those who do these things will not know anything about the penalties. It is a remarkable fact, however, that while such folk might not know much about anything else, news of court cases and fines inflicted seems to spread amongst them like wildfire.

It has been said that a lot of damage has been done by children. Admittedly they are responsible for some vandalism; but the worst of it comes from lads who are beyond the school-leaving age, and they are in a class who would know just what happened when any of their ilk were apprehended and brought before the court.

While it is true that parents are often called upon to pay fines, I think that most of them see that they are repaid by their children. If that procedure is adopted, it will act as a deterrent to would-be offenders who will be well aware of the consequences to themselves of their misdeeds. We as a Government know quite well that the mere fact of increasing the fines will not put a stop to these offences, but it is the only legal way in which we can do something to help to stop them.

Reference has been made to the valuable work being done by the police boys' clubs, the parents and citizens' associations and other organisations. The Government helps those organisations as much as possible, financially and otherwise. We are not able to do as much as we should like because, in a State like this, there are so many urgent calls for assistance in various parts of the State; but wherever it is possible to help, we do so. We hope that by providing for an increase in the penalties, and by the good work of those organisations, it will be possible to bring home more forcibly to offenders the seriousness of their actions.

Question put and passed.

Bill read a second time.

BILL—INQUIRY AGENTS LICENSING.

Second Reading.

Debate resumed from the previous day.

HON. L. A. LOGAN (Midland) [4.32]: I was a member of the select committee that inquired into this matter, and I support the second reading of the Bill. After hearing evidence from people occupying very high positions, we decided that inquiry agents had become a necessary part of our social life and were playing a very important role. Having come to the conclusion that they were necessary, we also decided that it would be better if they were brought up to a much higher status than they have occupied in the past.

We considered it desirable that they should have a better status in the minds of those members of the public who are unfortunate enough to have to make use of their services. We found that in many instances the tactics of these inquiry agents were what I might describe as low, and that generally their actions were not of the best. There seemed to be some arrangement existing between inquiry agents and solicitors, and vice versa, to utilise the services of these people.

In the little time I have had to study the Bill, I have formed the opinion that it covers most of the important points that the select committee recommended. These points were based largely on the South Australian Act. I have found nothing in the Bill that calls for much comment.

The Chief Secretary: It is perfect?

Hon. L. A. LOGAN: There is not much in it that calls for criticism. Unfortunately, Mr. Jones, who obtained the adjournment of the debate, is not present to speak. One of the most important points discussed during the investigation by the select committee was the position brought about by the reports of cases in certain newspapers, and the select committee would have liked to curb that sort of thing. It is bad enough to have occurrences of this sort in our society without their being made the subject of headlines and sensational reports in the newspapers. I trust that the Government will be able to exercise some control in this direction.

We hear a lot about freedom of action for individuals; but freedom of action at times can get out of control, and the sensationalism indulged in by some newspapers in regard to these cases is certainly to be deplored. I hope that the Government will consider that aspect. We found that, unfortunately, the methods employed by some inquiry agents were not at all what they should have been. All they thought about was the obtaining of evidence, irrespective of how they got it. So long as they could discover means of getting it, they got it.

Under a Bill like the one before us, where inquiry agents will in some measure have to pass a test, I think there should be scope for them to give advice to others. When they are seeking evidence for divorce, they could to a certain extent become almost marriage advisers. It is our hope that these people will bear this phase in mind as well as the other phase of obtaining the necessary evidence.

We believe that in a number of cases the parties, in the heat of the moment, decide that divorce is the only course open to them, and so consult inquiry agents in order to get the requisite evidence. If those inquiry agents could, in a friendly way, talk to the parties sympathetically about their actions, they might in some cases assist in reconciliation rather than divorce. I hope that inquiry agents will bear this in mind; for if they do, they will be lifting the standard of their calling much higher than it is today. I support the second reading.

HON. J. MURRAY (South-West) [4.38]: As a member of the select committee that inquired into this matter, I support the second reading of the Bill. Despite what Mr. Logan said about the measure covering most of the points, there is one aspect to which we drew attention that definitely is not included. In this House complaints have often been made about government by regulation, instead of the requisite provisions being included in the Act. One of the recommendations of the select committee was—

> Your committee further recommends that the name "inquiry agents" be retained, and that persons registered as such be restrained from advertising beyond stating their name and place of business.

