When we class certain animals as vermin we do not cover the whole of the State. We do not take power to say that Bill Smith can shoot wild turkeys in a certain area, but Tom Brown cannot. That is what is involved in this. This regulation gives the Executive power completely to set the Act aside for special persons and special classes and special ships, leaving the Act to apply to others.

I repeat, the Minister cannot give me a single example where that applies anywhere else in a democratic country. Because he cannot, and because I disagree absolutely with this—and I will always fight it when it comes before me—I strongly urge this Parliament to assert the supremacy of Parliament and to remember the words of the Premier. If he did not mean them when he quoted them, he was a hypocrite. If he did mean them, I would expect his followers to heed them and I agree with them absolutely. Those words are as follows:—

> It is worth remembering, especially at this time of our history, that when the influence of Parliament is diminished in any way or for any reason, the first casualty is the freedom of the people.

**Question put and a division taken with the following result:—**

Ayes—15

| | |
|---|---|
| Mr. Bickerton | Mr. W. Hegney |
| Mr. Brady | Mr. Jamieson |
| Mr. Curran | Mr. Moir |
| Mr. Fletcher | Mr. Rowberry |
| Mr. Graham | Mr. Sewell |
| Mr. Hall | Mr. Tonkin |
| Mr. Hawke | Mr. Davies |
| Mr. J. Hegney | *(Teller)* |

Noes—22

| | |
|---|---|
| Mr. Bovell | Mr. Lewis |
| Mr. Court | Mr. W. A. Manning |
| Mr. Craig | Mr. Marshall |
| Mr. Crommelin | Mr. Mitchell |
| Mr. Dunn | Mr. Nimmo |
| Mr. Durack | Mr. O'Connor |
| Mr. Elliott | Mr. O'Neil |
| Mr. Gayfer | Mr. Runciman |
| Mr. Hart | Mr. Rushton |
| Dr. Henn | Mr. Williams |
| Mr. Hutchinson | Mr. I. W. Manning |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr. May | Mr. Nalder |
| Mr. Norton | Mr. Brand |
| Mr. Rhatigan | Mr. Guthrie |
| Mr. Evans | Mr. Burt |
| Mr. Kelly | Mr. Cornell |
| Mr. Toms | Mr. Grayden |

**Majority against—7.**

**Question thus negatived.**

**Bill defeated.**

*House adjourned at 9.51 p.m.*

# Legislative Assembly

Thursday, the 2nd September, 1965

CONTENTS



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

## QUESTIONS (17): ON NOTICE

1. *This question was postponed.*

### RAIL AND ROAD TRANSPORT

*Freight on Goods: Perth to Nullagine and Marble Bar*

2. Mr. BICKERTON asked the Minister for Transport:

   What is the cost per ton for road transport and/or rail-road transport Perth to Nullagine and Marble Bar for—

   (a) general cargo;

   (b) perishable cargo?

   Mr. O'CONNOR replied:

   (a) Nullagine £24 2s. per ton. Marble Bar £25 13s. per ton.

   (b) Nullagine is dependent on air or rail-plus-road services. The overall charge for perishables would approximate 27s. per cwt. for surface transport.

   Perishable cargo is transported to Marble Bar by refrigerated road transport at 37s. 4d. per cwt. If rail-plus-road transport were used the cost would be approximately 27s. per cwt.

### ROADS IN PILBARA AREA

*Construction and Maintenance Costs*

3. Mr. BICKERTON asked the Minister for Works:

   (1) What are the costs per mile in the Pilbara area for the construction of—

   (a) gravel roads;

   (b) bitumen roads?

   (2) What are the annual costs per mile for maintenance of (a) and (b) above?

   Mr. ROSS HUTCHINSON replied:

   (1) There are so many variables that only an approximate estimate can be given. Costs depend on topography, drainage requirements, width of seal, design standards and many other factors. As a general guide a gravel road would cost between £1,500 and £3,000 per mile and a 12 ft. wide bitumen road between £7,000 and £10,000 per mile.

   (2) (a) Maintenance of the more important gravel roads would cost between £30 and £50 per mile per annum according to the amount of traffic, seasonal conditions and other factors.

   (b) Due to the fact that there are very limited lengths of bitumen roads in the Pilbara no reliable information is available.

4. to 6. *These questions were postponed.*

### HOUSING IN COUNTRY AREAS

*Industrial Projects: Provision*

7. Mr. HALL asked the Minister for Housing:

   Will the Government undertake to establish housing schemes in association with industrial development in provincial country towns and northern areas, if the necessity and desire arise?

   Mr. O'NEIL replied:

   In determining its annual construction programme, the State Housing Commission has regard for, amongst other considerations, any developmental project. In some instances, such as the B.H.P. steelworks project, Laporte Titanium Industry, and others, a commitment to provide reasonable requirements to house employees is written into the agreements. The Government will continue to pursue this policy.

### POPULATION OF WESTERN AUSTRALIA

*Statistics for Metropolitan and Country Areas*

8. Mr. HALL asked the Premier:

   (1) What is the concentrated population build-up of this State in the metropolitan area, giving number and percentage?

   (2) What is the combined population build-up of the State in all country towns, shires, and municipalities, giving number and percentage?

   Mr. BRAND replied:

   (1) and (2) The total estimated population of Western Australia according to figures available at the bureau of Census and Statistics was 800,571 as at the 31st March, 1965.

   The latest figures available showing the estimated population for metropolitan and country areas were as at the 31st December, 1964—

| | | |
|---|---|---|
| Metropolitan | 465,000 | = 58% |
| Country | 334,626 | = 42% |
| | 799,626 | |

9. *This question was postponed.*

## WORKERS' COMPENSATION

*Pneumoconiosis Claims*

10. Mr. MOIR asked the Minister for Labour:

(1) In reference to question 26 of the 17th August and his answer to part (4) of the question, will he state if claim MP/2675 and also that of Mr. Simon Covich, of Morley, were covered in any of the categories listed? If so, will he indicate which?

(2) If not, will he state why the reason for the refusal of these claims was not stated?

Mr. O'NEIL replied:

(1) MP/2675 and MP/1238, Mr. Simon Covich, were covered under the categories listed. MP/2675 was listed under the third category. Although this claim has been accepted, weekly payments will not be made to the claimant whilst the provisions of clause 3 of the first schedule to the Workers' Compensation Act apply. This information was supplied—both verbally and in writing—to the claimant following his examination by the Pneumoconiosis Medical Board. Mr. Covich was listed under the fourth category, being one of the 15 who were considered by the Pneumoconiosis Medical Board not to have progressed in disablement.

(2) Answered by (1).

11. *This question was postponed.*

## NATIVE WELFARE OFFICER BUCKLAND

*File: Tabling*

12. Mr. ROWBERRY asked the Minister for Native Welfare:

Will he lay upon the Table the file in connection with the dismissal or resignation of W. J. Buckland of the Native Welfare Department in June of this year?

Mr. LEWIS replied:

As this is a personal file the answer is "No".

## DEFENCE

*Available Mediums in Western Australia*

13. Mr. HALL asked the Premier:

(1) As there appears to be an overwhelming concentration of defence in the main cities of the Eastern States, what mediums of defence are available as to defence of this State, what are the names of the defence services in this State, and where are they stationed or operating from?

*Civil Defence in Western Australia: Adequacy*

(2) Does he feel that the civil defence organisation in this State has now reached a standard of efficiency where it is capable of dealing with any emergency in the event of hostilities?

Mr. BRAND replied:

(1) The military defence of Western Australia and other States is the responsibility of the Commonwealth Government. Matters concerning defence and the locations from which forces may operate are the responsibility of the appropriate Commonwealth Ministers, to whom it is considered these questions should be referred.

(2) The aim of civil defence preparations is to develop an organisation capable of meeting emergency situations as they arise. Efforts in this direction are continuing.

## SWAN RIVER RECLAMATION: TRUCKS TRANSPORTING SAND

*Trips Made and Route*

14. Mr. GRAHAM asked the Minister for Traffic:

(1) Is he aware that numerous trucks are daily transporting sand from Bayswater via Barrack Street to the Perth Water river reclamation work?

(2) What is the approximate number of round trips per day?

(3) For how long will this procedure continue?

(4) Is it possible to require these heavy trucks to follow a route other than through the heart of the city?

(5) If not, why not?

(6) If so, will he have action taken accordingly?

*Speed Restrictions*

(7) What is the maximum speed at which the largest of the trucks being used is lawfully allowed to travel?

(8) Does he consider they are conforming?

*Covering of Loads*

(9) What is the requirement regarding the use of sheeting or other covering over loads of sand being transported?

(10) Are the aforementioned trucks complying?

Mr. CRAIG replied:

(1) No. These vehicles were travelling via Lord Street and Victoria Avenue. As a result of representations from Royal Perth Hospital the cartage contractor was

requested to travel via Plain Street and Riverside Drive. If there are any vehicles using Barrack Street, it is contrary to instructions and a check is being made to ensure that they conform.

(2) Nine trips per day each for approximately 25 trucks.

(3) The present contract is almost completed but it is understood this could be renewed.

(4) The route described in the answer to (1) obviates vehicles travelling through the city.

(5) Answered by (4).

(6) Answered by (1).

(7) 30 miles per hour.

(8) Yes.

(9) Traffic regulation 260 provides that any insecure load shall be so sheeted or covered as to make it secure.

These sand trucks are all supplied with suitable sheets; the drivers are instructed to use them if in their opinion there is any likelihood of the load blowing from the vehicle.

(10) Yes, as far as is known.

### LAND AT LESMURDIE

*Resumption from W. J. Lucas Ltd.*

15. Mr. DAVIES asked the Minister representing the Minister for Town Planning:

(1) Has land owned by W. J. Lucas Ltd. at Lesmurdie been resumed for public purposes?

*Compensation*

(2) Is it a fact that a settlement in regard to compensation is still awaited?

(3) If so, what is the cause of the delay?

(4) What is the present position?

(5) When is it anticipated finality will be reached?

Mr. LEWIS replied:

(1) Yes.

(2) Yes.

(3) Valuations on which assessment of compensation will be based have only recently been completed.

(4) An offer in response to the owners' claim will shortly be made.

(5) As soon as agreement is reached with the owners on the compensation to be paid.

16. *This question was postponed.*

### AIR POLLUTION

*Kwinana and Cockburn Sound Area: Incidence—Personal Explanation*

The SPEAKER (Mr. Hearman): We will proceed to notices of motion.

Mr. ROSS HUTCHINSON: With your permission, Mr. Speaker, I would like to make a brief personal explanation relating to a reply which I gave on the 31st August.

The SPEAKER: The Minister may proceed.

17. Mr. ROSS HUTCHINSON (Minister for Works): Further to the reply to question 9 on the notice paper for Tuesday, the 31st August, and the reply thereto, I have to advise that the answer to part (2) of the question was incorrect.

Due to an error in calculation, the figure submitted was "55" tons per day, but it should have been "110" tons per day. I apologise for the error and trust that the member for Balcatta will receive this correction with his usual tolerance and understanding.

## QUESTION WITHOUT NOTICE

### NATIVE WELFARE OFFICER BUCKLAND

*File: Tabling*

Mr. ROWBERRY: I would like to ask a question without notice.

