

It is interesting to examine the qualifications of the New Zealand appointee. He is one Lt.-Col. Sir Guy Powles, K.B.E., C.M.G., E.D., and the following are the facts which I have been able to glean concerning him:—

1. At the time of his appointment he was 57 years of age.
2. He graduated in Law at the Victoria University in Wellington.
3. He practised in Wellington as a barrister and solicitor between 1927 and 1940.
4. He served in the New Zealand forces in World War II and commanded an artillery regiment in the Pacific theatre and, in fact, served in the division commanded by the present Chief Justice of New Zealand.
5. At the conclusion of the war he served as a member of the allied mission to Japan and was the New Zealand representative on the Far Eastern Command.
6. Between 1946 and 1948 he was a counsellor at the New Zealand Embassy in Washington.
7. In 1949 and until 1960 he was New Zealand High Commissioner in Western Samoa.
8. In 1960 and 1961 he was New Zealand High Commissioner in India and on the 1st July, 1961, he transferred to Ceylon as New Zealand High Commissioner in that country.
9. He returned to New Zealand in 1962 to take up his present appointment.

He was, in fact, a lawyer who had been out of practice for a considerable time, had held many high offices under the Crown, and had served his country with great distinction. At the time of his appointment he could be said to be extremely mature with a very wide experience in a very wide variety of fields. There is no indication that he was particularly interested in politics in a parliamentary sense, and he had been away from his country for a total period of more than 20 years, and therefore could be said to be divorced from any question of partisan politics. He appears to be a very extraordinary individual, and very exceptional, which Mr. Burt has suggested is needed. Where do we find a similar person?

I would conclude by saying that this subject is a very interesting and absorbing one, and one deserving of very careful thought and examination, but one on which we should reach no hasty conclusion. I must therefore say, even with some reluctance, that I must oppose the motion in its present form, and at the present time. This does not say that on

some future occasion, after further examination and research, I would not necessarily come to the conclusion that either an ombudsman is needed here, or some form of tribunal to examine undoubted grievances.

I do commend the Deputy Leader of the Opposition for bringing this matter before Parliament, and I do hope that consideration of this subject will not end with the closing of this debate.

Debate adjourned, on motion by Mr. W. A. Manning.

*House adjourned at 11.9 p.m.*

## Legislative Council

Thursday, the 10th October, 1963

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

### QUESTIONS ON NOTICE SALMON GUMS RESEARCH STATION

#### *Electric Generating Plant*

1. The Hon. R. H. C. STUBBS asked the Minister for Mines:
  - (1) Is the Salmon Gums Research Station equipped with an electric generating power plant?
  - (2) If so, is there sufficient power available to meet the needs of employees at the station?

The Hon. A. F. GRIFFITH replied:

- (1) No.
- (2) Answered by No. (1).

### DRILLING FOR GOLD

#### *Installation of Drills in Eastern Goldfields and Murchison*

2. The Hon. D. P. DELLAR asked the Minister for Mines:

Further to the question asked by me on the 27th August, 1963, regarding drills utilised by the Mines Department—

- (1) Will the Minister give consideration, during this financial year, to the permanent installation of a drill in each of the following areas—
  - (a) Eastern Goldfields; and
  - (b) Murchison for the purpose of drilling for gold?
- (2) If the answer to No. (1) is "Yes", when will such installation take place?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) Mines Department diamond drills as such are not permanently installed in any particular part of the country. Drills are made available as and when considered necessary and desirable for drilling purposes in various places where field work to establish drill sites has first been carried out.

The Mines Department has a drilling establishment with headquarters in Perth with workshop stores and technical staff. It would be far too expensive to provide permanent drills for particular areas of the State, but the honourable member may rest assured that any application made to the department for assistance for drilling will receive every consideration possible.

### WHEAT AT ESPERANCE

#### *Cost of Failure to Load on "Cassian Mariner"*

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:

In view of the decision, early this year, of the master of the *Cassian Mariner* not to load wheat at Esperance, after all labour and plant had been mustered—

- (a) what costs were incurred; and
- (b) who finally met those costs?

The Hon. A. F. GRIFFITH replied:

- (a) Total cost incurred—£478 18s. 5d.

- (b) Co-operative Bulk Handling—£462 8s. 5d.  
Adelaide Steam Ship Co.—£16 10s.

