of Australian holdings should be reserved in subsidiary companies in Australia owned by overseas companies.

It should also be pointed out that the flow of overseas capital to Australia at the moment is running to about £200,000,000 a year, and this is giving the Treasury temporary relief from the internal problem of trade in balance. The Treasury is even advocating borrowing overseas, despite the fact that the money has been available locally at a lower rate of interest. I have said that the Leader of the Country Party is troubled by the extent to which these overseas investments are being used to purchase Australian firms without adding in any way to Australian industry.

If local capital is introduced for the establishment of a new Australian industry, or the extension of an existing one, ultimately the loan is paid back and the enterprise the loan has produced belongs virtually to Australia. However, if the enterprise is sold to another fellow who lives overseas, it is his for all time.

The SPEAKER (Mr. Hearman): Order! The honourable member has another five minutes left.

Mr. CORNELL: He has the enterprise for all time, and the servicing of investment by way of capital from outside Australia will mean that all the profits so made will constitute a problem which posterity will have to face; and if the Canadian example is something to go on, we are in for a pretty torrid time. As Mr. McEwen said at the time he made this observation: "It is the rich and the old who always oppose a change"; and he is not expending his strength for the rich and the old. I consider that this problem is of such magnitude that this House should place something on record in respect to it.

Mr. Fletcher: Hear, hear!

Amendment to Motion

Mr. CORNELL: Therefore, Mr. Speaker, I move an amendment—

That the following words be added to the motion:—

but wishes to express concern at the increased volume of overseas investment introduced for the sole purpose of taking over established Australian enterprises and industries.

Debate (on amendment to the motion) adjourned, on motion by Mr. Nalder (Deputy Premier).

House adjourned at 4.45 p.m.

Legislative Council

Tuesday, the 3rd September, 1963

CONTENTS

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

MARINE STORES ACT AMENDMENT BILL

Assent

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Lieutenant-Governor and Administrator

THE PRESIDENT (The Hon. L. C. Diver): I wish to announce that the Address-in-Reply agreed to by the House has been presented to His Excellency the Lieutenant-Governor and Administrator, who was pleased to make the following reply:—

Mr. President and honourable members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTION ON NOTICE

SPENCERS BROOK REFRESHMENT ROOM

Catering for Road and Railway Passengers

The Hon. N. E. BAXTER asked the Minister for Mines:

(1) Are railway road bus and train passengers travelling on the following services, to and from Perth, catered for by the Spencers Brook refreshment room:—

(a) Mondays—3 road buses;

(b) Tuesdays—3 road buses, 1 train;

(c) Wednesdays—3 road buses;

(d) Thursdays—4 road buses, 1 train;

(e) Fridays—4 road buses, 1 train;

(f) Saturdays—2 road buses; and

(g) Sundays—1 road bus, 1 train?

Closure and Reason

(2) Does the Railways Department intend to close the refreshment room as from Friday, the 6th September, 1963?

(3) If the answer to No. (2) is "Yes", what is the reason for the closure?

The Hon. A. F. GRIFFITH replied

(1) Yes.

(2) The refreshment rooms will be closed as from Sunday, the 8th September, 1963.

(3) Passenger trains are now self-contained in regard to refreshment facilities, with either buffet or dining cars provided on all services. Time is being provided in Northam for passengers on road buses to obtain refreshments, and this will enable the buses to travel by a more direct route.

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) BILL

Second Reading

Debate resumed, from the 29th August, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [4.38 p.m.]: This is an interesting Bill which breaks new ground; and those of us who had the pleasure of listening to the remarks of the Premier this afternoon would, I think, have come away with the feeling that the countries in the world in which we are living are getting closer together, and that in the years which lie ahead many things, including legal processes, will have to be reoriented, and that, wherever possible, common ground should be reached.

The Minister told us that this Bill is introduced as a consequence of a decision made by the Standing Committee of the Federal and State Attorneys-General. For that reason alone it is worthy of serious consideration. Already part VIII of our Supreme Court Act provides for the reciprocal enforcement of judgments, chiefly within the United Kingdom. The Bill before us proposes to delete part VIII of the Supreme Court Act. This new measure will have a more far reaching effect than has hitherto been the case.