The SPEAKER (Mr. Hearman): I had called on notices of motion, but I gave permission to the Minister to make a personal explanation on an answer which he had given previously. I made a suitable pause between the end of the questions and the calling of the notices of motion. On this occasion I shall allow the honourable member to ask the question, but he should be quicker in future.

Mr. ROWBERRY: In connection with the answer which he gave to question 12 today, will the Minister for Native Welfare make the relevant file available to me personally in his office at his convenience?

Mr. LEWIS: Yes, in my office on a confidential basis.

## BILLS (3): INTRODUCTION AND FIRST READING

1. Housing Loan Guarantee Act Amendment Bill.

Bill introduced, on motion by Mr. O'Neil (Minister for Housing), and read a first time.

2. Jetties Act Amendment Bill.
   Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Works), and read a first time.
3. Traffic Act Amendment Bill.
   Bill introduced, on motion by Mr. Graham, and read a first time.

## HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

*Third Reading*

Bill read a third time, on motion by Mr. O'Neil (Minister for Labour), and transmitted to the Council.

## ARCHITECTS ACT AMENDMENT BILL

*In Committee, etc.*

Resumed from the 31st August. The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 1 had been agreed to.

**Clause 2 put and passed.**

**Clause 3: Section 29A added—**

Mr. DURACK: Members will see on the notice paper an amendment, in my name, to this clause; and they may remember that at the second reading stage I indicated my intention to move an amendment along these lines to preserve, as is undoubtedly the intention of this Bill, the existing rights that clients or other members of the community may have against persons practising as architects, in their present legal form.

If members studied my amendment when it first appeared on the notice paper two days ago, they will have observed there are certain changes in the amendment which appears on today's notice paper and which I am now going to move. The only reason for that is the fact that on reconsideration of the terms of the first amendment I considered it did not go far enough and did not effectively preserve the rights which it was my intention to preserve. The present amendment I hope will have more effect than the previous one.

Architects registered under the Architects Act have only been permitted to practise so by their name of architects, provided they did so with their own personal liability. In other words, they have not been permitted hitherto, the same as other professional people, to form themselves into limited liability companies. Now it is proposed to enable them to do so; and immediately the question arises as to their personal liabilities to their clients and to the members of the public with whom they may have dealings.

It has always been accepted by persons—such as architects, lawyers, doctors, accountants, and so forth—acting professionally, that they should assume full personal responsibility and that all their personal assets would be available as security for any liabilities which they might incur in their professional life. I think the main point is this: Such persons undertake a very high degree of responsibility for the exercise of their skills, and if they fall short of the proper exercise of those skills—I refer to professional negligence—they are personally responsible and their assets are available by way of damages to the client or person who suffers damage as a result of that failure on their part.

Most persons in this position—and architects are no exception—practise in partnership. There are a number of persons who practise on their own, but by and large architects practise in partnership. Therefore there is the added security that clients of such partnerships have, in that all the partners of the firm are responsible for the negligence or other liability of any other partners of the firm, and also of any employees of the firm.

When we permit, as this Bill does, persons of this character to form themselves into a limited liability company, the liabilities for negligence or other faults on the part of persons who would hitherto have been partners in such firm, would be limited only to the individual person who was at fault and to the company as the employer of that person, because the legal relationship becomes entirely different once a company is formed. There may be four persons who were hitherto partners and who form themselves into a company. Immediately they do so those partners become servants and employees of the company. Therefore, if one is negligent, the other three are not liable for that person's negligence, and the only redress would be against the company.

The company may have very small assets, because when people practise as architects or in other professions they do not need to have a great deal of capital in the business. They rent offices, have some furniture, book debts, and so on; but there is no reason to believe that such a company would have considerable assets sufficient to meet claims which might be made against it by reason of liabilities incurred by professional persons employed by it.

As I said earlier, it was undoubtedly the intention of the Minister, when he introduced this Bill, that these existing rights would be fully protected and that this Bill should in no way derogate from existing rights. The purpose of the second portion of my amendment is to ensure those rights are preserved. The first portion does not exactly deal with that point.

The CHAIRMAN (Mr. W. A. Manning): Will the honourable member please move his first amendment.

Mr. DURACK: I move an amendment—

Page 2, line 14—Insert after the section designation "29A" the subsection designation "(1)".

Mr. ROSS HUTCHINSON: I do not intend to speak at any length on this. The amendment described by the member for Perth is one to which the Government can agree because it preserves the existing ethical structure of the profession regarding the acceptance of the joint and several liability of architects where an act of negligence occurs. In this way, as proposed, more adequate protection is given to the client.

The member for Perth has described the major amendments during his speech on this first one, and the other two now become consequential.

Mr. GRAHAM: If we accept the amendment proposed by the member for Perth it means the fate of my proposition will be sealed and for that reason I find it necessary to oppose his amendment which, unfortunately, from my point of view, is acceptable to the Minister. I have not yet been satisfied on the point of the anomaly which will be created with the passage of this legislation, if that be the will of Parliament, and the unfairness to all professions other than that of architecture.

To some extent it will be necessary for me to traverse what I stated earlier when debating the second reading. If we imagine a situation where we have firms engaged on construction work, it is easy to envisage that the bulk of the work could be engineering, with a comparatively small content of architectural work. Therefore we could have a situation where a firm comprises two engineers and an architect. These are all qualified professional men who operate within the framework of institutes, or institutions as they are called by certain of the professions.

With the passage of this Bill in its present form, the firm I have mentioned with two engineers and an architect, will not be able to call itself "Engineers and Architects". However, if there be another firm which specialises more in cottage buildings and shops rather than in factories and industrial establishments, and comprises two architects and an engineer, it will be able to call itself "Engineers and Architects". Both firms are composed of professional persons engaged in following their lawful pursuits, so why should it be necessary in the former case I instanced of two engineers and an architect, before they can call themselves "Engineers and Architects" lawfully, for three additional architects to join the firm and become members of the board of directors in order to build the architects up from one to four to give the two-to-one bias in favour of architects as is described in the Bill and as is sought to be confirmed by the member for Perth?

The Minister and members will note that some amendments appear in my name on the notice paper. Surely they are reasonable and logical, inasmuch as I acknowledge that before a firm can ascribe to itself a professional title, all of those who are members of the directorate of that firm should be professional men! I think that goes sufficiently far without this prescription which, for some reason, as yet not explained to me, has been included. Why should architects be placed somewhere up in the skies and dominate completely any of the other professions associated in any way with building activities?

I notice the Minister shakes his head, but what he proposes shall be the right or the privilege of architects under this Bill, if it becomes law, will not apply in respect of any of the other associated professions; and therefore it is, in my view, grossly unfair. An officer of the Institution of Engineers has pointed out to me his serious objection to what is proposed.

This almost reminds me of the onion Bill, which is still on our plate. The Ministry apparently has a way of conferring with one interest only instead of informing itself in respect of the several interests which might be directly affected. I wonder, therefore, whether the Minister has had talks with the Institution of Engineers, the Australian Planning Institute, the Institution of Surveyors, or the Institute of Quantity Surveyors, to see what they think of being placed in this unfair position.

Mr. Ross Hutchinson: We can talk about this when we come to your amendments.

Mr. GRAHAM: No; because this is the first step—

Mr. Ross Hutchinson: I cannot talk of your amendment until it comes on.

Mr. GRAHAM: But surely, I repeat, this is the first step in the direction of confirming this two-thirds requirement! This is part of the machinery; and if we allow this designation "(1)" to be placed in the Bill it makes nonsense of the amendments I seek to introduce for the purpose of preserving what I regard as a principle.

Mr. Ross Hutchinson: Do you want me to reply to your amendment when you sit down?

Mr. GRAHAM: That is so.

Mr. Ross Hutchinson: With the agreement of the Chairman.

Mr. GRAHAM: I think the Chairman must agree; because if the majority of the Committee agrees with the member for Perth after he has proceeded a certain distance, it would be fatuous of me to do

something which, indeed, would be a direct negation of something agreed to only a few minutes earlier.

Therefore I do not think it would require any latitude on the part of the Chairman to allow some discussion in order that the Committee might determine on this, the first move, whether it agrees with this two-third formula or whether it feels all professions associated with the building and construction industry should be on the same basis. I will be pleased to hear the Minister.

Mr. ROSS HUTCHINSON: The member for Balcatta pursues an avenue which has no real application to the legislation before the Chamber, which is to permit architectural companies—with their limitations expressed as to the strength of the directorate so far as architects are concerned—to place their names on the Register of Architects; and, of course, in this way, to permit them to use the words "architectural company." There is nothing to prevent an organisation or a partnership of engineers from employing architects, but they may not use the word "architectural" in the title of their organisation. It is not intended that this should be so.

Mr. Graham: Why should architects use the term "engineer"?

Mr. ROSS HUTCHINSON: It is not intended, because the name will be recorded in the Register of Architects, which was created by legislation passed by this Chamber years ago. It would be ludicrous and not at all logical to have a company with a board of directors of 10, or some such number, including only one architect, registered on the Register of Architects.

Mr. Graham: Why?

Mr. ROSS HUTCHINSON: Because such a company would not have the architectural strength and character to give force to architectural work.

The architects are in favour of this proposal only because they feel that if a company is to be registered, they must have a two-thirds strength. All the States, in a conference of architectural bodies, agreed that a company, to be accepted for registration, should have the majority of its directors registered architects. As I understand their views, the underlying principle is that the control of a company describing itself as carrying on the practice of architecture must remain in the hands of registered architects. It is as simple as that.

Mr. Graham: What about a firm of engineers?

Mr. ROSS HUTCHINSON: As I explained earlier, a firm of engineers can employ an architect; but it is not appropriate that it should be placed on the register for the simple reason I have just given.

Mr. Graham: Half a dozen architects could form an engineering society and call themselves a firm of engineers and architects.

Mr. ROSS HUTCHINSON: There is an Architects Act which has a built-in ethical code. I do not know just what the date was when this measure came into force, but the member for Balcatta probably helped its progress through this Chamber.

Mr. Graham: No; it was long before I came into this Chamber. It was in 1921.

Mr. ROSS HUTCHINSON: Then I should say that when our predecessors introduced the legislation they provided certain protection for the profession in respect of being registered. Many Bills in which the principle of registration applies have been well and truly supported by the member for Balcatta, and have been passed in this Chamber and placed on the Statute book.

Mr. Graham: Yes; I have no objection to that.

Mr. ROSS HUTCHINSON: The honourable member introduced a Bill himself. I am not sure, but it might have been the first one he introduced as a private member.

Mr. Graham: No; it was not the first Bill.

Mr. ROSS HUTCHINSON: The honourable member's proposed amendment would completely defeat the objective of the architects, so in the circumstances the Government could not agree to it. It would defeat one of the principles of the parent Act.

Mr. GRAHAM: The Minister will probably appreciate these remarks. I acknowledge that when the fight becomes impossible and the numbers are against one, one must accept defeat. I want to indicate that I am not convinced the Minister is correct in his viewpoint. However, I will not attempt to follow on with my amendment.

**Amendment put and passed.**

The Clause was further amended on motions by Mr. Durack, as follows:—

Page 3, lines 1 to 4—Delete paragraph (c) and substitute the following:—

(c) not less than two-thirds of the members of the body corporate are persons registered under this Act.

