So, under the clause if a charge against a person has been withdrawn, the board may deal with that person, in respect of salary, the same as it can with a person who has been convicted. Even if a person has been convicted of an offence, it is somewhat unjust to deprive him of his accrued leave; and that is implicit in Subclause (5). It does not seem completely just to deprive him of his salary between the time he is alleged to have committed the offence and the time when the offence is proved. This seems to be a reversal of the British system which says that a man is innocent until he is proved guilty. The clause is going part of the way towards saying he is guilty before he is proved guilty.

While I am not competent this evening to suggest a remodelling of the clause to fit in with what I reckon are the basic principles that should apply here, namely, that drastic punishments should only follow conviction and that there should not be included in those punishments loss of pay and leave due long before conviction, I feel that the draftsman, the Government or the Premier, should go into the clause again to ensure that no departure is made from the principle that man is not guilty until he is proved so.

The PREMIER: I will certainly make some inquiries along the lines suggested by the Leader of the Country Party. I would be surprised to find that the effect of any part of the clause would be to take away from any officer rights which had accrued to him before he committed an offence. If the clauses as drafted provide for that, then I certainly would be agreeable to having them altered. It is as far as I know, the set policy of all the legislation, dealing with situations of this kind, that rights which have accrued prior to the commission of an offence or misdemeanour, shall still be claimable by the person concerned; and we would not in a Bill of this type wish to depart from that principle. I undertake to have the matter discussed with the draftsman and with those who have been responsible for instructing the draftsman.

Hon. A. F. WATTS: I do not want to delay the matter because I am satisfied with the Premier's undertaking, but I point out the provisions of Subclause (5). Under Subclause (6) the board need not do any of the things set out in Subclause (5); and I do not think it should be left in that somewhat doubtful position.

Clause put and passed.

Clauses 68 to 89, Schedule, Title—agreed to.

Bill reported with an amendment.

House adjourned at 10.5 p.m.

Legislative Council

Wednesday, 21st August, 1957.

CONTENTS.

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

SCHOOL HOLIDAYS.

Accommodation on Trains and Buses.

Hon. N. E. BAXTER asked the Minister for Railways:

As the school holidays commence at the end of this week, would he be prepared to have a system instigated of listing the numbers of tickets sold on various buses and trains, so that these numbers can be checked with the seating available on each train or bus, in order to obviate the disorganisation which occurs each school holiday period at the Perth railway station?

The MINISTER replied:

The information gained from tickets sold in advance is used by the Railway Department in the provision of buses and extra coaches on trains. But as many of the travellers do not purchase their tickets until shortly before departure time, the complete information is not available in sufficient time to be of full assistance. Extra buses and additional coaches are held in reserve and there is no evidence of disorganisation.

DIESEL LOCOMOTIVES.

Cracks in Bogies.

Hon. G. BENNETTS asked the Minister for Railways:

(1) Is he aware that much concern is being expressed by engine crews, regarding the number of cracks which are occurring in the bogies of the "X" and "XA" class diesel locomotives?

(2) Is it correct that parts of these bogies are being painted white, so crews will notice the cracks?

(3) If the above is correct, will he inform the House—

(a) how many of these bogies have been cracked; and

(b) what is considered to be the cause?

The MINISTER replied:

(1) No.

(2) It is customary to whitewash any suspected part to enable easy detection of cracks during inspection.

(3) (a) No. 1 end—16 cases.
No. 2 end—21 cases.

(b) Minor defects in design which are being remedied at the expense of the manufacturer.

MARSHALLING YARDS.

Design, Location and Resumptions.

Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Did he read the report on page 8 of the "Sunday Times" dated the 11th August, 1957, headed "Railway Yard Shift Soon"?

(2) If so, is the report correct?

(3) Will he refer to questions asked by me in this House on the 4th September, 1956, in connection with the marshalling yards, the questions and answers then being—

(1) When will the design and location plan for the Welshpool-South Belmont marshalling yards be completed?

(2) Does he appreciate the apprehension of the people in the area who are likely to be displaced?

(3) Will he take every possible opportunity of hastening the completion of the plan in order that people who are to be affected will be informed with a minimum delay?

(4) When can people who are to be displaced expect to be paid compensation?

The MINISTER replied:

(1) The preliminary design is now in hand and the overall design should be finalised within six months.

(2) Yes.

(3) Yes.

(4) As soon as possible after resumption or acquisition has been effected.

(4) In view of the answer to Question No. (1) of the 4th September, 1956, is he now in a position to lay on the Table of the House or otherwise produce for the benefit of people who live in the Welshpool area, a plan of the design and location of the Welshpool-South Belmont marshalling yards as contemplated?

(5) Does he, and the Government, really appreciate the apprehension of the people who live in this area, and is the Government prepared at this stage to advise the people just what will be expected of them in respect to the ownership and possible resumption of their land?

(6) Does he not think that it is more than time that the owners of this land should be taken into the confidence of the Government in order that they (the owners) can ascertain what the Government's intentions are in respect to their land?

The MINISTER replied:

(1) Yes.

(2) The Government is not aware of any arrangements for the early removal of the railway marshalling yards or metropolitan markets from West Perth.

(3) Yes.

(4) Preliminary location plans have been in existence for some time, and have been made available to the local authorities concerned. They have been opened to inspection by the public. Final location plan is laid upon the Table of the House.

(5) Advice has been available to owners for several months. Constant inquiries from persons affected have been received and considered.

(6) The Government has never attempted to conceal its intentions regarding the land involved.

IMPORTS.

Value of Jams, Pickles and Sauces.

Hon. Sir CHARLES LATHAM asked the Minister for Railways:

What was the value of all imports of jams, pickles and sauces into Western Australia from—

(a) the Eastern States;

(b) outside Australia,

for the years 1955-56 and 1956-57, respectively?

The MINISTER replied:

	1955-56	1956-57
Jams and Jellies—		
	£	£
Overseas	2,409	737
Interstate	451,081	441,319
Pickles—		
	£	£
Overseas	6,797	3,688
Interstate	92,045	82,886
Sauces—		
	£	£
Overseas	1,873	379
Interstate	190,785	197,939
	£744,990	£726,948

BILLS (2)—REPORT.

1, Bills of Sale Act Amendment.

2, Rents and Tenancies Emergency Provisions Act Continuance.

Adopted.

BILL—NOLLAMARA LAND VESTING.

Second Reading.

Debate resumed from the 14th August.

HON. A. F. GRIFFITH (Suburban) [4.40]: It has been said that the Bill is necessary in order to permit of the re-subdivision of certain land which has been described as the Nollamara estate. I do not find any fault in respect of supporting the second reading of the Bill; but I cannot understand why, in the face of the experience we have had in connection with land resumption, the measure is necessary.

When the Bill was introduced, we were told that a number of re-subdivisions had been carried out, but that two persons held a caveat over a particular section of land and refused to withdraw it, and that this made it necessary to insert a particular clause in the Bill. By means of this provision, the land can be revested in the State Housing Commission for the time being; and subsequently a transfer of the land will be effected back to the original holder, and the caveat will still hold.

I recollect the number of resumptions that we have had in Western Australia, particularly in the metropolitan area, in the last few years, where the Housing Commission has walked on to people's land—without being invited in many cases; carried out preliminary surveys; taken the land from the people by way of gazettal in the "Government Gazette"; and then proceeded to subdivide, make new roads and replan the area. This has been done in quite a number of instances in the metropolitan area; and one that I particularly remember occurred in 1954, when the Government seized land in the Welshpool portion of my electorate, as well as other land at Fremantle and in other parts.

On that occasion people protested about their land being taken by the Government. Some of them held the title to the land; but it did not make any difference to the Government's intention, because it still went ahead and took the people's land and gave back a large quantity to various ones to whom it wanted to give it back, keeping the land from others to whom it did not wish to return it.

The Minister for Railways: No.

Hon. A. F. GRIFFITH: Whilst we must accept the reasons given in the second reading speech, because we are unable to find any others, I still fail to understand why at this stage it has become so necessary to do this thing.

Other land has been taken in many cases in the metropolitan area where replanning and re-subdivision have been carried out; and now we come to this particular resumption, and it has to be different. If any other members have some views as to why this might be necessary, I would be pleased to hear them. The only reason I can possible think of is that the land will be used for the construction of war service homes. If that is the crux of the matter, then I am reminded that in Manning Park a large number of war service homes were built, and the commission was unable at the time to give a title to the land.

As a matter of fact, I remember only too well that elections were fought around the very question of whether the Housing Commission could or could not give a title to the land. It was not until some considerable time—a number of years—after the original resumption that the people who purchased the land were able to be given a free title to it. As far as I know, there may be some blocks that have not yet been handed over.

I have no alternative but to support the second reading of the Bill; but in doing so, I just wonder why this procedure has become necessary, and what reasons, beyond the explanation given on the second reading of the Bill, can be advanced to us in the reply to the debate.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—COUNTRY AREAS WATER SUPPLY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [4.47] in moving the second reading said: When the principal Act was passed in 1947, among other things it—

(a) repealed the Goldfields Water Supply Act, 1902-1942;

(b) preserved those portions of the State which had been constituted water areas under the repealed Act, and reconstituted them as country water areas;

(c) preserved certain rating areas;

(d) but, for some reason which cannot be ascertained, altered the definition of "holding" which had applied since the Goldfields Water Supply Act was passed in 1911.

In the Goldfields Water Supply Act a holding was defined as any area of land which constituted, or was owned or occupied as one property. The Country Areas Water Supply Act, however, states that a holding is a piece of land described in one certificate of title, lease instrument, or document.

It can be seen, therefore, that under the repealed Act a holding could consist of several pieces of land, each of which was the subject of a separate document of title. This is not so under the existing Act.

A glance at paragraph (b) of Section 63 of the existing Act will reveal the importance of this distinction. This paragraph enables the Minister to impose water rates on country holdings that are wholly or partly situated within 10 chains of a main or other water pipe. Such rates however cannot be levied on any part of the holding which is more than 1½ miles from the pipe.

It follows, therefore, that if a holding comprises several pieces of land, and any of these pieces is wholly outside the 10-chain distance, then such pieces cannot be rated. If rates cannot be charged there might be difficulty in supplying such land with water.

The department, however, has not acted in accordance with this definition of "holding," but has continued to work under the definition in the repealed Goldfields Water Supply Act, which operated from 1911 to 1947.

If Parliament agrees to the proposal in the Bill it will have effect as if enacted when the principal Act was passed, thus giving effect to the practice which has actually been adopted by the administration authorities since 1911.

Land constituted, owned, or occupied as one property will be assessed as one property and supplied with water, even although the property comprises several pieces of land, each the subject of a separate document of title. This is similar to the provision in the Water Boards Act.

Under Section 58 of the Act any person may appeal to the Minister, and, further, to the court, against any valuation or amendment of valuation, unless the valuation is the same or less than the local authority's valuation of the land.

The other amendment in the Bill will correct an anomaly in Section 24 (3) of the Act, which, while it gives power to the Minister to raise and lower fittings, only authorises pipes and drains to be lowered. It is obvious that pipes and drains have to be raised at times and the Bill seeks to incorporate this provision in the Act. The proposals in this measure are to clean up some of the anomalies which are considered to exist in the parent Act. I move—

That the Bill be now read a second time.

On motion by Hon. J. Murray, debate adjourned.

BILL—STIPENDIARY MAGISTRATES.

Second Reading.

HON. E. M. HEENAN (North-East) [4.51] in moving the second reading said: The purposes of this Bill are threefold. They are—

(a) to give effect to a request made by stipendiary magistrates to be brought under the provisions of the Public Service Act in respect to the fixation of salary, allowances, leave entitlement, etc.;

(b) to place resident magistrates who at present come wholly under the provisions of the Public Service Act, on the same footing as stipendiary magistrates; and

(c) to remove doubts which now exist as to the extent of the jurisdiction of magistrates.

The Bill proposes to repeal the Stipendiary Magistrates Act, 1930-1953, which provided, among other things for—

(1) The number of stipendiary magistrates not to exceed 12.

(2) Qualifications for appointment.

(3) Fixation of salaries.

(4) Removal from office only upon an address of both Houses of Parliament.

(5) Retirement at the age of 70 years.

(6) Assignment of stipendiary magistrates to districts and courts but, nevertheless, with State-wide jurisdiction.

(7) Exemption from the provisions of the Public Service Act.

(8) The Act to apply only to those magisterial districts declared by proclamation to be stipendiary magisterial districts. Resident magistrates could be appointed to districts not proclaimed as stipendiary magisterial districts.

Subsequently certain districts were proclaimed as stipendiary magisterial districts, and later, further proclamations were issued purporting to abrogate some of the former proclamations. This was necessary to enable resident magistrates to be appointed to those districts. The legality of this

latter action has been questioned and there is a divergence of legal opinion thereon. Today we have the position where resident magistrates are assisting stipendiary magistrates in the Perth and Fremantle districts, which have been proclaimed as stipendiary magisterial districts and their jurisdiction is open to question. In addition considerable administrative difficulties are occasioned thereby.

Junior magistrates stationed in remote areas come to the metropolitan area on leave and the opportunity is taken to afford them experience by presiding on the bench in the metropolitan courts. Here again, their jurisdiction when so presiding is extremely doubtful. Today there are six stipendiary magistrates appointed under the existing Act, 10 resident magistrates subject to the provisions of the Public Service Act and one special magistrate for the Children's Court who is also subject to the Public Service Act.

