the cannery is introducing a new machine for the manufacture of his own cans; and this is virtually another industry coming to this State. Therefore the Government must do all in its power to stimulate the fishing industry.

I asked some questions recently of the Minister for Fisheries, and he has been co-operative. These were in regard to lower catches and whether the reason for this was the changed habits in fish or whether it was caused by trawling. I am of the opinion that the Department of Industrial Development, in association with the Fisheries Department, should carry out research, particularly in regard to industries pertaining to the fishing industry.

I have touched briefly on education and made mention of scholarships in industry. To bring these about, a close liaison between the Department of Industrial Development and the Education Deportment would be necessary. The scholarships would enable the workers in industry to travel and see other industries; and that would be to the advantage of industry itself and of the State as a whole. The people concerned need not have a university education; it is necessary only that they be conscientious and hard-working. As a form of compensation they could visit other industries; and they would learn a greater know-how as a result of the liaison between management and worker. I have covered all the points I wish to make, and I ask the Minister to bear them in mind.

Progress reported, and leave granted to sit again.

BILLS (2)—RETURNED

1, Paper Mill Agreement Bill.

2, Supply Bill (No. 2), £21,500,000.

Bills returned from the Council without amendment.

House adjourned at 11.5 p.m.

Legislative Council

Thursday, the 3rd November, 1960

CONTENTS

The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

GOVERNMENT PROSPECTING SCHEME

Men Engaged, Cost, and Yields

1. The Hon. J. J. GARRIGAN asked the Minister for Mines:

   (1) How many men are prospecting under the Government subsidised scheme?

   (2) What was the cost of this scheme during the last financial year?

   (3) What number of fine ounces of gold was produced last financial year by prospectors working under this scheme?

   The Hon. A. F. GRIFFITH replied:

   (1) 60 men being assisted at present.

   (2) £12,443 13s. 8d.

   (3) 1,381 oz. 11 dwt.

GERALDTON HOUSING

Comparison of Roofing Costs

2. The Hon. A. R. JONES asked the Minister for Mines:

   (1) How many houses were involved in the last tenders called for State Houses to be built at Geraldton?

   (2) How many are to be roofed with—

   (a) cement tiles;

   (b) terra cotta tiles; and

   (c) corrugated asbestos?

(3) What is the average additional cost of the homes roofed with terra cotta tiles as against those roofed with locally-produced cement tiles?

(4) When houses are built for sale, do the purchasers have the right or option of selecting the type of roof before the houses are built?

(5) If the answer to No. (4) is "Yes" what percentage require—
(a) cement tiles;
(b) terra cotta tiles; and
(c) corrugated asbestos?

The Hon. A. F. GRIFFITH replied:

(1) 10 houses.

(2) (a) 7.
(b) Nil.
(c) 3

(3) The additional cost of the commission group houses recently constructed with terra cotta tiles in Geraldton has averaged £32.

(4) Not at present, but a scheme is in the process of introduction.

(5) Answered by No. (4).

GERALDTON HARBOUR

Improvements

3. The Hon. A. R. JONES asked the Minister for Mines:

With reference to my question on Tuesday, the 9th August, 1960, regarding improvements at the port of Geraldton, the reply to which indicated that the proposal to provide increased depth of water in the harbour and in the outer approaches was at that time under review, will the Minister inform the House the result of the review in respect to—
(a) the deepening of the approaches to the harbour; and
(b) when is it anticipated the work will be commenced?

The Hon. A. F. GRIFFITH replied:

The review of the proposals to deepen the approaches to the port of Geraldton indicates that the cost would be substantial. However, it is recognised that some improvement to this harbour will be necessary in order to berth ships of larger draft, and as a result consideration will be given next financial year when draft loan estimates are being prepared.

FISHERIES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.37]: I move—

That the Bill be now read a second time.

Members of this Chamber require no introduction to the important crayfishing industry of this State. The main purpose of this Bill is to protect that industry. The loss to Cuba of the U.S.A. market is proving beneficial to fishermen in Western Australia, numbering nearly one thousand, and their dependants.

It is believed that the great majority of fishermen engaged in the industry are strongly opposed to illegal practices. The regulations controlling the industry are considered to be very stringent, and the Bill now being introduced contains measures directed towards rectifying defects which have become evident.

These measures have become necessary for the most part because of the entry into the industry of a number of irresponsibles who apparently have no proper understanding of the importance of conserving the young fish for later breeding. The removal of eggs from female crays is now commonly practised, with most serious results in the breeding grounds. The amendments proposed will enable inspectors to effectively apprehend the culprits against whom it is at present almost impossible to substantiate charges. Because of the high value of crayfish—nearly £15 per bag—the existing penalties have ceased to be a deterrent.

The main problems of identification of a fisherman as the consignor of illegal crayfish or alternatively the identification of the undersize fish as being those consigned by a particular man, and also the ineffective penalties, will be more easily resolved with the passing of this Bill.

The containers in which fish are packed will in future need to be labelled. It will be an offence to deal in fish in any way unless packed in a properly labelled container. An inspector is to be empowered to seize fish in an unlabelled or incorrectly labelled container. Evidence that a label bearing the name and address of any person is attached to such container holding fish will be *prima facie* evidence that that person consigned or delivered such fish.

It is proposed that the minimum penalties prescribed in the Bill will be irreducible regardless of the provisions of any other Act. The penalties proposed are to be in line with current money values. In addition to a monetary penalty, a court will be required to suspend the offending fisherman's licence for three months in the case of a first offence and for six months for a second or subsequent offence upon the conviction of an offender dealing in female crayfish in spawn or of a man convicted of removing eggs of a female cray.

The Hon. F. J. S. Wise: Is it easy to detect that they have been stripped of eggs?

The Hon. L. A. LOGAN: Yes, it is easy, so I believe. They strip them down with their hands in the same way as one would strip a cow. An appropriate definition of the term "crayfish tail" has been inserted because the expression has no legal standing. It is an offence to deal in crayfish tails shorter than five and three-quarter inches and lighter than five ounces. The method to be used in measuring fish is prescribed in the Bill. An alteration to the schedule covering minimum size of fish of any type requires the publication of the whole schedule in the *Government Gazette*. The amendment contained in the Bill will obviate this necessity as it will be necessary only to publish the amendment.

The amendments are designed to keep the fishery in a productive state in perpetuity, and it is considered that this requirement is a basic one for the protection of the industry which of late is assuming an importance in the State's economy.

I do not think it is necessary to go into the history of the crayfishing industry in Western Australia. Recently, we had delivered in this House a very able speech by Mr. Mattiske who went to a great deal of trouble to exhibit to members a crayfish tail, and a device he had for measuring the fish. Apparently his speech has had some effect, because those interested in the industry have now discovered a suitable measuring device which is easier to handle than the one used previously.

This industry is worth a great deal to Western Australia, and large numbers of people are dependent upon it for their livelihood. It is being carried on not only at Fremantle, but also right along the coast north of Fremantle and beyond Geraldton. It is obvious, therefore, that we must take every precaution to maintain the industry which is bringing so many badly-needed dollars to Western Australia.

I know that people do not care for restrictions, especially when they appear to be unnecessary, but there are one or two individuals who are not playing the game, and because their actions are likely to affect the employment of decent people in the industry we have to adopt drastic measures. The majority do play the game because they realise their future depends on the future of the industry. So it is important that we tighten up the law to ensure that supplies of fish are maintained for the benefit of those who are engaged in the industry, and for the benefit of the State as a whole.

THE HON. N. E. BAXTER (Central) [2.43]: I move—

That the debate be adjourned.

Question put and negatived.

THE HON. R. THOMPSON (West) [2.44]: I do not think any honourable member in the House could disagree with the provisions contained in this Bill. It is most desirable that our fishing grounds should be preserved and that the unscrupulous people who are catching under-sized fish and fish in spawn should have the maximum penalities imposed on them. This industry is assisting Western Australia and Australia generally, and I wholeheartedly support the Bill.

I ask the Minister, however, to make some inquiries regarding the crayfish which are found around Garden Island and which, I believe, belong to a particular species. They are found in the waters adjacent to Garden Island all the year round and they are very small. Those crayfish are not caught by professional fishermen, but are usually caught for bait or for a meal by the people who frequent Garden Island. Therefore, I would like the Minister to investigate whether they are a special type of crayfish, because I would not like to see any restrictions imposed on the people who visit Garden Island, or their pleasure spoilt by not being able to catch these crayfish if, in fact, they will never develop to a marketable size.

In regard to affixing to the crayfish container, a tag on which would be shown the skipper's name, together with his address, it would be most desirable that upon the tag should also be shown the registered number of the boat.

There are one or two parts of the Bill which I do not understand and I would like to have them clarified. One clause provides for a fisherman's license to be suspended for varying periods if he is found guilty of committing some offence. I imagine that the skipper of the boat would be the one who would be prosecuted; but, in the event of his being found guilty of some offence, would there be any restraint upon his becoming a crew member of the crayfishing boat and still working on it? It would be quite easy to get someone to "dummy" for him as skipper, and he could still continue the illegal practice for which he had been convicted.

The majority of those in the industry carry out the law to the letter. Mostly, the people who commit breaches of the Act are crew members who have no interest in the boat and who work on a commission basis. The more crayfish they turn in, the higher are their earnings. At some future time the Minister should look at the form of contract these men enter into when they take charge of a boat. During the last few months several men have come to me with contracts they have been asked to sign prior to taking command of a craft. They would be foolish in the extreme to accept the conditions laid down by the owners of the boats.

Therefore, to bring about stability in the industry and in the returns to crew members, perhaps a uniform agreement should be drafted. It is found that some skippers take control of craft and go to sea, but receive very little return for their

services. We will not completely curb the illegal take of fish while some people are signing contracts or agreements of which they have not a complete knowledge.

It is going to be very difficult for fisheries inspectors to police the catches of all boats. At present the fisheries inspectors do an excellent job under the conditions in which they have to work. Until greater uniformity is brought into the industry in respect of crew members and the owners of boats, I think we will always have illegal catching of small crayfish and fish in spawn. I support the measure, but I would like the Minister to make inquiries on the points I have raised.

THE HON. N. E. BAXTER (Central) [2.50]: I would have liked more time to study the Bill, because I am interested in the crayfishing industry. There is provision in the Bill—the clause which seeks to amend section 6—for regulating the manner in which, and the means whereby, fish shall be delivered, consigned, and transported. I would have preferred the amendment to go further. The biggest obstacle in detecting undersized crayfish is tied up with the transport of the crayfish catch from the fishing grounds.

It is very difficult for the inspectors of the department to keep a tag on all consignments of crayfish which are transported from the fishing grounds. I am sure some members in this House are aware of instances when large quantities of undersized crayfish were transported from the fishing grounds and sold. I know of a personal experience.

A friend of mine was offered a truck-driving position about 18 months ago. The job entailed the driving of a truck from one of the crayfishing districts, during the hours of darkness, into Perth, and returning from Perth before dawn. The wage he was offered was very attractive; it was more than double the basic wage. The job entailed the transport of undersized crayfish to the metropolitan area.

