

Mr. TONKIN: —would appreciate there is very considerable disquiet in the community over this proposal and that a delay of even six months would be fully justified if, at the end of it, the Government was able to say, "The theories have been examined; the men have seen what is taking place in Europe and in America; and we are satisfied this proposal is the correct one, or it should be modified to this extent." That is all we are asking.

Mr. Brand: They disagree and we send two more!

Mr. TONKIN: That is all we are asking, and we think it is not an unreasonable proposition.

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

Ayes—16

Mr. Brady	Mr. Jamieson
Mr. Evans	Mr. Kelly
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Bowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. W. Hegney	Mr. H. May

(Teller)

Noes—17

Mr. Bovell	Mr. I. W. Manning
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. Runciman
Mr. Crommelin	Mr. Wild
Mr. Grayden	Mr. Williams
Mr. Guthrie	Mr. O'Neill
Mr. Lewis	

(Teller)

Pairs

Ayes	Noes
Mr. J. Hegney	Mr. Hutchinson
Mr. Rhatigan	Mr. Dunn
Mr. Bickerton	Mr. Hart
Mr. Norton	Dr. Henn
Mr. Moir	Mr. O'Connor
Mr. Curran	Mr. Cornell
Mr. Davies	Mr. Gayfer
Mr. D. G. May	Mr. Mitchell

Majority against—1.

Question thus negatived.

House adjourned at 10.45 p.m.

Legislative Council

Thursday, the 17th September, 1964

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

QUESTIONS ON NOTICE

KALGOORLIE-BROAD ARROW ROAD

Widening and Improving

1. The Hon. G. BENNETTS (for The Hon. D. P. Dellar) asked the Minister for Mines:

- (1) Is the Minister aware that the 9-foot sealed road between Kalgoorlie and Broad Arrow has badly deteriorated and become dangerous, particularly on the crests at Smithfield and the 17½ mile peg?
- (2) Will the Minister give consideration to widening and improving this road?
- (3) If so, when will such work commence?

The Hon. A. F. GRIFFITH replied:

- (1) Yes. Some erosion was caused by winter rains, but this has now been repaired.
- (2) £6,800 has been provided on the department's current programme of works for reconstructing and surfacing several sections of the Kalgoorlie-Broad Arrow road to the 17½ mile peg.
- (3) Within the next three or four months.

ROADS IN SOUTH-WEST PROVINCE SHIRES

Expenditure by Main Roads Department

2. The Hon. F. D. WILLMOTT (for The Hon. G. C. MacKinnon) asked the Minister for Mines:

Would the Minister inform the House of the amount of money spent by the Main Roads Depart-

ment in each of the years 1959-1963 inclusive in each of the following shires: Augusta-Margaret River, Balingup, Bridgetown, Busselton, Capel, Collie, Dardanup, Donnybrook, Greenbushes, Harvey, Manjimup, Nannup, Upper Blackwood, and West Arthur?

The Hon. A. F. GRIFFITH replied:

MAIN ROADS DEPARTMENT

Statement Showing Expenditure for the Years 1959-1963 Inclusive

	1959-60	1960-61	1961-62	1962-63	Total
	£	£	£	£	£
Augusta-Margaret River	58,150	61,515	56,713	46,525	222,903
Balingup	15,652	22,269	22,600	65,682	126,203
Bridgetown	34,353	48,266	31,596	24,629	138,844
Busselton	54,299	59,700	47,716	41,980	203,695
Capel	71,968	62,910	48,638	55,058	238,574
Collie	12,488	30,926	97,593	27,017	168,024
Dardanup	23,237	25,985	17,083	36,749	103,054
Donnybrook	25,655	51,004	74,299	67,180	218,138
Greenbushes	11,368	8,135	6,885	7,521	33,909
Harvey	55,155	79,555	76,320	88,151	299,181
Manjimup	182,848	233,705	169,059	110,691	696,303
Nannup	60,806	83,323	32,612	59,572	236,313
Upper Blackwood	88,127	34,981	51,702	43,856	218,666
West Arthur	49,486	40,740	40,148	73,836	204,210
	743,592	843,014	772,964	748,447	3,108,017

APPLE BY-PRODUCTS

Imports from Other States

3. The Hon. F. D. WILLMOTT asked the Minister for Mines:

Will the Minister inform the House the annual imports from the Eastern States and Tasmania of—

- Apple juice;
- pie apple;
- apple cider;
- apple cider vinegar; and
- sparkling apple cider?

