Cases have occurred where various parts of the district are charged with differential rating in respect of loans, and the differential rating in some cases has almost coincided in each particular ward or prescribed area; whilst in other cases the amenity provided has subsequently been made use of by persons who have moved into what was previously an undeveloped area, and therefore differentiation is no longer justifiable.

Under the Road Districts Act the Governor had power to extend the range of differential rating or to absolve a council from its liability to rate only a portion of the district for a loan; and in a number of cases councils, or road boards, as they were then known, sought the application of the power held by the Governor. The Local Government Act, however, makes no provision for any variation in its rating differentiation in loans, even where it is quite obvious that it is no longer just. The amendment will therefore permit the Governor to vary the rating differentiation where this is justified.

The next amendment deals with the question of proof in legal proceedings and provides for the acceptance of a certificate on a document and a certificate of service as being sufficient without requiring a statutory declaration. As the existing provisions are set forth there are cases in which there would need to be two statutory declarations based on the one document, and it is considered that certificates by the clerk of the council should be quite sufficient.

The next amendment is to section 660, which sets forth the conditions under which actions may be taken against a municipality or its members or officers in respect of a tort. The provisions in the section are almost identical with those contained in the Road Districts Act as it existed before 1954. In 1954 the Road Districts Act was amended by the Limitation Act which repealed the provision of the Road Districts Act relative to claims against a council and made provision in the Limitation Act.

In drafting the Local Government Bill the opportunity was taken to reinsert the provisions of the Road Districts Act as it was considered that these were desirable to protect local authorities against claims in respect of torts. It has been objected, however, that in giving adequate protection to the local authorities, the rights of the person claiming to be injured have been, if not disregarded, at least not given the same degree of consideration.

The provision at present requires that to justify any action against a local authority for a tort, the person concerned must give to the council within 21 days after the cause of action arose, a notice in writing of the particulars of the cause of action and must quote the name of any person injured, together with any particulars of damage to property claimed to have been sustained.

As it has been pointed out that cases may arise where the person injured is unable, by reason of the injury, to give a notice within 21 days, it would be unreasonable to deprive such a person of his right to claim. The amendment is therefore to ensure that a person will still be entitled to claim if it can be shown that his failure to give notice did not prejudice the council in its defence.

The next amendment is to the form of nomination for election as a member of a council. Because of the form in the ninth schedule, some confusion arose this year as to whether a person was entitled to nominate himself or must in every case be nominated by some other person. The intention is that he nominates himself, and it is when for some reason he is not available to nominate himself that he is nominated by another person to whom he has given a written authority so to nominate him. It is therefore proposed to amend the form so that it is quite clear that a person nominates himself.

The final amendment is simply to insert an item which was omitted from the fifteenth schedule. It will be observed on studying the schedule that provision has beeen made in part IV for trespass fees in respect of certain enclosed land and then unenclosed land, but the great majority of enclosed land finds no place in the schedule.

It is therefore proposed by the amendment to insert the fees which may be claimed for trespass on enclosed land other than the special types set out in the first column of fees in the schedule. In addition to these fees, of course, a person is entitled to claim any special damages by virtue of the provisions of section 485 of the Local Government Act. This Bill is mainly a Committee Bill.

Debate adjourned until Tuesday, the 11th September, on motion by The Hon. E. M. Davies.

House adjourned at 10.15 p.m.

Legislative Assembly

Tuesday, the 28th August, 1962

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

QUESTIONS ON NOTICE

RIVERSIDE DRIVE: EAST PERTH TO GUILDFORD

Responsibility for Building, and Commencement

1. Mr. BRADY asked the Minister for Works:

   (1) Is the building of the riverside drive from East Perth to Guildford, as envisaged in the Stephenson plan, the responsibility of the shire councils or the Main Roads Department?

   (2) If the latter is responsible, has any action been taken to commence the drive?

   (3) When is it considered a commencement will be made?

   Mr. WILD replied:

   (1) The construction of a road between East Perth and the Redcliffe area will probably be carried out by the Main Roads Department.

   (2) No.

(3) No consideration has been given to constructing this road. The necessary land for the right of way will be acquired from time to time as opportunity presents itself.

TRAFFIC FLOW AT PEAK PERIODS

Situation at Guildford, Midland, and Bassendean

2. Mr. BRADY asked the Minister for Police:

As the outer perimeter highways through Eden Hill and Bellevue are not expected to be built for 15 years, can he state what steps are being taken to ease the build-up of vehicular traffic at Guildford, Midland, and Bassendean in the peak hours, on race days and football traffic conflicts at Bassendean area?

Mr. CRAIG replied:

It is not a function of the Main Roads Department to provide facilities for occasional traffic loads such as this, and the matter is handled by local police supervision.

For race meetings at Helena Vale and football fixtures at Bassendean oval, a sergeant and three men are placed on special duty at strategic points to control traffic and to assist its flow, and added to this strength is a patrolman whose duty is to make a general patrol of the busy area.

During week days, traffic movement is assisted by police control of the pedestrian crossing over Great Eastern Highway near the West Midland subway, during morning and afternoon peak pedestrian periods, and from Monday to Friday during the afternoon peak period and on Saturday mornings, the intersection of Great Eastern Highway and Helena Street, Midland, is manned to assist traffic flow. Added to this is general patrol of the area by a patrolman.

This control appears to give reasonable coverage at the events mentioned and in the townsite of Midland, but should traffic bottlenecks later become apparent then no doubt additional police control will be given.

REDUNDANT RIGHTS-OF-WAY

Closure

3. Mr. GRAHAM asked the Minister for Lands:

(1) Has he yet made any determination respecting the simplifying of the closure of redundant rights-of-way?

(2) If so, will he outline the nature of his conclusions?

Mr. BOVELL replied:

(1) and (2) The matter of simplifying closure of redundant rights-of-way is a complex one. Considerable investigation is necessary and this is in progress.

METROPOLITAN REGION RURAL LANDS

Policy on Minimum Areas

4. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

(1) What change of policy or procedure has been adopted since receipt last year of the report of the committee in regard to minimum areas of rural lands in the metropolitan region?

(2) What is the current policy of the Government in this matter in the Perth Shire Council area?

Mr. LEWIS replied:

(1) The committee was asked to report in respect of land zoned for rural purposes.

Because of decisions to incorporate two areas of land, one at Spearwood, and one at Balcatta, previously regarded as rural, in the urban zone of the Metropolitan Region Scheme, the recommendations of the committee have not been applied in respect of these areas.

(2) There is now no land in the Perth Shire Council area zoned for rural purposes in the Metropolitan Region Scheme.

However, the zoning by-laws of the Perth Shire Council do classify a rural zone and the by-law provides for a minimum area of five acres on subdivision. Each application for subdivision is considered on its merits.

Detailed planning of the future urban area is a task complementary to the Metropolitan Region Town Planning Scheme, and it will be necessary to retain holdings in as large lots as possible to ensure a satisfactory standard of development in the future.

WHOLE MILK

Experiments on Solids-not-fat Problem

5. Mr. RUNCIMAN asked the Minister for Agriculture:

(1) Have the experiments conducted by the Milk Board in conjunction with several whole-milk suppliers, into the solids-not-fat question, been concluded?

(2) If so, will the results be made available to all interested persons?

Advice to Farmers on Quality

(3) Have Milk Board inspectors the authority to advise farmers on milk quality problems?

Mr. NALDER replied:

(1) Yes.

(2) Yes; arrangements will be made for the results to be released as soon as possible.

(3) No; advice on milk quality problems is a matter for the Department of Agriculture.

FISHING CRAFT

Survey and Marking of Anchorages

6. Mr. FLETCHER asked the Minister for Works:

(1) Will he, with a view to the elimination of fishing craft loss and crew fatalities, have a coastal survey undertaken between Fremantle and Geraldton, for the purpose of—

(a) surveying all possible anchorages as refuge for fishing craft in bad weather, engine or other trouble;

(b) having such anchorages marked with lights by night and trigs or other prominent signs for use by day;

(c) having such anchorages marked on charts or maps, to be made available to skippers of fishing craft?

Painting Sea-contrast Colour

(2) Will he further recommend to boat owners that craft, rigging and superstructure be painted a sea-contrast colour to—

(a) facilitate sighting by search vessels or aircraft;

(b) prevent possible collision with State Shipping or other vessels using our coast?

Mr. WILD replied:

(1) This matter is receiving attention but must be considered in the light of the considerable expense involved in such a survey.

(2) Departmental officers are considering this proposal but it is doubtful whether any good would result from such recommendation.

TOBACCO INDUSTRY

Rehabilitation of Growers

7. Mr. ROWBERRY asked the Minister for Agriculture:

(1) As the tobacco industry has received a further severe setback—tantamount to extinction—at the 1962 tobacco auction in W.A., and in view of assurances given by him following the serious position which developed in the tobacco industry during 1961, what action has the Government taken in order to rehabilitate those affected?

Action to Improve Quality

(2) What progress has been made by Manjimup Research officers during the past twelve months, in ascertaining what remedial action should be taken in order to improve the quality and other factors to make W.A.-grown leaf acceptable to buyers generally?

Testing of Varieties

(3) Have any of the following tobacco varieties been tested at the Manjimup Research Station:—

(a) Delcrest;

(b) Cockers;

(c) Vamoor;

(d) Yellow Mammoth?

(4) If so, with what result?

(5) What other varieties have been tested to determine their breeding value?

(6) What variety has produced the best results?

(7) What function is the research station carrying out at the present time?

Government Assistance for 1962-63 Season

(8) What plans has the Government to assist the industry for the 1962-63 planting?

Mr. NALDER replied:

(1) Technical advice was available to help some growers produce alternative crops last season; a comprehensive programme of testing further crops is in progress at the Manjimup Research Station; a survey of tobacco farms has been made to determine their suitability for dairying and livestock production; an inter-departmental committee is investigating alternative avenues of production, including transport problems.

(2) Research at Manjimup and information gained in the United States enabled growers who participated last season to produce leaf with improved body and nicotine content. It was not possible to reduce chlorine content markedly.

In spite of greatly increased quality, leaf was not readily accepted by buyers.

(3) The varieties "Delcrest," "Vamoor," and "Yellow Mammoth" have been tested at the Manjimup Research Station but have given inferior performances to the recommended varieties. The variety "Cockers" has not been included in trials, as it is noted for its low nicotine content.

(4) Answered by No. (3).

(5) Several dozen other tobacco varieties have been tested in Manjimup but in no instance have they indicated an improvement with regard to chlorine uptake. For this reason they have not been suitable for use as breeding varieties.

(6) The variety that has shown most consistent performance in regard to quality and yield is the "Hicks" variety.

(7) At present a comprehensive programme of investigation into alternative crops is being carried out at the Manjimup Research Station. A wide range of crops is being grown in regard to their general suitability to the district, their yield and quality for processing purposes.

(8) As yet no growers have indicated their intention to plant tobacco for the 1962-63 season.

SUPERPHOSPHATE WORKS

Negotiations for Establishment at Esperance

8. Mr. MOIR asked the Minister for Industrial Development:

(1) Has an agreement been concluded with the Albany Superphosphate Company to construct and operate a superphosphate works at Esperance?

(2) If not, can he indicate when finality in the negotiations is likely to be reached?

(3) If so, when will construction work commence and when will supplies be available from that source?

Mr. COURT replied:

(1) to (3) The final details of an agreement are under negotiation with the Albany Superphosphate Company Proprietary Limited. Finality should be reached fairly soon.

The date of building and operation of the works cannot be determined until the agreement is fully negotiated.

The Government and the company are both anxious to make superphosphate deliveries ex Esperance works site as soon as possible. The negotiations were delayed by local objections earlier this year and this has rendered the original target date difficult of achievement. Both parties are examining the practicability of supplies being available ex Esperance worksite for at least part of the 1964-65 season.

TUCK SHOP AT YALLINGUP

Compensation for Lessee

9. Mr. TONKIN asked the Chief Secretary:

(1) Is he aware that the Government's decision concerning the tuck-shop adjacent to the hotel at Yallingup involves the present lessee in a financial loss of approximately £2,000?

(2) Why is it that the Government has seen to it that the lessee of the hotel at Yallingup and tenants of Government reserves such as at Rottnest are protected as to fixtures and fittings, etc., but no such consideration is given to the unfortunate retiring lessee of the tuck-shop at Yallingup?

(3) As the present lessee of the tuck-shop paid £600 for goodwill when taking over and was encouraged to improve facilities for meeting public requirements on the understanding that there was little possibility of his tenancy being terminated provided he observed the conditions of his lease, would it not be reasonable to compensate him?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) The lessee of Yallingup Cave House Hotel is required by the terms of the lease to purchase the plant, furniture, and fittings of the hotel and associated buildings. The proprietor of the tuck-shop is a sub-lessee of the lessee of Cave House and any consideration concerning personally owned fixtures and fittings in the tuck-shop is a matter between both parties.