The Hon. R. Thompson: Is he a friend of yours?

The Hon. N. E. BAXTER: He is a friend of mine. This person did not accept the position. The job entailed travelling at high speed over a distance of 300 miles to the metropolitan area in the hours of darkness. Members will have a fair idea of where the crayfish in question were coming from.

I know of another instance concerning a firm in Fremantle. It was warned that a Fisheries Department inspector was calling at the premises of the firm. For the whole day that firm had three freezer trucks containing undersized crayfish running around Fremantle waiting for shipping space. In such circumstances what chance has the department of checking on the practice of dealing in undersized crayfish?

In my view there is only one answer, and the Government should consider this suggestion: legislation should be passed to make it mandatory for crayfish to be processed in shore factories, adjacent to the crayfishing grounds. If we are to preserve the crayfishing industry in this State we must take drastic action.

The crayfishing industry in South Africa faced a similar situation to that which we face in this State at the present time. No drastic steps were taken by the Government of that country to curtail the taking of undersized crays, and crayfish in spawn, with the result that the fishing grounds were ruined. This State will be in the same position if no action is taken to preserve the industry. The only answer that I can see is to establish along the shore processing factories to which the crayfishing boats shall bring their catches, so that all catches can be examined by the inspectors.

At the present, only occasional inspections are carried out. It is very easy to dodge the inspectors. There is one processing factory which does not process any undersized crayfish, because there is an inspector on the premises all the time. That factory is located on the shore adjacent to the fishing grounds, and the boats bring in their catches direct to that factory.

If the taking of undersized crayfish and crayfish in spawn is continued, the future of the industry in this State will be jeopardised. The Government should investigate the position to see whether it is possible under either the State Transport Co-ordination Act or the Fisheries Act to make it compulsory for crayfish to be processed in factories on the coast, adjacent to the fishing grounds.

I do not think the department has sufficient inspectors to be able to police this legislation. It is a well-known fact that crayfishing is carried on close to the shore in prohibited waters. It is impossible for the department to police the prohibited areas. The only answer, in my view, is to have central processing works where an inspector of the department is present all the time.

I support the Bill. I regret that it does not go as far as I would like to see it go, but it is at least of some help to the existing situation in the industry.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [2.57]: Some queries were raised by Mr. Ron Thompson, and one related to crayfish found around Garden Island. I do not know whether there are different species of the red or white crayfish; I shall have enquiries made and pass on the information to the honourable member. Mr. Ron Thompson raised another query regarding the suspension of a crew member who has been

found with under sized crayfish and prosecuted under the Act. Such a person would not be allowed to continue as a member of a crayfishing boat crew. That is part and parcel of the penalty.

A point raised by Mr. Baxter concerned freezer boats. There has been a continual battle, since I have been a member of Parliament, to keep freezer boats out of the industry, so as to make sure that more crayfish are processed on shore-based factories. Up to the present the battle has been won in respect of the Geraldton area. All crayfish obtained from the Abrolhos Islands and along the nearby reefs are processed in the shore factory; and so are the crayfish caught along the shore of the mainland when the Abrolhos season is finished. The department has not been able to apply the same procedure to other crayfishing areas in the State. So, some freezer boats are operating.

There is a great deal of argument as to the best method of processing crayfish. The owners of freezer processing boats contend that they can handle much more crayfish, more expeditiously and without so much loss as the shore-based factories, while the freezer boats are acting as mother ships to the smaller crayfishing craft.

It has to be appreciated that in the first run of the season the number of crayfish which arrive dead is fairly considerable. I am referring to the first run from the Abrolhos to Geraldton. There may be an answer to this circumstance. In my view some crayfishermen try to beat the gun in respect to the opening of the season. Instead of commencing on the opening day of the season—on the 8th March—they operate a week or two beforehand, filling their pots so as to be ready to transport the crayfish when the season opens. Assuming the crayfish have been caught a week or two before the season opens, and have been retained in the pots to keep them alive, when they are transported to the factory the mortality rate is very high.

In the last two seasons a greater degree of inspection has been carried out on the island to ensure that the opening date of the season was observed; and the mortality rate has not been so great. It is not easy to turn round and say that crayfish caught in Jurien Bay have to be processed at Jurien Bay, or that crayfish caught at Lancelin have to be processed at Lancelin, Transportation is not easy. I agree with the honourable member that shore-based factories provide the answer, because they decentralise the industry in that regard. I think we will find that under this present amendment the opportunity of dodging the issue will be much more difficult than it was before. The fact that the name of the consignor must be on every bag or box of crayfish will give inspectors the opportunity of making out a *prima facie* case against an individual.

I was always under the impression that it was the practice to put the name of the consignor on every bag of crayfish. When going through the Geraldton factory I noticed that names were attached to the bags, either written in big letters, or by means of a label; and there could be no doubt as to whom the bags belonged. I have now been informed that because of the lack of identification, prosecutions could not take place. Under this amendment inspectors can confiscate any bag that has no identification, and the owner gets no benefit out of it.

I think we can give this measure a trial and see whether it does not tighten up the industry. If it does not, we will have to take sterner measures as suggested by Mr. Baxter. I suggest that if the honourable member considers it is not operating satisfactorily, he should let me know and we will see whether we can tighten up the provisions. When the Bill reaches the Committee stage I propose to move an amendment to the effect that trains shall be included in the definition of vehicle.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. E. M. Davies) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1—Short title and citation:

The Hon. R. C. MATTISKE: I was sorry that I was temporarily absent from the Chamber during the second reading debate; but I will take the opportunity for commending the Government for its speedy action in connection with an important industry to this State. I say important because any industry which produces 6,500,000 American dollars per annum is an important one indeed; and I think we have great scope for additional markets in Cuba, America, and other parts of the world. For that reason the crayfishing industry could be of great importance to this State.

I also commend the Government for introducing some instrument by which the crayfish can be measured accurately under the difficult conditions in which the fishermen have to work. The prototype which was reported in the Press the other day has been spoken of very highly by the crayfishermen—particularly by those who have actually taken a sample away and tested it. I hope it will be of great help to crayfishermen.

In this measure a heavy penalty is provided for the catching of spawning crayfish. General opinion throughout the industry is that the penalty is not severe enough. It is felt that any crayfisherman who takes a spawning crayfish should immediately lose his license. However, I

think that is a comparatively minor matter which could receive further consideration later on should the present deterrent not prove strong enough.

I would particularly draw attention to a matter to which I referred during the Address-in-Reply. It concerns the necessity for additional research into this industry. I hope that having made such a splendid start the Government will not relax its efforts; that it will pay particular attention to the need for a greater increase in the amount of research; and for that to be done at a very early date. I again commend the Government on the measure and hope it will prove the success we expect.

Clause put and passed.

Clause 2—Section 3 amended:

The Hon. L. A. LOGAN: I move an amendment—

Page 2, line 1—Insert after the word "amended" the paragraph designation "—(a)".

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 2, line 5—Add after the word "carapace" the following new paragraph:—

(b) by adding after the interpretation, "Regulations" the following interpretation—

"Vehicle" includes any vehicle included in that term within the meaning of the Traffic Act, 1919, and includes also any railway locomotive and any railway carriage or wagon.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 to 7 put and passed.

Title put and passed.

Bill reported with amendments.

DAIRY CATTLE INDUSTRY COMPENSATION BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 2 to 9 inclusive made by the Council, and had agreed to No. 1 subject to a further amendment.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN: The Council's amendment No. 1 to which the Assembly has agreed subject to a further amendment is as follows:—

No. 1.

Clause 8, page 3, line 31—Insert after the word "applied" the words "such tests, bacteriological and biochemical investigations or examinations including."

The Assembly's further amendment is as follows:—

Clause 8, page 4, line 1—Insert after the word "test" the words "investigation and or examination as referred to in subsection (2) of this section."

The Hon. L. A. LOGAN: During the course of the Committee stage, when Dr. Hislop was moving his amendments, this matter was inadvertently overlooked. It was noticed after the Bill had passed through the third reading stage, and it was suggested to the Minister that the further amendment be made in the Legislative Assembly. The Assembly has agreed to our amendments subject to this further amendment. I move—

That the further amendment made by the Assembly be agreed to.

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

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

STATE FORESTS

To Revoke Dedication

Message from the Assembly requesting the Council's concurrence in the following resolution now considered:—

That the proposal for the partial revocation of State Forests Nos. 4, 21, 24, 27, 28, 30, 42, 47, 51, 52, 53 and 63 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on Wednesday, the 19th October, 1960, be carried out.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [3.20]: I move—

That the resolution be agreed to.

The documents concerning this partial revocation were laid on the Table of the House on the same day, and they have been there for reference. Perhaps in a brief explanation of the various State forests referred to I should say that area No. 1 is required for recreational purposes; area No. 2 for an adjoining landholder; area No. 3 for the Muja-Centaur Coal Mine railway; No. 4 for an adjoining landholder; No. 5 as an exchange between the department and an adjoining landholder; No. 6 for a road board depot site at Bridgetown; No. 7 for an adjoining landholder. Area No. 8 is poorly timbered country; No. 9 is

required for an adjoining landholder; No. 10 is poorly timbered country cleared in error by an adjoining landholder. I have known that to happen in the case of building blocks. A friend of mine paid to have his site cleared, and when he went out to peg out the site he found that the man had cleared the wrong block, which meant he had to foot two bills.

The Hon. G. E. Jeffery: Like the railway porter who swept the wrong platform.

The Hon. A. F. GRIFFITH: And so we could go on. This one; of course, does not come under the heading of general policy. Nevertheless, mistakes of this nature are made inadvertently in many spheres of life. I am advised it was a genuine mistake, and I have no hesitation in recommending the House to agree to the excision. Area No. 11 is for an adjoining landholder, and No. 12 consists of lightly timbered land which was inadvertently included in a survey of Sussex Location 4110. This again comes about as a result of a genuine oversight.

I desire to state further in support of this motion that applications are made periodically to the Forests Department and to the Minister in charge of that department for areas of forest land required to be used for forest purposes. Such applications are of course given very close consideration, involving as they do a reduction in the acreage of our forest land.

I would like to say at this point of time that the Conservator of Forests and his officers give very close attention to their duties in regard to the release of any dedicated State forests. During the course of discussion on a similar motion in another place, a question was raised as to the nature of these particular blocks. I am advised that the conservator in his report to the Minister referred to some lands as "poorly-timbered lands."

I have no hesitation in recommending to the House that it agree to this motion which, as I indicated, is one which is submitted to Parliament from time to time; and I would emphasise again my assurance that forestry officers take a great pride in their responsibilities as protectors of our dedicated State forests.