Hon. H. K. Watson: Did the six stipendiary magistrates, singly, make a request to come under this new Act?

Hon. E. M. HEENAN: Yes. Of these 17 magistrates, the six stipendiaries have their salaries fixed by the Governor and the remainder have theirs fixed by the Public Service Commissioner.

The six stipendiary magistrates can continue in office until the age of 70, but the other magistrates are required to retire at 65. The six stipendiary magistrates have State-wide jurisdiction, while the resident magistrates can exercise jurisdiction only within the districts and in the courts to which they have been assigned.

Hon. C. H. Simpson: Is there automatic promotion from resident magistrate to stipendiary magistrate?

Hon. E. M. HEENAN: No; their qualifications are similar. As I have pointed out, the Stipendiary Magistrates Act provides for only 12 appointments. The salaries are fixed by the Governor, and those magistrates have State-wide jurisdiction. In my opinion there is no necessity for the two methods of appointment; and apparently the Government also holds that view because it is, through this Bill, amalgamating the two and bringing them under the jurisdiction of a new Act and putting them all on the same footing.

Hon. C. H. Simpson: Thank you.

Hon. E. M. HEENAN: The fact that stipendiary magistrates have State-wide jurisdiction, while resident magistrates can exercise jurisdiction only within the districts and through the courts to which they have been assigned, causes difficulties in administration and is quite unsatisfactory. It is extremely doubtful whether they can properly be appointed to a court which is within a district at some time proclaimed as a stipendiary magistrate's district.

In some Commonwealth legislation it is provided that a stipendiary, police or special magistrate shall exercise jurisdiction. Resident magistrates are not included. In consequence, it is at times necessary for a stipendiary magistrate to travel to a country district to preside in a matter brought under Commonwealth law although there is a resident magistrate stationed there capable of presiding but unable to do so.

Because of the doubt which exists in regard to the extent of the jurisdiction of resident magistrates and the administrative difficulties arising therefrom, and since the functions of resident magistrates are essentially the same as those of stipendiary magistrates, this measure is now submitted to Parliament for the purpose of removing any such doubt and to place all magistrates on an equal footing as regards jurisdiction, tenure of office, salary fixation, leave entitlement, etc.

In view of the substantial amendments which would have to be made to the present Act to bring about the desired changes, and which would necessitate the reprinting of the Act, it was decided that a completely new measure be submitted which, if passed, will repeal the former Act. The main provisions of this Bill are—

(1) The Governor to appoint magistrates by warrant under his hand. This is the procedure for the appointment of Supreme Court judges.

(2) The existing provisions for the appointment of special magistrates under the Child Welfare Act will be maintained but the present occupant of that office will become a stipendiary magistrate.

(3) The existing provisions for the temporary appointment of magistrates under the provisions of the Public Service Act, in certain circumstances, will be maintained.

(4) With the proclamation of the new measure all resident magistrates now holding office in a permanent capacity will automatically become stipendiary magistrates.

(5) A special code in respect of tenure of office has been inserted. In consequence, stipendiary magistrates will not be subject to the provisions of the Public Service Act in regard to disciplinary action, removal from office, or retirement for health reasons.

Briefly, the provisions in this respect will be:—

(a) The Minister may make a charge against a stipendiary magistrate and the Governor may suspend him.

(b) The charge and suspension will then be reported to the Chief Justice. If the magistrate does not admit the truth of the charge the Chief Justice or a judge shall inquire, report and make recommendations to the Governor.

(c) The Governor may then further suspend the magistrate pending consideration by Parliament of his removal from office.

(d) The Governor may remove a stipendiary magistrate from office upon the address of both Houses of Parliament at any time. It does not necessarily follow that a magistrate must first be suspended and an inquiry held before the matter is submitted to Parliament for the purpose of an address being made to the Governor for the magistrate's removal from office. This may be done at any time.

(e) Retirement through physical or mental unfitness on the recommendation of a medical board.

(f) All magistrates holding office at present—stipendiary, resident, or special—will have a uniform retiring age of 70 year. The six stipendiary magistrates at present in office already have a retiring age of 70 years. Judges also continue in office until 70 years. Future appointees as magistrates will, however, be required to retire at the age of 65 years.

From time to time resident magistrates have been appointed as stipendiary magistrates. Other resident magistrates now in office had reason to expect that at some time in the future they would also be appointed as stipendiaries and, thus, have the right to continue in office until the age of 70. It would be equitable to provide for a uniform retiring age for all magistrates now in office. Future appointees, when accepting appointment, will be aware that they will be called upon to retire at the age of 65.

(g) A magistrate may resign at any time, subject to acceptance of his resignation, or retire after attaining the age of 60 with the concurrence of the Governor.

(6) The Bill proposes that in future all appointments of salaried magistrates in a permanent capacity must be made under the provisions of the new Act, but appointments as special magistrates of children's courts may continue to be made under the Child Welfare Act and temporary appointments, in certain circumstances, may be made under the Public Service Act.

(7) No person can be appointed as a stipendiary magistrate in a permanent capacity unless he is either a barrister or solicitor or has qualified by examination as prescribed. This will not apply to a special magistrate of a children's court or to a person temporarily appointed.

(8) Stipendiary magistrates may also hold some other offices not deemed to be incompatible. They will be disqualified from practising as legal practitioners, barristers and solicitors.

(9) Every magistrate appointed in the future must take the oath of allegiance and the judical oath and those at present in office may be required to take the oath. At present magistrates are not required to take an oath but judges and justices of the peace are required to do so before exercising any functions of their offices.

(10) The provisions of the Public Service Act shall apply to stipendiary magistrates in respect to the fixation of salaries and allowances, leave, etc.; but, as already explained, there is a separate code for tenure of office, including appointment, suspension and removal from office. Magistrates will also have the right of appeal to the Public Service Appeal Board.

(11) The extent of the jurisdiction of magistrates has been clarified. One or more magistrates may be assigned to one or more magisterial districts or courts. Nevertheless, they will have State-wide jurisdiction, and will be able to act in any emergency anywhere within the State. The Minister may make temporary assignments. Permanent assignments will be made by the Governor.

(12) It will be a duty for magistrates to act on tribunals or boards where so appointed. The Bill provides that they may be paid fees or allowances for such duties.

The Government has endeavoured, through this measure, to remove the doubt now existing as to the extent of the jurisdiction of magistrates. There should be no doubt as to jurisdiction when a magistrate presides on the bench, wherever it may be within the State.

In addition the proposals in the Bill will facilitate administration, place resident magistrates and stipendiary magistrates on an equal footing and give effect

to the request of stipendiary magistrates to come under the provisions of the Public Service Act in respect to remuneration, leave, etc., but to retain the existing provision that a magistrate can be removed from office only on an address of both Houses of Parliament. The proposals are acceptable to stipendiary magistrates as well as resident magistrates. I move—

That the Bill be now read a second time.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—HONEY POOL ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.7]: As Sir Charles Latham mentioned when introducing this measure, it has been found that by providing only for annual adjustments to the price that can be offered to honey producers, the pool could be placed at a disadvantage. The proposed amendment to the Act, to enable the honey pool to adjust its price to the producer from time to time, is a most desirable one, and it has the support of the Government. I also feel that every other member of the House will agree that it is something which should have been included in the original Act. But as we all know, circumstances arise during a year which cannot be foreseen, and that is the reason why the original measure did not contain this provision. I support the second reading of the Bill.

Hon. Sir Charles Latham: Thank you, Mr. Minister!

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [5.11]: Apart from one major departure in this measure, there is very little that needs prolonged investigation. There are, however, one or two aspects which are of interest, and which should be looked at with some care. I think we can pass over quite quickly provisions relating to bubble gum, etc., though it does seem rather ludicrous that we should have to name particular items of confection such as this in a health Act.

One fact that does interest me, however, is that raised by Mr. MacKinnon. I do not see why, if a contractor cannot be proceeded against for an offence, the commissioner should even consider proceeding against an owner; because if the contractor is to blame, why should he even think of taking action against the owner of the building when the owner may not be responsible? These two things make curious reading. If it is the contractor who is responsible, then it is obvious that the amendment is necessary. But having gone to all that trouble, we find from the remarks of the Minister for Railways when moving the second reading, that "the breaches have not been of a magnitude sufficient to justify a refusal of permission to open the completed building." It would seem, therefore, that we are employing a tremendously large measure to control something which is of little importance.

One provision which really does interest me is that contained in the notification clause. For many years members of the medical profession have been called upon to notify, and have notified, infectious diseases; and the list of these diseases has been either lengthened or shortened from time to time, as was found necessary when such diseases were endemic or epidemic. But it is now proposed that the extent of this notification be extended to cover conditions of health which are not infectious. I do not know what the words "condition of health" mean; and certainly the definition in the Bill does not make it any clearer to me, because all that the definition means is that the condition of health is a condition of health, and we get no further.

That makes me wonder what is the reason behind this amendment. I know quite well that if a statistical record is kept of blindness or cancer or eclampsia, certain progress can be made medically and much knowledge is gained by knowing the incidence of these various conditions. But all that is required in this measure in order to achieve that end is purely provision for the notification of cases of such diseases to the central authority.

Apparently, however, the central authority does not think so, because the Commissioner of Public Health appears now to require further power to provide regulations governing the functions of certain people. What functions are necessary in regard to the compilation of statistical evidence? It may be that, in the case of blindness, individuals who are responsible for the care of the blind desire some organised effort by the department to assist them in the treatment of blind persons. But I would have thought that that would be a matter for those who are in charge of the organisations rather than one for the central authority.

When it comes to the question of cancer, I express a certain amount of alarm. I have had the privilege of sitting as a member of the Cancer Council which has been formed recently, and on which I represent the British Medical Association; and I cannot see any reason for any regulations governing the functions, powers and duties of anyone in connection with the control of cancer.

I am very fearful that the psychological side of this matter may be overlooked. The Cancer Council was established purely in order to see that every effort is made through public knowledge, public subscriptions, and medical knowledge to ensure that the treatment of cancer in this part of the world is maintained at world standard. That was one of the reasons for the installation of modern equipment for the treatment of cancer. But I do not want some organisation whose members will go around to a house and make it known to a person that he is suffering from cancer, because that is the last thing a person should know.

The Minister for Railways: I do not think that that is intended.

Hon. J. G. HISLOP: What are they going to do, then? What are their functions? There are a large number of people involved. The Bill refers to

> the Minister, the commissioner, a medical officer, a medical practitioner, person having any prescribed condition of health, or any other person or class of person, but so that a regulation made under this paragraph is limited to the necessities of achieving the objects of this Part.

The objects of the Part are set out as being—

> To promote the prevention and alleviation of such disease processes . . .

I think that before the House passes this Bill we should be given more than just a mere bald statement such as we had on the introduction of the measure that—

> There are other diseases which, while not infectious, can be prevented or alleviated by investigation and planned action.

I have no objection to the collection of statistical evidence, but I am not going to give willingly a blanket power to a number of people under the heading that they are endeavouring to control such diseases; and I would very much like to know, through the Minister, just exactly what is envisaged in this clause. I do not know, and those of my colleagues to whom I have spoken are not at all clear, how far the giving of these functions and the right of framing regulations would allow central action to be taken in the control of these conditions.

I am not averse to progress, but I want to see that it proceeds along proper lines; and just to be told that this provision is necessary, without our being given any explanation of what it means, is very wrong. In paragraph (c) on page 6 of the Bill we read that amongst the things to be prescribed by regulation are—

> fees payable to any person, or class of person, required to notify cases of prescribed conditions of health.

Surely the person notifying the condition would have to be a member of the profession! No lay person is going to notify cancer, surely!

The Minister for Railways: He would not want another fee.

Hon. J. G. HISLOP: The amount of fee is already established. Who are these persons who will notify these conditions? I think there is a very good intention behind all this; but to me, the whole clause is a piece of legal jargon. If I knew what was intended, I would whole-heartedly support it, but I am afraid that I cannot even make it intelligible at the moment. Otherwise, I support the Bill.

HON. R. C. MATTISKE (Metropolitan) [5.22]: There are two aspects of this measure on which I would like to comment, and they refer to the part of the Bill which deals with building activities. There is a provision under which a building contractor becomes liable for certain omissions, if we may call them such; and I feel that the placing of liability on the building contractor in this connection is quite unjust.

The reason I say that is that the building contractor is not responsible for the job. On a job of any size—and that would include public buildings as we envisage them—the architect is the person primarily responsible. He designs the building under instructions from the owner, and it is he who is responsible for having the plans passed by the local authority. He in turn is responsible for obtaining the necessary approval from the Commissioner of Public Health and any other authority who may be interested in the building.

Therefore, the contractor, who only comes into it after he has signed a contract with the owner, is in no way responsible. He has no say at all as to what is in the plans when they have been passed by the commissioner; and from that time onwards, he simply goes on with the construction of the particular job, under the supervision of the architect. If he should depart from the plans and specifications in any way at all, the architect would immediately pull him up. He cannot put in faulty work, because the architect is there to watch for faulty work.