(3) No. The improvements effected by the lessee of the tuck-shop are of such a nature that the lessee of the hotel intends to make substantial alterations to modernise the premises to bring them to a reasonable standard.

WATER, SEWERAGE, AND DRAINAGE RATES

Assessment on Altered Valuations

10. Mr. TONKIN asked the Minister for Water Supplies:

(1) Are all metropolitan districts being rated for water, sewerage and drainage this year on altered valuations?

(2) If not, which districts have been revalued?

(3) Is it a fact that in some instances valuations for rating purposes have been increased by more than 40 per cent. and in many instances more than 30 per cent. over last year?

(4) What is the estimated amount by which departmental revenue from rates only is expected to exceed the amount obtained from that source last financial year?

Mr. WILD replied:

(1) Yes.

(2) Answered by No. (1).

(3) Some valuations have risen by more than 40 per cent. and others by more than 30 per cent., but the over-all average increase is estimated at 18 per cent. Under progressive reviews exceedingly few valuations were in accordance with the provisions of the governing Act and the present percentage increase is due to that fact and is also largely dependent upon the length of time since the previous review.

(4) £370,000; but this gain is offset by a much lesser excess water revenue due to higher rebates and the necessity for meeting increased loan interest and sinking fund charges of £147,000 and operating costs approximating £19,000.

HIGH SCHOOL HOSTELS

Conversion of Albany District Hospital to Boys' Hostel

11A. Mr. HALL asked the Minister for Education:

(1) Has the Education Department taken over the old Albany District Hospital, as a high school hostel for boys?

(2) If so, what is the expected cost of converting the old hospital into a school hostel?

Mr. LEWIS replied:

(1) The Country High School Hostels Authority has taken over the old Albany District Hospital as a high school hostel for boys.

(2) Estimates of the cost are now being prepared.

Expenditure on Janette McDonald and Norman House Hostels

11B. Mr. HALL asked the Minister for Education:

(1) How much was spent by the Country High School Hostels Authority on—

(a) the residency Janette McDonald Hostel; and

(b) the Norman House Hostel;

for the years 1960-61 and 1961-62?

(2) Are subsidies paid by the authority redeemable?

(3) If so, what is the position relative to subsidies paid by the authority to school hostels, when such hostels are closed by the authority's action, and not by bad management?

Mr. LEWIS replied:

(1) (a) and (b) Nil in both years. The Education Department has spent the following amounts:

(a) On the Janette McDonald Hostel, £1,200.

(b) On the Norman House Hostel, nil.

(2) Subsidies are not paid by the Country High School Hostels Authority.

(3) Answered by No. (4).

SEWERAGE

Extensions to Belmont, Kewdale, and Cloverdale

12. Mr. JAMIESON asked the Minister for Works:

When is it anticipated that the sewer mains will be extended into the Belmont, Kewdale, and Cloverdale districts?

Mr. WILD replied:

Not for at least five years.

STATE HOUSING COMMISSION HOMES

Establishment in Kenwick, East Cannington, Maddington, and Gosnells

13. Mr. D. G. MAY asked the Minister representing the Minister for Housing:

(1) What State Housing development is contemplated in the Kenwick, East Cannington, Maddington, and Gosnells areas?

(2) If residential development is contemplated in these areas, will he indicate the proposed localities, the number of houses, and when it is anticipated buildings will commence?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Nothing at present.

NATIVES

Social Service and Ration Benefits

14. Mr. BURT asked the Minister for Native Welfare:

Will he advise the House how many natives—

(a) holding citizenship rights;

(b) without citizenship rights,

are receiving—

(i) Social Service benefits;

(ii) permanent rations;

(iii) temporary rations,

in the following districts where Native Welfare officers are stationed:—

Kalgoorlie;
Leonora;
Laverton;
Meekatharra;
Mt. Magnet?

Mr. LEWIS replied:

Position as at the 24th August, 1962:

Natives holding citizenship rights in the—			
Kalgoorlie sub-district (excluding Cundeelee Mission) and receiving	(i) Unemployment benefit	*nil*	
	Sickness benefit	1	
	Pensions	9	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	5	adults
		2	children
Leonora sub-district	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	2	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	*nil*	
Laverton sub-district (excluding Warburton Range Mission)	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	*nil*	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	*nil*	
Meekatharra sub-district	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	6	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	*nil*	
Mount Magnet sub-district	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	28	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	3	adults
Natives without citizenship rights in the—			
Kalgoorlie sub-district (excluding Cundeelee Mission)	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	24	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	2	adults
		2	children
Leonora sub-district	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	53	
	(ii) Permanent rations	2	adults
	(iii) Temporary rations	6	adults
Laverton sub-district (excluding Warburton Range Mission)	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	30	
	(ii) Permanent rations	14	adults
		13	children
	(iii) Temporary rations	30	adults
		5	children
Meekatharra sub-district	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	62	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	2	adults
		5	children
Mount Magnet sub-district	(i) Unemployment benefit	*nil*	
	Sickness benefit	*nil*	
	Pensions	20	
	(ii) Permanent rations	*nil*	
	(iii) Temporary rations	1	adult
		4	children

WATER RATES

Increase Under New System

15. Mr. HEAL asked the Minister for Water Supplies:

(1) Is it a fact he promised the people in the metropolitan area their water rates would be reduced, owing to a new rating system being introduced?

(2) Will he explain the reason why the premises situated at 533 Newcastle Street, West Perth, have had their water rates increased from £10 3s. 6d. (1961-62) rating) to £13 14s. 5d. (1962-63 rating)?

Use of Taxation Department Valuators

(3) What is the reason the Water Supply Department has ceased to carry out its own annual valuations and is now employing taxation valuators?

Mr. WILD replied:

(1) Yes. The water rating for private dwellings was reduced from 1s. 6d. to 1s. in the pound on the annual valuation as from the 1st July, 1961.

(2) The valuation on this property was increased following a general review by an independent valuing authority of the whole of the metropolitan area in accordance with the provisions of the governing Act. The review was also for the purpose of eliminating anomalies in valuations under the previous policy of progressive annual reviews.

(3) In order to achieve a review of valuations of the whole of the metropolitan area at the one time by an independent valuing authority and to conform with a policy of inaugurating triennial reviews.

RAILWAY ROAD BUSES

Licensing of New Vehicles

16. Mr. DAVIES asked the Minister for Railways:

(1) Have the three de luxe road buses put into service last year by the W.A. Government Railways now been unconditionally accepted for licensing by the Police Traffic Department?

(2) If not, what modifications are still required to make the buses conform to existing regulations?

Mr. COURT replied:

(1) and (2) The licensing of the buses referred to has been arranged with the approval of the Police Traffic Department and the Main Roads Department on the basis that their performances on two prescribed routes are kept under review over six-monthly periods to ensure that no modifications are necessary to meet Western Australian conditions.
The performances of these buses have been highly satisfactory since they commenced to operate in this State and no modifications are contemplated or thought necessary at this juncture.

17. *This question was postponed.*

SEWERAGE PROJECT AT BUNBURY

Availability of Men

18. Mr. O'NEIL asked the Minister for Works:

(1) Is any difficulty being experienced in obtaining men for work on the sewerage project in Bunbury?

(2) If so, will he advise what action was taken to obtain men and what was the result?

Mr. WILD replied:

(1) Yes.

(2) On the 20th August an additional 15 men were sought through the Commonwealth Employment office, Bunbury, and of the number requested 11 only were available and reported on the job on the following day. Two of these men would not accept the work offered and one left after four hours' work.
Two days later two further men were sent by the employment office and a further man was told to report on the 24th, but he failed to arrive. Of the 15 men requested, only 10 men were available and the employment office has been again contacted and asked for a further five men.

RENTAL HOMES

Rents in North-West Towns

19. Mr. RHATIGAN asked the Minister representing the Minister for Housing:

(1) On the State rental homes at Broome, Derby, Wyndham, and Halls Creek, what is the—
(a) lowest weekly rental;
(b) highest weekly rental;
(c) average weekly rental?

Rents in Metropolitan Area

(2) How do these rentals compare with those of similar types of homes in the metropolitan area?

Mr. ROSS HUTCHINSON replied:

(1)

District	Weekly Rentals (a) Lowest	(b) Highest	(c) Average
	£ s. d.	£ s. d.	£ s. d.
Broome	4 11 0	5 19 0	5 3 0
Derby	3 12 6	6 7 6	5 18 0
Wyndham	3 19 6	6 2 0	5 6 6
Halls Creek*	3 12 0	3 12 0	3 12 0

* Only one rental dwelling.

(2) Due to climatic condition, etc., in the north-west, similar types of homes are not constructed in the metropolitan area.

The rental range on recently completed comparable type of accommodation homes in the metropolitan area is £4 to £4 6s.

STATE SHIPPING SERVICE

Tabling of Captain Williams's Report

20. Mr. RHATIGAN asked the Premier:

As the residents of the north-west and maritime unions of W.A. are vitally interested in the inquiry by Captain Williams in connection with the State Shipping Service, will he do all possible to hasten the tabling of Captain Williams's report?

Mr. BRAND replied:

The report is being considered as quickly as is practicable.

It covers a wide range of matters and it is not considered desirable to table it until decisions have been made on most of the points included in Captain Williams's recommendations.

MIDLAND JUNCTION WORKSHOPS

Completion of RCB Wagons

21. Mr. TOMS asked the Minister for Railways:

(1) When will the present order for RCB wagons be completed in the Midland Junction Workshops?

Orders for Boilermaking Shop

(2) What orders for wagons are due to be started in the boilermaking shop, and when?

Mr. COURT replied:

(1) Early October, 1962.

(2) 100 RCB bogie open high side wagons on which construction has commenced.

50 QU bogie flat top wagons on which construction has commenced.

30 VF bogie vans on which construction is expected to commence about March, 1963.

SCHOOLS

Provision for East Nollamara

22. Mr. GRAHAM asked the Minister for Education:

(1) Will he define as accurately as possible the exact position of school facilities to be provided in the East Nollamara locality?

(2) What acreage is to be set aside?

(3) Is it to be a composite primary school-high school site?

(4) Are there any plans showing the proposed layout of buildings, etc.?

(5) If so, will he provide a sketch plan?

(6) Has a name been chosen, or is one under consideration for the schools?

(7) If so, what?

(8) What are the contemplated numbers of children to be accommodated initially and ultimately in the two schools respectively?

(9) When are building operations likely to commence in each case?

(10) When will the schools be ready for occupation, respectively?

Position at Tuart Hill High School

(11) Will he have a check made on the existing number and potential enrolments of students for Tuart Hill High School in order to satisfy himself that the position at this school next year and the following year will not be worse than at present contemplated?

Mr. LEWIS replied:

(1) Area south of the junction of Nollamara Avenue and the Strand. The western boundary of the school site is almost the extension of Winchelsea Road.

(2) Approximately 35 acres.

(3) Yes.

(4) and (5) None as yet.

(6) Yes.

(7) Mirrabooka.

(8) The primary school is expected to open with approximately 200 pupils. The final enrolment may be approximately 650. This number will be dependent on housing developments in the area. A further survey of the position will be conducted later in 1962.

It is too early as yet to indicate the likely enrolment of the high school. It is expected ultimately to be a three-year high school with approximately 1,100 students. Future developments will depend on population changes.

(9) Primary school building operations towards the end of October. High school not known.

(10) Primary school by February, 1963. High school not known.

(11) Enrolments at Tuart Hill High School at March, 1962, were 1,678. In 1963 the predictions are 1,540 and the 1964 predictions are 1,565.

Even if the position becomes worse than expected in 1963 and 1964 it is unlikely to be any worse than at present.

QUESTIONS WITHOUT NOTICE

STATUTE OF FRAUDS: SECTION 4

Application in Other States

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

   Could he tell me the position in all of the other Australian States as to the original provisions of section 4 of the Statute of Frauds?

   Mr. COURT replied:

   The honourable member was good enough to send me notice of this question. I made some inquiries and find that so far as is known by the Crown Law Department the section still applies in all States.

FOOTBALL GRAND FINAL

Special Train for Goldfields Residents

2. Mr. EVANS asked the Minister for Railways:

   When speaking on the Address-in-Reply debate I advocated that the Minister give consideration to providing a special train to run from Perth to Kalgoorlie on the Sunday following the football grand final. Could the Minister tell me whether consideration has been given to that request; and, if so, what was the result of his deliberations?

