

# Legislative Assembly

Tuesday, 6th August, 1957.

## CONTENTS.

## Page

Questions : Fauna, particulars of reserves	621
Education, (a) establishment of technical school, Albany	623
(b) domestic science centre, Bunbury	623
(c) additional classrooms, Floreat Park school	623
(d) teachers, Donnybrook junior high school	624
Country swimming pools, use of park land reserves	624
Bunbury Building Society, allocation of Commonwealth grant	624
W.A. Potato Marketing Board, inspectors, metropolitan and country	624
Bus shelters, number erected by Perth Road Board	624
Peas, snap freezing plant, Albany	625
Iron ore, discussions with Japanese ambassador	625
Traffic, (a) parking meters	625
(b) position at Causeway	625
Swan River, effect of Mount Lyell works	626
Housing, evictions in metropolitan area	626
Native welfare, investigation of report	626
War service land settlement, report of Royal Commission	626
Bills : Local Courts Act Amendment, 3r.	626
Legal Practitioners Act Amendment (No. 1), report	626
Rents and Tenancies Emergency Provisions Act Continuance, 2r., Com., report	626
Interpretation Act Amendment, 2r.	628
Public Service, 2r., as to postponement	629
Bills of Sale Act Amendment, 2r., Com., report	629
Western Australian Marine Act Amendment, 1r.	632
Health Act Amendment, 2r., Com.	632
Occupational Therapists, 2r., Com., report	636
Juries, 2r., Com.	637

## QUESTIONS.

### FAUNA.

#### Particulars of Reserves.

Mr. NORTON asked the Minister for Fisheries:

(1) What is the total area of land reserved for the protection of fauna in Western Australia?

(2) What is—

(a) the location of each reserve;

(b) the area of each reserve;

(c) the type of animal which is protected on each reserve?

(3) Are any of these reserves suitable for grazing?

(4) If the reserves were leased for grazing only, would it be detrimental to the protected fauna?

(5) Has too much land been taken for this purpose?

(6) Will he consider a revision of the conditions appertaining to the reserves so that those suitable for grazing can be leased?

The MINISTER replied:

(1) The total area is 2,487,887 acres, of which—

(a) 10,251 acres are reserved for fauna only;

(b) 2,465,755 acres are reserved for flora and fauna;

(c) 11,881 acres are reserved for fauna and other purposes;

(d) 10,745 acres only are vested in the Fauna Protection Advisory Committee.

(2) (a) and (b)

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

Reserves set apart for "fauna" or "game" and for "flora and fauna" and vested in the Fauna Protection Advisory Committee.

Reserve No.	Area.	District.	Plan.	Remarks.
12398	acres. 822 0 0	Avon	343B/40	Fauna, Vested in Fauna Protection Advisory Committee.
13270	245 0 0	Wagin	Townsite	
18408	abt. 1,450 0 0	Plantagenet (Ballcup Lake)	436 & 445/80	
23586	abt. 390 0 0	Avon	26B/40 F. 1	Flora. Vested in Fauna Protection Advisory Committee.
24204	abt. 8 0 0	Shoalwater Bay	341D/40 A. 3	Flora. Vested in Fauna Protection Advisory Committee.
24257	abt. 202 0 0	Swan (Lakes Bambun, Nambung and Mungala)	28/80 B. C. 1 & 2	
23825	abt. 4,320 0 0	Esperance	423/30	Protection of Game.
24373	abt. 780 0 0	Williams (Gundaring Lake)	409B/40 F. 2	Vested in Fauna Protection Advisory Committee.
24428	abt. 800 0 0	Avon	377A/40 A. 1	
24581	288 0 0	Swan	28/80 A. 4	Sanctuary for Fauna.
24599	abt. 500 0 0	Kojonup	408D/40 A. 4	
A22082	abt. 440 0 0	Avon (Wandowlin Well)	55/80 E. 8	

Total about 10,745 acres.

## Reserves for "fauna and flora."

Reserve No.	Area.	District.	Plan.	Remarks.
	acres.			
A833 .....	105 0 0	Avon .....	342B/40 F. 2	Trout Fishing and Swimming.
3446 .....	abt. 228 0 0	Swan .....	1A/40 A. B. 2	Stock Route and Water.
4274 .....	1,000 0 0	Coolgardie G.F. (Rowles Lagoon)	71/80	Water.
A9228 .....	150 0 0	Avon .....	50/80	Water.
9648 .....	221 0 0	Williams .....	409C/40	
9935 .....	630 0 0	Victoria .....	89/80	
10901 .....	112 0 0	Avon .....	26 & 33/80	Water.
11320 .....	9 3 0	Avon .....	378A/40	
A11648 .....	50,000 0 0	Barrow Island .....	111/300	
12998 .....	3,200 0 0	Edel and Victoria .....	56/300 & 192/80	Water and Pisciculture.
13279 .....	245 0 0	Wagin .....	Wagin Townsite	
14398 .....	292 0 0	Williams (Lake Walbying) .....	386A/40 A. 2	
14429 .....	986 0 0	Ninghan .....	65/80 F. 4	
15556 .....	2,071 0 0	Cockburn .....	341A/40 B. 1	Drainage.
15762 .....	211 0 0	Nelson .....	439C/40	
16129 .....	10 0 0	Avon .....	33B/40 D. 2	
16265 .....	9 3 14	Avon .....	5/80	
16412 .....	115 1 10	Avon .....	3D/40	
A17188 .....	718 0 0	Avon .....	32/80 F. 2	
17296 .....	5 0 0	Avon (N. Kulin) .....	344/80 F. 4	
18199 .....	abt. 429 0 0	Yilgarn (near Walgoolan) .....	35/80	
18451 .....	abt. 10 0 0	Sussex .....	Margaret River Townsite	Motel, Camping, Caravan Park and Recreation.
19476 .....	224 1 0	Avon (near Nangeenan) .....	24/80 A. 2	
A20091 .....	abt. 400 0 0	Swan (near Goolblan Lake) .....	1A/40 B. 2	
20801 .....	abt. 5,000 0 0	Swan .....	1A/40 & 28/40	Stock Route.
20826 .....	4 0 0	Hyden .....	Townsite	
20986 .....	abt. 174 2 17	Ninghan (Marindo) .....	66/80 B. 2	
21286 .....	150 3 27	Avon .....	378A/40 A. 2 & 278D/40 A. 3	
A21708 .....	abt. 10 0 0	Swan (Melup Island) .....	1A/40 B. 1	
A22057 .....	abt. 875 0 0	Wellington .....	363A/40 A. 2	
A22261 .....	abt. 900 0 0	Avon .....	4/80 E. 1 & 24/80 E. 4	
22282 .....	1,826 2 36	Avon (Wandoolin) .....	55/80 E. 3	
22457 .....	abt. 258 0 0	Ninghan .....	66/80	
22796 .....		Island of the Recherche Archipelago .....	423, 429, 430/80 & 3/300	
23006 .....	abt. 480 0 0	Sussex (Locke Estate) .....	413A/40 C. 2	
23128 .....	abt. 300 0 0	Roe .....	345/80 F. 4 & 346/80 A. 4	
23516 .....	848 0 0	Avon .....	56D/40 B. 3A	
23171 .....	abt. 1,100 0 0	Hay .....	452/80 E. F. 1	
23201 .....	189 2 15	Avon .....	32/80 B. C. 2 & 3	
23262 .....	10 0 7	Avon .....	26B/40 F. 1 & 2	
23286 .....	216 0 0	Sussex .....	413D/40 A. 4	
23816 .....	abt. 730 0 0	Melbourne .....	63/80 C. 2	
23366 .....	832 2 3	Avon .....	376/80 C. 1	
23686 .....	1,193 1 16	Avon .....	4/80 D. 3	
23704 .....	594 0 0	Avon .....	376/80 D. 1	
23756 .....	abt. 1,937 0 0	Murray .....	380D/40 A. B. 4 & 383A/40 A. B. 1	
24036 .....	abt. 895 0 0	Murray .....	380D/40 B. 3	
24047 .....	abt. 987,000 0 0	Meridup, Mardabella, Cape Arid .....	3 & 12/300	
24048 .....	abt. 604,140 0 0	Kent, Oldfield, Bremner Bay .....	419, 430, 433, 434 & 437/80	
24049 .....	abt. 516,240 0 0	Jilbadji, Leake and Ngabain .....	19/300	
24050 .....	abt. 213,000 0 0	Victoria and Murchison .....	56/300, 191 & 192/80	
24097 .....	abt. 30 0 0	Avon .....	344/80 D. 1	
24117 .....	abt. 12 0 0	Kojonup .....	408/80 E. F. 4	
24307 .....	2,016 0 0	Avon .....	24/80 B. 3	
24438 .....	74,000 0 0	Windell .....	67/300	
24439 .....	abt. 5 2 23	Avon .....	378D/40 A. 3	Gravel.
24472 .....	100 0 0	Wellington .....	383D/40 B. 3	
24556 .....	585 0 0	Williams .....	386A/40 A. 2	
A24739 .....	100 0 0	Murray .....	380D/40 A. 3	

Total area under (a) Fauna only, 10,251 acres.

(b) Flora and fauna, about 2,465,755 acres.

(c) Fauna and other, 11,881 acres.

(c) All species of fauna. However, the Fauna Protection Advisory Committee has the power to authorise the destruction of any species on fauna reserves and will issue an authority whenever necessary.

(3) Yes.

(4) Yes. By selective feeding and the introduction of exotic weeds, the grazing of introduced animals changes the habitat and upsets the natural balance of the native flora and fauna. This results in the less adaptable species of natural fauna being gradually eliminated while the adaptable ones, such as kangaroos, flourish.

Not only is the habitat of highly specialised ground fauna reduced by grazing and weeds but the new animals' tracks and pads help to destroy such fauna's protective cover to the benefit of the highly efficient introduced predators—the fox and the domestic cat gone wild—against which the small marsupial and the ground nesting birds, etc., have no known defence mechanism.

(5) Not as far as is known, but insufficient knowledge precludes a definite answer. The habitat of many species is entirely unreserved. The great majority of the reserves on the attached list has been set aside principally for the protection and conservation of flora, which is not the responsibility of the Fisheries Department.

(6) Yes, provided that scientific evidence is produced that grazing will not affect the fauna of any particular reserve or that the habitat of the particular fauna there is protected on another reserve.

### EDUCATION.

#### (a) *Establishment of Technical School, Albany.*

Mr. HALL asked the Minister for Education:

(1) Will he investigate the possibilities of establishing a technical school at Albany, bearing in mind that subjects such as animal husbandry, textile training and agricultural training are not catered for at present?

(2) What is the number of technical schools in this State, and at what centres are they established?

(3) Does he feel that technical education contributes to the defeat of delinquency?

The MINISTER replied:

(1) The Education Department has continually under review the possibility of establishing technical schools in various country centres. Evening technical classes have operated in Albany for a number of years and this year 13 two-hour technical classes are conducted at the high school in a variety of subjects. These include two classes of apprentices on day release who are undertaking correspondence study under supervision. Numbers are by no means adequate at the moment to warrant serious consideration of the early establishment of a technical school at Albany. With regard to the subjects mentioned, there is already provision in the area for agricultural training, including animal husbandry through the Denmark School of Agriculture. Correspondence courses in sixteen different agricultural subjects and in textile technology are available through the technical extension service of the technical education division to those who have left school. The department would be happy to provide for any

students who wish to do these courses under supervision, to attend a supervised correspondence group at the Albany High School. Such can be provided in the evening or in the late afternoon if the students are released by their employers for this purpose.