### NIAGARA DAM

#### *Development as Tourist Attraction*

4. The Hon. D. P. DELLAR asked the Minister for Mines:
  - (1) Is the Minister aware that between 20 and 30 vehicles per week are visiting Niagara Dam, which is of great historical interest owing to its unique construction and because it is where the railway line reaches its highest point above sea level in Western Australia?
  - (2) If so, will the Minister give consideration to the development of this centre as a tourist attraction?
  - (3) If the answer to No. (2) is "Yes," when will such development commence?

The Hon. A. F. GRIFFITH replied:

- (1) I have no information to this effect.
- (2) All local authorities throughout the State have been invited to submit applications to the Tourist Development Authority for financial assistance to develop projects of a tourist nature. Consideration will be given by the authority to an application submitted by the shire council in whose district Niagara Dam is situated. The application will be considered on its merit and if the project, the subject of the application, is of tourist value, a subsidy on the basis of £2 for £1 may be granted to the local authority making the application.
- (3) Answered by No. (2).

### NAVAL BASE SCHOOL

#### *Location*

5. The Hon. R. THOMPSON (for The Hon. F. R. H. Lavery) asked the Minister for Mines:

Further to the question asked by me on the 6th August, 1963, regarding the removal and resiting of the Naval Base School, due to the then proposed route of the standard gauge railway through the area, and as it is believed that the planned railway has now been re-routed through a location some distance north of the Naval Base School, will the Minister advise—

- (1) Will it now be necessary to remove the Naval Base School?

(2) If the answer to No. (1) is "Yes," will the Minister advise—

- (a) Were further investigations by the Education Department made re the McLaren Street area?
- (b) If the answer to (a) is "Yes," what were the results of such investigations?
- (c) What will be the eventual location of the Naval Base School?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) Yes.

- (b) and (c). The McLaren Street site was found to be suitable and action is being taken to acquire it.

## TOWN PLANNING AND DEVELOPMENT ACT

### *Disallowance of Regulations Nos. 4 to 25: Motion*

Order of the Day read for the resumption of the debate, from the 27th August, on the following motion by The Hon. R. Thompson:—

That regulations Nos. 4 to 25 inclusive made under the Town Planning and Development Act 1928-1962 as published in the *Government Gazette* of Tuesday, the 6th August, 1963 and laid upon the Table of the House on the 13th August, 1963, be, and are, hereby, disallowed.

**THE HON. R. THOMPSON** (West) [12.39 p.m.]: I ask leave to withdraw this motion.

Motion, by leave, withdrawn.

## OFFENDERS PROBATION AND PAROLE BILL

### *Third Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [2.40 p.m.]: I move—

That the Bill be now read a third time.

**THE HON. J. G. HISLOP** (Metropolitan) [2.41 p.m.]: I apologise for not saying a few words on the earlier stage of this Bill, but crave the indulgence of the House, because I have now received the information I was seeking. I would not for one moment say anything that would hinder or alter the Bill before the House. All I am attempting to do is to help the Minister in what I consider to be a courageous move, and one that will result in a great deal of good as it has such a humane outlook.

What I wish to refer to is the question of the medical approach to the treatment of those men who will later be the subject of parole. In the past on a number of occasions we have had a practitioner attending the prisoners in gaol, but under the circumstances in the future I think something more may be necessary, and I think there will have to be a prison medical service which will adopt a much wider field of psychological and psychiatric therapy in respect of the inmates of the gaols so that those who are paroled will be likely to meet with success.

I have wondered how this matter could be dealt with, and I have therefore taken pains to obtain the report of the committee on psychological medicine of the Royal College of Physicians of London. In relation to prison medicine, there are several points which reinforce what I have been stating for some considerable time—that there must be a closer liaison between the mental side of medicine and the general side; and this brings up the question that we will need more psychiatrists and certainly more psychologists and clinical psychologists to ensure that the whole plan of the Minister will succeed.

We recently had a reply that it was possible for those who wanted to do psychiatry in this State to eventually take their Diplomas of Medicine; and I think they will have to be highly skilled men, and certainly men holding that higher degree, who will be required to give service to the gaols under the proposed conditions of this Bill. It is interesting to realise that this committee points out the criteria for recognition of a psychiatric hospital, as follows:—

- (a) A formal liaison with a general hospital.
- (b) An out-patients' department.
- (c) Consultants on its staff in other branches of medicine.
- (d) Regular clinical case conferences held not less than once a week.
- (e) Access to a clinical psychology department.
- (f) A medical library.
- (g) At least two psychiatric consultants.

