Hon. D. BRAND: All that rigmarole is unnecessary, if it is only to achieve the purpose of having a party designated on the ballot paper.

The Premier: In the event of the principle of party designations being established, there would have to be some supervision.

Hon. D. BRAND: I agree. I know the Premier asked the question in order that I might commit myself to some extent. If Parliament agreed to the principle, there should be some means of supervision. If the Premier were to look at the details contained in the Bill, he would scratch his head and say that it was going a little too far. There are other provisions, such as the one which deals with the amount of money to be spent on an election campaign. It is intended to remove the limit of expenditure and to permit of unlimited expenditure. In this regard we have a very open mind. This provision of the Electoral Act has been very hard to police, and it has been ignored over quite a number of years. Nevertheless, it might be a good idea to provide some safeguards by having a limit on the expenditure which a candidate may spend on his election campaign.

Mr. Rodoreda: How would that be policed?

Hon. D. BRAND: That is the difficulty. Evidently, from time to time Parliament has thought fit to place a limit on the expenditure of a candidate.

Mr. Rodoreda: What is meant "from time to time"?

Hon. D. BRAND: It has amended the provision from time to time and retained the limitation. It might be as well to retain some limitation in the Bill. Originally it was felt that the person who was more affluent had a better chance in an election if there was no limitation to expenditure on publicity associated with his campaign, than a person who was without means.

There is also an amendment which aims to bring into line the distance at which canvassers, who hand out how-to-vote cards, will have to place themselves from a polling booth. The Bill reduces the distance of 50 yards which applies at present to 20 feet. We agree with that provision. I am of the opinion that the Bill has been presented in such a manner that from the beginning we cannot support the provisions. In some ways they are dangerous. We can hardly justify passing a Bill of this nature to bring about this amendment. I oppose the second reading.

On motion by Hon. A. F. Watts, debate adjourned.

House adjourned at 5.10 p.m.

Legislative Council

Tuesday, 6th August, 1957.

CONTENTS.

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

MOTION—MUNICIPAL CORPORATIONS ACT.

To Disallow Uniform General Building By-laws.

HON. A. F. GRIFFITH (Suburban) [4.36]: I move—

> That Uniform General Building By-laws Nos. 1 to 505 inclusive made under the Municipal Corporations Act, 1906-1956, as published in the "Government Gazette" on the 5th June, 1957, and laid on the Table of the House on the 9th July, 1957, be and are hereby disallowed.

I would like it made clear at the outset that in moving to disallow these regulations and treating them in total from No. 1 to No. 505, it is not my intention that all the by-laws should be disallowed, but I am moving the motion in this manner in order that it may be a protection in view of some of the circumstances that have taken place in connection with the gazetting and tabling of the by-laws.

As the motion indicates, the by-laws were gazetted on the 5th June and tabled on the 9th July. Immediately after the 5th June they became law; and local authorities generally throughout the whole State were thrown into turmoil because they suddenly found, without any notice whatsoever, that they were obliged to reject plans they had received in their offices the day before and deal with them under these by-laws.

The result could easily have been disastrous for some people because a lot of money could have been involved in architectural fees for the preparation of plans and specifications for buildings in the metropolitan area and, for that matter, anywhere. These by-laws, coming down

on the day they did, without any waiting period, put local authorities and everybody concerned with the building trade in a very bad position.

The Minister for Local Government recognised this; and he declared what I shall call, for lack of a better word, an amnesty period, and said, "Although the regulations are legally in force as from the 5th June, I will not have them come into operation until the 1st September." I think it will be admitted that that was a good idea because it gave the local authorities the opportunity to deal with any plans that they had in their offices up to that date. But the Minister broke the law because he had no right to make a ruling of that nature; and these building by-laws are, in fact, now the building by-laws of the State and should be in operation at present.

I do not know where the mistake was made, but it was obviously made by some unthinking person who did not realise that the bringing into operation of the by-laws on a particular day, without any waiting period, would cause so much inconvenience. The position now is that the state of affairs regarding the uniform general building by-laws is one of flux. They are in force but not operating, and I hope the suggestions that I am about to put forward will be given consideration. I hope, also, that between now and the 1st September the Government will have an opportunity to bring down amendments to the by-laws as now gazetted; and that as a result, the by-laws that I or any other may find fault with—I see Mr. Thomson also has a notice of motion to disallow regulations under the Road Districts Act—will be able to be revised.

If the course I advocate is followed, I believe that ultimately we will have a set of uniform building by-laws such as the local authorities have desired for a long time. I reiterate that it is not my intention, in moving this motion, to disallow the whole of the by-laws, but really to pass over those that are thought worth while and offer advice to the Government in regard to those others that it is thought require amendment.

I think it is appropriate for me at this time to point out that the suggestions I am putting before the House are those of a committee, of which I was chairman, which was appointed by my party to consider the whole of the district by-laws. I repeat that the points I am putting forward are the views of that committee, which was representative of the profession of architecture, the building profession and the local authorities.

The by-laws at present do not provide for any appeal. It is therefore suggested that there should be an appeal board comprising five people who should be:

(1) The president, or his nominee, of the Institute of Architects.

(2) The president, or his nominee, of the Institute of Engineers.

(3) The Perth City Council building surveyor.

(4) The principal architect of the P.W.D.

(5) A local government representative.

At this stage I wish to read to the House portions of a letter of which I have a copy. It is a letter from the Associated Sawmillers and Timber Merchants of W.A. and is dated the 16th July, 1957, being addressed to the Minister for Local Government. It deals generally with the question of uniform general building by-laws, from the point of view of the timber industry of Western Australia and the various standard timber requirements provided for under those by-laws, with which the association in some cases finds fault. The portion I wish to read is as follows:—

> Members of my association, representing the timber industry in Western Australia, have given close attention to the provisions of the recently gazetted uniform general building by-laws, and desire to acquaint you with certain sections thereof which it is felt, as at present framed, give cause for grave concern in the industry.

These are as follows:—

1. Clause 7 (page 8). This clause at present reads—

> 7. Standards. Wherever in this by-law British or Australian standard specifications are mentioned for use, the latest revision of such specifications shall in each case apply. Where a British standard specification is utilised, such standard specification shall apply until such time as an Australian standard specification be issued, when such Australian standard shall be utilised.

My association considers that the following should be added to the above clause—

> Where an existing Australian standard is not mentioned and a new Australian standard is subsequently issued, such standard shall apply.

2. Clause 179 (page 43). This clause at present reads—

> 179. Stairs. (a) The following materials shall be permitted for stairs other than fire-isolated stairs which shall be constructed of materials having fire-resistance ratings as required in clauses 31 and 131.

(iii) Jarrah or other approved hardwood having a finished thickness of not less than 1⅝in. except as provided in clause 133 (c).

My association considers that the minimum size indicated should be 1⅝in.

(b) The following materials will be permitted for ceilings or soffits of staircases.

(iii) Tongued and grooved jarrah or other hard timber having a finished thickness of not less than ¾in.

My association considers that the minimum size indicated should be ½in.

3. Clause 180 (page 44). This clause at present reads—

180. Fire-retardent materials. The following materials shall be classified as fire-retardent materials—

(b) For internal construction.

(iv) Jarrah boarding dadoes ⅝in. or more in thickness.