Page 3—Insert after paragraph (c) of subsection (1) the following new subsection to stand as subsection (2):—

(2) Where a member or employee of a body corporate incurs any liability as such member or

employee in the course of the carrying on by that body corporate of the practice of architecture, and the body corporate at the time that liability is incurred uses the words "architect" or "architectural" as part of its name or describes itself as carrying on the practice of architecture, that member or employee and the body corporate, and each member thereof who is registered as an architect under this Act, are jointly and severally liable for the amount of that liability.

**Clause, as amended, put and passed.**

**Title put and passed.**

**Bill reported with amendments.**

## BREAD ACT AMENDMENT BILL

*Second Reading*

**MR. O'NEIL** (East Melville—Minister for Labour) [3 p.m.]: I move—

That the Bill be now read a second time.

These amendments to the Bread Act are designed for the following purposes:—

(i) To allow of flexibility in defining the ingredients of Vienna bread to meet contemporary changes in techniques of manufacture;

(ii) To replace the two sizes of Vienna loaf with one intermediate size;

(iii) To bring the Act up to date in respect of the description of shops which can sell bread during extended hours;

(iv) To correct a number of unsatisfactory features in regard to the hours of baking in country areas.

The definition of Vienna bread in section 3 of the body of the Act now restricts the shortening materials used in its making to butter, lard, or margarine; whereas the modern practice in making foods of this sort it to use other edible fats. The minimum milk content is also not set out in precise terms.

The amendment to this section allows of the ingredients for Vienna bread being prescribed by regulations. While being more flexible in that the regulations can be framed in accordance with current practice, it also allows of greater precision in the definition and the fixing of standards which can be checked by analysis.

The move follows that made in the amendment to the Bread Act in 1962 which provided for "Dietetic bread" and "Milk bread" to be made in accordance with the standard or formula prescribed in the regulations.

The Act at present permits Vienna bread to be made in two sizes—the half-pound and one-pound size, and the proposal is to replace these two sizes with an intermediate three-quarter-pound size. There is very little demand for the larger size Vienna loaf, and the present smaller one is rather close in size to the Vienna roll. It is considered that the medium size will meet public demand more appropriately.

The description in the Bread Act of shops where bread and Vienna bread may be sold during extended hours needs to be altered to conform with the classifications now applied under the new Factories and Shops Act; viz., exempted shops, privileged shops, and small shops.

In the Bread Act, hours of baking within a 28-mile radius of the G.P.O., Perth, and a radius of eight miles from the G.P.O., Kalgoorlie, are those specified in the industrial award or agreement applying to the baking of bread in the relevant area. Hours of delivery in these areas are specified in section 13 of the Act.

There is, however, provision for the Minister charged with the administration of the Act to—whenever he considers exceptional or unforeseen circumstances arise or are likely to arise—extend those hours or substitute other hours for those specified for the baking or delivery of bread in any district or place under such conditions as the Minister may determine.

This allows the Minister, in the case of a breakdown in a bakery, or to offset the possibility of a breakdown in the normal bread supply due to other causes, to grant permission to a baker, or bakers, to commence operations at an earlier hour than those fixed. No such provision is made for the Minister to have this power in that part of the Act which relates to the baking or delivery of bread in areas outside those mentioned.

The hours for making and delivery of bread in the rest of the State are laid down in section 14 of the Bread Act, which prohibits the baking of bread before 5 a.m. and after 8 p.m. on any one day, and prohibits the selling and delivery of bread before 5 a.m. on any day, and the delivery of bread on Sundays or any bakers' holiday.

There is, however, provision for these hours to be varied within any district provided such variation is agreed upon by the employers engaged in the baking industry in such district, and the industrial union of workers operating in the baking industry therein.

Should the parties not agree, application may be made to a board of reference under the provisions of the Industrial Arbitration Act, which may in its decision vary the hours.

The employers in a district may, under the terms of the award, upon notification to the union, reduce the number of bakers' holidays in that district from 10 to four, and in lieu give an extra week of annual leave.

As the Act now stands there is no provision making either the parties to an agreement or the board of reference responsible for notifying the Chief Inspector of Factories of any variation made in baking hours or holidays in a particular district, and this has proved most unsatisfactory. For the Act to be administered properly, it is essential that the chief inspector be fully informed as to hours of baking in different areas.

One of the amendments proposed is to make the parties to any agreement or action under the bakers' country award, or the board of reference, as the case may be, responsible for notifying the chief inspector, and the municipal council of the district affected, of any change of hours. Under existing provisions, an anomalous position can arise where a baker in a country district does not employ labour.

The non-employer is not covered by the provisions of the award or Arbitration Act which provides for a board of reference, and no matter what circumstances arise he, if the only baker in the district, is bound by the times in the Bread Act. He cannot legally bake bread before 5 a.m. or after 8 p.m., and to do so, to fit in with local transport or other conditions peculiar to the district, would be a breach of the Act.

The situation has arisen where the bakers in one district have been able to vary the hours to allow them to start baking at 3 a.m., or 4 a.m., to meet local conditions, while in a closely adjoining district, where the same conditions prevailed, a baker with no employees has had to observe Bread Act hours. Those bakers with varied hours thus had the advantage of starting early and being able to deliver fresh bread at an earlier hour in the adjoining district as well as their own.

The amendment provides for the Minister to have powers to vary or substitute hours in country areas in the same way and to the same extent as he can do so in the metropolitan and Kalgoorlie areas. It is particularly important that this provision be made to cope with holdups in baking operations due to alterations or breakdowns in a particular bakery in the country.

The bakers' metropolitan award provides for the Industrial Registrar to grant permission for work to be done outside award hours in the case of rebuilding operations and alterations of plant, but there is no such provision in the bakers' country award.

By having the power to vary or substitute the hours of baking and delivery of bread, the Minister will be able to correct anomalies and ensure that the supply of bread in country areas is maintained on a basis satisfactory to the customer and equitable to those engaged in the trade.

I was hoping to be able to make a confession to the Speaker, as he is regarded as the father confessor of the House, but in his absence I shall make it to you, Mr. Acting Speaker (Mr. Davies). Had the Bill been ready on Tuesday I would have been able to table some samples of the various sizes of bread. However, the Bill was not ready on that day and, as most members know, I am baching, and I am afraid the samples have suffered as a result. I can assure members that the Vienna bread tasted very well; and, if they so desire, I can possibly bring in the remains so that they can compare the various sizes.

Mr. Hawke: The Minister is not looking very well!

**Debate adjourned, on motion by Mr. Toms.**

## POLICE ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 31st August, on the following motion by Mr. Craig (Minister for Police):—

> That the Bill be now read a second time.

**MR. BRADY** (Swan) [3.9 p.m.]: Since taking the adjournment of the debate I have looked through the Minister's introductory speech and I have found there are two proposed amendments. While the Minister was speaking I thought one of the amendments he mentioned had a familiar ring and it appears that he is proposing to amend a provision in the Act that was agreed to in this House in 1959, and which at the time received some criticism from the then Opposition in the House and also from some members of the Government in the other Chamber.

I am not altogether happy with the Minister's proposed amendments. One of the clauses, seeking to amend section 64A of the Police Act, will virtually provide that if any person issues a cheque for an amount not exceeding £50 without having sufficient funds in the bank to meet it, and it is dishonoured by the bank, a charge of false pretences can be brought against that person and he can be fined £50 or imprisoned for six months. The Minister also seeks to provide that if a person issues a cheque for more than £50 and it is eventually dishonoured, such person can be fined £250 or be imprisoned for 12 months.

When introducing the Bill the Minister gave one or two reasons why it should be passed; but to be quite frank I think he put up an argument, especially on the principal amendment in the Bill, to indicate to members that it should not be passed by this House. The Minister had this to say—

> The involvement of large sums of money has been apparent in many cases, and recently an offender, on

opening an account, within the space of 60 days drew a cheque on the account for the sum of £800 and thereby fraudulently obtained a motorcar.

I do not think any firm, motor dealer, or anybody else should be encouraged to trade on that basis. If a trader is foolish enough to accept a cheque for £800 without verifying it before handing over his property, I am not too sure that he does not deserve what he gets.

Mr. Bickerton: He might have been in a hurry to get the man into the motorcar.

Mr. BRADY: That is probably the correct explanation; and, because of that, the people of Western Australia and its taxpayers are being asked to protect that type of person through the provisions of the Police Act. In other words, what is being sought is that members of the Police Force shall become protectors of the foolish businessman. I think there are many matters concerning the welfare of the community to which the police can attend without looking after the interests of those engaged in business. Most of the businessmen I know are quite capable of looking after their own interests, and I do not think we should be asked to encourage them to accept cheques to a value of over £50 without ensuring that the persons presenting the cheques have some substance and can honour them when they are presented at the bank.

It is rather a coincidence that on the day following the introduction of this Bill an article which has some reference to the subject of the Bill was published. It appeared in *The West Australian* of the 1st September, and I am going to read it to members to indicate how foolish some businessmen can get; and they can then ask themselves whether, in the face of such happenings, we can encourage a continuance of these practices at great inconvenience to the Police Department and at the expense of the taxpayers. The article reads as follows:—

> Woman Passed Five Valueless Cheques
>
> A 36-year-old Victorian woman was remanded for sentence in the Perth Police Court yesterday on five charges of having passed valueless cheques.
>
> Roma Bartlett, of Chappell Street, St. Kilda, pleaded guilty to the charge.
>
> Det. M. Baker told Magistrate A. G. Smith that she was separated from her husband and had three children aged between nine years and six weeks.
>
> She had lost an eye and was still receiving medical treatment. Her children were being cared for in Melbourne by friends and her de facto husband.
>
> She deposited £20 with a Perth bank but spent it in a few weeks.
>
> On September 26, 1964, she obtained clothing to the value of £55 10s. 2d. from a Perth shop by cashing a valueless cheque.
>
> She obtained a total of £60 by passing a valueless cheque on September 25, another on September 28 and two on September 30.
>
> The magistrate said: "I don't know what to do with you."

That is a classic example of the stupidity of some people who are engaged in business and who accept cheques of that kind; but I do not think the taxpayer should be asked to contribute towards the cost of protecting such people. There is plenty of work in the community for the police to attend to without encouraging business people to accept cheques without ensuring that the people who present them have some substance. I do not think even the Minister, in his business activities—and he has been in business for years—would accept a cheque for £50—

Mr. Craig: I would from you.

Mr. BRADY: —from a stranger without making some inquiries whether it had any backing. Yet the Minister now asks us to amend a section of the Police Act which was only put through in 1959 to prescribe that if a person draws a cheque for an amount up to £50 he can be fined £50 or be imprisoned for six months. I am inclined to think that the Act should be left as it is. I do not think that because the Minister gave us one example of a stupid motorcar dealer who, it is considered should be protected by the Police Department, we should therefore agree to legislation of this type.

I am a little disappointed that the Minister did not tell us who requested this legislation. Was it the Chamber of Commerce, the Retail Traders' Association, or the Commissioner of Police? Unfortunately, the Minister did not give us any information, apart from quoting one case; but there is an old saying that "one swallow does not make a summer." Speaking on behalf of the Opposition, I feel we should say to the Minister, "We do not think this type of legislation should go through." There are many reasons why it should not, one being that the Bill contains a provision that the person who is prosecuted must prove his innocence on two counts. First of all, he has to prove that he did not intend to defraud somebody, and then he must also prove that he had funds in his possession and thought they would be in the bank to meet the cheque when it was issued.

