

Mr. ROSS HUTCHINSON: I move—

That the amendment be amended by deleting in line 2 the words "upon" in line 8" and inserting in lieu thereof the words "in" in line 9".

The object of the Council's amendment is to make it easier for mental nurses to be placed on the register. The amendment further deleted the period mentioned in the clause. My amendment to the Council's amendment will make it obligatory for mental nurses to make application, but not in writing. I desire to point out to the Committee that it is necessary that mental nurses shall make some application. The Council's amendment would create many personal problems for mental nurses who do not want to register as such, and it would also create many difficulties for the department in trying to ascertain who held nursing certificates in past years.

Mr. Andrew drew attention to the state of the Committee.

Bells rung and a quorum formed.

Mr. ROSS HUTCHINSON: The whole spirit of the Bill would be defeated if no application were made for registration.

Mr. Nulsen: Your objective is to make them apply?

Mr. ROSS HUTCHINSON: That is so. As other nurses have to make application for registration, it would be undesirable for one section of the nursing section to be placed in the position of not having to make application.

Question put and passed; the Council's amendment, as amended, agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

ADJOURNMENT—SPECIAL

MR. WATTS (Stirling—Attorney-General): I move—

That the House at its rising adjourn till Tuesday, the 29th September.

Question put and passed.

House adjourned at 9.1 p.m.

Legislative Council

Tuesday, the 29th September, 1959

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

BILLS (6)—ASSENT

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

1. Industrial Development (Kwinana Area) Act Amendment.
2. Judges' Salaries and Pensions Act Amendment.
3. Traffic Act Amendment.
4. Museum.
5. Police Act Amendment.
6. Transfer of Land Act Amendment.

QUESTIONS ON NOTICE

AGRICULTURAL SCHOOL

Establishment at Morawa

1. The Hon. C. H. SIMPSON (for the Hon. A. R. Jones) asked the Minister for Local Government:

Will the Minister inform the House—

In view of the fact that it is known that consideration was given some two or three years ago for the establishment of a farm school or college at Morawa—

- (a) what was the decision of the previous Government;
- (b) will the present Government give early consideration for establishing such a school or college?

The Hon. L. A. LOGAN replied:

Both the previous and the present Governments have placed Morawa on the list of possible agricultural schools to be established when conditions permit. Two hundred acres of land available.

COUNTRY SWIMMING POOLS

Estimated and Actual Costs

2. The Hon. C. H. SIMPSON (for the Hon. A. R. Jones) asked the Minister for Local Government:

(1) What were the estimates for the construction of the undermen-tioned swimming pools:—

(a) Goomalling;

(b) Perenjori;

(c) Quairading;

(d) Bruce Rock?

(2) What did they actually cost?

(3) Were the estimates prepared by the Public Works Department?

The Hon. L. A. LOGAN replied:

In reply to this question, the answers—which I received only this afternoon—are, so far as I am concerned, unsatisfactory. I therefore ask for a postponement of the question so that I may have the opportunity to obtain further information in order that the honourable member may receive a satisfactory answer.

INTERSTATE MAINTENANCE RECOVERY BILL

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 16 put and passed.

Clause 17—Jurisdiction of court to enforce order made enforceable under this Part:

The Hon. R. THOMPSON: Where an order for maintenance has been made against a person and he does not comply with it, would it be possible for the Child Welfare Department to garnishee his wages?

The Hon. L. A. LOGAN: The idea of garnisheeing wages and salaries to enforce a maintenance order has been raised many times, but it has been frowned on. It has not been accepted by any political Party or by the Crown Law Department. I believe it is wrong to garnishee wages and salaries for that purpose.

I can appreciate the thought of the honourable member in raising this point, because of the irresponsibility of some husbands in complying with orders of

maintenance made against them. Only recently I asked the department to put up some proposition with a view to ensuring that payments were made under orders of maintenance.

Clause put and passed.

Clauses 18 to 35, First and Second Schedules, and Title put and passed.

Bill reported without amendment and the report adopted.

TOURIST BILL

Report

Report of Committee adopted.

NOXIOUS WEEDS ACT AMENDMENT BILL

In Committee

Resumed from the 22nd September. The Deputy Chairman of Committees (the Hon. E. M. Davies) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The DEPUTY CHAIRMAN (the Hon. E. M. Davies): Progress was reported after clause 1 had been agreed to.

