Legislative Council

Thursday, the 24th October, 1968

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

MINES REGULATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.

QUESTIONS (5): ON NOTICE

1. *This question was postponed.*

LAND AT BOYA

Acquisition for Freeway

2. The Hon. C. R. ABBEY asked the Minister for Mines:

Has the Main Roads Department, or any other authority, acquired or resumed land in the Boya area for the purpose of a freeway system which will include the disused Darlington railway line?

The Hon. A. F. GRIFFITH replied:

Yes. In January last the Metropolitan Region Planning Authority, on behalf of the Main Roads Department, acquired a small piece of land near Boya fronting Scott Street. This property was on the line of a possible future route on which preliminary investigations have been carried out to locate an alternative route to Great Eastern Highway. Although any firm decision regarding this route is still many years away, it was considered desirable to acquire the land as a safeguard for the possible route should a decision be made to establish a highway in this vicinity.

ROAD

Broome to Fitzroy Crossing

3. The Hon. F. J. S. WISE asked the Minister for Mines:

(1) Will the Minister advise whether the proposals of a few years ago for the construction of a through road south of the Fitzroy River, from Broome to Fitzroy Crossing, are still under consideration?

(2) If the proposed road is to proceed by upgrading existing links, or by new construction in the near future, what funds are to be allocated for this work during this and the next financial year?

The Hon. A. F. GRIFFITH replied:

(1) No. To provide better access for those pastoral stations south of the Fitzroy River, a section of new road was constructed and the existing tracks upgraded.

In recent years the Main Roads Department has provided funds for improvements to these access roads. In future programmes consideration will be given to the allocation of further funds to enable these roads to be kept in reasonable condition.

(2) Answered by (1).

4. and 5. *These questions were postponed.*

MEDICAL TERMINATION OF PREGNANCY BILL

Recommittal

Bill recommitted, on motion by The Hon. R. Thompson, for the further consideration of clause 4.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. G. Hislop in charge of the Bill.

Clause 4: Medical termination of pregnancy—

The Hon. R. THOMPSON: I move an amendment—

Page 3—Delete subclause (3).

I move this amendment to enable further discussion to take place on clause 4. Members will recall that last night the Minister for Mines said he would like to make further inquiries on this matter, and I would like to hear his comments.

The Hon. A. F. GRIFFITH: Mr. Ron Thompson has moved for the deletion of this subclause purely to provide an opportunity for further discussion. Last night I felt the thing to do was to go ahead with the Committee stage and then recommit the Bill to enable those of us who wished to do so to make inquiries concerning the import of this subclause. I became rather confused when listening to the debate last night, but I think the explanations given by Mr. Medcalf helped us considerably. I have had a further look at the proposal this morning.

I remind members that we are in fact amending and clarifying the present law regarding abortion, which is contained in section 259 of the Criminal Code as follows:—

> A person is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

If subclause (3) is deleted, the only cover the two medical practitioners who are charged with the responsibility of making a decision in regard to abortion would have, would be clause 4(1)(a). It was said last night that this subclause is unnecessary, and that the two doctors would in any case fulfil the intention of the subclause. Psychiatrists have been mentioned, but we must not consider them only; we must also consider the G.Ps.

The real effect of deleting subclause (3) would simply be that, in the event of two doctors making a decision to perform an abortion, their defence would be lessened in the event of a charge being laid. We must bear in mind that the Criminal Code contains the words, "all the circumstances of the case"; and subclause (3) says that a pregnant woman's actual or reasonably foreseeable environment may be taken into account. I feel, therefore, that we should leave this subclause in the Bill.

I do not know whether I can give an example of a reasonably foreseeable environment. As Dr. Hislop mentioned last night, we could perhaps visualise the position of a woman who had a number of children and whose husband had been killed recently and whose mental state was in such a condition that she could not support the children. Under the circumstances she would probably come within the terms of subclause (1) of clause 4, without the need for subclause (3) to be applied. I could give more hypothetical examples, but they would probably tend to sound exaggerated. However, there are all sorts of circumstances under which it could be very desirable, in the interests of the preservation of the health of a woman, to have her pregnancy terminated. I think we should wait and see how this clause works in practice.

In addition to obeying the law, I think members of the medical profession certainly have an obligation to themselves and to their profession to act in a proper manner, and to this extent we should give the legislation a trial. I know that arguments can be put forward against this contention, and yesterday evening it was stated in the Chamber that the operation of subclause (3) could be very loose. Perhaps it could operate in a loose manner, but I think members of the medical profession will accept the obligation that will be placed upon them. If they do not there will be a distinct obligation on the Medical Board to take action against such people. Therefore, I believe we should leave the subclause in the Bill.

The Hon. J. DOLAN: Can the Minister express an opinion on the words "foreseeable environment" in an attempt to ascertain whether it is desirable that they should remain in the subclause? There are so many things which various individuals may consider to be reasonably foreseeable in regard to environment.

The Hon. A. F. GRIFFITH: I am hesitant to express an opinion for fear the wrong impression of my view might be accepted. Let me quote a completely hypothetical case. A woman may attend a party and become hopelessly drunk. She may be lying down in a room whereupon a man enters the room and has sexual intercourse with her, about which the husband finds out later. At the time the woman was incapable of doing anything about what occurred and therefore could not repel the man. Would it be fair to the husband and to the woman that she should continue to bear the child with which she was pregnant after the man had had intercourse with her? In her case I think her "reasonably foreseeable environment" might well be that it would be considered reasonable to remove the foetus. I can think of other circumstances, but I cite that case merely as an example.

The Hon. R. F. CLAUGHTON: I wish to quote a case from a book, published in 1946 and titled *Women and Children First*, by Victor H. Wallace. This case depicts the circumstances in which the words "reasonably foreseeable environment" could apply. On page 56 of this book the following appears:—

> On account of my bad health we do not want another baby at present . . . . We are sharing a house with relatives and we have only one room to ourselves. We can't get a house for love nor money, though my husband has spent a lot of time hunting for one. We can't even get a house at the back of a shop. Even if I were quite well we wouldn't want another baby until we are in a home of our own where we can have peace and privacy. It is 100 per cent. better being on your own.

Under the conditions outlined that is the position in which a woman may find herself and in the reasonably foreseeable future it may be there is a prospect of this family obtaining a home. In such a case the doctor, before the birth of the child, would have to take that factor into consideration. With the prospect of a birth he would have to advise the woman it would be better for her to continue with her pregnancy.

If, on the other hand, there was no prospect of the family obtaining better housing conditions, and having regard to the current bad health of the mother, and possibly the ill-effects on the rest of the family if another child was born, he may advise the mother it would be better in view of the "reasonably foreseeable environment," to terminate the pregnancy. That is the sort of situation in which these words would have to be considered.

There is one other matter I wish to discuss. During the previous debate some members seemed to be under the impression I was advocating abortion on demand.

Apparently they misunderstood me, because I did not say that. In fact, I supported recommendations from several sources for the initiation of a counselling service to advise prospective mothers on ways and means to get around their current difficulties. I consider this is something we have to keep in mind. I am sure that, in a number of cases, the doctor himself does this.

If, as was reported in the Press, a doctor had 50 requests for abortion a week, obviously, all these requests would not be met. The doctor would advise a woman that, in view of the circumstances, abortion was not the correct procedure to follow. In certain instances, it is very obvious that a woman, being given the chance to discuss her problem with a doctor, would finally decide that abortion was not the answer. There are dangers to be faced in abortion. Apart from the physical dangers there are also psychological dangers to be faced if an abortion takes place.

The Hon. W. F. WILLESEE: Mr. Chairman, I was wondering whether you may consider the tender age of those present in the gallery by discontinuing the debate at this stage for a short period. The word "abortion" has been clearly used by those members who have been speaking, and I think the debate could be delayed for a short time, or perhaps you could ask members, if the debate does continue, to be careful with the words they use.

The CHAIRMAN: Thank you, Mr. Willesee, for drawing my attention to this situation. In view of the circumstances, I ask members to be careful with the language they use should they decide to speak to the Bill.

The Hon. G. E. D. BRAND: Perhaps I could add a little to this debate because before I entered Parliament I was a furniture removalist.

The Hon. R. Thompson: What did you leave it for?

The Hon. G. E. D. BRAND: I wanted to be with the honourable member. In the furniture removal business quite often one comes into contact with people who have a very bleak forseeable environment. One can just imagine those couples who have fights and strife in their family life, with the wife finally deciding to leave her husband, or *vice versa*. When this occurs there comes a time when all their goods and chattels must be moved to some place of safety, or to where one of the parties intends to live.

On many occasions I have seen women, who were in a certain condition, being placed in a very invidious environment. On one occasion I called at a house to find the woman in a very distressed state because her husband had died that afternoon. The house was in a fearful mess, and the children were running around everywhere. Poultry were wandering about the house. That woman certainly needed help, and her foreseeable environment was certainly very bleak.

On other occasions I have been called to houses to advise women as to what they should do. Often it was the case of the husband being a heavy drinker. In one instance the husband had mortgaged the furniture in the house, and had lost the proceeds at the races. The wife did not know about this, and when the repayment of the money was overdue, the legal owner of the furniture went to pick it up. The future of that woman was not bright, either. The legal owner of the furniture, being a softhearted person, gave the family time to repay the debt.