   Mr. COURT replied:

   As promised during the Address-in-Reply debate, I had the matter checked and find that in recent years there has been a practice to run a special train from Kalgoorlie to Perth on the Friday evening immediately before the grand final; and, in addition, to attach extra coaches to the normal *Kalgoorlie Express* on that day. For the convenience of goldfields residents who desire to remain in Perth on the Saturday evening a special train has been run from Perth to Kalgoorlie leaving at 4.55 on the Sunday evening and arriving at Kalgoorlie at 7.5 on the Monday morning. These train arrangements will apply this year on Friday, the 5th October, from Kalgoorlie; and on Sunday, the 7th October, from Perth.

   In addition to football enthusiasts, a number of country visitors have usually taken advantage of this service to attend the Royal Show, and I find that the revenue for the October, 1961 venture was very satisfactory.

MENTAL HEALTH SERVICE

Expenditure of Commonwealth Funds

3. Mr. J. HEGNEY asked the Minister for Health:

   (1) Have all of the funds made available by the Commonwealth to the State for mental health service buildings, etc., been expended?

   (2) If not, could he give the reason why they have not been used?

   Mr. ROSS HUTCHINSON replied:

   (1) and (2) No; the moneys available have not been expended. There are several reasons for this. One is that the State must expend £2 for every £1 of Commonwealth money allotted. A second reason is that the plans which were originally drawn up for buildings, the cost of which would have perhaps been far in excess of the money readily available, had to be scrapped because of modern developments and trends in the field of treatment of the mentally disordered. These plans were submitted to me some months after I assumed the portfolio of Health, and I was then advised they were out of date.

   Subsequently, experts in the field of mental health from England who visited this State have informed me that we would be well advised not to spend large amounts of money on big institutions because that is not the present trend. That brief answer gives the reason why this money has not been expended at this point of time.

IRON ORE (MOUNT GOLDSWORTHY) AGREEMENT BILL

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.

POLICE ACT AMENDMENT BILL

In Committee, etc.

Resumed from the 23rd August. The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clause 2: Section 66 amended—

The CHAIRMAN: Progress was reported on the clause after Mr. Brady had moved the following amendment:—

Page 2, lines 9 to 11—Delete all words after the word "excuse" down to and including the word "person".

Mr. CRAIG: I am sorry the member for Swan is not in his seat, as he moved this amendment to the clause. I have given a lot of thought to his remarks both prior to and in support of the motion, and also to those expressed by the Leader of the Opposition. I cannot help but feel that to a very great extent the provisions are the correct ones, although I have given due cognisance to the points raised by both members and to their objection against placing the onus of proof on the person caught in or upon any premises. I feel that no lawful person wishes to go prowling around people's property. If he has a reason for doing so he should let the owner or occupier of the property know why he desires to be in the immediate vicinity or in the precincts of the property or home.

The clause provides that the onus shall be placed on the person caught on the property. If he cannot give lawful or reasonable excuse for being found in those circumstances then, of course, the onus of proof reverts to the police; and the police have to prove why he was on the property.

I believe quite sincerely that not only is it the desire of the Government, but it is also the desire of the Opposition that this particular type of person should be dealt with more severely; and the machinery should exist to enable him to be dealt with more severely than is at present provided for in the Act.

Although I believe that the onus of proof on the person would strengthen the law, the amendment will not weaken the activities of the police in apprehending this type of offender, and I am prepared to accept it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Bill reported with an amendment.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

MR. WILD (Dale—Minister for Works) [5.6 p.m.]: I move—

That the Bill be now read a second time.

This very small Bill is to correct an anomaly which was discovered just prior to the Bill being proclaimed. The Crown Law Department, as is its wont when a Bill is to become law, prepared the necessary Executive Council papers, but the papers showed five members as constituting the board. This, of course, was not the intention of Parliament. The Leader of the Government in another place, in moving an amendment to meet the wishes of Parliament—to make it a board of three members—drafted the amendment himself. My attention was drawn, earlier this year, to the fact that in drafting his amendment, he had omitted a couple of words; and the omission of those two words made all the difference to the constitution of the board.

The member for Balcatta, who sponsored this legislation in the House, discussed the matter with me; and it was arranged between us that as I would be handling the Bill as Minister, I should take steps to right this wrong. As a result the Crown Law Department has drafted this small amending measure which, I hope, will ensure that only three members will be on the board as was originally intended. The relevant section of the Act reads as follows:—

> 7. (1) The Board shall consist of—
>
> (a) a Chairman who shall be the Chairman for the time being of the Builders' Registration Board of Western Australia;
>
> (b) Two members appointed by the Governor, one member nominated by the Association and who shall be a member of the Association, and one member nominated by the West Australian Chamber of Manufactures (Inc.) and who shall be a representative of the Australian Paint Manufacturers Federation (W.A. Branch).

This Bill rights a wrong which originated, unfortunately, in another place. I feel certain that the member for Balcatta will acquiesce in this amending Bill.

Debate adjourned, on motion by Mr. Graham.

EVIDENCE ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.11 p.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Bill for the Amendment of the Declarations and Attestations Act. Its purpose is to introduce a new section numbered 79A which will provide that where a document requires attestation to be valid, that document may, in any legal proceeding, be proved in the manner in which it might be proved if no attesting witness to the document were alive. The new section would not, however, apply to the proof of a will or other testamentary document.

It is a rule of evidence that where a document is required by law to be attested then (subject to certain exceptions) the document must be proved in court by calling the attesting witness, provided the

name of the witness is known and that he is capable of being called. It is only when the witness (or each witness if more than one) is incapable of being called that "secondary" evidence of attestation—which is proof of the handwriting of any one of them—may be given and is sufficient (13 *Halsbury's Laws of England*, 2nd Edition, page 641).

The difficulties presented by the above rule have, in England, been largely overcome by the provisions of section 3 of the Evidence Act, 1938 (U.K.). That section reads as follows:—

> Subject as hereinafter provided, in any proceedings, whether civil or criminal, an instrument to the validity of which attestation is requisite may, instead of being proved by an attesting witness, be proved in the manner in which it might be proved if no attesting witness were alive: Provided that nothing in this section shall apply to the proof of wills or other testamentary documents.

It may be argued that where a signature to a document is attested in another State by a person whose signature and qualifications are not readily capable of being checked by reference to official records in this State, it is possible that difficulties might arise concerning proof of the due signing or execution of the document.

In support of the provisions of the Bill, it is pointed out that in practice such difficulties appear very seldom to arise, possibly because of section 56 (b) of the Evidence Act. That section requires courts to take judicial notice of the official signature of a justice of the peace for any part of Australia and of the fact of his holding such office.

In the event of the justice's signature being illegible or otherwise challenged, the introduction of the new section 79A into the Act will enable the giving of the necessary proof in court by other witnesses.

Debate adjourned, on motion by Mr. Evans.

COAL MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [5.14 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is to amend that part of the Coal Mines Regulation Act, 1946-51, which constitutes a fund known as the Coal Mines Accident Relief Fund. Such fund is made up of contributions of 1s. 6d. per employee per fortnight, and a payment by the employers of one halfpenny per ton of coal sold from any mine during the preceding six months. The Government itself makes no contribution.

From this fund, which is administered by trustees comprising one representative each of the contributing parties and a departmental officer, is paid compensation to any employee injured or who contracts disease while working "in coal mines." It is apparent that through the trustees both employers and employees have requested this amending legislation.

The Bill proposes that the Act be amended to provide compensation to any employee who sustains injury or contracts disease "during the course of his duties" in lieu of "in coal mines." The reasons for the amendment are logical ones in that the type of mining operation at Collie today, particularly the open-cut operations, employs a large percentage of truck and machine drivers whose duties are often on ground other than mining leases. Truck drivers transport coal away from mines, and load and transport stores and materials to and from mines. Surveyors and their assistants are others often working off mining leases. All these contribute to the fund but if injured in the course of their duties when not on a mine would not be eligible for compensation.

The compensation payable is from time to time raised or lowered by regulation according to the state of the fund, and there is no Government liability in the matter. The present weekly payment for accident is 45s. per week which reduces if the disablement continues over a long period. In the case of death, a widow receives 30s. per week while unmarried. Provision is made also for cases of single men with dependants, children of married men, etc. This fund does not in any way affect workers' compensation.

Debate adjourned, on motion by Mr. H. May.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

> That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [5.18 p.m.]: This is a Bill of very little quantity; but it is very important, and I support it. Section 13 of the Act reads—

> All affidavits and declarations required to be made by this Act may be made before any Justice.

The Interpretation Act governing our legislation specifies that the word "may" will be taken to mean that there is a discretion to be exercised. However, the practice has crept in, with regard to section 13 of the Associations Incorporation Act, to have affidavits and declarations, required by the Act, made only before a justice.

The section states that such documents may be made before any justice; it does not mention any other person such as a commissioner for affidavits in the Supreme Court of Western Australia.

The proposed amendment sets out to provide that commissioners for taking affidavits in the Supreme Court of Western Australia will also be able to take these affidavits. I support the second reading of 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.

LAW REFORM (STATUTE OF FRAUDS) BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [5.22 p.m.]: This Bill relates to the Statute of Frauds which was passed in the year 1677 during the reign of King Charles II. The measure proposes that the amended Act may be cited as the Law Reform (Statute of Frauds) Act, 1962.

This afternoon I asked the Minister a question without notice, and he informed me that to the best of the knowledge of the Crown Law Department, section 4—the section under review—of the Statute of Frauds is intact in each of the other Australian States.

I do not stand here to oppose anything in the way of law reform—I am all for it. But, at the same time, I would like to hear some more cogent argument put forward by the Minister as to why this Chamber should agree in 1962 to amend something that has been law in Western Australia since 1829 and in England, up till 1925, from the year 1677.

The Minister stated when introducing the second reading of the Bill—as well as giving us an interesting resume of the history surrounding the introduction of the measure—a reason appertaining to the introduction of the Statute of Frauds in 1677; and it was that juries at that particular time were entitled to decide upon their own knowledge apart from the evidence which was adduced in court.

That is quite true. However, I find from some research that in 1650, before the introduction of the statute, it was held in the case of Bennett and the Hundred of Hartford (Style 233) that a juror might no longer use private knowledge but must be sworn as a witness if he wished to testify. But there was still some doubt about the position. As we know, the Statute was introduced in 1677 in respect of this point, but it would seem that by 1816 there was a direction by a judge that should a jury find on the facts within their own knowledge, that would apparently be a ground for a new trial. This was decided in the case of the King v Sutton, (4 M. & S. p. 532).

The second reason the Minister adduced was that no proper control at the time of the introduction of the Statute of Frauds could be exercised over the verdicts of juries. That also is quite true. However, by the year 1869, by 32 and 33 Victoria, capita 83, a statutory amendment to the English Evidence Act finally abrogated the common law rule as to evidence given by interested parties and controlled verdicts by juries established; and by 1757 the right of courts to grant new trials was firmly established. Today we know—and it has been suggested since early in the 19th century—that courts can review verdicts of juries.

The Minister stated that all these reasons appertaining to the time the statute was introduced no longer applied and therefore there was no need to retain certain of the provisions of section 4. But I hope to show that the conditions that applied in 1677 have not, in some instances, applied since 1757; yet this is the first occasion that we in Western Australia have been called upon to review section 4 of the statute.

The Minister also stated that in nearly all civil jurisdictions today facts are ascertained, not before a jury but before a judge or a magistrate, and that the provisions which were included to safeguard parties who have their cases heard before juries, no longer need apply.

Even though in civil jurisdiction today juries do not—with the exception perhaps of New South Wales—operate as they did before, there is still a reason—perhaps a strong one—why we should retain these provisions; because an eminent New South Wales barrister is reported to have said—and this same sentiment was earlier expressed by the Lord Chief Justice of England (Sir Humphrey Travers)—

> The more I see of trial by judge, the more I believe in trial by jury.

So I feel that provisions which were included in the Statute because trials were heard before juries are ever so much more required in certain cases when facts are elucidated before a judge or a magistrate.

In 1925 in England, the part of section 4 of the Statute of Frauds that required that any transfer of land or hereditament relating to land was required to be evidenced in writing by memorandum signed by the person to be charged, or his duly appointed agent, was repealed from the

Statute of Frauds, but it was incorporated in the Law of Property Act of England in 1925.

The other four provisions of the section remained in the English legislation until 1952 when, following the recommendation of the law revision committee, section 4 of the Sale of Goods Act was repealed as well as was section 4 of the Statute of Frauds, in all respects except that relating to guarantees.

The purpose of the amendment before us is to bring our legislation into line with that of England: in other words, we will retain in section 4 only two of the original five provisions. In England one of these provisions is incorporated in the Law of Property Act, and the other is still incorporated in the Statute of Frauds.

