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# Legislative Council

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m. and read prayers.

# ALUMINA REFINERY AGREEMENT BILL

#### Assent

Message from the Governor received and read and notifying assent to the Bill.

# QUESTIONS ON NOTICE OPTICAL AIDS

Provision for the Needy

- The Hon. G. E. JEFFERY asked the the Minister for Mines:
  - (1) Will the Minister advise whether any facilities exist for providing financial assistance to those needy members of the community requiring optical aids?
  - (2) If no facilities exist, will the Government consider establishing a clinic similar in nature to the Perth Dental Hospital?

### The Hon. A. F. GRIFFITH replied:

 and (2) Pensioners and persons of limited financial resources may obtain optical treatment and spectacles through the eye clinic at the Royal Perth Hospital. The charges made by the contractors supplying the spectacles are at reduced rates.

#### RABBITS

Breeders: Cancellation of Licenses, and Compensation

- The Hon. A. R. JONES asked the Minister for Local Government:
  - (1) As the Government has given notice to commercial breeders of rabbits that licenses will be cancelled in five years' time, and as it demonstrates its concern that the rabbit pest now under control must not be allowed to again become a possible threat, will it give consideration to paying compensation to breeders and cancelling licenses forthwith?

#### Importation of Shope's Fibroma

(2) If the answer to No. (1) is "No," will the Government ban the importation of Shope's fibroma as a preventative to the possibility of an extension of immunity in wild rabbits from myxomatosis?

#### The Hon. L. A. LOGAN replied:

- (1) No.
- (2) No request has been received for the registration of Shope's fibroma in Western Australia, but should an application be received this will be refused by the Veterinary Medicines Board, on the advice of the Agriculture Protection Board. An approach will be made to the Agricultural Council to agree on the imposition of a ban to prevent its sale throughout Australia.

#### CHILD MENTAL PATIENTS

Conditions at Claremont Mental Hospital

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

With reference to my previous questions relating to child inmates at Claremont Mental Hospital—

- (1) Will the Minister state in detail what is meant by "Conditions have been improved" at Claremont Mental Hospital (as stated in the reply to my question on Wednesday, the 20th September, last) when it is a fact that female children are still in adult wards?
- (2) Is the cost to the State the criterion on which the present undesirable conditions prevail?
- (3) Why has it taken three years to formulate any plan for improvement to the conditions of these unfortunate children?

(4) Even if plans were altered, what prevented the Government, upon assuming office, from proceeding at once to provide a building that would relieve the situation?

# The Hon. A. F. GRIFFITH replied:

- (1) Conditions have been improved as follows:—
  - (a) Female Ward "F.4":
    - Ablution and toilet blocks have been remodelled, with special provision of children's basins, baths, toilets, etc.
    - Additional toilet and bathing facilities adjacent to the dormitory have been provided for night use.
    - A shower and toilet unit has been provided in the ward garden (for incontinent children).
    - A non-absorbent "Torginol" floor has been laid in the day-room.
    - Dining-room furniture has been renewed and old cots replaced with more suitable types.
    - A portion of the ward garden was paved to provide an outdoor area for cots in fine weather.
    - Playground equipment has been installed.
  - (b) Ward "J" Block (Boys):

Repainting of portion of ward. Provision of paved area for outdoor placement of cots in suitable weather.

Additional bathing facilities provided in junior dormitory.

Replacement of old-style cots with more modern type.

Regrassing and improvement of gardens at front of building.

At present in hand—provision of separate playground area for school, with sand-pit, store-room, and other amenities.

- (c) The school at the hospital for both sexes has been steadily developed under a full-time teacher of the Education Department.
- (d) Female children are accommodated in Ward "F.4", which also houses adult patients, but medical advice is that whilst this arrangement might not be ideal there are advantages because of the "mothering" by the adults.

- (2) No.
- (3) and (4) As stated previously, it is proposed to move all children from the Claremont Mental Hospital to new and modern buildings in more suitable surroundings.

The original planning had to be completely revised in the light of modern trends for the care and treatment of those afflicted.

The needs have required considerable investigation not only in respect of the children at Claremont, but also for those who will require only out-patient treatment, and with regard also to the requirements of voluntary agencies which are already active in this field.