Having seen so many cases such as that I am of the opinion that the provision in subclause (3) should be retained. In another instance a badly crippled girl had been attacked by some monster, and she could have made use of this provision in the Bill. She was a single girl, and she could hardly walk; she certainly needed help.

The Hon. J. G. HISLOP: To repeat a case I referred to in my earlier speeches on this measure, I cannot forget the circumstances which that particular woman had to put up with. The woman had a daughter who grew up to be a very bright girl, but her second child—a boy—was a mongol. All the woman had to live for was to care for the children. This family could not have friends in the house, and they lived like hermits because they could not control the second child. The daughter could not be persuaded to bring her school friends to visit the home due to the presence of the mongoloid boy.

This woman did everything possible to prevent pregnancy occurring again, and she was successful for 15 years. Then she consulted me at my surgery. I cannot forget the mental distress she was in or the deep lines on her face. When we see cases such as that we become convinced that there is need for sympathetic treatment, and for the passage of a law to help these unfortunate cases.

At that stage she had not had a child for some 16 years, and she was older than most women who are capable of bearing children. We decided the only thing to do was to abort the pregnancy. I asked this woman whether she could find someone to look after her second child, because in those days there were no homes to cater for that type of child. With a mongoloid boy of 16 or 17 years of age her whole future was restricted.

In cases such as that women should be treated sympathetically, and their pregnancy should be terminated. As the woman in question had not borne a child for 16 years there was a 40 per cent. probability that the unborn child would be a

mongol; possibly the percentage would be higher than that. Further, she would experience difficulty purely from a gynaecological aspect. I felt no guilt when I asked a leading gynaecologist to assist this woman, and I think I did the right thing.

The Hon. I. G. MEDCALF: Perhaps we tend to read more into subclause (3) than it contains. I might have slightly misunderstood the remarks of some speakers; if so, I stand to be corrected. It should not be thought by anyone that the case mentioned by the Minister for Mines, where the woman became pregnant while she was in a state of inebriation and the man concerned was not her husband, would be a ground.

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

The Hon. I. G. MEDCALF: I would not like any member to think that was a ground. The Minister only gave that as an illustration of the environment. The ground would be the substantial risk of serious injury to the mental health of the woman.

The Hon. A. F. Griffith: Mr. Dolan asked me whether I could foresee an environment, and I gave an illustration.

The Hon. I. G. MEDCALF: Then there were the cases mentioned by Mr. Claughton in relation to housing difficulties. Of course, these are very real difficulties. He referred to the case of a young couple who did not want a child until they had secured a home.

The Hon. R. F. Claughton: She was in bad health, and they were living in one room.

The Hon. I. G. MEDCALF: The state of bad health is all that matters. The other circumstances would be considered only as having a bearing on the substantial risk of serious injury to the mental health of the woman.

We could take the parallel case of the substantial risk of serious injury to her physical health and ask ourselves what would be an example. I believe that if a woman became pregnant, and she developed cancer, the medical practice is for the pregnancy to be terminated because it is usual for cancer to spread very rapidly in pregnant women. No mention of cancer is made in the Bill, but such an occurrence would have a bearing on the continuance of the pregnancy because if it were continued it would involve substantial risk to the woman's physical health. In like manner, a woman's environment is a factor to be taken into account when considering her mental health.

Therefore, whether it is included or not, it will be a factor which the doctor, whether he be a psychiatrist or a general practitioner, will take into account.

The Hon. A. F. Griffith: Do you agree that if subclause (3) were retained, in the event of a doctor being charged he would have a better defence than if it were deleted?

The Hon. I. G. MEDCALF: I think that is an open question. I would certainly favour the retention of the subclause.

The Hon. A. F. Griffith: I do now, too.

The Hon. I. G. MEDCALF: Those who are opposed to subclause (3) should not for a moment believe that it is a separate ground for consideration. It is one of the factors which is already there as it concerns mental health.

Subclause (3) refers to a woman's actual or reasonably foreseeable environment. It does not say both. In my opinion it would be relevant to consider both the actual and reasonably foreseeable environment. "Reasonably foreseeable" must be interpreted correctly. The word "reasonably" has a fairly definite meaning at law, even though it sounds indefinite. It means "in accordance with the standards of reasonable people." As I have said, I believe that both should apply and to that extent we might say the provision limits the activities of the doctor. However, I do not want to pursue that topic because it will not get us anywhere in this discussion.

Subclause (3) is not a separate ground and never could be. It is one of the factors which is already included and must be considered by a doctor who proposes to act in good faith under this provision.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Further Report

Bill again reported, without further amendment, and the report adopted.

KWINANA LOOP RAILWAY BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.17 p.m.]: I move—

> That the Bill be now read a second time.

This is one of two Bills which will make provision for railway extensions in the Kwinana-Cockburn Sound area to provide rail connections for some installations which are planned and also to meet the requirements of any future industrial development.

The primary purpose of the Kwinana loop railway is to serve a proposed Co-operative Bulk Handling Ltd. grain storage installation at Kwinana. The company foresees a possibility of there being a need for grain storage in the Kwinana area by mid 1969. The plan for the connecting railway line has been drawn in such a way

as to permit the provision in a bulk handling site of a 7,000-foot siding, which will accommodate up to 70 wagons, with two locomotives and a van. With a total length of 3,400 feet, a haulage of this size would discharge over a central receiving point as part of a continuous forward movement without shunting.

Wheat trains, which would use the proposed area, are envisaged to consist of rakes of up to 70 wagons, each 46 feet long, also with two locomotives and a van, comprising a haulage in excess of 3,400 feet in length. In such a case, a minimum standing length of 3,500 feet was adopted for the purpose of the design. To enable a train of this length to pull forward in a straight line over the discharge point, and to give the driver an uninterrupted view, a straight line of 7,000 feet in length would be required, plus a length of 600 feet at the central discharge point, thus making 7,600 feet in all.

The attainment of this length of line is necessary for efficient railway operation and it involves the design of a route extending from about Office Road in the north to Victoria Street in Rockingham, in the south. Because the Co-operative Bulk Handling sidings will run parallel to this straight section, the main line can be maintained in operation for other traffic, whilst the sidings are used to work wheat trains.

The Director-General of Transport, in a report—a copy of which I desire to table—recommends the construction of this line, having examined the transport undertaking involved in the movement of bulk grain from country bins to Kwinana storage and having regard to the fact that Co-operative Bulk Handling's whole operation is geared to rail transportation. The director-general is of the view that the haulage service can best be performed by rail.

This railway, something in excess of five miles in length, will be an extension of the existing standard gauge line serving the CSBP fertiliser works to form part of the ring main around the whole of the South Kwinana industrial area, thence joining up with the Kwinana-Mundijong railway.

Also, this line will provide access to the Western Mining Corporation's nickel refinery, the preliminary work on which is now in hand. The refinery site is adjacent to the proposed CSBP installation, which is on the east side of the railway line proposed in this Bill. The actual route of the line is shown coloured green on plan No. 60597, a copy of which I desire to table.

Although the plan shows a number of roads in the East Rockingham area, those depicted by spaced lines have not been constructed, and the land in this area through which the line will be built is vacant Crown land.

Early 1969 is set for the commencement of construction, the estimated cost of which, including land resumption but excluding sidings, is $875,000. The greater part of the land traversed by the Kwinana loop railway is owned by the Crown.

There is a requirement under the Western Mining Corporation's nickel agreement, in regard to the acquisition of land, that the land be acquired on which to construct the railway between CSBP and just south of Office Road. Acquisition is at present in course to comply with this provision. The only private land which will be affected by the line, other than this land, will be an area extending for approximately three-quarters of a mile approaching Mandurah Road on the route of the line as shown on the plan.

Negotiations have taken place between the Railways Department, the Town Planning Department, the Main Roads Department, and local authorities, with a view to minimising the number of level crossings; providing flashlight protection as would be necessitated by the volume of road traffic; and also the provision in the future for sufficient land on which to construct road-rail separation as the area develops.

As earlier indicated, Mr. President, I desire to table the papers to which I have previously referred, and I commend the Bill to members.

The papers were tabled.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

MANGLES BAY RAILWAY BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the other railway Bill to which I referred when introducing the Bill for construction of the Kwinana loop railway. In fact, the Mangles Bay railway project is basically a continuation of the Kwinana loop railway and forms part of the future planning in that area. Its purpose is to meet such transporation needs as it appears may arise from future industrial development.

Though there is no immediate necessity for construction of the line at present, it is considered its promotion should be brought about simultaneously with that of the Kwinana loop railway. This will avoid improvements on land required for the railway, and precise definition of this project will be beneficial as regards town planning requirements.

A report has been submitted by the Director-General of Transport and this recommends that planning for construction be proceeded with, but with the proviso that the proposal be re-evaluated

prior to the actual work of laying the lines. I desire to table a copy of the director-general's report and also a copy of plan No. 60598 showing, coloured in red, the proposed route of the line. As in the case of the East Rockingham area, the roads which are shown by spaced lines have not been constructed.