(2) Including the Perth Technical College there are seven technical schools in this State situated as follows:—

Perth  
Leederville  
Wembley  
Fremantle  
Midland Junction  
Eastern Goldfields  
Collie.

There are also fourteen technical centres, having five classes or more, which operate in high schools in the country and three in the metropolitan area.

Technical extension classes are also provided in eleven country centres while correspondence courses in a wide variety of subjects are provided throughout the State, other than in the metropolitan area, by the technical extension service.

(3) Yes.

#### (b) *Domestic Science Centre, Bunbury.*

Mr. ROBERTS asked the Minister for Education:

As the modern trend in the home today is the use of electric appliances, such as refrigerators, washing machines, stoves and sewing machines, does he consider that the supply of only two electric sewing machines of all the abovementioned items sufficient for the correct training of 286 students at the domestic and home science centre in Bunbury?

The MINISTER replied:

Home science centres are being equipped, as fast as available funds permit, with some of the items referred to in the question.

With regard to sewing machines, both electric and treadle machines are supplied, and in this respect, Bunbury is adequately equipped.

Refrigerators are being supplied to home science centres on a subsidy basis. As funds available for this purpose are limited, four refrigerators are subsidised each year. Bunbury's claims will be considered shortly.

It is not the policy of the department to supply washing machines.

#### (c) *Additional Classrooms, Floreat Park School.*

Mr. MARSHALL asked the Minister for Education:

(1) Will the two classrooms already approved as additional accommodation for the Floreat Park State school be ready at the beginning of 1958?

(2) What is the estimated time it will take to erect these two rooms?

The MINISTER replied:

(1) No. At this stage it is anticipated that work on the additions will commence late in October.

(2) Approximately, five months.

(d) *Teachers, Donnybrook Junior High School.*

Mr. HEARMAN asked the Minister for Education:

(1) How many teachers are employed at the Donnybrook junior high school—

(a) male;

(b) female?

(2) Of the total number of teachers, how many are married male teachers?

(3) What departmental provision is made for the accommodation of married teachers in Donnybrook?

(4) Is the percentage of married teachers employed by the department tending to increase?

(5) What is departmental policy so far as provision of accommodation for married teachers is concerned?

The MINISTER replied:

(1) (a) 8 (including head teachers)

(b) 6

Total 14

(2) Four.

(3) One departmentally-owned house and one State Housing Commission home.

(4) Yes.

(5) (a) Departmental quarters are provided for headmasters in country schools.

(b) In large country schools some quarters are provided for assistants. More will be provided as finance permits.

#### COUNTRY SWIMMING POOLS.

##### *Use of Parkland Reserves.*

Mr. W. A. MANNING asked the Minister for Lands:

(1) Has any country municipality or road board applied for, or been granted, a portion of a parkland reserve for the purpose of constructing a swimming pool?

(2) If so, where, and what area?

The MINISTER replied:

Records indicate that swimming pools have been established in various country municipalities and road districts on land reserved for parks, as under:—

Katanning: On class "A" reserve No. 14814 set apart as park lands and recreation.

Narrogin: On reserve No. 21637 set apart for park and recreation.

Pemberton: On reserve "A" 19857 set apart for national park and recreation.

(Details as to the area of the portions used for swimming pools are not available.)

Other reserves on which pools have been established—

Kalgoorlie: On reserve No. 6589 set apart for recreation but known as Commonwealth Park and portion used as a park.

Merredin: On reserve No. 23036 set apart for swimming pool.

Kelmscott: On reserve No. 21897 set apart for recreation.

#### BUNBURY BUILDING SOCIETY.

##### *Allocation of Commonwealth Grant*

Mr. ROBERTS asked the Minister for Housing:

Will he reconsider a previous decision not to grant an additional allocation to the Bunbury Benefit Building and Investment Loan Society from the grant of £600,000 made available to the State Housing Commission under the Commonwealth-State housing agreement for distribution to building societies, especially in view of the fact that £40,000 is still unallotted?

The MINISTER replied:

It is not proposed to review allocations to building societies at this stage pending possible applications from new societies. The Bunbury Building Society has already received generous consideration because it was the only building society operating outside the metropolitan area, the amount allocated this year being £20,000 whereas its entitlement according to the formula used was in the vicinity of £8,000.

#### W.A. POTATO MARKETING BOARD.

##### *Inspectors, Metropolitan and Country.*

Mr. ROBERTS asked the Minister for Agriculture:

How many inspectors are operating for the W.A. Potato Marketing Board in—

(a) metropolitan area;

(b) country areas?

The MINISTER replied:

(a) Two permanent inspectors operating in metropolitan and country areas.

(b) Three part-time inspectors operating in country areas.

#### BUS SHELTERS.

##### *Number Erected by Perth Road Board.*

Mr. MARSHALL asked the Minister for Transport:

(1) Have the bus shelters been erected by the Perth Road Board as indicated in the reply to my question on the 5th

September, 1956, when it was stated that 20 bus shelters had been approved under the subsidised scheme?

(2) In which wards of the road district have they been erected?

(3) If less than the number stated have been erected, what are the reasons why the programme has not been adhered to?

The MINISTER replied:

(1) The Government's offer of subsidy has been availed of in respect of 12 shelters only.

(2) Five have been erected in the Hamersley ward, six in Osborne ward and one in Maylands ward.

(3) The erection of the shelters is in the hands of the Perth Road Board and, notwithstanding requests to expedite the work, only 12 were erected. The Transport Board offered to make a special inspection as soon as a list of proposed locations was submitted by the road board, to ensure that the shelters would not have to be moved later, but this offer has not been accepted.

#### PEAS.

##### *Snap Freezing Plant, Albany.*

Mr. HALL asked the Minister for Industrial Development:

(1) Will he investigate the possibility of establishing a snap freezing plant at Albany for the purpose of the snap freezing of peas.

(2) If so, would such a project have to be assisted by a cannery to take peas unsuitable for snap freezing?

(3) Will the department approach growers in the Stirling and Albany districts to ascertain their feelings on this contemplated industry, and explain the modern methods of harvesting of peas?

The MINISTER replied:

(1) Investigations have been made from time to time into the production of vegetables in the Albany district for snap freezing. The Agricultural Department considers the Mt. Barker area generally very suitable for the growing of peas and other vegetables.

(2) Peas for canning should be as carefully selected and graded, as for snap freezing. However, although peas are by far the most popular frozen vegetable, no plant can operate on one line. A freezing plant would, therefore, have to produce a range of vegetables, or be operated in conjunction with some other activity, so as to spread operating costs over the whole year.

(3) This approach would be more appropriately made by the Department of Agriculture.

#### IRON ORE.

##### *Discussions with Japanese Ambassador.*

Hon. D. BRAND (without notice) asked the Premier:

Has he seen the Japanese Ambassador since he arrived in Perth and, if so, was the export of iron ore discussed?

The PREMIER replied:

I have not seen the gentleman referred to by the Leader of the Opposition.

#### TRAFFIC.

##### *(a) Parking Meters.*

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

(1) Did he see the report from Brisbane in last evening's issue of the "Daily News" where the 250 parking meters took only 10s. in the first hour of the first day in operation and that only two cars, both interstate, were parked in the mile-long Queen-st.?

(2) Does he think that there will be any substantial difference between the position in Brisbane and that which will obtain in Perth after the installation of the parking meters?

(3) Does he consider the expenditure proposed by the Perth City Council for parking meters is justified before the scheme is given a trial with a limited number of meters?

The MINISTER replied:

(1) Yes.

(2) It is, of course, difficult to state; but it indicates to me that many people who arrived in the first business hour of the day previously had been parking their vehicles for the entire day and, because of the limitations now imposed, have perforce had to find accommodation elsewhere for their vehicles. Additional to that, the experience throughout the world has been that initially there is some opposition and resistance on the part of motorists but, after the experience of parking meters for only a short period, motorists, business people and the community generally appreciate the value of them and would not have any other system in operation.

(3) Yes.

##### *(b) Position at Causeway.*

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

In view of the increasing difficulty of crossing the Causeway during the afternoon peak hour, has he or his department any plans for relieving the difficulty which must increase to such an extent that it will become embarrassing before relief is given by a bridge over the Narrows?

The MINISTER replied:

The matter of traffic movement over the Causeway is under almost constant survey by the traffic engineers of the Main Roads Department. To some extent, the position could be eased by the behaviour of motorists themselves. That, however, may be asking a little too much of many of the motorists who use that highway. On the other hand, I think it is fair to state that the rotary is just about at saturation point and as in the evenings the great proportion of vehicles take a right-hand turn into Canning Highway, until such time as the new bridge across the Narrows is built, I am afraid that we will have to battle along as best we can. The position is somewhat similar to but not as bad as it was with the old Causeway, when we had to do the best we could while waiting for the new bridge to be ready to take the traffic.

### SWAN RIVER.

#### *Effect of Mount Lyell Works.*

Hon. J. B. SLEEMAN (without notice) asked the Minister for Lands:

Is he aware that the water near the foreshore of the river alongside the Mount Lyell works is of a dirty, brown colour and does the five-year term in the agreement enable him to do anything? If so, will he take the necessary steps to have the discharge into the water discontinued immediately? If not, will he consider some amendment to the Act to close up the works altogether?

The MINISTER replied:

I will have the matter investigated.

### HOUSING.

#### *Evictions in Metropolitan Area.*

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

Can he advise me of the number of evictions that have taken place in the metropolitan area in the last two years?

The MINISTER replied:

I wish to thank the hon. member for giving me prior notice of this question the answer to which is: 411 and 231.

### NATIVE WELFARE.

#### *Investigation of Report.*

Mr. GRAYDEN (without notice) asked the Premier:

I ask this question of the Premier owing to the absence of the Minister for Native Welfare. Has the Premier seen the statement in tonight's "Daily News" by an officer of Australian National Airways in which he said that, while carrying out a survey of the Canning basin area, they encountered numerous groups of natives

roaming the barren wastes, unclad and starving, especially the very young and the very old? If so—

(1) Is he aware that that is the situation which must obtain throughout the inland desert areas in poor seasons and that this is the situation which was drawn attention to by the select committee which recently inquired into conditions in the Warburton area?

(2) What steps does the Government intend to take to investigate the report of this Australian National Airways officer and what steps does the Government intend to take to give immediate relief to the natives in question?

The PREMIER replied:

(1) No.

(2) I suggest that the hon. member places the question on the notice paper.

### WAR SERVICE LAND SETTLEMENT.

#### *Report of Royal Commission.*

Hon. A. F. WATTS (without notice) asked the Premier:

Is it intended to lay on the Table of the House the report of the Honorary Royal Commission which recently inquired into war service land settlement and, if so, when?

The PREMIER replied:

As far as I know at this stage, "Yes." I was under the impression that the report had already been sent to Parliament House; but I will make an inquiry.

The Minister for Lands: It was sent down for printing about a fortnight ago.

### BILL—LOCAL COURTS ACT AMENDMENT.

Read a third time and transmitted to the Council.

### BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 1).

Report of Committee adopted.

### BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.

#### *Second Reading.*

Debate resumed from the 1st August.

MR. WILD (Dale) [4.51]: It is my intention this evening to support the second reading of this measure, although quite frankly I think there are certain provisions in the Act at present for which there is really no necessity. I say this because the day when they were so urgently required has passed. I would like to run through some of these provisions briefly.