The committee also recommended that the existing regulations should be altered and that evidence should be required of two years' experience in a recognised psychiatric hospital, centre, or department, when a person is seeking a degree.

I would suggest to the Minister that close collaboration between the Health Department and the Prisons Department could bring this about. It has been tried in Great Britain for some time. Psychologists were appointed to the gaol or prison service, but considerable difficulties proved to exist because there was no sign of progress for the psychiatrists who took on

this work. It was found there could be very little in the way of promotion, whereas that was possible if their work was part of the general service. Therefore, in this State I would like to see a close link between the Mental Health Services and the gaol service so that expert advice can be given by people who have had a high training in psychology and psychiatry. I make this plea for close collaboration in order that the success for which the Minister hopes may be achieved and brought to fruition.

In conclusion I simply make the statement that I believe this measure will call for a considerable increase in the psychiatric field in relation to the treatment of men in the gaols. It will, therefore, call for a complete service provided within the State to allow for the training of psychologists to the highest degree. It will also necessitate the alliance of the psychiatric hospital with a general hospital as laid down by the Royal College of Physicians.

In general, the conditions laid down by the Royal College of Physicians of London are the terms which are accepted everywhere in relation to degrees and diplomas; and if the criteria I mentioned are required in regard to psychiatry as evidence on the part of those doing their psychology diploma, then we will have to fall into line.

Therefore, I make this final plea: If this new procedure is to be a success, there will have to be a very close liaison between the psychiatric department and the gaol in providing a medical service. I wish the measure well.

**THE HON. R. F. HUTCHISON** (Suburban) [2.47 p.m.]: I rise to again stress the point I made when speaking on the second reading in regard to the personnel who will comprise the parole board to be set up under this measure. I wish to say again that I would like to see an alteration made to give women more opportunity to show their prowess in this field of endeavour. I think a board of men and women would serve a better purpose than a board of all men or a board of all women.

A board of this kind affects men and women equally. If a man is to be paroled and he is married, any decision of the board will affect his wife and family. Similarly, if he is not married it will affect his mother and father. The same thing applies with women.

The Minister has not said that the personnel will be all women for women and all men for men; it will be men and women who will inquire into a woman's probation but only men who will inquire into a man's probation. That is the objection I have. It would be far better if we had a mixed board of equal numbers, because women have a definite contribution to make in this field of endeavour.

They have an intuition that is a feminine attribute; and if men and women are complementary to each other in society why not in a matter such as this?

My objection is that this board is being set up so that men will hear the cases concerning men, and men and women will hear the cases concerning women. I think the personnel should be evened out and all cases heard on the same basis. I would like the Minister to have another look at this to see whether something can be done. It will not be the last time that I will be heard on the matter if it is carried in the form in which it is now. I think it is a very insular attitude at best. There is too much of this attitude in our Australian society in connection with matters of law and leadership.

I agree with Dr. Hislop about improved psychiatric treatment measures. Perhaps that could be tied up with my suggestion that a chair of criminology would find a very good place in our University and would put us far ahead of the other States. We have a smaller population and this fact would help us to do this. I think it would be a very good thing. I support the Bill.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Justice) [2.52 p.m.]: I propose to reply briefly to the remarks made by Dr. Hislop and Mrs. Hutchison. I regard the views of Dr. Hislop as important; and, in respect of them, I will consult with my colleague, the Chief Secretary, who controls prisons.

I am sure that Dr. Hislop appreciates the position, as it exists at the present time, that the Minister who happens to be Minister for Justice or Attorney-General is obliged to take upon himself the responsibility for recommending to His Excellency the Governor that the Royal prerogative of mercy be granted, or for recommending the remission of a prisoner's sentence.

It is gratifying to say that I do not think that any Minister in the history of our State has taken an undue chance in respect of the release of a prisoner, bearing in mind that he always takes a chance when a prisoner is released. The chance that the community takes when a prisoner is released, in some cases after he has completed the full period of his sentence, is the same as when a portion of a prisoner's sentence is remitted for good behaviour on compassionate grounds, or for some other reason. Nevertheless it can be expected that when the board commences operations there will be more prisoners released on parole under conditions which the board will have to determine at the time.