The route over which the line is to be placed has been pegged on the ground in conjunction with the Lands Department and the local authority in such a position as to cause a minimum of disturbance and to meet the needs of future subdivision of adjacent land, as may be required for housing or other development.

This line has figured prominently in the discussions as between the State and Commonwealth Governments concerning the future use of Point Peron. It was considered desirable, too, in respect of this project, to define the centre line of the railway route in order that the local authority and landowners in the area could plan for this future line development, thus obviating unnecessary disturbance to property or residences which may be under consideration.

The route of the line generally avoids the developed areas of Rockingham and Palm Beach and unnecessary road crossings are thereby minimised; but where these become necessary, adequate protection will be provided.

The papers were tabled.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

STOCK JOBBING (APPLICATION) BILL

Second Reading

Debate resumed from the 22nd October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [3.24 p.m.]: Mr. President, this is an unusual Bill. In the first instance it occasioned me a great deal of endeavour when trying to ascertain its validity. It is peculiar in that once the title is established—namely, the Stock Jobbing (Application) Act—that then becomes the sole and total substance of the measure, because it merely seeks to do away with a presumed Imperial Act of 1743. For good reason, the Act of 1743 could be said to be nothing more than an implied Act, because a copy of it is not contained in our Statutes. Indeed, reference has never been made to it by title in our Statute book.

On a first cold analysis, one could say that the Bill should be opposed; but with the surrounding situation which has developed, one must take a second look at it.

Perhaps it would be simpler if I were to tell the House the stages which I reached when investigating the Bill. The starting point of the Minister's notes was the reference to the fact that a Stock Jobbing Act was listed in the English Statute book in 1743. At that time it was enacted to prevent for a period of three years the process known as stock jobbing by members of the stockbroking profession.

Subsequently, at the termination of the three-year period, the British Parliament made it an Act for all time and it was intended that the prohibition should be carried on forever.

This decision was reversed in the year 1860, and the legislation was repealed with the result that stock jobbing was allowed to continue.

I would only dare to read the vernacular of the photostat copy of the original Act at my peril. However, it has as a beginning to the title, "An Act to prevent the infamous practice of stock jobbing."

In those days people were extremely careful in their choice of words. There were not the media of television and radio which we enjoy today. Consequently the decision to write those words into the legislation at that time—particularly, the word "infamous"—must have been taken with deliberation and forethought.

Possibly one could say it was done in the heat of despair as a result of the "South Sea Bubble" to which the Minister referred in his opening remarks and which, at the time, was the principal cause for the legislation being brought into English law. I do not intend to deal with the "South Sea Bubble," but I think the history of it has been taught to all of us at some time.

However, the term of "stock jobbing," although it was not new in 1743, is a comparatively new term within the vernacular of the Western Australian Stock Exchange. So why do we introduce a Bill of this type, in this year when, after having three goes at it, the Imperial Parliament in the year 1860 repealed all that it had done previously? The answer would be that on a rising market, and when there is intense fluctuation in the market, the stock jobber moves in.

Before I deal with that particular terminology in the Bill, I would like to pursue the thought I first had as to the Bill being unnecessary. In an index to the *Statutes of Western Australia* for 1896, headed, "Imperial Acts of Parliament Adopted and Unrepealed," the following appears:—

> With the exception of those relating to Usury, all Imperial Statutes of a general nature in force in England on 1st June, 1829, prevail here to the extent to which they are applicable.
>
> Since that date many Imperial Statutes have been followed word by word, and enacted by the Colonial Legislature, while others have been made applicable either wholly or in part. The subjoined table deals with

> none of these, but is an attempt to give a complete list of such Imperial Statutes as have been from time to time adopted by mere reference.

There is no reference to this legislation in that list, and the basis of the Bill is that the general all-embracing clause—that is, the preamble—to which I have referred indicates that the Bill before us is part and parcel of that adoption.

Looking at it from a broad view, it would seem that as the Imperial Parliament allowed stock jobbing in 1860, we would be perfectly entitled to pass the same sort of legislation in Australia, because we did not accept the situation until 1896, which was some 36 years later, when stock jobbing was permitted as part and parcel of the day-to-day work of the Stock Exchange.

I cannot find any reference to the fact that stock jobbing was used in Western Australia for any transactions on the Stock Exchange until quite recently, when the present boom commenced. I could have rested my case there and opposed the Bill. However, as I have a responsibility in regard to the matter I had to think twice about it, especially in view of what has happened in another part of Australia, where, in 1922, it was considered of sufficient importance by the Victorian Government to repeal the Statute.

For some reason or other this action went unnoticed throughout the other States of Australia until July of this year when a most important case was heard in the New South Wales courts, and the fact that it was illegal to act as a stock jobber was the subject of a case involving several thousands of dollars. In that instance a person who had acted in good faith had no chance of recovering his money. I have an extract of the proceedings of that case which I took from *The Australian Financial Review* and I propose to read it shortly.

What are the advantages of operating as a stock jobber? They are simply these: He operates on an option and, on a rising market, he has all the advantages; and on a fluctuating market he has added advantages. I shall give a simple example of the shares in one particular company and I will quote a situation to show how the stock jobber has all the advantages over the average purchaser of stocks and shares.

Take the case of a company whose 50c shares, some three months ago, were at a figure of $20—that would be at the peak of the boom. An individual purchases a certain number of shares in that company at their market value. He rings up the stockbroker and asks him to purchase X number of shares at $20 a share. They are purchased for the individual and he pays for them. However, the stock jobber does not do that. He takes an option on the shares at $20 a share, and he would have the period of the option to decide what he would do. In this instance it so happened that after a month or so the shares dropped to $10, in which case the private individual had lost $10 a share; in other words, he had scrip which was now worth $10 a share less than he had paid for it on the open market.

We have to bear in mind in this instance that the professional men on the Stock Exchange see the day-to-day fluctuations, whereas the poor unfortunate private individual has to rely on the newspapers. He rings up his broker and says, "What price are such-and-such shares today? Purchase them at such-and-such a price." But the stock jobber, realising that the market is low, purchases, again by option, at $10, and on the market today the shares for the company to which I have been referring, are nearly $16. So in that short time the stock jobber would have made a profit of $6 a share by taking up the second option, but would have lost nothing on the first option because he would have defaulted, without any loss to himself.

The poor private individual, however, would be still losing $4 a share on his original purchase price. So what a great advantage the stock jobber has, and under this Bill he will be given the privilege to continue such activities. However, the Stock Exchange recognises those activities and it has a set of rules, fully detailed, covering the methods under which these people operate. In addition it must be realised that stock jobbers do not operate only in Western Australia; to a limited extent they operate elsewhere—all over the world. Some of the more conservative firms do not deal in stock jobbing, but the practice is world-wide.

At this stage I think I might add that there is some danger in the fact that our market has reached the stage where the dealing in options is permitted.

The Act of 1743 was introduced following a very grave situation. Prior to the great depression in America this very same principle was carried on in dealings in connection with land, where syndicates were getting together and selling land before the option had been fulfilled.

I see very little difference in some of the glorified advertisements which seek money from the public and offer magnificent returns. Obviously the whole scheme would collapse if there were no end to the rainbow, and if somebody did not pay the expected price in connection with these stock options.

It might be timely to read to the House a report from *The Australian Financial Review* which will show quite clearly that even though people knew an illegal situation existed they were not in the least concerned. If ever there was a case of

one-way traffic this is it. The extract I wish to quote is from the issue dated the 26th July, 1968. It reads as follows:—

> The N.S.W. Court of Appeal held yesterday that an Act passed in 1734 in England under George II prevented a sharebroker from recovering broker's commission from an option underwriter.
>
> The Court dismissed a demurrer by the sharebroker who had claimed the Act was not in force in N.S.W.
>
> Gerald Frank Garrett, stock and share broker, is claiming $73,394.22 liquidated damages for commission due for work done as agent of and for John Overy, an underwriter of stock and share options.
>
> Garrett claimed that, by agreement, he was to be employed as broker for Overy (the underwriter) to purchase and receive stocks and shares if certain options were exercised by their holders.
>
> Garrett claimed that under the agreement Overy was to pay him broker's commission and expenses.
>
> Overy claimed that the transactions were rendered illegal or null and void by Act (1734) 7 Geo. II, chapter 8, commonly called Sir John Barnard's Act, an "Act to prevent the Infamous Practice of Stock Jobbing."
>
> This Act made contracts for the payment of differences in stocks, and contracts in the nature of options, illegal and rendered the parties making them subject to penalties.
>
> The Act also made illegal the speculative buying and selling of stocks not in the seller's possession at the time of the contract.
>
> The Chief Justice, Sir Leslie Herron, in his judgment said the question for decision was whether the Act of 1734 —which had been repealed with its successor in England in 1860—was in force in N.S.W.
>
> The Act could scarcely be said to have been applicable in the condition of the colony on its discovery and settlement under Governor Phillip in 1788.
>
> The colonists had carried with them only so much of the English law as was applicable to the conditions of the infant colony, such as the general rules of inheritance and protection from personal injuries.
>
> Artificial restrictions on dealings with shares in English companies, appropriate to the great commercial world of England, were neither necessary nor convenient for the first settlers.
>
> But on July 25, 1828, the Act 9 Geo. IV, chapter 83, section 24, provided that all laws and statutes in force in England at that date should be applied in N.S.W. Courts so far as the same could be applied within the colony.