As members know, this evening I asked the Minister for Works a question concerning the number of people who had

been evicted during the past two years. I take it that the answer of 411 was for those evicted two years ago, and that 231 represented those evicted during the past 12 months. If that is so, it seems to indicate that the number of people evicted has been halved in the last 12 months. It now represents only four a week, that total being for the entire metropolitan area.

When one looks at the tenancy position in the metropolitan area, and glances in "The West Australian" at the advertisements regarding houses available, one is struck by the number vacant today. I think the advertisements in "The West Australian" are conclusive evidence of the position as it exists at present. On a rough perusal of the list of houses advertised in last Saturday's issue of "The West Australian," I find there were no less than 80 to let in various parts of the metropolitan area at, of course, varying rentals. Some in Nedlands and Floreat Park were advertised at six and seven guineas a week, while others were advertised at three and four guineas a week.

On making inquiries from some of the leading estate agents in the metropolitan area, I was informed by one of them, namely, Dudley and Dwyer, who have a very large rent book in the city, that they have three houses falling vacant this week, and no one on their books looking for a house. I then transferred my inquiries to the executive trustee companies—both the Perpetual and the W.A. Trustees—who also have very large rent rolls in the metropolitan area, and their report was the same, namely, that whereas 12 months or two years ago they had long waiting lists for vacant accommodation, today there were very few people waiting for homes. Accordingly, I think the demand for homes is such that whilst there are obviously still a few evictions—many due in the main to possibly unsatisfactory tenants or owners who genuinely required their premises to sell them or for the benefit of relatives—the position is nothing like what it was when the measure was first introduced.

The Minister for Housing: Don't you think that the seven days' notice which is usual under common law is a little short? All this Bill does is to make that time 28 days.

Mr. WILD: As I have said, there are one or two features in the measure which prompt me to support it. I admit that 28 days would give a person more time than has been allowed in the past under common law, though I understand that there are also some undesirable features to that aspect. I am not speaking from experience, but some landlords tell me that these days, when they give a person 28 days' notice to quit, they get one week's rent, and have to whistle for the rent for the remaining three.

The Minister for Housing: The Housing Commission has had a similar experience.

Mr. WILD: I have no doubt. I would now like to turn to the question of shops and offices. The position in regard to office accommodation in Perth is now reaching the stage where landlords are having to hawk their accommodation with a view to finding tenants. With the building of premises for the two or three insurance companies, and the erection of offices in Hay-st. east and Adelaide Terrace south, the position seems to be that landlords are seeking out tenants for this accommodation, whereas two or three years ago if one had any sort of accommodation at all, there were always three or four tenants trying to get in.

Of course, I will admit that in the case of shops, particularly in the heart of the city, they are hard to come by, and will continue to be so because, after all, the city is the hub to which people converge from the suburbs. I know that if one wants to rent a shop in one of the city arcades, it is necessary to pay £1,000 or £2,000 for that privilege. But this feature is brought about by the fact that hard-headed business people know that if they can rent those shops in the heart of the city, they will be adequately repaid because, obviously, their business will increase by having a shop in that locality.

In the suburbs, however, the position is different. I would be quite prepared to say that the Albany Highway is now over-shopped, if I may use that term, and the position there has been reached where there are quite a number of vacant shops. In fact, I was informed by one of the agents from whom I made inquiries—and the Minister for Transport will also have knowledge of this—that at a sale quite recently, at which the commission was the auctioneer, it was able to sell only 60 per cent. of the sites on which the commission was proposing to build shops. If my memory serves me right, the day is not far distant when people were offering astronomical prices for areas in which shops were to be erected by the Housing Commission.

So far as rents are concerned, I can only go by a fairly close scrutiny of "The West Australian" over the years. Besides this, my inquiries of agents reveal that rents for housing in the metropolitan area are not much greater today than they were two or three years ago. I am informed that flats are being let from 10 to 15 per cent. cheaper, and I think that is a fair indication that the people in the metropolitan area must be reasonably satisfied that they are not paying exorbitant rents. Apart from this, when one looks at the report of Mr. Wallwork who sits as a magistrate on the Fair Rents Court, one finds that for the whole time he has been in charge of that tribunal he has considered only 196 applications in

all; and that in a matter of nearly four years. During the past 12 months, he says that of the total of 14 applications, five were dealt with and finalised, one was discontinued and eight remained to be dealt with.

Accordingly that seems to indicate that there cannot be too many people dissatisfied with the rents they are paying, particularly when we find that there were as few as 14 making applications to have their rents reviewed over the past 12 months. Of that 14, only four were successful in having their rents decreased. The provision in the Act which gives ex-servicemen protection is one with which I heartily agree. I think there should be continued protection for ex-service people, particularly for their widows. Accordingly for the reasons I have given I think, perhaps, it would be advisable to continue the operation of the Fair Rents Court, together with the protection given to ex-servicemen, for a further year. Because of that it is my intention to support the second reading of the Bill.

**THE MINISTER FOR WORKS** (Hon. J. T. Tonkin—Melville—in reply) [5.01]: I am very grateful to the House for the reception accorded this small Bill. I did not anticipate any great opposition, but I thought there might be some from certain quarters.

I have ascertained that rent legislation is operative in all States of Australia irrespective of the complexion of Governments as it is believed there is still a need for legislation of this type on the statute books. The figures, which I gave the member for Dale this afternoon, indicate that applications are still being made to the court. I gave the hon. member the figures for actual evictions which have taken place, but there were many more applications to the court. In 1955-56 there were 597 applications before the court for eviction, but only 411 evictions were agreed to. In 1956-57, the applications for eviction before the court were 381 and 231 evictions were ordered.

In addition, there is a real need for the continuance of rent control, as it is a brake on possible rent increases. It is recognised as being desirable in the other States of Australia as well as here in Western Australia. I feel that the need for this legislation still exists, and I am grateful for the fact that that seems to be acknowledged by members, who are prepared to support the Bill.

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—INTERPRETATION ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR JUSTICE** (Hon. E. Nulsen—Eyre) [5.4] in moving the second reading said: This is a small non-contentious Bill and will be conducive to improved finances of the State. A new service was brought into operation towards the end of last year by the Postmaster-General's Department. It is called the "certified mail service" and is an alternative, in certain instances, to the registered post.

Some Acts and regulations make provision for service of notices by registered post. The present fee for this is a minimum of 1s. 3d. For the new service the minimum fee is 6d. This will result in quite a saving where the registered post is used extensively. The difference in the rate charged is accounted for when it is realised that certified mail is not subject to the same security handling and documentation as applies in the case of registered mail. This renders it unsuitable for articles of monetary value, but it is just as effective as registered mail when the main considerations are proof of posting and delivery.

When an article is posted by certified mail, the post office gives the sender a receipt. On delivery of the article, a receipt is obtained from the person to whom the article is addressed, or from any other person at the address. The post office holds the receipt for 12 months, in case proof of delivery is required within that period. If the sender wishes to have immediate proof of receipt of the article, he arranges for this at the time of posting and pays an additional fee of 9d.

By the adoption of the certified mail service where possible, expenditure on postal services would be greatly reduced. For instance, the Titles Office sends out approximately 6,000 notices each year on caveats, writs, etc., apart from other notices required under the Transfer of Land Act. The Chief Electoral Officer could make use of the service if given parliamentary sanction. Other departments throughout the service would also find the certified mail more economical. A lot of notices can be just as effectively served by certified mail as by registered post, as service is deemed to be effected merely by posting by registered post, notwithstanding that no acknowledgment is signed by the addressee and the addressee may never have received the notice.

The object of the Bill, therefore, is to provide that, where there is statutory provision for the service of documents by registered post, the alternative of certified mail may be used if desired and if permissible. As I have already said, the present fee for registration is 1s. 3d., while the new fee for certified mail will be



6d., a saving of 9d. There are quite a number of articles of no monetary value which can effectively be sent by certified mail. From that point of view, it is going to be conducive to considerable economies in departments such as the Titles Office and other offices. I can see no reason why there should be any opposition to this Bill because it is going to be of considerable help so far as departments are concerned. I move—

That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned.

## **BILL—PUBLIC SERVICE.**

### *Second Reading.*

Order of the Day read for the resumption of the debate from the 30th July.

Question put and passed.

Bill read a second time.

### *As to Postponement.*

The PREMIER: I move —

That Order of the Day No. 5 be postponed.

Hon. D. Brand: But, Mr. Premier—

The SPEAKER: The Premier cannot do that. Order of the Day No. 5 is the Public Service Bill and the second reading has already been agreed to.

The PREMIER: Then I move—

That consideration of the Bill in Committee be made an Order of the Day for the next sitting of the House.

Question put and passed.

## **BILL—BILLS OF SALE ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 1st August.

MR. COURT (Nedlands) [5.10]: This Bill is in accordance with the time-honoured custom of the Minister for Justice—a little Bill.

The Minister for Justice: It is a small Bill.

Mr. COURT: One is fully impressed with the length of his speech, which I have here, as it is confined to a few lines. One can only imagine it is a little nook or cranny which the Treasurer missed in his big squeeze last year to get all the revenue he could, because the object of the Bill is not to interfere in any way with the operation of the Bills of Sale Act, as such, but to try to extract at least 100 per cent. more revenue from those people who are fortunate, or unfortunate, enough to have dealings in bills of sale.

The Minister for Justice: The rate is still the same as in 1899 and 1914.

Mr. COURT: Admittedly, the rate is the same as in 1899 and 1914, but there is an increase of 100 per cent. and in some cases 400 per cent., and in one other case, 300 per cent. One has to be a realist and accept the fact that these charges do go up with the times.

I have no intention of being pedantic about it and say there should not be a rise of 1s., 2s., 2s. 6d., or 5s., as the case may be, having regard to the time lapse since the original charge was fixed, but I want, at this stage, to give notice of intention that, in Committee, I shall move to amend some of the provisions where it is provided right throughout the Minister's Bill that in future these charges shall be fixed by regulation.

It is true that this principle of fixing charges by regulation has crept into quite a few Acts in this State and in other parts of Australia, but it is wrong in principle that such measures do not come before Parliament for consideration. One can realise it is annoying for Governments to go through the procedure of bringing down Bills to alter charges which are comparatively small, but the fact remains that Parliament should preserve the right to deliberate on these particular matters. A regulation is laid on the Table of the House and can be disallowed, but that is the wrong way. So many regulations are laid on the Table of the House and their merit or otherwise is not appreciated.

Therefore, in Committee it is my intention to move an amendment to the Bill with reference to the fixing of this percentage by regulation and to insert the amount to which the Government now proposes to increase the charges. I am not opposing the increases; what I am opposing is the principle of having these increased charges now, and in future, fixed by regulation. With that reservation, I support the second reading.

MR. BOVELL (Vasse) [5.14]: Whilst agreeing with the Deputy Leader of the Opposition that no exception can be taken to the increased charges in view of the period of time which has elapsed since the charges were first made and, furthermore, the relative depreciation of currency, I disagree with the system of government by regulation.

There are far too many regulations, which affect each and every one of us, especially in relation to money-raising or taxation measures. Admittedly, this is only a small matter; but, on principle, any levy, which takes money from the people as a form of taxation should be submitted to Parliament for ratification or rejection, as the case may be. I cannot emphasise too strongly my support of the principle of government by Parliament and not by regulation.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 and 2—agreed to.