My association considers that the minimum size indicated should be ½in.

4. Clause 181 (page 44). This clause at present reads—

181. Fire doors. Fire doors shall be classified as two-hour or one-hour fire doors.

(c) Where a one-hour fire door is required by this by-law a properly framed solid or solid-core hardwood door of not less than 1⅝in. finished thickness, and of scantlings in no case less than 3¾ in. x 1⅝in. in section area shall be permitted.

My association considers that the minimum section of scantlings indicated should be 3⅝in. x 1⅝in.

NOTE.—My association considers that the minimum sizes mentioned in paragraphs 2, 3 and 4 above are not in accordance with current trade practice, and adherence to the minimum sizes laid down would create unnecessary expense to the building industry.

5. Clause 339 (Page 70). This clause at present reads—

339. External covering for walls. Every building of Type 4 or 5 construction unless otherwise provided in this by-law, shall be enclosed externally with—

(a) Weatherboard or other approved class of boarding not less than ¾in. in thickness.

My association considers that the specification of a minimum thickness should be omitted in this clause.

Clause 341. This clause at present reads:—

341. Internal wall and ceiling linings. The internal lining of all walls and ceilings shall be lath and plaster finished to a hard surface, hardwood panelling, t. & g. hardwood lining, plaster sheets or asbestos and cement sheets or other material approved by the surveyor.

My association considers the word "timber" should be substituted for the word "hardwood" after the words "t. & g."

Clause 345. This clause at present reads:—

345. Minimum sizes and spacing of materials. In the construction of wood frame or other buildings where timbers are used, the minimum sizes, dimensions and maximum spacings of such timbers shall in the case of dwellings or other similar buildings, be in conformity with the requirements of S.A. Code for Dimensions of Structural Timbers No. O.56-1946, but not less than the dimensions and spacings set out in Table 345.

My association considers that the words "but not less than the dimensions and spacings set out in Table 345" should be excluded, also the whole of Table 345, which should be covered by the S.A. Code for Dimensions of Structural Timbers No. O.56-1946, as revised 1948.

Section 28. Outbuildings and fences.

(a) Part I. Outbuildings appurtenant to private dwellings of Class I, duplex houses, lodging and boarding houses of Class II and buildings of Class IV.

Clause 424. Construction. This clause at present reads:—

(a) The local authority may by by-law declare special areas where all outbuildings must be constructed of brick.

(c) In brick areas all outbuildings exceeding four squares in area be built of masonry.

(b) Part II. Outbuildings appurtenant to buildings of other classes.

Clause 433. Outbuildings to be of brick. This clause at present reads:—

All outbuildngs shall be constructed of brick provided that the local authority may approve by special licence of garages and sheds of wood frame construction appurtenant to buildings in areas

where the erection of buildings of Types 4 and 5 is permitted by the local authority.

My association considers that the provisions of the above section of the by-laws places an unwarranted and unreasonable restriction upon the erection of outbuildings of timber construction.

9. Section 3.—Applications and granting of building licences.

My association is concerned that there appears to be no provision in the new by-laws giving the right of appeal against the refusal to accept building plans by the local authority.

Although the timber industry would not sponsor or wish to be associated with the construction of sub-standard timber homes it feels very strongly that modern trends in design, as evidenced by the increasing rate of timber home building in the Eastern States and overseas (in New South Wales for example, more timber homes are now built per annum than brick homes) local authorities should make a practice of dealing with all plans and specifications on their merits and not be empowered to determine blanket areas in which homes must be constructed of any specified external fabric.

In addition to the specific objections to the by-laws as set out above, my association feels that with new materials appearing on the market with increasing frequency and resulting in modifications to established building practice, it is highly undesirable that inflexible by-laws be laid down. It is considered that the regulations should be so framed that a board of reference and appeal should be established which would permit of the modification of the by-laws as circumstances may require.

My association is most anxious to co-operate with the Minister in all matters connected with housing construction, and apart from requesting the earnest consideration of the points raised in this letter, would welcome an opportunity to discuss the broad aspects of building by-laws with the Minister at his convenience.

Yours faithfully,
R. N. Tilley,
Executive Officer.

I am sorry to have wearied the House by reading the whole of that letter, but it sets out the view of the Associated Sawmillers & Timber Merchants of W.A. pertaining to timber sizes. If these modifications are introduced, I am sure the Government will appreciate that inconvenience will be caused to an industry which has become accustomed to cutting timber to certain sizes for many years. I do not associate myself with that part of the letter which refers to local authorities which endeavour to reserve an area for the construction of a particular type of house. In some instances I think it is a good idea to have brick areas proclaimed, but I know that the present Minister for Local Government does not agree with me on that point.

By-law No. 13, following paragraph (f), states that drawings shall be made on paper measuring not less than 22in. by 15in. The committee which investigated these matters considers it impracticable to make it mandatory for all drawings to be on paper of that size. It means that anybody who wants to add an outbuilding to an existing structure, or who desires to erect a garage or similar construction, must submit a drawing on paper measuring not less than 22in. by 15in. However, anyone who knows anything about building practices realises that it is quite a normal procedure for plans to be submitted to the local authority on paper no larger than foolscap size, particularly where the dwelling to be erected is a modest one.

By-law No. 41 deals with the distance the building shall be from the boundary line. This is a very contentious clause, which has brought forth a great deal of comment from many people with whom I have conversed on this matter. The new by-laws provide that a building must be constructed at least 6ft. from the boundary on either side. There are many blocks in the metropolitan area which have a width of only 40ft.; and where an owner has such a narrow block, it is not very practicable to lay down that a building shall be 6ft. away from the boundary on either side in order that it shall conform with this new by-law.

I would like to make the suggestion that the by-law should read that no part of the building shall be less than 3ft. from the boundary line on either side. This would mean that if one has a garage with a parapet wall or a single gable forming the roof, with no overhang, an owner can build his house 3ft. from the boundary line on either side. However, if he has a gable roof with an overhang, it would have to be 3ft. from the boundary on either side plus the overhang of, say, a foot wider, the distance between the building and the boundary line would have to be correspondingly wider. If the roof has boxed eaves 2ft. wide, the distance between the building and boundary line should be 6ft., or, if the eaves are 2ft. 6in. wide, the distance would be 5ft. 6in. This would be preferable to a mandatory by-law stipulating that a building shall be 6ft. from the boundary line, and would give an owner of a narrow block an opportunity to plan and to build a gable-type house with no overhang.

Hon. G. Bennetts: The by-laws in Kalgoorlie provide for a distance of 18in. from the boundary line.

Hon. A. F. GRIFFITH: I would not say that that was far enough away.

Hon. G. Bennetts: No; it is too close.

Hon. A. F. GRIFFITH: By-law No. 51 deals with building heights, particularly the heights of buildings in the city area. In accordance with paragraph 51(d) of the new by-laws, the plot ratio in all areas, other than residential or flat districts, shall not exceed five. This means that the gross total of the floor area of the building, measured over external walls, shall not exceed five times the area of the land on which the building is situated.

In other words, if the building covered the whole site, it would be five storeys high; if it covered only half of the site, it could be built to 10 storeys high. While this provision would appear to be a reasonable one for suburban development, it is felt that for the city area it is too harsh and would be detrimental to development in the city.