It is proposed to extend reciprocity, not only of judgments that have been obtained within the United Kingdom, but also of judgments of any other foreign country with which this State may enter into reciprocal arrangements. I understand that in the United Kingdom a measure similar to this was passed in 1933.

The Minister pointed out that the main purpose is to facilitate the recovery of money judgments. For instance, if we enter into reciprocal arrangements with a country like Japan, any judgment that has been properly obtained in that country will be enforceable in Western Australia, and *vice versa*. I was a bit concerned that some judgments in these foreign countries may be obtained in a manner which might offend the principles of natural justice, and of course it is right that we should safeguard that position.

However, after reading through the Bill, I am quite satisfied that sufficient safeguards are provided for that purpose. There are ample provisions for setting aside certain judgments, and I am convinced that if we adopt this measure nothing but good can come of it. Judgments will have to be carefully scrutinised, and if they offend against the principles of justice as we understand them, the courts will have power to set them aside.

I think the Bill is a move in the right direction, and I feel that as the years go on not only will we in Australia have to streamline our legislation, but if world trade and interrelationships follow the present trend, it is obvious that our legal system will also have to embody the principles set forth in this measure. I therefore support the second reading.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [4.45 p.m.]: I thank Mr. Heenan for his remarks. It is not my intention to deal with the Committee stage of the Bill this afternoon; I propose to take it at another sitting.

Question put and passed.

Bill read a second time.

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 29th August, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [4.46 p.m.]: The Bill before us is quite a brief one. It embodies two principles, the first of which is that anyone found guilty of deliberately leaving a dog alone and unwanted in a street will be liable to a penalty of £10. The abandonment of an animal in itself merits this penalty, because I cannot think of anything more despicable than to turn loose a dumb animal that has developed friendliness in a home on which it has depended for its food; particularly if it is abandoned in a strange area where there is the chance of its being mutilated by moving vehicles. Such an action is beyond one's comprehension.

It is, however, apparently done, and I think some suitable retribution is definitely called for by way of legislation. I have no doubt that such a provision would have a restraining effect on people who might think along these lines.

The second provision in the Bill deals with section 19 of the Act and provides that when a registered pound is not available for public use—such as at weekends and on public holidays—a corporate body is to be given the authority to act in the position of caretaker and, I presume, poundkeeper. This corporate body is to be known as the Dogs Refuge Home of W.A. Under section 19 of the Act it is only possible to take action by contacting a member of the Police Force which, of course, has its difficulties; particularly during periods when the police have more work than they can handle. It is possible that at such times they would have more to do than look after stray dogs.

I presume the Dogs Refuge Home will take unto itself all the authority of the Act, on the same basis as a registered pound, when taking over the dogs for safekeeping. This measure will be of great advantage to ensure the smoother running of the Act in controlling stray dogs. I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.50 p.m.]: I thank Mr. Willesee for his approach to this Bill. I think there has been an arrangement that no votes will be taken this week. We came to an agreement in this regard so it is not my intention to go ahead with the Committee stage until the next sitting of the House.

Question put and passed.

Bill read a second time.

MINING ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 29th August, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.51 p.m.]: This is a Bill of five clauses dealing with amendments to four sections of the Mining Act, 1904-61. Two very important parts of this Bill explained by the Minister deal with the ability to extend the areas within goldmining leases and within other mining leases excessively from the present permissive areas. There appears to be considerable merit in the proposals, because if this Bill becomes law, it will enable a far greater area to be comprised in one lease, rather than a multiplicity of leases being approved in the one ownership. In the one case as it affects goldmining, and in the other case as it affects the 300-acre permissive area, I would contemplate that this will apply in particular to areas being prospected within a reservation of very large acreage when approved, so that the prospector or persons working within that reservation will have protection over multiples of 300 acres rather than having to apply for several 300-acre leases.

I can imagine that situation arising; and I think there is some merit in what the Bill proposes in that connection. The clause in the Bill with which I am very concerned deals with the proposed repeal of section 291 of the principal Act. Section 291 of the Mining Act is the one which provides that no Asiatic or African alien may mine, work as a miner, or work in any capacity whatever in or about any mine, claim, or authorised holding.