Schedule:

Mr. COURT: I must apologise to the Minister for not being able to get my amendment on the notice paper, but that was not practicable in view of the short time since the Bill was introduced. However, I have circulated copies of the amendment, which is a simple one, and I do not think that its absence from the notice paper will cause any embarrassment.

During the second reading debate, I gave notice of my intention to endeavour to amend the schedule by deleting the reference to fixing the prescribed fees by regulation so that when the Government seeks to amend charges that will be made for these services, as on this occasion, those charges will have to come before Parliament. I can save time by explaining that the fees which this schedule seeks to amend cover a multitude of services in connection with bills of sale. I do not think anyone disagrees with the small charge being made in respect of these services; otherwise the services would be abused. The charge is sufficient to assist in recouping the cost, and also to act as a deterrent to busybodies who would just want to examine some of these documents without any real cause or need.

The first item on the schedule deals with "searches and office-copies," and provides for a fee of 1s. against persons inspecting the records. It is proposed to increase this fee from 1s. to 2s., and the Minister seeks to give the Government the right to prescribe fees by regulation in the future. It is sought to add to Section 18 of the Act, the words "the fee prescribed by regulation made under the Bills of Sale Act Amendment Act, 1914-1957, and until so prescribed the fee of 2s." I move an amendment—

That all the words after the word "eighteen" in line 2 of item 1 be struck out and the words "the fee of two shillings" inserted in lieu.

Item 1 would then read—

Substitute for the words "the fee of one shilling" in line four of Section eighteen the words "the fee of two shillings."

The fee of 2s. is the amount that the Government now seeks to fix immediately on the passage of this law, but it wants a proviso that in future it can fix fees by regulation. I seek to delete the reference to a regulation.

The MINISTER FOR JUSTICE: It is hard for me to understand the hon. member. If the amendment were carried, it would mean that for the sake of increasing a fee by 1s. a Bill would have to be

brought to the House on every occasion that that was necessary. That is out of principle. The trend everywhere in Australia, and even in our own legislation, is to do things by regulation. It is objections of the kind raised and opposition to the Government's efforts to conduct the affairs of the State on a businesslike basis that lead to the accusation of parliamentarians being bad business people. As a matter of principle, everything should be agreed to that facilitates the work of government. Regulations are tabled and members have an opportunity to see them.

Mr. Bovell: We are not always in session.

The MINISTER FOR JUSTICE: If members do not see the regulations, whose fault is that? It is the fault of nobody but members themselves. Fixation of fees by regulation is a helpful practice. It would be highly ridiculous to have to bring small matters of this kind to Parliament. It is said that Governments cannot run anything. That is because members want to restrict them in every way possible. Members have an opportunity to move for the disallowance of regulations. But how much do we do by regulation?

Mr. Bovell: Too much.

The MINISTER FOR JUSTICE: It is all right for the hon. member to say that while he is sitting on that side of the Chamber. But if he were over here, he would bring down regulations just the same.

Hon. J. B. SLEEMAN: I am sick and tired of regulations. I cannot be accused of opposing them because I am on the other side of the House. I agree with the Minister that no matter what Government is in office, it likes regulations. The Minister is not so unsophisticated as to believe that it is a simple matter to catch undesirable regulations as they are going through. A Minister comes to the House with a big bundle of papers and mumbles the titles, and then we wake up some morning to find that something objectionable has slipped through. That happened last session in connection with the Legal Practitioners Act. If I had known that that was going through, it would not have done so until I had had a lot to say about it.

The time is overdue when we should do something about regulations. In South Australia there is a non-party committee of three which examines and reports to the House upon every proposed regulation and by-law. There is no danger of objectionable regulations getting through in that State. Quite a lot have been amended and many have been eliminated. The time has arrived for us to do something like that here. I do not like regulations; and whether I am on that side of the House or on this side, I will always be opposed to them.

Mr. BOVELL: I hope the Minister will accept the amendment. He has made it clear that he is strongly in favour, while he is a Minister, of executive control as opposed to parliamentary control. I have never had the privilege of serving in a ministry, and therefore do not know the difficulties that confront Ministers; but I will always abide by the principle, wherever possible, of seeing that Parliament guides the destiny of the State's affairs, and that they are not absolutely under executive control.

The Minister for Justice: Do you believe in any of the regulations or rules that are brought to this Chamber?

Mr. BOVELL: It is not possible to make a general rule. I made it clear on the second reading that this Bill provides a form of taxation; and I consider that any taxation proposal—whether it be small or large—should be submitted to Parliament for ratification or rejection. Although the Minister says that only a few shillings are involved in this instance, there might be a steep increase at some time in the future; and, as the member for Fremantle said, regulations slip through. The Speaker calls for notices, regulations are tabled and all sorts of things are said over there and we are occupied with the business of the day, with the result that regulations are tabled of which we are sometimes unaware; and at the end of fourteen days, they become law and it is too late to do anything about them. Furthermore, if regulations were promulgated when the House was not sitting, they could remain in force for perhaps six months although they might not be in the best interests of the State, as they could not be disallowed until Parliament met.

Mr. COURT: I am not surprised but am disappointed at the Minister's attitude as I thought he, as an individual, would be opposed to government by regulation. It is easy to say that it is the duty of all members to examine regulations laid on the Table of the House and, if necessary, move to disallow them, but in practice, it is not so simple because some members are naturally interested in particular Bills, with the result that they may overlook regulations relating to other legislation. Furthermore, in order to understand some regulations, it is necessary to trace back through many previous regulations—

The Premier: Has not your party a committee on regulations?

Mr. COURT: We have some people responsible in that regard in relation to certain legislation—

Mr. May: Do you mean that your party is not regulated?

Mr. Bovell: We have freedom of action.

Mr. COURT: We may be well regulated, but not regimented. The question of the charges involved in this instance is not

in dispute, as some of these fees were fixed many years ago and it is agreed that a small charge should be made for the services rendered. Although the increases sought are in some instances 300 or 400 per cent, the sums involved are small, but they are still a form of taxation—

The Minister for Justice: We have many other regulations that constitute a form of taxation.

Mr. COURT: That does not excuse this proposal. Both the member for Fremantle and the Minister touched on the Australia-wide tendency towards government by regulation and I do not think that tendency should be encouraged. The Minister implied that were the member for Vasse a Minister, his attitude towards regulations would be different; but I do not think that is so, because he finds them as repugnant as I do. I believe that in South Australia there is an all-party committee which examines regulations before they are gazetted, thus ensuring that a representative body of non-ministerial members of Parliament is thoroughly informed of the Government's intentions. I understand that committee gives some very good advice at times.

The Minister for Justice: I see no objection to such a committee.

Mr. COURT: We have no such committee here and if the issue is not sufficiently important for the Press to refer to it, the first members hear of the regulation is often when Parliament assembles, perhaps after some months—

The Minister for Justice: If we had such a committee, would you then agree to regulations?

Mr. COURT: I do not say we should have government without any regulations, but I am doubly opposed to regulations in respect of taxation.

The Minister for Justice: Do you think we should bring down a Bill each time we wish to increase one of these charges?

Mr. COURT: Yes, because if the Government had to do that, it would be careful in its appraisal of the situation. If some official thinks a regulation should be amended or a new one promulgated and can convince his Minister, it is done through the usual channels; but were it necessary to bring down a Bill, it would have to receive far more serious consideration from the Minister concerned. For those reasons I oppose this provision. If we leave the position that any rise in fees must be agreed to by Parliament, I feel certain that the rises will be much less steep than if they are prescribed by regulation.

The MINISTER FOR JUSTICE: I do not agree with the hon. member as the course he advocates would deprive the Government of money which it should rightly receive. Although the individual

increases may be small, they could, collectively, amount to a considerable sum of money. If any member misses a regulation which he later thinks should have been disallowed, he has only himself to blame. If the Government is forced to bring all proposed increases in charges before the House, it is high time we gave up trying to run the country on a business basis. I oppose the amendment.

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

Ayes	.....	17
Noes	.....	21
Majority against	.....	4

Ayes.

Mr. Bovell	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommellin	Mr. Roberts
Mr. Grayden	Mr. Sleeman
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Mr. Nalder	

(Teller.)

Noes.

Mr. Andrew	Mr. Kelly
Mr. Evans	Mr. Lapham
Mr. Gaffy	Mr. Lawrence
Mr. Graham	Mr. Marshall
Mr. Hall	Mr. Nulsen
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Tonkin
Mr. Jamieson	Mr. May
Mr. Johnson	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Thorn	Mr. Rodoreda
Mr. Mann	Mr. Brady
Sir Ross McLarty	Mr. Toms
Mr. Ackland	Mr. Sewell
Mr. Cornell	Mr. Norton

Amendment thus negatived.

Mr. COURT: I do not now intend to move similar amendments in respect of the other items in the schedule. Having divided, unsuccessfully, on item No. 1, I now assume that the Minister will adopt the same attitude in regard to the remaining items in the schedule. But I want it made clear that we are not surrendering our principle in respect of items (2) to (7), simply because we are not dividing on each of them.

Schedule put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

#### BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

Received from the Council and read a first time.

#### BILL—HEALTH ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 1st August.

MR. ROSS HUTCHINSON (Cottesloe) [5.46]: This is a composite or portmanteau measure. In its bag it carries a number of apparently unrelated amendments. However, they are related to the extent that they all impinge, to a lesser or greater degree, on public health, but they cover a very wide range. For the most part, I agree with the Bill. I feel that, largely, it is a Committee measure. There are one or two items with which I disagree mainly because I have not had sufficient information supplied to me to form a sound opinion.

At this stage I offer some criticism which I would like to think is genuine and well founded. In my opinion, Ministers, when introducing Bills, should not indulge in mere generalisations. For the most part they are unsatisfying. Generalisations convey a certain amount of information but leave much to be desired when one seeks a full understanding of the import of amendments. In the interests of sound legislation and of clear understanding, generalisations should be supported by reasoned detail. Wherever possible, I think that some of these items—I will mention them in Committee—could well have been clarified by the Minister going into some further detail which, as I have already said, would have helped towards a clearer understanding of the Bill.

I feel that examples could have been given in connection with one provision in this measure which deals with "delegated legislation," because this particular amendment indicates that when a change of status is made from a road board to a municipality or vice versa, delegated legislation—which means regulations or Orders-in-Council or the like—should remain in force until cancelled or revoked. Looking at the matter generally, it would appear that there could be good reasons why this should be so, but the Minister has not given any examples in regard to this amendment. If he had done so it would have assisted me greatly to understand it. I am not criticising the amendment itself; my criticism relates to the lack of more detail concerning it. There is another provision regarding the imposition of penalties on contractors who do not comply with certain plans and specifications that have been laid down. That is a clause which could be dealt with more appropriately in Committee.

The Minister for Health: I think the explanation regarding that amendment was quite clear.

Mr. ROSS HUTCHINSON: Yes, it was clear up to a point. There is another clause which deals with unbranded meat

which has been prepared for meals. I presume that that relates to the preparation of meals in cafes or restaurants. Another clause deals with the alleviation of certain non-infectious diseases and I cannot see any objection to that one. I would like to mention, however, that I presume this particular clause has to do with the collection of certain statistical data on non-infectious diseases and also with certain formalities.

The Minister for Health: It is merely to make sure that they are notified, that is all.

Mr. ROSS HUTCHINSON: The Minister referred to cancer and certain pregnancy diseases that would come under this heading. I would like to ask whether rheumatoid arthritis would also be included.