The two provisions in question are the one relating to an interest in land, and the other to a person who guarantees to make good the default or miscarriage of another. In brief, section 4 provided that a contract had to be evidenced in writing, or a memorandum had to be made of such contract and signed by the person to be charged in the following five instances:—

(1) Where there is an interest in land, or hereditaments relating to land where it has been transferred.

(2) Where contracts were made in consideration of marriage.

(3) Where an executor promised to pay expenses out of his own personal estate.

(4) Where a person guaranteed to make good the miscarriage or default of another.

(5) Where a contract was made which could not be performed within the scope of one year.

To a great extent, courts have watered down these provisions in the Statute inasmuch as, since 1952, in a case Lerow v. Brown, it has been held that a contract which did not comply with the provisions of section 4 of the Statute of Frauds was not void, but was only unenforceable. That is, such a failure to comply with the contract did not affect the validity of the contract, but only made it unenforceable.

Furthermore, when we look at the contents of the memorandum that is required, as the courts have held, provided the document, as relied upon by the plaintiff does contain all the material terms, it does not have to be prepared as a memorandum. For example, the courts have accepted as being quite sufficient—a telegram; a recital of a person's will; a letter written to a third party; or even a letter written by the defendant repudiating his liability. Any of those factors have been accepted by the courts as being sufficient for the memorandum that is required by statute.

I will now refer to the signature that must be made. The making of the signature has been loosely interpreted. In the first place, it need not be a subscription. That is to say, it need not be at the foot of the memorandum, but may appear in any part of it, from the beginning to the end. In the popular sense, it need not be a signature at all. A printed slip may suffice so long as it contains the name of the defendant.

This relaxation of the statutory language was established well over 100 years ago. Another important relaxation, although it does not conform strictly to the Statute, is that only the person whom it is sought to hold liable on the agreement, or his agent, need sign the agreement. For example, a plaintiff who has not signed any memorandum can still sue a defendant who has.

Furthermore, the courts have held that the joinder of several documents constitutes a sufficient memorandum in certain circumstances. Therefore, I fail to see why it was considered necessary in 1962, in Western Australia, to repeal the provisions of section 4 requiring certain contracts or agreements to be evidenced in writing. It is not my intention, however, to stand in the way of progress, as I understand these amendments have been proposed by the Law Reform Committee. But the arguments advanced by the Minister in his second reading speech have failed to convince me fully that there is need for this amendment.

I know that Professor Cheshire, an eminent English legal authority on the law of contract, has, among others, advocated the reform. But, even so, I do not consider that any cogent reasons have been put forward for such reform, apart from several sweeping statements that have been made. Also, I am fortified in my argument in that no other State in the Commonwealth—so far as the Crown Law Department can advise me—has seen fit to introduce such legislation up to now. I do not intend to oppose the Bill, but I would like to hear further from the Minister on the reasons for its introduction at this stage.

MR. GUTHRIE (Subiaco) [5.36 p.m.]: As the Minister and the member for Kalgoorlie have indicated, the Statute of Frauds is one of the great cornerstones of British justice. It has survived for 345 years, or whatever the period is. In any event, it has survived from 1667 to 1962. That makes it a period of 385 years.

Mr. W. Hegney: You are making it worse now.

Mr. GUTHRIE: Perhaps somebody can work the period out for me. However, originally the statute consisted of 25 sections, but today it consists of only two. By this Bill we now propose to repeal some of the provisions contained in one of those sections.

Section 4 is probably the most important; and it was undoubtedly introduced, in 1667 to prevent, as the very name of the statute implies, fraud in a day when most people were illiterate and there was a great necessity to make provision for agreements to be reduced to writing for the protection of the ordinary person in the community.

I think it will prove of some interest to read an extract from the foreword of what is generally regarded as the leading textbook on section 4 of the Statute of Frauds, which book was written by a New Zealander, one James Williams. The foreword was written by Dr. H. D. Hazeltine, who, among other things, said—

> The Statute of Frauds, with its twenty-five sections, is one of the most comprehensive and important statutes known to the history of English law. With the exception of sections four and twenty-three, the whole of this great Statute has been repealed, many of its provisions finding a place in other Acts of the Parliament; and even a part of section four has been repealed by the Law of Property Act, 1925, although re-enacted in modified form by that Statute. Section four of the Statute of Frauds still remains, however, as an integral part of our legal system; and at the present day it has, in fact, a practical importance not only in England, but also in other countries (notably certain of the British Dominions and of the States of the American Union) which have succeeded to it or adopted its provisions.

In his speech the Minister did deal with the main provisions of the section, but the reason why it has become outmoded is because of its very Caroline language—to which this textbook refers. It is couched in language which is too rigid; and over a long period of years the courts, of equity in particular, have been compelled, in order to make the statute workable, to alter its effect, so that today the way it now works would horrify the people who drafted it, because its effect has been completely diverted from that contained in the rigid provisions of the original sections.

It is also of some interest to know that Dr. Hazeltine also said in the introduction to this textbook—

> The Statute of Frauds effected a substantial improvement in this condition of affairs. First, it prevented questions relating to the several matters with which it dealt, from being left at large to the jury, possibly to be decided by the jury's own knowledge or lack of knowledge; henceforth, before a jury could find a verdict in these cases, evidence of the prescribed sort had to be adduced. Secondly, the Statute went some distance towards overcoming the rules which disqualified parties as witnesses, for where a writing was prescribed, it had to be signed by the party or his agent. And thirdly, the Statute provided some certainty amidst the general uncertainty with which the law of evidence as a whole was invested.

But he also said, in this foreword to the textbook—

> As a result of his extensive survey of the judicial interpretation of the Statute of Frauds, section four, the learned author has shown us clearly that there has been to a large extent a nullification of the section by the courts; and, moreover, he has demonstrated, with remarkable lucidity and in abundant detail, that "the processes by which the courts have achieved this result have of necessity brought in their train many complexities and over-refined distinctions." In view of this undesirable feature of our existing law, Dr. Williams raises the question as to whether the section should not be repealed by the Legislature, or, if not repealed, at least extensively modified. He himself favours repeal: and indeed at the present day, both in legal and in commercial circles, this view is generally held. Dr. Williams' arguments for repeal, based as they are on an elaborate and scholarly study of all the problems involved, are worthy of the most careful consideration by law reformers.

It is significant that in England, in 1925, a special Law Reform Commission was appointed; and it introduced extremely sweeping law reform provisions, this being one of the subjects upon which it recommended reform. It is not a question of Western Australia, or of some other Australian State, in 1962, suddenly realising that the Statute of Frauds of 1667 is out of date. It is a question, in this State, of our catching up with that movement which started in England 37 years ago.

One of the great features developed by courts of equity, which has almost completely nullified the Statute of Frauds, is the doctrine which those courts have developed, known as the doctrine of part performance; and the effect of that is that, even though there is no writing, if a party has performed, or partly performed, his obligations under a contract coming within the Statute, but not complying with its requirements, the Courts of Equity will sometimes, and notwithstanding the Statute, on grounds of conscience and fair dealing, allow that party to sue for specific performance, and in his suit to adduce parol evidence of the contract. It has sometimes been said that the basis of this doctrine is the jurisdiction of Courts of Equity to interpose in order to prevent fraud.

That is the great difficulty that has arisen in connection with the Statute of Frauds. Instead of protecting people from

fraud the Statute, to a large extent, has now been reduced to one whereby fraudulent people relieve themselves from the contracts made by them verbally and voluntarily, merely on the technical point that the contracts have not been reduced to writing.

Mr. Evans: May I ask you a question, concerning a point on the doctrine of part performance? As I understand it, that applies only to interest in land, and that provision will be retained in the Statute in any event.

Mr. GUTHRIE: I would not join issue with the member for Kalgoorlie, but I was more or less under the impression that the doctrine of part performance applied to any contract. Whether that is so I could not be absolutely sure without indulging in a little more research. It must be borne in mind that, very largely, the Statute of Frauds deals only with any action on contracts relating to land.

I will now turn to the specific provisions that are to be removed from the Statute by this Bill. The first is the phrase, "Whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate." That sounds very clear English; and if one reads it literally it means only that it applies where the executor has made a special promise to answer damages out of his estate.

We find that as long ago as 1756 the Lord Chancellor of England thought differently; and in the case of Tomlinson v. Gill he thought that it went further than to answer for damages out of the estate, and that it also applied to a case where the executor promised to pay the debts of the testator, liquidated or unliquidated. Consequently that was one of the occasions when the courts altered the Statute.

It is safe to say that one does not often strike in these days, cases where executors promise to be responsible for the obligations of the testator. It is somewhat significant that the textbook to which I am referring, dealing with section 4 of the Act, devotes half a page to that particular provision. There are not many such cases in these days, and in all my professional career I have not had an occasion to apply this part of the Statute of Frauds.

The next amendment in the Bill proposes to delete the passage, "or to charge any person upon any agreement made upon consideration of marriage." Again the courts have dealt with that aspect, and they have made it quite clear for a start that it did not apply to a contract of marriage. The Statute applies only to contracts made in consideration of marriage, and not to contracts of marriage. There was an earlier contrary decision given, but it was overruled in 1698; consequently it applies only where there is a promise to settle marriage portions upon marriage—a feature which has become obsolete since the passage of the Married Women's Property Act. It was of considerable importance before 1892, because married women could not hold property until the passage of that legislation. It will not cause anyone any harm to have this passage taken out of the legislation.

The third amendment in the Bill proposes to delete the passage, "or upon any agreement that is not to be performed within the space of one year from the making thereof." This is a provision on which the courts have really gone to town, and altered completely. Reading that provision one would say it was written in perfectly plain language. It could apply to any agreement that is not to be performed within the space of one year from the making of it. One can imagine that most agreements, even on buying a motorcar, are not likely to be performed within the space of one year. The net result was that many people would have been able to get out of their contracts.

The courts have slowly whittled the provision away, until now the net effect of all the decisions, and the opinion of the author of this textbook from which I am reading, is this: The true principle is that if all that one of the parties is to do under the contract may by possibility, conformably with the terms of the contract, be performed within the year, then that contract is out of the Statute. If it is possible that one of the parties might complete his contract within the period of one year then the effect of the decision of the court is that the provision is a nullity.

By passing the measure we will not be sweeping away anything which is of great importance in the legislation. We will be removing from the statute book a section which is not of very great importance on those particular points which I have mentioned, and which on rare occasions permit some fraudulent person to take advantage of a technicality.

The member for Kalgoorlie gave a number of instances of methods whereby a note or memorandum could be signed, but I think the courts reached their peak on that some years ago when a person sued another on a verbal promise, and a defence was raised under the Statute of Frauds. Without thinking, the counsel for the defence admitted that the verbal agreement was made, but raised a plea under Statute of Frauds.

The plaintiff's solicitor immediately discontinued that action and issued another writ; he relied on the defence counsel's statement of defence in the first action as a sufficient note or memorandum to take the contract out of the Statute of Frauds, and succeeded. That is how farcical the position can become. The lesson to be

learned when one is pleading under the Statute of Frauds is not to admit anything. If there is a verbal contract one should simply say that it is covered by the Statute.

The position gets back to this: What we are leaving in the statute is that any guarantee in effect must still be in writing. That is something which arises every day and is of importance. It is a pity that this State does not follow the English precedent completely by repealing the particular provisions dealing with lands, and by re-enacting in the exact terminology of the English Law of Property Act of 1925.

There are two reasons why it would have been beneficial to have done this. It is of great advantage to the public and to practising lawyers for the laws of this State to be as close to those of England as humanly possible in respect of matters of this nature. If the Bill is passed in its present form it means that the writings in textbooks and the cases which have been decided in England, may not be applicable to conditions in Western Australia.

While there are slight differences, we find ourselves in this awkward situation: The English decisions up to 1925 are made applicable in Western Australia, but nobody can be absolutely certain that any decision made after 1925 is applicable also, because it is always possible to show the existence of a slight distinction.

I have very much pleasure in supporting the measure. I assure the House it is a step in the right direction, and I do not think anyone in Western Australia will come to any harm as a result of its passage. In fact, a few people who on a few occasions have been able to slide out of their obligations will not be able to do so with the repeal of these provisions of the Statute.

MR. COURT (Nedlands—Minister for Industrial Development) [5.55 p.m.]: I thank the two members for their contributions to this Bill. It is, of course, a fact that the Statute referred to goes back to 1677, to the days of Charles II.

Mr. Hawke: How many years ago?

Mr. COURT: Not quite 300 years. In answer to some of the comments made by the member for Kalgoorlie, I want to say that the fact that the Statute is very old does not make it good. The fact that it is very old does not, likewise, make it absolutely necessary for the Statute to be altered.

Mr. Hawke: What does the Historical Society think about the Bill?