During the course of building, it is possible that the nature of the structure may be varied, but that variation can take place only after a consultation between the owner and the architect. If, as quite

often happens, an owner changes his mind during the course of construction of the building, he can instruct the architect to amend the plans and specifications, and it is then customary for the builder to sign the specifications as amended. Failure on his part to do so leaves him no redress against the owner in the event of a dispute over payment on completion of the contract.

So the building contractor has no say whatsoever as to any alteration in the course of the job; and for that reason I feel it would be wrong to include in this measure any penal clauses which might affect him. If there are to be penal clauses affecting anyone other than the owner, surely the other person concerned must be the one to take that—namely, the architect.

There is another point in connection with this matter which indicates that the architect is more responsible than the builder. The builder is responsible on completion of a job for ordinary maintenance work. We all know that when any new structure is created, there are doors to be eased and windows to be eased, and a multitude of minor jobs to be attended to. That is normally done at a fixed period of three months to six months after the handing over of the job; and when that is finished to the architect's satisfaction, the builder can draw his final money and is then finished entirely with the job. But not so the architect, because he is responsible for the job for a period of seven years after its completion. Therefore I maintain that the architect, if anyone, is the person to whom the commissioner should look.

The other aspect of the Bill to which I would like to refer concerns the payment of fees. I notice that it is intended to increase the fee payable for the passing of plans from a maximum of £5 to a maximum of £100. I realise that this must have been included to provide for the considerable amount of work that must necessarily be involved by the department in examining and passing plans for a very complicated public building. Nevertheless, I feel that it should not be the intention of the department to recoup its cost of administration from the fees it collects.

I maintain that the fee should be purely a nominal figure, not designed in any way to cover the cost of administration; and that therefore the fee of £100 for the passing of plans for even the most complicated building is excessive. I have an amendment on the notice paper; but since placing it there, I have been giving the matter further thought; and I am wondering whether it might not be desirable to have a sliding scale, as is provided under the Inspection of Scaffolding Act, the fees being dependent on the value of the building to be erected.

Those are the only points to which I wish to refer. They will be dealt with in greater detail in Committee. In the meantime, I hope the Minister will give them every consideration.

On motion by the Minister for Railways, debate adjourned.

BILLS 2—FIRST READING

1, Juries.

2, Coal Miners' Welfare Act Amendment.

Received from the Assembly.

BILL—OCCUPATIONAL THERAPISTS.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [5.32]: It is good to see that the treatment of injured persons in this State has reached the point at which we can formulate a scheme for the training of occupational therapists. There will be any amount of scope for teaching material, and the instruction of these individuals should be ample because there is a call for their services not only in the major hospitals but also at the Shenton Park annexe of the Royal Perth Hospital; and I think that the Hollywood Hospital will also eventually employ those who receive instruction in this State.

It is obvious that the services of occupational therapists will be greatly needed when the new rehabilitation hospital, which has been in the mind of the Government for a long time, comes into being. That hospital, if erected, would relieve a tremendous amount of the space that is now so fully used at the Royal Perth Hospital, and would allow some of it to be put to more valuable use for the treatment of persons on an intermediate basis.

There is no doubt that the use of occupational therapy, almost from the date of the injury of the individual, would do a great deal for the injured worker and also for industry in returning the injured worker to work at an earlier date than would otherwise be the case. It is certain that within the foreseeable future a rehabilitation hospital will be erected in this State.

I believe the only thing we need concern ourselves about in regard to this measure is whether there is sufficient—shall I say—academic qualification in those who will hold the position of instructor in this school to be able to insist that the graduates receive interstate and extra-Australian reciprocity. Reciprocity is of the utmost importance to people who spend their years in acquiring a qualification, under whatever heading it may be; and it is most destructive of their

morale and prejudicial to their future to find that, having so spent these years, they are unable to pursue their occupation outside this State. I therefore trust that when this school comes into being every effort will be made to see that the standard of training given to the students is such that there will be no fear of any lack of reciprocity, either here or abroad.

There are one or two matters in regard to the wording of the measure which I believe are well worth examining, and there are amendments on the notice paper in regard to some of them. It may be that I do not understand English very well—

Hon. F. R. H. Lavery: That is quite likely, since you have been to Japan.

Hon. J. G. HISLOP: I may now be dealing in foreign affairs. When it comes to the question of prescribing qualifications for universities, I wonder what is meant. I know what the clause intends, as it simply lays down those universities, schools, boards and associations which have granted diplomas to the individuals who are applying for registration in this State. But I think it could have been worded in a much better way than as "prescribing the qualifications of universities."

I will see what the provision is in the Medical Act, because that covers the same type of condition as is laid down here; and it says that only certain university degrees will be recognised for registration within the State, the same as is sought here. Apart from that, and the fact that I agree with certain of the amendments on the notice paper, I will give the Bill my support.

HON. G. BENNETTS (South-East) [5.37]: I do not know what will be the effect of the Bill prescribing a university certificate, as far as Mr. Martinovich, late of the Goldfields, is concerned. He would not be able to obtain such a certificate owing to his limited knowledge of the language and his limited education, generally, although I suppose he is one of the most outstanding men in Australia in this field. I sincerely hope that the measure will not affect him adversely.

HON. E. M. DAVIES (West—in reply) [5.39]: I wish to thank members for their contributions to the debate; and I feel that those who have spoken have demonstrated that they are in accord with occupational therapists being granted recognition and being accepted as a professional association. I do not think it needs any words of mine to emphasise that hardly anyone today would try to disprove that occupational therapy is one of the main medical auxiliaries that exist; and that it has played a most important part in the rehabilitation of many people, particularly those who have suffered severe physical and mental ailments.

The Bill has been brought down following a request from the Occupational Therapists' Association, which desires that occupational therapy should be a registered profession. The Commissioner of Public Health considers that occupational therapists have proved themselves to be a medical auxiliary of some importance; and in giving his blessing to the measure, he not only appointed an advisory committee, but also saw to it that there were on that committee persons representative of the Medical Department, the medical profession, and the Occupational Therapists' Association.

Dr. Colin Anderson was chairman of that advisory committee, and I understand that at that time he was also secretary of the B.M.A. The W.A. branch of the Occupational Therapists' Association asked that Dr. Anderson be put on the committee as he had given it a great deal of help. The other medical member of the advisory committee was Dr. Davidson, Deputy Commissioner of Public Health; while the other two members were Miss Wyllie and Miss Jacobs, representing the W.A. branch of the association. It will therefore be seen that the advisory committee which advised the Government in regard to the bringing down of this measure was composed of persons highly qualified, inasmuch as Dr. Anderson and Dr. Davidson are members of the medical profession, while the association also had two representatives.

Both Mr. Baxter and Mr. Logan have said, during the debate, that one of the reasons why they considered certain amendments should be made to the measure was that the W.A. Physiotherapists' Association was not accorded recognition outside the State. The information given me is that that statement is not correct; that physiotherapists who have been registered in this State are fully accepted in all the other States of the Commonwealth and in New Zealand; and that negotiations are taking place with the Minister for Health in London, and it is expected that recognition in the United Kingdom will be accorded in the near future.

From that it will be seen that those who have been trained in this State as physiotherapists will be accepted elsewhere. Those who have suggested that such persons would not be accepted elsewhere in the Commonwealth and in other parts of the world are not correct. We believe that the training of occupational therapists in this State will be of a high standard such as will entitle the trainees to recognition not only within the Commonwealth of Australia but also in other parts of the world. Dr. Hislop has said that he thinks certain amendments to the measure may be necessary, and when the Bill is in Committee we will have an opportunity of examining the position.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon. E. M. Davies in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—The constitution of the board:

Hon. J. G. HISLOP: I seek an explanation as to why a person nominated by the Senate of the University is to be a member of this board. Which is granting the diploma—the university or the board?

Hon. E. M. DAVIES: I am not able to enlighten Dr. Hislop on that point; but I understand the diplomas are to be issued by training schools, and no doubt the university will be one. By the Bill it is intended that there shall be a representative of the Senate of the University on the board.

Hon. J. G. HISLOP: It seems to me there is a possibility that the same mistake may occur with this Bill as, if I remember rightly, occurred with the legislation relating to phsyiotherapists. Is there anything in the Bill which gives the board the right to grant a diploma? This board must be given the authority to grant a diploma. If not, it registers the occupational therapists on a list or something of the sort. If that were done, I do not think it would give them reciprocity with another State.

It would be wise to have the Bill looked at from that point of view. It may be necessary to grant a diploma in occupational therapy in order that reciprocity with other States may be obtained. Further, if the board is to issue the diplomas, is it necessary to have on it a representative of the Senate of the University?

The Minister for Railways: He would be the proper person to be on it.

Hon. J. G. HISLOP: I am only asking where the diploma comes from at the finish.

Hon. E. M. DAVIES: I have not had an opportunity to investigate this point. Who issues the diploma to a medical practitioner? Is it the Medical Board or some other organisation; or is it the medical school where the doctor graduates? I understand that is where a medical diploma comes from, and each medico is then registered to practise in the State.

Hon. N. E. BAXTER: If Dr. Hislop will look at paragraph (k) of Clause 7, page 6, he will see what power the board has.

The MINISTER FOR RAILWAYS: I merely wish to confirm what Mr. Baxter has said. Paragraph (k) of Clause 7 sets out what the board may do.

Hon. J. G. HISLOP: More than that is needed. The board should have authority to grant a diploma to the people who have passed the necessary examinations. The university will grant degrees, but the associations and schools will grant diplomas. Members will find that the Physiotherapists Registration Board grants the diplomas to physiotherapists.

Hon. E. M. DAVIES: If Dr. Hislop so desires, I will undertake to have inquiries made on this point; and before the third reading of the Bill, I will again bring the question before the Committee.

Hon. N. E. BAXTER: I move an amendment—

> That after the word "persons" in line 3, page 3, the words "who are approved by the Minister to represent" be struck out and the words "who shall be nominated by" inserted in lieu.

As the clause stands now the Minister could nominate any two persons to represent the association. They need not be occupational therapists. Today it is a recognised fact that there is an association of occupational therapists in this State. If a person nominated by the Senate of the University is to sit on the board, I cannot see why two persons nominated by the association should not be members of it. Such nominees would know more than any other two persons who were not occupational therapists and who might be nominated by the Minister. I hope the Committee will agree to the amendment.

Hon. E. M. DAVIES: I do not know that the wording has any great significance. It has been the standard practice of the Minister to invite a representative body to submit a panel of names from which appointments are made. This practice has been followed by successive Governments for many years, and I do not see why there should be any departure from it in this instance. I feel sure that the Minister will ask the association to submit a panel of names from which he will select two people to represent the association. It is significant that two members of the association, who were members of the advisory committee, assisted the Minister to draft the Bill. I should think that that would be sufficient confirmation that two association members will be appointed.

Hon. N. E. BAXTER: Mr. Davies has said that the wording has little significance, but I disagree with him. The clause reads, "two persons." They need not be occupational therapists. The Committee should not take a risk on this wording in the clause. I might point out that the constitution of the Physiotherapists Registration Board has not turned out to be very successful.

Hon. H. L. Roche: It has done nothing to improve physiotherapy.

Hon. N. E. BAXTER: That is quite true. We should make sure that the two persons appointed are occupational therapists. The association would be well aware of the capabilities of such persons. Therefore,

why cannot members of the association, who are occupational therapists, be appointed to the board? It is only fair to ask the Committee to agree to the amendment.

Hon. E. M. DAVIES: I do not know what the hon. member is worrying about. The Minister would ask the Occupational Therapists' Association to submit a panel of names.

Hon. N. E. Baxter: That is not provided in the clause.

Hon. E. M. DAVIES: I know the intention of the Minister, and that practice has been carried out down through the years by successive Ministers.

Hon. N. E. Baxter: Oh, no, it hasn't!

Hon. E. M. DAVIES: The Minister would ask for a panel of names to be submitted by the association, which would ensure that they were competent persons; and the Minister would then appoint two persons from that panel. I feel sure the Minister will deal with the provision that way.

Hon. N. E. BAXTER: We have to accept what is contained in the Bill. There is no suggestion in it for a panel of names. The provision merely says, "two persons who are approved by the Minister." There should be no objection to the nomination of those two persons by the therapists' association.

The MINISTER FOR RAILWAYS: While I admire the hon. member's attempt to obtain employee representation on the board, I regret that he has not always been consistent in this respect. To overcome the difficulty I would suggest that the subclause be amended to read—

> two persons nominated by the body known as the Australian Association of Occupational Therapists (W.A. Branch) who are approved by the Minister.

The two names would have to be nominated by the association and approved by the Minister. That should overcome Mr. Baxter's objection.

Hon. E. M. DAVIES: I have no objection to the proposed amendment of the Minister if Mr. Baxter is prepared to accept it.

Hon. N. E. BAXTER: In reality there is no difference between the amendment before the Chair and that proposed by the Minister. Both will achieve the same objective.

The MINISTER FOR RAILWAYS: That is so. If the hon. member's amendment is agreed to, I could move to insert the words "and approved by the Minister" at the end of Subclause (1) (d).

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

> That after the word "Branch" in line 6, page 3, the words "and approved by the Minister" be inserted.

Amendment put and passed.

Hon. N. E. BAXTER: I move an amendment—

> That Subclause (3), in lines 10 to 14, page 3, be struck out and the following inserted in lieu:—
>
> (3) Three members shall constitute a quorum.