I believe that this plot ratio was arrived at in the Stephenson plan where office development envisaged for the next five years embraced an average of 5 to 1 plot ratio over the whole area. In the normal development of any city it is said that this provision does not apply, and inevitably one sees many buildings of two or three storeys high, even in large cities overseas. These are compensated for by the higher building development in the vicinity. I understand that in the U.S.A. the majority of cities, other than New York, have a building ratio of 8 to 1, which is much higher than is proposed here.

It may be noted that in assessing the building ratio, the gross total of the floor area is taken into consideration; and this is a point on which I would like to lay some emphasis. The main object of the by-laws is to limit the density of population on a particular site, but it would be much more satisfactory if the ratio were based on habitable floor space rather than the total area. There is a marked difference between the total area and the habitable floor space.

In the consideration of the habitable floor space one could exclude walls, stairs, lavatory accommodation, service ducts and that type of accommodation. By taking the whole area, all such types of accommodation are excluded, with the result that the building will be constructed in such a manner as to give maximum habitable floor space to the exclusion of providing maximum space for the type of accommodation I have just read out in the form of staircases, lavatory blocks, washrooms, etc. If the plot ratio were based on habitable space, it would have an automatic result of lifting the ratio beyond that now prescribed; that is, 5 to 1.

If the present by-laws are retained, the obvious trend will be to cut down on services. It will also be quite impossible to have another structure in Perth like those which have just been completed for the State Government Insurance Office and the Colonial Mutual insurance office, because the plot ratio, as we have it here, keeps the size of the building down.

If we look at By-law No. 67, and compare it with By-law No. 401, we will find that the two conflict. By-law No. 67 (d) says—

> Every habitable room shall be not less than 8ft. wide in its minimum dimension, except a kitchen which may have a minimum width of 7ft.

By-law No. 401 states—

> Kitchens.—Every kitchen shall comply with the requirements of clauses 67 (a) and 67 (b) and have a minimum width of 8ft. Notwithstanding the provisions of this clause a kitchen may be replaced by a kitchen annexe in a dwelling of Class 1 Occupancy or a duplex house, provided one wall is an external wall and such annexe has a floor area of not less than 50 square feet and is separated from a living room by an opening having a width of not less than 5ft. and a height not less than 7ft.

That is probably a small machinery provision which can be rectified.

By-law No. 71 (b) deals with the pitch or slope of ceilings of buildings and provides that the minimum height of any part of the ceiling shall not be less than 9ft. It would be better to provide for a minimum of 8ft., with an average of 9ft. It would be sufficient to take the average of the height. On the top of the slope the height is probably 10ft.; but at the bottom the height is 8ft., so there is an average of 9ft. overall.

A number of clauses conflict with the by-laws under the Health Act. By-law No. 75 does in this regard: The Health Act provides for 36 sq. ft. for a bathroom with a minimum width of 5ft. 6in.; whereas this by-law provides for 30sq. ft. for a bathroom, with a minimum width of 5ft. The Health Act also says that a water closet shall be 4ft. 8in. by 3ft. I am not contending that either is wrong, but it is of no use having uniform by-laws which conflict. The Health Act also says that the ceiling height of a bathroom or water closet shall be not less than 8ft., and the by-laws we are dealing with stipulate 7ft. 6in. Here again there is conflict.

I draw attention to By-law No. 76. In this regard the Health Act says that a laundry and wash-house shall have a floor area of not less than 42sq. ft., and

that the ceiling height shall not be less than 8ft. These by-laws stipulate 50sq. ft. in area, and ceiling height of 7ft. I next refer to By-law No. 77; and upon this I raise a query. It says—

> Cellars and basements used for storage purposes only shall have a minimum ceiling height of 9ft. with a minimum head room under the beams of 8ft.

Does the expression "basement used for storage purposes" apply to a house with high foundations? There are sloping blocks on which houses are built. On one side the foundation may be 6ft. or 7ft. high. Does that mean, because these by-laws provide the minimum height should be 9ft. with a minimum height under the beams of 8ft., it cannot be used?

Hon. Sir Charles Latham: That only applies to walls.

Hon. A. F. GRIFFITH: The height of walls governs the height of ceilings. How could there be a basement with a ceiling height greater than the height of the outside wall? That would not be possible unless the floor of the first storey were conical in shape. I raise this point particularly because the earlier by-laws in that regard prescribed a ceiling height of 7ft. for a bathroom; yet this clause says that there must be a minimum height under the beam of 8ft. in the case of storage rooms. Where an area is not used for habitation, surely if a person can crawl under the foundations, which are perhaps 4ft. high, that space could be used for storage.

By-laws Nos. 106 to 112 deal with light courts. The new by-laws in this regard have drastically altered the existing Perth City Council by-laws which are covered in paragraphs 140 to 144 of city building by-law No. 39. In the present city by-laws the angle of light where windows are erected on opposite sides of a light court is 5 to 1; and where windows are on one side only of two opposite sides of a light court, the angle of light is 4 to 1. In the proposed new by-laws the angle of light in these cases has been reduced to 2½ to 1. This virtually means that on a city office building site of, say, 50ft. frontage and 120ft. depth, it would be virtually impossible to erect a structure of more than about four of five storeys, because an internal light area would take up so much space as to prohibit the economic design of the building.

It is considered that the existing by-laws should make adequate provision for efficient lighting of rooms in an office building, and the necessity for such drastic alterations cannot be seen. It is recommended that the angle of light on table 107 be amended where shown as 2½ to 1, to read 5 to 1 or at least 4 to 1. That would assist building, particularly in the city block, where space is limited.

Furthermore, the provisions of By-law 108 should be amended in conformity with paragraph 142 of the old by-laws. The existing by-laws in regard to light areas were based on Melbourne city by-laws; and as far as is known, these were quite satisfactory for buildings there. In Perth, where the latitude is higher and the sun more vertical, similar by-laws to those of Melbourne must necessarily provide better lighting to similar buildings. I now refer to By-law No. 215, which provides—

> Inspection of Excavations.—Twenty-four hours' notice in writing shall be given to the Surveyor when excavations are ready for inspection and no footing shall be placed in position until the excavations have been inspected and approved by the Surveyor.

What applies in practice is that the builder who is supervised by an architect must give 24 hours' notice to the building supervisor that the trenches he has dug for the footings are ready before he pours in the concrete. It appears that this is the job of an architect who is highly trained in his occupation, or of a master builder who is also highly trained in his vocation. In addition to a lot of time being wasted by the building supervisor having to tell an architect whether the trenches are satisfactory, it is beyond the pale that this situation should apply.

It is suggested that this by-law should apply where an architect is not employed on a construction job; or, for that matter, where a builder is not employed. In the case of self-help builders it would be an advantage to have the trenches inspected before the concrete is poured. I am not suggesting that the building supervisor does not know his job, but I am suggesting he may not know as much about building construction as the architect or builder.

Hon. F. R. H. Lavery: These by-laws are going to be of no assistance to a self-help builder.

Hon. A. F. GRIFFITH: It is the hon. member's Government which brought them down.

Hon. F. R. H. Lavery: Never mind about the Government.

Hon. A. F. GRIFFITH: I have to. What else am I to do?

Hon. F. R. H. Lavery: The self-help builder will be tied hand and foot in the future.