#### **BILLS (5): THIRD READING**

- Coogee-Kwinana (Deviation) Railway Bill.
- Fruit Cases Act Amendment Bill.
   Bills read a third time, on motions by The Hon. A. F. Griffith (Minister for Mines), and passed.
- 3. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.
  - Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government) and passed.
- 4. Mining Act Amendment Bill.
  - Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.
- 5. Unauthorised Documents Bill.
  - Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

# COMPANIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st September.

THE HON. W. F. WILLESEE (North) [4.46 p.m.]: This is a small Bill to correct an anomaly in the Companies Act, which has arisen in regard to the payment of registration fees by certain foreign companies operating in this State. This omission has obtained since the Companies Act was first passed.

It has been deemed desirable to bring such foreign companies into line with those operating in the other States of Australia, by imposing a registration fee which they should have been paying. This is being done so that when the projected uniform companies legislation comes before Parliament, these foreign companies operating in Western Australia will be brought into line with those operating in the other

States. The proposed fee has been agreed to by the parties affected, so there can be no objection to the Bill. I support the second reading.

Question put and passed. Bill read a second time.

In Committee, etc.

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

# MINES REGULATION ACT AMENDMENT BILL

In Committee, etc.

Resumed from the 20th September. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Postponed clause 4: Section 25 amended-

The CHAIRMAN (The Hon. W. R. Hall): Progress was reported after clause 6 had been agreed to.

The Hon, G. BENNETTS: When I heard differences of opinion expressed by members in this Chamber on the provisions of clause 4, I thought it advisable to adjourn the clause so that we could find out the views of those who work under its provisions. Consequently in Kalgoorlie I called on the president of the Supervisors' Union, who is an underground supervisor; and I also called on one or two others who are working in the mines.

Then I was in Norseman on Saturday and met several members of the union. showed them the Bill, and I discussed it with the secretary of the Mining division of the Australian Workers' Union. Many discussions on the Bill took place, and the opinion of everyone with whom I came in contact was that they would be satisfied if proposed new subsection (2) in clause were deleted from the Bill. opinion is that the men employed underground in the mines now have been there a long time, some of them for as long as 25 years. It was said that it is similar to employees on a farm; that is, although they might come from all walks of life and have no education, because of their practical experience on a farm they are very good workers. This applies similarly to the mines. Because of the miners' practical experience in the mines they are very capable men. It has been said that the miners want the mines to live on and not be worked out at an early date.

I do not know whether this is correct, because I have not had an opportunity of studying the Act, but my attention was drawn to the fact that under the Act a man who has the qualifications of an engineer can get a mine manager's certificate if he has had two years' practical experience underground and, I think, three

on the surface; but that without the qualifications of an engineer, a man would have to serve three years' underground and three years at the School of Mines. Whether that is correct or not I do not know, but that is the opinion which is held.

I finally had a talk with the secretary of the A.W.U., and his opinion was that the deletion of this proposed new subsection (2) this year would be by far the better course to take.

The Hon. A. F. Griffith: Why this year?

The Hon. G. BENNETTS: He thinks that if this provision were deleted this session, the Act could be given a trial and before next session a committee could be formed to be composed of members of this House—particularly goldfields members—representatives of the A.W.U., the supervisors, and others who work underground. They could investigate the position to see what would be the best course to take for the future.

Instead of the 25 men mentioned in proposed new subsection (2), it is felt that this should be 15 men; but I do not know what the Minister thinks of that. I move an amendment—

Page 2, lines 26 to 36—Delete new subsection (2).

The Hon. J. J. GARRIGAN: There is not much more I can say in support of this amendment, following on my previous remarks. However, I made numerous investigations last week appertaining to this clause. I am in agreement with the Minister in regard to the larger mines of the goldfields, because they will not be done any harm whatever by this provision. But what about the future of the goldmining industry of Western Australia? We must consider the smaller mines. They are under ordinary supervisors, but in every way the Mines Regulation Act is complied with. These men have been there for about 30 years, and if this clause were passed and the managers of those mines were to resign, the only others they could employ as managers would be those who had a School of Mines or a university education. This would not be warranted, because these are the borderline mines. It would take at least 2 oz. a day to pay the manager.

Therefore, as I said last week, I believe that the whole of this clause should be deleted and, perhaps, reviewed in another 12 months. No harm will be done by its deletion, but the small mines of Western Australia will be harmed if it is passed.