This subclause deals with procedural matters relating to the holding and conduct of meetings of the board, including the election of chairman. I would point out that Clause 7 (a) already provides for regulating meetings and the election of the chairman, so it would appear that Subclause (3) is not required.

The subclause further relates to the election of chairman, the appointment of deputies, and the constitution and powers of a quorum. In a board of five the power to appoint deputies would not prove to be very successful, especially as the number of meetings would be small. Anyone deputising for a member who was away for a short period would be absolutely lost at these meetings, because he might not know what transpired previously. I see no reason for the appointment of deputies.

In regard to the quorum, normally in small boards such as this, three members constitute a quorum. That is also the position under the Physiotherapists Act. I trust that the Committee will agree to this amendment.

Hon. J. G. HISLOP: I would ask your ruling, Mr. Chairman, as to whether Subclauses (3) and (4) are really related to the marginal notes of Clause 4. They deal with matters which are covered by Clause 7.

The CHAIRMAN: The marginal notes are "The constitution of the Board." As the notes mention the constitution of the board, and as Subclause (3), if amended, will relate to the marginal notes, I am prepared to go on with the amendment before the Chair. To some extent those subclauses are tied up with the constitution of the board.

Hon. Sir CHARLES LATHAM: Clause 4 clearly sets out the constitution of the board to consist of the persons mentioned therein.

The CHAIRMAN: The amendment is to delete Subclause (3).

Hon. Sir CHARLES LATHAM: I would oppose the amendment because the subclause relates to procedural matters in connection with the holding and conduct of meetings of the board.

Hon. H. K. Watson: But that aspect is already covered by Clause 7 (a). It is duplicating the provision.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. M. DAVIES: The amendment means that the membership of a board is reduced to three, which is the quorum. The Bill provides for that number to act temporarily in the absence of regular members. That was included at the suggestion of the advisory committee appointed by the Minister. The board only comprises five members, and three must be present to form a quorum. If this amendment is carried, the board will not have power to appoint a deputy. If the number of members of the board is to be three, and the quorum is to be three, then if a member is absent the business of the board will be held up for some considerable time. I consider the subclause should stand as printed, and I oppose the amendment.

Hon. N. E. BAXTER: I previously explained that a deputy appointed by a board does not know what has transpired in the past; and before he can pick up sufficient knowledge, the original member is back and nothing is gained. With a quorum of three, the board could still operate. It is usual in a board of five to have a quorum of three; it could not be any other number. Part of this subclause is redundant because it is covered by Clause 7.

Hon. Sir Charles Latham: Clause 7 relates only to powers to make rules.

Hon. N. E. BAXTER: No; that is not so.

Hon. Sir Charles Latham: It provides only for rules.

Hon. N. E. BAXTER: Mr. Chairman, may I explain Clause 7?

The CHAIRMAN: If it is tied up with the subclause now under discussion.

Hon. N. E. BAXTER: Paragraphs (a) and (b) of Clause 7 read as follows:—

> The board may, with the approval of the Governor, make rules—
>
> (a) for regulating the meetings and proceedings of the board, including the election of the chairman;
>
> (b) for the appointment of deputies for members of the board and for their attendance at meetings of the board when members are absent, and as to how a quorum, being not less than three, may be constituted—

I suggest to the Committee that the subclause I propose to delete is not necessary, and trust it will agree to the substitution.

Hon. Sir CHARLES LATHAM: I cannot agree with the hon. member. The clause we are dealing with states that there shall be a board of five and who they shall be. It goes on to refer to the conduct of meetings, the appointment of deputies, and the powers of a quorum such as are prescribed by the rules, which are set out in Clause 7. It is essential that the subclause be left as it is.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 5—Functions of the board:

Hon. N. E. BAXTER: I move an amendment—

> That Subclause (2), in lines 9 to 13, page 4, be struck out, and the following inserted in lieu:—
>
> (2) The board shall appoint a registrar who shall also be the secretary of the board, and may appoint such examiners and other officers and servants as it considers necessary to assist the board in the administration of this Act.

The subclause as it appears in the Bill is badly worded, and my intention is to make it entirely clear by substituting the words contained in my amendment, which have been taken from the Physiotherapists Act. I believe the intention of this clause is that the board shall appoint the officers or examiners, or whoever may be necessary to carry out the administration of the Act. As it reads at present, it states that the secretary shall be the person to appoint the staff of the board.

Hon. E. M. DAVIES: There does not appear to be any great difference between the amendment and the subclause in the Bill. The only difference is that the amendment provides for examiners and other officers, whereas the subclause in the Bill provides for other persons. I raise no serious objection to it.

Hon. G. C. MacKINNON: I notice that in the amendment there is something about the appointment of an examiner. It seems reasonable to suppose that a Bill of this nature foreshadows examinations for occupational therapy; yet, search the Bill as I may, I can find no provision for the holding of examinations, and this is the first hint that anybody can be empowered to act as an examiner. I would like Mr. Davies to say where the authority is given; in what form the examination shall take place; who shall set the examinations; and who shall examine the candidates.

Hon. E. M. DAVIES: The board does not propose to hold examinations, as they will be held by the universities and schools which are approved. If they issue the necessary certificates the board will register these professional people with the

body we are now endeavouring to set up under the Act. At present, there is no registration either in this State or in any other State of the Commonwealth. This is the first step to bring down a Bill of registration to make them a medical auxiliary. It is pioneering legislation. The board is not an examining body; and those who examine will be the universities, schools and Government departments approved for that purpose.

Hon. G. C. MacKINNON: If this Bill is the first of its kind in Australia, it is reasonable to suppose there is no standard of examination throughout Australia. If there is no standard of examination, it is quite probable there is no examination set, and an occupational therapist has become such from practical experience. If that is so it would appear that the Bill forecasts the possibility of a university or school providing some sort of training facilities and finishing up with an examination. That being so, surely the board must have power to determine the form the examination shall take.

In view of the answer given by Mr. Davies that this is pioneering legislation, there may be no place in Australia to which these people can turn for a form of examination. The first hint of an examination I have found is in the amendment proposed by Mr. Baxter.

Hon. N. E. BAXTER: When speaking on the second reading, I told members that the universities of Brisbane, Sydney and Melbourne did have a training system for occupational therapists and issued diplomas. Therefore they must have examiners. I point out that when we passed the Physiotherapists Act in 1950 the same words were used, and these are allied medical ancillaries. There must be very little difference between the actual training, on a legislative basis, between occupational therapists and physiotherapists. If we are going to set up a course of study and prescribe qualifications and arrange for diplomas, we must have some sort of examination, and therefore we must have examiners.

Hon. G. C. MacKinnon: Where does it say they will be examined?

Hon. N. E. BAXTER: The other evening I quoted from a document setting out the world minimum standard of training, which I propose to insert into the measure. Under that standard it will be necessary for the examiners to examine the students on the various phases of training. It is wise to put in the word "examiners." It leaves the board free to appoint them. It has discretion to decide whom it shall appoint. If we say "persons," they could be people necessary for the operation of the board's internal affairs rather than for the training of students. I trust the Committee will see that this amendment should be agreed to for the purpose of assisting the board in its duties.

Hon. Sir CHARLES LATHAM: I do not know whether Mr. Baxter intends this, but in the deletion of the paragraph he is imposing greater restrictions than are already provided for. I do not know whether the examiner shall examine the patient or the person doing the physical work. This is experimental legislation, and possibly it is best to pass it as it is and try to straighten it out next session.

Hon. N. E. BAXTER: My amendment does not restrict the board but widens its scope.

Hon. Sir Charles Latham: The Bill says exactly the same thing, but does not mention examiners.

Hon. N. E. BAXTER: The field is very wide. An examiner is not necessarily a person—

Hon. Sir Charles Latham: What is he?

Hon. N. E. BAXTER: A person appointed to the staff of the board is entirely different from a person appointed as an examiner. He may be a university professor.

Hon. Sir Charles Latham: He would be on the staff of the board.

Hon. N. E. BAXTER: No; he would not. As the clause stands, the secretary, apparently, has only the right to appoint persons to the staff of the board, and nowhere in the rest of the Bill is the board given the power to appoint examiners or other servants.

Hon. A. F. GRIFFITH: To my mind Mr. Baxter's last comment is not correct. The secretary has no power to appoint. As to the rest of it, I think it is splitting straws.

Hon. G. C. MacKINNON: I do not. This is the first time I have seen the word "examiner" used, and I think the amendment should be passed for that reason. We must have some sort of an examination. I support the amendment.

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

Ayes	3
Noes	19
Majority against	16

Ayes.

Hon. G. MacKinnon	Hon. N. E. Baxter
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. H. L. Roche
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. Sir Chas. Latham	Hon. E. M. Davies
Hon. J. Murray	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. L. A. Logan	Hon. F. R. H. Lavery
Hon. J. G. Hislop	Hon. G. Fraser

Amendment thus negatived.

Clause put and passed.

Clause 6—Funds:

Hon. N. E. BAXTER: I move an amendment—

That after the letter "(b)" in line 21, page 4, the words "grants, if any, by the Government of the State and" be inserted.

There may come a time when the Government is in a position to make, or feels it can make, a grant to the board to assist in the training of students. There is nothing in the Bill to show that the Government is prepared to advance any money for training. Nor is there anything that shows it is prepared to make a grant; or that, if it did, the grant would be part of the funds of the board. Similar provision is in the Physiotherapists Act. I see no reason why this provision should be left out of the measure.

The MINISTER FOR RAILWAYS: I do not know that the amendment is necessary or that it will do any harm. But if the Government wishes to make a grant it can do so.

Hon. Sir Charles Latham: It will make a grant, determine how it will make the grant, and say what use shall be made of it.

The MINISTER FOR RAILWAYS: That is so. I should think that if the board, after it had been functioning for some time, found itself in financial difficulties there is no doubt that whatever Government was in power would consider any request that it might make and would treat the case on its merits. I do not think the amendment is necessary.

Amendment put and negatived.

Clause put and passed.

Clause 7—Rules:

Hon. N. E. BAXTER: The first amendment I have on the notice paper will not be moved, because it depended on the outcome of the previous amendment. However, I intend to move the second. I move an amendment—

That after the word "therapist" in line 21, page 5, the following words be added:—

or student or person carrying on practice in whole or in part of an occupational therapist or practising wholly or in part occupational therapy though not registered as an occupational therapist and requesting the attendance before and giving evidence to the Board of such persons as the Board shall require in connection with the charge or complaint.

The board should have this power of control over a student or a person carrying on practice in whole or in part as an occupational therapist. It could easily be that some person, who is provided for in the latter part of the Bill under Clause 9, could commit some offence, unwittingly, and could be charged with that offence. This amendment will protect him as well as the board. If such people did not appear before the board as requested, the board could then take some action.

Hon. E. M. DAVIES: I must oppose the amendment. The board is not a judicial body, and its functions do not extend to any control of students. The board is charged with the registration and professional disciplining of registered occupational therapists. Persons who represent themselves to be occupational therapists should be charged by the board and dealt with by the courts. The amendment would confer judicial powers on the board enabling it to charge, try, and penalise students and unregistered persons whom it considered to be representing themselves as occupational therapists.

Students will be trained in existing Government institutions where facilities will be provided as in other professions. It is the function of the training school to discipline students; and the board, not being a training authority, should not be vested with disciplinary control over them. Therefore the Bill does not set the board up as a judicial body; and it would have nothing to do with the trying or sentencing, as it were, of people who committed misdemeanours. But the board would charge them, and the case would be tried before a magistrate in the courts.

Hon. Sir CHARLES LATHAM: This clause only provides that the board may, with the approval of the Governor, make rules. I do not know whether the Parliamentary Draftsman advised the hon. member that his amendment should be included in this part of the Bill, but I think he should move to have the measure recommitted to have his amendment inserted in the Bill itself and not in this part of it which provides only for rules.

Hon. N. E. BAXTER: I thought I heard Mr. Davies say that the board would have no powers to deal with students. The board can deal with students if it thinks they are not conforming to what is right, and the board can refuse to register them. That is the power that the physiotherapists board has over physiotherapist students. Mr. Davies' argument was based on the fact that I was using the word "compelling" instead of the word "requesting" which, if members compare the notice paper with my present amendment, they will see has been altered to "requesting."

To Sir Charles Latham I would say that this clause states that the board may, with the approval of the Governor, make rules for regulating the manner of making any charge or complaint to the board against any occupational therapist. So I think the amendment is quite in order; and the board should have the right to make a charge or complaint not only against an occupational therapist, but also against

students and others. There would probably be more reason for complaints to be made against students or these other people than there would be to make a complaint against a registered occupational therapist.

Hon. E. M. Heenan: Clause 9 provides for that.

Hon. N. E. BAXTER: No; that deals only with those who are unregistered, whereas my amendment deals with these people after they have committed an offence. At present there is no provision for persons who are not registered occupational therapists. Nobody can lay a charge or complaint against them, because they are as free as the wind.

Hon. E. M. Heenan: That is covered by Clause 9, is it not?

Hon. N. E. BAXTER: Yes. But what I am trying to explain is that, if an offence has been committed, a charge must be made; and before the board made the charge, it would want to know something about the complaint. This complaint will not come from the board but it might come from a registered occupational therapist who will say, "So-and-so has committed an offence under this Act." But nobody would go ahead with that charge unless he knew something of the details; and I would say that the person to make the charge would be the board.