The Hon. A. F. GRIFFITH replied:

The Government Statistician advises that the detailed information sought by the honourable member is not available from records, except for figures on apples preserved in containers as follows:—

Year	lb.	Value £
1961-62	609,181	39,068
1962-63	388,896	24,432
1963-64	358,187	23,159

HAIRDRESSERS' REGISTRATION BOARD

Fees and Expenses

4. The Hon. R. C. MATTISKE asked the Minister for Mines:

With reference to the annual report of the Hairdressers' Registration Board of Western Australia

for the year ended the 31st December, 1963, will the Minister advise—

- (1) Details of the items "Fees & Salaries £1,471 18s. 2d." and "General Expenses £251 11s. 9d." in the Income and Expenditure Account?
- (2) The annual registration fees payable by—
 - (a) a principal;
 - (b) an employee?
- (3) The necessity for maintaining the annual registration fees at their present levels in view of accumulated funds amounting to £2,427 8s. 6d?

The Hon. A. F. GRIFFITH replied:

	£	s.	d.
(1) Fees and Salaries—			
Inspector	455	1	8
Board members	73	10	0
Registrar, including remuneration provision of staff and all office facilities	943	6	6
	£1,471	18	2

	£	s.	d.
General Expenses—			
Inspectors out-of-pocket expenses and travelling expenses	139	13	9
Bank fees, cheque book, etc.	2	4	0
Honorarium to Chief Technical College Instructress	25	0	0
Entertainment expenses for all officials connected with the board, including board members, examiners, technical school instructors and Government departments	73	7	11
Servicing duplicator	1	6	1
Staff bonus	10	0	0
	£251	11	9

ELECTORAL ACT AMENDMENT BILL

Report

Report of Committee adopted.

CHIROPRACTORS BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The Honorary Royal Commission of 1960, appointed to inquire into the provisions of the Natural Therapists Bill passed in 1959 and referred to a Select Committee, gave as one of its recommendations that chiropractors should be registered in accordance with paragraph 14 of its report. As a consequence, and following questions asked in another place, the Minister for Health undertook to have the matter fully considered with a view to introducing legislation for that purpose.

Consequent upon an examination of legislation existing in other States and New Zealand, the form of legislation now being introduced was determined. It incorporates several features based on the New Zealand Act. These are as follows—

1. The appointment of a five-member with a legal practitioner nominated by the Minister for Justice as president.
2. Under registration, only registered persons will be permitted to use the title "chiropractor" and qualifications and eligibility for registration will be prescribed in regulations drawn up by the board.
3. The board will be provided with disciplinary powers to regulate professional standards, and it will be enabled to inquire into complaints and fix penalties. There will be power to prescribe fees, and issue annual practising licences and certificates of registration; and there will be authority to approve the certificates, diplomas, or degrees of schools of chiropractic for the purposes of registration.
4. The definition of "chiropractic" will mean the system of palpating and adjusting the articulation of the human spinal column by hand only, for the purpose of determining and correcting, without the use of drugs or operative surgery, interference with normal nerve transmission and expression.
5. The passing of this Bill will not deny the right of medical practitioners and physiotherapists practice within the field of

(2) (a) A principal—£2 12s. 6d.

(b) An employee—12s. 6d.

(3) The accumulated funds are not considered excessive in view of past experience. Any contingency can arise at any time, such as rising costs and wages, court actions, necessity for legal advice, increased costs of running examinations, any suggestion or alteration of the scope of the Act, and the necessity to expand the policing of the Act.

It is normal business prudence to ensure that an organisation such as this, which has no revenue other than fees, should keep its finance on a sound footing. A fee of approximately 1s. per week paid by principals and 3d. per week by employees does not appear to be excessive.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

BILLS (2): THIRD READING

1. Criminal Code Amendment Bill.
2. Administration Act Amendment Bill.

Bills read a third time, on motions by the Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

chiropractic practice as defined, nor would it prohibit borderline cases from continuing their activities.

This measure will, nevertheless, reserve to the trained person the title "chiropractor" and give official recognition to the calling, so enabling the public to identify the trained chiropractor. This legislation will also provide a basis on which chiropractors may improve the standards of their profession and develop it accordingly.