Question put and passed, and a message accordingly returned to the Assembly.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. E. M. DAVIES (West) [3.25]: I rise to support the Bill, which merely seeks to amend section 9 of the Act. As we all know, the Lotteries Commission, since its inception, has helped charities in no small degree; and many charitable organisations have received grants which have been well and faithfully applied, and which have been of great benefit to certain sections of the public of this State.

The purpose of the Bill is to enlarge the scope of the commission's avenues of investment; and I do not know that anybody will cavil at that. The Commonwealth at present permits certain instrumentalities of the State to raise funds by way of loan, as distinct from the normal annual loan allocations. The Bill gives authority to the Lotteries Commission to invest certain of its funds in the security of the State. The passing of this Bill will assist the commission in making more direct and better contributions to the development of the State; and I have no doubt about the Minister's statement when he said there was no intention of stepping up investments to the detriment of other fields of charitable endeavour, such as hospitals and similar organisations.

The purpose of the Lotteries Commission, as members know, is to raise funds by conducting a lottery; and these funds have been distributed very fairly, I think, to many charitable organisations throughout Western Australia. As a result of these funds which have been made available, numbers of these organisations have been able to do a great deal to make some unfortunate sections of the community happy.

Accordingly I feel the Bill is a step in the right direction. It will enable the commission to invest some of its funds under State security; and the money that will be invested, will of course, be to the benefit of the State and the people who reside in it. I have pleasure in supporting the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [3.29]: The only comment I would like to make in addition to thanking Mr. Davies for his ready support of the Bill, is to reply to a query which was raised by Mr. Wise by interjection yesterday afternoon, when I referred to the letter written by the Chairman of the Lotteries Commission to the Minister, advising that the commission had a bond available, and that that bond was maturing. Mr. Wise asked me if I knew how much it was. I did not know at the time, but I have since ascertained that it is for the sum of £100,000.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2—Section 9 amended:

The Hon. F. J. S. WISE: Since we rarely get an opportunity in this Chamber to make any comment at all on the operations of the Lotteries Commission, it is opportune to say something about the good work it achieves. There are many people in this Chamber who recall when the parent Act was an annual affair. Mr. Heenan and Dr. Hislop will recall the vigour with which it had to be presented to Parliament, and with which it had to be defended to have it retained on the statute book. Today it has a permanency. Not even the people with the finest sentiments with regard to gambling would, today, decry it as something obnoxious to them, because it serves such a great purpose in the community.

I purposely asked the question by interjection last evening, because I am conscious of the fact that the Lotteries Commission commits itself well ahead to service structures, particularly for the good of the ailing, the aged, and the deserving people of this community. Giving the Lotteries Commission the right to invest money and to hold money invested in proper fashion simply means that money is not lying idle and earning less than it otherwise would. The Lotteries Commission chairman and those associated with him are to be commended for the major monuments they have constructed in many parts of the State, and for their very good service. I hope that with public support they will be able to continue the very good work they undertake.

The Hon. J. G. HISLOP: There are one or two things I would like to know. I understand that a first mortgage approved by the Government can now be regarded as security by various bodies. I am associated with one body that used to invest money at 3¾ per cent., but it is now able, because of a Crown Law decision, to invest sums of money over a period in first mortgages at 7 per cent. provided the investment is approved by the Crown Law and the Treasury. It might even be possible to consider that proposal.

My second query is whether the Lotteries Commission should now attempt to expand outside of this State. I know there are difficulties about interstate lotteries. However, there is no doubt that the Queensland lotteries are taking large sums of money out of this State. The Mater Hospital in Queensland was built exclusively by money obtained from the lotteries, details of which are sent to many citizens in Western Australia, and to which I have been subscribing over the years. There is also the Scarborough lottery which recently offered as a prize a well-designed house in Surfers' Paradise, complete with furniture, motorcar and two well-bred colts. I think the total prize amounted to about £27,000. I have often wondered why, when we had the £15,000 lottery—and now we have the £30,000 lottery—we did not attempt to attract Eastern States money into the pool.

The Hon. A. F. GRIFFITH: In respect of the last question raised by Dr. Hislop, I should think it is primarily a matter of policy. Apparently policy up to date has been to maintain the activities of the commission in this State. As members know, it was policy for a long time to keep the sale of tickets down to 2s. 6d. each. Later the 5s. consultation was introduced. Who knows, there might be an opportunity shortly for someone to win a greater amount of money by investing more.

In regard to the question dealing with the type of security, the provision will be limited to any security, the repayment of which is guaranteed by the Crown in right of the State. I frequently observe the debates that take place in another House in order to ascertain the views expressed. By interjection, it was suggested that the Lotteries Commission might invest with the totalisator agency board. The Minister in charge of the Bill promptly dismissed that possibility. I would say the most likely avenues for investment would be in State securities, such as the State Electricity Commission, or by providing money to build schools, etc. This would benefit the State.

Clause put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

On motion by The Hon. A. F. Griffith (Minister for Mines), Bill read a third time, and passed.

TRAFFIC ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had disagreed to the amendment made by the Council, now considered.

In Committee

The Chairman of Committes (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: The Council's amendment to which the Assembly has disagreed is as follows:—

> Clause 8, page 7—Delete all words after the word "device" in line 16 down to and including the word "generally" in line 20.

The Assembly's reasons for disagreeing are—

> Without these words in the subparagraph there is no power in any Act to make regulations to control advertising in taxi cars in any way. Up

until 1957, control was exercised under sub-regulation 2 of Regulation 303, but in December, 1957 the Full Court of Western Australia ruled that the above sub-regulation was *ultra vires* to the Traffic Act on the grounds it exceeded the power to regulate traffic and it was uncertain in that it did not lay down any criteria for determining when approval may be given.

Sub-regulation 1 of this particular Regulation was not referred to by the Court at the time, but subsequent inquiry revealed it also could be *ultra vires*.

The Taxi Owners Association desires that there should be control over advertising in taxi cars and the power to make regulations for this purpose will be obtained by insertion of these words in the Act. Before regulations are gazetted the Taxi Owners Association will be consulted and the regulations will also be subject to disallowance by either House of the State Parliament.

The Hon. A. F. GRIFFITH: I move—

That the amendment be not insisted on.

I think it will be agreed by all members that the reasons for the Assembly's disagreement to the amendment are expressed very well, to say the least. As indicated in the reasons, the matter hinges on the fact of what was the law and what still is the law. The subregulation which was found to be *ultra vires* by the court is subregulation (2) which reads—

No picture, print, board, placard, or notice shall be carried in any road, street, or public place by any person unless the approval of the form and manner of doing so shall have been first obtained in writing from the Commissioner of Police if within the metropolitan area, or from the traffic inspector if within any other district.

Up until the time it was found that the subregulation was *ultra vires*, the Police Department operated under it and controlled advertising in taxis.

If one refers to section 47 of the Traffic Act one will find that it provides the regulation-making power of the Traffic Act; and it deals, not briefly but to the extent of some 15 pages, with various matters for which regulations can be provided under the Act. I think members have the mistaken idea that the wording in this Bill is the law of the day, but this provision merely gives regulation-making power.

Two things become predominant in this argument, one being, I am told, that since the law was found to be *ultra vires* there has been a tendency on the part of some taxi drivers to take advantage of the fact that there is now no law existing. They have displayed suggestive types of advertisements in the windows of their vehicles; and they are actually engaging, or it is suggested that they are engaging, in the unsavoury pastime, shall I say, of attempting to aid soliciting; and that is an unsavoury practice.

The other matter, and one equally as important, is the fact that the Taxi Owners Association itself, as an association, is aware of this.

Sitting suspended from 3.49 to 4.9 p.m.

The Hon. A. F. GRIFFITH: I was about to say how important it is that the Minister for Police had discussions with the Taxi Owners Association which is quite adamant on the point that it desires the Minister to have the power to make these regulations. I think we ought to have cognisance of that fact.

Why should we; does Mr. Strickland say? Well, because it is a valid explanation of why we should, at least, give consideration to the question.

The Hon. H. C. Strickland: Are you a mind reader?

The Hon. A. F. GRIFFITH: No.

The Hon. H. C Strickland: I did not say a word.

The Hon. A. F. GRIFFITH: Then I beg the honourable member's pardon.

The Hon. G. C. MacKinnon: The Minister is telepathic.

The Hon. A. F. GRIFFITH: If I was reading the honourable member's mind correctly, I could go on; but perhaps I had better stop. We ought to pay regard to the request of the Taxi Owners Association because, after all, the association is representative of the industry; and it is reasonable to expect that its members know what is good for them in their industry. They told the Minister for Police that they desired he should have this power. I know it can be said that regulations may be in operation for some time before this Chamber gets an opportunity to deal with them. But the Chamber not only has the ability to deal with regulations as it used to do, but it can now amend them.

I hope the Council will have another look at this matter and will allow the amendment in the Bill to go into the Act, because the Police Department does not exercise powers of this nature with any less discretion than it exercises its powers under the Police Act or any other Act which confers powers upon it.

The Hon. R. THOMPSON: I sincerely hope that the Council will insist on its amendment. Following the third reading of the Bill, two executive members of the Taxi Owners Association met me outside the House and drew certain conclusions from the legislation. Subsequently the president of the association (Mr. Rohan) telephoned me, and so did Mr. J. W. Watling, the secretary of the association.

I have here a letter dated the 24th October, 1960, from the association. It is addressed to me at Parliament House, Perth, and is as follows:—

> With reference to telephone conersation of 20th October, 1960, the W.A. Taxi Owners Association is most perturbed that the Hon. Minister for Transport has conveyed the impression to the House that we are completely satisfied with his proposals.
>
> If the Minister were referring to our President's letter, which incidentally, was to Mr. Griffiths, Minister for Mines, requesting his assistance, it would be welcomed if Mr. Perkins were asked to read to the House the whole of the letter and not just a small and very misleading section. It will then be quite apparent that, although the Association is satisfied with the Minister's proposals in regard to certain of our requests, it certainly is not happy with his rejection of the major points at issue.
>
> For your information the unsatisfied demands of our Association and the reasons for such demands are detailed below—

The reasons are then set out.

The Hon. A. F. Griffith: May I see the letter?

The Hon. R. THOMPSON: Certainly. When I was speaking to Mr. Rohan and Mr. Watling, I referred to the amendment that was agreed to by the members of this Chamber. They said that they had not paid much attention to that particular clause in the Bill and neither had their association because, to their knowledge, there had never been any prosecutions of taxidrivers for advertising in their cabs. I told them that my object in seeking to have the amendment made to the clause was the same as that which I outlined to the Committee at the time; namely, that it could act to the detriment of benevolent and charitable organisations, particularly those in the country.

Members of various societies and charitable bodies have since told me that they have been extremely thankful that I moved that amendment. When I raised this question with Messrs. Rohan and Watling, I asked them whether the members of their association would co-operate should an appeal be made. They told me that if they were requested to assist in any way by advertising, collecting, or displaying notices in their cabs for a worthy cause they would be only too happy to do so. I told them that the existing position was that they would be required to apply to the Commissioner of Police for a permit to advertise in their cabs. They said that would be too silly for the simple reason that the taxi drivers would not bother to apply to the Commissioner of Police for such a permit.