The Minister for Health: They are technicalities, but I do not think it would come under that clause.

Mr. ROSS HUTCHINSON: I am not sure whether it would or not. Another provision has to do with the adding of poliomyelitis to a list of diseases for which there should be immunisation. The clause in the Bill seems to indicate to me that probably it is the intention of the Government to establish immunisation clinics.

The Minister for Health: We are doing that now. The Bill seeks only to confirm that. It is for the protection of the people.

Mr. ROSS HUTCHINSON: At present the local authority deals with the immunisation of diphtheria, whooping cough, and tetanus—I think, under the supervision of the Commissioner of Public Health, of course—and apparently the Minister desires to add to these. I cannot see any great objection to that amendment except that where immunisation clinics are opened for this purpose, I would like to ask the Minister what part a private practitioner plays in this regard. In short, I am wondering whether the Government intends to appoint medical officers to do the work or whether the immunisation will be performed by private practitioners. At this stage, I feel that I can support the second reading of the Bill with a view to obtaining a little more detailed information concerning the amendments in Committee.

Question put and passed.

Bill read a second time.

### *In Committee.*

Mr. Moir in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Section 19A, added:

Mr. ROSS HUTCHINSON: This clause deals with the alteration of the status of the local authority and the continuance of “delegated legislation” until it is cancelled or revoked. It has to do with the

import of health legislation and by-laws made by road districts or municipalities. Firstly, I cannot see that there should be any difference between the health by-laws of a road board and those applicable to a municipal council.

The Minister for Health: The boundaries change and they carry on as if they have not been altered until such time as the by-laws are revoked or cancelled.

Mr. ROSS HUTCHINSON: The Minister has missed my point. The “delegation” refers to the health by-laws that are made, and they govern the health of the community. Those by-laws should be the same, in 99 cases out of 100, in both a road district and a municipality. I would like the Minister to have given greater detail on this amendment in his second reading speech because, although I cannot see much to complain of about it, I have not had sufficient time to investigate the point fully. My query now is: Why is there any necessity to continue in force this “delegated legislation” when a local authority changes its status?

The MINISTER FOR HEALTH. The hon. member appears to be seeking information, but he has had a lot of time to look it up before. This clause will facilitate matters where there is a change of boundary in a district, or where a municipality changes to a road district, or vice versa. I would refer particularly to the wording of the clause. The language is quite plain and there can be no misunderstanding. The clause will ensure that the health by-laws and regulations are enforced until such time as they are revoked or cancelled. I cannot put any further interpretation to the clause than what appears in the Bill.

Mr. ROSS HUTCHINSON: I genuinely consider that the Minister should have added to the generalisations he made on this provision by giving examples of the difficulties which the department faced.

The Minister for Health: My explanation of the purpose of the clause is quite sufficient.

Mr. ROSS HUTCHINSON: I have had trouble in appreciating the difficulties which the Minister outlined. If he can give examples of them, I will be quite satisfied. My comments are intended as a well-founded and constructive criticism and I consider that more details should have been given by the Minister. Where the health of the community is concerned, the by-laws should be the same for all local authorities. I cannot see the necessity for any differentiation. I ask the Minister to accept this constructive criticism in the right spirit and I hope that with certain types of amendments, he will in future give greater detail in order that they may be fully understood.

Clause put and passed.

Clauses 6 and 7—agreed to.

Clause 8—Section 174A added:

**Mr. ROSS HUTCHINSON:** I oppose this clause. It seeks to penalise building contractors who do not conform to the plans and specifications which they have to observe. It also provides for a maximum penalty and a continuing penalty. There might be a good reason for this amendment to the Act, but its implementation would seem to be too harsh. I also make this point: If it is necessary under the Health Act to inspect public buildings, then it should be the responsibility of the commissioner to ensure that such inspections are carried out concurrently with construction, and not some months afterwards when the building has been completed. If a closer check was made on what the building contractor or architect was doing, the necessity for the inclusion of this provision in the Health Act would be obviated.

Will the Minister inform the Committee whether any consideration has been given to including the architect of a public building under this clause. As the building contractor has been included, it is possible that the architect of a public building could be affected by these provisions relating to the change of plans and specifications. On the whole, the clause appears to be an unnecessary intrusion into the rights of a contractor or owner-builder. Of course, where public safety is involved, the regulations and rules should be adhered to. I oppose more than anything else in the clause, the maximum penalty of £100 fine which may be inflicted on a building contractor for an offence. I also oppose the continuing penalty for each day during which the offence continues.

**Hon. A. F. WATTS:** This clause requires some further examination before it is passed in the present form. It provides that the owner or building contractor commits an offence if the commissioner has not authorised the building to be commenced. He also commits an offence if he does so otherwise than in compliance with plans and specifications approved by the commissioner. Therefore, before the building is to commence the plans and specifications have to be approved by the commissioner.

The clause then goes on to say—

(3) The commissioner may during, or after, the completion, erection, alteration, or extension, of the building serve on the building proprietor or building contractor, or both, written notice

(a) specifying any defect in the construction of the building

(i) which renders or tends to render the building unsafe or prejudicial to the public interest; or

(ii) which is not in compliance with the plans and specifications approved by the commissioner;

If the commissioner is to be allowed to approve plans and specifications before the building is commenced, and if the builder adheres to those plans and specifications which have been so approved, the commissioner can, even after the building is completed, come down on the building contractor and say he wants something to be done which is not in the specifications he originally approved. So nobody would be safe in the construction of a building. The builder has put up the plans and specifications to the commissioner; before the latter approves of them, he may require them to be amended; they may be amended and resubmitted, and approval is given. After that, even if the building is finished, the commissioner can turn around and say, "You have completed the building, but now you have to alter it."

I am strongly in favour of a contractor erecting a public building having to comply with the plans and specifications approved by the commissioner for the sake of public safety. In the light of our experience in public safety, that would be reasonable. I also believe that the commissioner and his officers who vet the plans and specifications should know what is actually required before approval is given. When approval is given, it should be a final approval. Provided the specifications so approved are carried out and the building is completed in accordance with them, no one should have the right to require the owner or builder to start making alterations.

The Minister for Health: What if the builder has not carried out the contract?

**Hon. A. F. WATTS:** The clause specifies "The commissioner may during or after completion specify any defect which is not in compliance with the plans and specifications approved by the commissioner." I emphasise the words "approved by the commissioner." I do not mind if anything is done not in compliance with the plans and specifications, but this clause goes further and permits the commissioner or responsible officer to require alterations which are not in the plans and specifications so approved, and which are subsequently found by those persons to be necessary or desirable.

People cannot be messed about like that. If they are obliged to present plans and specifications for approval, and the commissioner is not obliged to approve them because he can require them to be amended, and if the builder adheres to them and erects the building strictly in accordance with the plans and specifications approved by the commissioner, then no one should be entitled to direct him

to make alterations after the job has been completed. I would like to hear the Minister on this clause before I move any amendment. I do not support it in its present form. It would be a grave injustice to pass it as it stands.

*Sitting suspended from 6.15 to 7.30 p.m.*

**THE MINISTER FOR HEALTH:** I cannot agree to any amendment. This provision is only a protection as far as the owner, trustee or occupier is concerned. The contractors have found that legally they are not responsible for any alterations not carried out in accordance with the plans and specifications, and they have been taking advantage of the position. In consequence, they were getting a bit of a rake-off.

The amendment in the Bill has been brought down to ensure that these people do the work. If they do not, they will be penalised in the same way as an owner-occupier, trustee or manager may be under the parent Act. In some instances the department has not prosecuted because it would not have been fair to the owner, manager or trustee. I cannot understand the member for Stirling. I do not know whether he thinks there is something sinister here. This does not affect anyone else but the contractor. I refer to proposed Subsection (2) (a) and (b).

Hon. A. F. Watts: I agree with all that.

**THE MINISTER FOR HEALTH:** I refer now to proposed Subsection (3).

Hon. A. F. Watts: I object to subparagraph (1) of paragraph (a) of proposed Subsection (3).

**The Minister for Works:** Your objection would be met if you had "and" instead of "or."

Hon. A. F. Watts: It might be; I did not think of that one. I think the Minister has struck the point. I would be satisfied with the alteration he mentions.

**THE MINISTER FOR HEALTH:** The draftsman has had a lot of experience and he knows what he is doing, but I think I can agree to this alteration.

Hon. A. F. WATTS: I am satisfied with the suggestion of the Minister for Works because it overcomes the difficulty I see. I move an amendment—

That the word "or" in line 23, page 4, be struck out and the word "and" inserted in lieu.

Amendment put and passed.

**Mr. ROSS HUTCHINSON:** In line with the statements I made when speaking on the second reading, I want to reduce the penalties contained in this clause. I feel that the provision for a maximum penalty of £100 plus a maximum penalty of £2 for each day during which an offence continues, is too harsh and not in keeping with the principle of Clause 6 which we have already passed. In that clause the

fee for the installation of a septic tank was increased from £2 to £5. The penalty here, I suggest, should follow that 2½-times increase.

**The Minister for Health:** It is not comparable. One is a fine and the other is only a cost that has been added.

**Mr. ROSS HUTCHINSON:** This is only a cost; and I feel that the principle should not be departed from. This amendment is consequential upon one that I desire to move in the following clause; one that shows a 2½-times increase. I move an amendment—

That the words "one hundred pounds" in lines 36 and 37 be struck out with a view to inserting the words "twelve pounds ten shillings" in lieu.

**THE MINISTER FOR HEALTH:** I oppose the amendment. The comparison made by the hon. member is not tenable because one is a charge and the other an offence. One cannot be avoided whereas the other can. We have had contractors taking a mean advantage of owners, trustees, etc., of a building. The maximum is £100, but the penalty, in accordance with the evidence might be only £10, or even less. There is no fixed amount for the magistrate to charge. The same thing applies to the £2. It might be only 5s. a day. The penalties are in accordance with the value of money today and what it was years ago, and also in accordance with the penalties of 10 to 20 years ago.

**Mr. ROSS HUTCHINSON:** The Minister is paying no regard to the fact that this charge previously was £5. This is a cost.

**The Minister for Health:** It was an insult; absolutely ridiculous!

**Mr. ROSS HUTCHINSON:** That was the amount prescribed for the offence, as far as the owner of a building was concerned. That is why I wish, logically, I think, to increase it 2½ times.

**The Minister for Health:** One is a cost and the other a fine.

**Mr. ROSS HUTCHINSON:** That is my point. The fine originally was £5, and I feel that to increase it 2½ times is reasonable in the circumstances, and having regard to the cost of living. The Minister must remember that the maximum fine of £100 is in addition to the continuing fine of £2 a day, and this might be regarded by him as being a harsh penalty. The Minister says that these offences are deliberate; but that does not always apply because an offence under this section could be quite accidental.

**The Minister for Health:** The magistrate would take that into consideration.

**Mr. ROSS HUTCHINSON:** He might, but we frequently find that where a maximum fine is referred to, it is indicative of

the desire of Parliament and those maximum fines are adhered to; they become the rule rather than the exception.

The Minister for Health: I think you must have a contractor as a friend.

Mr. ROSS HUTCHINSON: I hope I have a number of friends, some of whom might be included in that category; but that does not influence me one jot. I hope the amendment will be agreed to.

Amendment put and negatived.

Mr. ROSS HUTCHINSON: The maximum penalty now stands at £100 and in addition there is a continuing penalty of £2 a day.