In the past it has been customary for these people to use ambiguous words that would lead people to believe they are qualified to do much more than merely investigate cases, and the select committee was concerned with that aspect. The only place where I could find any provision for it in the Bill—and this is the only omission that strikes me—is the clause providing that regulations may be made to cover the matter. I would rather have seen something specific included in the Bill to prevent these people from using in their advertisements, ambiguous and extraneous matter liable to mislead the general public.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.43] in moving the second reading said: The purpose of the Bill is to give women the right, should they so wish, to serve on juries.

Members will recollect that last session Mr. Parker introduced in this Chamber a Bill which provided, among other things, that women between the ages of 21 and 60 years, who had the necessary property qualifications, should be eligible to have their names placed on the jury list; but any woman could make application, should she so desire, for her name to be removed from the list. The Bill was treated on a non-party basis and was defeated on a division on the second reading by 13 votes to 9.

Since then a considerable amount of pressure has been brought on the Government to submit a similar proposal to Parliament. Chief among those agitating for the presence of women on juries is the Women's Service Guild of Western Australia Inc., the members of which have expressed their keen disappointment at the defeat of last year's measure. The guild states that it considers that the inclusion of women on the jury list is long overdue.

It may assist members in their deliberations if I explain the situation prevailing in other Australian States and countries of the British Commonwealth. In England, every British subject, male or female, between 21 and 60 years of age, is qualified to serve on a jury and is liable to serve if his or her name is included in the jurors' book. New Zealand provides that women between 25 and 60 years, who notify the sheriff in writing that they desire to serve as jurors, are qualified and liable to serve in the same manner as men. There is no property qualification for women in that country.

The law in Queensland is similar to that in New Zealand, except that the woman is required to be a householder or the wife or daughter of a householder. In New South Wales any woman who is enrolled as an elector may notify the chief constable of her police district that she desires to serve on the jury. The question as to whether women should serve on juries is one for individual opinion. It is often postulated that women as a class are temperamentally unsuited for jury service. This is a rule, which, like numerous others, has many exceptions. It could also be submitted that many men are unfitted for jury work.

It appears to be difficult to advance any logical reason why women should not serve on juries. The gradual spread of education and modern social advances have almost completely emancipated the female sex. The war brought home the fact that women could be quite as essential as men, not only in the industrial life of the community, but also in the armed forces.

Women have served on juries in England since 1919. The English law states that "all natural born subjects of the King of either sex between the ages of 21 and 60 are compellable unless exempted or disqualified to serve as jurors." In England the bench is given the discretion, on application by any of the persons concerned in the case, to order that a jury may be composed of men only or women only, or may exempt any woman from serving if the woman does not wish to serve owing to the nature of the evidence to be given, or of the issues to be tried.

In order to give women in Western Australia the right to be included on juries, the Bill proposes that any woman between the ages of 21 and 60 is qualified and liable to serve in all civil and criminal proceedings within 36 miles from her residence. Her qualifications would be that she must be of good fame and character, and be included on a Legislative Assembly roll. She must also, like a male juror, be a natural-born or naturalised British subject, and must not, unless pardoned, have been convicted of treason or felony.

To meet what I have no doubt would be the wish of some women, the Bill provides that any woman may give written notice of her desire to retire from the liability to serve as a juror. During the passage of the Bill through another place, the Leader of the Opposition suggested it should be made quite clear that a woman could give notice at any time of her wish to be removed from the jury. He pointed out that many women might not be aware of the statutory right to withdraw, and might hear of it only after they had received notice to serve on a jury. The Minister for Justice appreciated this view, and promised to have it examined. As a result, it is my intention to place on the notice paper an amendment which gives any woman the right to submit a written notice of withdrawal at any time prior to being sworn as a juror.