It will take a while before the board is able to get under way. Not only is there the necessity of choosing a chairman and other members of the board, but even

before that stage it will be necessary to determine the staff that will be needed. Whilst the board itself is very important, as I pointed out when concluding my remarks to the second reading stage, the staff that will be required by the board is equally important to the successful operation of the scheme.

I can understand Mrs. Hutchison's desire to see women represented wherever possible. I have gone a good deal along the way towards giving women representation on the board. It is true that there will be no women on the board when it deals with male offenders.

The Hon. R. F. Hutchison: That is the weakness of it!

The Hon. A. F. GRIFFITH: That is the honourable member's opinion, and that is all I need say. I was going to say, before I was interrupted, that we have tried to learn from the experience of other States, particularly Victoria.

The Hon. R. F. Hutchison: Why do you always have to copy?

The Hon. A. F. GRIFFITH: Why do you always have to interrupt when I am trying to explain something? As I have said before, I was privileged by Mr. Justice Barry to attend a sitting of the Victorian board and listen to the proceedings. The proceedings of that board have been quite well founded. The board consists entirely of males when dealing with male prisoners, but there are women representatives on the board when it deals with female prisoners.

I would say to the honourable member: Give this a try to see how it will work. I would also ask her not to deprecate this move in any way, but to help it. Believe me, if anything goes wrong with this board I will be the person who will have to take the kicks; and I know where the political kicks are likely to come from!

This measure is being launched with the sincere intention of doing something which will be of service to the community—not to prisoners, as such; not to those people who break the law, but so that those persons who break the law can be returned to the fold of the community in a better state than when they were sent to gaol.

I am grateful for the support which Parliament has given to this Bill, and I sincerely hope the measure will be a success. If there are some failures, then I hope that the small number which might occur will not outweigh the value which I feel sure the board will have to the community once it is allowed to get under way.

**Question put and passed.**

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

### BILLS (3): THIRD READING

1. Sale of Human Blood Bill.  
Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with amendments.
2. Criminal Code Amendment Bill.  
Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and passed.
3. Prisons Act Amendment Bill.  
Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

### METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

*Report*

Report of Committee adopted.

### CONSTITUTION ACT AMEND- MENT BILL

*Second Reading*

Debate resumed, from the 24th September, on the following motion moved by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

**THE HON. F. J. S. WISE** (North—Leader of the Opposition) [3 p.m.]: Both this Bill and the one succeeding it on the notice paper have been introduced, in the words of the Minister, for the specific purpose of consolidating the very important laws dealing with the Constitution Act, and the Constitution Acts Amendment Act. The object is, primarily, to have in reprinted form these very important Acts which, because of so many amendments, are at present in piecemeal form and are nowhere consolidated.

From time to time, for the purpose of parliamentary reference, there have been what are termed unofficial reprints of portions of these Acts, and these are to be found in our Standing Orders. However, these unofficial consolidations and reprints would be challengeable as being the law if any point were taken under them. It is doubtful whether they would stand the legal test in a court of law. They would be challengeable because they are not reprints made under the Amendments Incorporation Act which permits of reprints of legislation of various kinds.

The Amendments Incorporation Act is quite explicit on the subject of the re-printing of our laws, because section 3 reads as follows:—

- (1) Where any Act has been amended, before or after the commencement of this Act, by—
  - (a) The repeal or omission of any words; or

- (b) The substitution of any words in lieu of any words repealed or omitted; or
- (c) The insertion or addition of any words; or
- (d) An alteration of or addition to the text of the Act that has been made under the authority of any Act by proclamation, order, regulation, rule or other instrument, whether that instrument makes a direct amendment to the Act, or whether upon the making of that instrument the Act is deemed or taken to be amended or is to have effect as if amended or any addition to, deletion from, or variation of, the Act is deemed or taken to be made;

the Minister for Justice or the Attorney-General may cause the Act to be reprinted by the Government Printer so that the reprint incorporates every such amendment.

My interpretation of our inability to invoke the aid of the Amendments Incorporation Act in this connection, is the plain fact that all such amendments passed prior to the 1938 Act, and since, are not being incorporated in the reprints and that, as the Minister explained, in addition to some minor variations dealing with electoral districts boundaries, which are redundant and out-dated, there are no alterations of any importance within the reprints as submitted to us for approval.