Mr. COURT: This matter has been subjected to very close scrutiny not only in Western Australia, but also in the United Kingdom. The Leader of the Opposition wants to know what the Historical Society thinks about the measure, and I can tell him that I have taken the trouble to obtain the old statute book. Some members would be rather amused, if they did the same, at the spelling and type of language used.

Mr. H. May: Have we improved in our use of English since that time?

Mr. COURT: I think the words mean the same, but they are spelt differently. However, we will not argue over that. The Statute has been under criticism and under very close analysis by the keenest and best students of law. I think it is the duty of a Legislature such as this to take notice of their recommendations and findings.

The member for Kalgoorlie, in his search for some better reasons than those I gave in the second reading introduction, virtually hit the nail on the head and gave me the complete answer, because the whole crux of the matter is centred in the fact, as explained so ably by the member for Subiaco, that the courts have found it necessary to water down this Statute considerably. As a matter of commonsense, and to enable the law to function, the courts have over the years stretched the elasticity of the Statute further and further; or, as the member for Kalgoorlie stated, watered the Statute down, so as to introduce a bit of commonsense and allow the legislation to work. Why the Legislature has not over the years stepped in and taken action to tidy the law I cannot say. However, we have an opportunity before us to do so, after a very careful research has been made into the matter.

The authorities in the United Kingdom were very cautious in their approach, and it was not until 1954 that they achieved the break-through in their efforts to have the law brought up to date. We in this State have not gone so far in taking specific action. While there is no danger in taking the extra step as suggested by the member for Subiaco, I do not think there is great danger in making haste a little slowly in regard to such requirement.

The proposed amendments to the Statute should be passed in the interests of commonsense, to enable the law to function smoothly. It is not as though anyone would be at a disadvantage, or be penalised, or that anyone will lose any rights in the courts. By passing the Bill we will bring the law up to date so that the practices generally adopted by the courts will be in accordance with the Statute, without any doubt.

Questions put and passed.

Bill read a second time.

In Committee, etc.

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

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. J. HEGNEY (Belmont) [5.59 p.m.]: This Bill contains two very small amendments to the Lotteries (Control) Act. The Minister has explained clearly that these amendments are required to ratify certain administrative acts of the Lotteries Commission carried out in the past, and also to make provision for the commission legally to perform such administrative acts in the future.

The first amendment in the Bill, relating to section 10, refers to persons who buy lottery tickets and who are unable to produce them. Some people who win prizes in the lotteries, but are not able to produce their tickets, make claims to the commission. Frequently their names are on the butt, and the commission generally writes to the address given. When the person concerned cannot find the ticket, it is possible for him to make a statutory declaration and then the commission, having been satisfied that he is the rightful winner, will make payment. As the Minister pointed out, the Auditor-General has drawn the attention of the commission to the fact that there is no legal authority for it to do that. This Bill seeks to rectify that position.

Not so long ago, in the last couple of years I think, a prize of £8,000 was at stake. Quite a number of people stated they were the winner. Ultimately the claimants of the prize, who were unable to produce the ticket, had their handwriting studied by an expert, who made a report. Finally, of course, the person whose handwriting it was contended compared with the handwriting on the butt of the ticket was paid the money. There are a few instances where prizes are withheld, and I understand there are at the moment a few that have been unclaimed. However, this Bill deals with claims for payment of prizes.

I had an experience within the last 12 months. My son buys tickets, and when he is home they are left on a nail. After he had gone on this particular occasion he had left some of them around his room, so I tidied them up and put them on the nail. I checked the results when published and found that one of the tickets had won a prize.

Mr. Hawke: The £8,000?

Mr. J. HEGNEY: No, unfortunately; not like the ex-Minister for Health. However, I went to the commission with the ticket, which I produced, but it would not pay me the £5.

Mr. H. May: I don't blame it either.

Mr. J. HEGNEY: Nor do I in this case, because it was justified. What had happened was that my son had given his Northam address and the commission had written to him and it had not been long after that he had claimed the prize. Therefore, when I called to make a claim, I was told that the money had already been paid.

The second of these two small amendments is only to extend the law to validate what the commission is doing and has done for many years. I am referring, of course, to the fact that it grants permission for small lotteries to be carried on. The commission lays down the terms and conditions.

It is for the purpose of ratifying past procedure and legalising administrative acts in the future that this Bill has been introduced, and I have much pleasure in supporting it.

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [6.4 p.m.]: I only desire to thank the member for Belmont for his support of this Bill with its two provisions.

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.

PHARMACY AND POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. H. MAY (Collie) [6.7 p.m.]: This proposes a new system for training chemists by replacing the apprenticeship system with a three-year academic course at a technical college or institute of technology. This three-year course will be followed by one year of practical training under a chemist.

When the Minister explained the Bill he did not state whether under the apprenticeship system which is now going to be discarded an apprentice receives a wage like apprentices in other avenues of employment. However, I have since ascertained that they do receive a wage. During the first year they receive £3 a week; the second year £4 a week; the third year £5 a week; and in their fourth year they receive £6 a week. On the other hand, under the new system the trainee will not receive any wage or financial assistance at all during the three years he is at a technical college or institute of technology.

During the fourth year, I understand, he will be under the control of a private chemist, and I think it is the intention that during that time he will receive an amount of £15. The onus of maintaining himself during the first three years under the new system will be placed on the lad himself.

The argument in favour of this is that over the three months' holiday during Christmas and the New Year, apprentices will find casual employment and possibly earn almost as much as they would have earned had they been training under the old apprenticeship system. However, that period of three months to which I have referred is already, I might say, gobbled up by other University students and such like, and the passing of this measure will place extra pressure or greater demand on the seasonal work that may be available over those three months. Perhaps the Minister will give us some information on that point during his reply to the second reading debate.

The Minister informed the House that the new system is in operation in Queensland, New South Wales, and Victoria, and that South Australia and Tasmania anticipate the introduction of similar legislation. In Great Britain, of course, the system has been in operation for a number of years. Apparently it is the desire of the Pharmaceutical Council of W.A. to have the system applicable in all Commonwealth countries; and I agree with that desire, because if we do not pass this measure there will be no reciprocity between the chemists here and those in other parts of the Commonwealth.

This Bill is necessary because of the more modern and efficient method of dealing with drugs, medicines and such like. We all know that over the years the knowledge of new drugs and medicines has increased considerably, and the idea behind this Bill is to make these chemists study under a new system instead of receiving the private tuition of the ordinary chemist.

For the time being two systems will be operating because at present there are apprentices serving their time; but when this Bill is proclaimed, new trainees will be able to commence under the new system. The trainees under the new system will go to the University to receive their training, and the old system will apply only until those people training under it have completed their apprenticeships.

Mr. W. Hegney: They do three years at a technical college, don't they?

Mr. Ross Hutchinson: Yes.

Mr. H. MAY: Either at the technical college or an institute of technology. The system outlined under this Bill will bring the pharmaceutical profession in this State into line with the training given to doctors, dentists, physiotherapists, etc. This Bill is an effort to broaden the academic knowledge required to keep abreast of the new synthetic drugs, because pharmacists must have a close relationship with the medical profession and the general public. I support the second reading but reserve the right to move any amendments in Committee which may be found advisable on further explanation of the Bill by the Minister.

DR. HENN (Wembley) [6.15 p.m.]: This is a Bill to amend the Pharmacy and Poisons Act, 1910-1954, and it sets out to actually alter the mode of training of pharmacists both in the academic and practical training fields.

Sitting suspended from 6.15 to 7.30 p.m.

Dr. HENN: As I was saying just before the tea suspension, this Bill will not only alter the academic side of the training of pharmacists, but it will also alter the practical side; and, as the Minister said when introducing the Bill, it will bring their training into line with that in operation in Queensland, New South Wales, Victoria, and the United Kingdom. I think this is important from the point of view of reciprocity between the United Kingdom and the Commonwealth of Australia; because, as everybody knows, it is most convenient with all callings to go abroad and improve one's knowledge; and, at the same time, one can do a little work in that country if there is reciprocity, which is extremely important.

So far as the improvement in the academic side of the training of pharmacists is concerned, the proposal will bring this profession into line with others, and in this regard I refer not only to professions but also to trades or callings. The academic and practical sides of all trades are being improved and, as this measure will mean an improvement in the training of pharmacists, from the academic point of view, it is one which should be supported. However, in this regard I hope that those responsible for the examinations, which will probably be the general council of the Pharmaceutical Society or an examining board, will see that the standard set is high enough but not too high, and if the Bill is passed I hope those responsible will not shoot too high in the first instance.

Frequently entrants for various callings are asked to pass all sorts of difficult examinations, and very often those responsible for different vocations try to make the standard too difficult to begin with. I believe they forget that most professions and callings require the average person. There is always room for the very clever one, but we do need in all trades and callings a majority of people who have a reasonably medium standard of education. I hope that point will not be overlooked by those concerned in this instance.

Again on the academic side, one of the reasons why I am supporting the Bill is that pharmacists today have changed a great deal from what they used to be in the old days. One can remember 30 or 40 years ago going into a chemist's shop and seeing rows upon rows of interesting coloured bottles of salts, crystals and powders on the one hand; and, on the other, very interesting coloured bottles of liquid which, when mixed together, made a very important and palatable medicine.

Mr. Hawke: Not always medicine.

Dr. HENN: They had some very good prescriptions in the old days.

Mr. Evans: And good doctors in those days.

Dr. HENN: Thank you very much. However, I am afraid those days have gone and the chemist's shop today is quite different. When one goes through the front door one sees—

Mr. Lewis: A lot of cameras.

Dr. HENN: Yes—a large number of cameras, toilet requisites, lipstick, and, if one is lucky enough to get behind the counter, so to speak, one will see a few little bottles of these interesting coloured liquids. There is little room in these places, and little chance for the apprentice to learn the art of pharmacy. That is one of the main reasons why I support the Bill —it will give the apprentice an opportunity during his three years' academic training actually to do some dispensing, which he cannot do today.

Also on the academic side there is the question of pharmacology and *materia medica*, which play such an important part in pharmacy. I have a cutting here which I shall not read out, but the heading is, "Senator Wade Calls for Immediate State Action on Drugs." Probably every member read that article in the paper, which referred to the difficulties with and dangers of certain drugs. Of course, pharmacology is the study of the action of drugs, and if the pharmacists are properly trained academically they will be able to know the results of drugs when taken by certain people. At present it is merely the lucky few among the chemists, and they are probably the higher qualified chemists in the large wholesale manufacturing firms, who know anything about the action of these drugs, or at least most of them, on the human body.

There again I think great benefit will accrue from the study of pharmacology and *materia medica* in great detail; because today most of the new synthetic types of drugs, and the new proprietary medicines ordered by the doctors arrive at the chemist's shop from the wholesaler in bottles of about 5,000 or 10,000 pills, or a gallon or two of linctus or syrup, and all the chemist has to do is look at the doctor's prescription and pour or take out of a big bottle an ounce, two ounces or eight ounces, or whatever the case may be and place it in a smaller bottle and stick a label on it. That is all that happens in those cases.

Mr. Rowberry: And they get a decent fee for dispensing it.

Dr. HENN: I admit there is a fee for dispensing, but I do not think it is exorbitant.

Mr. Hawke: One of their big problems is to read the doctor's writing.

Dr. HENN: The point I was making was that there is not the material in the pharmacies these days actually to give the apprentice the necessary training in dispensing. My hope is that this deficiency will be attended to in the three-year academic course.

From the practical point of view the trainee, after he is adequately qualified, will have to do 12 months, or 2,000 hours —which at 40 hours a week works out at 50 weeks—in an approved chemist's shop. That is very similar to the practical training given to doctors—and, I imagine, lawyers and tradesmen—who, after becoming qualified and getting their degree or diploma have to settle down to the business of learning a job.

So I say it is important for these trainees to go to the chemists' shops and be under the guidance of an expert in their profession; but I hope it will be incumbent upon that person to teach the trainee the art of dispensing—the real dispensing that we used to see in the olden days.

Another reason why I think it is a good time to introduce a Bill such as this is that in Western Australia we have no shortage of chemists. In my own electorate, in the district of Wembley there are no fewer than 10 pharmacies within two miles, and I am told by several chemists that there is an adequate number of chemists at the moment. I do not think this changeover from one system to the other will mean any falling off in recruits to the profession; however, if there were, Western Australia could well stand it.

It has been customary in the past at the University of Western Australia for those who have failed or been deferred in their first or second year of medicine to be advised to take up pharmacy. That may be very convenient for the advisers, but I do not like the idea at all. I think such people should be given more opportunity to get on with the profession in which they are interested—and that is medicine. There are some who must inevitably fall by the wayside, but if they decide to take on pharmacy I think it should be brought to such a standard as to make it worth while. That is a lesser reason than the others I have given for the raising of the academic standard but—

Mr. Ross Hutchinson: We hope that some will go in for dentistry.