So far as they are concerned, I can assure the Committee they had no interest in the provision in the initial stages, but now I think the correct thing has been done. Therefore, I sincerely hope that the Committee will insist on its amendment.

The Hon. A. F. GRIFFITH: I am more than a little surprised to think that Mr. Ron Thompson would not expect me to question what he has said, or that he would have the Committee believe that he has told the whole story. It is an amazing thing that the honourable member is able to produce before the Committee a letter from Mr. Watling, the secretary of the W.A. Taxi Owners Association dated the 24th October, 1960, which reads—

> —it certainly is not happy with his rejection of the major points at issue.

He does not mention anywhere in the letter the major points at issue.

The Hon. R. Thompson: I did not say anything about that.

The Hon. A. F. GRIFFITH: I know what the honourable member said. I would remind members that this letter is dated the 24th October—a week ago—and it continues—

> For your information the unsatisfied demands of our Association and the reasons for such demands are detailed below:—
>
> (1) Rise in flagfall rate from 1s. 6d. to 2s.
>
> (2) Amendment to the Traffic Act to provide for 800 to 1 population ratio instead of 600 to 1.
>
> (3) Deletion from the Traffic Act of the clause permitting the issue of one taxi license per month.
>
> (4) Permission to transfer licenses after a determined number of years from the date of last transfer.

That is all. There is no mention whatsoever in the letter of the subject matter under discussion.

Point of Order

The Hon. R. THOMPSON: On a point of order, Mr. Chairman. Never at any time did I say that that was incorporated in the letter. By checking *Hansard* it will be found that in discussion with the chairman and the secretary of the W.A. Taxi-Owners Association, I raised this question with them and they assured me that they were not concerned about it when they first read it in the Bill, but they are concerned about it now and they would be agreeable to assist any charitable appeal that was made.

Debate Resumed

The Hon. A. F. GRIFFITH: I did not assert, and I do not assert now, that there is anything in the letter pertaining to that matter. I compliment the honourable member on the care he took to make certain that it was not mentioned in the letter. There is no doubt that he asked the Taxi Owners Association what it thought about this particular provision, but it did not have to tell him what it thought about it in writing. We are not at cross purposes at all.

The Hon. F. R. H. Lavery: Why are you surrpised, then?

The Hon. A. F. GRIFFITH: This letter makes no reference whatsoever to the argument before the Committee, and we can dismiss it as having no bearing on the matter under discussion. With the honourable member's permission, I have pleasure in handing this letter to Mr. Strickland, the Leader of his party.

Having clarified that situation to the satisfaction of both Mr. Ron Thompson and myself, I will proceed to the next point. Mr. Rohan, the President of the association certainly wrote to me, as the honourable member said when he was speaking. I referred to that in the Committee stage of the Bill, and I said almost the same thing as the honourable member said at the time. In case there is any confusion about the matter, let me read all the letter which is dated the 7th October. This letter is as a result of a telephone call made to me, when I told Mr. Rohan to put in writing the views of his association on the matter, especially on those points on which they were satisfied, and he did. In his letter, he says—

> Dear Mr. Griffith,
>
> Herewith, as requested, are copies of a recent letter forwarded to the Minister for Transport and of his reply thereto.
>
> The Minister has agreed to some of our proposals and we are satisfied with most of the suggestions he has put before Parliament. However, our requests, numbered 1, 2 and 3 in our letter dated 2nd September, 1960, we consider are of major importance to the wellbeing of our industry, and we have been met with a blank refusal on every occasion these issues have been raised.
>
> I have arranged a special meeting of the committee of our association to consider alternative proposals which we will forward to the Minister before Parliament reopens on Tuesday and I will forward a copy to you.

I do not think I had any further communication from that gentleman following the receipt of that letter, in which he does not say that he is dissatisfied with the proposal in the Bill to provide that the Commissioner of Police shall have regulation-making power in accordance with section 47. Neither has that point been mentioned since representatives of the Taxi Owners Association saw the Minister for Police and conferred on the point. The Minister for Police has assured me that the taxi drivers themselves want this regulation-making power inserted in the Bill.

I made a certain statement a little while ago about there being evidence why some people were committing unsavoury acts. All unsavoury acts are committed by a few; not by the majority. In all its forms, the law is provided to protect the majority against the offences of the few. Therefore this clause contains a regulation-making power which was prescribed to protect the majority from the few.

I have merely tried to point out to Mr. Ron Thompson that the letter he produced made no mention of this point. I have no doubt that he had a subsequent telephone conversation with representatives of the association and pursued the matter—

The Hon. R. Thompson: I did not say that.

The Hon. A. F. GRIFFITH: The honourable member said that he telephoned later.

The Hon. R. Thompson: I did not say that I telephoned him.

The Hon. A. F. GRIFFITH: The honourable member had a telephone conversation with him, and in the course of that telephone conversation this man said that he did want the regulation-making power in the Bill.

That is contrary to the views expressed to me by the Minister of Police. I hope, that for the reason I have expressed, the Committee will permit the passing of this provision because it will grant to the Commissioner of Police the regulation-making power which is considered necessary. Also, the persons most affected agree with the provision.

The Hon. H. C. STRICKLAND: I think the point that Mr. Ron Thompson would have liked to make is contained in the opening paragraph of this letter from the W.A. Taxi Owners Association. I would point out that I am partly to blame for Mr. Ron Thompson not having the letter sooner because he gave it to me to read and I placed it in my drawer. The Minister in explaining his motion for the Committee not to insist on its amendment has assured the Committee that the Minister for Transport has assured him that the W.A. Taxi Owners Association had told the Minister for Police something. The opening paragraph of this letter reads as follows:—

> Dear Mr. Thompson,
>
> With reference to telephone conversation—

Here I would interpolate to point out that the conversation was made before this amendment was carried by this Chamber. I will continue to quote—

> —the W.A. Taxi Owners Association is most perturbed that the Hon. the Minister for Transport has conveyed

the impression to the House that we are completely satisfied with his proposals.

That is the point. The Minister in charge of the Bill is assuring the members of this Committee that the Minister for Police has been assured of something by the W.A. Taxi Owners Association. This letter is written by the taxi owners in regard to another matter. It has nothing to do with the matter under discussion.

The point which Mr. Ron Thompson desired to convey was that not much weight could be placed upon the word of the Minister for Transport. The letter I read stated that the Taxi Owners Association was most perturbed that the Minister for Transport had conveyed the impression to the House that the taxi drivers were completely satisfied with his proposal.

I do not place any weight on the complaint of the Minister that some taxi drivers are using the provision for the purpose of displaying suggestive advertisements. If that is the only complaint, it should be specified in the Bill that suggestive advertisements only shall be prohibited.

The Hon. A. F. Griffith: The court found that section of the Act to be *ultra vires*.

The Hon. H. C. STRICKLAND: That is in respect of normal advertising. The Minister now wants to make a law by regulation. It was contended by this Council that many forms of commercial vehicles—tramcars, milk carts, bread vans—carry some form of advertisement. So far as advertising on taxis is concerned, the matter is controlled by the owner himself. If someone hires a taxi for the day for the purpose of selling television sets, he should be permitted to display a poster on the back of the vehicle, just as the vehicles belonging to the firm of W. J. Lucas display posters advertising certain television sets.

The Hon. F. R. H. LAVERY: I have to criticise the Minister for Transport for not agreeing to meet the taxi owners. I asked two of their representatives to come here and I introduced them to Mr. Ron Thompson in the lobby. We told them that the Minister in charge of this House read a portion of a letter which indicated that Mr. Rohan had stated he was satisfied with what the Minister was doing. Only today did the Minister read the whole of that letter.

Those two men raised an immediate objection and said that their committee was not satisfied with what the Minister for Transport was doing. They said that in the two sessions of Parliament during which the Minister for Transport had been in office, he had met only one deputation from them, and interviewed several of their members for a few minutes in this House. When he was questioned on some matters he said he was busy and returned to the Chamber.

No matter what is done for the taxi drivers, a number of them will be dissatisfied. We all know what Mr. Griffith did in regard to the appointment of a Select Committee three years ago. The members of the executive of the Taxi Owners Association who came to see me were pleased when we told them that the House had agreed to the amendment of Mr. Ron Thompson for the deletion of the provision relating to the display of advertisements. They had not taken very much notice of this provision, because they were mainly concerned with the provision relating to the flagfall rate.

The Hon. R. F. HUTCHISON: The more I read this provision, the more suspicious I become of the Government's intention. I have referred to the increase in bureaucracy, when I have spoken in other debates. It seems that every time a Bill is introduced, the freedom of somebody is curtailed. It is ridiculous to try to deprive the right of taxi drivers to display advertisements in their vehicles. I cannot understand the Minister's insistence on the retention of this provision.

I can only assume that this is a political move on the part of the Minister. Should a taxicab be hired during an election campaign in the future, the Government desires to have this provision as a political weapon to prevent the display of posters on taxis. That is not democratic. This provision seeks to prohibit or control the carrying or exhibiting of notices, signs, posters, placards or advertisements in or on taxicars generally.

I suppose the next thing the Minister will suggest is that an inspection be made of the pockets of passengers in taxis to see that they are not carrying advertisements. The Government has gone far enough; it should not proceed with this provision.

The Hon. A. F. GRIFFITH: In reply to Mrs. Hutchison, I point out that the regulations have nothing to do with the provisions in the Bill. The honourable member has just read the wording from subregulation (ii) of regulation 303 under the Traffic Act. The Full Court has found that provision to be *ultra vires*. The Bill simply provides for a regulation-making power to be given to the Government.

Mr. Lavery gave the correct answer when he said that the two representatives from the Taxi Owners Association were not very concerned about this provision relating to advertisements, but that they were mostly concerned about the flagfall rate. The flagfall rate is not the subject of legislation; it is the subject of regulation and can be altered without amendment of the Act.

The suggestion by Mrs. Hutchison that the Bill has been designed by the Liberal Party to curtail the activities of political candidates in election campaigns is utterly ridiculous. When regulations are made

under the Act, they will have to be tabled in this House. They will be available to all members. Should they be objectionable, the honourable member will, no doubt, be the first to take some action.

The Hon. R. F. Hutchison: What can we do about them?

The Hon. A. F. GRIFFITH: The honourable member can move for their disallowance; she can ventilate her objection, as she has done in other instances in the past.

The Hon. F. J. S. Wise: Let us express a vote on it.

The Hon. A. F. GRIFFITH: That is a good idea. I assure Mrs. Hutchison that it is not intended to utilise this provision in the manner suggested by her.

The Hon. R. THOMPSON: I will make one last point The Minister says that the Minister for Transport has been assured by the taxi drivers that they are agreeable to that particular amendment

The Hon. A. F. Griffith: Yes, they are.