I think it must be conceded that the point taken in regard to the Amendments Incorporation Act permitting of reprints is a valid one, and the reprinting of the Constitution Act and Constitution Acts Amendment Act cannot be authorised under that law. So we have presented to us a Bill seeking to bring together numerous amendments of both Acts into one consolidation but, for reasons given by the Minister, to be reprinted again in two Acts so that varying principles can be incorporated in their appropriate places.

The Hon. A. F. Griffith: Including the homeless sections.

The Hon. F. J. S. WISE: Subsequently, since these Bills do not permit amendments, I notice that if there is to be an amendment to the Constitution Act, or the Constitution Acts Amendment Act, it must be done by a special Bill after consolidation has been effected. My main concern in applauding the opportunity to have made available a consolidation of Acts of this kind, which are fundamental to our constitutional set-up—not only parliamentary, but also legally, and in other ways—is that it is essential, before these Bills pass, that we have clearly set out before us the actual variations intended.

I support the principle behind the Bill which the Minister emphasised more than once. It is simply to fill a long-felt want in a clear and understandable way, by reprinting and consolidating the two Acts. The Minister emphasised that those are the only reasons, and they are certainly valid reasons. If the Acts were reprinted in one form from the many scraps and pieces, and included the homeless sections as well—as the Minister has suggested—it would be a great advantage as being something valid over the consolidation to which reference has been made.

However, I would like the Minister to arrange, because of the work involved in searching for them—not because a person has what some people are pleased to describe as the lay mind—to set out clearly the actual variations intended. I have never been able to distinguish between a legal mind and a lay mind. I often think that we are intended to believe that a lay mind is a peculiar and unusual one. However, I know of many legal minds that I would not care to use if I were defending myself in some dire circumstance.

The Hon. A. F. Griffith: It might be better to ask the legal men what the difference is.

The Hon. F. J. S. WISE: I feel sure they would not be able to give a correct interpretation. A great deal of research is necessary for either a layman or a legal man to piece together and produce this consolidation as presented to us. On the cursory examination I have been able to make of it, I think it has been splendidly done. My point is, however, that it would be effective, it would be clear, and it would be comforting to have a certificate or statement from one of the Minister's senior officers showing what is omitted. We know that the old redundant electoral districts have been omitted, but there may be something else. That certificate could be presented to Parliament and it could explain the omissions and any alterations that occur in the reprints.

I think there is very little that one can cavil at; in fact, there is certainly nothing that one can cavil at in attempting to achieve the consolidation of these two laws into one volume. Nevertheless, if we have clearly set out, in elementary form a statement or certificate showing what is omitted and explaining that the Bill purports to be a reprint of both Acts up to date, it will be of great benefit. I support the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [3.10 p.m.]: At this point of time, I think the best method to adopt in dealing with this piece of legislation is to defer the Committee stage to enable me to have an opportunity to confer with the Chief Parliamentary Draftsman, whose section is responsible

for the preparation of this legislation. In doing so, I shall ascertain in what form we can produce a certificate which will be of a satisfactory nature. Frankly, I cannot say at this stage which sections in the Act have been left out.

The Hon. F. J. S. Wise: We know of a couple.

The Hon. A. F. GRIFFITH: We do. We also realise that sections which have been left out will be redundant. For instance, a redistribution of seats Bill would make the previous legislation redundant. Legislation to increase the number of seats in Parliament, which has been introduced from time to time, would make the previous sections in the Act dealing with that aspect redundant.

I would like to leave the matter at this point and have the Committee stage of the Bill held over until I have had an opportunity of conferring with the Chief Parliamentary Draftsman to see how the proposal made by the honourable member can be put into effect. I am grateful to Mr. Wise for the support he has given to the measure; it is support I could have expected in the circumstances. I repeat: This Bill has been introduced to give members of Parliament and other interested parties an opportunity to peruse the Act in a consolidated form, and so has the one which follows it on the notice paper.

Question put and passed.

Bill read a second time.

## CONSTITUTION ACTS AMENDMENT AND REVISION BILL

### *Second Reading*

Order of the day read for the resumption of the debate, from the 24th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*House adjourned at 3.13 p.m.*

# Legislative Assembly

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The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.