Dr. HENN: Some are; but, of course, dentistry is much more difficult than pharmacy and therefore they go for the easier one.

Mr. Hawke: It is much more difficult for the patients.

Mr. W. Hegney: Which is?

Mr. Hawke: Dentistry.

Mr. W. Hegney: It would have a greater draw.

Dr. HENN: I would like to revert to what I said at the beginning: I hope the general council of the Pharmaceutical Society, if this measure is passed, will not try to make the academic side of the profession too difficult. I hope the members of the council will keep their feet on the ground with regard to the three years' theoretical study so that the average man or woman will be able to go in for this profession, and that it will not be made so difficult that only those who have six or seven distinctions in the Leaving examination will be able to qualify. We must have the person with commonsense—the average type of person—taking up this profession—one who is keen to take it on because he likes pharmacy itself. For those reasons I support the Bill.

MR. W. HEGNEY (Mt. Hawthorn) [7.45 p.m.]: I do not intend to oppose the Bill; but I would like the Minister, if he is in a position to do so, to give us a little more information in regard to the satisfactory, or the unsatisfactory, method which operates at the present time; and which has operated for some years. The member for Wembley struck a warning note. He said he hoped those in authority—I suppose he meant the Pharmaceutical Council, and those in charge of the administration of the Act—would keep their feet on the ground.

I believe, and there has been no evidence to the contrary, that the present apprenticeship system has not operated satisfactorily in regard to this calling or profession. I do think it might preclude a number of very bright youths and girls whose people have not the necessary monetary capacity to keep them at a technical college without any remuneration whatever.

As I understood the Minister when he introduced the Bill, it would be incumbent on the candidates qualifying for this profession to find their own wherewithal for three years, and in the fourth year they would receive some remuneration. It has been said, with all truth, that at present the apprentices receive some emolument each year on a rising scale to the fourth year. The point is that they are required to engage in academic studies during the course of those four years. The Technical College is open to them and they are able to carry on with the few pounds per week they receive and then qualify as chemists.

As I understand the position, before any young person can call himself or herself a qualified chemist he or she must pass the prescribed examinations; and that will obtain in the future under the new scheme. I suggest, however, that it could possibly preclude young men and women in the districts of Albany, Bunbury, Geraldton, and similar places, from qualifying for this profession; because while they might have the intellectual capacity to qualify, they might not have the monetary backing necessary. It is possible their parents will not have the necessary finance to enable them to come to the metropolitan area and live here for three years without receiving any payment at all.

In the case of trainee teachers—those boys and girls from country high schools and from the metropolis—they are more or less signed on with the Education Department on bursaries; and while they are at the Teachers' Training College they receive some allowance to enable them to carry on and finalise their studies and eventually qualify as teachers.

Mr. Ross Hutchinson: They are working for the Government, of course.

Mr. W. HEGNEY: It makes no difference. My main concern is that it will prevent an unknown number of very fine young men and women from the country areas from being able to qualify as chemists, if they are able to do so today. That is how I see it. I am not criticising the Minister at all, but he did not indicate in his second reading speech that the present system which has operated for quite a long time, is unsatisfactory and that it falls short of present-day requirements.

I am not a chemist, but the member for Wembley mentioned that the chemist shop today is different from what it was years ago. That may be so; but there are all kinds of proprietary medicines on sale to the public. I am sure the member for Wembley will not deny that some doctors prescribe proprietary medicines. The profession in question is a very important one, but I feel that the system will prevent young persons from the country areas, and indeed from the metropolitan area, from qualifying as chemists in the future, because they will have to stand on their own feet for three years.

Dr. Henn: How could they learn pharmacology under the old system?

Mr. W. HEGNEY: How do they learn it today?

Dr. Henn: They do not.

Mr. W. HEGNEY: So far as I know the examination will be the same as it has been hitherto; and I would like the Minister to explain what major differences will operate today as compared with the past. I think we should know where the apprenticeship system has failed; because, after all, the technical colleges have teachers with the necessary qualifications

to impart knowledge in all aspects of pharmacy. I would like to know where the present system has failed, if it has failed at all. I would also like to know what will be the advantage if the new system is to operate.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [7.51 p.m.]: I would like to thank members who have contributed towards this debate. The member for Collie mentioned initially the wages paid to apprentices at present. He was also able to give the House some information about what could obtain under the proposed scheme of academic training. As the honourable member has invited me to do so, it might perhaps be proper for me to recapitulate some of the figures he gave, and then add to them. At the present time the pharmaceutical award sets down the apprentices' salaries as follows:—

	Per week £	s.	d.
First-year apprentices	3	0	0
Second-year apprentices	4	0	0
Third-year apprentices	5	0	0
Fourth-year apprentices	6	0	0

Mr. H. May: That is what I told you.

Mr. ROSS HUTCHINSON: That is so. I said I would reiterate those figures, and give some others in addition. It is interesting to note that some time ago the Pharmaceutical Service Guild recommended to its members to pay the following increased rates—whether they are all paid I do not know, but I think members of the guild subscribe to the new rates—

	Per week £	s.	d.
First-year apprentices	3	15	0
Second-year apprentices	5	0	0
Third-year apprentices	6	5	0
Fourth-year apprentices	8	0	0

My notes say that with one or two exceptions these rates have operated since the 1st January, 1961. At the present time, of course, pharmacy students are unable to accept any other employment.

Mr. H. May: They do not have a chance: they are working all the time with the exception of a fortnight's holiday.

Mr. ROSS HUTCHINSON: That is so. They are only able to attend the Perth Technical College for their academic studies for three half-days per week.

Mr. Hawke: Could the Minister tell us who lays that down?

Mr. ROSS HUTCHINSON: That is under the award. It is true that, under the new system, for the first three years of ther academic training students will receive no pay whatever, just as students who are training for other professions do not receive any pay. For instance, in America and other countries, students who wish to qualify in certain professions find that they have to work their way through college. To a great extent that is what will have to happen under the proposed scheme.

Mr. Davies: When will they get time to work?

Mr. ROSS HUTCHINSON: It will be found that the academic year will allow them a period of 12 to 13 weeks' holidays; and it is during those weeks that the student, if he so desires, will be able to find some occupation to help him save money and assist him along the road for the rest of the academic year.

Mr. Davies: Are any bursaries provided?

Mr. ROSS HUTCHINSON: If the honourable member will bear with me I will come to that. It will be found that a number of students, like University students, will be able to do part-time work—an odd job here and an odd job there—which will enable them to live, and which will help them with their board to a point where they will not be too badly off. I must confess it will not be an easy task for them.

Mr. H. May: They have to find the work.

Mr. Hawke: It's the end of equal opportunity.

Mr. ROSS HUTCHINSON: Anyone who desires to secure employment in this lengthy holiday period will be able to travel to the country districts and obtain work which will remunerate him to a far greater extent than would the poor wage conditions of the present apprenticeship system.

In the fourth year the student will be employed by a pharmacist, and he will be paid—as has been pointed out by the member for Collie—not less than £14 a week. In fact the honourable member mentioned £15 per week; it might even be more than that. It has not yet been determined, but the figure will be around £15. So it will be seen that over the period of four years the total amount received under the proposed scheme will be approximately the same as what is received at present.

Mr. H. May: In Victoria they are paying them £16 10s. a week.

Mr. ROSS HUTCHINSON: The figure I have given is only an approximate one; and a fair figure will be determined. In addition to what the student himself is able to do in the way of obtaining employment during the holiday period—by that I mean odd jobs at odd times—he will also be able to apply for and be granted Commonwealth scholarships. Under the apprenticeship system no pharmacy student was able to apply for a Commonwealth scholarship. Members will be interested in the proportion of students likely to receive scholarships. I am led to believe that it will be between

20 and 25 per cent. In Victoria it is about 25 per cent.; and I see no real reason why it should be less in Western Australia.

There is a booklet which indicates the various financial benefits that accrue under a scholarship; but it is difficult to give these figures briefly. I would, however, like to quote figures showing the living allowance to scholars. In the case of a student living away from home the maximum living allowance is £383 10s. per annum; while the student living with his parents receives £247 per annum. There is a scaling down according to the income of the parents. There are other benefits like travelling benefits that cover fares and give concession rates at holiday times. That, of course, is very desirable; and it will be found that students who are fortunate enough to receive scholarships—not all will be—will be financially better off than at the present time, particularly over the four-year period.

The member for Wembley mentioned reciprocity, and this is important. In Western Australia we are expected to conform to what is virtually the world standard that has been set, and reciprocity is quite common in the professions. It enables qualified men to move from one country to another and be able to earn a living in the country of their adoption or while they are domiciled there.

Mr. W. Hegney: That could operate now under the present system.

Mr. ROSS HUTCHINSON: I will come to the honourable member's point shortly and endeavour to cover it as adequately as I can. The member for Wembley also made a point which will be conveyed to the Pharmaceutical Council. He said the desired standard should be high enough, but not too high: high enough to enable students to be able to cope with modern-day conditions that are inevitable in the day-to-day practice of their profession. I agree that we should not allow the examinations to be a complete bar to the average student; but those examinations must maintain the standards that are set in other countries.

A point was made in regard to academic training; and I refer again to the fact that at the present time the present-day student attends the technical college for three half-days per week, which has been found to be insufficient to enable students to cope adequately, efficiently, and properly with the requirements of a modern pharmacist.

That leads me to the question of the member for Mt. Hawthorn who wanted to know of me whether the present method of training pharmacists was satisfactory or unsatisfactory. I think it might fairly be said that the present practice has served its purpose in its time and has produced quite a large number of good qualified pharmacists. However, with present-day conditions and the present-day requirements of medicine in its increasing scientific form; and in the mass application, as it were, of drugs in community life this profession feels that 1½ days per week of academic training is completely insufficient to cope with the requirements. So it would appear that the present-day apprenticeship system, although it has served its term, must conform to the new standards that have been set, and that there should be a full-time academic course of three years' study for students to qualify for this important profession—

Mr. Rowberry: To sell proprietary medicines.

Mr. ROSS HUTCHINSON: —a profession upon which hinges to a very great extent the health of the community, because members of the pharmaceutical profession are a group of people who stand as an important professional group—a liaison group between the medical practitioners and the members of the public. The member for Warren made the slighting reference that these pharmacists are merely selling proprietary lines.

Mr. Rowberry: About 90 per cent. of medicines today.

Mr. ROSS HUTCHINSON: It is agreed that quite a number of—

Mr. Rowberry: There is nothing slighting about that—it is a fact.

Mr. ROSS HUTCHINSON: It sounded like a slighting reference to me; but I would point out to you, Mr. Speaker, that to a great extent chemists do sell a large number of proprietary lines. However, there is a vital percentage where they have to make up extemporaneous medicines from prescriptions; and it is important these men have the necessary broad basic knowledge at their fingertips: most important indeed.

The member for Mt. Hawthorn made mention of the fact that country students would probably be denied the opportunity of being able to follow this profession because they would be deprived of the chance that is now available to them. This is not so, because no student at present can live in the country and be a pharmaceutical apprentice as he must attend the Technical College 1½ days per week. So at the present time country students have to come to the city in order to do their training.

Mr. Hawke: But when they do they are paid so much per week.

Mr. ROSS HUTCHINSON: That is so. I have just been through the whole range of admitting to that fact and to all the other things I have spoken about relating to finance in one way or the other. I think it might be summed up to the extent that the way will be more difficult for some students in the initial years. They will have to work their way through the course in somewhat the same way as students of other professions and as students do in other countries.

This need not be necessarily a bad thing; and I believe that the demands of this present day and age are such that it is necessary to change the old system, which has been referred to as an archaic system. It must be supplanted by the academic form of training which will provide pharmacists who will be able to cope with the increasing demands modern medicine puts upon them.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr. HAWKE: I do not very much like the proposal in this clause, and I suppose it could fairly be said this clause is in fact the Bill. The Minister, when he was replying to the second reading debate, said he considered the existing apprenticeship system in the pharmaceutical profession had served well during the period of time for which it had applied. The major claim he appeared to make for the substitution of the proposed new system was that, under the prevailing apprenticeship system, apprentices attended the Technical College for only comparatively short periods each week and consequently did not receive the volume of skilled instruction or scientific training necessary to meet the pharmaceutical needs of today and of the future.

I am not able to see why that prevailing period could not be increased. If the present period of 1½ days per week is not adequate, surely it would not be impossible under the existing law to increase the period during which it would be necessary for these apprentices to attend the Technical College and receive the necessary scientific advice and instruction.

