that, if more licences are issued, it is recognised that people already possessing rights will not get the water to which they are entitled. In order to preserve the existing rights, no further permits will be issued.

This clause is not intended to take away the rights already held by people, without the payment of compensation. The clause seeks to prevent any new tenure or occupancy or renewal without the approval of the board. So the matter must be referred to the board which will impose such conditions as it considers necessary with regard to renewal. It might absolutely deny the granting of any new licences.

Mr. Watts: You might have the board refuse to renew.

Mr. TONKIN: No; it would not refuse to renew, because licences to take water are granted in such a way that once granted it is not a question of putting them up for renewal; they are retained. When people who also possess these rights, subdivide to sell land, we do not issue rights to the purchasers of the land. That is the procedure which is followed, and there is no question of refusal to renew rights already held by people who use water. I cannot see what could be put into the Bill to achieve the desires of the Leader of the Opposition and the hon. member for Dale. If the hon. member has some proposal that would improve the Bill and safeguard the interests of these people, I am prepared to give it consideration, although I cannot see the necessity for it.

Mr. WILD: I must confess that I am a layman, but it seems to me that this new authority, which will take over from the existing authority, may override rights which are already existing. It is my intention to have a legal person look at the matter; and if the Minister feels there is justification in the argument that I have submitted, perhaps an amendment could be moved in another place.

Mr. Tonkin: I will not oppose a reasonable proposition.

Clause put and passed.

Clause 45—put and passed.

Clause 46—Power to make regulations:

Mr. CROMMELIN: As, owing to the result of an earlier amendment, I know that my amendment is not acceptable, it is not my intention to proceed with it.

Clause put and passed.

Title—put and passed.

Bill reported with amendments and the report adopted.

ADJOURNMENT—SPECIAL.

THE HON. J. T. TONKIN (Minister for Works—Melville): I move—

That the House at its rising adjourn till Tuesday, the 25th November.

House adjourned at 11.5 p.m.

Legislative Council

Tuesday, the 25th November, 1958.

CONTENTS

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

BILLS (2)—ASSENT.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Legal Practitioners Act Amendment (No. 2).

2, Totalisator Duty Act Amendment.

QUESTION ON NOTICE.

WATER SUPPLIES.

Cost of Bores on Mr. McPharlin's Property at Kalannie.

The Hon. A. R. JONES asked the Minister for Railways:

(1) What was the total cost, excluding the cost of bore casing, of boring the 252 feet and casing the successful bores on W. R. McPharlin's property at Kalannie?

(2) What proportion of the geologist's costs have to be added to the cost of boring?

(3) What amount did the department receive from W. R. McPharlin for services given in accordance with his contract?

The Hon. H. C. STRICKLAND replied:

(1) Total wages cost of boring on Mr. McPharlin's property was £209 15s. Bores have not yet been cased and screened.

(2) No charge for geological services.

(3) Deposit of £30. No other account yet rendered to Mr. McPharlin.

QUESTIONS WITHOUT NOTICE.

CLOSE OF SESSION.

Anticipated Date.

1. The Hon. A. F. GRIFFITH asked the Minister for Railways:

Could he indicate to the House whether the date on which the current session will finish has been decided? I have asked the question before, but I am sure the Minister will not mind my doing so again.

The Hon. H. C. STRICKLAND replied:

There has been, of course, a week's adjournment since the question was previously asked, and the matter must be reviewed in that light. It is hoped by the Government that the session will end not later than the 4th December.

WEST PROVINCE.

Date of By-Election.

2. The Hon. A. F. GRIFFITH asked the Minister for Railways:

Has the Government fixed a date for the holding of a by-election in the West Province, and, if so, will the Minister inform us of that date?

The Hon. H. C. STRICKLAND replied:

The date has been set down for the 7th February, 1959.

METAL BALLAST.

Supply to Railway Department.

3. The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Were arrangements made by the Railway Department for the supply of approximately 4,000 tons of metal ballast to the department about April or May of 1959, such supply to be provided in the vicinity of Spencer's Brook?

(2) Were tenders called for the supply of such metal ballast?

(3) If so, how many tenders were received?

(4) What were the details of each tender submitted?

(5) Were the tenders submitted to the Treasury?

(6) What was the name of the successful tenderer?

(7) If tenders were not called, how were the arrangements for supply concluded?

(8) Will the Minister lay upon the Table of the House the files and all papers relating to the supply of this metal ballast to the Railway Department, and any other papers dealing with the matter, including any comments made on Treasury files?

The Hon. H. C. STRICKLAND replied:

The hon. member was good enough to write me yesterday in connection with this question and I have endeavoured to supply the information.

(1) Yes.

(2) No. Quotes were obtained by the Comptroller of Stores.

(3) Four quotes were received.

(4) Mountain Quarries Ltd., 30s. 2d. per ton f.o.r. Boya; Australian Blue Metal Ltd., 31s. per ton f.o.r. Gosnells; John Dunstan & Co., 31s. per ton f.o.r. Gosnells; Barrington Quarries Ltd., 34s. 6d. per ton f.o.r. Northam.

(5) No.

(6) Mountain Quarries Ltd.

(7) Following receipt of quotes, a purchase order was issued by the Comptroller of Stores.

(8) Yes.

Western Australian Government Railways, Civil Engineering Branch File No. 14962/52, tabled.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

First Reading.

Introduced by the Hon. J. M. Thomson and read a first time.

LICENSING ACT AMENDMENT BILL.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

MARKETING OF EGGS ACT AMENDMENT (CONTINUANCE) BILL.

Second Reading.

Debate resumed from the 13th November.

THE HON. A. F. GRIFFITH (Suburban) [4.43]: When the Minister introduced this Bill he said it sought to extend the life of the Egg Board for a period of 10 years. The present Act expires in March, 1961, and this Bill proposes to extend the Act until March, 1971.

A Bill was before the Legislative Council in, I think, 1955, asking for an extension of the life of the Egg Board, and hon. members will recall that the hon. Mr. Jones, at that time, moved an amendment limiting the period provided for in the Bill to something like—

The Hon. H. C. Strickland: Three years.

The Hon. A. F. GRIFFITH: Thank you. The amendment proposed to limit the life of the Egg Board to three years beyond the time contained in the statute. At the time the hon. Mr. Jones explained that his reason for doing this was occasioned by the fact that the Government had laid on the Table of the House that day, a day previously, or sometime very close to the date of the introduction of that particular Bill, the report of the Royal Commissioner relating to the marketing and distribution of eggs which contained the conclusions reached by the Royal Commissioner.

If my memory serves me correctly the opinion of the hon. Mr. Jones was shared by other hon. members when he said that it was the proper thing to limit the life of the Egg Board in order that Parliament would be able to review the situation in a shorter space of time to see whether the Government had done anything towards implementing the recommendations submitted by the Royal Commissioner.

Much time went by before anything was done and, as a result of questions I asked on the 18th September last, we were told that the Marketing of Eggs Act had been amended in order to give effect to the recommendations contained in the report of the Royal Commissioner in respect to the fixing of the retail price of eggs. The answer to the question also said that administrative recommendations had been put into effect by the board. We were not told what these recommendations were nor given any idea. The one action taken by the Government was by no manner of means the total of the recommendations made by the Royal Commissioner. As a matter of fact, the Royal Commissioner was very straightforward and much to the point in his report. He told the Government in no uncertain terms that he thought that, in the interests of the Egg Board, certain amendments should be made to the principal Act.

I repeat again that the reason for the hon. Mr. Jones endeavouring to limit the life of the Egg Board was so that Parliament could have a further look at the Act in a shorter space of time than would have been possible had the Bill as then presented become law. This Chamber did not agree, and the Bill was passed without amendment with the result that the Act is now in force until 1961.

With this Bill in its present form we are, unfortunately, going to be again put in that situation. We are being asked to extend the life of the Egg Board for a further 10 years, and it will be 1971 before Parliament will again be able to review the situation. I know that it could be said that the Government of the day would be able to do something about it. However, for all we know the Government of the day may be a different Government next year, and the fact remains that the life of the Egg Board will be extended until 1971. Therefore, if the Government of the day does not want to do anything about it, it need not do so. That is not a very satisfactory state of affairs.

I say now, as I said when the legislation was introduced in 1955, that in the constituency I represent, there are a large number of poultry growers, and the complaint made to me prior to 1955, and since, has not been about the board itself, but the method by which it is administered. In that particular respect the Royal Commissioner spoke quite plainly. He said he thought the Government would be well advised to make some change in the administrative set-up of the board. But up to date we have not seen anything done in that way.

The Minister has told us that the sole purpose of the Bill is to extend the life of the board for 10 years; and he then gave an explanation as to why the measure was necessary. In his second reading speech he said that it was needed in order that the Commonwealth Bank could advance the sum of £200,000 to the Egg Marketing Board so that it could build its own handling floor and cool storage facilities; and he pointed out that the amount could be guaranteed by the State Government.

I fail to understand why it is necessary for the board to have a further 10 years of life before the Government can take this action. If the Government has any faith at all in the Egg Board, I feel it should be prepared to guarantee the amount of £200,000 with the life that the board has at the moment. After all, the statement was made by the Minister that, from an examination of the board's assets, it appeared that the guarantee for the loan could be safely given.

No doubt the assessment in connection with whether the loan could be safely given was made on an examination of the board's assets; and if those assets stand

up to the point of satisfying the Commonwealth Bank so that it is prepared to advance the money, then the life of the board, I suggest, has nothing to do with the matter whatever. Whether the board had ten years, one year, or fifty years to go, would not alter the simple process that is employed by the Government when guaranteeing a loan of this nature.

The assets of the board do not pass to the Commonwealth Bank. The bank does not conduct any conveyancing in connection with the assets of the board, because it does not take over the assets by way of security. Also, it does not register a mortgage on the board's certificates of title. It simply accepts from the Government, a guarantee for the sum of £200,000, or £210,000, whichever it may be. To suggest that the board must have a life of a further 10 years, in order that the guarantee may be given, is not, I think at all practicable.

Take the case of a private industry that goes to the Government and asks for financial support, or for the Government to give a guarantee to some institution so that an amount of money may be loaned. The Government, in this event, does not turn around and say, "What is the life of the industry?" It does not do this, for the simple reason that, as is often the case, the industry has no life at all. The industry may be commencing operations in Western Australia, and the money is to be guaranteed by the Government in order that the industry may get under way.

I cannot see why this money can be guaranteed only if Parliament decides to extend the life of the board for another 10 years. I repeat, that if we do this, we will take the board out of the reach of Parliament for that length of time. The previous Government had faith in the Egg Board and in the poultry producers of the State because, when you were Minister for Agriculture, Mr. President—I do not think I am in any doubt about this—you either gave the poultry industry the land that it has for a research station at Herdsman Lake, or certain land that it now holds at Welshpool and upon which this egg floor may be built. If it was not you, Sir, who made these pieces of land available to the industry, it was certainly your predecessor, the late Hon. Garnet Wood. As a matter of fact, I think that you gave one piece and Mr. Wood the other. The faith which the previous Government had in the Egg Board was proved by those two acts.

The Royal Commissioner's report points out that it is necessary for the egg industry to gain as much technical assistance as it can in order that the farmers may produce eggs of a better quality than they have previously produced. I consider it essential that boards of this nature should come under parliamentary review from time to time. I find myself in a difficult situation in a matter like this. I do not think it is fair for the Government to put hon. members into this situation. We are asked to extend the life of the board for a further period of ten years, the reason being that the Government desires to guarantee £200,000. We have not been told, but it can be inferred—

The Hon. H. C. Strickland: Who told you that?

The Hon. A. F. GRIFFITH: I think it was in the Minister's speech. I think the Minister said the estimated cost of the building was £200,000, and that the Commonwealth Bank was prepared to advance the money and the State Government was prepared to guarantee the loan. Am I wrong in that assumption, Mr. President? I am sorry if I am wrong there. I think that the Minister, when he introduced the Bill, told us that the Egg Marketing Board was seeking a loan of £200,000 from the Commonwealth Bank, but the loan was subject to a guarantee being given by the Western Australian State Government. Apparently I am not going to get any further on that point.

I am now in a far greater quandary than I was previously. We were told that the prime reason for introducing the Bill was to extend the period of the board's activities for another ten years. Then we were told the board was going to apply to the Commonwealth Bank for a loan of £200,000 subject to a guarantee by the State Government. Now the Minister interjects and says, "Who told you that?" I must have the whole thing all wrong.

The Hon. R. F. Hutchison: That is not unusual most times for you!

The Hon. A. F. GRIFFITH: Perhaps the hon. Mr. Strickland will straighten me out on the point when he replies to the debate. It is correct to say that in Western Australia, eggs to the consumer or to the housewife are too dear. When I make that statement, I do not make it with the idea of reflecting in any way upon the producer in the industry, because I know that high costs make conditions difficult for the egg producer; and this is an industry which is difficult to handle.

The position with eggs in Western Australia, as hon. members know, is plainly this: The producers produce to supply two markets—one the home market, and the other the overseas market. The overseas market is invariably shorter in price than is the home market, because of the overseas competition. Therefore, the board, over a period of years, has endeavoured to set up an equalisation scheme so that the producer may receive a reasonable return from both the home market and the export market. The Royal Commissioner had something to say on this point, and I think his remarks will bear reading to the House. He said—

> Price equalisation occurs when a commodity is sold on one market at an unprofitable or low return to the

producer, and sold on another with a price loading, so that the overall price for both markets is made reasonably profitable to the producer.

In order to have a fund with which to equalise the returns from the sale of eggs on both the overseas and home markets, the board makes a pool charge on each dozen eggs sold to the consuming public. This pool charge varies according to the proportion of eggs being exported at the time; to the anticipated price from the overseas and home markets; and to the amount of money that happens to be in the pool at that particular time.

At certain times of the year, when there is little, if any export of eggs, pool charges are negligible or entirely abolished. At the time of writing this report, however, export is heavy, the return from the British market is very low, and there is a very heavy pool charge of 8d. per dozen.

Producers regard pool charges as being deductions from their returns, and take the view that but for these charges their returns would be higher. Consumers argue that but for the pool charges the retail price of eggs would be less.

Then the commissioner says that he is inclined to the view that under a system of price equalisation, pool charges should be regarded as an integral part of the general price structure, and not the responsibility of either producer or consumer.