We have a very similar position here. To continue—

> In determining whether the 1734 Act extended to the present proceedings, the Court must determine, therefore, if its policy and provisions could have been reasonably applied in 1828, at the passing of the adopting Act, to the circumstances of the colony.
>
> Mr. J. B. Sinclair, for the plaintiff, had submitted that the Act had little, if any, practical application to the infant colony of 1828, with a population of 36,000, of which nearly half were convicts.
>
> There were then at most only four companies in N.S.W. and no stock exchange.
>
> "Conditions in England were different. The first and second decades of the eighteenth century were marked by a boom in company flotations which led to the South Sea Bubble.
>
> "1720 saw a disastrous collapse and a widespread panic from which the South Sea company never recovered," said the Chief Justice.
>
> During the remainder of the century Parliament attempted to check the abuses of stock market mechanisms, notably transactions between merchants.
>
> It would thus be seen that in 1828 there was little scope for the "wicked and pernicious practice of stock jobbing."
>
> However, Sir Victor Windeyer had expressed the view that despite the limited operation of the Act of 1734 it appeared to be still in force in N.S.W. and it seemed also to have been regarded as applicable in Victoria, having been repealed by the Victorian Act of 1922.
>
> "In strictness and despite its limitations, the Act could be applied in the administration of justice in N.S.W. by a consideration of the condition of the colony in 1828," said the Chief Justice.
>
> Mr. Justice Holmes in his judgment said the laws against wagering had been regarded as applying to the colony.
>
> "I do not think it is of any importance to consider whether there was any stock jobbing in fact going on in the colony. If the Act applied then it prohibited such stock jobbing . . ."
>
> Mr. Justice Holmes said he was satisfied if it was necessary to decide, that it would have been possible to carry out stock jobbing in N.S.W. before 1828.

"The point, however, does not seem to me to be other than the necessity in the interests of the colonists to make illegal the type of contract to which the statute applied . . .

"It was part of the general law of England and for that reason it came with the colonists and it could have been applied here," said Mr. Justice Holmes.

Sitting suspended from 3.47 to 4.5 p.m.

The Hon. W. F. WILLESEE: It so happened—as I have heard it said by others at times—that we finished at an appropriate time for me to carry on now. I had finished reading the excerpt from the case which is apparently the basic reason for the presentation of this Bill, because the Minister indicated that other States were following suit. I am inclined to wonder whether if this situation had not been presented to Western Australia, we might not have legitimately accepted a different decision—one that would have said, "We will not only continue to deal in stock jobbing, but we will confirm that it should be done." If that were done, I do not think any great harm would have eventuated.

The Hon. A. F. Griffith: You mean if we did not know of the New South Wales business?

The Hon. W. F. WILLESEE: If we had been the first to make the decision.

The Hon. A. F. Griffith: I do not think anybody would have made the decision had it not been for the New South Wales case.

The Hon. W. F. WILLESEE: We might have given a lead in a different direction. I think it could have been as close as that. However, the overriding thought again is the fact that declaring the practice illegal would bring to light many transactions that were held under option, whereby it would be easy to repudiate, notwithstanding the fact that we are dealing with an accredited section of the Stock Exchange. The reading of that case causes one to wonder what could happen before one could be called upon to pay.

Therefore I now come to the Bill, the provisions of which are restrospective to the 28th July of this year. I wonder whether the retrospectivity goes far enough? Options are taken for three to six months. Indeed, they could be longer, but I am not sure. If transactions before this retrospective date were not cleared, I do not know whether the court decision now clearly leaves the way open for default. I presume these are matters that were looked at before the Bill was brought to the House. I mention this to the Minister only as a thought of mine; I am not suggesting that I, in my capacity, should do anything about it. If it has been thought of, then the Bill is here with that proviso in it. If it has not been thought of, it is not too late to think about it.

In looking at the Bill, I must confess I do not like it. We are putting in the Statute book an Act the title of which reads as follows—

The Stock Jobbing (Application) Act, 1968.

Any person coming into the State and looking down our index of Statutes would say, "Here we have something to do with stock jobbing as applicable to the Stock Exchange of Western Australia." I think it would be looked at on the basis of what constitutes this particular mode of business. If we merely remove this implied Imperial Act from our Statute list—it is not listed—there is no Bill. I would say, by this piece of legislation, that it exists no more. It is not listed—there is no Act.

The Hon. A. F. Griffith: You said there is no Bill.

The Hon. W. F. WILLESEE: There is no Act.

The Hon. A. F. Griffith: That is the whole point.

The Hon. W. F. WILLESEE: So it is a premise from beginning to end, backed by a legal decision. If we have regard to the principle of the Bill, and look at Halsbury's *Laws of England*, vol. 27, we find under "definitions" on the Stock Exchange, "broker," "jobber," and "dealer"; and I feel such definitions could well have been incorporated in the Bill. If we look at page 225, we see "Client and Jobber"—a paragraph given to the simple association of entering into a contract between these two people. I feel sure it is unnecessary to read it out.

We find a further section on page 240 which deals with completion of a contract upon sale. All of this is quite elementary—it is the basic definition for the control of this particular facet of industry.

In all of the Bills I have seen come before the House, we have this complete situation. We introduce the Bill containing a series of definitions and having a proper title. In the Bill we have the machinery of what it means and how it will operate. Any member can go through our file and find that to be the case. Sometimes these Bills end up with regulations and sometimes without; sometimes it is a long Bill with many clauses; and sometimes it is a simple one. There is always a record. One can say, "This is on our Statute book, and this is what it means." In the course of experience we amend legislation from time to time in an endeavour to improve its day-to-day application in the world of trade.

In this situation we will put on the Statute book this fabulous document which will say that it is an Act to be cited as the Stock Jobbing (Application) Act. It does not say the rules of the Stock Exchange shall apply; it does not say what a purchaser or a seller is; it does not

give a definition of what a stock jobber is; it merely defines this nebulous situation which goes back to 1734.

Having said all that, I suppose it might be thought I have put up a case to oppose the Bill. I prefer to say I will support the Bill; but I am wondering whether the Minister would be considerate enough to give some thought to what I have suggested so that we may place on our Statute book something that is concrete and clear and which can be basically a guide to stock jobbing in this State.

THE HON. J. DOLAN (South-East Metropolitan) [4.14 p.m.]: I wish, briefly to supplement the remarks of Mr. Willesee. I feel at the outset I should say the House should be indebted to the honourable member for the research he has undertaken to give us an appreciation of what is included in this rather unusual Bill. I will not cover the same ground, but want to make the rather trite remark, "history has a strange habit of repeating itself.

What led up to the Imperial Statutes, was similar to what happened in this State after the discovery of oil at Rough Range. I remember when it was splashed across the front pages of the Press that oil had been found there was a frenzy on the Stock Exchange. People who normally had a sound approach to matters lost control of themselves and could not get in on the oil boom quickly enough.

I have seen that happen, to a minor degree, in many mining discoveries over the years. I can remember when the Hampton Plains boom was on. There was an open stock market which forced people to buy in a frenzy. That is why the Imperial Statutes are so very interesting right from their beginning. Mr. Willesee referred to the Bill as being for the purpose of preventing the operations of a stock jobber. A stock jobber is a member of the Stock Exchange who deals in shares on his own account. The term has often carried the implication of a rash and dishonest speculator. A stock jobber is a person whose name, to a certain extent, smells a little where honest people are concerned.

What I have noticed about the Imperial Statutes—or English legislation—is how straightforward and honest it is. It calls a spade a spade, and does not paddle around with cloaking words, euphemisms, or anything of that nature. We are very fortunate that our law has such a close association, not only with English law but also with church law. I will quote from CAP. VIII, of the Imperial Statutes, and these are the only words I can find which are printed in italics. They are as follows:—

> Whereas great inconveniences have arisen and do daily arise by the wicked, pernicious, and destructive practice of stock jobbing, whereby many of his Majesty's good subjects have been and are diverted from pursuing and exercising their lawful trades and vocations, to the utter ruin of themselves and families, to the great discouragement of industry, and to the manifest detriment of trade and commerce;

I could not imagine one of our present-day Acts being so straightforward. Things would have to be bad to cause the introduction of a Bill containing that wording.

The Hon. A. F. Griffith: Well, things were bad.

The Hon. J. DOLAN: The Minister referred to the South Sea Company. Generally, when that company is referred to, people first think of the islands in the South Seas, and that the company is engaged in trading with the islands, and so on. However, that is not so.

The Hon. A. F. Griffith: Who said it was?

The Hon. J. DOLAN: I did not say the Minister said it; I never said that at all. I said some people could imagine it.

The Hon. A. F. Griffith: I did not say you did; I asked who said it.

The Hon. J. DOLAN: I will refer to the necessity for the introduction of this legislation in England. The necessity arose because of what is referred to as the "South Sea Bubble." Of course, bubbles burst and after a period of frenzied buying the bubble did burst. Thousands of people were ruined.