The Hon. R. THOMPSON: I give the House my assurance that taxi drivers have conveyed to me that they are quite happy with it in its present form, and that they will co-operate at all times with—

The Hon. A. F. Griffith: What form is it in now?

The Hon. F. J. S. Wise: As the Bill left us.

The Hon. A. F. GRIFFITH: Yes; as it left us.

The Hon. R. THOMPSON: As the Bill left us. They assure me that they will at all times co-operate with any charitable organisation in the city and will help to raise money for anything of an urgent nature, or anything which is desirable for the people of Western Australia as a whole. These are the people who will not write to the Commissioner of Police for permission to carry advertisements. It will be the country people who will suffer.

There is nothing sinister in the Bill, as far as I am concerned. But this is something which has no right to be in the Bill. There have been no prosecutions and taxis are not being used at the present time as a medium for displaying advertisements.

Question put and a division called for.

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

Division taken with the following result:—

Ayes—16.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
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. A. L. Loton	Hon. R. C. Mattiske

(Teller.)

Noes—13.

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

Majority for—3.

The Council's amendment not insisted on.

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

MARRIED PERSONS (SUMMARY RELIEF) BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.52]: I move—

That the Bill be now read a second time.

This is a fairly long introductory speech. This measure does away with one Act and seeks to bring in another to replace it; and it is necessary to give a detailed explanation.

This Bill proposes to repeal the Married Women's Protection Act, 1922-1954. It may therefore be desirable to give a brief summary of the provisions of the Married Women's Protection Act. This Act provides that a woman whose husband during the preceding six months has been guilty of—

(a) cruelty to her or any of her children; or

(b) adultery; or

(c) desertion; or

(d) wilful neglect to provide reasonable maintenance for her or any of her children

may apply for a summary protection order. In the Act "children" means children under 18 years of age.

While all courts of summary jurisdiction had jurisdiction under the Act, it was provided that no order should be made unless a police, resident or special magistrate and one justice of the peace joined in making it. A protection order under the Act could—

(a) relieve the applicant from the obligation to cohabit with the husband;

(b) grant legal custody of her children;

(c) direct the husband to pay weekly or periodical—and having regard to the means of both the husband and the wife—maintenance money for her and such of her children as were placed in her custody.

No order could be made where the adultery had been condoned or connived at or if it was proved the applicant

had committed adultery or was of drunken habits, with a proviso that the husband had not condoned or connived at the adultery or by his cruelty, neglect or misconduct conduced to such adultery or drunken habits. Any order relieving the applicant from cohabitation had the effect of a judicial separation. Wilful neglect to provide maintenance was presumed unless the contrary was proved by the husband where the omission to supply maintenance was established.

There was provision for the wife or husband, upon fresh evidence later, to apply for the order to be varied or discharged, or for maintenance to be increased or diminished. If a woman voluntarily resumed cohabitation or committed adultery, the order was to be discharged.

The Act further provided that the provisions of the Justices Act should, in general, govern proceedings and the enforcement of orders. Directions as to access to children could be included in any order, and if a married woman disobeyed any such direction, maintenance might be varied or suspended. An appeal was available against any order under part VIII of the Justices Act, to which I shall later make reference.

Except for very minor amendments, the Married Women's Protection Act has been unaltered for 38 years, while elsewhere, for example in other States of Australia and in Great Britain, substantial changes have been made in the law.

In preparing the Bill now before the House, very careful consideration over a long period has been given to these legislative changes and to the defects that have become apparent in the operation of the Married Women's Protection Act in this State.

As long ago as 1956, a deputation from women's organisations waited upon the then Minister for Justice seeking alterations to the law, and these representations have been given consideration. One of them was for the establishment of a separate court to deal with matters that are involved in the Bill now before the House; and another was for a restriction on publicity—the argument being advanced with some force that proceedings under the Act, or any Act concerning the same matters, involved considerations of a domestic nature and therefore it was unreasonable that the full blare of publicity of every aspect of the proceedings should be inflicted upon the parties concerned.

As members probably know, steps have been taken to set up a separate court in Perth, premises having been obtained in Cecil Buildings, and Mr. A. L. F. Taylor, S.M., having been appointed as magistrate of the court.

This is an important step in the direction desired; but it is, of course, impracticable to set up separate courts in every centre at the present time, and it is therefore proposed to continue the courts at Fremantle and Midland Junction and to continue to enable proceedings to be brought in country centres. But some special provisions—which I shall deal with later—have been inserted in the Bill to remove matters coming under the Bill from the ordinary courts of petty sessions, except as to some aspects of enforcement of orders.

Detailed consideration was given to the provisions to be included in the Bill by the Law Society and the magistrates, as well as by the Government; and, subsequent to its being drafted, the Attorney-General considered the Bill clause by clause in conference with the Under-Secretary for Law, two of the magistrates, and the draftsman.

After introduction, copies of the printed Bill were sent to all interested bodies, and to all the magistrates, and the Faculty of Law at the University. As a result, further amendments were incorporated in the Bill to bring it to the form in which it is now presented to this House. Despite this consideration of the Bill, it has been found necessary, at this stage, to insert further amendments so that this measure can work in more closely with the Commonwealth Divorce Act which is to be proclaimed early in the New Year.

I will detail the purpose of those amendments to the House. Firstly, it has been pointed out that many divorce proceedings are greatly protracted, and it could well be that a person having the benefit of an order in the Court constituted under this Bill might not be able to have the order varied, owing to divorce proceedings having been commenced and hanging fire.

Members will have seen that clause 15 of the Bill, which provides for the discharge of orders, has in subclause (4) covered this point by allowing applications to be made for a discharge of an order, even though divorce proceedings have been commenced. It is now proposed to insert a similar provision in clause 14 of the Bill.

Secondly, the Commonwealth Divorce Act provides, by section 105, that a maintenance order made in the divorce court may be registered in a court of summary jurisdiction and enforced, as though it were an order for maintenance of a deserted wife made in the lower court. This means that, instead of taking out a writ of *fi fa* in the Supreme Court, a wife may avail herself of the speedier remedy of the court of summary jurisdiction.

Unfortunately, this relief could, as the Bill before the House stands, be stultified. The reason is this: Where an order is made in our inferior courts for the payment of money, the magistrate is required to include in his order an order for imprisonment in default of payment; otherwise enforcement can only be effected by execution proceedings against that person's

goods followed by imprisonment, only if the order is not satisfied by that means. The latter is a lengthy and involved process rarely used in these cases.

Our own State divorce code made provision for imprisonment on failure to make maintenance payments, but the Commonwealth Act does not; so the judges in divorce, on making an order for maintenance under the new Act, will not include in the order an order for imprisonment on default. As a result, the registration of that order in our married persons' relief court would avail the wife nothing, as she would be thrown upon the ordinary process of execution, with resultant loss of maintenance occasioning her to become a burden on the taxpayer. To cure this, it is now proposed to include in the Bill a provision that an order of the divorce court, once registered in the married persons' court will be deemed to provide for imprisonment on default, as though a provision had been made in that regard in the order. This will be done by adding a further subclause to clause 22.

Finally, the amendment just mentioned will necessitate a minor consequential amendment to clause 25, by striking out a reference to a section of the Justices Act which could not apply to divorce court orders.

The Bill now before the House repeals the married women's protection Acts, and is to come into operation by proclamation, with the exception of part V of the Bill. Part V, if it is to come into operation, has to be proclaimed separately; and it may not in any event be proclaimed until after the lapse of 12 months from the coming into operation of the new Commonwealth Matrimonial Causes Act.

As is doubtless well known, this Commonwealth Act will, when it comes into force in a few week's time, supersede our law of divorce comprised in the Matrimonial Causes and Personal Status Code legislation which now governs divorce proceedings in this State.

The Bill provides that orders made under the repealed Act shall continue in operation until varied or discharged under the provisions of the new Act, and the proceedings commenced under the existing Act and not completed shall be continued as though commenced under the new Act, except that the provisions of section 44 of the new Act, i.e. clause 44 of the Bill, shall not apply thereto.

Clause 44 of the Bill provides that where an application is made on an allegation of adultery, the complaint shall name the person, if known, with whom it is alleged the defendant has committed adultery, and notice of the complaint shall be given, as prescribed by the rules, to that person.

It also provides that where an application is made under the provisions of clauses 13 to 16 of the Bill which may affect the custody of or access to or maintenance of a child of the family, notice of the complaint is to be given as prescribed by the rules; and it provides that any person to whom notice of a complaint is given may be heard upon the hearing of the complaint as a party to the proceedings; and the court, for the purpose of satisfying itself whether it should proceed to hear any complaint to which such provisions apply, may sit in chambers.

As indicated, these provisions are excluded from cases where proceedings were commenced under the existing law before the coming into operation of the new Act, and not completed. The Bill also provides that the Child Welfare Act shall not be affected.

Clear definitions have been given of "child," "child of the family," "condonation," "connivance," etc. These, I think, are self-explanatory.

The Bill, as does the existing Act, deals primarily with children under the age of 18 years, but in the definition of "dependant" it will be found that persons under 21, if receiving full-time instruction at an educational establishment, or undergoing training for a trade, profession, or vocation, in such circumstances that they are required to devote the whole of their time to that training for a period of not less than two years, or whose earning capacity is impaired through illness or disability in mind or body, and who is without means or sufficient means, and to that extent depends on some other person for support, may be included in the definition of "dependant." No such definition appears in the existing Act.

There is also a definition of "habitual drunkard" and this includes a person habitually intoxicated by drugs or sedatives. Among other definitions there is one of "welfare officer," which means an officer of the Child Welfare Department engaged in the duties of investigating the welfare of children.

Immediately following the definitions there is a definition of "constructive desertion." This follows the provisions of section 29 of the Matrimonial Causes Act of the Commonwealth, the last paragraph of this interpretation dealing with desertion continuing after insanity or mental infirmity.

The court to be set up is to be called the married persons' relief court, and is to sit at such places as the Governor, by order in Council, may from time to time appoint; and until such places are appointed is to sit at those places where local courts are held.

This provision gives a good coverage over the whole of the State, but it is also provided that the court shall sit in such buildings as the Minister from time to time appoints. Until those places are appointed

the court may sit in any building used as a court, but hearing shall not proceed at any hour when the business of any other court is being prosecuted.

Subject to certain limitations, which I will shortly explain, the court is to consist of a stipendiary magistrate and a justice of the peace. The stipendiary magistrate may, however, sit alone where all parties to the complaint so elect, or where the court is hearing an application which is not an application made under clause 9 of the Bill, or where it is certified to the court, as prescribed by the rules, that no justice of the peace can be found within 10 miles of the place where the court is sitting, who is capable of acting and willing to act.

This last provision is somewhat similar to that in the Justices Act where one J.P. is allowed, in certain circumstances, to sit on matters coming under the jurisdiction of justices. Experience in country areas has shown that it is sometimes difficult to obtain a J.P. who is willing to sit, as there is sometimes reluctance to be involved in the marital difficulties of their friends or neighbours.