Hon. A. F. GRIFFITH: At this stage I would like a little guidance. I understood Mr. Baxter to say that Clause 9 relates to people who are practising as occupational therapists but who are not registered. Is that right?

Hon. N. E. Baxter: No, not exactly.

Hon. A. F. GRIFFITH: The marginal note on Clause 9 states—

> Use of title of occupational therapist by unregistered person prohibited.

If a man is practising as a doctor, and he is not a doctor, he is practising illegally; and if a man, under that clause, is practising as an occupational therapist, and he is not an occupational therapist, he is practising illegally. That is what the clause means, and it does not mean what Mr. Baxter said.

Hon. N. E. BAXTER: I think Mr. Griffith has me wrong. There are a certain number of occupational therapists in this State who have diplomas; and under those people there are craft workers, and others, who are mentioned in Clause 9. They do occupational therapy work under the guidance of those with diplomas. This amendment refers to those who are teachers and who do this work as their normal occupation. A certain amount of it is done in the slow-learning children's school, etc., by people who have no diploma in occupational therapy. They would be unregistered but allowed to carry on, provided they did not breach the Act. If they committed an offence under the Act, who would charge them? Would it be an individual; or would the board investigate the matter after having received complaints, and then charge these people in a court of law? I would refer members to paragraph (e).

The MINISTER FOR RAILWAYS: Paragraph (e) makes provision for the board to frame rules to regulate the manner of making any charge or complaint to the board against any of its members—that is, members of the association. Mr. Baxter wants to include all and sundry. He wants to bring in students and those who are not occupational therapists, and who are not registered, so that they may be charged before the board. That would be the effect.

In the Bill it is proposed that if a patient complains to the board against an occupational therapist, the board will prescribe how to meet the complaint. If there were an offence against this measure by somebody who was not an occupational therapist, the ordinary course of law would take effect, provided he was not one of the three people mentioned in paragraphs (a), (b) and (c) of Clause 9. I oppose the amendment.

Hon. Sir CHARLES LATHAM: This provides two things. Clause 8 provides for the registration of certain people. Should they have been practising for three years before this Act comes into operation they can apply for registration if they qualify. If Mr. Baxter wants to bring in these people, he should have them registered; and then the rules would apply.

Provision is also made for action to be taken against unregistered people. That is clearly set out, even though it does not provide wide powers. In the past there have been dentists and optometrists who have been practising, though not registered; and we introduced legislation enabling them to become registered. The hon. member should not place his amendment in the rules. These govern them but do not permit them to come in.

Amendment put and negatived.

Hon. N. E. BAXTER: I move an amendment—

> That after the word "prescribing" in line 30, page 5, the words "so that they shall not be less than world minimum standard" be added.

There should be a set standard of training for the students, and it should not be less than world minimum standard. I have moved this amendment because of what happened with the physiotherapists. In spite of what Mr. Davies said, they are not recognised in the Eastern States. Up

to the present they have been tolerated there; but it is very difficult for a student trained here to get a job in the East.

In addition there was a letter written from the chartered society in England stating it would not recognise Western Australian trainees because they did not have a chartered teacher. The teacher must be qualified and trained from one of these centres in England. We do not want the same thing to happen with occupational therapists as happened with physiotherapists.

There may have been some excuse in 1950, because there was no association and very little information available. But there is definitely a world minimum standard of training, and we should see that our trainees qualify to that standard. I am sure Mr. Davies will agree that we should have a definite line to work on.

Hon. E. M. DAVIES: Mr. Baxter continues to dispute the veracity of my statement and says that physiotherapists are not recognised in the Eastern States. My information was given to me by the Public Health Department in this State. I was told that the physiotherapists were recognised in the Eastern States and in the Dominion of New Zealand. Negotiations are taking place at present with the Minister for Health in the United Kingdom, and it is expected that these people will be accorded recognition in the near future. I do not know where Mr. Baxter got his information from.

Hon. N. E. Baxter: From the association.

Hon. E. M. DAVIES: To many of us, "world minimum standard" means nothing. Where are we to look for a world minimum standard? I cannot see any reference to a world minimum standard in the document Mr. Baxter was good enough to let me have. I recognise that in the United Kingdom they must have a specialised type of training with a population of 50,000,000; but I have no doubt that Western Australia, being part of the British Commonwealth, will base its training on that of the United Kingdom.

From the report of the conference at Edinburgh I notice that Australia had 12 delegates which, on a population basis, was more than that of other countries. We have occupational therapists here and in other States who may be comparable with those in other parts of the British Commonwealth. It would be difficult to know where to look for a world minimum standard. We do not know which country might be selected for this standard, and it is possible that our trainees would be subjected to a lower standard of training than they are undergoing at present. The situation would be farcical and incapable of administration.

Hon. J. G. HISLOP: I can appreciate what Mr. Baxter wants, but this amendment will not provide for it. If we adopted world minimum standards, they might be very low indeed. There are areas in the world where training of all kinds is fairly low. In the United States there are medical schools that have a very much lower standard of training for medical practitioners than we have, and I would not like to have us accept as the standard of medical training in this State the minimum standard of America. I feel that consideration might be given to altering the Bill so as to give the board power to grant a diploma. I do not think that the Bill gives the board that power.

Hon. Sir Charles Latham: It does not provide for training them.

Hon. J. G. HISLOP: The board will do the training.

Hon. Sir Charles Latham: You read the Bill!

Hon. J. G. HISLOP: I have done so. The board trains the therapists. It lays down the conditions.

Hon. Sir Charles Latham: But it does not train them.

Hon. J. G. HISLOP: The board has not even the power to appoint or pay examiners. So by the time the occupational therapists are ready to be registered by the board, the board has no satisfaction that they are up to the required standard in knowledge. They would have served their length of time, and that is all the board would be entitled to stand by. I cannot see anywhere in the Bill a provision entitling the board to hold an examination.

Hon. Sir Charles Latham: I do not think it has power to train them.

Hon. J. G. HISLOP: It lays down the conditions of training. The training would be done in the various hospitals.

Hon. Sir Charles Latham: It does not say so.

Hon. J. G. HISLOP: That is what would happen. The physiotherapists would receive their training in the various centres. The board should be able, at the end of the period, to hold an examination and issue a diploma. That diploma must represent a standard; and if the course of training which was undertaken to enable them to receive it was not sufficient to satisfy some other occupational therapy school, or some other State in which there is occupational therapy, the holders of the diplomas would not be able to practise there; there would not be reciprocity. It is the standard of the diploma that will count. But has the board the power necessary to give these people something at the end of their time? If such a provision were made, I think that all that Mr. Baxter seeks would be achieved. But the amendment could be very dangerous, and I am certain it would not achieve what he wants to achieve.

Hon. E. M. HEENAN: I think we can all applaud the object Mr. Baxter has in view, which is to ensure that a high standard is set for people who qualify in this occupation. It seems to me that the whole object of the Bill is to raise the standard and ensure that a proper standard is maintained. The aim is to ensure control, with a proper body of men constituting a board to exercise supervision and ensure that things are done regularly, and that the members of the profession are assisted to maintain a high level.

But I am afraid that the insertion of this vague term "world minimum standard" would not get the board anywhere. Undoubtedly the board would do its utmost to achieve something far better than a world minimum standard. Its object surely would be to set the highest standard in the world. How would it ascertain what the term "world minimum standard" meant? Whilst applauding Mr. Baxter's anxiety and applauding him for his interest in the measure, I do not think his proposition will achieve anything. If it meant anything to the board at all, it would mean a hindrance. How could the board ascertain the standards in China, Japan, India and other places, as it would have to do in order to arrive at some understanding of world standards?

I think that Dr. Hislop's fears are groundless, because the board is given power to prescribe a course of study and classes to be attended, time to be spent in training, and places at which training may be carried out, and so on. Having attended to all that, I suppose it would set an examination and then issue certificates or diplomas which would exemplify the standard set in Australia. The certificate in itself would not mean a great deal; it would be the qualification of the person who possessed it that would count. If the board turns out people who are well qualified, within a very short time the certificates with which they are issued will attain a significance and a reputation which would speak for themselves. The Bill is well conceived, especially for something which is breaking new ground. The less it is amended the better.

Hon. Sir CHARLES LATHAM: From the title of the Bill one would think that training was provided for. But the Bill does not say so, except in very broad outline. I think that Mr. Baxter is seeking to put his amendment in the wrong place. Perhaps it would be better at the beginning of paragraph (k). But I consider that it would be unwise to insert it at all, because of the difficulty of determining what is the world minimum standard. Even if we knew what that was, we probably would not want to adopt it. The hon. member should allow the Bill to become law and, when registrations have taken place, meet the difficulties that may arise. I could not agree to the amendment.

Hon. L. A. LOGAN: The amendment is in its correct place. Members must not forget that it includes the word, "not less than" world minimum standard. The idea is that in prescribing the course of study, classes to be attended, time to be spent in study, places at which the study shall be undertaken, and so on, the board will ensure that the curriculum will conform to standards that are not less than the world minimum.

Hon. Sir Charles Latham: What is it?

Hon. L. A. LOGAN: It is what is accepted by the Federation of Occupational Therapists—a world-wide organisation. There is a standard now.

Hon. Sir Charles Latham: Do you know it?

Hon. L. A. LOGAN: How would I know it? I am not a therapist. But there is a world federation.

The Minister for Railways: Is it recognised by the United Nations?

Hon. L. A. LOGAN: Yes. Why should it not be? The body is world-wide and those trained under it have a set course of training and examinations. The reason for this is to make sure that those trained here will have reciprocity with the rest of the world; and there is nothing wrong with that. Without this provision, there would be no such reciprocity. The world standard—

The Minister for Railways: What is it?

Hon. L. A. LOGAN: If the Minister writes to the registered office of the world federation, he will obtain it.

Hon. Sir Charles Latham: The hon. member must know a lot about it.

Hon. L. A. LOGAN: We have endeavoured to learn something about it so as to inform the Chamber, yet some members attempt to ridicule us.

The Minister for Railways: The Government is trying to do something for these people.

Hon. L. A. LOGAN: The Government has co-operated but has not included this provision which the therapists wanted. The draft Bill they put forward is not covered in its entirety in this measure.

Hon. Sir Charles Latham: We will register all those practising today if they apply, subject to age and certain other conditions.

Hon. L. A. LOGAN: When Mr. Baxter gives the Chamber the world standard, members will appreciate it better.

Hon. J. M. A. CUNNINGHAM: I think a better place for the proposed wording would be in line 1 on page 6, which refers to the places at which persons may be trained. If we examine subparagraph (i) of paragraph (c) of Subclause (1) of Clause 8, we see that it states that the

person who holds any of the qualifications prescribed by the rules as a qualification for registration is entitled to be registered.

Hon. W. F. WILLESEE: I wonder whether the standard aimed at would apply to the people at present engaged in this occupation. I think their standard would be the base aimed at when the Bill becomes law, because they would form the constitutional body of therapists in this State; and if their standard is higher than the prescribed world minimum, I think that is what this Act should work under. If, on the other hand, our standard is lower than the world minimum, under the Bill these people could not be registered.

Hon. N. E. BAXTER: The amendment proposes to add the words, "so that they shall not be less than world minimum standard."

Hon. Sir Charles Latham: You are forgetting that the board may make rules.

Hon. N. E. BAXTER: Surely that makes sense! Mr. Davies, to whom I lent this volume, said he could see no reference in it to a world minimum standard, but it is clearly set out here. The volume states the membership of the world federation and so on. With regard to the minimum standard it covers—

> Pre-medical subjects—study of the normal mind and body. One-third medical subjects—study of pathology and treatment of psychological and physical abnormalities. One-third therapeutic activities, one-third clinical practice.

The medical subjects suggested are as follows:—

> Anatomy and physiology
> Kinestology
> Medical and surgical conditions
> Neurological conditions
> Orthopaedics
> Psychiatry and psychology
> Mental hygiene
> Psychopathology
> Theory of occupational therapy and rehabilitation
> Therapeutic activities

and so on.

Hon. E. M. Davies: But that was in 1954.

Hon. N. E. BAXTER: The standard may have improved since then. The story is that when the board was first set up, there was a Mr. Lyle employed as a chartered society teacher here; and he was brought out from England for that work. But he disagreed with the board on the curriculum and he left, after which a Mr. Keating, who was not a chartered society teacher, was employed; and then the trouble began.

The board has advertised for a chartered society teacher in England and a doctor in London is at present interviewing applicants and reporting on their suitability for the position in this State. Mr. Davies' information is incorrect as it has come from people who are covering up for themselves. All I ask is that the training set down should be not less than of world minimum standard.

The MINISTER FOR RAILWAYS: If the standard mentioned by the hon. member were inserted in the Bill, the board might take it as a direction that only those with such qualifications should be admitted. With pioneering legislation of this kind, I think we would be well advised first to secure statutory recognition for these people and then, when the board has had time to implement the measure, further legislation can be brought down to make any necessary alteration.

Hon. A. F. Griffith: What do you think the standard should be?