In another place an interesting article was quoted on this matter, and I think it bears repetition. This article appeared in "The Bulletin," dated the 15th October, 1958. Under the heading of "A Lesson in Eggs" appears the following:—

A most interesting lesson on the law of cost and consumption has just been demonstrated in Victoria, but has been played down by all concerned, since the ideal of many of those engaged in competing for the Australian market is the impossible target of high prices and high turnover.

On September 1st the price of first-quality eggs was dropped to 4s. 2d. a dozen, representing a drop of 2s. 1d. in little more than a month. H. O. Murray, the chairman of the Egg Board explained that the new policy had the backing of the entire industry, and was a genuine attempt to test consumers' assertions (housewives' organisations, presumably) that it would not be necessary to export eggs if the local price was dropped. It may have been a genuine attempt, but there is no doubt it was forced on the board as the only alternative to heavy export losses.

Apparently the chairman was not one of those who believed in the ultimate success of the lower local price. A few days after the announcement he was expressing grave doubts whether the drop in price would increase sales.

There were also protests against the grocers' margin of 8d. a dozen which the grocers have grimly declined to cut; complaints about interstate rackets in competition with genuine interstate trade; renewed pleas for Commonwealth control, and, before the results of the new price could be determined, requests by poultrymen for higher prices and a high subsidy.

Five weeks after the price reduction the Egg Board disclosed that sales had risen by 30 per cent. permitting an immediate reduction in the producers' pool payments from 4d. to 3d.

What has happened is that the heavy losses on overseas markets have been cut substantially; the way the board puts it is, that "Our policy has benefited consumers in giving them a price concession which in previous years has been enjoyed by consumers overseas."

The truth is that the housewives were right and the board has been determinedly wrong for years.

I think this matter is worthy of some investigation. Whilst overseas I saw eggs for sale in shop windows at 2s. 6d. dozen; they were first-quality hen eggs. It seems ridiculous to me that eggs have to be supplied to the Western Australian market at such fluctuating prices while at the same time the consumers in this State are subsidising the industry to enable consumers overseas to pay a price which is very much below the home consumption price in this State. The Royal Commissioner explained the reason for it; it is to endeavour to equalise or standardise the price.

The situation of the egg industry, as I see it, is that there is a certain home consumption price, and I venture to suggest that that price is based upon the supply and more particularly the price of eggs. When the price reaches a point where the housewife cannot afford to buy eggs there must naturally be a buyer's resistance, and sales drop. The Egg Board is in the position—perhaps the unenviable position—that it is obliged to take all the eggs which are supplied to it. It cannot, like some other trading concerns, say, "We want only so many eggs today." It has to take them all and it supplies as many eggs as it can to the home market and exports as much as possible of the remainder to other parts.

If the board were to make some investigations upon the suggestions made and the experience obtained in Victoria—and I say with good results—we might see eggs for sale on the home market in Western Australia at a cheaper price. If there is a buyer resistance the price is

reduced; and if that happened I feel sure that more eggs would be consumed locally and there would not be the necessity to send so many overseas. As the Royal Commissioner said, if less eggs are sent overseas the amount of subsidy is less and therefore the industry as well as the consumer benefits.

That is all I propose to say on this Bill. I repeat, however, that it is a pity the Government has apparently not been prepared to do anything about the Egg Board since the Royal Commissioner made his report.

The Hon. H. C. Strickland: Can you give me a specific instance?

The Hon. A. F. GRIFFITH: One particular matter is the board itself.

The Hon. H. C. Strickland: I mean in regard to the Royal Commissioner's recommendations. To which specific recommendation are you referring?

The Hon. A. F. GRIFFITH: Would the Minister like me to read the whole of the report in order to bring him up to date on the matter?

The Hon. H. C. Strickland: You might give me one specific instance.

The Hon. A. F. GRIFFITH: There is a number of them; but the one I particularly call to mind is in regard to the board itself.

The Hon. H. C. Strickland: You mean the personnel of the board?

The Hon. A. F. GRIFFITH: Yes. Speaking from memory, the commissioner said that he thought the chairman of the board ought to have another look at his own position, because he was carrying out not only the duties in connection with his position as chairman of the Egg Board, but other duties as well. The commissioner thought that so many activities might be a bit too much for him. I do not know whether those duties could be termed "administrative" in the wording of the reply to my questions on the matter, because I am not aware of the actual activities of the chairman of the board.

The commissioner also said at the time that he thought those who constituted the board were, in the main, not people who had had a great deal of experience in the egg industry. However, he did suggest that these people had had experience in producing eggs—

The Hon. G. C. MacKinnon: I thought that was the prerogative of the hens!

The Hon. A. F. GRIFFITH: It is also the prerogative of the hon. member to be a little facetious at times. The commissioner also suggested that the Government have a look at the question of the Egg Board, perhaps with a view to placing on the board men better equipped to do the job than those who comprise the board at present.

This is one particular instance which the Minister has asked me to quote. I do not say adamantly that the report should be implemented in every detail, but I am prompted to say that if this report had received the same detailed attention as was given to the report of the Select Committee on the Juries Bill, of which I was chairman, then I feel that something would have been done about it. Because the Select Committee on the Juries Bill made a comment, hon. members on the Government side said we ought to implement the report to the nth degree. Of course, in that case it was different.

If this Bill is passed, the life of the Egg Board will be extended for a period of 10 years up to 1971. Personally I am not happy about extending the legislation for such a length of time, without Parliament being given the opportunity of examining the position in the meantime.

THE. HON. L. A. LOGAN (Midland) [5.11] The W.A. Egg Marketing Board has been in operation for some 12 years. During this period it has gone through many trials and tribulations; and it has been subjected to a certain amount of attack and criticism from producer, consumer and other organisations. At the present time, I believe the standing of the Egg Board is higher than it has ever been in its 12 years of existence. This speaks well for that organisation, which has made so many worthwhile efforts to control a precarious industry; that is, egg production. This is a commodity which is difficult to handle because of its perishable nature.

In dealing with such a commodity, one can readily understand arguments arising between the consumer and the producer. However, the expansion of the egg industry in this State has been brought about by the action taken and the control exercised by the Egg Board. If I understood the hon. Mr. Griffith correctly, he implied that it was preferable to reduce the number of egg producers to a level sufficient to supply the local market, and that the industry should not worry about the overseas markets.

The Hon. A. F. Griffith: I did not say that at all.

The Hon. L. A. LOGAN: I think the hon. member implied that. He implied that the egg board would then be able to reduce the price of eggs to local consumers.

The Hon. A. F. Griffith: I did not mention anything about reducing the number of producers.

The Hon. L. A. LOGAN: The hon. member spoke about controlling the supply of eggs.

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

The Hon. L. A. LOGAN: The hon. member did. We cannot have control of eggs without reducing the number of producers.

I, for one, would not like to see any control over the number of eggs produced in this State, particularly if by so doing we were to cut out the export markets.

The Hon. A. F. Griffith: I did not suggest that. You must have misunderstood me.

The Hon. L. A. LOGAN: If I have, I apologise readily. I still make the point that I would not like to see any control exercised which would result in the elimination of the export markets. If we want to stultify an industry that is one of the methods by which we can do it, but this country cannot afford to stultify any industry.

The Hon. A. F. Griffith: What are we to do with the eggs that cannot be sold?

The Hon. L. A. LOGAN: Treat them in the same way as any other commodity and dump them until the market improves. It was also stated that the price of eggs was too high, but we can say that about practically every commodity. We can say that about beer and butter.

If we get down to a basis of comparison of the price of eggs now and in 1939, we will find that the increase is not unduly high. If we were to work out the comparison on a calorie basis, which method is used in these days, we would find that the value derived from eggs is equal to the value derived from meat; and both cost the same amount. Whilst we would all like to see a reduction in the price, we would also like to see the price of other commodities come down; but this is no argument against the Egg Board.

It was mentioned in another place that Mr. Wills-Johnson was responsible for taking a deputation to the Minister on the subject of the colour of egg yolks. I would like to correct that statement because it was not Mr. Wills-Johnson who went to see the Minister. If I remember correctly, members of the Cannington branch of the Poultry Farmers' Association formed that deputation.

This Bill intends to extend the life of the Egg Board for a further ten years and to bring the varied activities of the board into one centralised building, instead of retaining the present higgledy-piggledy method of having one portion at the markets, one at Welshpool and two at Fremantle. If centralisation is achieved, a cheaper and better method of handling eggs will be evolved. By so doing, the handling charges can be reduced, and the price of eggs to the consumer will also be brought down. This will bring about the very situation the hon. Mr. Griffith has suggested.

To enable the buildings to be constructed in one localised area will require a large sum of money—in the region of £220,000 to £250,000. No institution will advance that amount of money unless there is a guarantee of continuity of the life of the board. I do not blame the Egg Board for approaching Parliament and requesting that the life of the board be extended to coincide with the period of the loan. If the Egg Board were to approach the Commonwealth Bank and ask for an advance of £200,000, that bank would consider it to be a sound investment, provided repayment was guaranteed by the State Government.

The Hon. A. F. Griffith: The Commonwealth Bank would not care in the least what assets the board possessed as long as the State Government guaranteed the advance.

The Hon. L. A. LOGAN: As I said during the debate on the motion to disallow the abattoirs regulations, I would prefer to deal with the Commonwealth Bank rather than with the State Treasury. If the egg board receives an advance from the Commonwealth Bank it will deal with that bank, and in that respect we will have to be consistent.

The Hon. A. L. Loton: Will the Egg Board have to deal through the Treasury?

The Hon. L. A. LOGAN: If the money is advanced by the Commonwealth Bank, the funds of the board will be paid into the Commonwealth Bank. I shall not labour this matter further. The extensions are necessary, and to raise the required funds for this purpose we will need to extend the life of the board.

It has been suggested that it would be better to control only eggs produced in the metropolitan area, and to leave alone eggs produced in the country. After giving this matter some thought, I have come to the conclusion that such a proposal will lead to all sorts of difficulties. To draw a line of demarcation in this respect at the 25-mile, the 50-mile or the 100-mile peg will lead to all sorts of troubles. Black-marketing will certainly increase. I believe there is a certain amount of it going on today, but I am sure it would be much greater if a boundary or line was put around the metropolitan area.

Wherever possible I believe the extension of the Egg Board grading floors into the country areas would improve the industry considerably because it is the endeavour of the producer today to get his eggs on to the market as early as possible. One can just imagine the state the eggs would be in if, in weather like this, they were collected and, at the end of the week, had to be brought, say, 20 miles to the nearest egg board or cool store. I do not suppose that any of them would be classed even as second-grade eggs by then, but would mostly be fit for pulping only. We have the problem of a producer who makes this industry his living, and does nothing else but produce eggs. He is entitled to all the consideration we can give him as he has made egg production his livelihood. On the other hand, we have the part-time egg

producer. Whether he is an orchardist, wheatgrower or woolgrower, he cannot do both jobs satisfactorily.

I experienced times during the depression when I tried to do all these jobs and came to the conclusion that two or three jobs cannot be done at the one time if they are to be done successfully. It is very difficult to legislate for two different sets of circumstances under the one Act. That is why I am of the opinion that the extension of the Egg Board grading floors into the country would overcome a lot of problems and would provide a better article for the market. However, as I said before, the Egg Board has improved considerably, although I do not believe the set-up is 100 per cent. perfect. At the same time, it has done such a good job that it would be pretty difficult for us in this House to criticise it. Therefore, I have no hesitation in supporting the second reading of this measure.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [5.23]: I am pleased with the reception that this Bill has received. There are only one or two points which I wish to discuss. I cannot follow the speech of the hon. Mr. Griffith. His leader and his party, support the measure. Prior to requesting the introduction of this measure, the producers approached the Leader of the Opposition who told them that the Opposition parties would support the extension of the Act for 10 years.

The Hon. A. F. Griffith: I am not opposing it either, you know.

The Hon. H. C. STRICKLAND: The first question that the hon. Mr. Griffith raised was why the Government did not take action in connection with the personnel of the Egg Marketing Board. When pressed, the hon. member seemed to reflect somewhat upon the chairman of the Egg Marketing Board.

The Hon. A. F. Griffith: I did not!

The Hon. H. C. STRICKLAND: He wanted to know why some action was not taken because the Royal Commissioner thought that the chairman had too many duties. That question was explained here two or three years ago. The chairman of the board is a councillor on the Cottesloe Council—or was at the time. He was also working on a newspaper in the town. I do not know that such duties as those would take up so much of his time that he would not be available to sit as chairman on the Egg Marketing Board. No-one in this Chamber at the time disagreed with me. Certainly, some criticism was raised with regard to the remarks of the Royal Commissioner but the Chamber did not disagree and say that the Government should dispose of the personnel of the board and replace them. The Government has no intention of taking any such action because, as the hon. Mr. Logan has told us, the activities and administration of the board are quite satisfactory, and are more satisfactory today than perhaps they were when the Royal Commission made its examination. This indicates that the examination by the Royal Commission did not do any harm.

The only other point raised, was touched upon by the hon. Mr. Logan in connection with the basic principle of stabilised marketing; and that is a guaranteed home consumption price. We must have this guaranteed home consumption price and it is, of necessity, a higher price than that received for the surplus disposed of overseas. This applies to any commodity. This is our misfortune. We have only one course to prevent such a situation, and that is not to export. If we do that, people will be turned off the land because their market will be cut off. In this way a negative outlook would be created followed by unemployment, and we would see the days when the windows would be full of food and our pockets full of air! We do not want to see that situation again.

Another point raised by the hon. member seemed to be some objection to the Commmonwealth Bank advancing the £200,000 odd, under guarantee from the State Government.

The Hon. A. F. Griffith: I did not object to that! Good gracious me!

The Hon. H. C. STRICKLAND: The hon. member queried why the State Government itself should not underwrite the £200,000.

The Hon. A. F. Griffith: I did not. I simply said the board should not require a guarantee of a further life of 10 years before it was prepared to do—

The Hon. H. C. STRICKLAND: Not the board. It is the Act which is to be extended for a further 10 years.

The Hon. A. F. Griffith: Isn't that the board?

The Hon. H. C. STRICKLAND: Surely, if £200,000 or upwards of £200,000 is to be spent on facilities, the board should have a long enough life to recoup that expenditure?

The Hon. A. F. Griffith: Is not that the same with all industries?

The Hon. H. C. STRICKLAND: It is not the same with all industries. I know the hon. member would have raised no objection had the State Government guaranteed through the Bank of New South Wales, but, because the Commonwealth Bank is the bank involved, he has objected.

The Hon. A. F. Griffith: I did not raise an objection at all.