That section of the Act was designed in 1904, or really in 1903—it will be found in the debates on the introduction of the Mining Act of 1904, which took place in 1903—for the particular purpose of keeping out Asiatics and, at that time, particularly Chinese, from the mining areas of Western Australia. The Minister in his speech drew attention to the fact that this is the only State in which such a provision is contained in its mining Act and said that it is considered the time has come to bring the Act of this State into line with the Acts of the other States and remove the restrictions contained in section 291 from the Statute. It is true that that provision is not in the mining Acts of the other States. My examination of the mining Acts of the other States indicates that no State specifically provides within its mining laws for the exclusion of Asiatics, but we in this State, from the introduction of the Mining Act in 1904, have carefully preserved as a right of the State that provision in our laws.

The Minister mentioned in the course of his speech that this is a matter which should be governed by the Immigration Act, and particularly section 6, which provides the conditions within which migrants may enter Australia; may work in industry for a period; may receive permits to remain for six months, which the Commonwealth Minister for Immigration has the option to extend; and the permits may prescribe conditions within which such permitted persons may operate while living in Australia. The Minister went on to say in his speech that there is no good reason that could be advanced why this State should retain its legal prohibition so long discarded in other parts of the Commonwealth; and further, the Minister said that Japan today is a major market for, and buyer of Western Australia's minerals—tin, asbestos manganese, gypsum, copper, and other Western Australian minerals; and he said, "We hope she will buy iron ore from us in large quantities."

With the last sentence I am sure we can all most earnestly agree—that she will buy large quantities of Western Australian iron ore. We hope that if Japan cannot and does not, some other nation will; but is it to be contingent upon the repeal of section 291 of the Mining Act? Is it to be, that unless we repeal that section it is going to affect the possibility of an arrangement with Japan to buy iron ore?

The Hon. A. F. Griffith: There has never been any suggestion to that effect.

The Hon. F. J. S. WISE: No, but if that is so, unless there is some reason other than the reasons given by the Minister for Mines, why should this provision be repealed in its entirety so that miners, maybe Japanese or anyone else, can work on the mines without specifying the particular work which they may engage in; because I submit it is quite open to amend this section of the parent Act in respect of geologists, technicians, and certain forms of management? But if we exclude these at this stage, holus-bolus, let us consider for a few moments the far-reaching effect possible within this State.

It has been time-honoured that aliens, Asiatics and Africans, cannot work on a mining claim in this State. Let us suppose that with that provision excised from our law it is considered desirable by a Government to appeal to the Commonwealth to permit of indentured labour to work in the mining industry on a particular mine for the extraction of a certain mineral. It may be that because a mine in question—in dealing with copper, for example—is freehold, a case would be made for a specific exemption.

I ask whether even a comparatively minor effect of the removal of this section would be very desirable. I would ask whether in any circumstance an arrangement, written or oral, to permit of the broadening—within all the other aspects of the Mining Act—of our own industrial laws to allow indentured labour, or labour permitted under the Immigration Act, to operate in any mine would be in the best interests of this country.

The Hon. A. F. Griffith: What about in any factory?

The Hon. F. J. S. WISE: I suggest that if it be in connection with its being a contingency for the sale of any mineral, it would be a very bad thing for this country. I suggest that even if Japan is the only purchaser likely of our iron ore, we should not weaken our position by not having this within our own Statute.

The Hon. A. F. Griffith: It is not being done for that reason.

The Hon. F. J. S. WISE: I am not suggesting it is. I am posing a question of what would be possible if this section comes out of the Mining Act. It would be possible, indeed, for a latent mine with low-grade deposits—one that is not operating, such as Big Bell—to be purchased by Japanese interests and operated by them, if the extraction of gold, even at 2 dwt., were profitable by using some form of labour other than Australian.

The Hon. A. F. Griffith: What about any other form of industry?

The Hon. F. J. S. WISE: Let us extend to that point. It cannot be sustained in the argument for the exclusion or rescission of this section that we should break down the strong position we are in of holding for Australian workmen the mining of our minerals, any more—simply because Japan is the biggest purchaser—than we should weaken the situation in regard to wool where it is a substantial purchaser.

We do not have to induce anybody, by reason of easing any circumstance within the operation of the wool industry from the shearer to the lumper, to sell our wool, any more than we do in the case of wheat or any other commodity.

The Hon. A. F. Griffith: And there is no preclusion from doing that in any other Act.