The Hon, A. F. GRIFFITH: It is amazing the sort of mess we can sometimes get into unwittingly. If members will study the Bill they will realise that under clause 4, subsections (1) and (2) of the principal Act are to be deleted and in their place the proposed new subsections will be inserted. Mr. Bennetts desires to delete

proposed new subsection (2), but if that is done two subsections will be deleted from the principal Act and only one substituted; and the department, which is my responsibility, and I will be in one dreadful mess.

The Hon. J. J. Garrigan; But they are provided for now under the Act.

The Hon. A. F. GRIFFITH: I know, but the honourable member is going to take that provision out.

The CHAIRMAN (The Hon. W. R. Hall): I would like to advise the Minister that the heading to clause 4 would have to be altered.

The Hon. A. F. GRIFFITH: So if we agree to proposed new subsection (1) but do not agree to the second one we will only have one replaced in the Act. Is that right.

The CHAIRMAN (The Hon. W. R. Hall): Yes; that appears to me to be right.

The Hon. A. F. GRIFFITH: I refer the honourable member to proposed new subsection (2) of the Bill; and, with respect, I do not think the Kalgoorlie members have really read it. I emphasise these words, "Where required by the district inspector." Mr. Garrigan was concerned about the man out in the bush with a small mone, because he said that man would no longer have the right to work his mine. That is not correct.

The Hon. J. J. Garrigan: The other night you said—

The Hon. A. F. GRIFFITH: I said that a man who at the moment has an underground manager's certificate will not be affected. What we aim to do, henceforth, to give better protection in the big mines. Mr. Garrigan agrees with me in connection with the big mines.

The Hon. J. J. Garrigan: That is right; they have protection now under the Act.

The Hon. A. F. GRIFFITH: They have not sufficient protection, according to the board of examiners; and, after all, the safety of the men underground is of paramount importance.

The Hon. G. Bennetts: Who comprise the board of examiners?

The Hon. A. F. GRIFFITH: Its composition is set down in the Act; and it includes the Principal of the School of Mines, and the State Mining Engineer, amongst others.

The Hon. G. Bennetts: I assume that the Principal of the School of Mines would not be a practical underground man.

The Hon. A. F. GRIFFITH: Would the honourable member say that the State Mining Engineer has not had practical experience in a mine? Because he is on the board. I think there is a bogey about this. We make provision for the position where more than 25 men are concerned; and then in the new clause we say that

where less than 25 men are concerned, where required by a district inspector, the underground manager shall have a qualification. That means that the man who owns a mine and is working with three or four men, or half a dozen men, is perfectly all right until the district inspector requires this provision to be implemented; and he will only require it where it is necessary in the interests of the safety of the men underground. The department and I think this is a very important part of the mining industry.

I agree with the sentiments expressed by Mr. Garrigan concerning the fellow who cannot pass a theoretical, written, or oral examination. It is all very well to say that a man has worked underground for 20 years and has not had an accident; but let us have an accident and half a dozen men killed, and the first thing that will be said is this: "This man did not have a certificate. He is not competent. Why is he there?"

The Hon. J. J. Garrigan: They have to have a certificate for 11 men or under.

The Hon. A. F. GRIFFITH: No; the Act provides, "Where required by the district inspector." If the district inspector does not require it, there is no necessity for it. I have been out with district inspectors, and they can tell me which mines are safe, and which are unsafe, and which are bad and which are indifferent. They are very experienced men; and there are the honourable member's own workmen's inspectors.

The Hon. J. J. Garrigan: But they are not in charge of the men all day and all night.

The Hon. A. F. GRIFFITH: I know. Nevertheless someone is responsible for laying down the rules of safety; and it is the district inspector who has the job of saying whether on a particular mine, if it is being worked with less than 25 men, a man with this certificate shall be required.

The Hon. J. J. Garrigan: That is as regards 25 men.

The CHAIRMAN (The Hon. W. R. Hall): Order! the honourable member will have a chance directly to reply to the Minister.

The Hon, A. F. GRIFFITH: I have no more to say at the moment.

The Hon. J. J. GARRIGAN: With all due respect to Mr. Griffith, I have been an underground supervisor, and as far as I can recollect the Act definitely states that a man, in order to be in charge of 12 men, must have a supervisor's certificate.