The Hon. H. C. STRICKLAND: However, it is pleasing to hear the hon. member say he joins with his leader—that is

the Leader of the Opposition in another place—in that he does not oppose the measure.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. L. A. Logan in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

Clause 1—put and passed.

Clause 2—Section 40 amended:

The Hon. A. F. GRIFFITH: This is the clause which extends the life of the board, and I want to take this opportunity of telling the Minister what I did say in respect to this matter. What I said—or what I meant to imply—was this: The Commonwealth Bank, which was prepared to advance the £210,000, was going to do so subject to the guarantee of the Western Australian Government; and I meant to imply that I did not think it should be necessary for the Government to ask for an extension of the life of the board for a period of a further 10 years before it was prepared to give the guarantee. I am sorry if the Minister misunderstood my remarks, but I meant to imply that the Government should have sufficient faith in the board to guarantee the loan, and should not put forward the suggestion that it could only give the guarantee if the board's life was extended to 1971.

I do not want the Minister for Railways to turn my intention inside out, and say that I objected because the Commonwealth Bank was going to advance the money, or put forward the silly suggestion that if it were the Bank of New South Wales I would not mind—because that is what the Minister said. However, he was so far off the mark that it just does not matter. I favour this board, as it has done a good job. There are a lot of egg producers in the area I represent and many of them come to me with their difficulties. It is quite true that my party said it would support the Bill. I went to a meeting and said that I would support the Bill, but I repeat that it is a pity if we are to be put in a position where we have to extend the life of the board to 1971, because in that event Parliament will have no opportunity—if the Government does not wish it—to debate any measure in relation to the board, although of course members could discuss it during the Address-in-reply debate or the debate on a Supply Bill. I ask the Minister for Railways not to misinterpret my remarks.

The Hon. H. C. STRICKLAND: I do not think I misinterpreted the hon. member's remarks at all. He is quite wrong in saying that Parliament would not have an opportunity to discuss the board during the 10-year period, as he knows very well that any private member can bring down a Bill to amend almost any Act of Parliament. He thinks it is unreasonable that the Government should ask Parliament to extend the life of this institution for 10 years, to 1971, although it has a building programme which will be recouped over that period.

The Hon. A. F. Griffith: You should not want to do it.

The Hon. H. C. STRICKLAND: The hon. member has had a lot of experience of insurance matters and is closely connected with private banking business. He knows it would be hopeless to walk into a private bank or an insurance office and ask for credit to build something unless there was some guarantee—

The Hon. A. F. Griffith: But the Government should be prepared to give the guarantee.

The Hon. H. C. STRICKLAND: Of course the Government is prepared to do so. Even if the hon. member's party were in power it would do the same thing as we are doing, as there must be some security. No matter whether it is a Government, a banking institution or a friend of the family, there must be some security for any loan. It is hard to follow the logic of the hon. member's remarks and I see no substance in the points he raised.

Clause put and passed.

Title—put and passed.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and passed.

LICENSING (POLICE FORCE CANTEEN) BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. F. J. S. Wise (Minister for Industrial Development), read a first time.

Second Reading.

THE HON. F. J. S. WISE (Minister for Industrial Development—North) [5.36] in moving the second reading said: The object of this Bill is quite simple. It seeks to amend both the Licensing Act and the Police Act, in order to provide in Perth a canteen for members of the Police Force. The amendment proposed to the Licensing Act would provide that no licence would be required under that Act to be held by a person selling or supplying liquor in the Police Force canteen. That would constitute an exemption similar to that which prevails in regard to Parliament House or in regard to registered clubs and military canteens. It involves an amendment to paragraph (c) of Section 46 of the Licensing Act.

The amendment proposed to the Police Act will allow regulations to be made for the control of the canteen. The request for a canteen for the police was made by the Police Union in 1956, and subsequently careful consideration was given to it and inquiries were made with regard to the position obtaining elsewhere in Australia. In Brisbane, the Police Welfare Club has, since 1935, conducted a canteen where police officers, while off duty but still in uniform, may buy drinks of any nature. The profits from that canteen have provided lunch rooms and recreational and sporting facilities, and they are used, also, to assist the widows and orphans and members and ex-members of the Police Force who are in ill-health or financial distress.

A similar canteen is to be established in Victoria, where the Police Association proposes to build premises worth £40,000. In New South Wales the police have their own club, which provides liquor and other amenities. In South Australia, where the hotels close at 6 p.m., the police have a canteen where non-alcoholic drinks can be bought. The provision in Perth of a police canteen, where alcoholic drinks could be obtained, would help to solve a rather difficult social problem for the police. Regulation 15 of the Police Regulations and Instructions states that members of the force are strictly forbidden to contract the habit of drinking in public places of amusement or in public houses, and they must not frequent such places except on necessary duty. That regulation is usually interpreted to mean that police must not drink in hotels while in uniform, whether on or off duty, and they are thus placed at a disadvantage, as compared with other employees who, on leaving work, can obtain a drink before going home.

The provision of a canteen would enable police officers to meet socially and have a drink, away from the public gaze and while still in uniform. The canteen would be under the control of the Police Social Club and would be at the club's premises at 48 James-st., Perth. Provision will be made in the regulations to prevent members of the Police Force from taking liquor away from the premises in bottles or other containers. It is the considered opinion of the Police Union that a canteen would be far preferable to a club, as a licensed club would have the same hours as other clubs, and it is felt that that might tempt a minority to indulge in excessive drinking or possibly even to drink prior to commencing duty.

The regulations governing the canteen could provide for less extended hours of trading, and there is also the fact that members of the Police Force would be able to take bottles away from a club. The Police Union does not want that to happen, as it feels that in the public mind it would constitute a reflection on the force if uniformed officers were seen carrying bottled liquor. That practice is therefore proposed to be banned entirely. The profits from the canteen would go towards the improvement of amenities such as the social club's library, games, a games room and the like.

It is proposed also to make provision for accommodation for country police who visit Perth on escort and other duties. Each year, approximately 200 police of the Western Australian force come to Perth on such duties. Both the Commissioner of Police and the Deputy Commissioner support the idea of a canteen, particularly because of the difficult social circumstances which I mentioned earlier in regard to police officers, and because of other difficulties that would be associated with a police club with the same privileges. I move—

That the Bill be now read a second time.

On motion by the Hon. J. M. A. Cunningham, debate adjourned.

SWAN RIVER CONSERVATION BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. F. J. S. Wise (Minister for Industrial Development), read a first time.

Second Reading.

THE HON. F. J. S. WISE (Minister for Industrial Development—North) [5.44] in moving the second reading said: Hon. members will recall that a Bill similar to this was defeated in this House last year mainly, I believe, on the score that it was brought down at a very late stage of the session. It is regretted that the present measure is also somewhat late, but in the main its lateness has been occasioned by the absence overseas of the Minister who would normally have introduced it in another place; because on his return to this State he wished to discuss the matter with interested parties, to whom he had, prior to going overseas, made certain promises of consultation.

The whole problem of river pollution has been carefully reconsidered and the Minister for Works has had the opportunity of considering suggestions put forward by local governing bodies and kindred associations. Some of these suggestions have been incorporated in the Bill.

However, the Government feels that the original Bill was sound in principle and would have ensured a substantial improvement in river conditions. The basic ideas of that Bill have therefore been retained in this new measure. As hon. members are aware, the present advisory bodies—the Swan River Reference Committee and the

Swan River Conservation Committee—while carrying out valuable work, do not have the statutory power to implement their decisions. There is therefore, a necessity for the creation of a responsible central body which can—

Formulate a policy of river improvement and co-ordinate the activities of the multitude of authorities all of which have interest in and a control of river waters and foreshores;

Determine whether or not effluent or other matter should be allowed to go into the river, and if so, the conditions of entry;

Exercise statutory authority to prevent pollution or contamination of river waters and exercise control of river foreshores to prevent nuisance;

Ensure prompt action by a central authority to clean the river beaches and remove decaying algae and weed.

The Bill is based broadly on the recommendations of a special sub-committee of the Swan River Reference Committee, which made an investigation in 1955, and subsequently submitted a report which has been printed and circulated to hon. members.

Provision is made in the Bill for the appointment of two authorities; a Swan River conservation board and a technical advisory committee.

It is proposed that the board shall function continuously in an administrative capacity with an executive officer using services and equipment already available in local government and Government departments. It will consist of 17 members, comprising representatives of metropolitan local government, sporting bodies, Government departments, and the Chamber of Manufactures; the latter organisation being vitally interested in proposals in the Bill.

The board, admittedly, is large in numbers, but it is desired to give full representation to local authorities—they have six representatives—because of their interest in the river and its foreshores, and because of the good work they have done in the past. Two members will represent aquatic and sporting bodies and there are seven representatives of interested Government departments. An independent chairman will be nominated by the Minister.

The constitution of the board is much the same as that of the present reference committee. It is thought that this combination of interests should form a solid committee to act in the important job of river control.

Provision is made for the payment of modest fees to members, because it is believed that their task will be onerous and important and that it will be necessary for them to devote much time to it after normal working hours. There is the further point that, since 1943, the members of the existing Swan River Reference Committee have given their services freely.

The advisory committee is to be created for the special purpose of providing the board and the Minister with essential technical advice and information, to undertake research generally into problems of pollution, and to fix standards. As its name implies, it will act in an advisory capacity and will have no executive functions. It will take an overall view of all problems and later could afford advice to other regional boards which may be created elsewhere in the State.

It is thought by the Government that the advisory committee should be a safeguard to industry and the public, in that it will ensure a sound technical approach to the many problems involved in implementing this new legislation, particularly in respect of existing industries. For instance, the fixing of standards is highly technical and very complex. In England and America this phase of pollution control proved particularly difficult and took a considerable time to finalise.

Representations have been made that the technical advisory committee should afford advice only to the conservation board when requested, and not to the Minister. It is felt, however, that the initial and recurring problems and the widely differing interests justify the fullest use of the advisory committee's knowledge and experience, particularly to the Minister when dealing with appeals.

The cost of administration will be apportioned between the Government and the metropolitan local authorities on the basis of two-thirds payable by the Government, and one-third by local authorities. The proportion payable by local authorities will be spread amongst the metropolitan bodies on an equitable basis of river frontage and population. This apportionment has been accepted as fair and reasonable by the Local Government Association.

In the early years the annual cost is not expected to exceed £5,000 as full advantage will be taken of works and services which can be provided by Government departments and local authorities. The extent of control is over the Swan, Helena and Canning Rivers, between the four key points of the Fremantle Harbour Trust boundary, the Middle Swan Road Bridge, the junction of the Southern and Canning Rivers, and the Scott-st. Bridge over the Helena River. This area is considered adequate for the time being. Provision is made to vary it by proclamation, if necessary.

The Bill covers and binds Government departments and instrumentalities which might not only have occasion to discharge into the river, but also to undertake or to authorise construction work which might be detrimental to river flow or cleanliness.

The provisions of the Health Act have been excluded as that Act provides for instant action in the event of river pollution affecting health, and its provisions are also directed towards the maintenance of the river in a clean and healthy condition.

Variations to last year's Bill include—

(a) A provision that acceptance of fees by members will not invalidate their position as members of the legislature or as members of a council or a road board.

(b) The senior qualified civil engineer attached to the Perth City Council automatically becomes a member of the board.

(c) The Perth City Council has the right to nominate its own representative.

(d) The records of the board shall be retained for a period of five years instead of 12 months.

(e) The board has been given the specific authority to appoint its own inspectors.

(f) The board has the right to nominate its own representative on the technical advisory committee—apart from the representation by the chairman, which is automatic.

All those points are different from some of the conditions that were included in the Bill which was previously presented to the House, and it is thought that the representations made by other bodies—outside of Government instrumentalities—have had close examination, and approval has been given to those suggestions which have shown that constructive thought has been given to them.

With the rapid growth of the metropolitan area there is a necessity to make an early start and the task will be very much easier if we tackle the problem now in what could be said to be its early stages. On the occasion of a recent trip abroad, Mr. F. M. Kenworthy (Chief Engineer, Metropolitan Water Supply Department) investigated the problems of river pollution. He was particularly interested in the approach made by the State of California where the legislation is somewhat similar to this Bill. He found that the legislation there was functioning well and industry was co-operating with the regional board in its efforts to improve the condition of the Californian waters. Hon. members will know that the waters of one river, which flows through seven American States, are used quite extensively by those States as it passes through. That river has been the subject of a great deal of contention between the various States, and legislation has been brought forward in all the States concerned to avoid river pollution. Mr. Kenworthy has advised that the conditions in California are somewhat similar to those existing in Perth and so there is no reason why this Bill should not function equally as well.

Although a measure similar to this was not considered by the Legislative Council in debate after its introduction, hon. members were given the opportunity to study it. Therefore, the principles of this measure are well known and I hope they will receive a friendly response and will be passed as an Act to be placed among the statutes of this State. I move—

That the Bill be now read a second time.

THE HON. A. R. JONES (Midland) [5.57]: I was one who, last year, opposed a Bill similar to this. However, on that occasion I was not opposed to the principle behind it, but I was voicing my objection to the fact that the Bill was introduced so late in the session that we did not have sufficient time to give it proper consideration. Many hon. members besides myself thought the legislation was of such importance that they were entitled to know fully what was proposed before they gave it their blessing.

The intention of this Bill has been made very clear by the Minister who has introduced it, but, nevertheless, I would like to have some more information on one or two points. Firstly, I would like to know how much the Government anticipates this scheme will cost in the first two years and what possibility there is of the Government having to contribute large sums of money in the future. If this measure means that a great deal of money will have to be provided or contributed by the Government, I am of the opinion that there are other public works which are more important and on which Government funds could be better spent. We know, of course, that at present all Governments appear to be suffering from lack of funds.

Nevertheless, I realise that this is a problem that needs to be tackled as soon as possible and the setting up of an organisation to maintain and preserve the cleanliness of the river and foreshores is a most commendable objective. The cost of this scheme, however, should be borne by the people who are to receive the benefits of the beautification of the river or the efforts made to keep the foreshores free of weed and refuse. I am not unmindful of the fact that country people as well as city people enjoy the benefits and the beauties of the Swan River, but there is no doubt that the metropolitan dwellers are able to enjoy these benefits to a greater extent than are the country people, and, therefore, they should bear the major portion of the cost involved.