The stipendiary magistrate is to sit alone also where one of the parties to a complaint is resident in another State or in a territory of the Commonwealth. This is because of the provisions of paragraph (d) of subsection (2) of section 39 of the Judiciary Act, 1903, of the Commonwealth, which provides that the Federal jurisdiction of a court of summary jurisdiction of a State shall not be judicially exercised except by a stipendiary or police or special magistrate, or some magistrate of the State who is specially authorised by the Governor-General.

I indicated that a stipendiary magistrate could not sit alone on applications made under clause 9 of the Bill. Clause 9 enables a married person to apply for an order where the defendant—

(a) has deserted the plaintiff;

(b) has been guilty of cruelty to the plaintiff or an infant child of the family;

(c) being the husband has wilfully neglected to provide reasonable maintenance for the wife or for any child of the family who is, or would but for that neglect, have been a dependant;

(d) being the wife has wilfully neglected to provide or to make a proper contribution toward reasonable maintenance for the husband, or for any dependant child of the family in a case where, having regard to any resources of the husband and of the wife respectively, which are, or should, properly be deemed available for the purpose, it is reasonable to expect a wife to contribute;

(e) since the marriage, for a period of at least 12 months immediately preceding the application, has been an habitual drunkard or habitually intoxicated by drugs; or

(f) since the marriage has committed adultery, sodomy or bestiality, if the application is made within six months from the date on which that offence, or the facts from which that offence is inferred, has become known to the plaintiff, or within such extended time as the court may allow.

I pointed out previously that, under the existing law, the amount of maintenance that a husband should be required to pay has to be assessed by the court, having regard to the means both of the husband and of the wife.

The proposal in the Bill, however, as will be seen, goes somewhat further, enabling an obligation to be placed upon the wife where, in view of her personal resources, it is reasonable to expect her to contribute. This provision is similar to that which is to be found in the law of the United Kingdom.

The Royal Commission on marriage and divorce which presented its report to Her Majesty the Queen in March, 1956, having sat between 1951 and 1955, said in paragraph 498 of its report—

> As we have shown (see paragraphs 471, 474 and 482) it is not a new idea that a wife should be ordered to make some provision for her husband. We think it, however, a valid criticism of the present law to say that the right of a husband to apply to a court for provision to be made for him by his wife is much too restricted.

In paragraph 499 of the same report it is stated—

> We think it can be left to the court to decide the circumstances in which it would be reasonable to require a wife to make some provision for her husband.

In paragraph 500 it is stated—

> We see no reason for a husband who is unable to support himself having to apply for national assistance if his wife has sufficient means to support him and unjustifiably refuses to do so. We have in mind in particular the husband who is an invalid or is too old to work.

The subclause in the Bill puts no actual obligation on the wife, and only where such circumstances as I have mentioned might arise, and after having regard to the resources of both parties, as the subclause quite definitely states, will the court be liable to make any such order.

It should be noted too that section 84 of the new Matrimonial Causes Act of the Commonwealth makes no distinction between parties as to an order for maintenance, but provides that the court may make such order as it thinks proper, having regard to the means, earning capacity, and conduct of the parties to the marriage.

When the court hears a complaint made under the proposals in clause 9 of the Bill it may order that the complainant be no longer bound to cohabit with the defendant; make an order for weekly or periodical payments by way of maintenance which, having regard to the means of both parties, it considers reasonable; make an order for legal custody of any child of the family with provision for access to such child; and may order weekly or periodical maintenance by the defendant or by the complainant, or by each of them, in respect of the maintenance of any child of the family to any person to whom the legal custody of that child is committed.

This would cover, among other things, a case where a child has been committed to the care of the Child Welfare Department; and provision is made in the Bill for such an order.

No order for separation or maintenance is to be made if the court is satisfied that the complainant has condoned or connived at, or by wilful neglect or conduct conduced or contributed to the commission of the marital offence complained of; or where the complainant is proved to have committed a marital offence, unless the court is satisfied that the defendant has condoned or connived at, or by wilful neglect has conduced or contributed to the commission of the offence; or where there has been unreasonable delay in bringing the application to the extent that the complainant, with full knowledge of the circumstances, has culpably failed or neglected to take any action.

Orders for maintenance are to contain references to the respective amounts payable in respect of the complainant and any child of the family, and the names of the children and the amounts payable are to be specified.

The court is to be at liberty to make an order that the maintenance shall operate from a day not earlier than six months prior to the making of an order, or from the day on which the application was made, whichever day is the later.

There is provision also for the court to require any of the parties to be bound over to keep the peace to any person named in the order for any time not exceeding six months, with imprisonment in default.

The court is to be at liberty to make an interim order for separation, maintenance, or custody in cases where there is a matrimonial proceeding pending before the divorce court in which both parties are concerned, if neither of them has made an application for maintenance pending the trial of that proceeding, and either of them applies to the relief court; or where an application is made to the court and the court adjourns the hearing for more than seven days; or where proceedings are commenced by one of the parties under section 136A of the Justices Act, to which I shall refer later.

Also where an appeal against any order or refusal of an order is made under part VIII of the Justices Act, the Supreme Court, or a judge thereof, may make an interim order.

It is further provided that there shall be no appeal against an interim order if the appeal relates only to the terms of any provision in the order; and there are provisions as to when such an interim order shall cease to have effect.

A later provision in the Bill enables a person who has been ordered to make periodical payments to apply for an interim order suspending the operation of such order for maintenance, and upon fresh evidence being brought forward a court may suspend the operation of any such provision or its enforcement for such period as it thinks fit.

In the next clause there are provisions enabling application to be made for an order varying the provisions of any previous order in the light of fresh evidence being brought to the satisfaction of the court.

The following clauses enable application to be made for an order to discharge any previous order and upon proof either that both parties to the marriage have consented to the discharge, or that the parties to the marriage have voluntarily resumed cohabitation, or that the party on whose complaint the order was made has committed adultery, sodomy, or bestiality, or upon cause being shown upon fresh evidence to the satisfaction of the court that the order ought to be discharged, the court shall discharge the order provided it is satisfied the complainant has not condoned or connived at, or by wilful neglect conduced or contributed to the adultery complained of; and provided further that the court shall not be bound to discharge any provision for custody of or access to or maintenance of a child.

It is provided that applications may be made under these provisions irrespective of the time of the happening of the offence referred to, and notwithstanding that matrimonial proceedings have been commenced by one of the parties in the divorce court.

It is further provided that the residence of the parties in the same household for a continuous period of one month or more, together with an effective maintenance of one party by the other during that period, is *prima facie* evidence of the intention of the parties voluntarily to resume cohabitation.

It should be noted that under clause 18 of the Bill the court is required to give particular consideration to the effect of the proceedings on children, the references to which are clearly set out in the clause and the clause following it.

Clause 21 brings into operation all the original incidents of a judicial separation which followed under ecclesiastical law, but does not go as far as the Commonwealth Act, in that it allows a separated spouse to take a benefit, upon the death of the other intestate. As a divorced or separated spouse is entitled to bring a claim under the Testator's Family Maintenance Act, if the other dies leaving a will, it was felt that no distinction should be made in the case of intestacy. If that distinction were made, an innocent spouse might suffer merely because of being obliged to seek relief under this Bill.

Part IV of this Bill deals with the enforcement of orders and provides that where any order contains provision for maintenance, or for the payment of costs, it shall direct the manner of enforcement of that provision on default of payment as provided by the Justices Act. The Justices Act provides that when an order requires payment of a sum of money, it shall be recoverable by execution against the goods and chattels of the person liable, and that in default of payment or sufficient execution the defaulter shall be imprisoned for one day for each pound of the amount involved, or alternatively the court may order such imprisonment, without ordering execution.

The Bill also provides an alternative method of enforcing payment under the provisions of part VIII of the Local Court Act. Part VIII of that Act provides—among other means of enforcement—for imprisonment up to six weeks in default of compliance with an order for payment made by the court, but such order may not be made unless the court is satisfied that the defaulter either has, or has had since the date of the order, the means to pay and has neglected or refused to pay, and may direct payment by instalments. This is the procedure familiarly known as proceeding on a judgment summons in the Local Court.

The Bill also provides that where a person is imprisoned by the operation of Section 155 of the Justices Act, then the operation of any maintenance provision contained in the order, by virtue of which he is imprisoned is, except for any period of imprisonment on remand, suspended during the continuance of that imprisonment. The imprisonment does not operate as a satisfaction or extinguishment of the amount owing; and the imprisonment cannot exceed three months; and a person cannot be imprisoned twice under the Justices Act for the same default. It is further provided that any default of payment occurring after the termination of imprisonment is a fresh default.

Under the present law the maximum sentence for a maintenance offence is six months but the person concerned could be rearrested on another warrant soon after his release and again put into prison to serve time for arrears which had accumulated during the sentence served. Thus it was possible for a defaulter to be almost continually kept in prison without any opportunity of earning the funds whereby he might meet the maintenance claim.

Such a system did not take into consideration the *bona fide* inability of the defaulter to pay, and this Bill seeks to meet that position while dealing fairly with both parties. Therefore, while the defaulter is imprisoned as provided in the clause to which I have made reference, the operation of the maintenance provisions of the order are suspended during the imprisonment and provision is made in a subsequent clause that any person taken into custody in execution of a warrant of arrest for imprisonment may apply to the court, or to a court of petty sessions, for an order suspending the operation of the warrant, and such an application may be made after imprisonment has commenced.

The court thus approached may remand the person from time to time and from place to place, order the warrant to be put into operation unless satisfied that the default is not wilful, or suspend the operation of the warrant so as to enable payment to be made under conditions directed by the court. If the court making such an order is not the court which originally made the maintenance order, the first named court is to communicate the circumstances to the court that originally made the order.

These provisions will not relieve the defaulter of the liability to pay maintenance, yet they place him in the position of being given an opportunity to pay. On the other hand, if his default is shown to be wilful, the imprisonment will take effect. These provisions are more in accord with provisions that exist in other Australian States, and elsewhere, in such matters today.

I have already said that part V. of the Bill is to be separately proclaimed, and not to be proclaimed in any event until 12 months after the Matrimonial Causes Act of the Commonwealth has come into operation. The Matrimonial Causes Act of the Commonwealth makes provision for recovery of maintenance by attachment of earnings, commonly known as garnishee proceedings. The third schedule to the Matrimonial Causes Act of the Commonwealth makes very lengthy provisions for a system of attachment of earnings to satisfy orders for maintenance where it appears the failure to pay was due to wilful refusal, or culpable neglect.

An attachment order under the Commonwealth Act will only apply to that portion of the earnings of the defaulter

above what are called the protected earnings, which is defined as the rate which, having regard to the resources and needs of the defendant, and of any person for whom he must provide, the court considers is the minimum sum which he should retain. The attachment order can apply to all amounts over that sum.