I do not think we should encourage the onus-of-proof clause being inserted in legislation introduced in this House; but by this Bill the Minister is going to perpetuate a provision which was passed by the House in 1959, because he is again asking members to accept an amendment

which contains the onus-of-proof provision. In addition, the Minister is seeking to perpetuate another bad practice in law; namely, he is asking that the Commissioner of Police should be allowed to determine whether A or B should be prosecuted. As I said before, when a similar Bill was before the House, we will be paying a premium to be a friend of the Commissioner of Police. The Minister now seeks to aggravate that position; he is seeking an amendment which will allow the position to be handled by an inspector of police. Why? It is possible that some of these valueless cheques are issued at Esperance, or they may be issued at Wyndham, and by the time the Commissioner of Police can look up the record of the person concerned he could be well out of the State.

No member of the Opposition wishes to encourage people to issue valueless cheques, but I do not think the onus should be on the Commissioner of Police, or an inspector of police, to determine the matter. I think this should be determined by the magistrates or justices sitting as courts of summary jurisdiction, because they will apparently have power to deal with these cases if action is taken by the police.

Accordingly, by and large, I do not think we should encourage the Minister to bring this type of legislation before the House. It is possible that when the Minister replies he will tell us why we have been asked to accept this amendment. He may be able to quote some statistics. The Minister has given no statistics up to now to show that there is a tendency for this type of breach to continue. He has given us no statistics to show that there are more cheques over £50 issued now than there were in 1959.

As I have said, the traders are already afforded protection by a person being fined £50 for £50 of value. Now the Minister wants a person to be fined £250 or given 12 months in prison. I am not too happy on that score, and I intend to vote against the proposition unless the Minister, in reply, can show that this method of deceiving traders is on the up and up; or that there is some reason why the business people cannot look after their own interests.

I do not think it was ever intended that the Police Department should be made a debt collecting agency, or that people who enter into contracts in which the issuance of cheques is involved should have their position looked after by the Police Department. I am not sure whether it is right for this type of case to go through the police court to the local court, or whether it should not be referred to the Criminal Court in cases involving amounts exceeding £400 or £500. I felt I should make that point in regard to the major amendment the Minister proposes in connection with this legislation.

There is another aspect of the Bill which I wish to mention, and that is the proposal put forward by the Minister that people who place dud coins in slot machines shall be prosecuted. The Minister in one breath said that a fine not exceeding £20 may be imposed on a person and in the next breath he said that quite a lot of these offences are perpetrated by juniors, or juveniles.

Is it desirable that a fine of £20 should be imposed on a person for placing a foreign coin in a slot machine by mistake? Is it also desirable that in the case of a juvenile who gets up to pranks and tries to get something for nothing by placing a lead slug in one of these machines, a fine of £20 should be imposed?

When he was introducing his amendments the Minister referred to a fine not exceeding £20; but if he will look at the Bill, which no doubt he has in front of him, he will see that it refers to a fine of £20. In other words there is a minimum fine of £20 and a maximum fine of £20 prescribed for a person who places a coin, which is not a coin of the realm, or is something of no value, in a slot machine.

I do not want to encourage that sort of thing; and I certainly do not want to encourage people who place these coins in slot machines. At the same time, however, I do not think the Government should build up the rate of juvenile criminals by having children paraded before the police court, and by having the children or their parents fined £20.

I know that some members will say that the police do not do these things; but the police will have no option. Once the Act is amended to permit prosecutions in cases where the attention of the Police Department is drawn to them, the police will have no option but to prosecute. I do not like the idea of a child being paraded before the police court and prosecuted merely because he has got up to a prank and has placed a piece of metal in a slot machine. That strikes me as being pretty gruesome, and I cannot subscribe to it either as a member of the community or as a member of Parliament.

I remember that when I was Minister for Police a lad borrowed a bicycle one afternoon, and the person from whom he borrowed it went to the police station and reported the lad. The parent of the boy concerned came to see me as Minister for Police to ascertain whether I could avoid the lad being prosecuted. I tried to be helpful. I sent for the Commissioner of Police and asked him to bring the details before me, as Minister, so that I could discuss them with him. I also asked the commissioner whether it was necessary for him to go on with the case and he replied, "I dare not drop it now because the matter has been officially reported to me by the owner

of the bicycle, who feels that the lad should not have taken it." The Commissioner of Police felt he had no option but to go on with the prosecution and, accordingly, there was the prospect of a child of eight or nine years of age being treated as a criminal, and brought before the court.

There are pros and cons in all these things. The people who run some of these slot machines take the children and the public in at every opportunity, and nothing is done about it. How many times have members of this House put a coin into a slot machine only to find that nothing happens? I am sure there are times when some of us have placed coins in machines which indicate one's weight only to find that the machine indicates one is double one's normal weight! There is no doubt some of the children of the community are taken for a ride.

Only a fortnight ago I stood in front of the Perth Railway Station and saw what I believed to be the owner of one of these machines fixing it up. It was a very wet morning and I could not leave the station to attend the House, so I stood alongside the machine while the fellow was repairing it. He was not very happy about the children putting these dud coins into his machine, but in his discussions with me he never once advocated that the children should be paraded before the police court and fined £20.

I am not happy about this type of legislation coming before the House. If the Minister wants to bring such legislation here, why does he not see that the people who own these vending machines keep them 100 per cent. in order all the time? We will gain no satisfaction in passing Bills of this kind.

Sometimes children who put metal slugs or foreign coins into vending machines do so out of revenge, because they have been taken for a ride by some machine which indicated they could receive value for their money. The Minister seems to be making a mountain out of a mole hill in connection with the difficulties associated with these machines.

Slot machines have been in vogue for the past 50 years, and at times they have been as common as they are today, but no-one seems to have lost a great deal on them. Generally the owners of the machines take more precautions if they find they have been taken for a ride. The owner of the machine at the railway station, to whom I have just referred, would receive more satisfaction if the offending children were reported to their headmasters or to their parents. He told me that he received no satisfaction in having to prosecute children. This owner set about fixing his machine, and that was only a fortnight ago. That is the proper way to go about the matter.

We should not build up juvenile criminals by fining them £20 for putting metal slugs into vending machines. After all they receive only about a penny's worth of peanuts for the sixpence which they put in. We should not encourage the Minister bypassing this type of legislation. On the story told by the Minister I am not prepared to agree to the two amendments in the Bill passing through Parliament. One of them is of a major character and one of a minor character.

In effect, one of the amendments in the Bill provides for a fine of £250, or twelve months' imprisonment, being imposed on anyone who issues a cheque for a sum exceeding £50, but who has not sufficient funds in the bank to meet it. I do not know whether other members have worked in pressurised trading concerns. I have observed the procedure, and I have seen people buying or selling stock to the value of £50 to £500 in one deal, and then proceeding to make another deal of up to £500. When a sale is made I have heard an owner say to the agent, "Pay in the amount of £500 into my bank, because I have to meet a cheque for £600, and I shall put £100 into the bank myself." Sometimes when the cheque for £600 goes through the bank there is only the £100 paid in by that person to meet it. What happens is that in these instances the agent does not pay the proceeds of sale into the bank on behalf of his client in time to meet the cheque. Should such a person who issued the cheque have to disprove intent to defraud to the Commissioner of Police or a police inspector? I do not think that because a stock firm or a wheat-marketing firm might make a mistake, he should have to.

I have seen instances when such firms have placed money to the credit of wrong accounts. When I was a young man I worked in a flour mill, and occasionally we paid cheques into wrong accounts for amounts of £300 to £700, according to the number of bags of wheat that were sold. Sometimes the wheat belonging to a person was stored in the flourmill—it might consist of 3,000 bags—and he would decide to sell 100 or 200 bags when the market price was 5s. 3d. a bushel. Such deals did take place, and it was embarrassing to both the owner of the wheat and to the dealer when the proceeds of sale were paid into the wrong account.

In the normal course cheques drawn by people of substance are accepted. If there is any doubt the parties cashing the cheques should investigate the matter before accepting them. The onus should not be placed on the Police Department to look after the interests of these people.

I have had a personal experience, because at one time I had between £400 and £500 in a savings bank. I went to Adelaide, and I was without money on one occasion. This was an embarrassment. I could not

go to a business firm and ask for my cheque for £5 to be cashed. It would be embarrassing for me to ask a stranger to cash my cheque, but I did go to the agent of my savings bank, and after I had proved my *bona fides* he cashed a cheque for me.

Mr. Craig: You said earlier a man was a fool to cash the cheque of a person not known to him.

Mr. BRADY: I did say that. I also said that the agent in Adelaide cashed my cheque after I had proved my *bona fides*.

Mr. Craig: He must have been a fool.

Mr. BRADY: He was working for an important savings bank which has now adopted the slogan, "Get with the strength." To be quite honest, the Minister has not made out a case. Parliament has already given ample protection to business people by providing for a fine of £50 or six months' imprisonment to be imposed on anyone who draws a cheque up to £50 which is subsequently dishonoured, if there is fradulent intent on his part.

If some mug trader elects to accept a cheque for £500 and hand over a car, I do not think we should protect him. I do not think it is desirable for the community to encourage that sort of trading. It is not in the best interests of the business people to do so: It is certainly not in the best interests of the community, who have now to police this matter as a result of the indifference and apathy of some dealers. We should leave this well alone, and leaving it well alone is 100 per cent. protection to business people, because a person now has to prove he has no fradulent intent in drawing a cheque which is subsequently dishonoured. The police do not now have to prove it. The person himself has to prove that there is sufficient money in the bank to meet the cheque.

In some cases business people make a mistake in this regard. I sent my cheque to a business house last month, but a fortnight later I received a reminder that I had not paid the account. The firm stated that it had not received my cheque. I told it that I had posted the cheque, together with others, from Parliament House. When I received the advice from the firm I stopped payment of the cheque that I had sent. A fortnight later I received a letter to say the cheque had arrived, but because the letter had been sent to the managing director, and he was away on holidays at the time, it had not been opened. That is how casually some firms do business.

Just imagine what would happen when a stock agent in the country forgot to pay the proceeds of a sale into the bank! A farmer might ask him to pay the £500 from the proceeds of sale into his account, in order that he could meet a cheque for £600 in respect of another transaction. This person would be liable to a fine of £250 under the provisions in the Bill before us, unless he could prove to the Commissioner of Police or to a police inspector that the transaction was a *bona fide* one. I do not think the police should have to check on this. A transaction is either a *bona fide* one, or it is not. I am not in sympathy with people who try to put something over others; but I have perused the report of the Commissioner of Police, and in neither of the years 1963 and 1964 did he draw attention to an abnormal increase in the fraudulent issue of cheques.

I would have thought that if the commissioner wanted this type of legislation to go through the House he would have made some reference in the annual report in the interests of the business community to the effect that that type of transaction is becoming commonplace and something should be done to stop it. However, there is no reference in either of the commissioner's reports. It is true that in one of them he has drawn attention to the number of fraudulent cheques issued, but in the subsequent year there is no reference to fraudulent cheques by way of a comparison with the previous year.

So it would seem the cheques issued in 1964, which may have been fraudulent, or for which there were insufficient funds, were greater than in 1963. That is why I said to the Minister earlier this afternoon that I am disappointed he did not give more information. After all, we are a responsible Opposition and I think we should help the Minister and the community to stop people from getting property by false pretences. We should help people who may suffer as a result of cashing bad cheques. However, I think there is an onus on the Minister to give us more information in order to justify the amendment.