I am taking into consideration the local road boards, and other local authorities, who would be bearing one-third of the cost. I wonder, however, how much the

general taxpayer will be expected to provide in relation to the Government's share. I think we would all be most grateful if the Minister could give us some outline of the expected cost in the initial stage. It must have been discussed at Cabinet level before the Bill was brought down. I would be very pleased, therefore, to have this estimate of cost, and I have no doubt that it would influence not only my vote but the votes of other hon. members. I propose to keep an open mind on the matter, because the need is a very worthy one, and, provided it will not be too costly to the general taxpayer, I shall support the second reading of the Bill.

On motion by the Hon. J. G. Hislop, debate adjourned till Thursday next.

INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT BILL.

First Reading.

Received from the Assembly and on motion by the Hon. F. J. S. Wise (Minister for Industrial Development), read a first time.

Second Reading.

THE HON. F. J. S. WISE (Minister for Industrial Development—North) [6.3] in moving the second reading said: This Bill seeks to give to the Government the right to deal in land in a manner that would provide greater simplicity than at present obtains under either the Resumption of Land Act, or the Public Works Act. It is designed particularly to give to the Government the opportunity to do such things as cancel dedication of Crown land—that is land deemed to be Crown land, and for the purposes of the Resumption of Land Act to be regarded as such—and, where it is considered desirable, to extend to present or future industries of the State the right to purchase land as required, particularly for the purpose of establishing industries thereon.

There has been great difficulty in the past in following the course prescribed by our present laws, and under present circumstances it is not possible for the Crown to acquire a particular area—if it means resumption of land—without going through a great deal of formality, and without the authority of trading by private treaty.

The Hon. H. K. Watson: It has not the power to trade by private treaty?

The Hon. F. J. S. WISE: I think not, unless the provisions of the Public Works Act dealing with land resumption are brought into action. This Bill endeavours to give to the Government opportunities for the establishment of industries, particularly those industries which are at the moment showing interest in this State, where Crown land at present existing is not suitable for the particular purpose. So if the selection of an area is fixed—and of course it must conform with zoning and all the requirements of the local governing bodies—and a firm considers an area to be more suitable than the one offered by the Crown, the provisions of the Bill will assist in the purchase by agreement with the owner of that land, on such terms and conditions as to price, etc., as the Government and the owner of the land may agree upon.

The facilities of which the Government is in urgent need, to simplify such transactions, are explained in the third clause of the Bill, and it is obvious that unless some of the interested persons have the opportunities to which I have referred, we may well lose the interest of such parties, because of their ability to move elsewhere. Although it is a fact that the Government of Western Australia is offering generous terms and conditions to people who will establish industries in this State—especially to people from abroad—we have folk already making inquiries; those who have seen the land and considered it as suitable for their purposes, and who are anxious to start the construction of their buildings on land which is at present other than Government-owned. Very few persons or businesses will desire to have the opportunity of taking land which is offered to them, if it is not entirely suited to their purposes in regard to siting or drainage or association with other businesses; and this Bill in amending the Industrial Development (Resumption of Land) Act gives to the Crown these added powers to provide immediately the fillip which we feel industrial development is about to receive in Western Australia in being able to give areas, up to certain acreages, without interfering with private rights or circumstances, which might suit the particular industry coming here, the designs for which, in some cases, have already been prepared.

I do not know if there is any other point that I should explain in connection with the Bill. I have endeavoured to make clear its purpose. It does not in any way assume rights to the Crown which the Crown in such circumstances is not entitled to have; nor does it give the Crown authorities which it can capriciously exercise.

The Hon. A. L. Loton: It does not interfere with Class A reserves.

The Hon. F. J. S. WISE: Class A reserves can be dealt with only by Bills presented to Parliament, and the purpose of such reserves cannot be changed without Parliamentary approval.

The Hon. H. K. Watson: Does it exercise these rights with or without the assistance of a committee?

The Hon. F. J. S. WISE: The matter will be dealt with by the Minister for Industrial Development for the time being who will collaborate with the Minister for Lands in relation to Crown land cases, and with the Minister for Works in connection with the acquisition powers under the Public Works Act. There is no specific assignment to a committee.

The Hon. A. F. Griffith: It is dealt with by a committee at the moment.

The Hon. F. J. S. WISE: At present, according to the law, a most lengthy procedure is entailed. For instance, at the moment two visitors may have been shown 20 odd sites while traversing a certain area, and they might suggest that a certain situation is much better than that which they have already seen. They may feel that it is vacant land and that it would suit them admirably. But it could be privately held, and the Government therefore could not say to them, "We will acquire that land for you and make it available for you to proceed very quickly." All those things, obviously, are a prerequisite in the handling of people from overseas who may be undecided, and at the turning point. It might influence them if they saw land, and knew they could acquire it, thus enabling them to remain and produce in the State.

The Hon. R. C. Mattiske: What happens when the owner and the Government fail to agree?

The Hon. H. K. Watson: There would be no deal.

The Hon. F. J. S. WISE: As the hon. Mr. Watson says, there would be no deal. That would involve a lengthy procedure. If it does not conflict with local government zoning or town planning zoning, it would have to go through the same course as compulsory acquisition cases, and that, as hon. members know, constitutes a very lengthy process. It might well mean the State losing the industry.

Not all the land around the circumference of Perth, and in the industrial areas of Perth belongs to the Crown. Indeed the Crown is very limited in its ownership. Too many areas on which people have seen broad arrows on the map have been sold in years past. Looking a hundred years ahead, it would have been better if broad arrows had been placed on land whether in the town or in the country, whether for schools or industries, for public institutions or industrial development, rather than have the Crown sell as much as has been sold through the century.

In considering the acquisition of land around this city, we find that much of it is privately owned; and so much of it is lying undeveloped, that a Bill of this nature will not only give to the Government the opportunity of acquisition on a fair and proper basis, but also the opportunity to acquire more readily. I move—

That the Bill be now read a second time.

On motion by the Hon. H. K. Watson, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 3).

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [7.30] in moving the second reading said: This Bill to amend the Industrial Arbitration Act stems from a proposal and a request from the Transport Worker's Union. Hon. members will know that there are a number of taxi-drivers and other transport workers who belong to that union, and they are very concerned about a practice which has developed over a period of years and which has brought about a situation where many of these workers are forced, through economic circumstances, to work long hours in order to eke out what is merely an existence.

At the request of these workers, and through their organisation, the Government is endeavouring to amend the Industrial Arbitration Act in order to give them some coverage and protection. Hon. members are probably aware—I would say that they are aware—that investors have taken the opportunity of investing in taxi-cabs and other carrying or transport businesses. When cars were hard to get and taxi-cabs were hard to purchase, or were obtainable only at a high premium, a great opportunity for investment in the taxi business was provided by purchasing taxi plates and then employing drivers to drive the cab or hiring the cab to someone for as much as £25 per week rental.

With the change of economic circumstances and the change of transportation generally in the State, brought about through more private owner-drivers being able to purchase vehicles, and with increased privately-owned and Government-owned transport services, the position has now been reached where it is hard indeed for these taxi-drivers to earn sufficient income to meet the high charges entailed in the hiring of their cabs, and the paying of licence fees and radio fees in a number of cases. They are working very long hours indeed and are not earning the basic wage.

The Hon. G. Bennetts: In addition, they have to pay £25 per year for their meter.

The Hon. H. C. STRICKLAND: I do not know about that. The position has been reached where these men are really employees, but they have no coverage whatever in relation to rates of pay or

guaranteed wage or hours of work. In addition, they have no coverage for workers' compensation. At the request of these men, and through their organisation, the Government is introducing this Bill with the object of giving them the coverage they desire.

The proposal in the Bill is that where an award relating to persons performing similar work is in force, the Arbitration Court is to be given the power to bring within the definition of "worker" any person who drives a passenger or goods delivery vehicle and who obtains the vehicle under a contract of bailment. A contract of bailment means all agreements, including hire-purchase agreements, by which an owner gives possession of his property to another person. The court may then decide that the driver of the vehicle is an employee of the owner of the vehicle.

That is a very important part of this Bill and one of which hon. members should take notice. The court will decide whether a driver is an employee or not. The Bill does not make every taxi-cab driver an employee. However, either party may establish to the court's satisfaction, that the contract of bailment was made bona fide and not to avoid the operation of the parent Act. In such a case the court may find that the parties are not in the relationship of employer and worker.

The provision in the Bill is generally similar to Section 5 (2) of the Industrial Arbitration Act of New South Wales, and would enable a driver, classed by the court as an employee, to be subject to award conditions regarding pay, hours of work, etc.

I have explained that there are quite a number of these drivers who, through the economic circumstances prevailing today, are subjected to long hours of work and small remuneration in return. Where these drivers are working under the hire system—that is, they rent a cab from an owner—they are virtually employees, despite the fact that they might be paying £25 a week rent for their taxi-cab. It is their wish to be covered, and it is the Government's desire to amend the Act so they will achieve their wishes in that respect. I move—

That the Bill be now read a second time.

On motion by the Hon. A. F. Griffith, debate adjourned until Thursday next.

HALE SCHOOL ACT AMENDMENT BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. H. C. Strickland (Minister for Railways), read a first time.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [7.40] in moving the second reading said: I desire to trace some of the early history of the parent Act which was originally known as the High School Act. The principal proposal in this Bill is to approve and ratify the agreement between the Government and the Board of Governors of Hale School for the purchase by the Government of the Hale School property in Parliament Place, Havelock-st. and Harvest Terrace.

The purchase by the Government of this property had its genesis in May, 1957, when the Hon. Leslie Craig, as chairman of the Board of Governors of Hale School, advised the Premier by letter that the accommodation at the school, from all points of view, was acutely inadequate. In anticipation of this occurring the governors, more than 20 years previously, had purchased about 200 acres at Wembley Downs. The governors, for some years, had wished to transfer the school to this site, but were prevented from so doing because of inadequate finance.

Only half of the Wembley Downs property will be required for the school, and the governors considered that the sale of the other 100 acres, together with the sale of the present school buildings and site and the school's other assets would provide sufficient funds, with outside financial assistance, to build a new and up-to-date school. The present site was suggested by Professor Stephenson in the Metropolitan Region Plan as most suitable for centralised Government offices and the governors feared this would preclude their sale of the land unless the Government would agree to buy it.

The site of the present school is a Class A reserve of approximately six acres. It is held on a lease of 999 years as from the 17th March, 1915, at one peppercorn of yearly rent, and is restricted to the use of a school site for Hale School. The detriment of the restricted use substantially reduced the unrestricted market value of the site and although the governors have an advantageous lease, the fair rent capitalised would only support the restricted unimproved value.

Based on the deduced value of land used wholly for a similar purpose in other areas, and taking into account the advantages of the position, the Taxation Department reported the present value of the land with its restriction of use to be £4,000 per acre, making a total of £23,000. The Taxation Department considered that the freehold, unencumbered, unimproved value of the land would be £118,000. An architectural inspection of the buildings revealed that their present-day value on the basis of replacement on today's costs, less age depreciation, would be £75,270.

Following a discussion on the 31st January, 1958, between the Premier and the Hon. Leslie Craig, the Premier, by letter on the 18th February, advised Mr. Craig that if the Board of Governors agreed he would submit to Cabinet a proposal that the Government pay £250,000, by three instalments of £75,000, for the Hale School land and buildings, the first instalment to be paid following the expenditure on the Wembley Down school building of a loan of £150,000 obtained privately by the Governors and guaranteed by the Diocesan Trustees of the Church of England. The two further instalments would be paid when the previous allocations were exhausted. Another requirement was that the Government should be allowed to carry out any work on vacant land on the Hale School site and on any building not required by the school for educational purposes.

At a meeting on the 20th February the Board of Governors unanimously agreed to these proposals and subsequently they were approved by Cabinet. The agreement was signed on the 31st October last by the Minister for Works, on behalf of the Government, and by the Board of Governors of the School. The Bill provides authority to change the purpose of the reserve so that it may be utilised for the use and requirements of the Government.

The remainder of the amendments are of a domestic nature and have been requested by the Board of Governors and the Old Haleians' Association. The Bill repeals all but one section of the High School Act of 1876, and all of the subsequent amending Acts. This action is taken at the request of the Old Haleians' Association which desires the new Act to retain an association with the original Act.

The Bill provides that the measure shall come into operation one month after assent by the Governor. This is to enable the Diocesan Trustees and the Old Haleians' Association to appoint the new members of the Board of Governors under Section 11 of the Interpretation Act before the new Act operates, and yet will ensure there is no delay in making the appointments.

The Bill provides for the appointment of a board of governors of nine members. These would be the Anglican Archbishop of Perth, four members appointed by the Diocesan Trustees and four by the Old Haleians' Association. Members other than the Archbishop will retire in rotation over the first four years, and all new members will serve for four years. In the absence of the Archbishop from the Diocese, the Administrator of the Diocese will take his place.

The Archbishop is given power to enter the school at any time to examine and instruct the pupils, and to inspect the accounts and general management. He is authorised to take any action to ensure the school shall for all time be a Church of England school. The entire management and control of the school is vested in the board of governors, and, for the purpose of the Act, the board is given the powers conferred upon an incorporated association.

Five members of the board form a quorum, and the chairman is not allowed a casting vote. The board is authorised to borrow money on security, and the Diocesan Trustees are empowered to guarantee such loans. Vacant land, and land used exclusively or mainly for school purposes, is exempted from rating and taxation. In enabling the school to transfer to more commodious quarters, the Government will eventually be saved money, as the school will absorb more boys, who, because of the present restricted accommodation, have now to attend Government schools.

Hon. members may be interested to know why the control of the school is contained in a public Act of Parliament. The school was founded in 1876 in its present form by an Act of Parliament. The preamble to the Act stated that, in the opinion of the Legislative Council, it was necessary there should be established in Western Australia a school similar to the grammar schools in other States, at which boys might receive more advanced education than at the primary schools. The Legislative Council created a board of governors, and also undertook to grant a subsidy not exceeding £500 a year, provided that an undenominational education of a secondary nature was furnished and that the fees chargeable did not exceed £12 a year. As the Government was making that contribution, it was obvious it should be entitled to a voice in the management of the school and should have the right to veto any particular action proposed, together with the right to supervise the type of education given. In 1883 the subsidy was found to be insufficient, and it was increased to a maximum of £1,000 per year. Then, in 1892, the appointment of governors was entrusted to the Governor in Executive Council, instead of being vested in the Legislative Council. In 1912, by which time the Government secondary schools were established, the subsidy was abolished, as well as the limit on the fees chargeable.