I propose to take a couple of minutes to explain what happened, and to explain the background of this legislation. In 1711 a man called Robert Harley formed the South Sea Company. The purpose of the company was to take over the British Government's floating debt, which happened to be about £9,500,000. That was distinct from the national debt. Robert Harley was a rather smart financier. The Whig financiers of the day would not provide money for the Tory Government, and consequently Robert Harley rendered what he considered was a service, not only to England, but I suppose to himself also because he would expect to get something in return from the company.

The company was a hybrid between the Bank of England and the East India Company, and it proposed to take over the floating debt. One of the conditions was that the company should be given a monopoly of British trading with South America. Later on, the directors of the company offered to take over the national debt of England in return, of course, for certain concessions and annuities.

The company borrowed money at a rate of interest lower than that at which the Government could borrow it, and proposed to give the creditors scrip in the company in exchange for the money they provided. The people could not buy shares in this

company quickly enough. For example, in 1720, after the company had been operating for some years, the shares rose from 121½, in January, to 1,000 in July. It can be imagined what a rake-off in profits there was. However, in the very next month, when the frenzy subsided just as rapidly as it had risen, the shares dropped down to 135. Of course thousands of people were ruined and then they looked around for the usual scapegoat. An investigation was carried out and it showed that many of the Ministers, including the Chancellor of the Exchequer, had been bought.

They had been bribed in order to allow the company to operate. Of course, the really smart man of the party was Robert Walpole, later to become the Prime Minister. He opposed the formation of the company and yet, at the same time, had invested in it. He bought the shares at a low price, and sold them at a high price; so he was having two bob each way, and he got the cream. When it was all over, and even when similar legislation to this was contemplated, Sir Robert Walpole was still the white-haired boy of British politics. He was considered above reproach, and yet he had made his money in the same way as many others had.

So we can learn from what has happened in the past. Of course, some people will never learn and someone once said that a mug is born every minute. When we read the reports of the stock market I think that thousands of mugs are born in the space of a minute.

The Hon. G. C. MacKinnon: Has the honourable member in mind that we should learn from Sir Robert Walpole?

The Hon. J. DOLAN: I know a number of men who play the market today, in the Walpole class.

The Hon. I. G. Medcalf: They did not receive parliamentary salaries in those days.

The Hon. J. DOLAN: They had to get money from somewhere, and evidently Walpole received his share. I thought I would mention these things because I always feel, when these little Bills come to us, that they are more important than they appear to be. It behoves members to have a good look at them and to find out what they are about. Then the Bills instead of being mere prosaic statements, will become something worth while.

I am deeply indebted to Mr. Willesee for the thorough manner in which he went into all the angles of this Bill, and I think we can all learn something from it. Mr. Willesee commenced by saying he was in the mood to oppose the measure. Well, I wish neither to oppose it nor support it. I feel it is one of the measures brought before us about which we do not know all the implications. I will leave it at that. I feel this is something all members should have a look at, and then it will have achieved something worth while. I will join with my colleague and support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.25 p.m.]: I am very grateful, particularly to Mr. Willesee for the research he has carried out on this Bill, and to Mr. Dolan for reviving my knowledge of the history of the South Sea Company. I would like Mr. Dolan to know that I did know it was a company.

The Hon. J. Dolan: I would expect the Minister to know that.

The Hon. A. F. GRIFFITH: I did know the situation. The point taken by Mr. Willesee is quite valid in respect of his treatment of the Bill. When we introduce a Bill to repeal an existing Statute, the fact that it is an old Statute means that we should know about it and understand it. If we do not know anything about it, then we can find out.

I doubt very much whether this Bill would have been with us had it not been for the New South Wales case. The letter received from that Stock Exchange stated that there are at present in force many hundreds of options, the legality of which has been revoked by the court decision, and if the applications are enforceable a very serious financial situation could arise as it would mean that a number of the public could not expect their contracts to be fulfilled.

I think the important matter to be considered is that the Stock Exchange itself is anxious to protect—if protection is necessary—the contracts that have already been made. On the point of retrospectivity, we followed the Queensland Bill. Queensland set the date at the 25th July, 1965. A note I have states that the Bill does nothing to validate transactions entered into before the 25th July, 1965, which goes back three years.

The draftsman tells me that our Bill is precisely the same as that introduced in Queensland. At that time we did not have a copy of the New South Wales Bill. It seems unlikely to me that many of these options would last for a long time. Perhaps a stock jobber would not take a very long option, and perhaps the owner of the shares would not give a very long option. But certainly I would think that the period covered would be sufficient.

The Hon. F. J. S. Wise: Does the Minister think there will be any advantage in having the Statute copied?

The Hon. A. F. GRIFFITH: I do. The Crown Law Department got this information from the old Statute which, as I explained in my second reading speech, was in the Supreme Court. That is where we obtained it. I have had a photostat copy made, and I think Mr. Willesee has a copy in front of him. A copy has been made

and handed to Mr. Roberts (the Clerk of the Council) so that there is some record of the situation to which we can refer.

The Bill itself simply states that this Act may be cited as the Stock Jobbing (Application) Act, 1968. The Bill also states that the provisions of the Imperial Acts, 7 George, etc. cease to apply in this State.

I do not know of any other way to give a better explanation of the Bill, except to give some sort of recital on what the measure seeks to do. Its aim is to repeal an Imperial Act so that it will not in future apply in Western Australia. Whether one can explain the Bill any further than that I do not know. Anyone referring to its provisions might say, "What Acts does this repeal?" and the answer to that is that it repeals certain Imperial Acts which are mentioned in the marginal note as being Acts which will cease to apply. I do not think the draftsman can go any further than that.

The Hon. W. F. Willesee: If it were possible, it would be timely to list them among the law revision Bills.

The Hon. A. F. GRIFFITH: I am glad the Leader of the Opposition has mentioned that. Ordinarily the legislation may have been listed in a law revision Bill, but unfortunately in the first period of this session I am not able to do what I have done in previous years; that is, introduce a number of such Bills. The Stock Exchange regards this Bill as being important, and I have brought it forward instead of including the provisions in a law revision Bill. That is the answer to that interjection. I can give members no further explanation, and cannot offer any suggestion on what alternative the draftsman may have had. He has copied the legislation in operation in Queensland, and that is the position.

The long title to the Bill states—

> A Bill for an Act to terminate the application in the State of certain Imperial Acts.

What are the Imperial Acts? They are Imperial Acts, 7 George II c. 8 and 10 George II c. 8. I do not think there will be any misunderstanding in regard to the object of the Bill.

The Hon. W. F. Willesee: It does not have much to do with stock jobbing. If one wanted to know how to stop stock jobbing in Western Australia, the Bill would not be much of a guide.

The Hon. A. F. GRIFFITH: I am glad the Leader of the Opposition has raised that question. The rules and regulations relating to the relative Acts are contained in the offices of the stock and sharebrokers. As Mr. Dolan pointed out, this Imperial Act was introduced in a period of the history of the Old Country when conditions were so bad that the Act had to be introduced to prohibit stock jobbing without the taking of options. Apparently the taking of options is a normal practice and if the Imperial Act is not repealed, then, as was found in New South Wales, the provisions of the Imperial Act will apply, and the contracts entered into by certain members of the public may be prejudiced.

So, in fact, the Bill has been introduced not only in the interests of members of the public, but also in the interests of members of the Stock Exchange who are parties to these contracts.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. J. M. Thomson) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. A. F. GRIFFITH: I realise I may have given a slightly erroneous impression by mentioning 1965. Quite clearly, the date is the 25th July, 1968, which is the same date used by Queensland in its legislation.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

STATE HOUSING ACT AMENDMENT BILL

Receipt and First Reading

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

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 22nd October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.38 p.m.]: So far as I can judge, the Bill contains nothing contentious. It deals with an institute recently established, and it is necessary at our stage of development in Western Australia. The institute has grown and emerged from the technical educational system. Although this is true we should ensure that the

State aims at a higher level of study for students than was previously the case when they attended a technical college.

In discussion, this is an interesting field to traverse, but I am not completely familiar with all the work of the institute. Although I was engaged in education previously, I was not in the field covered by the Institute of Technology. It is similar to institutes that have already been established in other States, and possibly it will suffer from the same disabilities suffered by the institute in Victoria; possibly owing to its growth from technical education, there is a tendency to regard institute students as being more lowly than those who are attending a university. On public occasions, such as the opening of the institute, or the first graduate ceremony, pains have been taken to differentiate between the institute and the university, and also to try to build up the image of the institute.

In the July, 1968, issue of the official journal of the Western Australian Institute of Technology called the *Gazette*, appeared remarks made by two visiting lecturers at a seminar, during the course of which an attempt was made to define the functions of these two organisations. One speaker, in referring to the University, stressed the idea that a university is more in favour of free inquiry, and it is the right and obligation of a university to ask any question. In the publication the word "any" is underlined. The other speaker, the Superintendent of Technical Education, pointed out that the institute tended to adopt a particular set of values emphasising occupational competence, community service, and the needs of industry.

