

Mr. SMITH: Where are cooked meat shops and fish and oyster shops exempted from having to close at 6 p.m.?

The CHAIRMAN: Not under this clause.

Hon. P. Collier: They are provided for in the Bill. They can keep open till 11 p.m.

Mr. SMITH: Under which clause?

Mr. Willecock: Under Part 2 of the Fourth Schedule.

Mr. SMITH: That schedule does not say what hours these shops may keep open. They are not even mentioned in the other exempting clause, Clause 111.

Mr. Willecock: Provision is made for them in some part of the Bill.

The CHAIRMAN: Order! I cannot allow this discussion to proceed any further.

Progress reported.

### ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- (1), Parliament (Qualification of Women).
- (2), Westralian Meat Works.
- (3), Supply (No. 2), £350,000.
- (4), Carriers.

*House adjourned at 11.32 p.m.*

## Legislative Council,

*Wednesday, 10th November, 1920.*

	PAGE
Questions: Butter from the Eastern States ...	1525
Repatriation, preference to returned soldiers ...	1525
Veneral diseases, compulsory examinations ...	1525
Leave of absence ...	1526
Bills: Treasury Bonds Deficiency, 3a. ...	1526
Nurses' Registration, recom., report ...	1526
Opticians, 2a. ...	1527
Guardianship of Infants, 2a. ...	1532
City of Perth Endowment Lands, com. ...	1533

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

### QUESTION—BUTTER FROM EASTERN STATES.

Hon. J. DUFFELL asked the Minister for Education: Have the Government acquired the whole or any part of the butter imported from the Eastern States and, if so,

on what terms as regards quantity and price? If the answer to this question is in the affirmative, what is the reason for this action?

The MINISTER FOR EDUCATION replied: 1, No, but the Government by guarantee have assisted the committee of the West Australian Butter Factories' Association to purchase 250 boxes at landed cost, viz., 2s. 7½d. lb. 2, To assist the local butter factories in marketing their product.

### QUESTION—REPATRIATION, PREFERENCE TO RETURNED SOLDIERS.

Hon. J. E. DODD asked the Minister for Education: 1, Have the Government provided in contracts made by them, such as the Wheat Marketing Agreement and others, for preference to returned soldiers? 2, If not, will they insist upon the principle of preference being observed in all future contracts?

The MINISTER FOR EDUCATION replied: 1, No. 2, Yes, where practicable.

### QUESTION—VENEREAL DISEASES, COMPULSORY EXAMINATIONS.

Hon. J. E. DODD asked the Minister for Education: 1, Is it a fact that the Commissioner of Public Health has used the power of taking action on secret information under Section 256 of the Amending Health Act, 1918, against women only? 2, Of the 40 women who were compelled to submit to medical examination since the Act came into force, who pays the expenses in the following cases:—(a) the six women found to be free from infection; (b) the two women who were doubtful; (c) the woman whose case is pending? 3, Are the women who were wrongfully required to undergo bodily examination unable to ascertain on what grounds the Commissioner of Public Health had reason to believe they were suffering from venereal diseases, and have they the means of ascertaining on whose information he acted? 4, Upon what grounds do the Health Department claim that the provisions of the Act in relation to compulsory treatment are operating successfully, when only 26 cases out of 40 suspects have been subjected to treatment?

The MINISTER FOR EDUCATION replied: 1, The Commissioner has not differentiated in the action taken. In one case a statement implicated a man, but despite every effort to trace him he was not located. 2, In all cases mentioned persons had the right to go to the district medical officer or public hospital and be examined there gratis. This information was conveyed to each person when first approached on the matter. It is incorrect to state that six women were found to be free from infection. In each of these cases one negative examination was made. Such negative ex-

amination is by no means proof of freedom from infection, but no further action was deemed advisable by the Commissioner. The Commissioner would refund all expenses incurred by any person who was able to bring forward evidence that he or she was not infected. 3, These women were not wrongfully required to undergo examination, as will be gathered from the reply to the previous question. In only one case has the Commissioner been asked to disclose the information upon which he acted. If any case were unjustly treated as a result of false information being received, the Commissioner would take action under Section 256, Subsection 9, of the Act, against the informant. 4, (a) That the Act itself has had a very wide educative influence. (b) That but for its provisions numbers of persons would not have placed themselves under treatment. (c) That every person undergoing treatment is informed as to the nature and the dangers of venereal disease. (d) That many hundreds of persons who ceased treatment have, through the provisions of the Act, been followed up and returned to treatment.

#### LEAVE OF ABSENCE.

On motion by Hon. J. Ewing, leave of absence for 12 consecutive sittings granted to Hon. J. A. Greig (South-East) on the ground of ill-health.