In 1920 the Old Boys' Association requested representation on the Board of Governors, and a Bill was introduced to give the old boys three nominees on the board. This increased the number of Governors to nine—three being nominated by the old boys and six appointed by His Excellency the Governor. These six are always nominated by the Board of Governors, and their nominations invariably are accepted. As a matter of interest the present governors are the Hon. Leslie

Craig (Chairman), Messrs. S. W. Morrison, J. L. Walker, R. I. Ainslie, A. W. Jacoby, W. L. Brine, A. G. Rosser, C. J. B. Veryard, and D. J. Chipper. The three last-named are the nominees of the Old Haleians' Association.

While there was no need, once the Government subsidy ceased for the Board of Governors to be appointed by His Excellency the Governor, the Board of Governors and the Old Boys' Association desired for sentimental reasons to retain part of the old association with the Government. They have said on several occasions that, had it not been for the Government's assistance, the school would never have survived to become the second oldest public school in Australia.

As the school is now to become a Church of England School with the Archbishop and representatives of the Diocesan Trustees on the Board of Governors, it has been decided to sever this last link with the Government. The Old Haleians have requested, however, that part of the original High School Act of 1876 be kept so that the new Act will be known as the Hale School Act, 1876-1958. This will retain a small link with the statutory history of the school.

Hale School has an earlier history than that which I have quoted. On the 28th June, 1858, the Rev. Matthew B. Hale opened a school known as Bishop Hale's School. On the 18th August, 1865, an ordinance was passed to incorporate the Governors of the Church of England Collegiate School, and, later that year, Bishop Hale transferred the school property to the governors and their assigns for ever. The school then became the Church of England Collegiate School, but was better known and referred to as Hale's School. The school fell on evil times, and, in 1876, it closed down. It was in this year that the principal Act was passed to provide for the High School. However, Col. E. F. Haynes, who had been second master at the Collegiate School, carried it on as a private school until the 1st March, 1878, on which date the High School opened, Col. Haynes and his pupils transferring to the new school.

I might mention, as a matter of interest, that the room in the Public Works Department now used by another ex-schoolmaster, in the person of the Deputy Premier, was once Col. Haynes' classroom. A scholar who had vivid memories of tuition and punishment in this room was the late Hon. Edward Angelo, member for Gascoyne in the Legislative Assembly for 16 years until 8th April, 1933, when he was succeeded by the hon. Mr. Wise. Subsequently, in May, 1934, Mr. Angelo was elected to the Legislative Council, where he represented the North Province until May, 1940.

In closing I would reiterate that the entire Bill has been agreed to by the Diocesan Trustees, the Old Haleians' Association, and the Board of Governors. In fact the Bill was drafted by Mr. Ainslie, who is one of the governors and is the board's solicitor.

The purport of the Bill is well known to hon. members, who are, no doubt, conversant with all the circumstances that led up to this requirement over recent years. The measure is a most important one in the history of education in the City of Perth and, indeed, in Western Australia. It is pleasing to know that those controlling the school, and the Government, have been able to arrive at an amicable agreement in connection with the purchase of the property, and the changeover of the school from its present site to Wembley Downs.

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

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. F. J. S. Wise (Minister for Town Planning) in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Section 20 amended:

The Hon. F. J. S. WISE: I move an amendment—

> Page 3, line 26—After the figure "5" insert the subclause designation "(1)".

Amendment put and passed.

The Hon. F. J. S. WISE: I move an amendment—

> Page 3, line 26—Delete the words "Subsection (1) of".

Amendment put and passed.

The Hon. F. J. S. WISE: I have a further substantial amendment to this clause, but before moving it I point out that this section proved to be very unsatisfactory last year, in connection with the transactions which were known as the Quinns Rock subdivisions. There was much consternation because of the short duration of the leases. Nevertheless, options were given, and many owners of short-term leases desired to build upon the areas they acquired. When the Bill became an Act, it was found that certain words, which were included by this Chamber, proved to be detrimental to the effective administration of this section. The proposed amendments will not only give ample control over all such transactions, but will also provide that without the approval of the board there will be no chance whatever of any further activities such as were worrying land and estate agents, solicitors, the

Town Planning Board and members of Parliament prior to the introduction of the amending Bill last year.

Since this Bill has been printed considerable examination has been given to this clause. The Town Planning Board has had lengthy communications from firms of solicitors advocating suitable amendments to it; and the Town Planning Board has conferred with the Crown Law Department on those submissions. It has also conferred with the Real Estate Institute and I, on my part, have consulted members of Parliament who were deeply concerned as to whether the Bill as printed really overcame the difficulties associated with Part III of the Town Planning Act, which deals with alienated land. In consultation with the hon. Mr. Watson, who had several amendments on the notice paper, it has been possible to overcome all the problems associated with the clause, and to give effect to the requests made.

I know that several Ministers have been approached on the matter, and the amendments which I propose to move will entirely clear up all the objections raised in the past. I move an amendment—

Page 3—Delete all the words in this clause after the word "amended" in line 27 and substitute therefor the following:—

by substituting for subsection (1) the following subsection:—

(1) (a) A person shall not, without the approval of the Board, lay out, grant or convey a street, road or way, or subdivide, or either lease or grant a license to use or occupy land for any term exceeding ten years including any option to extend or renew the term or period, or sell land or grant any option of purchase of land except as a lot or as lots; and the Board may give its approval under this paragraph subject to conditions which shall be carried out before the approval becomes effective.

(b) Where, after payment or consideration for any transaction relating to any land, it is found that the transaction cannot be completed because that land cannot be dealt with as a lot or as lots, the person who paid the consideration is entitled to a refund of the consideration from the person to whom it was paid.

The Hon. H. K. WATSON: During the second reading debate I stated that while the clause might, perhaps, overcome the fault which is was intended to cover, it also did a number of curious things which it was not intended to do. Therefore I raised the red light against its adoption. Since then the Minister has gone into the matter very carefully; and I want to express my appreciation for the consideration he has given to the matter since I first raised it. I am of the opinion that his amendment removes all objections which I had to the clause and renders all my amendments on the notice paper unnecessary.

Amendment put and passed.

The Hon. F. J. S. WISE: I move an amendment—

Add the following new subclause:—

(2) This section operates retrospectively to the commencement of the Town Planning and Development Act Amendment Act (No. 2) 1957, but without prejudice to the validity of any lease validly granted prior to the commencement of this Act.

That retrospectivity for one year will cover all of the valid transactions that have taken place since the Bill of last year was passed.

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

Clause 6—Section 21 amended:

The Hon. F. J. S. WISE: This clause, too, will be subjected to considerable amendment for somewhat similar reasons to those mentioned earlier. There is also an additional reason. The definition of "lot" in the parent Act does not define clearly what is required in regard to the lodging of transfers and the review of Crown Grants by the Minister for Lands for the time being; nor does it qualify all of those things which are subject to the review of the Town Planning Board.

In the review that has been given to this Bill since we last met, it has been considered necessary to rectify some of those matters and to add to the clause certain provisions which are the subject of the amendment I shall move. This amendment deals with transfers, conveyances and mortgages of any land prior to their being lodged with the Titles Office; and also what must be done in such cases through the Town Planning Board. I move an amendment—

Page 4—Delete all words from and including the word "by" in line 9 down to and including the figures "1928" in line 37 and substitute the following:—

(a) by substituting for subsection (1) the following subsection:—

(1) A transfer, conveyance, lease or mortgage of any land shall not be received

or registered in the Office of Titles or Registry of Deeds unless—

(a) it has been first approved in writing by the Board; or

(b) the land comprises the whole of one or more lots; or

(c) in the case of a lease, that the term is not more than 10 years including any option to extend or renew the term, and that the lease does not contain or purport to contain an option to purchase land other than the whole of one or more lots.

(b) by deleting from subsection (2) the passage commencing with the word "shown" in line five and ending with the word "conveyance" in line nine.

The question of a lease for 10 years as distinct from freehold is really the principle associated with all the clauses in the Bill. This amendment is to prevent short-term leases being granted to people who will build on a lot or lots, however sub-divided, and thereby cause considerable trouble. Section 21 of the parent Act will thus be amended to bring it into line with the section we have just recently amended. That section dealt with leases for more than 10 years, and the amendment I have just moved will bring Section 21 of the parent Act into line, and will indicate what must be done and what the board may do in the case of the transferance of leases.

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

Clauses 7 and 8—put and passed.

New clause:

The Hon. F. J. S. WISE: I move—

Insert the following to stand as Clause 2:—

2. (1) Section two of the principal Act is amended by adding after the word "Board" at the end of the definition of "lot," the passage—

and includes the whole of the land the subject—

(a) of a Crown Grant issued under the Land Act, 1933; or

(b) of a Certificate of Title issued under the Transfer of Land Act, 1893; or

(c) of a survey into a lot pursuant to a direction given under section seventeen of the Land Act, 1933; or

(d) of a part-lot shown on a plan of subdivision or diagram deposited in the Department of Lands and Surveys, Office of Titles, or Registry of Deeds; or

(e) of a conveyance registered under the Registration of Deeds Act, 1856.

(2) This section operates retrospectively to the commencement of the Town Planning and Development Act Amendment Act, 1956.

In the parent Act the definition of "lot" is very lacking. To embrace all the transactions which come within the definition and which are included in the documents lodged in the Titles Office, the Lands Department or the Town Planning Board, it is thought that in consonance with the amendments already agreed to, this new clause will clarify all the things that are intended to apply. The new clause will embrace all the valid transactions which have taken place since the passing of the amending Bill two years ago. It will be noted that the verbiage used is "subdivision or diagram deposited in the Department of Lands and Surveys." Any document so deposited has already been approved by the Town Planning Board, otherwise it could not be deposited.

New clause put and passed.

Title—put and passed.

Bill reported with amendments.

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL (No. 2).

Second Reading.

Debate resumed from the 13th November.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [8.24]: There is very little more that can be said in connection with this Bill which has not already been said during the second reading. The object of the measure is to allow the State Insurance Office to extend coverage to students and school children on an equal basis with other insurance companies. That is the plain and simple fact.

The Leader of the Opposition in speaking to this measure mentioned that he had stated in the House previously that he would support a measure to cover school children. He also said that he supported

the measure now before us, but I notice there is an amendment on the notice paper in his name which, if passed, will certainly restrict the provisions of the Bill. It is a restrictive amendment, and apparently it is a very tricky one.

The Hon. A. F. Griffith: I told you I would place the amendment on the notice paper.

The Hon. H. C. STRICKLAND: The hon. member told us that when speaking to this Bill; but when a similar measure was debated earlier in the session his excuse for opposing it was that it contained other amendments to the State Government Insurance Office Act. If that Bill had been passed it would have enabled a wider coverage to be given by the State Insurance Office. On that occasion, before concluding his address, the Leader of the Opposition said that if the Government cared to bring forward a measure to cover only school children he would support it. The Government has done that, but the hon. member supports the measure in his second reading speech but hamstrings it by his amendment. I hope that when his amendment is debated it will not be accepted.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

Clause 1—put and passed.

Clause 2—Section 2 amended:

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 2—Delete all words in lines 8 to 11, both inclusive, and substitute the following:—
>
> (b3) indemnifying the parent or guardian of a child or a person enrolled at a university as an undergraduate against moneys paid by him or on his behalf in respect of medicines, medical or surgical requisites, medical, surgical, dental, optical, hospital nursing or other necessary treatment supplied or given to the child or the person or services of whatever description, including first aid, ambulance or other transport service to carry the child or the person to a place of treatment, where the moneys are so paid as a result of the child or the person suffering bodily injury by accident and where death results from the injury the moneys so paid for the burial of the child or the person if the same opportunities and facilities for communicating with children and university undergraduates their parents and guardians through the schools and the University of Western Australia for the purpose of indemnifying any parent or guardian, and insuring any child or person as aforesaid and distributing and collecting literature, proposal forms, claim forms, discharges and premiums relating to policies are granted to persons and companies desiring to issue like policies to the policies referred to in this paragraph as are granted to the State Government Insurance Office, its servants, agents and representatives but not otherwise. In this paragraph "child" means a person under the age or twenty-one years.

The Minister at times delights in misconstruing what I have said.

The Hon. H. C. Strickland: What is your objective?

The Hon. A. F. GRIFFITH: I made my position very clear on this matter. My second reading speech is straightforward. I said that I would give support to a measure which would increase the franchise of the State Insurance Office to give insurance coverage to school children, so long as equal opportunity was given to other insurance companies. When the measure introduced earlier in the session to extend the franchise of the State Insurance Office was dealt with in this Chamber, I drew attention to the fact that the Government had introduced a Bill in 1954 which sought to bring about this purpose, but which limited the hours of the day during which school children could be covered. Now the Minister suggests that I am endeavouring to hamstring—to use his expression—the Bill. That is not the case. What I am endeavouring to do is simply conform, by moving this amendment, to what is written in the 1954 Bill, and if hon. members will have a look at my proposed amendment and refer to the 1954 Bill, they will find that the words are almost identical up to the last paragraph.

The Minister's Bill takes out all the words that are in the 1954 Bill and simply puts back one small paragraph. When speaking on the second reading I said that there had been no endeavour to clarify what was meant by the word "students" or the words "training institution," and that if the Council agreed to the Bill as it is now presented to us, what in fact would happen would be that the

State Insurance Office could effect a personal accident insurance in respect of any person who was a student or trainee of any educational, or training institution. My proposed amendment does not in any way, despite the Minister's assertion, hamstring the—

The Hon. R. F. Hutchison: Do you think we cannot read English?

The Hon. A. F. GRIFFITH: I can read it and understand it but I think that is where it ends with the hon. member. This amendment will now bring the Bill into conformity with the 1954 Act. It will enable the State Insurance Office to effect this cover over 24 hours a day, and will give equal opportunity to other companies to carry out the same type of work. I pointed out that there was a necessity to give equal opportunity as there had been a good deal of favouritism shown, so far as the Education Department was concerned, to the State Insurance Office. I read a direction that had been distributed from the Director of Education—presumably on instructions from the Minister for Education—and when one has a look at the November, 1958, issue of the "Parent & Citizen," one sees that there is in that publication an article on school children's insurance, and it points out that headmasters are to provide various items of information to the department for the ensuing year in connection with insurance, which it is now possible for the State Insurance Office to underwrite under the 1954 Bill. One interesting section of the article reads as follows:—

> The headmaster has a good idea of this number—

That is referring to the number of children—

> —so that they may be despatched before schools close, (please specify quantities when ordering), (c) advise parents of new-comers about the scheme and (d) discuss with the headmaster the arrangements to be made for collecting premiums and effecting insurances.