Hon. A. F. GRIFFITH: I accept the hon. member's statement, and I shall now go on with my job. By-law No. 208 in Section 16 provides for the drainage of land, and this is an excellent idea. Low-lying land should be built up and drained to the street; but how binding will these building by-laws be on the State Housing Commission? I can go into the district I represent and see houses that are in water—2ft. in some cases. If the Housing

Commission is going to be a law unto itself and build houses as it likes, when everyone else has to abide by the by-laws, it is not good enough.

By-law No. 330 deals with the distance of veneer walls from the boundary and it states—

> Walls having timber framework and outer veneer of masonry or concrete in accordance with the provisions of this section shall not be constructed within 4ft. of the boundary of any allotment of land not in the same occupation.

This is a bit silly. Who can tell the difference between brick veneer construction and brick construction from the outside? It is only when one gets inside and taps the wall that one finds that it is not a solid brick cavity wall.

By-law No. 405 provides for the minimum number of rooms and size of dwellings. It states—

> Every dwelling hereafter erected, altered or extended shall conform to the following requirements:—
>
> (a) The minimum accommodation shall comprise four habitable rooms complying with the requirements of Clause 67 in addition to any bathroom, laundry or water closet required to be provided by the health by-laws.
>
> Provided a local authority, by special resolution, may approve of lesser accommodation.
>
> (b) Where an existing dwelling is converted into a duplex house the floor area of each dwelling unit of such duplex house shall not be less than 600 sq. ft.

It is very arbitrary to lay down that every dwelling shall have not less than four rooms unless the local authority prescribes otherwise. I am prompted again to refer to the State Housing Commission, which has no care for by-laws of this nature. The expansible houses it has erected from time to time certainly would not comply with this requirement.

On the other hand, has the Minister had any regard for elderly people—an elderly man and wife whose family, perhaps, has got married and left them? The old folks may decide their home is too large for them; that they cannot do the work; and that they need a smaller house. But, unless a special resolution of a local authority is carried, the Government will put them to the expense of building a house containing not less than four rooms, when a home of three rooms would be adequate for their requirements. This is a point that wants to be looked at.

With respect, I say that whilst a lot of forethought might have been put into the framing of these regulations, the people responsible for them did not have any appreciation for modern trends. We have all seen the houses that are built today with modern kitchens and built-in cupboards. The kitchen will have an electric range, a sink, a work-bench area, a refrigerator, and then an automatic washing machine.

Hon. L. C. Diver: It is suggested you cannot put this demonstration into Hansard.

Hon. A. F. GRIFFITH: Very well, I will not put it into Hansard. We have seen illustrations of these things; and a modern washing machine is, surely, something that is coming into use. This is a machine into which the housewife throws a bundle of washing, presses a button, and the machine does the rest. The only thing it does not do is to put the washing cleanser —whatever it may be—into the machine; and it does not hang out the clothes after they have been spun-dried. These by-laws, however, arbitrarily lay down that each dwelling shall have a laundry of not less than a specific size.

We have to give way to modern trends. It is not so long ago that some local authorities unbended themselves a little and said, "We will not make you put in a bath where you have a shower recess." The modern trend, sometimes, is not to have a bath if one is not—

Hon. G. C. MacKinnon: Dirty.

Hon. A. F. GRIFFITH: No comment. It is not to have a bath installed where there is a shower recess and a hot water system. It would be quite feasible—and this would be a good idea—to include in these by-laws something which would provide for such a set-up. In the interests of labour and of conserving money, why should not a person who builds a house be allowed to spend his money on a washing machine that can be put in the kitchen if so desired, instead of on a wash-house and laundry with troughs and so on?

The Minister for Railways: You still want a copper and a trough with a lot of washing machines.

Hon. A. F. GRIFFITH: It is obvious the Minister does not do the washing.

The Minister for Railways: You have to rinse them. I rinse them, but not in dirty water.

Hon. A. F. GRIFFITH: Does the Minister wring them with his hands?

The Minister for Railways: No; through the wringer. You know little about it.

Hon. A. F. GRIFFITH: The method today is simply to have a hot water unit which runs the water, at near boiling point, into the automatic washing machine

and the machine does the rest. In fact, some of the machines boil the water with their own power.

Hon. R. F. Hutchison: You still need a laundry.

The Minister for Railways: I said that with some washing machines you require a copper and a trough.

Hon. A. F. GRIFFITH: Yes; but the by-laws could make provision for that.

The Minister for Railways: You want to wipe them out.

Hon. A. F. GRIFFITH: I did not suggest that at all. The Minister is just getting a little difficult.

The Minister for Railways: Well, what did you say?

Hon. A. F. GRIFFITH: What I think I suggested—and if I gave any other impression, may I hastily correct it—is that the by-laws could make provision for the installation of an automatic washing machine as an alternative to a laundry. I put forward the suggestion that it is a modern trend for an automatic washing machine to be installed in the kitchen; and it is no dirtier than a stove. A machine of this sort does not throw water all over the place.

Hon. R. F. Hutchison: No; but it is not nearly as hygienic.

Hon. A. F. GRIFFITH: It is no dirtier than a gas or electric range.

Hon. H. K. Watson: Modern trends have not done away with the baby's napkin.

Hon. A. F. GRIFFITH: No; modern trends have not done away with many things; but if I can read between the lines, I think the suggestion the hon. member has at the back of his mind can easily be overcome. By-law No. 424(e) should conform to By-law No. 41 on the distance from the boundary line.

This clause also deals with the question of a parapet wall, and it states that the wall shall be built up 15in. above the height of the gutter. Architectural advice is that there is no necessity for it to be up that far from the point of view of fire. I am told that three courses of brick, or a height of about 10in. is quite sufficient; and in the interests of saving labour and material, consideration should be given to reducing the height from 15in. to three courses. These are the main objections which I put forward, and I suggest the Government have a look at them to see which of them it considers have merit; and I hope it will bring down some amendments to the by-laws.

I doubt very much whether the existing by-laws, as they have been gazetted, will stand up in law, because they embrace not only building by-laws but prescribe standards already dealt with under the health by-laws and zoning schemes. The need for uniform building specifications is recognised, but the site requirements vary considerably—e.g., a river frontage and a closely-settled suburb with no outlook. Site requirements are already the subject of zone schemes suited to the particular locality and approved by the Town Planning Board and the Minister responsible for the by-laws. As an example, By-law No. 39 prescribes a building line of 25ft. where no building line has been prescribed.

Determination of building alignments is outside the scope of the Act under which these by-laws were brought down. Only under the Town Planning Act can they be prescribed, and then only in the light of traffic requirements. If the Government looks at the Town Planning Act, Second Schedule, Clauses 1 to 8, it might find that the whole of the building by-laws are ultra vires that Act.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—LOCAL COURTS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—AGRICULTURE PROTECTION BOARD ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st August.

HON. L. A. LOGAN (Midland) [5.30]: This Bill, dealing with the Agriculture Protection Board is, fortunately, much more acceptable than the one presented to the House last year. All it seeks to do is to increase the number of members on the board from nine to 10. The 10th member will be a representative of the closer-settled areas in the south-west portion of the State; and whether that will improve the status of the board remains to be seen. However, I hope that the Bill, providing for an increased number of members, will result in a little less protection and a little more extermination, particularly in regard to kangaroos.