The Bill also provides that women shall sit on special juries. The Act provides that to qualify as a special juror a person must be a justice of the peace, a bank director, a merchant not keeping a general retail shop, or a person who possesses in this State real or personal estate to the value of £500. This particular amendment would not have any great effect, as only three special juries have sat in the last 13 years. Special juries are appointed when a plaintiff desires the amount of damages to be assessed by a jury instead of the bench. This practice has almost fallen into disuse now, as most plaintiffs realise a judge is better equipped than a jury to assess damages. However, the provision still remains in the principal Act for those who wish to use it.

It is also proposed in the Bill to increase from 40 to 50 the maximum number of jurors that may be summoned. This is considered necessary as a number of women who receive a summons may apply to be disqualified or excused. The increase to 50 would provide a safe margin, in the event of a number of withdrawals. The summoning officer would not be obliged to summon 50 jurors. He could, on observing the number of women to be called, summon as many jurors up to 50 as he thought advisable.

The Bill gives a court or judge the authority to excuse from serving at a criminal trial any female juror who, before being empanelled, applies for exemption on the grounds of the nature of the evidence to be given or the issues to be tried. Another ground for exemption would be medical unfitness.

The opportunity has been taken to propose another necessary amendment. The Act provides that all justices of the peace for a district must attend at an appointed day for a special session to hear any objections to jury lists. The day fixed by the Act for these special sessions is the Tuesday of the third week of January in each year. This date is fixed, and no provision is made for an adjournment. It has been found that, in the outlying parts of the State, it is most difficult to get all the justices together on the one day.

With a view to overcoming this, the Bill seeks to follow the English practice, and to provide that the special sessions may be held with a minimum of two justices. If two justices cannot be obtained, or it becomes necessary for some other reasonable cause to defer a hearing, the sessions may be adjourned for a period not exceeding two weeks. I trust that members will give the Bill careful and favourable consideration. I move—

That the Bill be now read a second time.

HON. N. E. BAXTER (Central) [4.50]: I object to this measure, and one of my reasons is that when a jury of men is formed at the present time, each individual has to be a property-owner, whereas the Bill provides that any woman at all, whether she owns property or not, can be called to serve on a jury; and that just does not dovetail. I do not object to women serving on juries if they wish to do so, as some of them may; but I know that very few men like serving on juries, and that most of them get out of it whenever they can.

I cannot see my way clear to supporting the Bill, as at present framed. Had it been so drafted that women who wished to serve on juries could apply to do so, I would have agreed to it; but I will not agree to a measure which makes it mandatory for women to serve on juries unless they make application for permission not to do so. I think that provision would be an imposition on the majority of women.

Hon. H. L. Roche: Do you think that women should serve on all juries?

Hon. N. E. BAXTER: No. I feel that in certain cases the justice should decide, before the juries are summoned, whether women should be called to serve on them because, particularly where it was a mixed jury, women might find it very embarrassing to serve. I cannot support the measure, and intend to oppose the second reading.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—REPRINTING OF REGULATIONS.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.53] in moving the second reading said: The purpose of this Bill is to obtain statutory authority for the reprinting of regulations, rules, and by-laws. When during my explanation of the Bill, I use the word "regulations," I would wish the House to understand that I am, for the sake of brevity, referring also to rules and by-laws.

The Bill is similar in principle to the Reprinting of Acts Authorisation Act, which was approved last year by Parliament. It seeks to authorise the reprinting of regulations, rules, and by-laws and to allow for the incorporation of amendments in the reprints of amended regulations. In regard to the reprinting of regulations which are not amended, 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, and that these reprints were not accurate and possessed no official standing.

In the event of such reprints being produced in court they would have no force or effect. From this, I am sure members will agree that statutory authority for reprinting is desirable and necessary. A similar piece of legislation has been in effect in South Australia since 1937. Where regulations have been amended piecemeal over a number of years, the inconvenience caused can be imagined. Reprints would be made only on the authority of the Attorney General or the Minister for Justice.

Before the Government Printer could reprint regulations, the Minister would supply him with a copy of the regulations to be reprinted, together with a certificate showing that it was 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 legal officer of the Crown Law Department.