Debate adjourned, on motion by The Hon. J. G. Hislop.

PRESBYTERIAN CHURCH ACTS AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.44 p.m.]: I move—

That the Bill be now read a second time.

Under the Presbyterian Church Act, there is constituted a corporate body in the name of the "Commissioners of the Presbyterian Church in Western Australia" to hold church property and the property of any congregation or institution connected with it.

As a consequence, associated institutions may not hold their own property, and so dealings in land by them may be subjected, from time to time, to inconvenient and time-consuming procedures. Typical of such institutions are Scotch College and Presbyterian Ladies' College.

This Bill is being introduced because the church desires that the general assembly be allowed to authorise the incorporation of the colleges and other institutions, such as its homes for aged persons, so that upon incorporation such bodies shall have vested in them the property exclusively employed in their work and activities. The Bill also ensures that the vesting of property in such newly incorporated bodies shall be free of stamp duty and transfer fees. Exemption from municipal rates, water rates, and land tax now presently provided for is to continue following separate incorporation.

The desires of the church will also be met by the clarifying of two sections of the existing Act. Section 7 of the 1908 Act provides that property on which any church, school, or manse is erected, and all property purchased or given for the benefit of any church, school, or manse, shall be held by the commissioners in trust for the congregation of such church. In the event of such a congregation ceasing to exist, their property is held in trust for such other purposes as the general assembly of the church may determine. The purpose of the relative amendment contained in

the Bill is to make clear that this section applies only to property held by the commissioners upon trust for a particular congregation. The section has been construed in this manner in the past, but the obscurity of its intention has at times presented some difficulties.

The final amendment deals with section 4 of the 1919 Act, which relates to the borrowing powers of the commissioners. The amendment is designed to leave no doubt that the power to borrow on the security of property is limited to property which is not already mortgaged to 50 per cent of its value.

It also provides that the borrowing powers of the commissioners under this section shall be exercised subject to obtaining the direction of the general assembly in the case of property held in trust for other than congregational purposes (section 8 of the 1908 Act), and the consent in writing of the Governor in the case of property acquired by gift from the Crown (section 10 of the 1908 Act). Hitherto, there has been doubt as to whether these restraints imposed by the 1908 Act applied to transactions under subsection (2) of section 4 of the 1919 Act. I think this will leave no doubt as to the intention of the Act.

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

HEALTH ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. H. C. STUBBS (South-East) [2.48 p.m.]: This Bill, which seeks to amend the Health Act, contains many desirable features, some of which are being introduced not before time. It is proposed to delete the interpretation of "boarding-house," and to substitute the definition of "lodging-house."

The proposed new definition of lodging-house appears to be much simpler than the existing one. In the past it has been very difficult for health inspectors to interpret the definitions of "boarding-house" and "lodging-house" in the Act. I know that I was always in difficulty over that matter, and I am pleased to see the definitions being condensed into one.

Section 158 gives the local authority, on its own motion, and when the commissioner so requires, the right to make by-laws with respect to boarding-houses and lodging-houses. This matter is taken care of by the amendment to subsection (2) (a) of section 158. At the present time local

authorities have the power to make by-laws affecting health matters, and under the Bill they will be able to continue to do so.

The Bill also proposes to delete the passage "limewashing, or" in section 158 of the Act. I think limewashing is a relic of the old goldfields days when people built houses of bush timber and bag walls, and used to limewash the bagging. Many farmers started off by building houses of that type, but now we do not see many of them.

I have checked through the Act from section 146 to section 159, and the amendments in this Bill to those sections are designed merely to delete the word "boarding-house"; but the word "lodging-house" is retained.

Section 325 deals with private hospitals and allows the making or repealing of regulations, and also deals with registration of these hospitals. Section 325 deals with private hospitals, and provides the fee of 10s. which is to be paid for the registration of private hospitals. This provision is to be repealed. On today's standard, 10s. would be virtually—to use a well-known expression—peanuts. I know that because of the fees they charge, they can well afford to pay more. I know several unfortunate people who are paying 18 guineas a week.

The Hon. F. R. H. Lavery: And not being properly fed, either.