The MINISTER FOR RAILWAYS: I am not qualified to say, but the board should be able to do so. The Bill gives it power to prescribe the course of study, the time to be spent in training, the places where persons may be trained, and so on; and, as Mr. Heenan said earlier, the board would aspire to attain the highest possible standard. The amendment should be rejected, and the measure given a trial.

Hon. J. G. HISLOP: Why should it be necessary, when we are starting a school of physiotherapy and a school of occupational therapy, to have two measures so different from each other? There seems to be no necessity for it. If the measure relating to the physiotherapists is satisfactory, why bring down a Bill such as this of which we do not approve?

This board can do nothing except lay down the conditions for training and the places where training can be done. Apart from that it is completely hamstrung. Why does not the Bill grant power to the board to conduct examinations? Despite the legal knowledge of Mr. Heenan, I still maintain that I am correct. The board can draw up conditions for the type of diploma to be issued, but it cannot grant one. The physiotherapists found it necessary to have an amending Bill introduced to provide a new section to authenticate documents or diplomas. It was found that the first group of candidates to be trained in physiotherapy could not be issued with a diploma, and the amending Act had to be passed to clarify the matter.

If we intend to commence a school for occupational therapists, let us be able to hold examinations to ensure that they are qualified and, at the end of their training, be able to issue them with a diploma. What chance of reciprocity would they have if they left the State? They would have none. The diploma that one carries is a document of good faith and proof that one is qualified to practise as an occupational therapist. The Bill does nothing in that regard.

Hon. E. M. HEENAN: With the greatest respect to Dr. Hislop, I do not think he is interpreting the Bill correctly. The board is to consist of the Commissioner of Public Health, a medical practitioner nominated by the Minister, a person nominated by the University Senate and two persons to be nominated by the Minister from a panel of names to be submitted by the association. That constitutes a fairly reputable and strong board.

Hon. J. G. Hislop: No one is denying that.

Hon E. M. HEENAN: I think the board has considerable powers; and for Dr. Hislop to say that it has few, is not quite correct. It will have power to make rules prescribing the course of study and the classes to be attended. There is no ambiguity about that. The board may also prescribe the places at which persons may be trained and the qualifications that may be held for registration. What more is required?

We do not need any reference to examinations. If at the end of the training period a person has measured up to the required standard and has passed the courses of study, he will become registered by the board. I presume also that he would be issued with a certificate or a diploma to show he had completed the course prescribed. Such diploma would no doubt be signed by the chairman of the board and would have a big seal placed on it.

Hon. J. M. A. Cunningham: The reference to examinations and the passing of them in the physiotherapists legislation was unnecessary, you think?

Hon. E. M. HEENAN: The absence of such reference in this legislation does not mean anything. Occupational therapists will go through their training period and pass an examination. It is the board's function to prescribe for that.

Hon. J. G. Hislop: Why not give the power to the board?

Hon. E. M. HEENAN: I think it is already provided.

Hon. A. F. GRIFFITH: I am satisfied that Mr. Baxter is right in what he is trying to achieve. He is only trying to write into this clause some minimum educational standard. At the moment no standard is provided. Although I am not suggesting it will do so, the board could adopt some loose standard. The insertion of the proposed words will mean that the standard will be the minimum standard which is laid down by a number of associations throughout the world.

Hon. E. M. Heenan: You are not showing much confidence in the proposed board.

The MINISTER FOR RAILWAYS: I disagree with Dr. Hislop when he says that the Bill does not provide for certain things. The board may make rules prescribing the minimum age for a trainee and the qualifications that are to be held by occupational therapists. It can also prescribe the form of any diploma to be issued, and it can regulate the issuing of it. The principle of the amendment that was made to the Physiotherapists Act is already provided in this Bill. I do not think Dr. Hislop has read the Bill properly.

Hon. J. G. Hislop: I had better go back to school.

The MINISTER FOR RAILWAYS: All the powers held by the board and what it can prescribe are set out in the Bill.

Hon. J. G. Hislop: It has no right to issue a diploma.

The MINISTER FOR RAILWAYS: Even a seal is provided for in paragraph (1) of Clause 7. If this board is competent—

Hon. Sir Charles Latham: We don't want to stick to a minimum standard all the time.

The MINISTER FOR RAILWAYS: The board will prescribe the courses to be attended, the places at which classes shall be held, and so on. We should not write into this legislation at its inception provisions which may hinder the board. Under the existing clauses the board will be free to establish itself and fix the standard necessary. What more is required, I do not know.

Hon. N. E. BAXTER: I am prepared to fight hard for this amendment because I think it is the principal provision in the Bill. It will set the board off on the right foot. I cannot understand the objection to it, because it is extremely simple. It provides only for a minimum world standard. The standard cannot be lower; it can only be higher. The members of the World Federation of Occupational Therapists are as follows:—

Advisory Fellow: Professor Norman M. Dott, C.B.E.

Honorary Fellows: Dr. Elizabeth Casson, O.B.E.; Lieut.-Col. John Cunningham, C.I.E.

President: Miss M. B. Fulton, M.B.E., Great Britain.

First Vice-president: Miss J. MacLeod, Australia.

Honorary Secretary-Treasurer: Mrs. Glyn Owens, Great Britain.

Assistant Honorary Secretary-Treasurer: Miss C. S. Spackman, US.A.

Those people are recognised as being the highest authorities in occupational therapy. They set the standard for trainees, which is the minimum world standard. Surely members can see the value of this amendment! Dr. Hislop said that the physiotherapists' board has worked very successfully, but he is not completely right. There

was one provision we omitted to make because we were not aware of the standard to which students should be trained. That is why I am adamant that the board proposed in this Bill should have a set standard.

It provides for two occupational therapists to be on the board which should also consist of the Commissioner of Public Health, a medical practitioner, and a person nominated by the University Senate. If the latter three decide the standard is not up to a certain pitch, it does not matter what the first two may think, the view of the latter three will prevail.

The Minister for Railways: Would they not have the greater knowledge on these matters?

Hon. N. E. BAXTER: Apparently not from the experience of the other Act referred to. In that case it was unfortunate that the board was not very concerned about the trainees, but only about the physiotherapists already in practice. I do not want the same thing to happen under this Bill. The representatives of the association will know what training is set, although they are in the minority; and there is to be a minimum below which the board cannot go. The standard can be set as high as is desired.

Hon. J. G. HISLOP: There is a way out of this difficulty. I propose to move to insert after the word "attended" in line 32, the words "which shall not be less than the curriculum laid down by the World Federation of Occupational Therapists."

The Minister for Railways: Is that curriculum approved by the B.M.A.?

Hon. J. G. HISLOP: The B.M.A. will not mind if it is a curriculum accepted by the World Federation of Occupational Therapists.

Hon. L. A. LOGAN: I will ask for the proposed amendment to be repeated. It is important for the Committee to know what it is so that it can decide whether to agree to or to oppose the amendment before the Chair.

The CHAIRMAN: We are not allowed to anticipate legislation. There is already an amendment before the Chair. Dr. Hislop has a perfect right to move an amendment on the amendment if he so desires.

Hon. J. G. HISLOP: Can I state my reason for voting against the amendment before the Chair?

The CHAIRMAN: Certainly.

Hon. J. G. HISLOP: The reason is that at a later stage I wish to move to insert the words "which should not be less than the curriculum laid down by the World Federation of Occupational Therapists."

Amendment put and negatived.

Hon. J. G. HISLOP: I move an amendment—

> That after the word "attended" in line 32, page 5, the words "which shall not be less than the curriculum laid down by the World Federation of Occupational Therapists" be inserted.

The Minister for Railways: Where will the trainees sit for these examinations?

Hon. J. G. HISLOP: All the necessary lectures under the curriculum can be obtained in this city. Quite a number of them will be given by medical men, quite a number possibly by physiotherapists, and some by medical specialists in neurology. We are not asking for a curriculum which cannot be obtained.

Hon. E. M. HEENAN: I would prefer Mr. Baxter's amendment to this one because the unfortunate board will be saddled with a curriculum which has been drawn up by some overseas organisation.

Hon. Sir Charles Latham: It might be much further advanced than ours.

Hon. E. M. HEENAN: I do not know how reputable it is. This amendment directs the board in this State to willy-nilly follow everything that has been set down in the curriculum of some other country.

Hon. J. G. Hislop: That is so; but the board is permitted to go above that curriculum.

Hon. E. M. HEENAN: I do not know what the word "which" refers to. Does it refer to the course of study, or the classes to be attended? The phrasing of the amendment requires some attention. We ought to have some faith in the board to be established. I might mention there are world standards laid down for our railways; but we all know that we should adhere to the local standards. The board should be given a freer hand. It should not be compelled to subscribe absolutely to a curriculum laid down in another part of the world.

Amendment put and passed; the clause, as amended, agreed to.

Clause 8—Registration:

The MINISTER FOR RAILWAYS: When the board is established, it will affect those already engaged in occupational therapy. I move an amendment—

> That after the word "engaged" in line 26, page 6, the words "and is competent" be inserted.

Hon. Sir CHARLES LATHAM: I would like to ask the Minister to tell me who is going to determine the competency of these people.

The Minister for Railways: The board.

Hon. Sir CHARLES LATHAM: That would be quite satisfactory.

Amendment put and passed; the clause, as amended, agreed to.

Clause 9—Use of title of occupational therapist by unregistered person prohibited.

Hon. N. E. BAXTER: I move an amendment—

That after the word "who" in line 9, page 7, the words "directly or indirectly" be inserted.

As the clause stands at present, it deals only with the person who uses the title of occupational therapist. There is a difference between its use directly and its use indirectly. He could use it in an advertisement. The words I propose are similar to those in the Physiotherapists Act, and were recommended by the Committee when covering that particular section. I have reduced the words to "directly or indirectly."

Hon. E. M. DAVIES: I do not think this amendment improves the clause at all. As a matter of fact, a person who represents himself to be an occupational therapist when he is not one, does not have to do it either directly or indirectly. It is a matter for the magistrate to decide whether a person has represented himself to be an occupational therapist, and the insertion of the words proposed in the amendment will confuse the meaning of the existing provisions. I oppose the amendment.

Hon. J. MURRAY: It is vital that these people who carry on the work of occupational therapy be registered, and that some Act of Parliament govern their activities. Because certain people have tried to insert into this Bill certain provisions that may not be acceptable to the Government, I ask the Committee to give it careful consideration; otherwise it will go to the bottom of the notice paper and be put in the waste-paper basket.

Amendment put and negatived.

Clause put and passed.

Clause 10, Title—agreed to.

Bill reported with amendments.

BILL—LOCAL GOVERNMENT.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 171 had been agreed to.

Clause 172—Proceedings at council meetings:

Hon. R. C. MATTISKE: I move an amendment—

That after the word "president" in line 30, page 129, the words "if elected by the ratepayers of a municipality," be inserted.

This is a consequential amendment to one which was accepted to Clause 10, in which we made it optional for a mayor or president to be elected either by ratepayers or by the council. This amendment must therefore be made to keep the Bill consistent.

Hon. J. D. TEAHAN: There is no objection to the addition of these words as they are consequential on a previous amendment.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

That after the word "vote" in line 32, page 129, the words "but if the mayor or president be elected by the councillors of a municipality he shall be entitled to a deliberative vote and in the case of an equal division of votes, he may exercise a casting vote" be added.

Hon. Sir Charles Latham: Does this mean he has two votes?

The CHAIRMAN: With the casting vote, he has.

Amendment put and passed.

Hon. N. E. BAXTER: I move an amendment—

That after the word "hands" in line 4, page 130, the following new subclause be added:—

(11) If any member—

(a) persistently and wilfully obstructs the business of the council;

(b) is guilty of disorderly conduct;

(c) uses objectionable words and refuses to withdraw such words;

(d) persistently and wilfully disregards the authority of the chair;

the mayor or president may report to the council that such member has committed an offence.

When any member has been reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be moved, "That such member be suspended from the sitting of the Council." No amendment, adjournment, or debate shall be allowed on such motion, which shall be immediately put by the mayor or president.

If any member be suspended, his suspension on the first occasion shall be for the remainder of the meeting; on the second occasion for one subsequent meeting; and on the third or any subsequent occasion for three subsequent meetings such suspension occurring within the same council year.

> When a member has been suspended, he shall not be permitted to enter the council room during the period of his suspension. If he does so enter the chamber during such suspension the mayor or president may call a police officer to remove him.

The amendment is designed to give the mayor or president the power to deal with someone who obstructs the business of the council or is guilty of disorderly conduct, etc. The provision is a facsimile of our Standing Orders except for the latter part where the penalties are provided. I tried to find in the measure something that would give the mayor or president the power to deal with a person who wilfully obstructed the business of the council, etc., but the only power I could find was that of allowing the mayor or president to adjourn the meeting.

Well, the same thing could happen the next day and this would mean another adjournment. A council should not be in the position of not being able to continue its business. In this Chamber we can take action against any person who obstructs the business of the House or is guilty of disorderly conduct. I refer members to Standing Order No. 413.

Hon. J. D. TEAHAN: It is true that the Bill gives the mayor or president little power to exercise control over unruly meetings. This amendment will be an improvement.

Hon. R. C. MATTISKE: Clause 36 provides that if a member of a council fails to attend three consecutive meetings his office as member becomes vacant. In the second last paragraph of the amendment, a member can be suspended for three meetings. Would his absence from those meetings be considered as being with the leave of the council?