The Bill seeks to ensure that the reprinted regulations are correct since the Minister will give a certificate to the Government Printer only if he, in turn, has received certificates from the head of the department concerned and the legal officer of the Crown Law Department. There is a further safeguard, in that the Minister must satisfy himself as to the correctness of the printer's proof before final printing. On completion of the reprint, the regulations must be published in the "Government Gazette."

As I have already mentioned, the Bill provides 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. This will be of considerable advantage. It will obviate the necessity for a solicitor on some occasions having to refer in court to as many as half a dozen volumes of the "Government Gazette" in order to prove regulations relevant to his case. The proposals will also be of benefit to members of the public and other persons who frequently refer to regulations.

The Bill will enable corrections to be made of printing and spelling errors, and will permit of the regulations being renumbered so that those promulgated after the initial regulations can be given an appropriate number and position in the reprinted regulations. The provisions in the Bill will apply only to regulations which, at the time of reprinting, are no longer subject to disallowance. There will, of course, be no need for the reprinted regulations to be retabled. I move—

That the Bill be now read a second time.

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

BILL—CORONERS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.57] in moving the second reading said: Although there are a number of clauses in this Bill, there are only two actual amendments, the remainder being consequential. The Bill seeks to give a coroner an additional power when committing a person for trial.

Under the principal Act, a coroner may commit persons for trial on charges of wilful murder, murder, and manslaughter. In 1945, a lesser offence was provided for in the Criminal Code by rendering liable to imprisonment for five years a person who

had in his charge, or under his control, any vehicle, and whose failure to use reasonable care and to take reasonable precautions in the use and management of such vehicle, resulted in the death of another person.

Authority has never been given to a coroner to commit anyone on such a charge; and it is felt that where a coroner considers, on the evidence submitted, that a lesser charge than manslaughter should be laid, he should be given the power to commit on that charge. As the provision is in the Criminal Code, I feel that members will agree that coroners should have the power to commit on such a charge. The Bill, therefore, proposes to insert in the principal Act a definition of "reckless or dangerous driving" to mean the offence constituted by the particular provision mentioned in the Criminal Code.

The consequential amendments are as follows:—Where a coroner's inquisition charges a person with the offence of reckless or dangerous driving, the coroner may issue his warrant for the apprehension and committal of such person. The coroner is permitted to accept bail with good and sufficient sureties for the appearance of the person so charged at his trial in the court. He is authorised to bind by recognisance all witnesses to appear at the trial of a person charged by a coroner's inquisition with the offence of reckless or dangerous driving. The person charged is entitled to obtain free of charge a copy of the depositions of the witnesses taken at the inquest.

The inquisition by which the person is charged shall not be quashed for any defects therein, but shall be amended. Examples of such defects would be the committal of a person under the wrong section of the Criminal Code or the committal on a charge of, say, reckless or drunken driving, when the charge should be reckless or dangerous driving. As long as it is quite clear who was the offender and what was the offence, an amendment can be made to the inquisition.

The other prinicpal amendment concerns matters where an inquest is held by a coroner without a jury. The principal Act provides that the depositions taken shall, on the trial of any person, be admissible in evidence as if such depositions had been taken at an inquest held before a coroner and jury. The law officers are not satisfied with the wording of this paragraph, as it does not expressly set out how depositions taken at an inquest held by a coroner without a jury become admissible in evidence.

In order to resolve the doubts arising from the wording of the paragraph, it is proposed that the admissibility of depositions of witnesses taken by a coroner be made uniform with the admissibility of depositions taken by justices under the Justices Act. The relevant section in the Justices Act provides, in effect, that the depositions of any witness are admissible in evidence upon the trial of any person charged, if it is proved that such witness is dead, out of the State, or so ill as to be unable to travel.

Hon. H. K. Watson: That is in the Act at the moment, is it?

The CHIEF SECRETARY: That is in the Justices Act. This amendment, in addition to making the meaning of the section in the principal Act clear, will bring it into line with similar provisions in the Justices Act. In effect, the same procedure is followed before a coroner as before justices, in that the evidence given is sworn, and opportunity is given to any person likely to be committed, to be represented and to cross-examine witnesses. I move—

> That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [5.2]: I support the second reading of the Bill. I think the power of committal on a charge of dangerous driving could be vested in the coroner with the hope that he will exercise that power with all the care and caution demanded of his high office.