I have repeatedly spoken in this House about the stupidity of having a kangaroo protected in one area, and yet having it declared as vermin in another. The latest district in this position is Albany, where the people are asking for kangaroos to be declared as vermin. In other areas it is necessary to get a permit to shoot kangaroos, and then one has to pay a royalty on the skins one sells. I would say that the kangaroo is one of the worst

pests we have, especially since myxomatosis and 1080 poison reduced the rabbit population so considerably. Yet it is still necessary in certain places to get a permit to shoot kangaroos, while in other areas they are protected at one time of the year and not protected at another.

Both the Minister and Mr. Wise know the damage caused by kangaroos in their part of the State, and they know what the ravages of these pests cost the pastoral industry. Apart from a small adjustment to the numbering of the sections, that is the only amendment in the Bill. I hope that the Minister controlling the Act, and the board, will give serious consideration to a little less protection and a little more extermination. With those remarks, I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [5.35]: In reply to Mr. Logan, I would say that we are well aware of the damage caused by kangaroos; but where they are protected, they are protected from period to period, and that can be adjusted by the board from time to time. The season can be opened and closed. By that means the board hopes to reduce certain types of kangaroos to controllable numbers, and yet, at the same time, not exterminate them. I agree with the hon. member that kangaroos are a menace wherever they are; and in his district, where an area was set aside as a reserve a couple of years ago, these pests are causing great concern to farmers. However, I will personally express his views on the matter to the Minister concerned and ask him to take some action in regard to it.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 5 amended:

Hon. Sir CHARLES LATHAM: I would have thought that an uneven number of members on the board would have been more satisfactory than an even number. When the legislation was first introduced, the number was deliberately made uneven to enable the board to work more satisfactorily. Why is the number to be made even now?

The MINISTER FOR RAILWAYS: That point was considered, but it is thought that an even number of members on the board will not reduce the working capacity.

Hon. Sir Charles Latham: Efficiency? You know how the board is made up?

The MINISTER FOR RAILWAYS: It is considered by the board and the Minister that an even number of members will have no ill effect on the working of the board.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

HON. R. F. HUTCHISON (Suburban) [5.39] in moving the second reading said: I am moving the second reading of this Bill on behalf of the Chief Secretary. The intention of the measure is to give the Nurses Registration Board statutory authority for certain action which, in fact, the board has been taking for some time. Section 5 of the principal Act details the qualifications which a person must possess for appointment to any of the various classes of nursing. For instance, at least three years' training is necessary to obtain a general nurse's certificate, and at least two years' training for registration as a midwifery nurse.

Section 5 (5b) of the Act, however, provides that the holder of a general nursing certificate can be registered as a midwifery nurse after only one year's midwifery training. The Nurses Registration Board has been granting a similar 12 months' remission to the holder of a children's nurse's certificate, as well as six months' remission to those nurses with a mental nurse's certificate who have also passed the first year professional examination of the general course. The board is now aware that it did not have the authority to grant these latter two remissions; and at the board's request, the Bill seeks to give it the necessary power.

Other action which the board has been taking without statutory authority is in connection with the educational standards of applicants for entry to the nursing profession. Until recent years the board conducted a nurses' entrance examination, and now requires applicants to possess minimum educational qualifications, such as the Junior Certificate. To enable the board to insist on what is undoubtedly a necessary educational standard, the Bill proposes that the Governor be given the power to make regulations prescribing the qualifications to be held by applicants, regulating the training of students, prescribing the classes to be attended, the examinations to be passed, and the minimum age at which training may be commenced.

For the information of members I would mention that the Nurses Registration Board is composed of the Commissioner of Health, who is chairman; the Inspector General of the Insane; two

doctors nominated by the British Medical Association; and representatives of all classes of the nursing profession.

It has been necessary for the board to grant these remissions because of the acute shortage of nurses over the past few years. For instance, years ago a nurse had to be 21 before she could enter the profession; but, because of the acute shortage of hospital staff, it was found necessary to reduce the age because girls got tired of waiting and so became lost to the profession. That is the reason it has been made easier, progressively, for them to enter training; and I think that this Bill should be passed in order to give the board statutory authority to do something which it has been doing for some time. I move—

That the Bill be now read a second time.

On motion by Hon. G. C. MacKinnon, debate adjourned.

BILL—FREMANTLE PRISON SITE ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st August.

HON. N. E. BAXTER (Central) [5.43]: There is not a great deal that one can say about this Bill, because there appears to be nothing wrong with it. However, the second reading speech of the Chief Secretary was not very explanatory. It left us a little bit in the air as to what the Bill really sought to do, and it is only by making inquiries that I have been able to get sufficient information to enable me to say that this legislation is quite in order.

It appears that over the years since 1902 there have been many transfers of leases, and a good deal of juggling with the boundary of the prison site as well as a fair area around the prison. Many of the lots have been transferred to different parties, including the Commonwealth; and leases have been granted to other people, including the Fremantle City Council. The whole thing seems to be a terrific mess, and therefore this legislation appears to be absolutely necessary in order to straighten out the whole matter.

There is one part of the Chief Secretary's speech on which I would like a little explanation. I refer to the portion where he said, "It was agreed, subject to the approval of the Executive Council, to make available certain areas to several bodies." He then went on to name the Returned Soldiers, Sailors and Airmen's Imperial League of Australia, the Police Boys' Club, and the South Fremantle Football Club. It would appear that the pieces of land concerned are part of the old Base Flats.

I would like to know what "make available" means. Is it proposed to say to these people, "We are going to make you a free grant of land?" Or is it intended, after the passing of this Bill, to deal with the matter under the Land Act, and to ask them to pay a certain price for the land? The Chief Secretary's speech is not at all clear on that point. I am sure we are all agreed that nobody would like to ask the Police Boys' Club, for instance, to pay a large sum for this land; we endeavour to do all we can to help such bodies. In the absence of the Chief Secretary, I would like the Minister for Railways, if he can, to give us some explanation of the points I have raised.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in-reply) [5.46]: I would not be able to give Mr. Baxter an assurance as to how these particular parcels of land will be made available to the various bodies seeking them. I can say, however, that there is no doubt that they will be let under the customary practice of perhaps a long-term lease.

Hon. Sir Charles Latham: You would act under the Land Act; you could not go outside it.

The MINISTER FOR RAILWAYS: That is the whole idea: to revest the areas in the Crown so that they can be dealt with under the Land Act. No doubt they would be leased or sold in accordance with common practice which applies to such applications.

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—DAIRY CATTLE IMPROVEMENT ACT REPEAL.

Second Reading.

Debate resumed from the 1st August.

HON. F. D. WILLMOTT (South-West) [5.50]: This is a small and simple Bill which sets out to perform a very necessary function; namely, the repeal of the Dairy Cattle Improvement Act. That Act was passed in 1922 when the first major attempt was made to enlarge the dairying industry in this State. That was in the days of the group settlement scheme.

Hon. Sir Charles Latham: The beginning of it.

Hon. F. D. WILLMOTT: As the older members will no doubt be aware, under the group settlement scheme many people were brought out from London and other big cities of England, even though they had no experience whatever of dairying or stock or anything else in that line. They

would not have known a cow from a goat. In order to try to protect those people from being exploited by some of the unscrupulous dealers operating in those days, it was necessary to pass the Act which it is now proposed to repeal.