The Hon. R. H. C. STUBBS: An interesting clause in this Bill is clause 22 which adds a new section 338B. It is not only very interesting, but very necessary. It provides that the Commissioner of Public Health shall have the power to prohibit the publication of any advertisement relating to the use, or the sale, of those products which are purported to protect life and safeguard health, if the commissioner feels that they will not serve the purpose. Reference is made to underwater equipment. I was concerned about this matter, and on the 20th August last I asked a question as follows:—

- (1) Does the Public Health Department have power under the Health Act to require a safety standard for apparatus such as underwater diving equipment?
- (2) If so, under what section of the Health Act?
- (3) If not, is such legislation desirable?

The Minister replied—

- (1) No.
- (2) Not applicable.
- (3) Yes, and is being introduced this session.

I am very pleased that the provision dealing with underwater equipment is being introduced, because there have been

fatalities in various parts of Australia in the last few years through the use of defective underwater equipment. I am also very pleased that this legislation deals with respirators. I asked a question on this subject, and to remind honourable members of its content I will read it as follows:—

- (1) Does the Standards Association of Australia have a standard for respirators having in mind a margin for safety and protection to the wearer in the handling of poisons such as arsenic?
- (2) What is the standard known as, and what does it involve?
- (3) Does the "Nuplac Respirator" pass the required test of the Standards Association?
- (4) If not, what was the result of any test or tests on the "Nuplac Respirator"?
- (5) How do these results compare with those of any tests carried out on respirators of other manufacture?
- (6) Does the Public Health Department have good and ample power to withdraw an inferior article from sale, or confiscate same, for the protection of the public?
- (7) If so, under what section of the Health Act is the power conferred?
- (8) If not, is it desirable from a public health point of view that this power should be enacted?

The Minister replied—

- (1) Yes.
- (2) Australian Standard Z18—1963. Respiratory Protective Devices.
- (3) A recently produced Nuplac Dust Cartridge R112 does comply with the standard.
- (4) A previous cartridge now withdrawn from circulation was found to be defective.
- (5) No defects were found in other cartridges tested.
- (6) No.
- (7) Not applicable.
- (8) Yes. Legislation to this effect will be introduced this session.

I am exceedingly pleased that this legislation is being introduced. I had occasion to investigate the merits of some of these respirators recently. They are used for the protection of the wearers in an atmosphere of chemicals or substances such as pesticides. The disturbing feature about these respirators is that in 1958 in the course of their work three men were badly damaged in health by using respirators in an atmosphere of methyl bromide. The make was Nuhlac. The canisters in the respirators were inefficient,

and the men depended on them. Before they realised something was wrong they were badly injured.

Some investigation followed regarding the efficiency of the respirators and they were found to be substandard. The Health Department tested eight of these Nuplac respirators and eight of another type. They sent them to the Standards Association for testing. The test is called the methyl blue test. It is a requirement of the Standards Association of Australia, and the Nuplac respirator allowed a penetration of 80 to 100 per cent. of methyl blue in two seconds. This was the result of the test on the Nuplac respirator. The test was called off because the cartridges were found to be useless as they would give a man a sense of security if used. The respirators were also marked Z18. This was supposed to mean that the Australian Standards Association had approved of them.

The worst feature of the whole business was that the respirators were not withdrawn from the market for some time. After further concern was expressed by the Health Department, the respirators were eventually withdrawn. The Z18 refers to the test required by the association. It means that the methyl blue should not penetrate the cartridge more than two per cent. in one minute. As I said before, the test had to be called off because it penetrated the cartridge 80 to 100 per cent. in two seconds.

The result of the test on the other eight respirators was that the penetration was 0.3 to 0.76 per cent. in 80 seconds. The Public Health Department is now empowered to police this type of equipment and withdraw from sale any that is not up to standard.

Section 100 is to be amended by inserting the words—

or to supply and install in the premises any bath, basin, sink or trough, and the pipes and fittings necessary for the proper functioning thereof, whether the supply and installation is by way of replacement or not.

Under section 82A of the Act a local authority can lend money or provide materials to allow these fittings to be installed in a sewered area. Now the local authority will be given the power in an area where septic tanks are installed to allow the installation of these items. A lot of these fittings are installed in the country areas nowadays, and they are called the combined type. They also deal with the waste from the kitchen sink and the bath. These have been in use for quite a while and have been very successful.