The Minister for Works: Up to £2.

Mr. ROSS HUTCHINSON: Yes, a maximum of £2 a day. In view of the extraordinary jump from a £5 fine to a fine of £100 maximum, will the Minister reduce the continuing maximum? In the hope that he will, I move an amendment—

That after the word "of" in line 38, page 4, the word "two" be struck out and the word "one" inserted in lieu.

The MINISTER FOR HEALTH: I cannot agree to this amendment. A magistrate will have all the evidence before him and, if necessary, he can reduce the fine to 5s. a day. A continuing penalty is one that can be avoided because a person knows that if he transgresses, he is liable to that continuing penalty. I would sooner leave the whole question to the magistrate and I oppose the amendment.

Amendment put and negatived; the clause, as amended, agreed to.

Clauses 9 to 13, Title—agreed to.

Bill reported with an amendment.

## **BILL—OCCUPATIONAL THERAPISTS.**

### *Second Reading.*

Debate resumed from the 25th July.

MR. ROSS HUTCHINSON (Cottesloe) [7.51]: This Bill provides for the training, qualification and registration of persons as occupational therapists and has regard to the practice of occupational therapy. In its context it appoints a board and gives the constitution of the board which is to administer this Bill when it becomes an Act. I believe that the measure leads the way in Australia because it is the first of its kind legislating for the training and qualification of occupational therapists. That it is introduced, I believe, is due almost entirely to the efforts made by the association of occupational therapists in this State. Their urgent representations to the Government apparently were triggered off because of the real necessity that exists for qualified occupational therapists in Western Australia.

I believe that this branch of medical science lacks sufficient skilled people to carry out this urgent work. In the course of my having undertaken some research into this matter, I have heard that there is an acute shortage of skilled people in this branch of medicine. Occupational therapists are those who materially assist in the healing art. They belong to a branch of medicine which is concerned with the treatment of disease by the utilisation of remedial agencies. Medical practitioners frequently find that when all else fails, a patient will, by the skilled use of some form of occupational therapy, respond and if not completely cured, be able to live a much more reasonable and normal life than would have been possible without the skilled work of occupational therapists.

This branch of medicine assists in the cure of both physically and mentally afflicted patients. It appears that physical and mental healing are closely co-ordinated. I would also point out that this branch of the healing art is one that must be undertaken with a full degree of medical supervision. Indeed, this Bill outlines that that should be so. When one realises that there is a need for additional numbers of skilled occupational therapists, it is only a step to the realisation that something must be done with regard to the provision of these people. Consequently, a school for the training of occupational therapists is envisaged, and this work will be left to the board.

At this stage I would like to mention that I agree with the composition and the constitution of the board, with one minor exception. I am not going to make a great deal about that, but in the composition of the board is included a medical practitioner nominated by the Minister. I would have preferred a medical practitioner nominated by the B.M.A. However, I would think that the Minister, in his wisdom, would request the B.M.A. to submit a panel of names.

Mr. Bovell: Why not include such a provision in the Bill? It should have been included.

Mr. ROSS HUTCHINSON: I think that would have been ideal, and I would have preferred it. But under the circumstances, I would accept an assurance from the Minister in that regard so that there would not be a preponderance of medical practitioners nominated by the Minister instead of one nominated by the B.M.A.

The Minister for Health: I think the same thing would apply to any Minister—he would get advice in regard to it.

Mr. ROSS HUTCHINSON: It is only natural, in the interests of sound legislation, that on the board there should be as wide a representation as possible in order to ensure a proper approach to the various problems that will come before



the board. Perhaps the Minister might make a comment on that point in his reply.

It is to be hoped that as there is a possibility of this becoming a registered profession, suitable publicity will be given to the fact so that the profession will attract an adequate number of students who will place themselves in readiness to undertake this work. I have covered the points I desired to make and I should like the Minister to reply to the point I raised regarding the selection of a medical practitioner nominated by the B.M.A. instead of one nominated by the Minister. I have pleasure in supporting the Bill and I wish its operation the very best of good fortune in the interests of the public health of this State.

**THE MINISTER FOR HEALTH** (Hon. E. Nulsen—Eyre—in reply) [8.00]: After listening to the member for Cottesloe, I am grateful for what he had to say. As he has mentioned, the demand for the services of occupational therapists is increasing because they are most helpful to doctors and nurses when they are properly qualified. This Bill will give to those already practising occupational therapy an incentive to become fully qualified, because it will identify them in our medical services. There is no doubt that they constitute a medical auxiliary, because they assist patients to recover their health, both mentally and physically.

The Bill, therefore, will give those already in practice some encouragement to further their efforts and will also encourage new recruits to enter the profession. They will, of course, have to be 21 years of age. If those people already in practice have been bona fide engaged in occupational therapy for 24 months during the period of three years immediately prior to the proclamation of this legislation, they will be entitled to automatic registration as occupational therapists under the Act. If, however, a person who is not registered as an occupational therapist uses the title of occupational therapist, he will be committing an unlawful act after the proclamation of this measure. A teacher of handicrafts or a person giving instruction in the skill of his usual occupation, can continue with his work as long as he does not use the title of "occupational therapist."

As for the personnel of the occupational therapists' registration board of Western Australia, it shall comprise, firstly, the Commissioner of Public Health or his nominee and a medical practitioner nominated by the Minister. The commissioner, no doubt, will have a panel of names, and he will seek advice in regard to the person who shall be elected to the board. Other members of the board shall include a person nominated by the Senate of the University of Western Australia, and two persons approved by the Minister to represent the body known as the Australian

Association of Occupational Therapists (W.A. Branch). I do not think the member for Cottesloe, therefore, has anything to fear concerning the personnel of the board. The fact that the Commissioner of Public Health will be a member will prove to be a further safeguard because he realises the importance of occupational therapists in the work of the medical profession.

**Mr. Ross Hutchinson:** In practice, you would ask for a panel of names to be submitted?

**THE MINISTER FOR HEALTH:** Yes, I would. One of those names may be that of the hon. member himself.

**Mr. Ross Hutchinson:** I cannot see that happening.

**THE MINISTER FOR HEALTH:** I am very pleased with the reception accorded the Bill.

#### *In Committee.*

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

#### **BILL—JURIES.**

##### *Second Reading.*

Debate resumed from the 1st August.

**MR. BOVELL** (Vasse) [8.8]: For some years past the Government has repeatedly introduced a measure in this Chamber to give to women the right to serve on juries. On those occasions, however, I considered that each Bill introduced was inadequate because it provided for the registration, on a jury list, of some 100,000 women compared with a jury list of some 6,000 men.

Last year, a select committee under the chairmanship of Hon. A. F. Griffith, M.L.C., was appointed by the Legislative Council and the committee submitted a unanimous finding to that House. The Minister, when introducing the Bill under discussion, said that it was modelled on the report of the select committee. Trial by jury epitomises the British system of justice and it dates back to the days of King John and Magna Charta. That is as far as we can trace the traditional history of trial by jury. The trial of an accused person by a given number of his fellow citizens is, I think, the foremost method of administrative justice known to the civilised world.

If this Bill becomes law, the unsatisfactory state of our jury list restricting the number to approximately 6,000 males will be overcome. I support the principle of women serving on juries, and this legislation provides for equal opportunity for both sexes to perform this most important duty. The Bill sets out the qualifications of jurors as a man or woman who has attained the age of 21 years and who has

not attained the age of 65 years and who is enrolled on the Legislative Assembly roll. The disqualifications mentioned in the Bill include a person who is not a natural born of a naturalised subject of Her Majesty, convicted persons, an undischarged bankrupt and those persons who cannot read or write the English language.

The measure also provides that a woman is permitted to cancel her liability to serve as a juror by giving written notice to that effect to the jury officer in the district in which she resides. Application may be made to render herself liable to serve on juries again, but a period of two years must have elapsed from the date of cancellation. I think it would be far preferable if women were given the opportunity to serve by making an application rather than by automatic registration from the Assembly roll. The women folk, especially the younger womenfolk who are married and have families and various other duties to attend to, might neglect to abide by the necessary form seeking exemption from jury service and, finding themselves called for such service, may possibly have to request their husbands or somebody else to try to secure the necessary exemption for them. The Bill also enables the Governor to alter, from time to time, by proclamation, any jury district.

There is one provision in the Bill which I desire to oppose and this is contained in the clause dealing with notice to the electoral officer regarding registration. It reads as follows:—

17. (1) For the purposes of this Part every claim for enrolment as an elector for the Legislative Assembly after the commencement of this Act shall state the age of the person claiming to be enrolled and such other particulars for the purposes of this Act as may be prescribed.

This is in the Electoral Act at present. It is necessary to place one's date of birth on the electoral card now when applying, and that is why I object to the last portion of the provision I have quoted. Sub-clause (2) reads as follows:—

The power to make regulations conferred on the Governor by the Electoral Act, 1907, shall be deemed to include power to make such regulations as the Governor considers necessary or convenient for the purpose of carrying into effect the provisions of this part.

To my way of thinking, that is a back-door method of amending the Electoral Act. We are all aware that the Electoral Act requires an absolute majority of members of this House before any major alteration can be made, and it seems foreign to me to have an amendment to the Electoral Act incorporated in a measure such as that with which we are dealing relative to juries.

I strongly oppose the inclusion of this provision in the Act and at the appropriate time—that is, in Committee—I will move for its deletion. The Chief Electoral Officer is required by the Act to prepare a draft jury register and, in the month of November each year, he shall select by ballot a number notified to him by the sheriff of each jury district. A further provision in the Bill states that, as far as possible, one-half of the jurors shall be men and one-half women, but, as far as I can see, there is no clause in the Bill which will ensure equal representation of both sexes. The Bill also provides for the selection of jurors by ballot and it might perhaps be preferable to have separate ballot boxes for each of the sexes.

When he replies to the debate, I would like the Minister to explain how it would be possible for equal numbers of the sexes to comprise the jury. A criminal trial usually consists of 12 jurors, and if the offence is punishable by death, a unanimous decision is necessary. I whole-heartedly agree with that provision. Furthermore, if a person is not accused of an offence punishable by death, the decision of 10 jurors shall constitute a verdict. I also support that provision. In civil trials where there are six or five jurors, the Bill provides for a majority verdict of, respectively, four or three jurors, where, after deliberation of three hours, no unanimous verdict has been reached.

Hon. J. B. Sleeman: Do you agree with that?

Mr. BOVELL: Yes, I think that where the penalty is not one punishable by death, a decision by 10 out of the 12 jurors, or with civil cases, four out of the six, or three out of five, would be sufficient to meet the needs of justice. As I was saying, after three hours of deliberation with no unanimous verdict, the verdict of those numbers would be accepted.

Hon. J. B. Sleeman: There is no benefit of the doubt for him.

Mr. BOVELL: The Minister might be able to enlighten me on this in his reply, but I understand that after four hours the Judge has the right to dismiss the jury and call for a fresh trial; at any rate as far as civil trials are concerned.

I take very strong objection to another portion of the Bill which seeks to prevent newspapers from publishing names and inserting photographs of jurors on criminal trials. The penalty provides for a fine of from £20 to £200. In my opinion, that is extremely harsh. According to the Bill, no publication of the evidence of any preliminary hearing where the accused is committed for trial shall be permitted. I want to record an emphatic protest, because this is a challenge to the freedom of the Press.