The Hon. E. M. HEENAN: I wish to make my attitude perfectly clear. My sympathy and concern are with the ordinary miner who works underground in conditions which are never free from danger. Mining has always been a

dangerous calling, and past experience has proved conclusively that many lives have been lost through lack of care and ability on the part of those who have been in charge. When, therefore, a measure which is designed to give greater protection to miners by ensuring that those in charge of operations are properly trained, qualified and skilled, is introduced, it has my unqualified support; and I understand that the Bill before us has this praiseworthy object in view.

I have received assurances from reliable sources that the present mine managers, inspectors, and underground supervisors will not be prejudiced or suffer any loss of status if the measure is passed. I am also assured—and I am satisfied—that the operations in small mines will not be prejudiced. The Act gives ample safeguards for permits to men who are worthy of them. I repeat that the man about whom I am deeply concerned is the ordinary miner whose safety and well-being is, in my opinion, of paramount consideration. This measure seems to have got off to an unfortunate start. The Minister introunfortunate start. duced it in the normal way, but he could. perhaps, have given a more ample explanation of the situation. Certain misconceptions have arisen, and certain fears and anxieties are apparently held by some people who have not had the opportunity of studying the principles involved; and Mr. Garrigan is a man who has worked underground and has been an underground supervisor. We cannot lightly wipe off his views. I am sorry that the Bill did not go to a Select Committee-

The Hon. A. F. Griffith: I am not.

The Hon. E. M. HEENAN: —which could have cleared up these misconceptions and misunderstandings. If we accept Mr. Garrigan's point of view, there are some doubts about this provision, and the men concerned do not appreciate what is proposed. For those reasons, I shall err on the safe side, and side with Mr. Bennetts and Mr. Garrigan at this stage; because if a provision like this is pushed into the Mining Act, although it might have virtues in one way, it might, if it is misunderstood, cause considerable trouble.

Unless the Minister can satisfactorily clear up the doubts that Mr. Garrigan has expressed—and Mr. Garrigan is the only man here with practical mining experience; and I do not feel like pitting myself against his practical knowledge in cases like this—I shall have to side with him. It would be invidious for Goldfields members to be at variance on the matter.

The Hon. A. F. GRIFFITH: As to whether I gave a satisfactory explanation when introducing the Bill is debatable, for it was satisfactory enough for the honourable member—I am very grateful to him for his explanation—to understand it; because it is in his line of country to interpret matters of this nature. But frankly

I did not expect there would be such opposition to this measure, because it is intended by the board of examiners to improve the present situation. Could I, for a moment, put Mr. Garrigan on a spot? Would he be satisfied to accept the Act as it stands today?

The Hon, J. J. Garrigan: Yes.

The Hon. A. F. GRIFFITH: Then I refer the honourable member to section 25 (2) of the Act, which provides that the underground workings of every mine employing less than 25 men underground shall, where required by the inspector, be under the control and supervision of an underground manager. How silly can you get?

The Hon. J. J. Garrigan: That is not so.

The Hon. A. F. GRIFFITH: But it is there. We have to take that out in order to get the new provision in. We are taking out the old provision, and we are providing for a condition to prevail at the point where everybody who has a certificate will retain it, and from there on we add two more types of certificates. So we have to take out what is already in the Act, and put it back again; and that is all we are doing in order to tidy this up.

I think there is a misconception of the intention. If we delete proposed subsection (2) in clause 4, we will still have the requirement that any mine worked with less than 25 men will, where required by the inspector, have to employ a man with an underground supervisor's certificate of competency.

Let us deal with the fears that the honourable member has; and let us take a mine with eight men in it. An inspector may visit the place and after looking round feel it is not too safe and that it should have the services of an underground supervisor with a certificate of competency. As I understand it, that mine cannot be worked without a man of such qualifications.

The Hon. J. J. Garrigan: It cannot be done today.

The Hon. A. F. GRIFFITH: That is the answer to the whole matter. It cannot be done today. Anyone would think that I am trying to put something into the Act which is not to the benefit of the mining industry. Members know that there was a time when there was very little supervision in the mines; but things have steadily improved; and it is our intention to provide further precautions for the safety of the men. They are entitled to this. The provision is in the Act already. There must be an underground supervisor with a certificate of competency.