Part V. of this Bill makes somewhat similar provision, though with distinct differences. Earnings do not include pensions payable under any Act of the Commonwealth or in respect of injury, disablement, or disability, and amounts due for income tax are deducted before arriving at the net earnings. The major difference, however, between the Commonwealth Act and the proposals in this Bill is to be found in clause 28 where in paragraph (b) it is provided that the defaulter must consent, whereupon the court could make an order for attachment of earnings.

The court is empowered to determine the minimum amount which should be retained by the defaulter; to designate the officer of the court to whom the payments are to be made; and is enabled to make such an order on the application of a person entitled to receive, or of a person required to make, periodical payments. The Bill further provides that where an attachment of earnings has been made no warrant shall, while the order is in effect, issue for the enforcement of any provision of any final order of the court. The court has power to vary such orders and to discharge them on cause being shown.

The attachment order is to be notified to the person responsible for making the payments to the defaulter and that person is required to comply with the order to make the payments to the appointed officer of the court, to provide a statement to the defaulter, and failure to comply with these requirements makes him liable to a penalty. The Bill provides that payments made to the officer of the court are a valid discharge for the amount paid as against the defaulter, and clause 32 of the Bill makes it an offence for anyone to dismiss an employee or injure him in his employment, or alter his position to his prejudice, by reason of the fact that an attachment of earnings order has been made.

In proceedings for an offence arising out of this provision, if all the facts and circumstances constituting the offence—other than the reason for the action of the person charged with having committed the offence—are proved, the burden lies upon that person to prove that he was not actuated in the dismissal or alteration of the position by the fact that he was called upon to comply with the attachment order. There is a provision that the court, if convicting the offender, in such circumstances may order the employee to be reimbursed any wages lost by him and may also order that he be reinstated in a similar position. It is not desired to bring this section of the Act into operation until experience has been gained of the operation of the third schedule of the Commonwealth Act, notwithstanding the fact that the consent of the defaulter is required by the provisions of the Bill.

Part VI of the Bill deals with appeals and provides that an appeal may be brought under part VIII of the Justices Act, 1902. Part VIII of the Justices Act in section 183 provides for appeals where imprisonment without the option of a fine has been ordered and the defendant did not plead guilty. This appeal is to a judge in Perth or on circuit. The defendant must give security—not less than £25; and the decision of the court is final as between the parties.

There is also under the same part of the Justices Act, another appeal, known as an appeal by way of order to review, available where the appellant has no right of appeal under section 183, and on which appeal, if a *prima facie* error or mistake in law or fact, or absence of jurisdiction in the inferior court can be shown, or where any penalty imposed is alleged to be inadequate or excessive, a judge may review the decision. Here again security must be given.

If members desire further particulars of this line of appeal they will find them in sections 197 to 207 of the Justices Act. The Bill provides that a matter of fact shall be taken to be proved if it is established to the reasonable satisfaction of the court; and clause 36 indicates the type of evidence which would come under the heading of fresh evidence as referred to earlier in the Bill and in my remarks on the Bill.

It is provided that all parties, and wives and husbands of all parties, are both competent and compellable witnesses in proceedings under the Act, but neither a wife nor a husband may be compelled to disclose communications made between themselves during the marriage unless both of them are parties to the proceedings; and neither party may be compelled to give evidence which would show or tend to show, that a child born to the wife during the marriage was illegitimate.

There are other provisions relating to evidence under the Act which are to be found in clauses 38 to 41. The court may, on any conditions it thinks reasonable, and for sufficient reason, direct that any particular fact or facts may be proved by affidavit, and such affidavit may be read at the hearing. A witness may be examined before a court sitting at some other place or by an examiner appointed by the court, except where it appears to the court that the witness should be present for cross-examination and can be produced, in which case an order shall not be made authorising evidence by affidavit.

The Bill concludes with certain machinery provisions dealing with service of summons or notices, and enabling service by post in certain circumstances. It provides that while in general proceedings should be held in open court, if the court is of the opinion that the proceedings or any part of them should not be heard in open court, it may order that any persons not being party to the proceedings, or their counsel or solicitors, may be excluded.

There are provisions limiting the right to print or publish an account of evidence or proceedings under the Act, other than the names, addresses, and occupations of the parties, and witnesses, counsel, and solicitors; a concise statement of the nature, and grounds of the proceedings, and of the charges and defences in support of which evidence has been given; submissions on any point of law; and the final decision of the court and the terms of the order made.

The court may, if it thinks fit in any particular proceedings, order that any of these matters, or some of them, shall not be printed or published. There are penalties for breaches of these provisions, with a proviso that proceedings shall not be commenced except with the written consent of the Attorney-General. There is a general provision that except where otherwise provided by the Bill the procedure provided by the Justices Act for summary proceedings before justices shall apply to proceedings under the Act, except as to the time within which a complaint must be made. There then follow provisions dealing with contempt of court, and the appointment of a clerk of the court; also a clause enabling the Governor to make, alter and revoke rules of court prescribing practice and procedure, forms, fees, duties of officers, etc.

I have given a full coverage of the requirements in the Bill, and if members have not been able to ascertain all that it entails, I would point out that there are a few spare copies of my speech around the House, and it would be better if members read the speech for themselves, because then they would have a clearer understanding of what is intended.

On motion by The Hon. R. F. Hutchison, debate adjourned.

FREMANTLE MUNICIPAL TRANSPORT BOARD (POSTPONEMENT OF 1960 ELECTIONS) BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.30]: I move—

That the Bill be now read a second time.

This is a short and simple Bill which I commend to members of this Chamber. The municipalities of the City of Fremantle and East Fremantle have for many years been joined in what was originally an electricity undertaking, and latterly, since the State Electricity Commission took over the electricity supply, with the conducting of a transport board to serve the districts of the two municipalities. The transport authority has, however, now been taken over by the Metropolitan (Perth) Passenger Transport Trust and therefore the business formerly conducted by the Fremantle Municipal Transport Board no longer exists.

Under the provisions of the constituting Act, an election for four members of the board must be held each two years; and, in accordance with the Act, an election must be held in November of this year. In view of the fact that the undertaking no longer exists and it is only the winding up of the affairs of the board which is engaging the attention of that body at the present time; and also in view of the fact that new legislation will be necessary next year to deal with the assets and liabilities of the board, it has been requested that the expense and trouble of an election for this year should be obviated by the introduction of amending legislation to postpone the elections for twelve months. The board itself and the two constituent councils agree that this postponement is necessary and desirable.

Accordingly, the Bill I introduce has the effect of postponing from 1960 to 1961 the election of members of the board which would otherwise be necessary; and it also extends the term of office of each of those members for a further twelve months. There should be no contention on this measure; and it is of an urgent nature because normally nominations for the vacancies would close on the 12th November, and the election would be held on the 26th November. I therefore request members to deal with this Bill as expeditiously as possible.

THE HON. E. M. DAVIES (West) [5.32]: My entry into this debate makes me feel like parting with old friends. I think most members will know that the Fremantle Municipal Transport Board was originally known as the Fremantle Municipal Tramways and Electric Lighting Board, and that it was brought into being in 1903. It has played an important part in the development of Fremantle and its contiguous districts. It has also, down the years, played its part in providing transport for the people of those districts.

Some few years ago the Government acquired the electricity side of the undertaking, and it was vested in the State Electricity Commission. At that time the board became known as the Fremantle Municipal Transport Board. I think this board was one of the first to do away with trams and utilise buses. Quite recently the board has been acquired by the Metropolitan (Perth) Passenger Transport Trust; and the board is now endeavouring to finalise the matter with representatives of

the trust. However, arrangements in connection with personnel have taken longer than was anticipated, and the time is now almost reached when, according to the Act, it is necessary to hold elections.

As far as operations are concerned, the Fremantle Municipal Transport Board has gone out of existence because of the takeover by the Metropolitan (Perth) Passenger Transport Trust. According to the Act there should be an election every two years, when members of the board go to the ratepayers for re-election. Of course, it is competent for new nominees to contest the election.

The composition of the board is two representatives from each local authority—namely, the City of Fremantle and the Municipality of East Fremantle. Those municipalities each return two representatives, one representing the owners and the other representing the occupiers. This gives them four members on the board. As the City of Fremantle owns six-sevenths of the undertaking and the East Fremantle Municipal Council owns one-seventh, the Fremantle City Council has an extra member who is the Mayor of Fremantle. He is *ex officio* a member of the board.

Under the Act, the next election should be held on the 26th of this month, and nominations would close on the 12th. However, there is no necessity for this election; and that is why this Bill seeks to change the date of the election from November, 1960, to November, 1961. A conference has been held between members of the Fremantle Municipal Transport Board, two representatives of the Fremantle City Council—I had the honour of being one—and two representatives of the East Fremantle Municipal Council; and there was unanimous agreement that a request be made to the Minister to bring down a Bill to postpone the elections for 12 months. In the meantime, the board will continue to function because it is necessary to wind up the affairs of the Fremantle Municipal Transport Board and to distribute the assets. The board members will continue in office during the interim, and its members will be entitled to receive the remuneration which is allowed them under the Act.

I would like to take this opportunity on behalf of those municipalities to thank the Minister for the expeditious manner in which he has brought down this Bill. I feel sure members will recognise its importance. It is no use holding an election, because the board will go out of existence during the course of the next 12 months. So those who have carried on the transport of Fremantle will be those who will do the winding up of the affairs and the distributing of the assets between the two local authorities in accordance with the shares they hold; namely, six-sevenths to the City of Fremantle, and one-seventh to the East Fremantle Municipality.

It is no fault of the Minister that this Bill is late in reaching the House. This has been caused through the deliberations between the Fremantle Municipal Transport Board and the Metropolitan (Perth) Passenger Transport Trust taking longer than was anticipated.

In conclusion, I would like to say that this Bill has the unanimous support of the representatives of the Fremantle City Council, the East Fremantle Municipal Council, and the Fremantle Municipal Transport Board. I have pleasure in supporting the second reading of the Bill.

THE HON. F. R. H. LAVERY (West) [5.39]: I rise not only to support the Bill, but to take this opportunity on behalf of the citizens of Fremantle and of East Fremantle to thank those members of the board, past and present, for the services they have rendered. The board was first known as the Fremantle Municipal Tramways and Electric Lighting Board, and later it became known as the Fremantle Municipal Transport Board. I think it should be readily recognised that the remuneration these board members received for attending meetings was only a small amount when compared with the way they administered the organisation over a long period of years.

I do not think it would be right for me to let this opportunity pass without placing on record the grateful thanks of the citizens of Fremantle, East Fremantle, and North Fremantle to the members, past and present, of this board.

Question put and passed.

Bill read a second time.

In Committee

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

Third Reading

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill read a third time, and transmitted to the Assembly.

OPTOMETRISTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [5.43]: Most of the discussion during the second reading concerned items which can be dealt with in the Committee stage. In respect to the point raised by Dr. Hislop regarding an ancillary medical council, I am afraid it would take some considerable time to prepare all the necessary data to bring such a scheme into effect. I think the honourable member himself will agree

that after a long discussion in England such a scheme failed to eventuate. Therefore, a lot of research would be necessary before we could put the scheme into effect in this State.