That is further evidence of the fact that there is a degree of favouritism being shown to the State Office in this regard. I do not propose to go over the whole history again. There is no hamstringing in this amendment at all. It is in conformity with the undertaking I gave that I would support a simple Bill to increase the franchise of the State Office to 24 hours a day, and if hon. members will accept the amendment they will find that in the main the wording is almost identical with the 1954 Bill, bearing in mind that Clause 2 of the Minister's Bill cuts out most of the wording of Clause 2 in the 1954 Bill. My amendment seeks to put it back and so, by extending the franchise, an opportunity will be given to all people to make available the same cover; and I think that is a reasonable thing to suggest.

The Hon. R. F. HUTCHISON: Sometimes it amazes me to hear hon. members' views. The hon. Mr. Griffith is talking about fairness in proposing to put this amendment in the Bill to give other insurance companies the same opportunities. We introduced this Bill to cover school children under the State Act, and the hon. member has done everything he can to stop that measure going through. He opposes everything that we have proposed to widen the activities of the State Office to keep the money in our own State instead of giving it to other States and countries, and I think that would be quite a reasonable think to ask. He has introduced an amendment which he knows is in opposition to views he expressed earlier. He does this with the excuse that he wants equal opportunity for all companies.

I rose to my feet to draw the attention of the House to the argument brought forward in the name of fairness. If there is any fairness in what the hon. member is proposing now, then I cannot understand English. It is the most unfair thing I have heard of and is in contradiction to what he proposed before. I oppose the amendment.

The Hon. H. C. STRICKLAND: The hon. member repeats again that his ambition is to give the State Office what we might term an even break with the private insurance companies and says his amendment does not hamstring the activities of the State office.

The Hon. A. F. Griffith: And neither it does.

The Hon. H. C. STRICKLAND: Now the fact is that the hon. member's amendment definitely restricts the State office. If he can tell me of any other Act which restricts a private company I will be pleased to hear it.

The Hon. A. F. Griffith: You tell me how my amendment restricts the State office.

The Hon. H. C. STRICKLAND: This amendment deals with the State office only and restricts its activities to the activities which the hon. member desires to insert into the Act.

The Hon. A. F. Griffith: How?

The Hon. H. C. STRICKLAND: By putting it into the Act. How does the hon. member think?

The Hon. A. F. Griffith: But how does it restrict—

The Hon. H. C. STRICKLAND: But there is nothing in any other Act which restricts any private insurance company to similar circumstances. Nothing whatever! Yet the hon. member will tell us

it is not his ambition to restrict the activities of the State office. His amendment must be rejected on the grounds that it does not, for the reasons I have just stated, give the State office the opportunity to compete with private companies on a fair and equal basis. The State office will be restricted to this amendment, but the other companies would not be. It does not mention any other company, just merely the State office. Therefore there is not the slightest doubt of the intentions of the hon. member; they are quite contrary of course to what he told us some weeks ago. Then he told us he would support it on a fair and equal basis.

However, that is beside the point. The object of the Bill as it is printed here is to allow the State office to conduct business in relation to a personal accident policy—that is deliberately inserted—for a student, child or under-graduate, and it is not with the object—as has been stated by the hon. Mr. Griffith—of allowing it to sell or undertake insurance business on accident or sickness generally. If hon. members will read the amendment in the Bill—paragraph (b3)—they will find that it is intended to undertake insurance business in relation to personal accident insurance in respect of any person who is a student—

The Hon. A. F. Griffith: What is the definition of "student"?

The Hon. H. C. STRICKLAND: Someone who is studying anything in connection with learning. To continue—in respect of any person who is a student or trainee of any educational or training institution.

The Hon. A. F. Griffith: What is the definition of "educational or training institution"?

The Hon. H. C. STRICKLAND: The hon. member should know that. The words "personal insurance" are used because this school children's insurance is a personal accident insurance and cannot be described by any other words. The next material word in the amendment is "student". Of course, that applies to the normal child who attends school or to a youth or person who attends a university. The word "trainee" was inserted to cover that type of child who, through mental deficiency or other handicap, was not perhaps being taught as a student but was being trained in social behaviour or in the use of limbs such as with spastics but who might not be properly considered to be a student.

The words "educational or training institution" are a corollary of the words "student or trainee". The student, of course, attends an educational establishment, and a trainee attends a training institution. It is felt that these words describe the institutions in respect of which this insurance is to operate and allows sufficient elasticity to provide for any expansion of cover which any insurance company or the State office wishes to make available to persons in future. So that to allow equal opportunity for all insurance companies, there is no other provision that could be inserted except that which is in the Bill.

On the question of distributing pamphlets in the schools, it is a fact that when the scheme first came into force in 1954, the headmasters of schools were, naturally, advised by the Education Department, at the request of the Parents and Citizens' Federation and with its full co-operation and acknowledgment, of the insurance cover that was available to them for their children. Now, what other efficient way or what more efficient way could we have adopted? Absolutely none. The amendments would allow any private company to enter schools, distribute pamphlets and canvass the children or teachers, but the State Insurance Office does not intend to do that and the Education Department would not allow it. Surely the Committee will not agree that insurance salesmen should enter schools to sell insurance!

The Hon. A. F. Griffith: Of course not.

The Hon. H. C. STRICKLAND: That is what the amendment would mean, if agreed to. There is no need to place this restriction on the State Insurance Office, because I give the assurance that the Education Department would not tolerate such things.

The Hon. A. F. Griffith: How would you insure a child of nine or 10 years of age?

The Hon. H. C. STRICKLAND: I do not know the details of insurance work, but I would not go to the child—

The Hon. A. F. Griffith: But you said you would.

The Hon. H. C. STRICKLAND: I said that the hon. member desires that insurance agents be permitted to do so, because that is what the amendment would mean. I hope the Committee will reject the amendment and accept the Bill as it stands.

The Hon. J. M. A. CUNNINGHAM: I feel that the word "trainee" unnecessarily complicates the Bill. Most people have little doubt what a student is, but a trainee might be an ex-serviceman, or an army, navy or air force trainee. Where would the Minister draw the line under this measure, which was originally intended to cover school children only? I feel that the amendment gets back to the original intention of the Bill, which was to cover school children during chool hours. Now it is sought to cover them for 24 hours a day.

The Hon. L. A. LOGAN: As I interpret the hon. Mr. Griffith's amendment, it seeks to put the other insurance companies on an equal footing with the State Insurance Office. The Minister says they are

now on an equal footing, but that is bunkum. At present the P. & C. associations are working with the headmasters and teachers for the State Insurance Office, which gives that office a great advantage over the other insurance offices. One company was giving this class of cover before the State Insurance Office came into the picture, but now the State office gets most of that business because of the advantages it has. I think the hon. Mr. Griffith's amendment goes a bit too far and that its purpose could be achieved with much simpler wording. If it were reframed in that way I would support it.

The Hon. H. C. STRICKLAND: Under the existing coverage by the State Insurance Office, trainees are included, and the institutions already qualifying for such coverage include Government or private schools or colleges, universities, agricultural colleges, technical schools, kindergartens, pre-school children, orphanages and homes, child welfare homes or centres, Legacy wards, spastics, Seventh Day Adventist schools, slow learners' groups, mentally deficient children, blind schools and deaf schools.

When the measure was introduced, the hon. Mr. Griffith said that the Employers' Liability Company gave insurance cover to one college, but that type of insurance was not extended to the ordinary primary schools. The State Insurance Office was the first to supply that type of cover. In order that the parents might have opportunity to take advantage of that cover—which Parliament agreed they should have—the Parents & Citizens' Federation in conjunction with the Education Department circularised the schools to advise the students and parents of the new coverage. It is agreed that there should be no advantage given to any particular insurance office, and I can give an assurance that that is the policy of the Government and of the Education Department. To obtain the equal footing which he desires, the hon. Mr. Griffith should accept the Bill as it stands and not restrict the State Insurance Office only.

The Hon. A. F. GRIFFITH: The wording of the 1954 Act is identical with that of this amendment.

The Hon. H. C. Strickland: No.

The Hon. A. F. GRIFFITH: Yes, right up to the point where it deals with the question of opportunity when delivering literature, etc. Why did the Government introduce the 1954 measure instead of the Bill now before us? The legislation of 1954 limited the State Insurance Office to covering children travelling to and from school, for the sum of 2s. 6d. per annum. As the Minister knows, deliberations were being carried on not only with Hale School but also with the Perth Boys' School and the Midland school, and with the then secretary of the Parents & Citizens' Federation (Miss Hooten). At some stage the negotiations broke down, but the company I mentioned was insuring some children under its policy at that time.

The directive which went out from the Director of Education to State schools stated—

> Teachers are reminded that the only insurance scheme for school children which has departmental sponsorship and on behalf of which teachers are authorised to distribute cards etc. and to collect money is that conducted by the State Government Insurance Office in conjunction with the Parents & Citizens' Federation.

That directive was sent out because one company—I hold no brief for any particular company—decided to engage in providing school children with cover for 24 hours a day and it made satisfactory arrangements with the teachers and the P. & C. associations in many schools. The commissions granted by the company were paid into the funds of the P. & C. associations. Did the Minister know that? There could be nothing fairer than that; but what would happen if we passed the Bill in its present form, bearing in mind that the Director of Education issued this instruction—no doubt on ministerial instructions? What chance would any outside company have of negotiating its business under those circumstances?

It would have very little chance. I point out to the hon. Mr. Logan that this is not a complicated amendment. It is designed in order to overcome the directive which has been sent to the schools and which has been reiterated since. There is a necessity to write into the statute some protection for this insurance company, otherwise it will be ousted. I cannot remember when the directive was sent out.

The Hon. H. C. Strickland: It was 1954.

The Hon. G. C. MacKinnon: No, it was sent out about June of last year.

The Hon. A. F. GRIFFITH: Without mentioning the name of the company that has been operating in this field, I can say that it has become interested in this type of insurance only over a recent period. If it will be of comfort to the Minister I could obtain the exact date.

The Hon. F. J. S. Wise: He is not uncomfortable.

The Hon. A. F. GRIFFITH: I am glad to hear that. I think it will be agreed that there is need for some additional words to be inserted in this clause because as it stands at the moment the State Insurance Office has open sesame in this field and there is no qualification in respect of a student or a training institution. I ask the Committee to accept the amendment.

The Hon. L. C. DIVER: The hon. Mr. Griffith has given the answer to the question. If we agree to the Bill as printed, and if we believe in private enterprise, much of what we fear will not eventuate at all because there will be open competition.

The Hon. A. F. Griffith: Do not forget that the State Insurance Office is paying commission to the parents and citizens' associations, too.

The Hon. L. C. DIVER: If that be so, what is to stop a parents and citizens' association nominating its insurance company?

The Hon. A. F. Griffith: The directive issued by the Director of Education.

The Hon. L. C. DIVER: If a directive has been issued, it is objectionable, because the parents and citizens' association should have the option of nominating its own insurance company. Every school throughout the country has its parents and citizens' association and it should be able to choose the insurance company that it desires to do business with. We should give the State Government Insurance Office the authority to issue insurance policies with a 24-hour coverage and then let private enterprise sort the matter out for itself.

The Hon. G. C. MacKINNON: The theory advanced by the hon. Mr. Diver is very sound, but, unfortunately, in practice, it does not prove to be so sound. Every hon. member who has had contact with parents and citizens' associations will know that the assurance given by the Minister does not stand up to examination because, at the end of last year or the beginning of this year, there was an instruction issued to members of parents and citizens' associations who are handling the insurance business that they were not to accept any application forms from anybody except the State Government Insurance Office.

The Hon. E. M. Davies: Who told you that?

The Hon. G. C. MacKINNON: Dozens of members of parents and citizens' associations.

The Hon. H. C. Strickland: Who instructed them?

The Hon. G. C. MacKINNON: The teachers.

The Hon. H. C. Strickland: The teachers instructed the parents and citizens' associations?

The Hon. G. C. MacKINNON: From the debate that has ensued tonight, it is obvious that hon. members are under the impression that teachers handle this insurance, but, in fact, they do no such thing. The members of the various parents and citizens' associations do the bulk of the work, but nevertheless, teachers often have to step in and give some assistance. I know that some members of parents and citizens' associations who perform this insurance work complain of the underhand methods they have to adopt to handle the application forms and secrete them before sending them through to the insurance company handling the business. There is no doubt that this does exist. The hon. Mr. Logan has had it drawn to his attention and I have had my attention drawn to it, not by one school but by four.

The Hon. H. C. Strickland: By whom?

The Hon. G. C. MacKINNON: I can tell the Minister outside if he so desires. In theory, the Minister believes that there is no advantage enjoyed by the State Government Insurance Office, but, in practice, it has a marked advantage. Anyone who has young children attending school and who comes in close contact with parents and citizens' associations know that to be a fact.

The Hon. A. F. GRIFFITH: If the Minister will give an assurance that he will inquire from the Director of Education as to whether he issued that directive, either in April, May or June, 1958, I will ask you, Mr. Chairman, to report progress and the Minister can report to the Committee on his findings tomorrow.

The Hon. H. C. STRICKLAND: I do not think there is any necessity to report progress in order to obtain this information.

The Hon. A. F. Griffith: You are denying that the directive has been issued.

The Hon. H. C. STRICKLAND: I have never denied that.

The Hon. A. F. Griffith: I am sorry.

The Hon. H. C. STRICKLAND: I am suggesting that it was sent out in 1954 or 1955 because there was no insurance company covering school children at that time except the State Government Insurance Office. No other company would bother with it.

The Hon. A. F. Griffith: I think it was sent out this year.

The Hon. H. C. STRICKLAND: It would have been sent out as soon as the amendment to the Act was proclaimed. A reminder could then have been sent out. I am not denying that. The hon. Mr. Griffith asked why, in 1954, the Government did not bring down a Bill to meet this situation, but I thought I explained why on the second reading. It was thought that the amendment at that time would meet the situation. The only difference between that amending Bill and the one before us now is that this measure proposes to give a 24-hour coverage. The other provisions are only side issues. I am sure this Chamber would never agree to the State Government Insurance Office, or

any other insurance company, invading the schools to sell insurance policies to children. The sole objective of the Bill is to give a 24-hour coverage.