In those days, of course, the dairy stock in Western Australia was of a very poor type; in fact, there had been no attempt up till then to breed a dairy cow in this State. They were all considered as cattle, and they were milked as they came along. The introduction of the Act, however, was the starting point for the building of our dairy herds; it was a very necessary Act at that time. However, the development that took place in the next 20 to 25 years made it very difficult for the department to administer the Act, because no distiction is made in it between dairy bulls and beef bulls. Accordingly, at our present stage of development, it would be most difficult for the Act to be administered. Under it, they are all considered merely as bulls; it does not matter whether they are for dairying purposes or for beef.

The farmers of today, of course, do realise the necessity for protecting their dairy stock, and this is being demonstrated by the way the dairymen have co-operated in the artificial insemination scheme which is at present operating in the dairying areas. It is largely because of that scheme that the Dairy Cattle Improvement Act is no longer necessary. The dairy farmers themselves recognise that a milk cow which is not up to the production standard would be an uneconomical proposition, with the result that they keep on their properties a beef bull, as well as a dairy bull, and they mate a cow having a low butter production with a beef bull, knowing that they will get a much better return from that cow than if they kept her for dairy production.

So it would be very difficult for the department to administer the Act when beef bulls and dairy bulls of all types are involved. The department recognises that trend in dairying because, in its artificial insemination scheme, it is using beef as well as dairy bulls, so that the poorer type of cow with a low standard of production can be bred to a beef bull. The Bill merely sets out to repeal the Act, and I am quite sure that the Department of Agriculture can be depended upon to keep a vigilant eye on the dairy stock in this State in case there happens to be any tendency for inferior bulls to be used. I do not think that is likely, however, because those bulls are not bred.

Hon. G. Bennetts: It would not pay the dairyman to do that.

Hon. F. D. WILLMOTT: That is quite right. In the past it was not realised what damage could be done by inferior bulls, but today the dairyman is far more enlightened, and is fully aware of this aspect.

HON. SIR CHARLES LATHAM (Central) [5.55]: As Mr. Willmott has said, originally the Dairy Cattle Improvement Act was introduced for the purpose which he has explained to the House. But it was intended to do more than that. Its main purpose was to establish certain zones in dairying areas for different types of milk cattle. For example, there was the Jersey area, the Shorthorn area and the Ayrshire area, which were all zoned. That practice continued for some time; but it was very difficult to police, and I do not think it did a great deal to improve the type of cattle being bred in the South-West at the time. This system of zoning also applied to the agricultural areas, though it was not enforced to any great extent.

Apparently the stage is now being reached where the department thinks it not advisable to continue this practice. During the last 15 years there has not been any insistence on the practice of keeping dairy bulls of different breeds in the districts concerned. At that time we were just developing our dairying industry in this State. Previously practically all our butter was imported from the Eastern States.

Hon. F. J. S. Wise: I think it did a very great service.

Hon. Sir CHARLES LATHAM: It started off very well. When one considers beef cattle and dairy cattle and the question of mating these cattle, it is not easy to determine whether bull calves or heifer calves will be born. Of course, if heifer calves are born, then the question of a dairy is comparatively simple. On the other hand, it will be found that jersey bulls are very small and most unprofitable to rear.

I am glad to think that the Government feels that we have so developed our dairying industry as to make further control unnecessary. Control will, however, be exercised by the farm at Wokalup, which is doing a very good job. I am certain that the artificial insemination scheme will also help greatly. I must say that in the early days there were some very poor types of bulls. As a member of a Royal Commission investigating group settlement in 1922 or 1923, I found there were really no good cattle at all in the South-West except on a farm at Pinjarra. I cannot remember whose farm it was. In the main, however, we had to import most of our dairy cattle from the Eastern States and the losses were terrific. Nevertheless, it has enabled us to build up our dairy industry in this State; and although we have not been able to supply all our requirements, we are fast reaching that stage. I do not want to see any setback occur as a result of this legislation being repealed, and I hope the Department of Agriculture will maintain its vigilance. I

hope it will not be satisfied with what it is doing at the moment, but that it will continue with the improvements it is making. It is no dearer to feed good beef cattle than it is to feed poor cattle. I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [5.59]: As previous speakers have said, there is no doubt that today this Act is of no benefit at all to the dairy industry. Artificial insemination has brought about a facility which will undoubtedly improve dairy herds.

Hon. F. D. Willmott: It will do more in the next 10 years than has been done in the past 25.

The MINISTER FOR RAILWAYS: That is so. And with the financial assistance being made to farmers in the South-West to help them increase their acreage, there is no doubt that the day should not be far distant when butter imports from the Eastern States are no longer necessary. This State at present does import quite a quantity of butter from the Eastern States at certain periods of the year. I think it is somewhere between 5,000 and 6,000 boxes, which is quite an amount when we have such a vast area in the South-West capable of producing all the butter requirements of Western Australia, as well as a surplus for export.

Hon. G. Bennetts: Butter will come from Esperance later on.

The MINISTER FOR RAILWAYS: Freight from Esperance will make that butter a little too expensive for people in the metropolitan area.

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—JUSTICES ACT AMENDMENT.

Second Reading.

HON. E. M. HEENAN (North-East) [6.3]: in moving the second reading said: The Bill proposes to make three amendments to the Justices Act, the first of which is to add a new subsection to be called Subsection 136A, with a sub-heading reading as follows:—"Jurisdiction of Justices to Set Aside Decisions Given in Default of Appearance of Any Party."

On occasions, it happens that, when a matter is before a court of summary jurisdiction, the complainant or the defendant, through some circumstance or other, does not appear at the court. In a recent case a defendant engaged a lawyer to appear for him; but the lawyer, through inadvertence, failed to appear, and the verdict went against the defendant.

It may also happen that a complainant, through some circumstances beyond his control, is unable to appear in the court when the matter is called on; and through his default of appearance, a decision may be given against him. Courts, of course, act on the assumption that summonses are duly served and both parties notified. The case then goes before the court. If one or other of the parties does not appear, the court cannot be inconvenienced; and, prima facie, both parties have had a proper opportunity of being present. One of them may not be there, but the court usually goes on with the case and delivers a verdict.

Hon. Sir Charles Latham: A default verdict.

Hon. E. M. HEENAN: Yes. In the Justices Act there is no way, at the present time, whereby the party who was unable to be present can get that verdict set aside by a justices court.

Hon. Sir Charles Latham: Can't he start a fresh action?

Hon. E. M. HEENAN: No. A person may be charged with a traffic offence, or with assault, or with stealing; and, through some circumstance or other, he is not able to be present, and the verdict goes against him without his having an opportunity of contesting it.

This Bill, in my opinion, contains a very wise amendment to the Act. It provides that every complainant or defendant may apply to a justices court for leave to set aside a judgment that has been given in these circumstances by the court. He has to comply with certain requirements, of course. The other party has to be notified; he may have to pay costs and expenses involved through his default; but it provides a way of appeal in the first instance. It does not necessarily mean that he will succeed with his application; but at least he will have an opportunity of being heard, if he can explain that his default was due to some reasonable cause. That seems to be the main amendment; and I hope I have explained it more or less clearly.