Throughout the generations in British countries, the freedom of the Press has been sacrosanct, and I think it should continue to be so. Court proceedings are open to the public and permission should be given for them to be reported so that the public might know what was happening. If the cases were dealt with in camera it would be a different matter. Under our system, any person is permitted to listen to the proceedings in a trial which is held in public, and the provision I refer to is a contravention of the freedom enjoyed by the Press. It is the first blow towards the prevention of publication of evidence which is of interest to all sections of the community.

There is another means of conveying news to the people in the world, and that is by radio. No mention is made in the Bill to the effect that broadcasting stations will be prevented from announcing particulars of trials over the air, so here is an unfair discrimination between the Press and radio. The Press is not to be permitted to publish details of the trial, yet the A.B.C. or any commercial radio station is to be allowed to broadcast the proceedings over the air. In my opinion, this discrimination is contrary to the British sense of fair play. If one section of the community is permitted to announce details of a trial to the public, surely another section should also be permitted.

Furthermore, there is nothing to prevent such reports being published in newspapers in the other States of Australia. I think that Section 92 of the Constitution would prevent the application of this Bill, if it becomes an Act, to any other State or any other part of the world. We can do nothing to prevent the publication in Eastern States or overseas newspapers of details of trials by jury held in the State. On reflection, I feel that the Minister will realise that this provision is rather an unfair thrust at the local Press.

I have another objection, and that is in regard to the publication of certain matters relating to this Bill. One clause states that the sheriff shall cause a notice notifying that (a) the draft jury rolls have been prepared, (b) the places at which the draft jury rolls may be inspected, and (c) the procedure by which an exemption may be obtained, to be published once in a newspaper circulating throughout the State. I consider that the word "daily" should have been inserted in this clause, so that the general public who read the daily Press will know the desires of the sheriff in connection with the matters I refer to. If this provision is agreed to, it will mean that the Government will adopt the practice, like it does at present, of advertising only in the week-end newspaper. Not everyone reads the week-end newspaper, although I and most members of Parliament do. At least the publication of these

notices should appear in the daily Press, in addition to an insertion in a newspaper circulating in the other juror districts.

Generally speaking, the Bill is acceptable, but there are a number of matters which I intend to raise during the Committee stage. The Minister, when referring to another measure before this House earlier this evening, mentioned that the parliamentary draftsmen were experts at their particular sphere of activity. I have no doubt about that, but there seem to be some drafting irregularities in this Bill, at any rate in my opinion, which I shall refer to when it is dealt with in Committee.

The Minister for Justice: Why did you not put the amendments on the notice paper?

Mr. BOVELL: The Bill was only introduced last Thursday and I had to return to my electorate that evening. I returned to Perth at lunchtime today. I did give to the clerk notice of some amendments which I propose to move in Committee, but the time available was not sufficient to enable me to place on the notice paper the amendments that I want to move. I can assure the Minister that had this Bill come forward on Thursday next, as I had expected, some of the amendments would have appeared on tomorrow's notice paper.

The Minister for Justice: This Bill is too important for me to accept amendments without notice.

Mr. BOVELL: I do not mind if the Minister proceeds with it now. I am pleased that he is proceeding with it. I do not want him to criticise me by saying that I have not put any amendments on the notice paper. The reason for not doing so is the lack of time. I had to study the Bill which I did during the week-end at home in Busselton, and I arrived in Perth at midday today. I immediately took the necessary steps to have the amendments placed on the notice paper.

The Minister for Justice: Your excuse is accepted on this occasion.

Hon. A. F. Watts: This measure has only jumped seven places on the notice paper!

The Premier: To suit one section of the Opposition.

Mr. BOVELL: I want to emphasise, first of all, that I am in full agreement with the proposals to allow women to serve on juries, but I think they should serve at their own request and should not be empanelled compulsorily.

Hon. J. B. Sleeman: In that case, only the sticky-beaks will serve.

Mr. BOVELL: The hon. member seems to know much more than I do about them.

Hon. J. B. Sleeman: Men do not want to serve on juries, and most women do not either, if they have a choice.

Mr. BOVELL: I have already given the two reasons for my objection to this Bill. One is that a section of the measure endeavours to amend the Electoral Act and, in my opinion, that is wrong in principle. Secondly, I feel it is an initial step by the Government to interfere with the freedom of the Press. I repeat that this freedom has been allowed the Press hitherto in British Commonwealth countries.

The Minister for Justice: According to the Press, our Queen is not free from criticism.

Mr. BOVELL: If that had been said in Russia, the hon. gentleman—if he is such; I think he is just a whippersnapper and cur to say such things about the Royal Family—

The Minister for Justice: He is a lord.

Mr. BOVELL: If he had said that in Russia against Bulganin or Khrushchev or whatever his name is, the person giving it the light of day would not see daylight afterwards.

Hon. J. B. Sleeman: You seem to know something about Russia.

The Premier: The girls have had you!

Mr. BOVELL: Evidently, they are not interested in serving on juries. That is all I can say in reply to the interjection of the Premier. I support the second reading and reserve the right to submit amendments in the Committee stage.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Moir in the Chair, the Minister for Justice in charge of the Bill.

Clauses 1 to 13—agreed to.

Clause 14—Chief Electoral Officer to prepare draft jury rolls:

Mr. BOVELL: I move an amendment—

That after the word "circulating" in line 7, page 12, the word "daily" be inserted.

The daily Press is universally read but I do not think the week-end papers are quite so generally perused. Therefore, I feel that the sheriff's notice, which includes the matters which I referred to in my second reading speech, should be advertised in the daily Press.

The MINISTER FOR JUSTICE: I do not think there should be any alteration made here. We have weekly papers circulating throughout the State and I cannot see any advantage in the advertisement being in a daily paper. The member for Vasse has said that he reads a weekly paper.

Mr. Bovell: I know a lot of people who do not.

The MINISTER FOR JUSTICE: A lot of people read "The Sunday Times" and other weekly papers which circulate throughout the State. I see no reason to alter the clause and I oppose the amendment.

Mr. BOVELL: I have not the circulation figures of the week-end papers and the daily Press, but, as an estimate, I would say the circulation of the daily Press is three to four times that of the week-end Press. Therefore, in fairness to the public of Western Australia, who will be involved in this matter, surely the Minister must see that the daily Press should be used!

Mr. Heal: You are wrong in your estimate.

The Minister for Justice: "The Sunday Times" has nearly as big a circulation.

Mr. BOVELL: If the Minister can assure me that the week-end papers have as big a circulation as the daily Press, I might be satisfied, but he has not convinced me. I would ask him to give consideration to the using of the word "daily" and if he wants to advertise in a week-end paper, he can arrange to do so. I want to ensure that the majority of people in Western Australia, who will be liable to these conditions, will have an opportunity to learn of them and not be subject to a court of summary jurisdiction for failing in their duty.

The MINISTER FOR JUSTICE: The member for Vasse has not given any figures at all. He does not know the circulation of the daily paper any more than I know the circulation of the weekly papers. "The Sunday Times" has a huge circulation. It is taken by quite a lot of people, especially those living in the country who do not take a daily paper. I still oppose the amendment.

Hon. D. BRAND: I cannot understand the Minister's opposition to the inclusion of the word "daily." He is not forced to use the daily Press if for some mysterious reason he does not wish to do so. No good case has yet been put up for not accepting the amendment. To indicate that the weekly Press has a bigger circulation and is a better medium of giving this news to the public, is ridiculous. One is left wondering what is the real reason for the attitude of the Minister and the Government in respect of this issue. Far from being convinced, I am mystified as to why the Minister does not take the opportunity which is afforded through the amendment to get this message to the people through the circulation of the daily Press.

The MINISTER FOR JUSTICE: I cannot understand the Leader of the Opposition. This states, "to be in a newspaper, daily." That means it must be published in a daily circulating paper and not a week-end paper. The whole question is whether a daily newspaper has a greater circulation than a weekly newspaper. I

feel that there will be just as much, if not more, publicity by advertising in a weekly paper as in a daily one because as many as, or more, people in the country read the weekly paper than read the daily paper. In the metropolitan area the people read both. I would like to know how the Leader of the Opposition can construe this clause as meaning that a daily paper means a weekly paper.

Mr. MAY: I do not know why the member for Vasse and the Leader of the Opposition are spinning around on a threepenny bit because there is no mention in the clause of "The Sunday Times" or any other week-end paper.

Hon. D. Brand: I never mentioned "The Sunday Times."

Mr. MAY: No, but the member for Vasse did.

Mr. Bovell: No, I did not.

Mr. MAY: Most of his speech centred around "The Sunday Times."

Mr. Bovell: I mentioned week-end papers.

Mr. MAY: There is no mention in the clause of a newspaper except it be one circulating throughout the whole of the State. The Minister should be given some discretion in regard to the paper in which the advertisement is going to appear. Both the daily and the week-end papers circulate throughout the State. I do not see any reason to alter the clause in the manner suggested by the member for Vasse.

Mr. BOVELL: Let us get back to the confusion of the people concerned. I have not mentioned any week-end papers. There is more than one in Western Australia.

The Premier: There is Hansard.

Mr. BOVELL: The officers responsible publish the advertisement in the daily morning or evening paper. Where is the public to look? Surely the Act should be specific!

The Premier: There are two daily papers.

Mr. BOVELL: Well, advertise it in both. I am only trying to protect the people who are responsible for jury service. I would be quite happy if this were to be advertised in one daily and one week-end paper. The amendment is to insert the word "daily" after "circulating." If the Minister wants to include week-end papers in addition, I shall be quite agreeable. I do not want it thought that I am reflecting on the week-end newspapers. That is not so. I am convinced, however, that the morning daily paper has the largest daily circulation of any newspaper in the State, and therefore more people must read it; and they should be given the opportunity of seeing, in the best possible medium, where their services are required.

The Premier: The hon. member and his leader are at cross-purposes on the amendment.

Mr. COURT: I whole-heartedly support the amendment. For some months the Government has had a policy of doing its advertising in a certain weekly paper.

The Premier: Some of the advertising.

Mr. COURT: For years certain people seeking particular types of Government employment have been in the habit of looking in "The West Australian"—if we want to be specific on the point. But all of a sudden the Government, for reasons of its own, decides to concentrate most, if not all, of its advertising in the weekly paper.

Mr. May: It probably found it cheaper.

Mr. COURT: I am just giving my reasons as to why this causes confusion. People who formed the habit, over the years, of following the daily paper, are completely nonplussed when the Government changes its habits.

The Minister for Justice: How many would know that this is in the Bill?

Mr. COURT: I know of an irate cook who came to me. He always looked in the daily Press when he wanted a position, and he found that they were not advertised where they usually were; and after many weeks he found that if he looked in the weekly paper, he would see the advertisements that he usually found in the daily paper.

The Premier: Who called him a cook?

Mr. COURT: Someone sent him to me, but I did not know what I could do about it.

The Minister for Justice: Why not give the Minister some discretion?

Mr. COURT: It is important on a matter like this that we should, over the years, build up a certain fixed habit that the people can comply with.

The Minister for Transport: Or build up a certain paper.

Mr. COURT: The Minister is reading into what I am saying, something entirely different from what I intend.

The Premier: Why try to regiment the Minister?

Mr. COURT: We are not.

The Premier: Certainly you are.

Mr. COURT: The Premier really exploded that argument when he said there may be another daily paper here.

The Premier: There are two.