The Hon. F. J. S. WISE: For an obvious reason: because there is no vested interest involved within the industries themselves. But in the mining industry that is not so. I am simply pointing out the stark possibilities that could develop from this. Let us have another look at the section in the Act.

The Hon. A. F. Griffith: This is drawing the long bow.

The Hon. F. J. S. WISE: I am not drawing the long bow. It will be interesting to find the Minister anxious to support the contention that the possibility should be here for Asiatics to work in our own mines.

The Hon. A. F. Griffith: You know, as well as I do, that I have never said that.

The Hon. F. J. S. WISE: I will not have the Minister accuse me of drawing the long bow.

The Hon. A. F. Griffith: I merely made the comment to my colleague that this was drawing the long bow.

The Hon. F. J. S. WISE: I suggest it is not. The Minister will be much more than drawing the long bow, in regard to the principles in this continent of Australia and particularly in regard to the mining industry of this State, if he persists in attempting to remove entirely section 291 of the Mining Act.

The Hon. A. F. Griffith: This would not have been necessary were it not for the quarrelling between some shareholders in a particular company.

The Hon. F. J. S. WISE: That is the very point; and how wide may that spread, if the point to be covered is the narrow point of the seven workmen involved.

The Hon. A. F. Griffith: Oh, no!

The Hon. F. J. S. WISE: What does the Minister mean by "Oh, no!?"

The Hon. A. F. Griffith: What I tried to do in this case was to give the people permission simply to oversee the installation of some technical equipment.

The Hon. F. J. S. WISE: Why did not the Minister pursue it in that course and exclude all words after the word "miner" in the second last line of the section which reads, "or in any capacity whatever in or about any mine, claim, or authorised holding."? Then we would know, and only then, that it could not affect miners as such. There is no long bow about that.

If the Minister leaves out those words the position is entirely held in regard to the inability of Asiatics, Indians, or African aliens to work in the mines of Western Australia, whether it be mining for gold or any other mineral. But if we take out this provision I suggest that we are certainly saying to the Commonwealth Government, which controls the Immigration Act, and particularly the implications under section 6 of that Act, that the right to be approached for an easement of the situation, far beyond the capacity of technicians, geologists, or people installing certain items, machinery, buildings, or the like—

The Hon. A. F. Griffith: Has such a position arisen in any of the other States?

The Hon. F. J. S. WISE: That is quite beside the question. I, for one, would not be agreeable to leave this matter so wide open that we see the possibility of an intrusion into copper, iron, asbestos, gold, or tin, and the working of claims by Asiatics. That is where I stand.

The Hon. R. F. Hutchison: It has been fought for over the years.

The Hon. F. J. S. WISE: No matter whether the illustrations I have given might be said by the Minister to be drawing the long bow, it is not possible to contend that, because certain people—whether or not they be Asiatics or Russians—buy so many tens of millions of pounds worth of agricultural products, we should weaken the existing law to leave a possibility of approval being given to permit of such nationals operating within our country under permit. I suggest to the Minister that it is a most dangerous proposition. Never mind the law of other States not being operative and not being specific on this point.

The Hon. A. F. Griffith: Or the law on other matters?

The Hon. F. J. S. WISE: The law of the Commonwealth prevails in regard to migrants who may enter. The law of the Commonwealth prevails in regard to permits for the entry, for instance, of the indentured labour for the pearling industry at Broome—and it was a specialised industry long before Japan was a buyer of pearl shell; long before Japanese operatives were permitted, with Malays and Koepangers, to enter under indenture and under a very heavy bond.

This is an entirely different proposition to that; so I would like the Minister to have a look at the implication in what he proposes, because if you consider, Mr. President, what was said when the legislation was being considered in Committee in 1903 you will find that there is specific mention of the dislike of Asiatics and the reason why this section is in the Act. Mr. Hastie on page 1480, vol. 1 of *Hansard*, 1903, had this to say—

> . . . and that the people of Great Britain were not in favour of the idea of Australia being overrun with Asiatics. The only section at home who would approve of this were those who desired to make money out of the presence of Asiatics in Australia.

I think they are very pungent words. Later in the Committee stage when this particular section was considered it became obvious it was put there by design—it was something to protect the very policy and way of life within Australia.