It is difficult to separate clearly theory from practice, because the two must, necessarily, go hand in hand, and yet this is what is attempted by these two institutions. However, I feel the effort to build up the status of the institute is worthy and important. It is important because the students emanating from the courses conducted by the institute will need to feel that the results of their studies will be recognised by the community at large, and from this recognition their status will be determined by the firms they join and the salaries they are able to command.

One way by which the functions of the two institutions can be separated—I feel this, too, is important—is for the institute to have a close relationship with industry and commerce.

We can see from the handbook of the institute that this is being put into effect in the granting of scholarships by industry, in the awarding of cadetships by various business firms, and in giving industry representation on the council of the institute.

The Bill contains four parts. Clauses 2, 3, 4, and 8 become necessary as a result of the experience gained since the inception of the institute. These amendments seek to substitute the word "Institute" for the word "Council." These are merely machinery amendments, and nothing more need be said about them.

Clause 5 contains a provision to clarify the right of the institute to charge fees, because under the existing provision in the Act it can be interpreted that the institute does not have that right. Clause 5 spells it out. On the question of fees it should be brought to the notice of members that the scale of fees charged by the institute is set out on page 4 of the handbook. This year the fees were $6 per annum for each hour of class instruction per week, up to a maximum of 10 hours. This means the fee for each unit is $10. Over a course the fees are set at a maximum of $60. As from next year there is to be a change in the scale of fees, and they will rise from $6 to $10 for each hour of class instruction per week. That would make a total fee of $100 for a full course.

This is a considerable amount of money for students at their stage of life, or for their parents or members of their families, to find. In recent years the fees of the University have been rising fairly rapidly, and if the same pattern develops at the institute then some effort should be made to give assistance to the students or to find means of financing the institute other than through the payment of fees.

Everything possible should be done to encourage students to attend the institute, because in an industrial society such as ours it is very important to have highly-skilled workers. It may be that the high fees charged will limit the number of people who embark upon studies at the institute.

The provision in clause 6 makes very precise the date of the inception of the permanent council. In the principal Act the date was fixed at within two years and three months after the coming into operation of the Act; but the provision in this clause will fix the date at not earlier than the 1st January, 1969, and not later than the 31st March, 1969. Here again, we cannot find anything wrong with this provision.

The majority of the members on the interim council will make up the membership of the permanent council. On the permanent council will be a representative of the University Senate, and thus there will be liaison between the University and the institute in relation to the courses that are available. That is a highly desirable feature. In the same way provision should be made for a representative of the institute to be appointed to the Senate of the University; because if it is fair enough

for one body to have representation on the council of the other, then it is fair enough for the reverse to apply.

Clause 7 seeks to add a new section which authorises the establishment of a student body. The technical college is more in the nature of a high school, and with the raising of the status to an institute of technology, which is somewhat on the level of a university, it is only natural that a student body—similar to the Guild of Undergraduates of the University—should be established. This will allow for the expression of opinion by students, and will enable them to organise their affairs, such as the publication of their own newspaper, and the arranging of sport functions, drama activities, and other activities associated with student bodies at this level. I presume such a body will also enable the students to assume greater responsibility, and to manage its funds as in the running of the cafeteria.

It is pleasing to note that the difficulties in the staffing of the institute which were experienced originally have been ironed out. In the early stages a considerable amount of dissatisfaction was felt, but this has been sorted out. Although the institute is an autonomous body, an avenue should be left open for the movement of personnel between the institute and the Education Department. This could lead to the opening of a wider field of promotion to those who staff the institute. It is only natural that the avenues of promotion at the institute are limited. We have been told that at a future date the institute will set up branches in various country towns. I have heard a rumour that possibly the School of Mines will be one of the first to be embraced.

Referring again to the student body, the Minister said this would bring about an avenue of communication between the academic staff and the student body. I am not sure whether the students will have representation on the council. If they will not then they should be permitted to appoint an observer to attend meetings of the council, in the same way as the Guild of Undergraduates of the University appoints an observer to attend meetings of the Senate. This will bring about a better avenue of communication between the students and the staff.

The status of the students will depend on how the community rates the graduates. If the status of the institute is lower than that of the University, then obviously this must reflect in the same way on the status of the two student bodies. It is important to ensure that we have the more intelligent section of the community attending not only the University—although I do not like this term—but also the institute in the commercial and technological field. There is as great a need for intelligent people in the commercial and technological fields as there is in the fields of scholarship and research.

Along with other members of Parliament I attended the opening of the institute, and one of the sections I looked at was the library. According to the Minister, this has to cater for 3,600 students but it is rather limited in facilities. To enable the students to undertake their studies effectively, and to give them greater access to specialised books, it is to be hoped that the construction of the library building will not be delayed for too long. The Minister has told us that it will begin next year.

One other matter that was raised by the students when I attended the opening concerns the institute building itself. It strikes me that the use of red bricks and grey concrete was not a fortunate choice. The building seemed to me to be rather dull in appearance, and apparently the students feel the same. It is a rather forbidding and soulless type of structure. Obviously in the early stages of its existence the institute cannot develop much of a tradition, With the setting up of a student body perhaps tradition will be developed gradually. In a physical sense the structure needs clothing with vegetation, such as the planting of ivy to cover the walls, or the early planting of trees to give the whole area a better appearance.

This may seem to be only a minor point, but I think it is one of those things which has a bearing on the atmosphere in which students tackle their studies. For instance, if a student goes to the University to study he can do so in extremely pleasant surroundings which are quite a contrast to those of the institute. Concrete is a difficult medium to use in large-scale building, and an architect must be very courageous to tackle it.

When speaking of the institute, we must still consider the site in St. George's Terrace. This is perhaps a forgotten part of the technical institute, but it is still being used by a number of sections. Several have been removed from St. George's Terrace, together with all the associated equipment. For instance, I think that the chemistry and physics sections have been transferred to Bentley and consequently these facilities are no longer available in St. George's Terrace.

It has been mentioned that the St. George's Terrace site will be vacated by 1972, but this is not altogether certain. If the site is to remain in use longer than this, then I believe some steps should be taken to ensure that the amenities provided are more conducive to study. For instance, the library facilities are not very good and the reading rooms are not the best. Even if the building is to be vacated by 1972, there still remains four years during which time the students must put up with rather poor conditions unless something is done. Of course, if the building is not vacated by 1972 the poor conditions will have to be endured for even longer.

With regard to the future of the site, I believe it is a fairly central area and convenient for a large number of students. I know that buildings, to cater for subjects in the technical field, have been erected in other areas around the city. However, it will be some time before these will be sufficient to cope with the students who require to attend them and consequently I believe the St. George's Terrace site could fulfil a very useful function still.

On page 38 of *The W.A. Teachers' Journal* of August this year is a letter by G. E. Marshall, the Principal of the Perth Technical College. In it he comments on the splitting up of some of the departments. For instance, a person studying engineering has to study some subjects at the St. George's Terrace site and others at Leederville and, possibly, others at another section such as at Wembley. This does not sound like a very satisfactory arrangement and should be reviewed.

The only other point with which I wish to deal concerns the recognition of diplomas obtained at the institute. Obviously, if the institute is to succeed, its diplomas must be recognised. I believe that on the whole the commercial community which employs graduates does already recognise the diplomas of the institute. This is referred to on page 108 of the *Handbook* of the institute. Referring to mechanical engineering, it states—

> The Institution of Engineers, Australia, exempts Associateship graduates in Mechanical Engineering from all examinations and will admit them as Associate members to corporate membership after four years of approved practical experience.
>
> The Institution of Production Engineers, London, exempts Associateship graduates in Production Engineering from all examinations and will admit them to corporate membership after completing approved practical experience.

From that information, members can realise that a diploma in mechanical engineering is recognised. Whether this applies to all diplomas or associateships I do not know. Some doubt appears to exist, because in another place Mr. Harman asked some questions about the recognition of the associateship in social work and was told that the Director of Mental Health Services would not recognise the associateship until it had been recognised by the Australian Association of Social Workers. On page 90 of the *Handbook* is the following, dealing with the diploma in social science:—

> This course has been submitted to the Australian Association of Social Workers for consideration for accreditation. The Association has advised that it is not likely that a decision will be given before the third year of the course has been conducted. The Public Service Commissioner recognises the Associateship as sufficient qualification for appointment as a Social Worker, and offers cadetships and traineeships for the course.

I do not know that this is a very serious matter because obviously the Australian Association of Social Workers will recognise the associateship in due course. I suppose in the meantime the students are subjected to a little anxiety as to what will be their future when they have gained their diploma.

Social workers are urgently needed in a great many fields in Western Australia, including the mental health services, hospitals, child welfare, native welfare, probation and parole as mentioned by Mr. Lavery, and so on. I am quite sure that these graduates will not be short of work when they complete their course.

I commend the institute for its work. Its establishment was obviously a very necessary advance and I hope that the institute will achieve sufficient status to enable it to compete with the University. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

MINES REGULATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.14 p.m.]: I move—

> That the Bill be now read a second time.

Amendments to the Mines Regulation Act, 1946-1965, are necessary because in its present form it does not provide for sufficient control of all branches of mining nor for the methods essential to modern mining.