For my part, and on behalf of the Opposition, I think I have shown the Minister where he could be making a grave mistake by wanting to continue with this amendment. It may be that the Minister would like to have a bit of time—

Mr. Craig: He does not need any time.

Mr. BRADY: —to consider the matter further so that he may bring in another amendment which, if it is reasonable, I will support. But I do not feel disposed to support the Bill in its present form.

As I said before, there is ample protection for the community—both the small and large trader—in the present section of the Act. I refer to section 64A. It was only inserted in the Act in 1959. I understand it was done at that time at the request of the Police Department. For the benefit of members, this is what the section says—

> 64A. (1) Any person who obtains any chattel, money or valuable security by passing a cheque within a period of sixty days from and commencing on the day of the opening of

the bank account on which the cheque is drawn, which cheque is not paid on presentation, shall, unless he proves—

(a) that he had reasonable grounds for believing that cheque would be paid in full on presentation; and

(b) that he had no intent to defraud;

be liable on summary conviction to a fine of fifty pounds or to imprisonment for a term of six months, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.

(2) No prosecution for the offence defined in this section shall be commenced without the written consent of the Commissioner of Police.

There is one point there which I would like the Minister to look at. These transactions involving people passing cheques for £200 or £300 in order to buy second-hand or new cars can go on. I would remind the Minister that both in the Act and in the proposed amendment people can only be charged within 60 days of a bank account being opened. I think anyone who is going to try to make money or obtain property by false pretences will know of the 60-day provision and will wait until that time has elapsed. Therefore, if the Minister wants to help the business people in the community, he should delete reference to the 60 days and insert something like this—

Anybody who issues a cheque up to £100 without having ample funds in the bank to meet it at any time should be fined £50 or six months' imimprisonment.

*Sitting suspended from 3.45 to 4.7 p.m.*

Mr. BRADY: I was just rounding off my speech when we suspended. The only other thing I want to quote to the Minister is from the Criminal Code, and I do so in case he thinks I am a friend of those who are trying to obtain money under false pretences. The following is section 409 which appears on page 177:—

Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a crime, and is liable to imprisonment with hard labour for three years.

If the thing is of the value of five hundred pounds or upwards, he is liable to imprisonment with hard labour for seven years.

It is immaterial that the thing is obtained or its delivery is induced through the medium of a contract induced by the false pretence.

The offender cannot be arrested without warrant unless found committing the offence.

So it is not a matter of there not being available any law under which action can be taken against a person who has issued a cheque without having the funds, because it is already covered in the Criminal Code. In view of the fact that only a few years ago the original law was introduced, I feel now that it is a question of whether we should alter that law. As I said before, there is a very big weakness in the whole thing, because if a person after 60 days issues a cheque without having the funds available, he is in an entirely different position from a person who issues one within 60 days.

I do not think there is a great deal of merit in the argument that the Act should be amended along the lines the Minister has suggested either in the major case of cheques being issued without sufficient funds being available or in the case of juveniles having to be prosecuted and fined £20. I oppose the Bill.

**MR. DUNN** (Darling Range) [4.9 p.m.]: I rise to support the Bill, but I only have a few words to say. I doubt very much whether I have heard more nonsense –

Mr. Brady: You ought to be a good judge of that; you are full of it.

Mr. DUNN: —since I have been here. I do not want to be unkind to the member for Swan, because I know he tries his hardest.

Mr. Brady: You could not be kind to anybody.

Mr. DUNN: The honourable member tries his hardest, and in fairness I must compliment him on his apparent faith in human nature.

Mr. Brady: A little knowledge of human nature is very dangerous.

Mr. DUNN: Of course, if the member for Swan is allowed to speak long enough he will never stop. I found it hard to understand why he should oppose this Bill; because, after all is said and done, it is simple and brings the Act into line with something more realistic according to today's values. It is hoped that, as a result, those who are tempted to contravene the law will think a little more before they defraud people by the means which are available to them.

I found it difficult to work out just who the member for Swan was representing when he made his speech. I felt that he had a brief for the criminals, or the people who indulge in these fraudulent acts.

Mr. Hawke: Don't be so silly!

Mr. DUNN: However, during his speech he went the other way, and I found it difficult to understand what he was getting at.

Mr. Brady: That is because of your mental capacity.

Mr. DUNN: It seems to me a great pity that we should have people in this House who are prepared, apparently, to allow affairs to degenerate to the point that we have to consider how little we can penalise those who are causing this inconvenience to good, honest citizens. I fail to see why people who are conducting businesses should not have the protection of the police and the law, if they are the law-abiding parties. I fail to see how anybody who flagrantly and deliberately disobeys the laws, as put into the Statutes by this House, should not be justly and appropriately dealt with and should not be discouraged to the limit against perpetrating crime.

I also wonder why, or how, the member for Swan develops a thought that business people are not constantly on the alert for this type of individual. In fact, one wonders at the patience of business people in the very careful way in which, as a rule, they handle each client who goes to them expecting to receive, per medium of a cheque, the advantages and services of trade.

I can only conclude by stating that the Bill does help to bring matters into a more realistic perspective and consequently it should receive the support of every member of this House.

**MR. HALL** (Albany) [4.14 p.m.]: In speaking to the Bill I think I should comment on the question I asked the Minister for Police on the 31st August, 1965. It pertains to the same subject matter; and he introduced this Bill on the same day. The question was as follows:—

> As there is growing concern amongst the large and small business concerns at the indiscriminate issuing of cheque books by trading banks and the misuse by persons with insufficient funds to meet payment on presentation, and to counter the fly-by-night customer, will he undertake to make public the section of the Police Act (64A) so as to acquaint the traders of the protective coverage?

I pause to say that the member for Swan has pointed out the very apparent and significant point that protection already exists in the Act. The intention of the Minister is to enlarge penalties and give an inspector of police some administrative power in conjunction with the Commissioner of Police. The Act at present leaves the matter entirely in the hands of the commissioner.

I do not think the amendment will, by extending the penalties, achieve the purpose which the Minister has set out to achieve, because the people who indulge in fraud by issuing false and valueless cheques are not concerned with the penalty. I think it is like shutting the gate after the horse has got out, because if cheque books are issued indiscriminately, I fail to see how any control over the passing of false cheques will be exercised. The extension of penalties will not be the deterrent that the Minister hopes it will be.

I can understand the anxiety of the Minister because I have been approached by traders in Albany concerned with this matter. I think it is Commonwealth wide. When I tried to find out what control, by legislation, there was in this State, I found there was very little, as banking is under the auspices and control of the Commonwealth banking institution, and, particularly, the Commonwealth Bank. So, if there is to be any tightening up or control it can only come from the facility which is providing the banking service. In this day of keen competition and the chasing of finance by business, there is a definite indiscrimination in the issuing of cheque books. I will refer to a headline taken from a grocers and storekeepers' journal printed in December, 1962. The heading is—

> FRAUDS PREY ON GROCERS
>
> Bank control is urged on use of cheque books

There lies the answer to the Minister's proposed legislation. The article reads as follows:—

> Grocers in the West are facing an increasing problem from customers who pay by cheque but have insufficient money in the bank, said Brian Kirby (W.A.).
>
> He said trading banks are doing all they can to get new cheque customers but do not appear to investigate applicants properly.

So I would say that one preventive means would be for a person to have two references to verify his, or her, character. Those references should be presented to the bank as a vertification of the person's *bona fides*. As the member for Swan said, the Act allows a person 60 days. So that is one point we should look at. If we allow this indiscriminate issuing of cheque books, I think we will continue to run into this problem. As I mentioned earlier, it is a Commonwealth matter.

I have here a cutting taken from a newspaper published in Brisbane and it is headed "Grocers Concerned About Rubber Cheques." This article is complementary to the one I have referred to which is headed "Frauds Prey on Grocers, Bank control is urged on use of cheque books." This second article, which was taken from the *Retail Week* of the 12th March, 1965, reads as follows:—

> A leading grocer has expressed concern at how rivalry between the trading banks for custom is leading to the "Indiscriminate handing out of cheque books."

> He is Mr. Laurie Ross, manager of Cut Price Stores Pty. Ltd., an independent group of 23 Brisbane stores. He and Keith Cumming own two stores, at Holland Park West and Windsor.
>
> "Many grocers are getting an unusually large number of rubber cheques", he said.

Those words illustrate that the onus should be on the banks to see that there is not an indiscriminate issuing of cheque books. This point is being continually emphasised, and I think it is most important. The onus of responsibility falls back on to the banks for the indiscriminate issuing of cheque books.

As the member for Swan has pointed out, an increase in the fine imposed will not prevent the passing of bad cheques; and as long as we permit the indiscriminate issue of cheque books, regardless of a person's character and financial security, this sort of thing will continue and cheques, which are referred to in this article as rubberised cheques, will continue to be presented.

The second point mentioned in the article reads as follows:—

> There should be a probationary period to allow the bank to make a check of the customer's credentials before turning a person loose with a cheque book.

That gets back to what I said a moment ago about a person being required to submit two character references before he can open a cheque account. If, as mentioned in the article, a probationary period were allowed, the bank could check the two character references and also the financial stability of the person who wished to open an account. To continue—

> It all stems from the competition between banks who are mainly interested in building up the numbers of accounts.

At times people find that their accounts are overdrawn—and some are continually overdrawn—and the bank makes an adjustment, but a high rate of interest is charged. In other words, those people are in the bag and cannot get out. When one borrows money from a bank the rate of interest charged is quite high and, naturally, it is to the bank's advantage to have accounts overdrawn.

I do not believe the amendment in the Bill will achieve the purpose the Minister has in mind, because I am of the opinion that something should be done about the indiscriminate issue of cheque books by banks. In this regard I would refer to an article which appeared in *The West Australian* of the 19th March, 1965, under the heading of, "Man Passed 25 False Cheques." He apparently did a masterly job. The article reads as follows:—

> A 27 year old man was sent to gaol for 18 months yesterday for having passed 25 false cheques for a total of £286.
>
> Raymond Douglas Penfold, medical orderly, of Richmond Street, Leederville, pleaded guilty to 25 charges of false pretences.

Further on it states—

> . . . he had started with £5 under another name.

In other words, he accumulated a large sum of money by devious means. He passed cheques to the value of £286, yet he started with an account of only £5. That is why I say I do not think the legislation will achieve the purpose the Minister has in mind. Now let us look at section 64A of the Police Act, which reads—

> Any person who obtains any chattel, money or valuable security by passing a cheque within a period of sixty days from and commencing on the day of the opening of the bank account on which the cheque is drawn, which cheque is not paid on presentation, shall, unless he proves . . .

Then it goes on to provide the penalties. On occasions I have been approached by grocers because people have bought goods from them and have paid for those goods by cheque and the cheques have been found to be worthless. In one case a man bought groceries in Albany over the weekend, paid for them with a bad cheque, and within 48 hours was found in Melbourne. So what chance has a business person in a case like that, when people are indiscriminately issued with cheque books and have no financial security? Also, we find that every time a cheque is re-presented a charge of 3s. is made on the person who presents it, and this adds up to quite a sum if a cheque is presented several times.

There is also the problem, as in the case I have just mentioned, where a person passes a bad cheque and leaves the State. In that instance if the grocer had wanted to bring the offender back from Melbourne he would have been forced to meet the costs involved, including the legal costs and the expenses incurred by a custodian.