Hon. H. K. WATSON: Clause 232 provides that the council may make by-laws for regulating the proceedings of the council, etc. As I understand it, the by-laws of the City of Perth contain standing orders the same as those suggested by Mr. Baxter. I think we could leave it to the local authority to make its own standing orders pursuant to the provisions of Clause 232.

Hon. L. C. DIVER: The amendment should be agreed to as the Bill seeks uniformity and the amendment would achieve uniformity in this regard. But I feel that the query raised by Mr. Mattiske should be answered, and that the provision relating to "three" subsequent meetings should be altered to "two" subsequent meetings.

Hon. A. F. GRIFFITH: Even with that alteration, a councillor could be suspended for two meetings; and if he were absent without leave for another meeting he would be in the same position.

Hon. L. C. Diver: He could make application to be excused.

Hon. A. F. GRIFFITH: Another point is that I think that the word "Chamber" in the third last line of Mr. Baxter's amendment on page 3 of the addendum should be struck out.

Hon. L. C. DIVER: I move—

> That the amendment be amended by striking out the word "three" in line 38 of the amendment and inserting the word "two" in lieu.

Hon. A. F. GRIFFITH: In Clause 36 we read "is absent without leave of the council during the holding of three consecutive sittings." Is there any conflict between that and this provision?

The CHAIRMAN: I think Mr. Baxter's amendment is separate from Clause 36, which deals with three ordinary meetings. The amendment deals with infringement of the rules of debate and so on.

Hon. A. F. GRIFFITH: If that is so, I do not think there is any necessity for Mr. Diver's amendment on the amendment.

The CHAIRMAN: But this is for an offence.

Hon. A. F. GRIFFITH: What is the reason for Mr. Diver's amendment?

Hon. L. C. DIVER: It is very simple; it is to prevent any ambiguity. In one part we talk about three ordinary meetings of the council; and if my amendment is agreed to, it will prevent any confusion.

Hon. A. F. GRIFFITH: Mr. Mattiske mentioned Clause 36, and that clause states that a member cannot be absent from three consecutive meetings without leave.

Hon. H. K. Watson: Without sufficient cause.

Hon. A. F. GRIFFITH: No; we have amended that. A councillor could stay away for two meetings and come back for the third and would not be committing a breach under Clause 36.

Hon. L. C. Diver: That is correct.

Hon. A. F. GRIFFITH: He could keep on doing that.

Hon. J. M. A. Cunningham: We know of one who is.

Hon. A. F. GRIFFITH: If this man is rude to the president and the president suspends him for two sittings, or three sittings, he is away for those two or three sittings; but if he stays away for three consecutive meetings without leave, he is committing a breach of Clause 36. If there is no conflict between Clause 36 and this clause, there is no necessity to agree to the amendment on the amendment.

The CHAIRMAN: I take it that there is no relationship between this amendment and Clause 36. If members continue to go back over amendments which have been made to other clauses, I am afraid I will have to enforce the Standing Orders and not allow them to go back.

Hon. A. F. Griffith: Then the amendment on the amendment becomes unnecessary.

Amendment on amendment put and negatived.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 173 to 186—agreed to.

Clause 187—Minutes—how recorded:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "payers" in line 5, page 141, the words "and electors" be struck out.

I think these were originally inserted in the legislation when it was intended that electors should include other than ratepayers. The words are now redundant.

Amendment put and passed; the clause, as amended, agreed to.

Clause 188—By-laws:

Hon. R. C. MATTISKE. I move an amendment—

> That Subclause (8), in lines 4 to 12, page 144, be struck out.

It is grossly unfair that any local authority should have power, through its by-laws, to exert influence on territory that is outside its own boundaries. The amendment is plain sailing and I cannot see the necessity for this subclause.

Hon. Sir Charles Latham: What could it be used for?

Hon. R. C. MATTISKE: That is what has me puzzled. I cannot see the necessity for it.

Hon. J. D. TEAHAN: The amendment will take away from municipalities the power to make by-laws in respect to territory which extends beyond the boundaries of their own districts. It might be hard for members to visualise an instance when a municipality would require that power, but there are times when it is necessary. It has so happened that a camping area has been outside the boundary of a municipality and by-laws have been necessary to govern it.

Hon. H. K. Watson: In that case the camping area would not be inside any other boundary?

Hon. J. D. TEAHAN: It could be, but very often the road board within the boundaries of which the camping area lies has no objection to the municipality interested in it passing such by-laws to govern it.

Hon. Sir Charles Latham: I think it should be the responsibility of the Minister to interfere in such circumstances.

Hon. J. D. TEAHAN: It was found that a municipality should be able to make by-laws in regard to land contiguous to its own boundaries. I have already quoted one example—a camping area which is adjacent to a large town. The municipality should be given power to carry out any works or scheme in that district. I should say that the granting of those powers would not conflict with the wishes of an adjoining road district.

Hon. A. R. JONES: I hope the Committee will agree to the amendment. The provision contained in this subclause is tantamount to our saying that this State should be given power to interfere with territory that is within the boundary of South Australia. Why should a municipality interefere with a camping area that is within the boundary of another local authority?

Hon. J. D. Teahan: It would first have to obtain the consent of the Governor.

Hon. A. R. JONES: If a local authority has good reason to support its desire to make a by-law in such circumstances it should get in touch with the Minister who could make the necessary inquiries and take any action that is required.

Hon. A. F. GRIFFITH: May I tell Mr. Teahan that this provision is contrary to the findings of the Royal Commission held in 1949?

Hon. G. BENNETTS: This subclause, I think, may prove to be very necessary. For example, the Kalgoorlie municipality has a gravel pit about eight miles out of Kalgoorlie. This subclause might have been inserted in the Bill to permit, for example, the Kalgoorlie Municipal Council to install a crushing plant in that gravel pit. Mr. Teahan has also referred to the need for a municipality holding such power in regard to controlling a camping area. Therefore, the subclause would be necessary for that to be done. For example, a municipality may desire to erect public conveniences in a camping area, and by means of this subclause it would be permitted to do so.

Hon. W. F. WILLESEE: I would like to quote a case which has some bearing on this question. In the Carnarvon municipality the three local butchers, whilst they operate within the municipality, have their slaughtering-houses outside the municipal boundary in the road board area. Also, the two local milkmen deliver their milk within the municipality but have their dairies outside its boundary. We had to have by-laws prescribed by the municipality in that instance to cover health requirements.

Hon. J. D. TEAHAN: That is a good example. The people who consume the meat reside within the municipality, and

the road board was probably not concerned. Therefore it would be very important for the municipality to pass by-laws in that instance. The same would apply to the delivery of milk within the municipality boundaries. The road board would probably say, "We are not concerned about the dairies because the milk deliveries are made within the boundaries of the municipality."

Hon. R. C. MATTISKE: According to Mr. Willesee's argument, would it be right for the Perth City Council to make by-laws governing the milk depots at Brunswick Junction, for instance? Because that is where our milk comes from. The case quoted by Mr. Willesee might well be covered by the first local authority contacting the other one with a view to working in harmony with it. In this particular case the one health inspector may be permitted to serve the two districts if it is not possible for the health inspector of the second district to do so. Each local authority should act within its own boundaries in close co-operation with its neighbours.

Hon. L. C. DIVER: The point raised by Mr. Willesee could have been overcome by the jurisdiction of the central health board over areas which are not declared health areas. They could have appointed health officers in Carnarvon to be their representatives in the district and they would have policed the situation described by Mr. Willesee.

Hon. W. F. Willesee: It still acts under the municipal by-laws.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 189 to 195—agreed to.

Clause 196—Brickmaking:

Hon. R. C. MATTISKE: I hope the Committee will not agree to this clause. Why should the brickmaking industry be singled out for inclusion in this Bill? I can understand excavations being controlled by local authorities; but why should the council have power to regulate brickmaking, which is an industry that requires large capital expenditure for its installation? It employs a large number of persons, and it is not possible for it to be dismantled and moved from place to place.

Hon. J. D. TEAHAN: It will be pointed out that by-laws will have to be approved and could be disallowed by Parliament; but I think there have been instances where brickmaking has created a dust nuisance, and it should be regulated. I have seen as many as 200 houses being devalued in price as a result of a coal-dust nuisance; and the discomfort caused to the people in the neighbourhood had to be seen to be believed. This could happen with brickmaking.

Hon. L. C. DIVER: The clause should be deleted. The greatest objection to brickmaking is quarrying. Of course, there are silica bricks and cement bricks, and different ways of making them. This would interfere too much with the freedom of the individual.

Hon. E. M. DAVIES: I hope the Committee will retain the clause. Brickmaking is comparable with quarrying. There has been much trouble in Fremantle in the past because certain people who quarried in the district walked off and left a large hole in the ground when they had no further use for the area. The same has happened in areas where there is clay. The local authority should have power to control these industries, because they scar the landscape and are a nuisance to people who reside in the neighbourhood. Who is the local authority? It is not the brickyard but the ratepayers who provide the funds to enable the local authority to carry on. They should have power to control this industry.

Hon. G. BENNETTS: We should retain the clause. Mr. Cunningham and I have in our district what has been one of the best brick kilns in the country—namely, the old Coolgardie brick kiln, which has been outstanding in this State. Brickyards, in the course of their activities, may quarry for clay and cause huge holes to be excavated. If such excavation is not controlled by any by-law those holes will be left open and unfenced. In Kalgoorlie many accidents have been caused by people falling into old shafts, and the same thing can happen at unfenced holes from which clay has been taken.

It must be assumed that no municipality or road board would prevent a brickmaking firm from establishing works in its district unless there was likely to be a detrimental effect on the health of the people. Therefore, local authorities should have the authority to prohibit brickmaking in their areas.

Hon. G. C. MacKINNON: All the arguments that have been raised on this clause bear no relationship to brickmaking; they refer to quarrying. There is a provision in a later clause to cover quarrying; and when we come to consider that, all the arguments which have been raised in this clause will apply with great force. None of the submissions has given any good reason why by-laws should be made to cover brickmaking. It is possible for bricks to be manufactured 100 miles away from where the clay is excavated.

Hon. Sir Charles Latham: That would not be profitable.

Hon. G. C. MacKINNON: I agree; but it could happen. Most members seem to think that where brickyards are established, invariably huge holes are dug nearby. There is provision to cover the

digging of these holes, and we should deal with this question when we are dealing with the relevant clause.

Hon. E. M. Davies: I was talking about brickmaking and not quarrying.

Hon. G. C. MacKINNON: The hon. member referred to the digging of holes and quarrying. The brickyards should not be interfered with. Their products are of great importance to the development of the State. The only offence alleged against them is the digging of holes in the ground.

Hon. R. F. HUTCHISON: The clause is quite necessary; one has only to go around my constituency to see the great need for it. There is no regulation as to how the clay-holes should be left, and they have constituted a great danger. The making of bricks has caused much trouble in the Midland Junction district. Invariably, where suitable clay is located, brickyards are erected. In Midland Junction it was found desirable to object to the opening of brickyards for the very reasons mentioned by some members. No municipality or road board will object to an industry being established in its district unless its establishment proves to be very objectionable.

Hon. A. F. GRIFFITH: What Mrs. Hutchison said has nothing to do with the clause we are dealing with. Clause 196 says that the council of a municipality may make by-laws for regulating brickmaking, prohibiting brickmaking absolutely, and prohibiting brickmaking unless by authority of a licence issued by the council. There is no mention of holes being dug.

I would point out that it is not necessary to dig a hole in the ground to obtain the clay to manufacture some types of bricks. The clay may be carted from some distance. In the case of the State Brick Works at Armadale, the clay is brought from quite a distance. If the Armadale-Kelmscott Road Board were to regulate brickmaking or prohibit brickmaking absolutely, would the State Brick Works be put out of existence? I suggest it would not.

As long as the Government continues with the State trading concerns and stifles private enterprise, it will adopt the policy contained in this clause. We should not stifle private enterprise by a provision which cannot affect State enterprise. If that road board were to regulate to prohibit brickmaking, the State Brick Works would not close; but if a private company operating there were to come within the ambit of the prohibition, there would be a different story.

The Minister for Railways: Rubbish!

Hon. A. F. GRIFFITH: It is not rubbish.

The Minister for Railways: That is wishful thinking.

Hon. A. F. GRIFFITH: It is not.

The Minister for Railways: You are putting up an Aunt Sally.

Hon. A. F. GRIFFITH: Will the Minister tell me whether the State Brick Works would be bound if the Armadale-Kelmscott Road Board were to regulate to prohibit brickmaking absolutely?

Hon. R. F. HUTCHISON: The hon. member has brought the Armadale-Kelmscott Road Board in as a camouflage. He has not mentioned Midland Junction, where there has been trouble. Excavation has taken place there. A request was made for more to be allowed, but it was refused by the council. Excavation is not only a danger but it spoils places. No local authority will prohibit brickmaking unless there is something very much against it. But where an industry spoils terrain and creates a danger for people living nearby, there should be provision for that industry to fill in the holes. I hope the clause will be left.

Hon. R. C. MATTISKE: The bulk of the argument in favour of retaining this clause has concerned excavating and quarrying, and not brickmaking. There is a clause in this Bill which deals with excavating and quarrying which will provide ample protection. The only argument advanced against the particular point under discussion was that used by Mr. Teahan when he said that a smoke-dust nuisance from chimneys could devalue properties in the immediate vicinity.