Mining in Western Australia has expanded, methods have changed, and where once the industry relied on underground methods producing mainly gold, now larger tonnages are produced by open cast mining, quarrying, sluicing, and dredging. Many valuable minerals, as well as rock aggregates for general industry, building stone, clays, etc., are mined in Western Australia.

Minerals other than coal mined in this State and the respective mining methods used in 1967 were varied. Mr. Willesee

will notice in the notes that I have made available to him that I have set out various minerals which were mined up to, say, 1967, and the methods used in mining. There is quite a long list, and I do not propose to read it out. However, for information purposes reference to the notes will indicate what these are.

Mining methods, equipment used, and explosives have all altered considerably from the time when the Mines Regulation Act was formulated. It is essential to ensure complete control over all mining, and therefore amendments to the Act are necessary. We must not, however, lose sight of the fact that legislation must be elastic in that it must provide for the smallest sand pit or limestone quarry, and also for the huge iron ore quarries. This will be ensured by regulations but such regulations may not be drawn up until the Act provides the necessary basis and authority.

A careful study of the position has shown that amendments are essential, not only to bring the Act up to date with proved practice, but also to afford the necessary control for all classes of mining.

One major problem, which it is hoped will be resolved by these amendments to the Mines Regulation Act, will be that involving hours of employment on mines. Following a request from the Chamber of Mines and the Australian Workers Union (Mining Division), resulting from a dispute regarding weekend labour on mines, I convened a meeting in Kalgoorlie, at which representatives of both of those bodies and officers of the Mines Department were present.

There was considerable discussion as to whether the Mines Regulation Act, as it stands at present, provided for any labour on Saturdays in underground mines, and in order to clarify the position it was decided to amend the Act. The State Mining Engineer and the Senior Inspector of Mines have discussed the proposed amendments with both the Chamber of Mines of W.A. and the Australian Workers Union (Mining Division). When the amendments were being considered, it became obvious that the matter of weekend labour on iron ore projects in the north and, for that matter, all surface operations on mines, must also be considered.

Although the sequence of events was that the matter of weekend labour in underground mines arose first, I propose to deal with the amendments to the Act concerning weekend work in the order they come in the Bill; that is, I will deal with section 38, respecting work above ground in quarries such as the iron ore mines in the north and surface work on other mines, and then with section 39, which deals specifically with underground work in mines.

Experience over some years has shown that it is necessary at times to work the iron ore mines in the north on Sundays to meet shipping requirements and to maintain sufficient stockpiles. This problem occurred first at Yampi Sound and an amendment to section 45 of the principal Act was passed in 1961 to allow Sunday labour in the Yampi Sound area, subject to the consent of the Minister. This was to enable Dampier Mining Company to produce sufficient ore from Cockatoo Island and Koolan Island to fill ships arriving at Yampi Sound.

During the construction periods of the iron ore ventures in the Pilbara, work has been carried on over seven days per week. No objection to this was raised by either the workmen employed or by the Australian Workers Union. In fact, this was the only way to get these projects completed.

As in the case of the Yampi Sound area, work on Sundays is necessary on the iron ore mines in the Pilbara to provide sufficient ore to load ships, which may arrive in quick succession, and to maintain the ore necessary to meet contracts. Here, again, no objection to Sunday labour was raised by the employees, or the union, or by the workmen's inspector of mines.

Section 5 (2) of the Mines Regulation Act provides that the Governor may from time to time exempt from the operations of the Act or any of the provisions thereof, any mine or class of mine, for such period and on such conditions, if any, as he may think fit. This section could be used to allow Sunday labour on the iron ore mines from time to time as required, but it is my opinion that the necessity for these mines to work on Sundays should be discussed openly and the Act amended to provide for Sunday work as required. I preferred the course of bringing a Bill to Parliament rather than to use the exemption provision.

In the case of quarrying, the industrial award does not limit overtime, stating that "an employer may require any worker to work reasonable overtime at overtime rates, and such worker shall work overtime in accordance with such requirements."

As things stand at present there are, however, some restrictions on overtime for surface operations on mines. Section 38(1) of the Mines Regulation Act states, "no workman shall be employed in or about a mine for more than thirteen consecutive days in any fortnight except in cases of special emergency."

Section 42 provides, "except as hereinafter mentioned no person shall directly or indirectly employ any workmen for hire or reward to do any skilled or unskilled manual labour on a Sunday in or about a mine."

Possibly not well known or adhered to by some mine managers, section 30(1) states, "the manager of every mine shall enforce the observance of all the provisions of this Act in the mine under his charge, and of all the rules and regulations thereto."

One of these regulations—regulation 26(1)—requires that the manager shall be responsible for outside contractors working on his mine. This means that contractors on construction and extensions should not work on any mine on Sundays.

It must be agreed that there are great differences between quarrying and underground operations, particularly in respect of health and safety, but very little difference between quarrying operations and many surface and industrial projects where operations are carried on for seven days per week.

While it is necessary to restrict the days worked underground for health and safety reasons, normally there is not the same need for placing similar restrictions on quarrying, except in some isolated instances where harmful dust is produced, nor are any restrictions required on general surface work on mines.

Amendments proposed to section 38 will, therefore, make it possible for the iron ore mines and other such quarrying and sluicing types of mines to work seven days a week, should the necessity arise.

However, as protection of the health, welfare, and personal rights of mine workers should be maintained, provision has been made in section 38(1)(b), as amended by clause 17 of this Bill, that a workman shall not be employed in, on, or about a mine on a Sunday without his express consent.

The proposed amendments to section 38, which I have just outlined, make it necessary to amend the heading, "Division 6. Sunday Labour in Mines" in the Act, to "Division 6. Sunday Labour Underground," and the proposed amendments to the sections thereunder conform with this heading.

Industrial awards define a normal working week as operating from Monday to Friday, allowing reasonable time for overtime. In underground operations in Western Australia, however, this overtime is limited by the clause "within the limits prescribed by the Mines Regulation Act or any regulation made thereunder." This means, at present under section 39, that except in cases of special emergency, no overtime may be worked underground lawfully.

With regard to underground work, however, the union desires that the present section 39 should remain but that some additions should be made. Section 39 is as follows:—

1. No person shall be employed to work below ground in a mine, except in cases of special emergency, for more than thirty-seven and one half hours in any one week, or for a longer period than seven and one half hours on any day.
2. For the purpose of this section a person shall be deemed to be employed below ground from the time that he commences to descend a mine until he is relieved of his work and commences to return to the surface.

The Australian Workers Union suggested additions as follows:—

3. Provided that this section shall not apply on normal working days to skipmen, platmen, pipefitters, platelayers, timbermen, hydraulic fill operators, pumpmen, ventilation men, fitters and electricians, carrying out duties consistent with their work.
4. And further provided that the above men may be employed on maintenance on Saturdays so long as no ore breaking, underground transport of ore, or ore hoisting is undertaken.

Representatives of the mining industry operating deep mines submit that there are occasions when some Saturday work underground is necessary. For example, there are times when, because of breakdowns, holidays, and shortage of suitable labour, it becomes necessary to produce ore on Saturdays to feed a continuously operating mill. It must also be recognised that for special developmental projects and to bring new mines quickly into production, some Saturday work is essential.

It is a fact that, over recent years, such developmental work and production on Saturdays has been done and condoned by both the Mines Department and the union. In the Murchison, ore transport and hoisting on Saturdays have contributed to keeping the Hill 50 Mine in operation and in the eastern goldfields, both project development and production on Saturdays have been necessary. Without Saturday work, it is doubtful whether some of the mines would have been able to continue in existence; that is, on economic grounds.

The safety and welfare of miners is a prime concern of the Government and if section 39 is amended as proposed, while work will be permitted underground on Saturdays, the rights of individual workers will be protected in that each person concerned will have the right, if he so desires, to refuse to work on any Saturday.

Traditionally, there never has been any work allowed on Sundays underground, and this has always been accepted by management. It is, therefore, not intended to allow Sunday work underground in mines except as provided under division 6 of the Act, as amended.

I cannot comment any further, except to say that I am sure the time has been reached when we must have a very good look at this proposition. Personally, I appreciated the attitude of the representatives of the A.W.U. when I met them in Kalgoorlie, and I think they appreciated the situation.

So far as the north is concerned, I am sure those members who represent that portion of the country will appreciate that a finer administration has never been seen than that of management and labour working alongside one another there in order to get some of these projects under way. This has been possible only through the co-operation which exists among the people who are employed on the task of getting the mines going, and those who are responsible for the projects. It is to their everlasting credit that Western Australia has now been able to put herself in the forefront of industry in this way. Of course I am speaking from the mining point of view.

I have been to those areas on a number of occasions and I know it is necessary on occasions to perform some work at weekends. The point is that so far as underground mines are concerned, we will continue with the normal five-day week, but it will be permissible, in the event of the workmen so desiring, to work on Saturdays. If a workman does not wish to work on Saturdays he will not be obligated to do so.

So far as the north is concerned, there will be no work on Sundays unless the workman himself desires to be rostered for Sunday work. In respect of the other six days of the week, including Saturday, he will be able to be rostered. I am told that the arrangement that has persisted in the north for some time is acceptable to both the workmen and the management. There have been some technical difficulties, and in fact technical breaches of the regulations which have made it difficult to carry on under those conditions.