In my view we have to look at the banking side before we start worrying about increasing the fines involved. In this case I think we are trying to shut the gate after the horse has bolted. We have to tighten up on this indiscriminate issue of cheque books, and in my view the best way to do it is to require that a person opening a bank account shall supply two character references and be forced

to prove that he has either money or property as security for any cheques that he might write. Another way would be for him to provide a fidelity bond or something like that, but I do not think an increase in the penalty will meet the requirements or cover the position so far as traders are concerned.

Because of the Government we have, I assume that the move for these amendments has come from the traders themselves, but an increase in the fine will certainly not help to reimburse the traders who have been caught by rubberised cheques. I realise that the Minister is serious about this and is sincere in his endeavours to do something about the problem; because he has indicated this in reply to questions that have been asked. However, I think we are working from the wrong end. We must tackle the problem from the beginning and ensure that the banks require some indication of financial stability before they issue a person with a cheque book.

Today a youth can go into any bank and, with £2, open a cheque account. Then he can go around indiscriminately writing out cheques. A boy well under the age of 21, with no financial stability, can open an account; and in my view that is completely wrong. Also we find that people who are mentally disturbed can open accounts. I refer particularly to the alcoholic, who spends money like nobody's business when he is under the weather, as it were, or under the influence of alcohol. In those circumstances what chance has a trader to get his money back when a false cheque is passed? I repeat: I think we should start from the beginning and do something about the indiscriminate issue of cheque books to people who have insufficient financial stability.

**MR. RUSHTON** (Dale) [4.28 p.m.]: I rise to support the Bill and in doing so I wish to make a few comments on the remarks passed by the members for Swan and Albany. They both said that this Bill protects the businessman; but one does not need to study it too closely to realise that the private individual will gain the greatest benefit from it. I will make a further comment on that aspect shortly.

Another vital point raised by both members was that we should start from the beginning and tighten up on the issue of cheque books. I think all members would realise that if nobody had fraudulent intent there would be no need for further action; therefore I believe that if we increase the penalties for people passing fraudulent cheques it will have a beneficial effect. It will increase the confidence of the business people, and that is what I believe is the intention behind the Bill.

However, the person about whom I am particularly interested is the ordinary housewife—perhaps I should not say "the ordinary housewife" as no housewife is ordinary—because I believe that possibly she is the main spender of money in our community, and she should have her convenience considered and protected. If a trader loses his confidence in the cashing of cheques, and a housewife wishes to purchase her goods, she will find it most difficult and inconvenient, in many cases, if she cannot pay for them by cheque. Therefore the trader's confidence in the passing of cheques should be retained.

I shall not say very much about how difficult it is to have a cheque book issued, because I realise what stringent steps are taken to see that only those who should have cheque books receive them. However, there will always be those who err, and I think increasing the penalty is the right approach.

With the increased financial transactions taking place in the commercial field and in the agricultural field I think we all realise that the number of cheques that are now issued has grown tremendously, and because of this there is a greater tendency for people to issue them fraudulently. This Bill will, I feel sure, have some effect in restricting the fraudulent issue of cheques, and therefore should receive the commendation of the House. In recent times I have read of a system that operates in America, but it is not one I would like to see introduced into this State. However, the time may come when it will be introducted here, and when it does it may suit the member for Swan and the member for Albany, because it is most restrictive in its operation.

I understand that in the United States if a person is issued with a cheque book—or if one obtains a loan from the bank and so opens an account—and he issues a cheque when there are insufficient funds in the bank to meet it, no matter who the drawer of the cheque may be—even if it were the member for Swan or the member for Albany—if arrangements have not been made for money to be deposited at the bank, that cheque is returned marked "Not sufficient funds." If that system were introduced to Western Australia I am sure it would create a great deal of consternation among the electors represented by the member for Swan and the member for Albany.

I have been associated with the business world long enough to realise the great tolerance that is displayed to people when a business transaction is being negotiated, and I feel sure that this tolerance should continue; and the Bill will enable it to continue, because it will deter the person who has fraudulent intentions; and I cannot see any reason why such a person should be encouraged to issue fraudulent cheques. I will support the Bill.

**MR. JAMIESON** (Beeloo) [4.32 p.m.]: These two small amendments to the Police Act which are proposed have indeed caused some difference of opinion between the official Opposition speaker and the Minister who introduced the Bill. In commenting briefly on it, I do not consider that the penalty proposed for issuing a fraudulent cheque to the value of £1,000 for a motorcar will improve the position; nor do I consider that the penalty suggested by one of the jurists attending the legal convention in Sydney should be imposed, either. He suggested that any person who stole should be punished by having his hand removed so that he could not repeat a similar crime, but I do not think that we would agree that such a penalty should be meted out to a person who issues a false cheque. Nevertheless, experience in Eastern countries has proved that where an offender has had his hand cut off for stealing it does have a great deterrent effect on others in preventing this offence. In our democratic system, however, we would not think of such a punishment being imposed.

There is no doubt that not enough care is taken by people in business in changing cheques that are tendered to them; and banks are also guilty to a degree in this respect. They claim that they take every care, but many instances have occurred where money is paid out and debited against someone's account as the result of a fraudulent cheque being drawn by a person who has stolen a cheque book. That practice will continue unless more care is taken in the community, because it is most difficult to catch a person in the act of issuing a fraudulent cheque.

Only recently I was talking to a hotelkeeper in my electorate, when one of his staff came up to him with a cheque in his hand and asked, "Is this all right?" The hotelkeeper looked at it for a moment and expressed some doubt, and then said to his employee, "Cash it." I mentioned to the hotelkeeper that the cheque should have been all right because it had been issued by one of the earthmoving contractors, and he said to me, "You can never rely on anyone. I have been handed a Taxation Department cheque and subsequently found myself holding the baby because the person who handed it to me had stolen it." Everyone should be aware that the person who is prepared to cash a cheque is the one who is ultimately held responsible for ensuring that the cheque is genuine.

If a "brummy" £5 note is tendered to a shopkeeper and he examines it and is of the opinion that it does not look to be genuine, but he still cashes it, then he is the one who is culpable. Notes or cheques should not be accepted in such circumstances. It is far too common for people to handle such transactions hurriedly. For example, I have been at a supermarket and have noticed the supervisor hurriedly scribble his initials, presumably for the purpose of protecting the cashier, on the back of a cheque that has been tendered by a customer; but this act still does not solve the problem of protecting the person who has to meet the cheque.

In my opinion storekeepers should be more insistent that customers should tender cash for the goods purchased and accept cheques only from people who are well known to them. Even those firms that have accepted cheques from well-known customers have been known to be caught and have been left with dishonoured cheques on their hands. However, that is business all over, and it appears to me that to continue increasing the penalty for this type of crime will not achieve the objective of the Minister.

With reference to the third amendment in the Bill, I point out to the Minister that many machines which are operated for gambling purposes are quite lawful. These machines are operated with the use of a token which has been exchanged for money; but if the amendment is agreed to, any person who operates such a machine in the future with a token will be acting unlawfully. Surely that is not intended! The Bill seeks to provide that a person shall not insert in any machine anything other than a coin issued under the authority of the Commonwealth; and if he breaches this provision he will be in trouble. Surely the Minister does not intend the Bill to provide that! If he does, that is a preposterous state of affairs.

If a machine has been manufactured in such a way that it is operated only by the insertion of a token, a disc, or some other object, and of necessity a token must therefore be used to operate the machine, there should be a provision in the Police Act to enable that machine to be operated with the necessary token. I have had a good deal of experience with cigarette vending machines, and I know that what the member for Swan had to say about them is only too true.

Further, very often I have seen a child insert a shilling in one of these soft drink machines, but the machine has failed to work and the child did not get his bottle of soft drink. As no-one is in attendance at these machines, such a child has no means of getting the shilling back, and all the child can do is to break into tears. It is the responsibility of the people who own these machines, or who control them, to ensure that they work properly and that the public receives value for the money tendered. I have been assured that this can be done. People who have visited the United States of America in recent times inform us that machines are in existence which will convert a dollar bill into round currency, the machine actually examining the note inserted and rejecting it if it is not genuine.

These vending machines are rather profitable, and it is up to the people who control them to ensure that they are perfected. I met the member for Bunbury in the corridor a while ago and he happened to mention the vending machine which we all knew in the early days that produced a slab of chocolate on the insertion of a coin. Most children got to know after a while that as soon as one chocolate had been obtained from the machine, any number of chocolates could be hooked out with a bent piece of wire. Nestle's, the chocolate manufacturer who controlled the machines, soon did something to correct that. Surely it is just as wrong for anyone to obtain a chocolate from a vending machine in that manner as it is to steal one from a shop counter.

Vending machines are usually placed in a public place; and, I repeat, it is the responsibility of the people who operate and control them to ensure that their mechanism is such that it will prevent an illegal transaction from taking place. There is no need for them to seek the protection of the law. If there is, then I pity the Perth City Council which controls the parking meters. I have heard of some people who have appeared in court as a result of placing washers or other discs in parking meters, and I think if a check were made with the Perth City Council it would be found that it has a large collection of foreign coins obtained from various sources, because visitors to the State would have them in their pockets and would circulate them when giving change.

Not everybody examines very thoroughly the coins he has in his possession. As long as a coin looks like a sixpence and has the monarch's head on one side the usual practice is to fumble around, pick out such a coin, and place it in the machine. This, of course, is generally done in error, and I do not think there is anything wrong with it. A person must be proved to be committing an unlawful act.

If one of us happens to have a coin like that in his pocket which is not a coin of the Commonwealth, and he happens to place it in a parking meter, and it is discovered by the parking meter inspector that there is something wrong, it is possible that he will open the machine, chase after the person concerned, and say, "This is not a coin of the Commonwealth, and you have acted illegally." I do not think such an action is worthy of a £20 penalty.

It is carrying the matter too far to expect the House to cover circumstances like this that might occur in the case of vending machines. I think the owners of these vending machines should play their part. Should they want to make use of the public thoroughfares in which to establish their vending machines they must pay the penalty if their machines are not perfected in accordance with modern techniques. This has been done in other countries and it is up to the owners of such vending machines to ensure that the machines themselves are in keeping with modern trends and of the highest standard.

It is interesting to note that in the case of coin-operated petrol pumps in the Eastern States there are about five or six different procedures which the machine uses as a check before it triggers the mechanism and allows the coin to operate it. I doubt very much whether it would be possible to use old washers in the petrol bowsers, because the oil companies which have supplied these machines have ensured that the necessary tests are carried out by weight and by electronics; these make certain that the correct coins are used. There are also tests employed by other machines which ensure that the correct coin is used by the person operating the machine. This is a provision we should not rush into.

In the case of people writing unlawful cheques I doubt very much whether the extra impost will be of any great assistance. It is possible that the penalty might keep them in gaol a little longer and cost the State extra money; but if we imposed a fine on the people who accepted illegal cheques we would very soon wipe the problem out. I doubt whether there is any other way to overcome this difficulty. If a person wishes to be snide and desires to make a few bob by passing a worthless piece of paper, then my suggestion will discourage him from doing so. As we all know, when they are caught they will go to gaol for a longer period and perhaps pay a larger fine, but whether this will be a discouragement I would not like to say. History alone can tell us whether the provisions in the Bill will have the desired effect. If things do not improve then we will not have achieved very much.