The Hon. A. F. GRIFFITH: Both the hon. Mr. Diver and the hon. Mr. Logan particularly seem to think I have gone too far with this amendment, but, as I have said, I am open to suggestions. At this stage I think it would be wise to report progress.

The Hon. H. C. STRICKLAND: Is the hon. member in order, Mr. Chairman?

The CHAIRMAN: The Minister is in charge of the Bill.

The Hon. H. C. STRICKLAND: Should the hon. Mr. Griffith desire to amend his amendment at a later stage, there is no reason why we should report progress now. The Bill can be recommitted and there is still the third reading. I will give the hon. member the assurance that I will not move the third reading of the Bill tonight, but will conform to Standing Orders in the normal way.

The Hon. A. F. GRIFFITH: If the Committee rejects my amendment the Bill will proceed in the manner as suggested by the Minister and we would have to recommit the Bill. Therefore, I suggest to the hon. Mr. Logan and the hon. Mr. Diver that it would be easier to consider my amendent with a view to arriving at some compromise.

The CHAIRMAN: Does the hon. member wish to go on with his amendment now?

The Hon. A. F. GRIFFITH: Only with the object of the Minister having another look at the matter.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I cast my vote with the noes.

Division taken with the following result:—

Ayes—11

Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
Hon. R. C. Mattiske	*(Teller.)*

Noes—13

Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. G. E. Jeffery
Hon. F. R. H. Lavery	*(Teller.)*

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Title—put and passed.

Bill reported without amendment.

LEGAL PRACTITIONERS ACT.

Amendment of Barristers' Board Rule 30.

Debate resumed from the 12th November on the following motion by the Hon. J. D. Teahan:—

> That new Rule 30 of the Barristers' Board, made under the Legal Practitioners Act, 1893-1950, as published in the "Government Gazette" of the 28th May, 1954, and laid upon the Table of the House on the 22nd June, 1954, be amended as follows:—
>
> Add to paragraph (i) the passage—
>
> > provided however, that an articled clerk whose principal does not practice within fifty miles of the General Post Office of Perth shall not be required to attend any lectures.

THE HON. E. M. HEENAN (North-East) [9.15]: This is a motion to amend the new Rule 30 made under the Legal Practitioners Act, 1893-1950, by adding a proviso thereto which, in effect, will limit the operations of the rule to within 50 miles of the G.P.O., Perth. That is the effect of the motion. At the present time Rule 30 has State-wide application, and the proviso will restrict it to within 50 miles of the G.P.O., Perth.

As has been pointed out on previous occasions there are, in Western Australia, two ways of entering the legal profession. Years ago, before we had a University Chair of Law, the Barristers' Board set examinations, and those who wanted to qualify in the legal profession entered into articles with legal practitioners; the term thereof usually being for five years. During that period certain examinations were held by the Barristers' Board and, if those examinations were passed at the end of the five years of articles, the articled clerk could apply to the Supreme Court for admission. If there were no objections to his application, he was admitted as a fully qualified legal practitioner.

Some years ago—I forget exactly the year—a Chair of Law was instituted at the University of Western Australia, and since then it has been accepted that the normal method of entering the legal profession is to attend the University; and like other students who take courses in science, in arts, in economics or in engineering, the law student studies for a law degree.

He studies law, and if he passes the course he is eventually awarded the LL.B. degree. If he takes an arts course he gets a B.A. degree; if he takes an engineering course he gets a B.E. degree, and if he takes a medical course he gets a M.B. degree. None of the foregoing degrees can be taken in Albany, in Geraldton, in

Wyndham or in Kalgoorlie. The person wishing to enter the profession must attend the University and, over the years numerous boys and girls have attended the University and have qualified. We now have a dental course at the University, and higher and better standards obtain now than was ever the case before.

When the young law student gets his LL.B. degree he is then required to serve a period of two years in articles. He can serve that period of two years anywhere he desires; he is not restricted to Perth. If he wishes to go to a legal practitioner in Albany, Geraldton, Bunbury or Busselton, he may do so. There is no restriction whatever on where a University graduate serves his two years' articles.

The Hon. J. M. A. Cunningham: He must serve them with a practising solicitor.

The Hon. E. M. HEENAN: Yes, the articles must be served with an approved practitioner somewhere in W.A., the idea being that like the medical student he comes out full of academic knowledge, but it is necessary for him to serve a period to obtain knowledge on the practical side. The medical student must serve a period in the hospitals to obtain that knowledge.

Whilst I am not opposing this motion, I do not wish the impression to be created that solicitors in Kalgoorlie, or elsewhere, are prevented from having articled clerks. If a solicitor in Kalgoorlie or Geraldton wants an articled clerk—a young boy or girl just out of the University—and if he can induce him, or her, to enter into articles, there is nothing to stop him. In recent years the Barristers' Board, in the interests of the community in general, has done all in its power to recommend the University course.

There are specially educated lecturers and professors who devote their entire lives to a study of these various subjects. So, in striving to get the highest standard, the Barristers' Board does all in its power to induce young men and women to attend the University; and nowadays about 95 per cent. of the young men and women who enter the legal profession do so per medium of the University.

If one wishes to enter the teaching profession one attends the Teachers' Training College; if one wishes to become an engineer, although one might be in poor circumstances, one cannot fulfil this ambition in Kalgoorlie or Geraldton. It might be unfortunate, but it is necessary for one to attend the University, where the necessary educational facilities are provided.

The Hon. G. Bennetts: Then you must be in the money.

The Hon. E. M. HEENAN: Unfortunately there are still a number of boys and girls who have to leave school at 14 and 15 and go to work. But the position is not as bad as it used to be. Scholarships, together with Commonwealth assistance and repatriation assistance, have enabled a number of young people to go to the University. I think the trend is to assist any boy or girl, who shows aptitude to do so, to enter a profession nowadays, there are usually ways and means of carrying this out. However I can agree with the hon. Mr. Bennetts that the scales are still heavily weighted against the child of poor parents. There is another way of entering the legal profession and that is by doing the exams and course of five-year articles as prescribed by the board. This method has not been abolished, but not many avail themselves of it now as it is realised that it is much better to attend the University and acquire an LL.B. degree than to become articled to a lawyer for five years and do the course of study by oneself.

If one had a son, daughter or a relative, one would induce him or her to obtain the best training possible. Of course, that is undoubtedly at the University. Therefore, the Barristers' Board, by virtue of Rule 30, specified that an articled clerk must attend University lectures, and that also applied to those few clerks who were doing the five-year course. I think there are only two or three of them.

It can be seen that if one of the two or three happened to be in Kalgoorlie, Geraldton or Albany, he could not conceivably attend the University course. Therefore, this proviso has been inserted and it may do someone some good. However, I think it is purely hypothetical.

The Hon. G. C. MacKinnon: How would he learn his law?

The Hon. E. M. HEENAN: He would be articled to a lawyer, say, in Kalgoorlie, for five years and that lawyer in Kalgoorlie, Bunbury or Geraldton, as the case may be, would be required to help him with his studies during that period. The Barristers' Board sets the exams, and the person concerned has to pass them. If he passes them he eventually gains admission.

The Hon. G. C. MacKinnon: He still has to pass exams.

The Hon. E. M. HEENAN: Yes, but the exams are set by the Barristers' Board and not by the University. At one time this was the only means of entering the profession, and in later years it has had some usefulness, but now very few want to enter the profession that way when the Faculty of Law is available. If a young man wants to become a dentist I understand he is still able to pass exams set by the Dental Board, although there is now a Dental Faculty at the University. Obviously the community should obtain properly trained and highly skilled dentists, lawyers and engineers, and we have to be careful about doing anything that is going to lower the standards in any profession.

Over recent years I think the standards of the legal profession and others have been lifted, and the young men and women are more highly trained and qualified than they were years ago. We have reciprocity with other States and our degree is acknowledged in every other State of Australia and in England.

The Hon. J. G. Hislop: What if this Bill is passed?

The Hon. E. M. HEENAN. This Bill will apply only to a relative few. The University Faculty is now full of young men and women who are studying for a degree; and that is undoubtedly the way they should go about entering the profession. They should receive tuition from the highly-trained and skilled professors who spend their lives studying the law and inculcating various principles upon the students.

The Hon. G. C. MacKinnon: The young man is qualified but does not have a degree.

The Hon. E. M. HEENAN: That is so. If, for instance, a young man in Kalgoorlie is unable to attend the University, there are a number of lawyers in that centre with whom he could take articles and do the Barristers' Board course. At the present time, however, Rule 30 makes it obligatory on that young man to attend the University lectures.

The Hon. J. G. Hislop: What qualifications would he receive if he had no degree?

The Hon. E. M. HEENAN: The Hon. A. F. Watts in this Parliament and Mr. Justice Wolff on the Bench and most of the older solicitors in the State of Western Australia, including myself, did the Barristers' Board course, because in our day there was no other way of doing it. There was no University, and consequently, no Chair of Law. However, I am sure that if my son decides to study law I am going to encourage him to go to the University where he will get much better tuition than I ever had. However, this measure might benefit someone. I am sure it has not been introduced for the fun of it. It may benefit someone in Kalgoorlie, Geraldton or Albany. I cannot help but think that it would be far better for such a person to do as others do and attend the University. That, however, is not the point involved. I support the motion.

THE HON. J. G. HISLOP (Metropolitan) [9.40]: We have listened to an excellent speech from the hon. Mr. Heenan as to why this measure should not be accepted, but I would say I admire him for the way he has adhered to what I consider would be parliamentary party privilege in even giving qualified support to this measure.

This motion is just a repetition of what has been before us on past occasions in respect of one individual. Let us be quite frank and honest about it when it is only going to help the someone to whom the hon. Mr. Heenan referred.

In this State we now have a Faculty of Law and I would suggest to the Government that it withdraw this measure and give its sanction to a method by which the Faculty of Law takes over the control of appointment. I suggest that the hon. Mr. Teahan withdraw this measure and ask the Government to bring in one which will give the Faculty of Law full control of registration of legal practitioners. We would then get over the bother of having to continually consider a measure to help one person.

When it comes to deciding what lectures will be laid down for the medical profession; how an individual will be examined and what his percentage of pass shall be, this is done by the Faculty of Medicine associated with the University. As the Faculty of Law is associated with the University, the Government should agree to its laying down the conditions to enable a person to qualify. Parliament is too open to personal persuasion in these matters.

When it comes to dentistry, we have had Bills introduced into this Parliament for the sake of one person receiving endorsement as a dentist, simply because he was a member of Parliament; but it was a sorry day when such things happened as it was not in the interests of the public, irrespective of whether the person was qualified or not. Today Commonwealth scholarships are available for those who want to attend universities; and law is only a three-year course. The only thing to do is to withdraw this measure and bring in one which will provide that the Faculty of Law will lay down the qualifications for admission to practise law.

What can this individual hope to gain? He is going to be tied up to one person. An individual should be given a wide variation of views and opinions on matters of law so that he can form his own judgment as time goes on.

In the realm of medicine when I was studying—and this position probably exists today—there were people whose qualifications for teaching were doubtful, but they made a student think as to whether that individual was correct or not. In this way the student was able to form his own opinion on a wider range of views and obtain a wider angle of view in regard to the subjects he was learning.

In regard to this measure, the individual will qualify without a degree or diploma. I am not referring to those who did law in the days when such was the only way to qualify, but in these days the individual would not get responsible posts; and we would, through this measure, bring into being a type of person who would have to take on doubtful cases as others would not come his way. He would have to be

a very brilliant student to get anywhere beyond the lower rungs of the profession. We would not be helping either him or the public.

I am most strongly opposed to this measure which would take law back some 20 to 25 years and would not be of any benefit to the person concerned, and would certainly be a danger to the public. I suggest that the sponsor of this measure should be strong enough to withdraw it and ask the Government to take out of the hands of Parliament and put into the hands of the Faculty of Law the right to say what the qualifications will be to enter the legal profession.

THE HON. F. R. H. LAVERY (West) [9.44]: I propose to speak on a remark made by the hon. Dr. Hislop that this measure would be only for the benefit of one person, but I am not going to query anything else that he has said as to whether the Faculty of Law should be the responsible body or not. I will leave that to people like the hon. Mr. Heenan who understand this subject.

A precedent was set in this House not many years ago when legislation was passed to suit two people on two different occasions. An amendment to the Physiotherapists Act was brought down especially to allow two persons to receive registration. This was done because there was a doubt about the time they were here. I obtained the assistance of the hon. Dr. Hislop on that occasion.

Another time I received the support of only four hon. members. On that occasion we were dealing with a Bill to amend the Matrimonial Causes Act to allow a divorcee to marry his divorced wife's sister. This measure was brought down to help two people. I will support the Bill so that it may go to a second reading. The hon. doctor suggested that the measure be withdrawn, but I think it is too late now to ask a private member to withdraw a Bill. I believe the hon. doctor has something when he says there are faculties at the University for these various degrees, and therefore a Bill of this type should not be necessary.

The PRESIDENT: Order! I draw the attention of the House to the fact that we are not dealing with a Bill but a resolution.

THE HON. J. D. TEAHAN (North-East —in reply) [9.46]: Encouraged by the support which the motion received in another place by persons qualified to speak and vote on it, I am prepared to allow the resolution to go to the vote. I heard the hon. Mr. Heenan make one statement, but I do not know whether I heard it correctly. I understood him to say that the law course or class, at the Western Australian University was, at present, as full as it could be. I take it from his remarks, that no one else can be admitted. If this is the case, then a young man who wanted to do law, should be allowed to enter into articles at Bunbury, Geraldton, or any other centre. This is what the resolution seeks. We are told that at the moment there are no articled clerks in the country. Well, there is a good reason for that—it is not possible. At present, it is necessary for an articled clerk to attend at least 80 per cent. of the lectures at the University. A person who lived any distance from the University could not attend the lectures.

I am not, by the resolution, trying to bring about something that is unheard of, because a similar set of circumstances exists in New Zealand. In that country the law provides that if a person lives 10 miles from a University, he shall be exempt from attending the lectures. My resolution seeks to exempt any person who lives 50 miles from the University, from attending the lectures.

Another point is this: It has been said that a number of solicitors who are at present practising, received their degrees through such a method as this; that is, by being articled either in the country or in the city, and not attending the University. Three names were mentioned—the hon. Mr. Heenan, Mr. Justice Wolff, and the hon. Mr. Watts, who is a member of another place. Another name that comes to my mind is that of Mr. T. J. Hughes. These people could not be said to be dishonouring their profession. They have done quite a good job. At least two of them are regarded as being outstanding.