I repeat what I said in the notes: There is provision to exempt from the operations of the Act any mine, or class of mine, and I could have taken that action. However, I think it is far preferable to do what we did in, I think, 1961, when a Bill was introduced to provide for Sunday work at Yampi Sound. I think it is preferable to introduce a Bill of this nature to Parliament so that we can discuss the provisions and have some common understanding of the requirements in this modern day and age in respect of the development of the areas and their continued successful operation. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

STATE HOUSING ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.33 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains extensions of the provisions relating to dependent children, proposals to increase the maximum advance which may be made under the Act, and provision to increase the permissible cost or value of dwellings upon which second-mortgage assistance may be granted. It also provides for the State Housing Commission to absorb the operations of the McNess Housing Trust.

The additional income allowed to a "worker" in respect of each child has remained at $50 since the Workers' Homes Board Act was passed in 1912. The base eligibility has been increased on many occasions, though child endowment has since come about. The Bill proposes to increase the allowance for each dependent child to $100.

The additional sum for children is at present allowed only in respect of children under 16 years of age. No allowance is made for older children undertaking higher education, nor for invalid dependent children. This Bill proposes an increased allowance of $100 and this is to be applicable to all children between 16 years and 21 years of age, provided they are dependent upon the applicant. At present an applicant with three children under 16 years, and a student of 18, could earn up to $2,645 plus $50 x 3—that is, $2,795 per annum, and remain eligible for assistance.

It is now proposed that the allowable income applicable in this case be $2,645 plus $100 x 4, totalling $3,045 per annum.

The maximum loan which may be made under the Act is limited to $6,000 and, in the modern concept, that is quite unrealistic. It has been decided to lift the loan to $8,000—the limit considered desirable lest we reduce unduly the number of applicants who may be assisted. It is considered that the additional $2,000, at the current interest rate of 5¾ per cent. per annum will materially assist home purchasers on low and moderate incomes, though some may need second mortgages.

The commission makes advances under section 60A and by second mortgage to those applicants with first mortgages from private sources, but unable to finance the gap between the deposit and the amount of the first mortgage. This type of assistance is restricted to new houses and where the value or cost of the house, excluding the block, does not exceed $8,000.

This type of assistance is quite often availed of by applicants in the higher range of the commission eligibility, who are willing to meet the higher interest cost

of the private mortgagè, but the cost or value of the house is at a higher figure than the normal commission group house. It is felt that under present-day conditions, the valuation/cost limitation on housing is unduly low, so the Bill raises the limit from $8,000 to $10,000.

This will assist those applicants who wish to make their own arrangements and contract for higher repayments or who can make substantial deposits. Advances in this category enable a greater variety of homes in areas where commission-built homes predominate.

The Bill also empowers the State Housing Commission to absorb the operations of the McNess Housing Trust and to take over its assets and liabilities. Rights of existing tenants and purchasers are to be retained. The trust constituted under the McNess Housing Trust Act, 1930-1948, originated through a bequest by Sir Charles McNess, for the purpose of enabling the erection and disposal of modest cottages for persons of very limited means.

The original housing trust Act was instituted to regularise the use of certain gifts made by Charles McNess during his lifetime. Upon his death, a further sum of $186,000 was bequeathed to the trust, and in a subsequent amendment of this legislation the name of the benefactor was perpetuated.

With the passing of the Commonwealth and State Housing Agreement Acts, the housing of pensioners and other social Service recipients is adequately provided for, and the need for provision such as in the McNess Housing Trust Act has declined to the extent that it is now not necessary.

The original trust funds have long since been expended. For some years its operations have been carried on by grants from the Lotteries Commission, together with matching grants from the State, but recently the Lotteries Commission advised that no further grants would be made from its funds for the purposes of the trust.

Trust membership comprises Mr. A. J. McLaren and Mr. L. F. Hyam, with Mr. A. H. Cole, a State Housing Commission officer, as secretary. All administration and commission facilities have been provided free of cost. The Government extends its sincere appreciation to the trustees for the duties that they have performed. I am sure expressions of due appreciation and respect have, on appropriate occasions, been made to the benefactor, the late Sir Charles McNess.

Because of the lack of supporting funds and of the need for a separate housing trust being superseded by the operations of the Commonwealth and State Housing agreement, the members of the trust have recommended that the McNess Housing Trust Act be repealed, and that the assets and any obligations of the trust be taken over by the State Housing Commission, and this Bill provides accordingly.

The text of the communication, dated the 9th October, 1967, received from the trust, reads as follows:—

> At last week's meeting of the McNess Housing Trust it was resolved that a recommendation be made to you that the McNess Housing Trust Act be repealed and that the assets of the trust be transferred to the State Housing Commission.
>
> In arriving at this decision the trust is of the opinion that it has outlived its usefulness and is now out of keeping with current economic conditions.
>
> The original capital has long since been absorbed, and to proceed with any further building programme the trust is dependent on "hand outs" from the Government.
>
> The cost of present-day buildings are such that a rental of $1.25 per week is insufficient to meet the minimum outgoings of rates, taxes, insurance and maintenance, with the result that the trust must face an ever-increasing loss, and to minimise this loss only the minimum maintenance is being undertaken.
>
> The loss on rented properties, excluding Southlea and Westlea Flats, was $3,000 for 1965-66 and $3,660 for the year ended 30/6/67.
>
> The rent of $1.25 was established in 1948 when the pension rate was $3.75 per week and at which date the rent represented approximately 16.6 per cent. of a pensioner couple's income. On today's pension of $11.75 per person, the percentage has reduced to 5.3 per cent.
>
> Under the formula laid down in the Commonwealth-State Housing Agreement Act, a pensioner couple are expected to meet a weekly rental of $3.20.
>
> If you so desire, we would be pleased to discuss this matter with you at your convenience.
>
> A. J. McLaren—Chairman.
>
> L. F. Hyam—Member.
>
> A. H. Cole—Secretary.

By combining the operations of the trust with those of the commission, the administration and accounting will be simplified and the assessment of rents will eventually become uniform. Some of the older properties can be up-graded or, alternatively, the tenants offered the better facilities of State Housing Commission homes.

An undertaking was given that occupants of McNess trust properties may continue their occupancies under the existing provisions of the Act, and it is proposed that the memory of Sir Charles

McNess will now be reperpetuated by the naming of a suitable block of flats for elderly people in his honour.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

House adjourned at 5.43 p.m.

Legislative Assembly

Thursday, the 24th October, 1968

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

BILLS (2): RETURNED

1. Traffic Act Amendment Bill.

   Bill returned from the Council without amendment.

2. Taxi-cars (Co-ordination and Control) Act Amendment Bill.

   Bill returned from the Council with amendments.

MINING ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Bovell (Minister for Lands), read a first time.

ROYAL COMMISSIONS BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

QUESTIONS (17): ON NOTICE

WYNDHAM FREEZING, CANNING AND MEAT EXPORT WORKS

Cost of Variation Clause

1. Mr. TONKIN asked the Minister for the North-West:

   (1) What is the cost to the State of the variation approved by him in clause 4 of the agreement to sell the Wyndham Freezing, Canning and Meat Export Works to Wyndham Meats (1967) Pty. Ltd.?

   (2) What is the justification for the variation?

   Mr. COURT replied:

   (1) There is no direct cost to the State arising out of the variation to clause 4 of the sale of the Wyndham Freezing, Canning and Meat Export Works which has been approved.

   (2) Cattle numbers were down in the 1967 season for reasons which are generally well known.

   This resulted in the meatworks operating at a loss to the new owners.

   If Wyndham Meats (1967) Pty. Ltd. had met the instalments payable under clause 4 of the agreement for sale on the due date the finance required for alterations and upgrading of the plant which the company was obliged to carry out would not have been available.

   This would have meant that it would be necessary to defer modernisation and alterations necessary for the efficient operation of the meatworks, which, indirectly, are of great benefit to the Kimberley pastoral industry.

AUDIT INSPECTORS

Transfer to Professional Division

2. Mr. TONKIN asked the Premier:

   What decision, if any, has been made concerning the recommendation of the Auditor-General that because of the training, specialised experience, and responsibility of audit inspectors they be transferred from the clerical division to the professional division?

   Mr. BRAND replied:

   A decision on this matter has not yet been made.

COMPULSORY FRUIT-FLY BAITING SCHEME

Local Authorities Covered, and Individual Option

3. Mr. HARMAN asked the Minister for Agriculture:

   (1) How many local authorities in the metropolitan area are covered in total or in part by the compulsory fruit-fly baiting scheme?

   (2) Which are they and which areas are so covered?

   (3) Are there any moves at present to expand this scheme; if so, where?

   (4) Can persons resident within a compulsory area opt out by arranging their own control?

   (5) If not, would he consider allowing persons to arrange their own fruit-fly control during the compulsory period subject to prior individual applications and conditions imposed by his department?

   Mr. LEWIS (for Mr. Nalder) replied:

   (1) Four.

   (2) Shire of Perth: Districts covered are Maylands, Mt. Lawley, Inglewood, Menora, Coolbinia, parts of