I suggest that those circumstances remain today; and we should not weaken the situation one scrap by deleting from our mining laws the words which do not permit certain aliens to work in the industry. I would hope that if the amendment is for the purpose of permitting geologists and engineers, who in the case which was contested in the Warden's Court—which found against the Minister, or against the Government in that particular—

The Hon. A. F. Griffith: It did not find against me.

The Hon. F. J. S. WISE: It found against the company, and therefore found against the permission the Minister had given—therefore against the Minister.

The Hon. A. F. Griffith: No. That is not quite right.

The Hon. F. J. S. WISE: That is the situation. It is very close to being right. Let me read from the Minister's speech. The Minister raised the point that these people were engaged on the mines. The work they were engaged in is a bit beside the question—

The Hon. A. F. Griffith: A lot beside the question.

The Hon. F. J. S. WISE: —because the Minister approved of these persons, as technical people, working in the precincts of the mine.

The Hon. A. F. Griffith: Pardon me, I did not.

The Hon. F. J. S. WISE: They did more than that; they worked as operatives.

The Hon. A. F. Griffith: I never approved that they should be there for the purpose of working in the mines.

The Hon. F. J. S. WISE: Now the Minister wishes to approve it.

The Hon. A. F. Griffith: I do not wish to approve it at all.

The Hon. F. J. S. WISE: Then why this clause 5 of the Bill?

The Hon. A. F. Griffith: I merely wish to give these people permission to technically supervise the installation of any equipment.

The Hon. F. J. S. WISE: Then why does not the Minister say so? It would be so easy. If that were the sole intention it would be so easy to do it, without the broad field being open for all the other possibilities.

The Hon. A. F. Griffith: I wrote to the Japanese Ambassador and told him it was distinctly precluded, and that we couldn't permit it. He wrote back and said there was no intention of the men working in any mine, but they wanted them to be there for the purpose I have mentioned.

The Hon. F. J. S. WISE: Does the Minister admit that if this is taken out of the parent Act it will permit any Asiatic to work in any mine?

The Hon. A. F. Griffith: I admit it will produce a state of affairs similar to that in any other industry in the whole of the country.

The Hon. F. J. S. WISE: That is not quite the situation; because industries which have no attachment by virtue of necessary markets; industries which have no direct connection with shareholding or financial interests in the operation would not be affected at all. But implicit in this is the fact that the mine this would affect at the moment is a mine held in freehold in a district in the north-west of this State.

That would be the minimum effect: of throwing wide open to persons who have shares in a copper mine in the north-west, who are not all Australians, the opportunity to employ aliens on which section 291 at present imposes a stricture. So it is not necessary for me to say that while being disposed to support four clauses in this Bill, so long as the fifth one remains I must oppose the measure.

THE HON. H. K. WATSON (Metropolitan) [5.15 p.m.]: I have listened very carefully to the speech that has just been delivered by Mr. Wise, and I feel that the dire consequences which he envisages from the repeal of the section in question will not arise. I would not only say that they will not arise, but would almost go so far as to say that they cannot, on any logical view, arise.

The repeal of the section will simply place the mining industry in the same category as any other industry in this country. The fact remains that there is no provision on the statute book that Asiatics shall not be engaged in, say, the motorcar industry, or the woolgrowing industry, or any other industry that one can name; and I would suggest that the elimination of this clause will not give rise to the employment of Asiatics in the mines any more than the position in other industries will give rise, for example—

The Hon. A. F. Griffith: It is certainly not my intention that it should.

The Hon. H. K. WATSON: —to the employment by General Motors Holdens Ltd. of Asiatics. Indeed, our Factories and Shops Act contemplates that we may employ Asiatics in, say, a furniture factory; and the only requirement under that Act, as far as I can see, is that when furniture, or any similar manufacture, is manufactured solely by European labour then the furniture shall be so stamped—it shall be stamped "European labour only". The Act then goes on to say that where the manufacture or preparation has been effected solely or partly by the labour of any Asiatic employee, such stamp shall also set forth in legible type the words "Asiatic labour".

Although the field is wide open, I am not aware of Asiatic labour having been employed in any industry. Reference was then made by Mr. Wise to the agricultural industry. Take the wool industry. We find that Japan is a very extensive buyer of Australian wool, and the great firm of Mitsubishi has skilled wool buyers and assistants operating throughout the wool markets of Australia in the purchase of wool.