**MR. CRAIG** (Toodyay—Minister for Police) [4.44 p.m.]: Five members have contributed to this debate and, despite the official attitude of the Opposition, I cannot help but feel that all those who spoke to the Bill—including members opposite—do support the measure.

I would say at the outset that I am surprised at the comment of the member for Swan. I would suggest he is completely out of touch with present-day business practice and procedure. If he is not, then he is out of touch with his own electorate, because in the electorate of Swan we have a large shopping centre at Midland and also at Guildford, and I myself have received numerous complaints from shopkeepers in those two towns, and the suggestion has been made that higher penalties should be imposed on these offenders —particularly those who pass valueless cheques for sums in excess of £50.

Cheques today are accepted as legal tender and, as pointed out by some speakers, it is normal procedure even for housewives to use them instead of carrying around cash. I carry very little cash. I use cheques, and I have never had any difficulty in having them accepted. Perhaps I have an honest face.

Mr. Hawke: How did the traders get on who accepted your cheques?

Mr. CRAIG: That is the experience of most people. The cheque is accepted as legal tender. I ask members to place themselves in the position of the small shopkeeper; and he is the biggest sufferer today. A housewife might come along, buy some groceries or other goods, and tender a cheque in payment. If a shopkeeper refuses to accept that cheque he knows very well that he will lose a customer for all time, because that purchaser will go somewhere else. So the shopkeeper must be very cautious in his attitude before he refuses to accept a cheque.

I know the offence is becoming more prevalent. We have only to read the newspapers to see how prevalent it is becoming. It is on the recommendation of the Commissioner of Police that action is being taken along the lines of the Bill. We must also appreciate that prices are going up every day. At one time the offence was not so serious, because the value involved was not so high. I admit that I went to extremes in quoting a cheque being accepted for £800. But there are many instances where cheques are accepted for over £50 and up to, say, £100.

It is felt that a penalty of £50 is not commensurate with the offence committed. The point was made that the Bill suggests a fine of £250 for an offence committed where the cheque is in excess of £50 in value. But that is the maximum amount that a person can be fined. Surely the member for Swan knows that when an amount is stipulated in an Act it means that the amount shall not be exceeded. The amount could be so much less. It is not a case of imposing a fine of £250 for the particular offence.

The honourable member also made the point that it will prove an added expense to the community, and that the police will be setting themselves up as a debt collecting agency. Surely the police are responsible for the maintenance of law and order; surely it is their responsibility to protect the public against the actions of these people who want to gain money fraudulently by this means!

The point was also made by the member for Albany that there should be a considerable tightening up by the banks in the issuing of cheque books. I agree that that should be so; but not all fraudulen cheques are presented by this means. We have cases where cheque books have been stolen. I had the experience recently of a cheque book being stolen and money being gained fradulently, because my cheque book was used for that purpose.

I feel the Bill does meet the situation. The member for Darling Range said that the function of the police was to protect the public. I think that is the role of the police, and not, as the member for Swan pointed out, that of a debt collecting agency. The honourable member said that that was what would happen under this Bill. The member for Albany must have been concerned about this matter, as is the Police Department, because he was prompted to ask certain questions of me recently to which he referred this afternoon.

The member for Albany said he had been approached by traders in Albany, because they were concerned with this matter; yet he has been placed in the position where he is opposing the action that is being introduced by the Government per the medium of the Bill before us, which seeks to inflict a severe penalty on people who obtain money fraudulently by this means.

Mr. Hall: That will not bring the money back.

Mr. CRAIG: The member for Beeloo referred to the use of tokens in slot machines. Most of the tokens that are used are uniform in size with the coins which we use—with the 3d., 6d., 1s., and 2s. coins. This particular amendment in the Bill has been suggested by the largest operator of these machines, Perth Amusements Pty. Ltd. The point was raised by the member for Swan that this offence should not bring a penalty of a £20 fine. I would point out that £20 is the maximum fine which can be imposed.

The Bill will serve a worth-while purpose; it will create a lot more confidence among traders; and it will cause some would-be offenders to think twice before they present a cheque, knowing it to be valueless, and obtain cash or kind in return. I therefore think the Bill will offer a very great deterrent, and will prevent a continuation of this type of offence.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Section 64A amended—**

Mr. BRADY: I move an amendment—

> Page 2, line 16—Delete the word "two" with a view to inserting the word "one."

For the last four or five years the Act has contained a provision prescribing a fine of £50 or imprisonment for six months for the offence of fraudulently drawing a

cheque not exceeding £50. Under the Bill if a person were to draw a fraudulent cheque for £55 he would be liable to a fine of £250, and that seems to be going from the sublime to the ridiculous. If up to now a fine of £50 has been regarded as sufficient for the offence of fraudulently drawing a cheque up to £50, then a fine of £150 should be ample for the offence of fraudulently drawing a cheque for £55.

Mr. CRAIG: I oppose the amendment. Amounts which are being obtained fraudulently by this means exceed £50 in many cases; in fact, the amounts run into substantial figures. It was considered that the fine should be commensurate with the amounts which are being obtained, and it was suggested that £150 would not be sufficient in some cases. Although the penalty is prescribed at £250, it does not necessarily mean the fine will be that figure, because the £250 is the maximum. The fine imposed by the magistrate might be only £50.

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 3: Section 89B added—**

Mr. JAMIESON: The Minister did not answer my criticism. It is not reasonable that a person should be liable to a fine of £20 for inserting a New Zealand or an English sixpence into a parking meter. This clause states definitely that a person shall not insert anything, other than a coin made and issued under the authority of a law of the Commonwealth. It is not reasonable to pass this type of legislation.

Very often people receive an English or a New Zealand sixpence in change. A man might put the coin away, and subsequently insert it into a parking meter inadvertently. By doing that he would become liable to a fine of £20. This provision in the Bill has been drafted badly; we should not place anything in the Statute which does not indicate to the courts what is really intended. I refer to the vending machine firm which has made an approach to the Government. It might have slot machines that fit the particular size of metal washers which are sold in the stores. In New South Wales where slot machines are used extensively in the clubs under lawful process, the coins rotate and about a dozen coins are in view. As the coins rotate they are seen. This method is adopted to prevent people from using metal slugs. Surely it is the responsibility of the owner of the machine to adopt such methods. Parliament should not be asked to legislate to overcome that problem.

If the practice of inserting slugs into parking meters were rampant, and people were defrauding the Perth City Council, we might have to take action to protect it. If the Minister checked with the Perth City Council he would find it would not be affected by many direct attempts to defraud it. However, he might find there would be more occasions where strange coins—a New Zealand or an English sixpence had been used. If this money were accumulated and cashed at the bank, the Perth City Council would obtain 25 per cent. increase on the money. So I do not think there is any great harm from the point of view of the Perth City Council. A foreign sixpence might even be worth more, but it could be worth less.

This is a bad proposal to place on the Statute book, and I suggest that the Minister should not proceed any further until we get a clearer definition as to where people in the community stand if they use in a machine a coin from another part of the Queen's dominions.

Mr. CRAIG: In my second reading speech I said there was no penalty provided under the Police Act for this type of offence. It was suggested that the particular by-law under the City of Perth Parking Facilities Act would meet the case; and that has been applied, although not in exactly the same verbiage. City of Perth Parking Facilities by-law 60 reads as follows:—

> No person shall insert or cause to be inserted or attempt to insert into the coin slot of a parking meter anything other than the prescribed coin or coins.
>
> For the purpose of this Clause the following coins and none other shall be prescribed coins, namely, a sixpence and a shilling as described in the Commonwealth Coinage Act.

The interpretation, according to the Bill, is as follows:—

> A person shall not insert, or attempt to insert, in any slot machine of which the use or possession is lawful, anything other than a coin made and issued under the authority of a law of the Commonwealth.

We know the range of coins to be used in slot machines cannot be restricted on the same terms as those referred to in the by-law under the City of Perth Parking Facilities Act—namely, sixpence and one shilling—because of the various types of slot machines in use.

In fairness to the honourable member I will make inquiries regarding the point he has made; and if it is considered necessary that something should be done I can arrange for it to be done in another place.

Mr. JAMIESON: In this Bill the reference is to "a coin made and issued under the authority of a law of the Commonwealth." The Commonwealth monetary Act, which is referred to in the City of Perth Parking Facilities Act, provides for reciprocation in currency, but in this case there is no provision for that. I do not think there is any particular hurry to get this legislation through this Chamber, and

it should not pass if it does not do what is intended. At a subsequent time of the year when we are hurrying legislation through due to various causes it might be all right to have an amendment made in another place; but if there is any doubt about a measure, this is the Chamber in which it should be dealt with. I think that in the circumstances the Minister should report progress and have this examined and, if necessary, amend the measure before the concurrence of the Legislative Council is sought.

Mr. CRAIG: This is the first occasion on which I have found it necessary to disagree in the manner in which I now propose to. I sought the co-operation of the honourable member on this point, and I was prepared to co-operate and go further into it. However, he is not prepared to accept that undertaking, and I have no alternative but to proceed and oppose any suggestion that progress be reported.

This amendment was drawn up by Crown Law and the opinion of its officers was shared by the Commissioner of Police. I am influenced by their opinions. They consider the manner in which this Bill is drafted will be sufficient to meet the purpose in a satisfactory way.

Mr. JAMIESON: I would point out to the Minister that this measure does not even name which Commonwealth.

Mr. Guthrie: The Interpretation Act makes it clear.

Mr. JAMIESON: It may make it clear to the legal luminaries regarding reciprocation of coinage.

Mr. Guthrie: The Interpretation Act does not say anything about reciprocation of coinage.

Mr. JAMIESON: It makes allowance for it, even though it may not use the term "reciprocation." The Minister is not willing to co-operate, but is prepared to let the measure pass this House and be amended later on. In fact, he indicated in his last utterance that I was not co-operating so he did not care a hang whether the measure was correct or incorrect.

Mr. BRADY: It would appear the Minister is going to press on with this clause. I was going to ask him to be more reasonable in respect of the penalty of £20 which is set out in the measure, particularly as the Minister admitted that most of the offences are committed by juveniles. Does the Minister think that a juvenile should be fined £20 for putting a lead slug into a slot machine? I think that if he were fined £1, his father would be so mad that he would not do it again.

It was my intention to move that the penalty be £5, as I am not sure that a magistrate will be able to use his discretion as to the amount. I do not know whether the Minister is certain on this point. I think he has taken a stab in the dark. The Police Act uses the words, "on conviction be liable to a penalty of not more than ten shillings" and "on conviction, to a penalty not exceeding ten pounds."

Under this measure, does a magistrate have the right to decide what the penalty will be? I sat on the bench as a J.P. for many years, and I may have done wrong on many occasions. If I saw a straight-out penalty of £5 I always inflicted that penalty; not 5s. or 10s. If the Minister is not sure on this point I would like him to report progress.

Mr. CRAIG: I refer the member for Swan to the Interpretation Act, page 225 of Standing Orders, which reads as follows:—

> The penalty or punishment, pecuniary or other, set out—
>
> (a) in, or at the foot of, any section of any Act; or
>
> (b) in, or at the foot of, any part of any section of any Act;
>
> shall indicate that any contravention of such section or part, whether by act or omission, shall be an offence against such Act punishable upon conviction by a penalty or punishment not exceeding that so set out; . . .