Clause 2—Section 23A added:

The Hon. A. L. LOTON: Members will recall that we raised several points with the Minister the other day in regard to private land and the delegating of powers from the protection board to the local authorities. Some of us have had a talk to the Minister in charge of the Bill in another place, but, unfortunately, I am still not satisfied. The Bill provides for the protection board to delegate its powers to the local authority which can then take action against the landowner. However, nowhere is provision made for the protection board to take action against the local authority. In the Act the definition of private land is as follows:—

“private land” means land alienated by the Crown or land which the holder is in the course of purchasing or has the right to purchase from the Crown, or land held under lease or license or permit from the Crown for any period or reserved or dedicated for a public purpose and vested in trustees, other than a local authority, or committed to the control and management of a Board appointed pursuant to the provisions of the Parks and Reserves Act, 1895-1947, or land held or used by a person in any of the cases referred to in paragraph (b) of the foregoing interpretation, “owner”;

The definition of public land is land other than private land and other than land under the control of a local authority. Therefore, nowhere is provision made in the parent Act for the protection board to force the local authority to take action

to destroy noxious weeds on land under the control of a local authority; yet we are proposing in this legislation to delegate power to the local authority to enable it to force an owner or occupier of private land to destroy weeds. I fail to see why a local authority should have the power to serve a notice on a land-holder when it is not compelled under the Act to destroy noxious weeds on its own property.

The Hon. R. F. HUTCHISON: I agree with you there.

The Hon. L. A. LOGAN: If members read sections 8 to 13 of the parent Act, they will find that the local authority is in the same position as the individual landowners. Sections 12, 13, and 14 read as follows:—

12. The Protection Board may, subject to the provisions of this Act, direct two or more local authorities to act in conjunction in destroying primary noxious weeds in or upon land under the control of each of them respectively, and the Protection Board may fix the proportion of the expense of so doing to be paid by each of them.

13. A local authority shall not be directed nor liable to destroy primary noxious weeds in or upon land under its control within a distance of twenty chains of the common boundary of the land and public land in or upon which there are primary noxious weeds, until necessary work has been commenced to destroy the primary noxious weeds in or upon the public land.

14. If a local authority fails to comply with the requirements of a direction given under the provisions of this Division, the Protection Board may carry out the requirements of the direction and the expense of doing so shall be a debt due by the local authority to the Protection Board, and shall be recoverable in proceedings in a local Court.

The Hon. A. L. LOTON: But what is public land?

The Hon. L. A. LOGAN: Land that is not owned privately.

The Hon. A. L. LOTON: Read the definition.

The Hon. L. A. LOGAN: Land under the control of a local authority means land vested in—

The Hon. A. L. LOTON: You are not reading the definition of public land.

The Hon. L. A. LOGAN: I do not think we need to. If a local authority with land under its control does not carry out the instructions of the Agriculture Protection Board, the board can do the job and charge the cost to the local authority. The local authority is just as much subject to the control of the board as is an owner or occupier.

The Hon. R. F. HUTCHISON: What can anyone do if there is a vacant block next to a property that is a danger or is a fire hazard? What can one do if the owner is absent? I have had that experience and have had to attend to the matter myself.

The Hon. L. A. LOGAN: If there is a primary noxious weed present, the board has the right to issue a summons on the owner to destroy it. If he fails to do so, then the board has the right to attend to the matter itself and charge the expense to the owner.

I made one mistake when talking about Cape tulip. I said that the C.S.I.R.O. was doing everything in its power to find some means of controlling Cape tulip. I have found out that the C.S.I.R.O. will not touch Cape tulip. It is believed that nothing can be done about it, and the matter has been dropped. It is unfortunate that this attitude has been adopted, because I think the attempt to eradicate the weed should be persevered with.

The Hon. H. C. STRICKLAND: It is a matter for regret that the C.S.I.R.O. gave up the chase.

The Hon. L. A. LOGAN: There is at the moment an international spray which costs about 10 to 15 shillings an acre. Some farmers are using it, and whilst it is not wholly satisfactory it does to a certain extent reduce the incidence of Cape tulip and allow the crop to grow much better; but that is the only method we have at the moment to keep Cape tulip under control. However, I should imagine the spray would have to be used every year to have any worth-while effect. I thought I had better make that position clear in regard to the C.S.I.R.O.

I am also told that in a number of instances road boards will supply sprays for owners. So the local authorities are co-operating with the owners in that respect.

The Hon. G. BENNETTS: I am afraid that if we take too much power from the protection board and give it to the local authorities, they will become the servants of the board; and it will not feel like placing many restrictions on them. I know of two local authorities in whose areas Bathurst burr and Caltrop are causing a great deal of trouble; the Caltrop, particularly, being thick on the roadways and lanes, causes trouble for children riding bicycles. Last year certain local authorities did nothing about the matter; and I think that if power is taken from the Agriculture Protection Board, some local authorities will become even lazier than they are now in regard to the destruction of noxious weeds.