The second amendment is to Section 145, which provides that on the summary conviction of any person of an assault, the justices may order that the fine, or part thereof, shall be paid to the person assaulted. In my experience, it often happens that someone charges someone else with an assault. He has probably had his teeth broken or clothes damaged, and the magistrates assess, say, £5 to get the teeth fixed and £5 for the clothes. That is £10; so they fine him £15 and ask that £10 of the fine be paid to the defendant.

Hon. Sir Charles Latham: Would that apply to bodily injury?

Hon. E. M. HEENAN: Yes. They have power to award part of the fine to the defendant, more or less to save him recourse to other proceedings for recovering the material damage done to him. The Act provides for that state of affairs, but apparently there is some legal doubt about it. There is some doubt as to a conflict between that section and the Fines and Penalties Appropriation Act, which states that all fines and penalties shall be paid to the Treasurer. This amendment now resolves that doubt, and establishes clearly that the provision in the Justices Act is legal.

The third amendment deals with Section 187 of the principal Act, and is in regard to appeals. At present, the Act stipulates that if a person wants to appeal against some decision of a magistrate, a justice may fix the amount of the security or recognisance he has to give. The minimum is £25, but sometimes that is inadequate. The point is that a single justice can fix the amount. Apparently, in practice, justices fix it at the amount of £25, which sometimes is quite inadequate. This Bill proposes to substitute the word "court" for "justice," so that, in the event of appeals in future, the court—that is the magistrate or the justices—will fix the amount of the recognisance instead of one justice. I have explained this Bill to the best of my ability and move—

That the Bill be now read a second time.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—BEES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.13] in moving the second reading said: The purpose of this Bill is the control and eradication of a disease known as American foul brood, which from time to time has caused considerable damage and loss in the bee industry.

At present, Section 6 of the parent Act enables the Governor, by proclamation, to declare, as an infected area, any part of the State in which bee disease exists. Such a proclamation prohibits the entry into or removal from the area of any bees, honey, wax, hives or any other articles used in connection with the industry. The weakness in this provision is that during the period between the discovery of the disease and the issue of the proclamation, traffic could take place into and from the infected area.

Following complaints from beekeepers regarding the spread of American foul brood, discussions took place between the officer-in-charge of the apicultural section of the Department of Agriculture and representatives of the beekeepers' section of the Farmers' Union, who agree that the proposal in the Bill should rectify the situation.

The proposal is that where an officer has decided to recommend that an infected area be proclaimed, he may issue an interim prohibition order on any beekeeper in the area who he considers has disease in his apiary. The interim order may be subject to conditions imposed by the officer or may unconditionally prohibit the traffic into or from the apiary of any bees, etc.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR RAILWAYS: Before tea I was explaining that the Bill proposes to make provision for an officer of the Agricultural Department to issue an interim order which would prohibit bees being transported in and out of an infected area, this being in order to place some control over the transfer of the disease from one place to another. There may be an appeal to the Minister for Agriculture, against the order; but unless an appeal is upheld, it is binding on the beekeeper until a proclamation is issued by the Governor.

The interim order will also lapse if the Governor decides within 42 days of the interim order to issue a proclamation; or if a proclamation is not issued by the time 42 days have passed.

Hon. Sir Charles Latham: It is 28 days now. It was altered in the other place.

The MINISTER FOR RAILWAYS: Then these notes that I have are out of date. It was considered that a period of 42 days should be sufficient to enable an officer to apply for a proclamation, and for his application to be fully considered. A penalty of £20 is provided for any contravention of a proclamation or interim prohibition order.

The other amendments in the Bill are of a minor nature. One deals with Section 9 (3) of the parent Act, which provides that no person shall be entitled to compensation for any action taken in connection with the prevention or eradication of disease. The Bill qualifies this by making it subject to any provision in the Bee Industry Compensation Act.

Another small amendment rectifies incorrect verbiage, by replacing the word "affected" with the word "infected"; and another places an apostrophe in the right place.

The opportunity is also taken to amplify the provision in Section 10 of the Act which requires the disinfection or destruction of bees, beehives, etc. which are liable to spread disease. The amendment will ensure that destruction need not take place if the beekeeper satisfactorily disinfects all articles within a specified time.

The object of the Bill is to place some restriction on beekeepers and their hives where American foul brood may have occurred in some areas. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 2).

Second Reading.

HON. J. D. TEAHAN (North-East) [7.34] in moving the second reading said: The desired amendment relates to the entry of an individual into the legal profession in Western Australia. The following are the two main sources of such entry:—

(1) Articled clerks who desire to study the law whilst gaining practical knowledge in the office of a registered legal practitioner. The course that such persons undertake is one of five years' duration and is known as the "Supreme Court course".

(2) Graduates in law of any university recognised by the Barristers' Board who serve two years of such articles and pass the board's graduate examination.

Persons in the first category are required to pass the matriculation examination prescribed by the University of Western Australia for admission to the Faculty of Law and are required to pass the board's intermediate and final examinations. It is primarily such persons—that is, those who serve articles for five years—that the proposed amendment will benefit. However, graduates will also benefit while serving their two years of articles.

There is every justification for an amendment of the present Act, which was placed on the statute book 64 years ago, in 1893. Much debate has been devoted to this Act in general, and to Section 13 in particular, over the years since its inception. I refer to the years 1932, 1933, 1936 and 1938, when this Act was highlighted by an esteemed member during that period who is still in another place today. I refer to the member for Fremantle. Section 13 of this Act states—

> No articled clerk shall, without the written consent of the board, during his term of service under articles, hold any office or engage in any employment other than a bona fide articled clerk to the practitioner to whom he is for the time being articled, or his partner; and every articled clerk shall before being admitted as a practitioner, prove to the satisfaction of the board, by affidavit or otherwise, that this section has been duly complied with.

My purpose in bringing forward this Bill is twofold: namely—

(1) to delete Section 13 which is harsh and unconscionable in consequence; and

(2) to encourage those who desire to enter the profession, who may at present be handicapped from doing so by Section 13. If this amendment is carried it will help to overcome the depletion in the ranks of legal practitioners in Western Australia today.

The new section which is proposed to be incorporated, and which will serve my purpose, will positively state that an articled clerk can earn a living while serving articles, within the ambits of certain provisions inserted to maintain the standards of the legal profession. Two points arising from a reading of Section 13 come to mind. These are—

(1) That written consent of the Barristers' Board is required if an articled clerk wishes to hold office or engage in any employment while serving his period of articles.

(2) A doubt whether the articled clerk shall receive any remuneration for his services from the practitioner to whom he is articled.

I would like to deal with these points in their respective order.

Arguments used in the past by the opponents to the deletion of Section 13 have been along the lines that the Barristers' Board has refused very few applications by articled clerks so inclined. However, I would like to present a few home truths in regard to this point.

What usually happens is that a young person, before making formal application to the board to have his articles registered, is wise enough to write to the board to ascertain whether he would be permitted to earn a livelihood while serving such articles. The Barristers' Board can then use its discretion as to the inquirer and notify him of its attitude. When the board does deign to reply, its stereotyped answer is that the board frowns upon a clerk earning outside his articles.