In the majority of brickyards, wood is the fuel used, and the type of kiln is such that the wood smoke is dispersed and, in the process of manufacture, considerable quantities of water have to be used from the claypit right through. If one takes notice of the smoke from brickworks, one must also take notice of the smoke nuisance from any type of factory. I therefore press the point and hope the Committee will not agree to the inclusion of this clause.

Hon. Sir CHARLES LATHAM: I cannot imagine any person wanting to prevent a local authority having power to control the establishment of factories in residential portions of its district. Unless it is controlled by a local authority, who is going to prevent it?

Hon. A. F. Griffith: Have you heard of the Stephenson Plan?

Hon. Sir CHARLES LATHAM: I use commonsense to decide these factors. This clause is only in regard to the making of by-laws and does not prohibit. The by-laws have to come before Parliament and this House has the right to disallow them if anything unfavourable is being done. We should therefore give local authorities some control.

Hon. R. C. Mattiske: Would you favour the inclusion of all factories?

Hon. Sir CHARLES LATHAM: In most cases road boards and municipalities set aside certain areas for this purpose and prohibit their going anywhere else.

Hon. R. C. Mattiske: Under what authority?

Hon. H. L. Roche: Town planning.

Hon. R. C. Mattiske: That is one.

Hon. Sir CHARLES LATHAM: The local authority should have the power because it has always operated.

Hon. A. R. JONES: I take the view that the present local government by-laws, under the Health Act, and under the Municipal Town Planning Act, provide all the protection wanted by a local authority or council to enable it to prohibit a brickmaking concern within its boundaries if it wishes. There is no doubt that a council will be able to control the matter as it can now, and has been able to for the last 20 years. I know the position at Midland Junction where the industry interferes with the community, but that is only due to the short-sightedness of the council some years ago. Why should Government or private enterprise be compelled to get out at the whim of a council? The council should recognise that the industry is impeding the progress of the area and it should resume the land and pay just compensation. Do not let us select one industry and include such strong terms as we find in the clause. I hope the clause will not be agreed to.

Hon. R. C. MATTISKE: I point out to Sir Charles Latham that brickmaking is of such a nature that the factory cannot be placed wherever one may wish.

Hon. Sir Charles Latham: You do not need to teach me to suck eggs.

Hon. R. C. MATTISKE: For the economic manufacture of bricks the factory must be situated on a clay deposit, and clay deposits in Western Australia are extremely limited.

So far as cartage is concerned, the State wirecut yards have to cart their clay a considerable distance and that is one of the contributing factors towards the State Brick Yards loss of £29,000 in one year and £46,000 in another, while at the same time other brickyards were selling bricks at comparable prices and making a profit. Their factories were situated on clay deposits; but as those deposits cut out, so will the factories.

The one in Northam to which Sir Charles referred, is faced with the difficulty that its clay deposits are cutting out. The deposit extends to the adjoining land, but this is held by the workers' club which considers the land will be more valuable as a workers' club than to be used to provide clay for making bricks for houses. Therefore the brickmakers will have to go elsewhere. The only point is the possible nuisance factor; and there is no more nuisance factor in a brickyard than in most other types of manufacturing.

The MINISTER FOR RAILWAYS: I hope the clause will stand as printed. At times it is necessary to give some powers to local authorities.

Hon. J. Murray: Not so absolute, surely.

The MINISTER FOR RAILWAYS: I can cite an instance where a road board has no authority except to refuse a licence to quarry, and that can be overridden by the Minister. I know of another local authority that has been overridden by a Minister. The road board simply wanted the brickmaker to hide the unsightliness, to some extent, to passers by, and to improve the surroundings of his factory a little by planting a few trees. The Minister and the road board agreed that in these circumstances he could be given a licence. But years passed until fresh deposits were required. The original beautifying work was never carried out, and the same request came up again. The road board is placed in an invidious position, and so is the Minister in such cases.

The local authorities are not just to be defied. If they are to be reduced to that status we might as well not have them—in built-up areas, particularly. The Committee would be wise to retain this provision. It cannot be abused; if it is, redress can be obtained here each year because the by-laws and regulations must be tabled.

Hon. J. MURRAY: The chief objection raised against the deletion of the clause by the Government spokesman has been that we are interfering with the rights of the local authority in regard to brickmaking, but when we listen to the speeches that have been made we realise that the main objection is in relation to quarrying, which comes under another clause.

On this point allow me to mention Greenbushes, where tinmining is one of the main industries. There we find some of the most unsightly and dangerous holes possible. But surely we are not going to say that the local authority shall be able to stop the industry from progressing simply because these holes are unsightly and dangerous. As a matter of fact, people have been drowned in some of the holes when they have been abandoned. This clause has nothing to do with quarrying, but simply deals with the manufacture of bricks. I oppose the clause.

Hon. E. M. DAVIES: I cannot understand Mr. Mattiske's objection to the clause as it merely says the local authorities may make by-laws, which in turn must be tabled in this Chamber, thus giving the necessary protection. Mr. Griffith spoke of somebody's policy being put into operation, but I do

not know what he refers to. Local authorities should have the right to make by-laws and police industries of this nature. That is all the clause seeks, and I hope the Committee will reject the amendment.

Hon. A. F. GRIFFITH: I hope the Minister will answer my question.

The Minister for Railways: Put it on the notice paper.

Hon. A. F. GRIFFITH: That is one way of evading an issue.

The Minister for Railways: I do not think the hon. member is in order in cross-examining me across the Chamber at this stage of the proceedings.

Hon. A. F. GRIFFITH: Far be it from me to cross-examine the Minister, but this evening, when a member on the other side of the House moved an amendment, the Minister asked for an explanation; and I, in turn, have only asked the Minister for an explanation.

The Minister for Railways: I asked the Chairman's permission first.

Hon. A. F. GRIFFITH: Then I will do that also, if necessary. Would the State Brick Works be bound by this clause?

The Minister for Railways: Of course they would.

Hon. A. F. GRIFFITH: If the local authority controlling that area by regulation prohibited brickmaking would the State Brick Works be bound by that?

The Minister for Railways: I think so.

Hon. A. F. GRIFFITH: I thank the Minister for the information and I cannot understand why he got so upset about giving it to me.

The MINISTER FOR RAILWAYS: It is not customary, when dealing with matters before the Chair, for a member to ask questions direct of other members across the floor of the Chamber. I do not mind answering any question asked at the proper time or asked through the Chair.

The CHAIRMAN: I think all members at times ask Ministers or each other questions across the floor of the Chamber.

Hon. A. F. GRIFFITH: I do not think it is anything but customary for members to be permitted to ask guidance from the Minister, who is supposed to have more information on certain matters than private members have. I simply sought the Minister's guidance and I am sorry if I upset him.

The Minister for Railways: You did not upset me. You only upset yourself, and the debate.

Hon. J. D. TEAHAN: To be consistent members must reject the amendment. During the debate on this measure members opposing the Government have stated and repeated that local authorities should not be subjected to interference as they know their own affairs best. That is all the clause seeks; but in this case, those same members wish to take from the local authority the right to govern.

Hon. J. MURRAY: I simply seek information. It has always been an understood practice in this Chamber, whether it be a private member or a Minister introducing a Government Bill, that during the Committee stage members can secure information from the Minister or private member in charge of the measure. If we accept the Minister's statement this evening, to whom are we to look for explanations in regard to measures? If I cannot look to somebody for the necessary explanations I will vote against the whole damned Bill.

The CHAIRMAN: Order!

Hon. A. R. JONES: The Bill provides for local authorities to have power to control where a factory is placed; but they have had that opportunity in the past, and if mistakes have been made it is their own fault. Some members have said local authorities should have power to make regulations governing this industry because the regulations could be disallowed in Parliament, but the regulations could be made the day after the session ended, perhaps in December, and could not be disallowed until perhaps July of the following year, by which time the business of the factory could be ruined. I think the clause should be struck out.

Clause put and a division taken.

The CHAIRMAN: Before the tellers tell, I give my vote with the ayes.

Division resulted as follows:—

Ayes	13
Noes	12
Majority for	1

Ayes.

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

Noes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. A. R. Jones	Hon. G. MacKinnon
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. H. L. Roche
Hon. F. R. H. Lavery	Hon. L. A. Logan

Clause thus passed.

Clauses 197 to 212—agreed to.

Clauses 213—Goats:

Hon. R. C. MATTISKE: I feel that a fee of 6d. for each goat is a bit of an insult to any self-respecting goat! It is not sufficient to cover the stationery that would be used, or the cost of the time involved in writing out a receipt. The figure should be at least 1s. or 2s.

Hon. J. D. TEAHAN: In the short notice I have had it does seem a little light. However, in the few municipalities or road boards where goats are kept, the extra fee would make little difference; and it might be just as well to leave the clause as it stands.

Hon. R. C. MATTISKE: I suggest to Mr. Teahan that we leave the clause as printed, but that he look into the matter to see whether it is worth amending when the Bill is recommitted.

Clause put and passed.

Clause 214—agreed to.

Clause 215—Hawkers:

Hon. A. F. GRIFFITH: The Minister for Railways has an amendment to this clause at precisely the same place as I wish to have an amendment made. I apologise for the fact that my amendment is not on the notice paper, but I am wondering whether the Chairman would give me permission to discuss both these questions.

The CHAIRMAN: I think that as both amendments deal with the same subject, there is no reason why they cannot both be discussed.

Hon. A. F. GRIFFITH: Then will the Minister submit his case first?

The CHAIRMAN: I want some member to move an amendment before we go any further.

The MINISTER FOR RAILWAYS: I move an amendment—

> That after the word "person" in line 7, page 156, the following words be inserted:—
>
> > who does not carry on the business of selling goods, wares or merchandise in a shop or other permanent place of business situated within the State.

An undertaking was given by the Minister for Justice to the Leader of the Country Party in another place that this amendment would be brought forward when the Bill reached this Chamber. By the amendment it is desired to distinguish between a hawker and a butcher, baker or other tradesman who is required to travel from one local authority to another in the course of his business.

Hon. Sir Charles Latham: That would apply a great deal in the metropolitan area.

The MINISTER FOR RAILWAYS: Yes. It was thought that the amendment would take such tradesmen out of the category of a hawker. I am given to understand that the amendment meets with the approval of the department, the Minister for Local Government and the Leader of the Opposition in another place.

Hon. A. F. GRIFFITH: For the Minister to say that this is an acceptable amendment is not quite correct. If the definition of hawker were agreed to and this amendment were carried, it would embrace many people. The amendment that I propose has been requested particularly by some people who, because of the nature of their business, are obliged to travel from place to place carrying a large number of proprietary lines. Over a period of many years they have built up a large clientele. If the definition in this clause were agreed to it would prevent them from lawfully operating their business.

In paragraph (b) of Subclause (2), an annual fee of £20 is prescribed. That is a large sum of money. Sometimes one of this particular class of people operates within the boundaries of five or six local authorities; and he would therefore be required to pay a total sum, in annual fees to the local authorities, of perhaps £120. If a hawker spent his time in 50 municipalities, the maximum he would be liable to pay in annual fees would be £1,000.

The particular man that I have in mind is one who sells direct from the manufacturer to the consumer. He is representative of a firm which invoices the goods out to him, and he takes them from farm to farm or house to house among a large clientele. If the amendment were agreed to, the business of such people would be in jeopardy. I have had circulated among members of the Committee a copy of an amendment which I propose to move and which, if agreed to, would overcome this difficulty. Instead of the words proposed by the Minister, I suggest the words—

> Provided that a person representing a manufacturer whose goods are sold direct to consumers and not through the intermediary of shops shall not be deemed a hawker.

should be added. That would cover the situation in a simple manner. It would not embrace a representative of an oil company or any other company who travels from place to place. The Bill is designed to provide for a hawker who canvasses from house to house to sell his wares.

The MINISTER FOR RAILWAYS: I appreciate the anomaly the hon. member is trying to correct, and I agree that his amendment would overcome it. Mr. Griffith's amendment would restrict the manufacturer; whereas it would not cover, for instance, the market gardener. I would like to have the hon. member's amendment considered further, and I suggest that we now report progress.

Hon. Sir Charles Latham: Can we discuss it with you privately?

The MINISTER FOR RAILWAYS: Yes, I would be prepared to discuss it privately, and I would also submit it to the department and ask it, in conjunction with Crown Law, to frame something which would combine both objectives.

Hon. H. K. WATSON: Although we all know what a hawker is, it is difficult to express it in words. The Minister's amendment and Mr. Griffith's amendment in their respective places are necessary to restrict the definition to what it ought to be.

Hon. A. F. GRIFFITH: If this amendment which the Minister suggests is in the old Road Districts Act had been tested at law, there might have been some conflict. That is the legal advice given to the people who approached me on the matter. Do you want me to stop there, Mr. Chairman, or will you take into consideration the other amendments I have on the notice paper?

The MINISTER FOR RAILWAYS: The amendments will be considered, and the hon. member and I can discuss them and perhaps arrive at a suitable amendment.

Amendment, by leave, withdrawn.

Progress reported.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 11.36 p.m.

Legislative Assembly

Wednesday, 21st August, 1957.

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