For the life of me, I cannot see that if in connection with any particular mine, or other industry in which the Japanese might be interested, they deem it necessary or desirable, in order to protect their investment, to send skilled men, be they engineers or geologists, to examine or supervise, they should be prohibited from doing that, any more than a Japanese golfer should be prohibited from coming here. Indeed, as I interjected during the course of the Minister's second reading speech, we were very pleased to welcome a Japanese golfer at Lake Karrinyup a week or more ago. I do not think the removal of this section will open the flood gates to Asiatic labour in mines; and, as the Minister said, nothing could be further from his intentions when introducing the Bill.

On the whole it seems to me that the section we are repealing is as dead as the dodo. It is something like the peculiarity we had in the Marine Stores Act the other day. It is something that belongs to the dark ages. Just as this provision was inserted in the Act in 1903, to go back a little further then 1903 we find that men, in order to obtain employment in certain industries, had to declare whether they were bond or free; and I regard this particular provision in the Mining Act as being in the same category. It is something which, while it may have been a necessary precaution in 1903, is, in my opinion, quite unnecessary in 1963.

On the other question dealing with the granting of mineral leases, in lieu of mineral claims, for the area mentioned, I think that is desirable for practical reasons; but I would be obliged if the Minister, when replying, would indicate just what would be the cost of holding, say, a mineral claim of 300 acres as against a mineral lease of 300 acres. It would be of interest to the House to know the relative cost, terms, and obligations of a mineral lease of 300 acres on the one hand, and of a mineral claim of 300 acres on the other.

As the Minister has indicated, this amendment has the virtue of placing prospectors and mining companies in Western Australia on the same plane, so far as income tax is concerned, as their opposite numbers in the Eastern States. It is peculiar that the Income Tax Assessment Act has gone full circle. Twenty years ago it was established as a fact—and I happened to have a hand in establishing it—that a mineral claim was not a mineral lease. In those days, leases, or the profits arising from the sale of leases, were taxable as income. So, in those days, if a person held a lease and made a profit from the sale of the lease, the profit was taxable. But if he sold a mineral claim and made a profit on the sale, it was not taxable.

As I have said, the Act—that is the Income Tax Assessment Act—has gone full circle and today it expressly excludes from tax the profits arising on the sale of mining leases; so we find that if a person has a mining lease and sells it, any profit he makes is not taxable, but if he owns a mineral claim and sells it, the transaction does not come within the exemption.

The amendment in the Bill—by facilitating leases for minerals other than gold—will, taxwise, place prospectors and others in Western Australia in the same position as miners and prospectors in the Eastern States. For those reasons I support the Bill.

Debate adjourned, on motion by The Hon. J. Dolan.

BILLS OF SALE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 29th August, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [5.25 p.m.]: The introduction of this Bill was quite brief, and the measure would appear to be a simple one. However, I have endeavoured to study it and I cannot arrive at the conclusion that the Bill is of much value.

It seems that we have had difficulty with regard to the registration of charges since the introduction of the Companies Act. Whilst the Companies Act in section 100 (3) lists the charges to which that section applies, it was found necessary last year to delete subsection (9) of section 100 and substitute a lengthy series of amendments which more or less gave the right to take from the Bills of Sale Act certain charges and bring them under the control of the Companies Act.

With these definite rights of the Companies Act written into it, it would appear logical that anything which is not a feature of the Companies Act would be a charge under the Bills of Sale Act. But my reading of this Bill leads me to believe that there is an indefinite situation existing whereby, even though some charges may have been included in the Companies Act, they still undergo a right of action under the Bills of Sale Act.

The Bill itself begins by adding a subsection to the Bills of Sale Act which confirms that the items specified in section 100 (3) of the Companies Act have no operative effect whatever with the Bills of Sale Act; but the charges under the Bills of Sale Act which have been taken into the Companies Act as from its proclamation still remain, if the Bill before

us becomes law, as part and parcel of the Bills of Sale Act. Yet it will not be necessary, as I see it, to further register those charges or take any further action in connection with them. So we will have two Acts doing the same thing. The clause to which I am referring reads—

> This Act—

That is, the Bills of Sale Act. It then provides in paragraph (b) as follows:—

> (b) subject to that section, continues to apply to any existing charge or assignment that before the coming into operation of the Companies Act, 1961, was registered under this Act until it is registered under paragraph (b) of subsection (9) of section one hundred of the Companies Act, 1961—

That was the long subsection that I mentioned earlier in my remarks. The proposed amendment continues—

> —and thereupon this Act continues to apply to that charge or assignment except that it is not subject to avoidance under this Act and its registration under this Act is not required to be renewed.