The Hon. C. R. ABBEY: I think we should pay particular attention to the provision for delegating the power of the

board to the local authorities. My experience of local authorities is that, in the main, they are composed of responsible citizens who are not likely to abuse such power; and I believe the fears expressed by members are unnecessary, and constitute a reflection on members of local authorities. Should a local authority neglect its duty in regard to the destruction of noxious weeds on adjoining public land, the protection board could take away the delegated authority and act on its own account. I am sure the power proposed to be delegated would not be abused.

The Hon. A. L. LOTON: Some of the local authorities do not seem to be very concerned about the destruction of noxious weeds.

The Hon. C. R. ABBEY: That is so, but it may be because they have not had the necessary power. In the areas of Northam, York, Beverley, and so on, I know of three or four boards in whose districts there are Agriculture Protection Board units available, and being used on the roadsides, in co-operation with the local authorities. I think we can expect that to take place in other areas also. The Agriculture Protection Board is doing a very good job; particularly where three or four road boards are banded together and carry out the inspection of vermin, with perhaps one inspector between them, under the supervision of an Agriculture Protection Board inspector. I see no reason why this provision would not work on the same principle; and I continue my support for the measure.

The Hon. L. A. LOGAN: In reply to Mr. Bennetts, I point out that this measure was requested by the Road Board Association and agreed to by the Agriculture Protection Board; otherwise it would not be before Parliament. If members feel that sufficient action has not been taken, I think they should endeavour to have the Agriculture Protection Board do its duty, because it has all the necessary power under section 22 (1) of the Act. Under section 10, the Agriculture Protection Board, if it thinks the local authority is not complying with the requirements of the section, can direct the local authority to destroy noxious weeds.

Where public land is concerned, it is the duty of the Agriculture Protection Board to see that noxious weeds are destroyed. I feel that direct action by all concerned is necessary if we are to get these pests under control. I appreciate the issues raised by members; and I realise how noxious weeds are spreading in this State and the damage they do to the land. We must use whatever means are possible to combat these pests, which are no less a problem than the grasshoppers, emus, rabbits, and fruitfly, against which constant war is being waged. I hope some publicity will be given to the debate that

has taken place on this measure, so that all concerned may realise that they have a duty to perform in this regard.

Clause put and passed.

Title put and passed.

Bill reported without amendment and the report adopted.

NATIONAL FITNESS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.10] in moving the second reading said: The primary object of this small Bill is to provide a definite term of appointment for members of the State National Fitness Council. Under the principal Act, the council consists of the Minister for Education, who is chairman, the Director of Education (deputy chairman), the Commissioner of Public Health, the Town Planning Commissioner, and a maximum of a further twenty-one persons who are nominated by the Minister and appointed by the Governor.

All members, apart from those *ex officio*, hold office during the Governor's pleasure. This brings about the possibility that members might remain on the council until an advanced age; and it does not appear desirable to have a preponderance of elderly people on a council which is concerned primarily with the youth of the State. There are at present three vacancies on the council.

The Bill proposes that all appointments made after the 1st July, 1959, shall be for terms of five years. This will not affect the present personnel of the council; but it will ensure the gradual appointment of younger persons to the council. Apart from the *ex-officio* members I have mentioned, the council's membership at present is Mrs. Leslie Craig, Mrs. I. M. Kent, Mrs. F. Hummerston, Dr. Aileen Murphy, Miss L. Serventy, Monsignor E. Sullivan, Rev. J. Watts, Air-Commodore Brownell, Dr. W. J. Pannell, Messrs N. R. Collins (Headmaster, Wesley College), T. R. Denny, C. A. Glew, R. Gray, S. Heal, M.L.A., P. Gubgub, A. R. Kelly, M. Little, and J. O'Brien (Commissioner of Police).

The second amendment is to provide for the situation that arises when the chairman, who is the Minister for Education, and the vice-chairman (the Director of Education), are not able to be present at a meeting of the council. This frequently happens, particularly when Parliament is sitting, and when the director has had to go into the country or to an Eastern States' conference. In the present circumstances, the council elects someone to take the chair, but it is considered it would be more satisfactory for the Minister to nominate a substitute from the council as acting deputy chairman.

The Bill seeks to abolish what is known as the "co-ordinating committee." This committee was supposed to co-ordinate the reports of the various sub-committees of the council and subsequently present them to the council. This provision has fallen into disuse, it having been found more convenient for the sub-committees to report direct to the council meeting.