Referring to the second point raised by the Chief Secretary, in relation to the clause that provides that the depositions in the coroner's court may be taken as evidence in the criminal court, where a person giving that evidence has died or is out of the State or is so ill as not to be able to travel, I think this matter is worth looking at, inasmuch as it is reasonable that the evidence of depositions taken from persons who have since died would be taken into consideration in an inquiry.

In respect of that evidence given in the coroner's court by a person who is still alive, and whose evidence in the criminal court might ultimately determine the fate of a man who is being tried for his life, or for a long term of imprisonment, I feel that only in the most extraordinary circumstances should that witness be excused from attending the criminal court to give evidence and being subjected to cross-examination by the counsel representing the Crown, and also the counsel representing the accused.

It seems to me that the hearing in the coroner's court is not quite the same thing as that in the criminal court. For example, a person may give evidence in the coroner's court without any counsel being present to represent the person who is ultimately committed, and therefore the evidence that is submitted is not subject to any cross-examination. It may well be that the evidence taken in the coroner's court could be viewed in an entirely different light from that given in the criminal court

if it were subjected to a searching cross-examination by a competent counsel. When the hearing in the criminal court was called it would be possible for a person to leave the State and thereby conveniently avoid giving evidence in an important criminal trial. I raise this point in passing, because it seems to me that it has one or two undesirable possibilities.

Hon. Sir Charles Latham: It think it is a very dangerous proposition.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—COMPANIES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.5] in moving the second reading said: The purpose of this Bill is to give effect to an amendment to the Companies Act which has been recommended to the Government by the Perth Chamber of Commerce, and by Mr. Court, M.L.A. The amendment follows the English law and is similar to one made recently to the Companies Act of Victoria. The section in the Act to be amended deals with the numbering of shares.

The amendment provides that if at any time all the issued shares in a company or all the issued shares therein of a particular class are fully paid up, none of such shares need thereafter have a distinguishing number so long as they remain paid up.

The requirement that shares shall have distinguishing numbers is, I understand, dictated primarily by the need to preserve the identity of the shares as they pass from one holder to another. I believe that is particularly true where shares are only partly paid, and a liability to contribute the unpaid balance to the company or its liquidator passes to the new holder.

Where all the issued shares of the company or all the issued shares of a particular class are fully paid, the need to preserve the identity of individual shares has ended, and distinguishing numbers for such shares can be fairly dispensed with.

The proposed amendment will prejudice the interests of no one and will greatly facilitate the work of persons who are concerned with the registration of share transfers and the issue of share certificates to new holders. I move—

That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [5.7]: I support the second reading of the Bill. As the Chief Secretary has said, it will harm nobody. On the other hand, it will greatly facilitate the work of company secretaries, registrars, stockbrokers, and sharebrokers. It is an acknowledgment of the fact that, during recent years, the share lists of companies have widely expanded. Whereas 10 or 20 years ago, when there were only a limited number of large companies in existence, such as the Broken Hill Pty. Ltd., the shareholders were limited to a few persons, today there are many companies which have a wide range of shareholders. On a question of administration the numbering of shares involves a great deal of routine and detailed office work. The amendment proposed in the Bill has the full support of the Institute of Chartered Secretaries and, as the Chief Secretary has said, it has been introduced at the request of the Perth Chamber of Commerce.

HON. SIR CHARLES LATHAM (Central) [5.9]: I support the second reading. I think the intent behind the Bill is that, instead of there being individual shares, they will now be grouped and set out on one document. Is not that right?

Hon. H. K. Watson: It is physical numbering.

Hon. H. L. Roche: Are you going to dispense with the numbering of shares altogether?

The Chief Secretary: No, only with those that are fully paid.

Hon. Sir CHARLES LATHAM: I understand it will facilitate matters when there is a large number of shares involved. Apparently one share is going to be issued with so many numbers on it.

Hon. H. K. Watson: One share certificate.

Hon. Sir CHARLES LATHAM: Yes; that is correct. I think the amendment will prove to be a great advantage to the companies and their officers.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.11 p.m.