I am not sure in my own mind that conditions in the pharmaceutical field are developing in such a way as to necessitate all this additional scientific advice and instruction. I was rather under the other impression: that scientifically-minded and scientifically-trained men and institutions or establishments above the pharmaceutical field were playing a more important part and an increasing part in relation to the work by pharmaceutical chemists.

However, my major objection or criticism relating to the substitution of the proposed new system for the existing system is that the proposed new system will destroy the equality of opportunity, or the near equality of opportunity which exists today for the youth of our country who wish to make a move to become apprentices in the pharmaceutical profession. At the present time under existing conditions there is a reasonable equality of opportunity, because once a boy or a girl is admitted as an apprentice then such boy or girl immediately commences to receive a weekly wage, and goes on receiving that weekly income year after year in increasing amounts.

The Minister told us that although the new system would mean that the new apprentices coming in would receive no weekly, monthly—or any other—salary, they would receive some 12 to 14 weeks' annual vacation and would, of course, be perfectly at liberty during such periods in each year to search for suitable employment and to work for as long as they wished or for as long as they could find employment in each of those annual vacations. It does not appear to me to be logical to give away the substance for the shadow. Under the present system each apprentice receives a weekly wage or salary. Admittedly the wage or salary is low, far lower than it should be in such a profitable profession or occupation as that of pharmaceutical chemistry.

It would not be so much a question of being able to earn a reasonable income during each vacation as it would be a question of receiving current income all through the year in relation to many young people who would wish to become apprenticed to this profession. Clearly, the young woman or young man who wished to become apprenticed to a pharmaceutical chemist would not be able to do so unless that person's parents were in a financial position to carry the burden of feeding and clothing or of providing board and lodgings for the child during most of the year. That would apply particularly during the first year and nearly as much during the second year.

So I think that if members of this committee propose to give their support to this Bill they should do so with their eyes completely open. They should realise fully that this legislation will substantially reduce the measure of equality of opportunity in this field which operates today and which has operated through all the years of the past. In my view the passing of this legislation and its operation will bring about, to a substantial extent, a degree of exclusiveness in relation to the young men and women who, in future years, will seek to enter this field.

The Minister told us that some other professions already operate under that system and have done so for a great many years, which is true. However, that does not necessarily prove that we should add to the list of those who have done it in the past and who do it now. In this field of pharmaceutical chemistry that system has never operated, and I do not see sufficient justification for abandoning the existing system and replacing it with one

which, as I have said, wipes out to a large degree the equality of opportunity which has previously existed. Therefore a degree of exclusiveness will be established in this field, which, in all the circumstances, may not be justified.

Mr. ROSS HUTCHINSON: The Leader of the Opposition, in a fairly well-rounded speech, has covered a good deal of ground that was covered in other words by speakers during the second reading debate. To a certain extent what he has said is justified, but not completely so.

There are a few things in life on which we can make decisions—clear black and white decisions—and it is obvious that the Leader of the Opposition feels a great deal of reluctance to forgo a system that is regarded by him and others as having been tried and not found wanting so far. On the other hand, it has been concluded by those who are in the profession, and by departmental officers, that the time has come for the change to be made. Much of what the Leader of the Oppostion has said has been covered in cross-exchanges between the two of us in question and answer. A statement was made by me that perhaps the new method might, after all is said and done, be not to the detriment of students, although I frankly and heartily admit that some would find it difficult to follow through.

But one has to measure up the pros and cons; and I came to the conclusion that I could not, as a responsible Minister for Health, reject the proposition advanced to me by the pharmaceutical profession, and it is because of that that the Bill is before members in its present form. All the arguments that I advanced during the second reading stage I have no need to reiterate.

The Leader of the Opposition said he felt some doubts as to whether it was necessary for members of the profession to be given this intensive academic training because of advancements made in the profession.

I would submit that there must be in this profession, of all professions, that broad basis of academic knowledge to support the pharmacist in the work that he does. I think we all know and appreciate—a lot of us perhaps with a good deal of concern—the effect on the public of the large number of drugs that are consumed at the present time, and it is important that we have men of high professional standards to deal with this problem.

Mr. Hawke: I think the community is a bit drug-happy.

Mr. ROSS HUTCHINSON: I think I could agree with the Leader of the Opposition in that regard. This particular clause is the one which gives the date of the commencement of the Act. It is as follows:—

> This Act shall come into operation on a date to be fixed by proclamation, being a date not later than the thirty-first day of March, one thousand nine hundred and sixty-three.

This is to enable time for the council to be able to make necessary regulations prescribing course examinations and so on, and it will tie in with the date on which the last apprentice can be taken on and fits in with the finishing year of the apprenticeship system. It will run concurrently with the proposed system up to 1968.

Mr. FLETCHER: I have a few doubts in regard to this clause. They have not been mentioned in the exchanges across the Chamber, so I take this opportunity of raising them. I feel that the apprenticeship system should continue because—I admit that this point has been mentioned earlier—under the proposed change it will be difficult for many in the lower income bracket to become pharmacists. They would not be receiving any wages during the three-year period of their academic studies.

I assume that pharmacology could be studied at night. Apprentice tradesmen in the engineering trade gain an engineering diploma by taking two or three subjects a year until the fifth year. I mention this as an example. To augment the three half-day periods that have been mentioned by the Minister, I cannot see what would preclude the apprentice pharmacists from doing precisely what the engineering tradesmen do: attend a technical school at night time and take such a subject as pharmacology.

Mr. J. Hegney: They have to do that now.

Mr. FLETCHER: Engineers do. I listened to a very learned dissertation from our medico member, the member for Wembley, on this matter; but I still cannot see what would prevent an apprentice pharmacist from attending technical school at night and studying the subject of pharmacology, or any other subject, just as an engineering apprentice has to do for the purpose of obtaining his engineering diploma, once his apprenticeship period has terminated. So the two are related in that respect. I think it is of advantage to the general public rather than just the wealthy section of the public who can afford to keep their children for a period of three years while they are completing their academic studies. The Government should retain the existing apprenticeship system and studies should be done at night.

A lot of credit is due to the type of student who wishes to attend a technical school at night. I know of young people who have started their apprenticeships in the engineering trade—the trade to which I originally belonged—and they take two or three subjects a year until ultimately they come into possession of their engineering diplomas at the end of five years. Their pay carries on, and the pay of a pharmacist apprentice could continue in the same manner. In a similar period he could become equally competent as an engineering tradesman and would have completed a period of, say, three years at the University. The apprentice would be in possession of wages for the period he was apprenticed to a fully-qualified chemist, and his family would be advantaged to that extent. Others have wondered why it is necessary for these high academic qualifications when today there are so many proprietary lines. Frankly, I also wonder why it is necessary.

We can liken this profession to any trade—say, the painting trade. Even though paint is now supplied ready mixed in tins, the apprentice painter still has to be examined on the basis of mixing and blending paint, and so on. By the same token, I admit that a pharmacist must know his profession from the base up. But I think the apprentice could study pharmacology just as well at a technical school as at a university. Objection was taken to this clause by our leader; and I, too, take objection to it for the reasons I have outlined.

Mr. H. MAY: The Minister seems to have had a great battle with his conscience in connection with the Bill. Does he have to follow completely the direction of the guild? I think he should remember that the present members of the guild became chemists under the old system of training—I would say at least 90 per cent. of them did.

Mr. Ross Hutchinson: All of them.

Mr. H. MAY: No; some may have been more fortunate.

Mr. Rowberry: Some may have been third-year medical students.

Mr. H. MAY: The fact remains that the people who have benefited under the scheme that is to be discarded are those who want it wiped out. The drugs and medicines of today may be more efficient than those of the past; but one can go into a chemist shop with a prescription, and the chemist will take 40 or 50 tablets from a bottle on the shelf in order to satisfy the prescription. How many chemists would know what the tablets contain? The tablets would have a specific name, but the chemist would not know what they contained. In the old days the chemist had Epsom salts and water, and he dished it out to his patients, and they did not know any different.

The Bill will restrict the opportunities of young men and women to enter this profession. What chance have lads or girls from the country, if they receive no emoluments, to come into the city and live for three years on a bread-and-water diet, evidently, in order to qualify or commence to qualify? Where is the sense or justice of that?

That is one of the aspects to which I took exception during the second reading of the Bill, but the Minister passed over it very lightly. In fact, he did not mention that side of the picture when he introduced the measure.

Mr. Ross Hutchinson: I knew you would want to say something, so I kept that in reserve.

Mr. H. MAY: I would much rather have kept quiet on the Bill; and I would have done so had the Minister explained it fully, but he only gave one side of the picture. We are concerned with the other side of the picture which is not set out in the measure. I have had to forage this information out for myself. I told the Minister what would happen, and he made some research and found out that what I said was perfectly right. Surely the Minister never expected to get away with this!

Mr. Ross Hutchinson: Not for one moment.

Mr. H. MAY: I am glad to know that he is not disappointed. Reference should have been made, particularly in this section, to the question of control over chemists in respect of charges.

A Member: They should be in the cavalry!

Mr. H. MAY: Last year, according to my taxation return, it cost me almost £150 for medicines for my family. The charges today are exorbitant; there should be some control over them. The doctor says his patient must have a tablet which might be worth 3d. or 4d., but he has to pay £1 for it. It is serious when there is no control over the charges that a chemist can make, because the general public just does not know whether the prices are reasonable or whether they are exorbitant.

I believe the Minister is really on our side, but because the guild has laid down a certain procedure, he has had a great battle with his conscience; and I am sure that on reflection he will agree that what has been said on this side of the Chamber is perfectly true—namely, the system will not be improved. What is suggested will prevent people from entering the profession, which, in the long run, will suffer because only those people who have finance to carry on for three years without any remuneration at all will be able to enter the profession.

We live in a democratic country and approve of democratic laws. But this is going to be a law for the rich and not

for the poor; and the Minister must agree with that, although I feel that he is bound in some manner by the edict laid down by the guild and cannot very well escape what he has let himself in for.

Dr. HENN: I was sorry to hear the Leader of the Opposition say that he was not in favour of improving the standard of training for pharmacists. I would have thought he would be one of those people who would be keen on raising the standard—

Mr. Hawke: He did not say what you said he said.

Dr. HENN: —of any trade or profession. If he did not say those actual words, he indicated to me, at any rate, that he felt it was quite satisfactory to go on in the old way.

From the historical point of view, many years ago—at the time the poet Milton was operating; I do not know what year it was—doctors were apprenticed to barbers.

Mr. Hawke: Has it changed much since?

Mr. Ross Hutchinson: There have been some improvements.

Dr. HENN: There have been great improvements in the medical profession. If we are not going to have any improvement in the pharmaceutical profession we will do what the Leader of the Opposition suggests; and that is where I find myself in complete disagreement.

Mr. H. May: If you are going to improve one side, why not both?

Dr. HENN: Why not?

Mr. H. May: That is all we are asking.

Dr. HENN: The other point I wish to answer is the one raised by the member for Fremantle. He brought in the old catch phrase: The wealthy section of the community will benefit by this Bill if it becomes an Act. I do not believe that for one moment.

Mr. Rowberry: Why?

Dr. HENN: I am just about to explain. I do not believe that at all. I believe that the least wealthy sections of the community will benefit because it is well known that those sections are composed of people who pass the Leaving examination with a greater number of distinctions than other sections of the community; and therefore the very fact of this Bill being passed will —I am quite sure I can see what will happen in regard to the pharmaceutical council or the examining body—mean that that section of the community will be the one that will the more easily get into the profession.

I have listened to what the Leader of the Opposition has said in regard to payment, and it sounds all right on paper—or, what he said sounded all right, and it will look all right on paper. On the other hand we must not forget that this sort of thing is going on from day to day in America; and in Western Australia we are not going to be a race of "softies," for Heaven's sake! What is proposed here is not unusual. It is occurring in the United States and in Canada. If we are going to stultify the advancement of the pharmaceutical profession it will be a pretty poor thing.

Mr. ROWBERRY: Like other members, I have doubts about the Bill. One doubt is that the Minister said the Bill has been recommended by the pharmaceutical guild. It is not satisfied with the standards which obtain at the present time, therefore we must provide for more severe academic qualifications.

The CHAIRMAN (I. W. Manning): I must draw the honourable member's attention to the fact that we are discussing clause 2 and not the Bill. This is not the second reading stage.

Mr. ROWBERRY: We have already admitted that clause 2 is the Bill.

The CHAIRMAN (I. W. Manning): I would like the honourable member to relate his remarks to the clause.

Mr. ROWBERRY: I am replying to arguments that have already been raised on this clause in the cut and thrust of debate. If I am answering arguments that have been raised I cannot be ruled out of order on the ground that I am not talking to the clause.