Some members seem rather confused about the issues in the Bill, but they are fairly simple. It has been found that under the Act, because of the use of the word "and" between the two definitions of optometry, it is not possible to prosecute unqualified persons who are practising either one of those professions. Therefore the law cannot be enforced in connection with those who are not optometrists practising optometry.

The second provision is to alter the set-up of the board in order to add an extra member. Thirdly, provision is made for extra payment by the members; and, fourthly, there is provision that a person under special circumstances is to be registered under the Act.

Those are the four main points. It has been said that the Act should have been subjected to a thorough overhaul, but I am not competent to say whether that should have been done. Anything further I have to say can be left until the Committee stage which I do not intend to proceed with until tomorrow.

Question put and passed.

Bill read a second time.

VETERINARY SURGEONS BILL

Second Reading

Debate resumed from the 2nd November.

The HON. J. G. HISLOP (Metropolitan) [5.47]: Most of the provisions in this Bill are designed to bring the profession up to modern standards, and are of a mechanical nature. The usual provisions that are included when any such board as this is founded, are included here in relation to the appointment of the board and the election of officers.

There is one aspect which I desire the Minister to consider. The board is to consist of four persons appointed in accordance with clause 5 (1) (a), (b), and (c); and the Minister has the right to appoint one person whom he nominates. From a public point of view all these boards are very much better off if they have an independent chairman.

The Hon. F. R. H. Lavery: Hear, hear!

The Hon. J. G. HISLOP: I suggest that the person nominated by the Minister should be neither a veterinary surgeon nor a member of the Australian Veterinary Association. The chairman should be a citizen of repute who is willing to give up his time to help the veterinary surgeons raise the standard of their profession.

I have suggested that an independent chairman should be appointed to all boards, and I will continue to do so whenever the opportunity presents itself, because I believe that while these boards have a very important duty to perform with regard to their own professions, they have an equally important part to play in their public relations. Therefore I suggest that the person to be nominated by the Minister should be the chairman and that he should not be acquainted with the profession of veterinary science. If this is agreed to, an alteration of the Bill will be necessary, because the chairman will not have to be appointed by the board.

It is intended to establish a register of veterinary surgeons which is, of course, necessary. Also, there is a provision which will permit those who have been practising under the existing Act to continue to do so, which is in keeping with the custom adopted in this Chamber whereby no new legislation deprives an individual of his livelihood. Under the provisions of the 1911 Act, those who had been practising the science for five years before that date were able to continue such practice. It is only reasonable to assume that there would not be very many of those people practising today, nor would there be many remaining of those who had undergone three years' training in a veterinary hospital in Western Australia. However, it is only just that those who do remain should be entitled to continue to practise, because after this length of time they will be very experienced people.

The Bill is rather depressing because it states that the board is to accept those who have obtained degrees from colleges in other States. This provision is included because, as yet, Western Australia has no school of veterinary science. One wonders whether in such a large State as Western Australia there is not the necessity for some steps to be taken to form a faculty of veterinary science. At the moment the board has to accept those who have a diploma, degree, or license from the University of Sydney, Melbourne, or Queensland, and those who have passed a course of study in an approved college or institution in any country outside the Commonwealth. But we should have a course here.

The Hon. A. R. Jones: We will never get our young people to go in for veterinary science unless we do.

The Hon. J. G. HISLOP: I suggest that the board should not be too rigid in deciding from which colleges and universities it will accept graduates, because this State certainly needs a greater number of veterinary surgeons. I think the board itself will have enough wisdom to know that is necessary, and will not be so strict as to limit in any way the number coming to this State.

I cannot understand how under clause 41 the board can be expected to make regulations for prescribing the course of

training and examination to be passed by persons desiring to be registered as veterinary surgeons, if there is no university course or college of veterinary science. It sounds as if there is a hope that in future some college will be established.

With the reservation that I would appreciate an outside chairman—a man of business, law, and culture—I entirely approve of the measure.

THE HON. G. E. JEFFERY (Suburban) [5.57]: I rise to support this measure. As has been said, it is intended to replace the Act of 1911, which has not been amended since 1923; and, as 37 years have passed, it can be assumed that many features it contains are now obsolete. This Bill clearly defines the obligations and duties of those engaged in the practice of veterinary science, and I hope that it will, as it is hoped, encourage qualified veterinary surgeons to practise in this State.

The agricultural representatives here have a close knowledge and appreciation of the lack of skilled staff which exists at the moment in Western Australia; and having read the Bill, and compared it with legislation in other States, I feel it is fair to say that it will introduce favourable conditions for those who engage in veterinary science. Having studied the Victorian Act, I cannot help but agree that the Minister and the department should be very grateful to the Australian Veterinary Association, W.A. Division, for the assistance and research it afforded in the preparation of this legislation. I think it is refreshing these days to learn that people will do as much as this association has done to serve the State. In fairness I must congratulate the association on its thoroughness, and the balanced outlook which it has presented to the Government.

It is important that the activities of unskilled people should be limited in any profession. At the same time I must admit that I have found from personal experience that in some country centres these so-called unskilled veterinary officers have rendered excellent service. They might not have the book knowledge, but in practice they are equally as skilled as the professional men, and perhaps more so. On the other hand, on the law of averages, we can assume that there would be some very poor officers amongst these unskilled practitioners.

Despite all that may be said about the necessity for professional men, the State owes a debt of gratitude to the permit-holders. This Bill will result in their ultimate disappearance because although those who are already practising will be permitted to continue to do so, no further permits will be granted. It is unusual that only Western Australia has permit-holders, because in the light of our experience I think the other States could have followed our example.

The provision regarding veterinary practitioners is rather amusing, because it states that those who are practising under the 1911 Act will be allowed to continue practising. I venture to suggest that as that Act allowed those who had been engaged in the profession for five years before it was passed to continue to so practise, there would be very few of them at the moment engaged in veterinary science. There is only one whom I can think of who could come under that category; but, although, he is still alive, I do not know that he can be classified as being engaged in the profession at the moment.

The provision for an annual registration fee of £7 7s. is a good one. This will ensure that there will be some check kept on those who are practising, because people are not likely to pay £7 7s. if they are not going to be actively engaged in the profession. I can just imagine the condition of the present register. It must be in a shocking condition because I daresay that many of those registered will either have passed on or have moved to another State. At the moment a fee is paid when a veterinary officer initially registers, but under this Bill, he will, every year, have to pay a fee of £7 7s. It is fair to assume that he will, therefore, not register unless he is going to practise.

If the board operates as it is intended from income derived from within its own ranks, then it will require the annual subscription of £7 7s. from every veterinary surgeon in order to meet its reasonable expenses; and, as the Minister claimed, it will be able to maintain the high standards of veterinary science. There is only a small number of people being trained in this science; and the State has expanding commitments. Everyone realises that there is no glamour associated with veterinary science. I do not know why that is so, because to my mind veterinary surgeons are just as inmportant as are the members of other professions; and, with the importance of agriculture in this State, and the expanding programme of development here, it is more necessary than ever that we have skilled men to perform the functions of this profession.

I think the Bill is a good one, and that it will replace something that is obsolete and of no great value to the State. No doubt if we went through the statutes we would find many Acts that should receive the same treatment. I think the association did an excellent job in the way it rendered assistance to the Government; and I hope that when legislation dealing with other fields is being considered, the Government will receive the same standard of assistance as the present Government has received on this occasion. I have much pleasure in supporting the second reading.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [6.1]: I am replying to the debate on behalf of my colleague, the Minister for Local Government. I thank Mr. Jeffery for the remarks he made in his general acceptance and support of the Bill.

The points raised by Dr. Hislop will be given consideration; and if I ask that the Committee stage of the Bill be made an order of the day for the next sitting of the House, that will afford an opportunity to have Dr. Hislop's suggestions considered; and when the Bill goes into Committee we can deal with them.

Question put and passed.

Bill read a second time.

BRANDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th October.

THE HON. S. T. J. THOMPSON (South) [6.2]: When the measure was introduced by Mr. Jones, I did not see a great deal of merit in it; and to be quite frank I do not now see much merit in quite a few of its clauses. But I have had a request put to me that we should give more consideration to the question of earmarking or branding calves. This suggestion was made by one of the farmers' organisations in my province. That organisation raised the argument that at present calves may be up to 12 months old without having any identifying mark on them. There is a move afoot in our area to make it compulsory for all stock—that is, calves or cattle—sold at Midland Junction to be earmarked or branded.

The Hon. F. D. Willmott: You are wasting your time branding them.

The Hon. S. T. J. THOMPSON: I do not quite know the position, but I suggest to Mr. Jones that he withdraw the measure at this stage and give the interested organisations in the country time to discuss the matter; and, perhaps, we could deal with it during the next session of Parliament.

THE HON. G. C. MacKINNON (South-West) [6.5]: A very similar Bill was brought down in 1956, and on looking through the debate on that measure I came across these remarks which I shall quote from page 2293 of *Hansard* for that year. The Bill was outlined in the first paragraph of these remarks, and the speaker said—

> Actually the amendments in this Bill have been introduced to change the age at which cattle shall be branded from 12 months, as it is at present, to six months.

He then went on to say—

> I cannot for the life of me understand why it is proposed to amend this Act and inflict upon the owners of cattle the further work and responsibility required in branding cattle prior to the age of six months. In my opinion it is completely unnecessary; and anyone who has had anything to do with cattle raising knows that to brand at that age interferes with the growth of the animal, the hide of the animal, and also the meat. If a person is breeding baby beef, he knows that it is wrong to brand the animal at such a tender age, because it takes a week or a fortnight for it to recover. It also causes a big setback in its growth and well-being; and this amendment to the Act would be a definite disadvantage to baby beef producers.
>
> If a person breeds an animal with the intention of selling it for stud purposes, it is branded after 12 months.
>
> If a person breeds with the object of selling store cattle they, too, are branded after 12 months. I have no objection to that. But to ask the owner or breeder of baby beef cattle to brand them prior to the age of six months is quite wrong. Baby beef are sold at about seven, eight or nine months of age; and branding them before they were six months old would be detrimental to them. I hope members will not consider this proposal.

The speaker concluded with these words—

> It is wrong to have to brand young cattle at six months, because it does have a detrimental effect on them and retards their growth. As I said, it takes a week or 10 days, or maybe a fortnight, for them to recover, and that means a loss of between 10 and 20 lb. in weight. I oppose the whole Bill, and I shall vote against the second reading and trust that members will support me.

When I started to write a few remarks against the measure, I made some research and I found these comments that were made in 1956 by The Hon. A. R. Jones; and they are absolutely appropriate to the present measure. I am sure that in view of these remarks and because of the endorsement of them by members from cattle growing areas, this measure will be opposed by a majority, as I hope it will be.

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

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

First Reading

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

House adjourned at 6.9 p.m.