If any young men in the country desire to be articled to solicitors, why should we debar them? Following the trend of the debate, I have often thought that those who have money cannot understand the position of those who are not so fortunate. The hon. Mr. Heenan said that if he had a son who wanted to study law, he would send him to the University; and so would I. If I lived at Meekatharra and wanted my son to study law I would send him to the University, if I could. I would measure up the position in terms of cash, because the amount required would not be small. A person could only decide to let his son study law, if his financial position were good. But that is not the case with everyone.

A person living at Geraldton might know that he could not put aside £8 a week to keep his son in Perth. I think that amount would be the minimum necessary to pay for the boy's books, sport, and so on. He would have to say to his son, "No matter how good you are, you cannot study law, because I cannot find the £8 a week that is necessary." But he might be able to allow his son to become a lawyer if the boy could be articled to a solicitor in the country and be exempt from attending the University. I hope the House will agree to the motion.

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

Ayes—17

Hon. G. Bennetts	Hon. H. L. Roche
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. W. R. Hall
Hon. L. A. Logan	*(Teller.)*

Noes—8

Hon. J. Cunningham	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. A. F. Griffith
	(Teller.)

Majority for—9.

Question thus passed and a message accordingly returned to the Assembly.

Sitting suspended from 10.4 to 10.30 p.m.

LONG SERVICE LEAVE BILL.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 2, 5 to 10, 14, 15, 16, 18, 19, 21 to 25, 31 and 33; had disagreed to Nos. 3, 4, 12, 20, 26, 27 to 30 and 32; and had agreed to Nos. 11, 13 and 17 subject to further amendments now considered.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. H. C. Strickland (Minister for Railways) in charge of the Bill.

No. 3.

Clause 4, page 4—Delete all words from and including the word "or" in line 35 down to and including the word "employee" in line 38.

No. 4.

Clause 4, page 7—Delete subclause (2).

The CHAIRMAN: The Assembly's reason for disagreeing with these amendments is—

> An amendment to the Industrial Arbitration Act is at present before the Legislative Assembly making provisions for such persons.

The Hon. H. C. STRICKLAND: Both these amendments relate to taxi-drivers, transport drivers, carriers, etc. They are the employees we were discussing earlier this evening in connection with the Industrial Arbitration Act Amendment Bill. I move—

> That the amendments be not insisted on.

The Hon. H. K. WATSON: I hope that the Committee will insist on the amendments and will vote against the Minister's motion. No real reason has been given by the Government as to why the amendments should not be insisted upon, or indeed, as to why taxi-drivers, working on their own, should be brought in as employees. The only reason that has been given is that provisions in the Industrial Arbitration Act with which we had been dealing earlier should apply in connection with this legislation. I respectfully disagree with that.

Regardless of what is in the Industrial Arbitration Act, these provisions are not to be included in this Bill. If there is any doubt at all as to whether a taxi-driver or transport driver is an employee, he could go to the Arbitration Court and be covered by the transport workers' award if he is a genuine employee. Even for that reason alone, I suggest that the provisions in the Bill are quite superfluous because the measure endeavours to deem as employees persons who are not, in fact or in law, employees, but are self-employed persons. For those reasons I ask the Committee to disagree with the Minister's motion.

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

Ayes—10

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
	(Teller.)

Noes—14

Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. R. C. Mattiske
	(Teller.)

Pair.

Aye.	No.
Hon. J. J. Garrigan	Hon. C. R. Abbey

Majority against—4.

Question thus negatived; the Council's amendments insisted on.

No. 12.

Clause 7, page 13—Add after new subclause (3) a new subclause to stand as subclause (4) as follows:—

> (4) An employer shall be entitled to offset any payment in respect of leave hereunder against any payment by him to any long service leave scheme, superannuation scheme, pension scheme, retiring allowance scheme, provident fund, or the like or under any combination thereof operative at the coming into operation of this Act. Such offset may be effected by the employer claiming and obtaining repayment of the appropriate amount from any such scheme or fund against the employee's benefits thereunder, or in such other manner as may be expedient. The terms and conditions of any such scheme or fund are hereby varied and modified accordingly.

THE CHAIRMAN: The Assembly's reason for disagreeing is—

> The amendment is a departure from the real intent of long service leave.

The Hon. H. C. STRICKLAND: I hope that the Committee will not insist upon this amendment. This is the offsetting clause which the Council put into the Bill and it is considered something apart altogether from long service leave. When benefit schemes are offset against long service leave, something is taken away to which the employee and the employer have contributed, but these schemes are part of the inducement and encouragement for employees to remain in the services of companies for a long time. They settle down, in other words, in their positions. It is interesting that since this Bill was last debated in this Chamber, and since this offsetting clause was inserted into the Bill, on an application by the Printers' Union, I think it was, to the Arbitration Court for the deletion of the offsetting clause, the court agreed. It agreed on the principle that any scheme of superannuation or family benefit was something which was in addition to the normal wage and was something which was contributory and was clearly apart from the principle of long service leave.

Long service leave is leave which is basically intended as recognition for a term of very long service—20 years in this Bill—served in one position. Three months' leave after 20 years' service should not be offset by 20 years' contribution to a family benefit or superannuation scheme. That is basically the intention of this amendment. I am hoping that the Council will not insist upon the amendment and penalise a person who has been 20 years in the one job and who has contributed for that time, or a greater part of that time, to the scheme, and have it offset against his long service leave. The Arbitration Court decided it was unreasonable and agreed with the application of the Printers' Union to delete such provision. I move—

> That the amendment be not insisted on.

The Hon. H. K. WATSON: I hope the Committee will insist on this amendment also and will vote against the Minister's motion. He says that long service leave is a recognition of long service. In precisely the same manner, the amount payable under a superannuation fund is in recognition of long service and the fact that there are so many superannuation funds in existence shows that without any Government prodding or without any Government giving away or imposing something on industry, employers have of their own accord—many years before a Government thought of legislating—made provision for their employees, and that was, and is, inevitably wrapped up with long service leave. Unless the employer has a right of offsetting, it may be found that there are some employers who will just not be able to withstand the impact of both a superannuation scheme and long service leave.

It is all very well for Parliament and the Arbitration Court to saddle industry with all sorts of impositions, but it is another thing for the employer who has to meet those obligations. While some of the more wealthy employers can, and no doubt will, meet the long service leave without setting it off against superannuation funds, the time may come when some employer in straitened circumstances will reluctantly find it necessary to apply the offsetting. I would emphasise this point to the Committee. The Bill does not say that the provision for long service leave shall be set off.

It is left to the discretion of the employer. I know of many who will not exercise the right and will not offset long service leave against the existing benefit funds; but Western Australian employers, are, in the main, not extremely wealthy. The majority of them may be in more financial difficulty than their employees. The Minister argues that since we last dealt with this question the Arbitration Court, in one case, has removed the offsetting provision from an award, but under all the hundreds of other awards that is not so. It is interesting to note that the award where the court excluded this provision related to newspaper companies, and we cannot take their financial position as a criterion of that of employers throughout this State. Having read the judgment of the Arbitration Court in that case I would say with respect that its reasoning was fallacious.

As the Minister said this evening, the court stated—

> Under this provision a worker who took his long service leave might find himself compelled for the next 20 years to pay not only his own but also the employers contribution to any superannuation fund. I cannot see the justice of any such provision.

Those were the remarks of Mr. Justice Nevile. I would refer the Committee not only to the provision of the award but also to that contained in the Bill. It does not say an employer can set off payment for long service leave against all contributions to the benefit fund. The Bill says the employee may set off the payment in respect of long service leave against his contribution.

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

Ayes—10	
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
	(Teller.)

Noes—14	
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
	(Teller.)

Pair.	
Aye.	No.
Hon. J. J. Garrigan	Hon. C. R. Abbey

Majority against—4.

Question thus negatived; the Council's amendment insisted on.

No. 20.

Clause 20—Delete.

No. 26.

Clause 21, page 22, line 33—Add after the word "accordingly" the following passage:—

> and for the purpose of any appeal referred to in section twenty-seven of this Act the person found liable as aforesaid shall be deemed to have been convicted of a breach of this Act and any amount for which he is so liable shall be deemed a penalty.

No. 27.

Clause 25—Delete.

No. 28

Part VII, Heading, page 24, lines 18 and 19—Delete the words "Exclusiveness of Jurisdiction and Powers Conferred by this Act" and substitute the following:—"Appeals and other Proceedings under this Act."

No. 29.

Clause 27, page 24—Delete subclause (1) and substitute the following:—

> (1) Any person claiming to be entitled to a benefit under this Act or any person against whom such a claim is made may in addition to any other right or remedy he may have, apply to the Court for the determination of his rights and liabilities under this Act and the Court may make such declarations and orders as it thinks fit in respect to those rights and liabilities.

No. 30.

Clause 27, page 24—Insert a new subclause after subclause (1) to stand as subclause (2) as follows:—

> (2) (a) The Court may remit to the Conciliation Commissioner any question or matter properly before it and the provisions of sections one hundred and eight B and one hundred and eight C of the Industrial Arbitration Act, 1912, shall apply as if repeated mutatis mutandis in this section.
>
> (b) There shall be an appeal from a decision of an Industrial Magistrate to the Court and from the Court to the Court of Criminal Appeal and the provisions of section one hundred and three A and of the proviso to section one hundred and eight of the Industrial Arbitration Act, 1912, shall apply respectively to such appeals as if repeated mutatis mutandis in this section.

The CHAIRMAN: The Assembly's reasons for disagreeing with the amendments are—

> Amendments Nos. 20 and 26.
>
> It is considered the Court of Arbitration or Conciliation Commissioner should be the final authority to determine appeals.
>
> Amendment No. 27.
>
> It is considered that the provisions of the Industrial Arbitration Act as set out in the clause should be retained.
>
> Amendments Nos. 28, 29 and 30.
>
> It is considered the provisions of the Industrial Arbitration Act should apply in connection with this legislation.

The Hon. H. C. STRICKLAND: I move—

> That the amendments be not insisted on.

The reasons given are self-explanatory. The Bill provides for appeals to the arbitration authority and the amendments take the right of appeal to that authority out of the Bill. It is considered that the Arbitration Court is the proper authority to hear any disputes or appeals in connection with long service leave.

The Hon. H. K. WATSON: I hope the Committee will insist on these amendments which are designed to maintain the ordinary civil rights and privileges of a citizen according to law, and the right for the citizen to go to any court that he desires to approach. Even under the Arbitration Act, a worker covered by an award can enforce his contract in courts other than the Arbitration Court and the same applies under the Factories and Shops Act, which is akin to this measure.

Question put and negatived; the Council's amendments insisted on.

No. 32.

Clause 39, page 29, line 21—Insert after the word "by" first appearing the words "his solicitor or by."

The CHAIRMAN: The Assembly's reason for disagreeing is—

> The clause as printed, which conforms to the provisions of the Industrial Arbitration Act should be retained.

The Hon. H. C. STRICKLAND: This amendment deals with Clause 39 which provides for representation of parties in disputes or proceedings under the Act and does not contain any provision for solicitors to appear for any party, the object of the Bill being to protect those workers who cannot afford to engage counsel in a dispute over long service leave. If counsel were engaged, he would be opposed, of course, by the employer's representative who could

be a Queen's counsel. Hon. members could visualise a dispute over one or two weeks' leave, and if counsel were to be engaged a worker in all probability would not be prepared to take the risk of his application being unsuccessful and so he would withdraw it. That is the reason why the amendment seeks to prevent counsel from appearing at such disputes. They would not be many and they would be only of a minor and individual nature. It would not be a question of a team of employees commencing their long service leave on the same day. I move—

That the amendment be not insisted on.

The Hon. H. K. WATSON: I am afraid the Minister has over-simplified the question and I ask the Committee to insist on its amendment. The Minister has said that if there were a dispute over two weeks' leave there would be great disputation between Queen's counsel engaged by the employer and the counsel engaged by the worker. However, in my opinion, if there were a dispute over two weeks' leave it would be settled in the same way as it is today; namely, a representative of the Employers' Federation and a representative of the union would appear in the Arbitration Court and the matter would be settled in a few minutes.

The Hon. H. C. Strickland: The Arbitration Court appeals are out.

The Hon. H. K. WATSON: No, they are not. The worker can go to a board of reference. We have said that appeals should not be confined to the Arbitration Court.

The Hon. H. C. Strickland: That is the same thing.

The Hon. H. K. WATSON: No, it is not. The worker can go to the Arbitration Court or elsewhere. In talking of matters that could arise under the proposed legislation, let us take the question of off-setting. Assuming that an argument arises over that, I think it would be found that the Employers' Federation on the one hand, and the union's representative on the other, would engage counsel. Both parties should be permitted to have the use of counsel if they so desire. Here again it is not proposed that counsel shall be employed. The Bill provides that an applicant can appear in person, be represented by an agent or by a solicitor. I recommend the Committee to insist on its amendment.

Question put and negatived; the Council's amendment insisted on.

No. 11.

Clause 7, page 13—Add after subclause (2) a new subclause to stand as subclause (3) as follows:—

(3) The entitlement to leave hereunder shall be in substitution for and satisfaction of any long service leave to which the employee may be entitled in respect of the employment of the employee by the employer.

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to delete the word "hereunder" in line 1 of new subclause (3) and insert in lieu the words "under this Act."

The Hon. H. C. STRICKLAND: This amendment is purely to tidy up the provisions of this subsection and I do not think there will be any objection to it. I move—

That the Assembly's amendment be agreed to.

Question put and passed: the Assembly's amendment to the Council's amendment, agreed to.

No. 13.

Clause 8, page 14, lines 11 and 12—Delete the words "subsection (2) of this section" and substitute the words "paragraph (a) of this section."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to delete the word "section" in line 4 and insert in lieu the word "subsection."

The Hon. H. C. STRICKLAND: This amendment also seeks to tidy up the wording of the Bill. I move—

That the Assembly's amendment be agreed to.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

No. 17.

Clause 14, page 20, lines 3 to 6—Delete the words "on the Court, as the case may be, the Conciliation Commissioner, or an Industrial Magistrate."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to delete, instead of the words proposed to be deleted, all the words after the word "Act" in line 37, page 19, down to and including the word "Magistrate" in line 6, page 20.

The Hon. H. C. STRICKLAND: This is another consequential amendment, and I move—

That the Assembly's amendment be agreed to.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

House adjourned at 11.17 p.m.