The Hon. J. M. A. CUNNINGHAM: Despite the Minister's assurance I am very perturbed about the reaction on the gold-fields to the proposed amendment. Let us accept the fact that departmental officials must give consideration to the safety

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of underground workings, and that this amendment could be triggered off basically on that ground. The people most concerned are the men themselves, and they will accept anything which will be to their benefit and provide safer working conditions

The Hon, A. F. Griffith: Then they ought to accept this.

The Hon. J. M. A. CUNNINGHAM: The management of the mines is happy to accept any improvement in working conditions, particularly if it leads to safer working. Strangely enough this amendment has not been asked for either by the management or the men; it is a departmental recommendation.

The Hon. A. F. Griffith: It is a recommendation from the board of examiners; it is not departmental.

The Hon. J. M. A. CUNNINGHAM: It specifically affects the man who has qualified himself to hold authority and wield some power in the workings of a mine. Instead of the words "underground manager" the Bill proposes to substitute the words "shall be the holder of an underground mine manager's certificate," or words to that effect.

The Hon. A. F. Griffith: Which is a lesser qualification.

The Hon. J. M. A. CUNNINGHAM: In that case, what is the value of it? The people most concerned are very upset about this. If there is some misunderstanding about the clause, then I think we should throw it out and give it further thought after a committee has considered the matter. The Bill says that the man in control must have a second-class underground manager's certificate. If that is so, the underground supervisor will be out of a job, because he will be replaced by the man holding an underground second-class certificate.

The Hon. A. F. Griffith: No.

The Hon. J. M. A. CUNNINGHAM: Then where is the argument that this is a lesser qualification to that of the underground supervisor?

The Hon. A. F. GRIFFITH: Let me give as an example the Builders' Registration Act which says that before a man can construct or build he must have a certain degree of competency in the building trade. There is a further provision that if he is an engineer, he can be regarded as capable and competent to carry out the functions of a builder.

At the moment the Bill says that where the district inspector requires it, a mine with less than 25 men shall be under the supervision of an underground supervisor; and that is how the Act stands at present. We say that instead of one classification of competency—that is, that of underground supervisor only—there should be three: the people who are qualified now,

and the people in the future who will have first-class and second-class certificates.

But the minimum qualification is a second-class mine manager's certificate. It would not be suggested that the manager of one of the biggest mines in Kalgoorlie, with his first-class certificate, would not be capable of looking after less than 25 men underground. The minimum requirement he shall have is a second-class certificate, and we do not want to take that away. The whole thing has been mis-understood. The only difference between the Act and the Bill is that the word "daily" appears in the Bill but not in the Act; and we take out the words "underground supervisor's certificate of com-petency or of service," and we put in the words "who shall be the holder of a secondclass mine manager's certificate of competency." That does not mean that the holder of a first-class certificate is not equally competent. It is the minimum standard required.

The Hon. J. M. A. CUNNINGHAM: Would the Minister have any objection to adding the words, "or a certificate deemed equivalent," after the words, "second-class mine manager's certificate of competency"?

The Hon. A. F. GRIFFITH: We must read the whole of the Act. We cannot include words without reference to the entire Act. Because of some doubt, I gave the Kalgoorlie members an opportunity to discuss this matter. Mr. Bennetts said that he had spoken to an underground supervisor and one or two others. I do not know to how many people he spoke.

The Hon. G. Bennetts: About 20.

The Hon. A. F. GRIFFITH: If the honourable member had both pieces of legislation with him, he would have had the answer there in black and white. However, I give the Committee an assurance that if it passes this clause, I will not go on with the third reading of the Bill until we are satisfied that this point has been cleared up. I am not trying to put anything over the Committee, because that is not my way of doing things.

The Hon. J. J. GARRIGAN: I think we

The Hon. J. J. GARRIGAN: I think we could perhaps have a further adjournment of, say, 14 days. We should not rush into this legislation. As it stands I shall vote

against it.

The Hon. A. F. GRIFFITH: I do not think I should be asked to adjourn this again. I have already adjourned it for seven days. But, as I have said, I will not move the third reading of the Bill until I am satisfied that a full inquiry has been made into this matter.

Amendment put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the ayes.

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