The young person, undoubtedly one without means, is then forced to abandon the idea of entering the legal profession. He does not make formal application to the board, because, if he did so, he would be obliged to lodge with the board the sum of £12 12s., as required by paragraph (c) of Section 9 of the Act. Should his application be refused by the board on the ground that he would not be eligible to commence articles if he desired to engage in employment outside such articles, the sum of £12 12s. is then forfeited, if he does not continue articles under conditions set down by the board. It may be said that

very few applications have been refused by the board. The reason may be that few have been received. I would like to draw attention to evidence given on page 24 of the report of the select committee of another place which inquired into the ramifications of this Act in 1938. Members interested will find such evidence very enlightening, and will discover that it vindicates the intention I have just expressed.

There have been two very interesting exceptions to the usual attitude of the board; and these were made in the cases of Mr. Thomas J. Hughes and the late Mr. Thomas Walker. Mr. Walker was a member of Parliament when he applied and was granted permission to be registered as an articled clerk. Before commencing his final year of articles he was elevated to Cabinet rank; and I am given to understand that he served that last year as an articled clerk, and also as Minister for Justice, in the office of the Minister for Justice!

I would like now to answer the question regarding the second doubt that may have entered the minds of members: What remuneration does an articled clerk receive from the practitioner he serves? There is no obligation on the practitioner to pay an articled clerk anything at all. That is left to the conscience of the individual; whereas I understand that in the 1930's the board would not allow an articled clerk to receive any payment from his principal.

In conversation with an officer of the Crown Law Department the other day, I heard from him that when he became an articled clerk it was necessary for his father to lodge a premium of £200, and in the first year he received no more than 5s. a week. He said that the attempt to live on that amount was very difficult, and it was only by dint of grinding and hardship on the part of both himself and his parents that he was able ultimately to become a member of the legal profession.

I submit that there are no grounds at all for continuing a section in the Act which restricts the liberty of individuals to enter the profession. If there is anything wrong with professions in general, it is the evil disclosed in the tendency of wealthy people to put their children into a profession, irrespective of costs or of the suitability of the children for the professions selected. I am asking for approval of the opening of the legal profession to talent rather than to more privileged ancestry.

Strangely enough, as far as the LL.B degree at the university is concerned, whilst students are doing their course, so long as they attend the prescribed lectures and pass the requisite examinations no questions are asked as to what they do in their spare time. In New Zealand every opportunity is given to young people, irrespective of the economic status of their parents; and no obstruction is placed in their way when they desire to enter this profession.

Hon. E. M. Heenan: That applies in Western Australia, also.

Hon. J. D. TEAHAN: Had Sir Isaac Isaacs, our first Australian-born Governor General, not been permitted to earn a living whilst serving articles in Melbourne he would never have become a lawyer and a judge, and perhaps never a Governor General. Another example, Mr. President, can be found in the case of Abraham Lincoln, one of the greatest men in the world in his day. He was not born with a silver spoon in his mouth, and he had to work hard—very hard—to study the law; but in America he did not have any Section 13 to contend with.

A further argument that could be used against the deletion of this section might well be that people of bad character might thereby enter the profession. The answer to this objection is, of course, that Section 20, paragraph (b) requires that no person, however qualified in other respects, shall hereafter be admitted as a practitioner unless and until he has satisfied the board and obtained from it a certificate that he is, in the opinion of the board, in every respect a person of good fame and character and fit and proper to be so admitted, and has observed and complied with the provisions of this Act and the rules. So it is Section 20 and not Section 13 that deals with the question of character.

Due to the efforts of a member in another place who has made at least two attempts to have this provision deleted, a select committee was instituted in 1938 to inquire into the operation of the Legal Practitioners Act. The committee comprised the following members:—Messrs. Sleeman, Rodoreda, Seward, Styants and Watts, the last named, of course, being himself a member of the legal profession. The recommendation of that select committee in relation to Section 13 reads, inter alia—

> We recommend that where articled clerks make application to be allowed to be engaged in other employment the Barristers' Board shall grant permission for a clerk to earn outside his articles . . . . provided that such work to be done is outside office hours.

Despite that recommendation, the Barristers' Board still seems to adopt the same attitude towards prospective articled clerks who are compelled to earn a living if they are to study the law.

Hon. E. M. Heenan: They do give them permission, now.

Hon. Sir Charles Latham: Yes; they have done so for some years.

Hon. J. D. TEAHAN: The case for or against the deletion of Section 13 stands or falls on the answer to this question: Who is the better man—the one who slides through life depending on money provided by his parents, or the one who tries to help himself by working? We should encourage all who have a desire and the ability to enter the legal profession.

There have been circulated among members some statistics in regard to the position in Western Australia. An analysis of the growth in population in this State and the corresponding increase in the number of legal practitioners in Western Australia since 1951 is very interesting. The statistics now before members are extracts from the University of W.A. Annual Law Review, 1951.

I contend that there is definite evidence that the number of practitioners is not keeping up with the growth in population. A survey among practitioners shows that they are working at high pressure to keep up with the demands made on their time. There can be no doubt that there is a deficiency in the numbers today, and that trends indicate that the position in 1963 could possibly be worse.

This impression is borne out by discussion with several legal practitioners—not only in Perth but in Kalgoorlie also—who claim that there is sufficient work available for more practitioners if they were procurable. One in particular stated in the discussion with him that in the following week he was due to go into court to defend an important case, and that he should have spent the week before preparing his brief, but could not afford the time to do this because of overwhelming work in his office.

It cannot be said to be for the good of the public welfare that legal practitioners are required to work under such high pressure conditions. They cannot devote as much time as they would like to their cases; and as a result, clients must suffer. If more recruits can be encouraged to enter the profession, the public will be able to expect better service from those who occupy such important positions in the community.

Most members of the profession would welcome the opportunity to keep abreast of modern trends, findings of cases heard in important courts, and general information found in reading current articles, so important in any profession. At present many legal practitioners are unable to do so, because of pressure of work, which either keeps them back in their offices at night or requires them to take work home with them.

If this amendment is made it will allow articled clerks to earn a proper living, while serving their time. It will also mean a new deal for those who desire to enter the profession and have the ability to do so, but at present are handicapped by economic conditions.

One further point I would like considered is that if an articled clerk who became a member of Parliament, wished to continue his articles he would be unable to do so, even under the present amendment, owing to the provisions of Section 15(c) which states—

> No person shall hereafter be admitted a practitioner unless he is a natural born or naturalised British subject of the full age of twenty-one years and has actually and bona fide served for a term of five years under articles of clerkship to a practitioner as required by this Act."

While such a person was attending Parliament, he could not be devoting full time over five years to a practitioner as required by the Act. The same situation would arise if a member of Parliament wished to become an articled clerk. The purpose of this amendment is to allow also such an articled clerk to have time spent during his attendance in Parliament—still working with the law in the role of helping to make it—accounted as actual service as required by Section 15(c).

There is justification for this, if one considers that a member of Parliament, whilst attending a parliamentary session, is still very much in touch studying law. It is perhaps a rare situation, but it is still one that should not be overlooked. In order that it might be made possible for any talented person, perhaps born of parents in a humble position, but with the ability and desire to become a member of the legal profession, to do so, I move—

> That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

House adjourned at 7.53 p.m.