Section 101 deals with sanitary conveniences for small businesses. As the Minister pointed out, there may be in a small business two men and one woman. The Factories and Shops Department has allowed one toilet to be used, but the local

authority inspectors do not allow it, because they have been following the wording of the Act.

Of course, the health inspectors in the various towns have to carry out the requirements of their local authorities; whereas the Factories and Shops inspectors visit the towns only about once every three months, and as a result they have their differences of opinion. The health inspectors are caused a lot more worry and they get a lot less co-operation from the owners than should be the case. The amendment in the Bill will clean up that particular point, and it will be of advantage, because no-one wants to hammer the small man.

The amendment to section 339 simply tidies up the section which relates to native administration. We support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

CANCER COUNCIL OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [3.5 p.m.]: This Bill comprises a series of small amendments, the main one of which would probably be to section 8 of the principal Act. Under the amendment specific power is sought for the board to deal with real and personal property, with the proviso that it must have the approval of the Minister. It appears that up to this stage the board has not had the full powers it desires as regards the purchasing, selling, and acquiring of property or land. The amendment to section 8 will give the board the additional power it needs.

There is also a clause which deals with patent rights privileges. Previously the position in this regard has been dealt with by the board in what one might term a rule of thumb manner, and the Crown Law Department has drawn attention to the fact that there are some doubts about the principle being used by the board in

this connection. The amendment in the Bill will give the board a direct right to take out patent rights in its own name, as I understand it, and assign those rights wherever it may desire. Those two amendments I have mentioned will give the board more power, and will enable it considerably to extend its activities.

A further amendment covers an extension of the right of the board in regard to its contractual powers, and again there is a proviso that whatever the board wishes to do has to be with the approval of the Minister.

An amendment to section 11 provides for the inclusion of the words "not less than" which, it would appear, were inadvertently omitted previously; and the present wording in the Act would limit the expenditure of the board to £105,000. However, this year the actual expenditure is in excess of £105,000, and the effect of the amendment will be to set this figure as a minimum rather than a maximum; and the maximum will be indefinite so far as the requirements of the board are concerned, and will be limited only by the amount of individual contributions.

The Bill generally seems to have only these three or four machinery amendments which will provide for the better management and functioning of the board. This is to be commended, and I support the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.11 p.m.]: This is a very simple little Bill designed to correct what is considered to be the avoidance of a certain proviso in the Act itself. Owing to a happening late last year it is necessary and, I think, quite the right thing, to make the correction which this Bill does. I support the measure.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INQUIRY AGENTS LICENSING ACT AMENDMENT BILL

In Committee, etc.

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

Clauses 1 to 3 put and passed.

Clause 4: Section 3 repealed and re-enacted—

The Hon. A. F. GRIFFITH: The Honourable Mr. Dolan questioned me in respect of the exemptions provided in clause 4. He particularly pointed to the member of the defence forces and to an officer or employee of the Commonwealth.

The Hon. J. Dolan: The second one was in connection with paragraph (f), insurance.

The Hon. A. F. GRIFFITH: That is quite right. The principal Act deals only with inquiries relative to divorce and married women's proceedings. In this narrow field of inquiry there were very few exemptions. However, now that the field of inquiry extends to obtaining evidence of any kind, the additional exemptions are necessary—in the case of insurance assessors, because it is in the nature of their everyday duties that they should obtain and furnish further evidence; and in the case of the defence forces, because their inclusion would be against the defence power of the Commonwealth; and this did not apply when the evidence was restricted to divorce proceedings and married women's proceedings. It could easily be imagined that if it were desired that a member of the defence forces should pursue some line of inquiry it would not be desirable to provide for registration to apply under this Act.

Clause put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CEMETERIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 15th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.18 p.m.]: This is a Bill to amend sections 10 and 39 of the Cemeteries Act. It is designed to ensure that local governing bodies, such as municipalities, appointed under the Local Government Act shall have all rights under the Cemeteries Act vested in them.

I think members will readily see the reason for this. We have a constituted authority; and the re-enactment of section 10 I think meets the circumstances obtaining today, particularly in far-flung places where no other cemetery boards or authority; and the re-enactment of section 39 is a very necessary one because of the difficulties associated with the burials of bodies where, as the matter now stands, no authority or person claims the responsibility. I think this will clarify that situation and I have no objection whatever to the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 3.20 p.m.

Legislative Assembly

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The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.