Mr. COURT: The provision in the measure is that the sheriff shall cause a notice stating (a) that the draft jury rolls have been prepared; (b) the places at which the draft jury rolls may be inspected; and (c) the procedure by which an exemption may be obtained, to be published once

in a newspaper circulating throughout the State—it is not to be an advertisement every week for a quarter, or something like that—to warn the public that they can inspect the rolls at certain places. The main impact of the announcement will be on potential jurymen for the Supreme Court district. The Bill provides that the sheriff may at his discretion also, in the case of draft rules for other jury districts, cause a similar notice to be published once in a newspaper circulating in the locality of that jury district, but it is not obligatory—

The Minister for Justice: Why should this be obligatory?

Mr. COURT: The Minister has made it obligatory by stating it shall appear once in a paper circulating throughout the State and that it may appear in other papers at the discretion of the sheriff in charge of jury districts outside the Supreme Court jury district. The logical place for the advertisement is the daily Press.

The Minister for Justice: I think you are trying to ingratiate yourself with the daily Press.

Mr. COURT: From the publicity the Government has been getting, it is obvious that it has ingratiated itself with the daily Press.

The Premier: We had to speak strongly to them.

The Minister for Transport: If you were a public servant and showed this preference for a particular business interest, you could probably be up on a charge—

Mr. COURT: I am not a public servant but a member of Parliament.

The Minister for Transport: If you are not a public servant, what are you? A public enemy?

Mr. COURT: I support the amendment.

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

Ayes	.....	15
Noes	.....	22
Majority against	.....	7

#### Ayes.

Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	

(Teller.)

#### Noes.

Mr. Andrew	Mr. Kelly
Mr. Evans	Mr. Lapham
Mr. Gaffy	Mr. Lawrence
Mr. Graham	Mr. Marshall
Mr. Hall	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May

(Teller.)

#### Pairs.

Ayes.	Noes.
Mr. Thorn	Mr. Rodoreda
Mr. Brady	Mr. Mann
Mr. Toms	Sir Ross McLarty
Mr. Potter	Mr. Cornell
Mr. Sewell	Mr. Crommellin

Amendment thus negatived.

Clause put and passed.

Clause 15—agreed to.

Clause 16—Sheriff to provide boxes for jurors' tickets:

Mr. BOVELL: I would like the Minister to explain what jurors in reserve are.

The MINISTER FOR JUSTICE: I am not sure of the meaning of the term but the Leader of the Country Party may be able to explain it to us.

Mr. BOVELL: I cannot find a definition of the term in the Bill. Will the Minister obtain the information and have it conveyed in another place?

The Minister for Justice: Very well. Clause put and passed.

Clause 17—Claims for enrolment of electors to state certain particulars:

Mr. BOVELL: As I indicated in my second reading speech, I take strong exception to this clause. Part of it is already included in the Electoral Act and is therefore redundant. Through this clause the Minister will be able to tack on to electoral claim cards any particulars he want under the pretext of getting information. In effect, the Minister is using a backdoor method to amend the Electoral Act. I think that Act is to be amended in this way let us do it under an amendment to the Electoral Act and not through legislation dealing with juries.

The Minister for Justice: This is not dealing with the Electoral Act but the Juries Act. It has nothing to do with the Electoral Act.

Mr. BOVELL: My word it has! The Minister ought to read it. I take strong exception to amending one Act by an amendment to a different Act altogether especially as in this case it would probably need an absolute majority of both Chambers of Parliament whereas an amendment to the Juries Act can be agreed to with a simple majority. I oppose the clause, lock, stock and barrel.

Hon. A. F. WATTS: I entirely agree with the member for Vasse especially as we have before this Chamber at present a Bill to amend the Electoral Act and in which the first part of this proposition could have been incorporated. The Electoral Act makes provision for what is to be in claim cards for enrolment. The Bill to amend the Electoral Act makes some new provisions in that regard, and the clause under discussion makes some further provision on the same point. This

clause undoubtedly makes provision for changes of method in regard to the set-up of claim cards under the Electoral Act and it has always been considered bad practice to put amendments to one Act into a Bill that has nothing to do with that Act. In this case, I would say that it is even more unusual because we have before us a Bill to amend the Electoral Act. I hope the Minister will not depart from the well-recognised principle.

The MINISTER FOR JUSTICE: I am slightly impressed by the arguments put up and I am prepared to recommit the Bill after the matter has been investigated.

Mr. BOVELL: I will accept the Minister's assurance that he will give consideration to the matter and recommit the Bill.

Clause put and passed.

Clauses 18 to 36—agreed to.

Clause 37—Mode of empanelling jury for a criminal trial:

Mr. BOVELL: In my opinion, Sub-clause (2) means that the Crown can challenge as many jurors as it likes.

The Minister for Justice: No, it does not mean that.

Mr. BOVELL: Can the Minister explain it?

The MINISTER FOR JUSTICE: I am given to understand that the Crown can challenge only six; and there is nothing in this clause to say otherwise.

Mr. BOVELL: Can the Minister give me that assurance?

The Minister for Justice: I will give an assurance that the matter will be investigated.

Mr. BOVELL: In my opinion, the Bill provides that the Crown can object to every juror until it gets a panel to suit its own convenience. For instance, it might desire the jury to be comprised of all women and would therefore challenge everyone that came along until it achieved its objective, or, on the other hand, it might want an all-male jury.

The Minister for Justice: This practice goes on throughout Australia.

Clause put and passed.

Clauses 38 to 41—agreed to.

Clause 42—Number of jurors required to agree on verdicts in criminal trials:

Mr. BOVELL: There are a few words which appear to me to be redundant in lines 6 and 7 of this clause, appearing on page 29. Those lines contain the words, "Not less than ten of the jurors shall be taken as the verdict of all." In my opinion, it must be one thing or the other. If the decision is to be made by not less than ten, it cannot be the verdict of all.

The Minister for Justice: That is only a technicality without any meaning.

Clause put and passed.

Clauses 43 to 47—agreed to.

Clause 48—Jurors may be allowed fire and refreshment:

Mr. BOVELL: Nowhere in the Bill can I see where such a provision refers to criminal cases as well. If that is so, only those jurors sitting on civil cases will be permitted to enjoy these facilities.

Clause put and passed.

Clauses 49 to 57—agreed to.

Clause 58—Restriction on newspapers publishing names or photos, etc., of jurors on criminal trials:

Mr. BOVELL: As indicated in my second reading speech, I oppose this clause. It is a reflection on the British recognition of the freedom of the Press. Provided the Press does not publish anything libellous, I consider it must be permitted to retain its freedom, that being the principle recognised in the British Commonwealth of Nations. The clause prohibits the publication of any proceedings of a court at which a person is or may be committed for a criminal trial.

Although the Minister, by interjection during my second reading speech, indicated that this provision had been recommended by the select committee that was appointed in another place, in fact, I do not think it made a recommendation. It merely suggested that it might be highly desirable to prohibit the Press from publishing evidence of a preliminary hearing where the accused is committed for trial. The members of the Press, it was suggested, could attend such a hearing but could not publish the evidence. I do not altogether agree with that suggestion. The word "perhaps" is used in the report and I think the members of the select committee must therefore have had some doubt on this matter.

There is a high principle at stake here, and I think it would be advisable for the Press to be permitted to publish what it considered was in the public interest. I do not know of any newspaper operating in Western Australia which desires to capitalise on sordid court proceedings.

Hon. J. B. Sleeman: In that case, this clause will have no effect on them.

Mr. BOVELL: But it will restrict the freedom of the Press, upon which principle we have always prided ourselves. There is the instance of the person who is tried and acquitted. Everyone in the district knows he has been charged with an offence in the lower court, but the publication of any proceedings is not permitted even although the accused person is acquitted.

Hon. A. F. Watts: He is not committed for trial.

Mr. BOVELL: The Leader of the Country Party has missed my point. In the first instance he is charged, but is not committed for trial, but nevertheless, the people, through the Press, are not permitted to know anything about the acquittal. That is the impression that I gained from the Bill.

Hon. A. F. Watts: I think the hon. member is wrong.

Mr. BOVELL: That is how I read the clause. If the Minister can advise me to the contrary, I will be quite satisfied. The Leader of the Country Party differs from me, but I would like to be assured that, in the case of a person being committed for trial and who is subsequently acquitted, the Press is not restricted from giving publicity to the proceedings.

Any person can go to the court, come out, and make garbled reports, yet the Press would not be allowed to publish the facts of the case. Furthermore, Section 92 of the Constitution would preclude this measure from operating in States outside Western Australia and the details could be published in the newspapers of the other States of the Commonwealth. That would mean restricting the publication of news in this State only. There is nothing in the Bill to prevent announcements respecting any proceedings of any trial over the air, and we all know that radio is an accepted medium of spreading news. It is an unfair challenge to the freedom of the Press, and I oppose the clause.

Hon. A. F. WATTS: I hope the Minister will not try to put this clause through tonight. This is a matter that requires considerable thought. On many points, I agree with the member for Vasse, while on others I do not. The Bill was introduced last Thursday and it is a brand new proposition that we have. It apparently arose out of the remarks made by the select committee in another place. The Minister could quite easily have found us still debating the second reading, whereas we have reached Clause 58 of the Bill, and it would be reasonable I think to report progress to allow a little more thought to be given to this clause. There are one or two aspects to which we might agree. I do not think that asking the Press to refrain from publishing the photographs of jurors on criminal trials is a limitation upon its freedom which should concern us.

The Minister for Justice: I will ask leave to report progress.

Hon. A. F. WATTS: In that case, I will leave the remainder of my remarks till later.

Progress reported.

*House adjourned at 9.25 p.m.*

# Legislative Council

Wednesday, 7th August, 1957.

## CONTENTS.

	Page
Questions : Brahmin-Shorthorn cattle, establishment of stud in North-West	644
Bridges, Axon-st. structure	645
Como Beach, restoration proposals	645
Water supplies, availability of boring plant	645
Civil defence, Government proposals	646
Street lighting, metropolitan area	646
Motion : City of Perth Parking Facilities Act, to disallow regulations	661
Bills : Agriculture Protection Board Act Amendment, 3r, passed.	646
Fremantle Prison Site Act Amendment, 3r, passed.	646
Dairy Cattle Improvement Act Repeal, 3r, passed.	646
Nurses Registration Act Amendment, 2r.	646
Bees Act Amendment, 2r., Com., report	646
Local Courts Act Amendment, 2r.	647
Legal Practitioners Act Amendment (No. 1), 1r.	649
Rents and Tenancies Emergency Provisions Act Continuance, 1r.	649
Bills of Sale Act Amendment, 1r.	649
Occupational Therapists, 1r.	649
Agent General Act Amendment, 2r., Com., report	649
Local Government, presidential announcement re handling of measure, Com.	661

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

## QUESTIONS.

### BRAHMIN-SHORTHORN CATTLE.

#### *Establishment of Stud in North-West.*

Hon. F. J. S. WISE asked the Minister for the North-West:

(1) In view of the great advance in breeding cattle for difficult environments and the notable success in producing heavy weights and early maturity of the Brahmin-Shorthorn cross, now a fixed breed known as Santa Gertrudis, will the Government consider the founding of a stud of this breed for use in the Kimberley pastoral areas?

(2) If the Government agrees that the establishment of such a stud is likely to be of substantial benefit to herds in our North-West, will early consideration be given for the use of the Ord River research station for the purpose?

The MINISTER replied:

(1) Over a long period, a strain of Shorthorn beef animal has been evolved which is suited to the environment of the Kimberleys, and which provides a good carcass when seasonal and management