I cannot understand the effect of that phraseology, except that it leads to a point of dilemma; that is, if we create some clearly definite charges that come under the Companies Act—and the Companies Act has the right to take from the Bills of Sale Act certain charges—then instead of divorcing from the Bills of Sale Act those things that come under the Companies Act, as the Minister suggested, we will have a limiting effect on the Bills of Sale Act to those things that still apply under the Bills of Sale Act although registered under the Companies Act.

That is my interpretation of the Bill. If I can be given some examples, and perhaps some further explanation later, as to why the Bill is necessary they may widen my outlook on it, but at this stage I feel I must oppose the measure.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 29th August, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

> That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [5.31 p.m.]: This Bill proposes a short amendment to section 33 of the Legal Practitioners Act. I support it for the same reasons the Minister gave when outlining the measure. To refresh the minds of members on the subject, I would point out that the Legal Practitioners Act provides for the constitution of a Barristers' Board, which shall consist of the Attorney-General, the Solicitor-General, every one of Her Majesty's counsel learned in the law, and five practitioners of at least three years' standing. The board has fairly wide powers, one of which is—

> The Board may from time to time make and prescribe all such rules as to the Board may seem meet,—
>
> (c) for the admission, qualification, and examination of all candidates for admission as practitioners.

The Hon. J. G. Hislop: What constitutes a quorum?

The Hon. E. M. HEENAN: Any four members of the board shall form a quorum. Section 20 of the Act provides—

> No person, however qualified in other respects, shall hereafter be admitted as a practitioner unless and until he has—

fulfilled a number of qualifications as set out in that section. One of them is that he has to satisfy the Barristers' Board and obtain "a certificate that he is, in the opinion of the Board in every respect a person of good fame and character, and fit and proper to be so admitted, and has observed and complied with the provisions of this Act and the rules."

So every young lawyer, no matter how illustrious his academic qualifications may be, in applying for admission to the Supreme Court of Western Australia must satisfy the Barristers' Board that he is a person of good reputation, and so on. The responsibility of the Barristers' Board is to make proper inquiries before granting a certificate to such applicant, and, generally, to safeguard the community as well as it can by ensuring that all applicants are suitable and eligible in every respect quite apart from their academic qualifications.

The rights and duties of the Barristers' Board are set out in section 20, but they relate only to its rights and duties in regard to applicants for admission to the Supreme Court. Later, in section 33, there is a provision that a practitioner who has been struck off the roll or has been suspended from practice shall not be entitled to readmission unless he fulfils certain qualifications. However, there is some doubt whether the rights, duties, and obligations of the Barristers' Board, as set out in section 20, also apply to the provisions contained in section 33. Obviously, they should. It is quite obvious that if a practitioner is struck off the roll, and in subsequent years applies for readmission, the Barristers' Board should investigate his application very carefully.

There is some technical doubt as to whether the board has the right to do so because in section 20 its rights are prescribed only in relation to persons seeking admission and not to persons seeking readmission. As the Minister explained, this short Bill seeks to clarify a doubt that exists; and, obviously, if there is a doubt it should be cleared up. As this is a worthy Bill I propose to support it.

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.37 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 10th September.

Question put and passed.

House adjourned at 5.38 p.m.

Legislative Assembly

Tuesday, the 3rd September, 1963

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

MARINE STORES ACT AMENDMENT BILL

Assent

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

QUESTIONS ON NOTICE

PROBATE OR ADMINISTRATION

Applications from 1951 to 1962

1. Mr. EVANS asked the Minister representing the Minister for Justice:

How many applications for probate or administration were made pursuant to section 55 of the Administration Act, 1903-62, in each of the years 1951 to 1962 inclusive—

(a) direct to the master;

(b) to the district agent?

Mr. COURT replied:

A search of the records of the court discloses that from 1951 to 1962 (inclusive) the number of