Mr. BRADY: It was very good of the Minister to quote the Interpretation Act, but I would like to ask him whether magistrates and justices of the peace in the various country districts have a copy of that Act when they are imposing penalties.

Mr. Bovell: You just admitted that you do not know your job as a justice of the peace.

Mr. BRADY: I will ask the sniper bird from down around the Busselton area to be more respectful to one of his justices of the peace. I will accept the Minister's word that the Interpretation Act provides for this, but that is not going to deter me from doing what I set out to do. I therefore move an amendment—

> Page 2, line 35—Delete the word "Twenty" with a view to substituting the word "Five".

The intention, of course, is to reduce the penalty for the parent of a child who inserts a lead slug or something else, or a coin other than one of the Commonwealth realm, into a slot machine. Although £5 is still really too much, at least it is an improvement on £20. We must be reasonable.

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

*Remarks during Division*

The CHAIRMAN (Mr. W. A. Manning): Before the tellers tell, I understand the member for Cockburn wishes to be recorded with the Ayes.

Mr. Curran: Yes, please.

*Result of Division*

**Division resulted as follows:—**

| Ayes—15 | |
|---|---|
| Mr. Bickerton | Mr. W. Hegney |
| Mr. Brady | Mr. Jamieson |
| Mr. Curran | Mr. Rowberry |
| Mr. Fletcher | Mr. Sewell |
| Mr. Graham | Mr. Toms |
| Mr. Hall | Mr. Tonkin |
| Mr. Hawke | Mr. Davies |
| Mr. J. Hegney | *(Teller)* |

| Noes—22 | |
|---|---|
| Mr. Bovell | Dr. Henn |
| Mr. Brand | Mr. Hutchinson |
| Mr. Craig | Mr. Lewis |
| Mr. Crommelin | Mr. Marshall |
| Mr. Dunn | Mr. Nimmo |
| Mr. Durack | Mr. O'Connor |
| Mr. Elliott | Mr. O'Neil |
| Mr. Gayfer | Mr. Runciman |
| Mr. Grayden | Mr. Rushton |
| Mr. Guthrie | Mr. Williams |
| Mr. Hart | Mr. I. W. Manning |
| | *(Teller)* |

| Pairs | |
|---|---|
| Ayes | Noes |
| Mr. May | Mr. Nalder |
| Mr. Evans | Mr. Burt |
| Mr. Norton | Mr. Mitchell |
| Mr. Rhatigan | Mr. Cornell |
| Mr. Kelly | Mr. Court |

**Majority against—7.**

**Amendment thus negatived.**

**Clause put and passed.**

**Title put and passed.**

*Report*

**Bill reported, without amendment, and the report adopted.**

## COAL MINES REGULATION ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 31st August, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

**MR. BICKERTON** (Pilbara) [5.17 p.m.]: I agree with this measure so I do not intend to weary the House. As was pointed out by the Minister it is purely a provision to enable those engaged in timber getting solely for the mining industry to come under the Coal Mines Accident Relief Fund. As only nine men are involved, it should not make any difference to the fund itself. I therefore commend the measure and support it.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

## COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 31st August, on the following motion by Mr. Bovell (Minister for Lands):—

That the Bill be now read a second time.

**MR. BICKERTON** (Pilbara) [5.20 p.m.]: The speed with which this Bill passes in this House depends to a large extent on the co-operation of the Minister handling the measure. I feel sure he has co-operated very well in the past on such measures, and I do not expect any trouble from him tonight.

The Bill is primarily—there are other provisions in it—to assist those who were displaced from the Hebe deep mine during the period when it was flooded, and who were forced to find other employment. Those men would, of course, normally be qualified at the age of 60 years for certain pension retirement benefits. It was agreed by the tribunal that should they rejoin the industry, they would have a period of time to pay back, as far as their pension benefits were concerned.

This is a measure which came from another place and it was debated at some length there. As was pointed out by speakers in that other place, the measure which is now before us was really aimed at giving the tribunal the power to receive back payments—if we might call them such—within a period of three years. The Bill states that that three-year period will commence from 1964. By the time this measure goes through, some nine months of the period will have already gone by, so requests were made in the other place to have the period of time—the period of three years—made from the time this measure is actually passed. That will allow a complete three-year period.

I also understand that this was recommended by the tribunal itself, which met after the measure had left another place. The recommendations of the tribunal are, as near as I can see, an amendment which I had discussed with the Minister prior to the measure coming before this house. I consider that the amendment we discussed will overcome the difficulty and will, in fact, bring it as near as possible in line with the recommendations of the tribunal.

Provided the Minister is prepared, when the Bill is in the Committee stage, to insert the amendment which he discussed with me—and I am sure he will be—I am prepared to support the measure.

**MR. BOVELL** (Vasse—Minister for Lands) [5.24 p.m.]: I thank the member for Pilbara for his contribution to this debate. I have a message from the Minister for Mines relating to the amendment. I am informed that it has been discussed

with the Chief Parliamentary Draftsman, and the Government is, in accordance with the discussions I understand the Minister for Mines had with an honourable member in another place, prepared to accept this adjustment if the amendment is acceptable to the member for Pilbara. I suggest that he might care to move it.

The Bill as prepared is acceptable so far as the Government is concerned, but the Minister for Mines has informed me that if an amendment along the lines I have mentioned to the member for Pilbara is moved, the Minister for Mines has recommended that I accept it on behalf of the Government. I have no desire to amend the Bill, but the advice I have is that the Minister for Mines is willing to accept an amendment if it is moved in this Chamber. I will agree to the exact wording which I have conveyed to the member for Pilbara.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4: Section 21A amended —**

MR. BICKERTON: I move an amendment—

> Page 3, lines 19 and 20—Delete all words after the word "the" down to and including the word "sixty-four".

Mr. BOVELL: The member for Pilbara has not indicated to the Committee what the words are which he proposes to insert. Provided he gives me an assurance that they are "date of the commencement of the Coal Mine Workers (Pensions) Act Amendment Act, 1965", I will support his amendment.

Mr. BICKERTON: As I knew very well that the Minister had a copy of what I was reading, I did not bother to advise him further of the words. Lest he think that I would do the wrong thing and leave him with a Bill with a gap in it, I assure him that the words which he read out are the ones to be inserted.

**Amendment put and passed.**

Mr. BICKERTON: I move an amendment—

> Page 3, line 19—Substitute the following for the words deleted:— "date of the commencement of the Coal Mine Workers (Pensions) Act Amendment Act, 1965".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Title put and passed.**

**Bill reported with an amendment.**

## METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

*Second Reading*

**MR. LEWIS** (Moore—Minister for Education) [5.30 p.m.]: I move—

> That the Bill be now read a second time.

This Bill serves a twofold purpose. It places on the City of Perth the same responsibility that all other local authorities within the metropolitan region have of preparing a town planning scheme. It also extends the time within which local authorities are required to submit a scheme to the Minister.

The Town Planning and Development Act defines the metropolitan region as being the area within the districts of the local authorities specified in the third schedule to that Act. The third schedule includes the City of Perth. However, in the drafting of the Metropolitan Region Town Planning Scheme Act the City of Perth was inadvertently omitted from the schedule which lists those local authorities required to prepare town planning schemes under its provisions.

The City of Perth is, of course, the major centre in the region, and one of the basic purposes of the Act is to preserve it as the commercial heart of the metropolitan region. Since such a substantial proportion of the scheme is directed towards this city it would be incongruous if the city planning was not co-ordinated with the planning of the whole region. It is therefore proposed to regularise the position by bringing the City of Perth within the scheme.

Under the existing legislation local authorities appearing in the schedule to the Metropolitan Region Town Planning Scheme Act were required to submit schemes for approval within one year of the Metropolitan Region Scheme coming into operation. Since the region scheme came into effect on the 30th October, 1963, all local authorities should have submitted their individual schemes by the 30th October, 1964. As it would now be impossible for the City of Perth to meet this requirement it is proposed to extend the period to three years, thus giving the City of Perth until the 30th October, 1966, to comply.

This will also regularise the position of some other local authorities which, although well advanced in their planning, have yet to submit schemes. Lack of suitably trained staff has been a major factor in this delay; and in view of the large number of schemes requiring preparation or amendment under the legislation—27 in all—it may well be that

further extensions of time will be required by some authorities. Provision has therefore been made in the Bill for the Minister to grant extensions in individual cases.

**Debate adjourned, on motion by Mr. Toms.**

## PLANT DISEASES ACT AMENDMENT BILL

*Second Reading*

**MR. LEWIS** (Moore—Minister for Education) [5.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill is intended to simplify the procedure that follows when a person fails to register his orchard. The Plant Diseases Act requires every owner or occupier of an orchard on which one or more fruit trees are growing to register the orchard with the Department of Agriculture annually. Registration is due on the 1st July in each year, and a month is allowed from that date in which persons shall register their fruit trees. In practice, no action to prosecute for failure to register is usually taken by the department until registrations are at least 12 months in default.

Breaches of this requirement of the Act are widespread, and nearly 600 prosecutions are undertaken each year. An analysis of the fines imposed indicates that they vary from £1 and costs to as much as £5 and costs in exceptional cases. A most undesirable feature, and one that has caused a great deal of dissatisfaction to the public, is that often court costs are considerably more than the fine, and average in the vicinity of £2 14s. as compared with a fine of £1.

In addition, the associated procedures of serving the summons, court appearances, and charging of court costs create considerable inconvenience and bad public relations with the Department of Agriculture. Added to this is the cost to the department of preparing the cases for legal action, and of officers attending the court as witnesses. It has been estimated that it takes two or three hours to prepare each complaint, and attendance at court may involve nearly half a day. The aggregate cost to the department each year is therefore considerable and far in excess of the fines imposed. This amendment will give a person who has failed to register his orchard the opportunity to pay a nominal fine of 10s. instead of a court hearing.

The time in which a person may register has been extended to two months, and then, should there be a failure to register, the Director of Agriculture shall have a notice served on the orchard owner or occupier indicating that he has not registered and therefore an offence has been committed.

Mr. Jamieson: Does the department send out notices when the registrations are due?

Mr. LEWIS: Not in all cases. A warning will accompany the notice indicating that if the orchard is not registered within 21 days of the service of the notice, together with the payment of the 10s. penalty, then action to prosecute the offender will be taken in the court of petty sessions in the usual way.

I would also indicate I will direct that a reminder be sent to people receiving such a notice that they may take advantage of the opportunity to register their orchards for five years in advance at a cost of 10s., in the case of the usual backyard orchard, and in such an event a notice of the expiry of the registration after five years will be sent to every person.

Mr. Jamieson: You would be better off if you lifted it 1s. a year and sent the notice to everyone.

Mr. LEWIS: This amendment will be of considerable benefit to the general public and the Department of Agriculture, and reduce the time taken up by the Crown Law Department and the courts in handling these matters.

The opportunity has been taken at this time to tidy up the Plant Diseases Act by repealing section 41 which deals with the publication, effect, and disallowance of regulations. These powers are adequately covered by section 36 of the Interpretation Act and it is not necessary to cover them in individual Acts.

**Debate adjourned, on motion by Mr. Rowberry.**

*House adjourned at 5.41 p.m.*

# Legislative Council

Tuesday, the 7th September, 1965

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