The next proposal is to enable the council, with the written consent of the Minister and in the name of the Minister, to acquire, hold, lease, and alienate property for the purpose of giving effect to the objects of the Act. There is considerable doubt at the present time whether the council is entitled to enter into arrangements, or even for the Minister to enter into them on behalf of the council, and it is desired to remove that doubt. The members of the council are agreeable to the proposals in the Bill. I move—

That the Bill be now read a second time.

On motion by the Hon. W. F. Willesee, debate adjourned.

NURSES REGISTRATION ACT AMENDMENT BILL

Assembly's Message

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

BILLS (2)—FIRST READING

1. State Hotels (Disposal).
2. Land Tax Assessment Act Amendment.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

LAND AGENTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd September.

THE HON. E. M. HEENAN (North-East) [5.19]: When introducing the Bill, the Minister explained that its main function is to give the Land Agents Supervisory Committee the right, when it deems necessary, to file an affidavit in the court and to obtain from a judge an order freezing the trust account of an agent, or agents, in certain cases.

We all know the necessity for this small measure has been brought about by the defalcation of a land agent, trading in a large way, who misapplied moneys that were paid to him as a trustee and who, thereby, defrauded a number of unfortunate people. It is fortunate that these cases are rare, but it is necessary for us to provide machinery that will avoid the dire consequences which would arise if such a thing happened in the future.

I think the Bill is well conceived and well worth while, and I propose to give it my full support. Mr. Watson, however, raised a query which had been mentioned by the Law Society. Members will recall that the point he made was that in certain circumstances it might be unfair if the money that was left in the trust account was apportioned on a *pro rata* basis among the unfortunate people involved. The honourable member went on to say that in certain cases it was possible to trace the money; and that if, say, I were involved to the extent of £100, it might be a bit hard on me if that £100 were to be put into a hotchpotch and shared equally with the others.

I am satisfied, however, that those fears, if not altogether groundless, are hardly justified, because when all is said and done, an order is not made automatically. In the first instance the Land Agents Supervisory Committee must establish, on affidavit, that it has a reasonable and justifiable ground for believing that a land agent is in difficulties with his trust account. If it establishes that onus, the judge makes an order *nisi*—more or less a temporary or interim order. Later on, when fuller information and facts are placed before the judge he, in his wisdom, makes the order absolute and directs what shall become of the money—how it shall be distributed and how it shall be applied.

If the judge thinks it should be distributed on a *pro rata* basis he can make that part of his order. But in a case such as that mentioned by Mr. Watson, where the money could be definitely traced and where it might be unfair for the individual to have his money put into a hotchpotch, I am satisfied that the judge, in his wisdom and applying the principles of equity, would take that individual's case into consideration when making an order. I am never afraid of what judges will do, provided all the facts are placed before them. For that reason I have no qualms whatever about the Bill, and I propose to give it my full support.

While we are dealing with a measure such as this, I think it would be wise, in view of recent happenings, if the Government bore in mind the necessity for bringing in similar legislation in relation to debt collecting firms. We have legislation now which ensures that land agents must comply with pretty rigorous standards.

The trust accounts of land agents are supervised and audited by a committee of their own appointing; and if defaulting land agents get into difficulties, a measure such as this would go some distance in helping to protect the public. It is also necessary for land agents to provide a substantial bond. Nowadays, however, another group of people has grown up, namely, debt collecting firms. A number of these firms do quite a useful job.

Commercial usage these days requires the existence of such firms, but we must not overlook the fact that they handle immense amounts of money; and, as far as I know, there is no legislation whatever to regulate them. Anyone can set up as a debt collector. I do not think there are any restrictions on what these people can charge by way of commission.

The Hon. G. Bennetts: You can see what happened in the other States.

The Hon. E. M. HEENAN: I do not think these debt collecting firms have to enter into a bond or obtain any sort of license, yet, if they are at all successful, they must handle vast sums of public money; and we do not want a repetition here of what has happened in the Eastern States. I mention that aspect because I think it is somewhat *a propos* of this measure. I support the Bill.

On motion by the Hon. F. D. Willmott, debate adjourned.

House adjourned at 5.28 p.m.

Legislative Assembly

Tuesday, the 29th September, 1959

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

ELECTION EXPENSES

Payments by Bookmakers' Association

MR. FLETCHER (Fremantle) [4.35]: With your indulgence, Mr. Speaker, I would like to make a personal explanation in contradiction of a report in today's *Daily News* in which my name is mentioned. The relevant portion of the report reads as follows:—

East Perth bookmaker John Victor Godwin today named three ALP election candidates to whom the Licensed Premises Bookmakers' Association made payments, he said.

Godwin told the Royal Commission on Betting that these men were former Labour MLA's S. E. Lapham (North Perth) and S. E. Johnson (Leederville), and Fremantle MLA H. A. Fletcher.