Just a few minutes ago the Minister said the Bill had been brought before the Chamber because of advice from the pharmaceutical guild. He said the standards were not high enough; and the member for Wembley has impressed on the House that these standards must be raised. Are we to conclude from these arguments that the whole of the pharmaceutical guild as constituted at the present time is incompetent; that they have to go back to school to requalify? That, to my mind, would be the logical assumption.

Mr. Ross Hutchinson: I cannot think of anything more illogical.

Mr. ROWBERRY: We have heard it said that we are protesting against the Bill and are standing in the way of progress, and that progress is necessary. Therefore, progress has not obtained up to now; and who, except the pharmaceutical guild itself, which is advising us in regard to the Bill, is responsible for the lack of progress?

Another point raised by the Leader of the Opposition was that the Bill would tend to make the field very exclusive—not only that, but it would make the field of choice very limited; and that is one of the great objections I have to the Bill.

The other day I read the speech made by the President of the Teachers' Union at the opening of the conference. Among other things, he said that one of the reasons why we are falling behind the totalitarian countries is that we are not spending enough on education; that, because of lack of money, we are not exposing the greatest percentage of our young population to a higher education. In this sphere an apprentice or trainee does not progress while sitting in college listening to the lecturer, but progresses in his spare time, when he digests the information that has been passed on to him at the lecture. Under the modern method of apprenticeship it would be equally possible for these young people to advance their knowledge, and also we would expose more of them to the benefit of that knowledge.

The Minister also stated that because these students went into recess for 13 or 14 weeks, during that time they could earn enough money to work their way through college. He compared them with an apprentice who earns £4, £5, and £6 a week during his apprenticeship. A student on £5 a week would earn a total of £250 a year if he worked every week in the year. In 13 weeks, however, he would have to earn approximately £20 a week to reach the equivalent of that yearly income. Therefore there is no real substance in what the Minister has said; namely, that if the Bill is passed it will be easier for apprentices to work their way through college.

Mr. Ross Hutchinson: I did not say that.

Mr. ROWBERRY: We do not want to stand in the way of progress if it is to grant to every boy and girl the opportunity of benefiting from a higher education and so permit them to gain from that knowledge for the benefit of the community as a whole.

Mr. W. HEGNEY: The Minister did not convince me the Bill is necessary. He said that there would be reciprocity between Britain and Australia if the Bill were passed. In reply to a question he also said that reciprocity could apply now. Therefore, that argument in relation to the passing of the Bill goes by the board. Despite what the member for Wembley has said, the present method of training pharmacists is inadequate. I am sure no member of the Committee would stand in the way of any young man or woman training as a pharmacist if the system were shown to be adequate.

In common with the Leader of the Opposition and the member for Warren, I say that if the Bill is passed, despite the fact that the Minister has said that trainees will receive £15 a week for the first three years, these young people will receive nothing, and that will limit the choice of boys and girls who are desirous of entering the pharmaceutical profession.

I am becoming sceptical of some of these Bills. Over the years, action has been taken by Governments of all colours to create a close preserve in certain trades and professions. As has been mentioned by the member for Collie, those who would sit in judgment, or who would be prepared to sponsor this Bill, are not prepared to face up to the effect of its provisions if it is passed.

Take the Builders' Registration Act, for example. All builders, when that Act was passed, automatically became registered builders, and some of them later became examiners of others who became examinees. If this Bill is passed it will have the effect of limiting the field of young men and women desirous of entering the profession.

Mr. Ross Hutchinson: I do not believe that one bit.

Mr. W. HEGNEY: I did not expect the Minister to believe it. I think the Committee will agree that no matter how brilliant a girl or boy may be, if he or she is desirous of entering the profession after this Bill is proclaimed, he or she will receive nothing for the first three years. In reply to other queries the Minister said that trainees would go into recess for about 13 or 14 weeks in each year, and that, during that period, they would be capable of earning as much as they would if they received a set amount during their training period.

Mr. Ross Hutchinson: Be careful now! I said that over the four years they would receive approximately the same amount.

Mr. W. HEGNEY: The Minister has strengthened my argument. Over the four years the recess would take place at the same time each year. During that same period there are hundreds of University students and trainee teachers who would be on holidays and who would be competing for any seasonal work that might be offering by Co-operative Bulk Handling or Westralian Farmers Ltd. in positions such as tally clerks, and so on. However, that period is extremely limited because the harvest has been completed and no shearing work is being conducted. Also, the greatest amount any young man would be able to earn in that period would be about £20 a week; but the field is so limited that very few would have any opportunity of obtaining that remuneration.

It is provided that the Bill shall come into operation on the 31st March, 1963; and, in my opinion, that date is premature. The present system of training is inadequate and fails to meet present-day requirements. Under the existing system and under the new system there will be an examining body to ensure that those passing the examination are competent to enter the profession. I oppose the clause.

Mr. HAWKE: I did not say, as the member for Wembley suggested, that the prevailing system of training was not in

need of improvement, and I refuse to believe the existing system could not be improved under the prevailing set-up. I am certain neither the Minister nor the member for Wembley would say it is impossible to improve the present system of training these apprentices unless we pass this proposed law. If there is any need to improve and expand the present system it can be done without any new law.

The other point made by the member for Wembley was when he tried to prove that the students at secondary schools who are most successful are those of parents in the lower salary brackets, and therefore this proposed new legislation would not operate as some members on this side of the Chamber have suggested. The fact that boys and girls of parents on the lower incomes attain the best results in secondary schools does not prove that those boys and girls will be those, in a great majority of cases, who will come under this proposed new set-up because under it they will receive no wages or salaries; whereas, in the prevailing system, they receive a weekly wage from the first day they are apprenticed.

Mr. Ross Hutchinson: I think the honourable member was probably referring to the scholarships they would win.

Mr. HAWKE: He may have been, but his remarks were unlimited and unqualified and therefore had to be taken as having general application to the set-up. In conclusion, I repeat that this proposed new set-up will destroy largely the present equality of opportunity, and therefore it will make this field much more exclusive in the future than it has done in the past.

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

Ayes—20.

Mr. Bovell	Mr. Hart
Mr. Brand	Dr. Henn
Mr. Burt	Mr. Hutchinson
Mr. Cornell	Mr. Lewis
Mr. Court	Mr. I. W. Manning
Mr. Craig	Mr. W. A. Manning
Mr. Dunn	Mr. Mitchell
Mr. Gayfer	Mr. Nimmo
Mr. Grayden	Mr. O'Connor
Mr. Guthrie	Mr. O'Neil
	(Teller.)

Noes—19.

Mr. Bickerton	Mr. Kelly
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. H. May
Mr. W. Hegney	*(Teller.)*

Majority for—1

Clause thus passed.

Clause 3: Section 21 amended—

Mr. DAVIES: This clause has the effect of amending the training of pharmaceutical chemists. It does not delete anything from the existing qualifications; in fact, it adds something to them, in order to bring the apprentices into line with the new method of training. Some apprehension has been expressed to me about the effect of the new system on apprentices already undergoing training. I would like to hear from the Minister how it is anticipated that the Pharmaceutical Council will fit in the existing method of training with the proposed new method.

Mr. FLETCHER: There is one objection in relation to the previous clause which the Minister did not answer.

The CHAIRMAN (Mr. I. W. Manning): I cannot allow the honourable member to proceed with the previous clause. He must confine his remarks to clause 3.

Mr. FLETCHER: I shall. I think that clause 3 is more pertinent to the remarks I made earlier. Since engineering apprentices can, over a period of five years, undertake a course and obtain a diploma of engineering, pharmaceutical apprentices should be given the same opportunity. The pharmaceutical apprentice can study at night school, while during the day he can work and receive a remuneration.

Mr. ROSS HUTCHINSON: Replying to the member for Fremantle, I would say that in all probability the proposition he advanced could work, but I do not know how well. It is not the one which is advanced under the Bill and which is regarded by the pharmaceutical profession as being the desirable form of training apprentices. Under the new method a different form of learning has been adopted and this form is regarded as more desirable than the present one.

The member for Victoria Park raised a query regarding the apprenticeship system and its method of operation during the interim period. Provision is made in a number of clauses, but particularly in clause 3 (c), under which a youth at present serving an apprenticeship will be permitted to carry on that training until the 31st April, 1968; and apprentices will continue to be taken on up till the time of the commencement of the Act, if this Bill is passed. In the intervening period the apprenticeship system will taper off as the new system commences.

Clause put and passed.

Clauses 4 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

AMENDMENTS INCORPORATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [9.9 p.m.]: I do not propose to speak at great length on this Bill, and I intend to support it. We all know there is a need for Acts to be reprinted. Some Acts lying on the shelves of law firms, and even in Parliament House, are very seldom referred to; while other Acts are popular and are used frequently and consequently their supply becomes exhausted rapidly. That applies especially to Acts to which a large number of amendments have been made; for example, the Traffic Act.

There are 15 volumes on the shelves containing reprinted Acts of Parliament. The purpose of this Bill is to authorise direct or indirect amendments which are brought about by subsidiary or *quasi* legislation—for example, proclamations, rules, regulations, etc.—to be incorporated in the reprint of the Act under the provisions of the Amendments Incorporation Act. Under section 3 of the Act only certain specified types of direct amendments can be effected and incorporated in the appropriate reprint. I agree with the Minister that this power is not wide enough to enable an Act to be reprinted satisfactorily.

Another situation which the Bill proposes to overcome is this: Certain agreements approved by Parliament, which give the parties to the agreement the right to amend it, cannot be given effect to in the reprints, under the provisions of the Amendments Incorporation Act; that is, the reprints cannot be effected to show the amended agreement.

The Bill further proposes an amendment to section 6 which provides that a reprinted Act shall be deemed for all purposes to be an Act of the Parliament of Western Australia. Members can see the difficulty that could arise when a reprinted Act is incorporated, because of some of the difficulties I have mentioned. If this amending Bill becomes law the reprints of an Act will merely be deemed to be a *prima facie* copy of the Act, until the contrary is shown. I support the second reading.

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.

REPRINTING OF ACTS AUTHORISATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [9.15 p.m.]: This Bill has a very long-sounding title—Reprinting of Acts Authorisation Act Amendment Bill—but I do not intend to consider it at any great length. It is a Bill kindred in nature and complementary to the Bill just disposed of by this House. It relates to judicial notice being taken of reprinted Acts. Section 4 of the principal Act cites that any Act reprinted pursuant to this Act shall in all courts and by all tribunals, bodies, and persons, be judicially noticed and deemed for all purposes to be an Act of the Parliament of Western Australia.

For the same reason—as outlined earlier—it is desirable that in future a reprinted Act shall be *prima facie* deemed to be a correct copy of the Act of which it purports to be a reprint. For reasons outlined earlier, I support the passage of this Bill also.

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.

BUILDING SOCIETIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd August, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. TOMS (Bayswater) [9.18 p.m.]: In common with many other amendments which are before the House at present, those contained in this measure are such that they will not cause any earth tremors. The first amendment proposes that in section 5, the word "witin" shall read "within." There is nothing with which one could disagree in that amendment.

The next is the substitution in section 39 of the word "award" for the word "order." The third and possibly most amazing amendment is the inclusion of a schedule which was omitted last year when the Act was amended. There is reference in last year's measure to this schedule 5, but for some unknown reason it was omitted. It is proposed now to set the Act right by including it.

That comprises the total amendments to this little Bill. The House can see they are all necessary, and I therefore support the second reading.

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.

GRAIN POOL ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th August, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. HALL (Albany) [9.22 p.m.]: The measure before the House is not very large and seeks to make an amendment to the 1932-61 Grain Pool Act. How this matter was overlooked previously, I am at a loss to understand. If the Act is followed through from its beginning it will be realised that the trustees are definitely entrusted with considerable wealth and the destiny of a very strong organisation.

I feel no qualms about agreeing to the amendment, but I do consider the legal fraternity must have been soundly asleep when the measure was being considered. I do not see any reason for opposing the Bill, and therefore support it.

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.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 16th August, on the following motion by Mr. Brand (Treasurer):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [9.26 p.m.]: Last year Parliament passed a Bill to enable the Government, in the name of the State, to subsidise the fund in respect of those civil servants who are not eligible to belong to the Superannuation and Family Benefits Fund but who are eligible to belong to a provident fund set up under the provisions of the Act.

This Bill has become necessary because the amending Bill passed last year did not lay down anything in regard to retrospectivity. It has been found in the meantime that last year's Bill would have application only to those who joined the provident fund from the beginning of this year. There are some 20 persons who were in the service before that time and who are affected, and this Bill proposes to provide legislative authority for the Government, in the name of this State, to subsidise the provident fund in regard to those employees.

Clearly the Bill is in every way deserving, and it is the intention of all members on this side of the House to support it.

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.

House adjourned at 9.30 p.m.

Legislative Council

Wednesday, the 29th August, 1962

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