#### BILL—TREASURY BONDS DEFICIENCY.

Read a third time and *passed*.

#### BILL—NURSES REGISTRATION.

##### Re-committal.

On motion by Hon. A. Lovekin, Bill re-committed for the further consideration of Clauses 2 and 6. Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

##### Clause 2—Nurses Registration Board:

Hon. J. E. DODD: I move an amendment—

That in line 2 of Subclause 5 the words "except in the case of a medical practitioner" be struck out.

The carrying of the amendment will mean the appointment of the board by the Governor on the nomination in the prescribed manner by the registered nurses.

Hon. Sir E. H. WITTENOOM: Will it mean that the appointment of a medical man shall be made on the nomination of the nurses?

Hon. J. E. DODD: Yes.

THE MINISTER FOR EDUCATION: The position contemplated by the Bill is that the board shall consist of five members, one being the Principal Medical Officer, another a doctor, and three nurses. The intention is that the doctors shall be appointed by the

Governor without any special recommendation from anybody, and that the three nurses shall be appointed by the Governor on the nomination of the nurses themselves. The carrying of the amendment will mean that the whole of the board, with the exception of the Principal Medical Officer, shall be appointed on the nomination of the nurses. I do not know that there is any very strong objection to it, but on the other hand I think the nomination of the medical man should be an independent nomination by the Governor.

Hon. Sir E. H. WITTENOOM: I will support the clause as it stands. If the nurses have a majority of one on the board they will practically have the command of the situation, and, therefore, I think it will be better, especially in the early stages of the operation of the Bill, to have the clause as it stands.

Hon. A. H. PANTON: I support the amendment. In my opinion the board should be elected by the registered nurses, and I see no reason why the Government should have the appointment of two representatives on the board. The appointments are only for one year, after all.

Hon. A. J. H. SAW: I do not think it is important whether the Government or the nurses make the appointment, but as I have no objection to the Government doing this I will support the clause as it stands.

Amendment put and negatived.

New clause:

Hon. A. LOVEKIN: I move—

That a new clause to stand as Clause 6 be inserted as follows:—"Notwithstanding anything in this Act contained, any person who during the late war has served with any recognised nursing corps for a period of two years or more shall be entitled to be registered under this Act."

Nearly all the nurses we sent away from Western Australia were trained nurses, but there were hundreds who were not trained but who volunteered for service and did magnificent work.

Hon. A. J. H. SAW: The V.A.Ds.

Hon. A. LOVEKIN: These ladies should not be deprived of an opportunity of being registered under the Bill when they have gained so much valuable practical experience at the Front.

Hon. A. J. H. SAW: Not in the A.I.F.

Hon. A. LOVEKIN: I know of two ladies from Western Australia who served as nurses in France. One of them did so for over two years. Such ladies should have gained far more experience in two years than others could have gained in five years in an ordinary hospital.

Hon. A. H. PANTON: I oppose the new clause. The hundreds of women referred to by Mr. Lovekin were members of the V.A.D. Indeed, there were thousands of these women who rendered valuable service, but their duties were simply to assist trained nurses.

Under Mr. Lovakin's proposal it would be possible for hundreds of the V.A.D. nurses to be registered as trained nurses, when for the most part they have had no experience except possibly in dressing small wounds. There is no necessity for the new clause to cover qualified nurses, because the Bill will do that.

Hon. A. J. H. SAW: Every nurse who went away in the A.A.M.C. was fully certificated. Numbers of young ladies obtained positions with the V.A.D. I have the utmost admiration for the work of that body, but they did not do work which entitles them to the privileges contained in the Bill. The duties the V.A.D. nurses were called upon to perform were mostly of a domestic nature, and not of a kind to entitle them to rank with trained nurses.

Hon. A. LOVEKIN: The two ladies I refer to told me that they did nursing work. One was in charge of a ward at night time and attended scores of operations. Their experience ought to entitle them to be registered as nurses here.

New clause put and negatived.

Bill again reported without amendment and the report adopted.

## BILL—OPTICIANS.

### Second Reading.

Hon. J. NICHOLSON (Metropolitan) [4.55] in moving the second reading said: The purpose of the Bill is disclosed by the title, which states that it is for an Act to provide for the registration of opticians and to regulate the practice of optometry and for other relative purposes. Optometry is defined in Clause 2 as meaning the employment of methods, exclusive of drugs, medicine, and surgery, for the measurement of the powers of vision and the adaptation of lenses for the aid thereof. This profession, known as the optician's profession, is, I believe, of ancient foundation, dating back for nearly 700 years. The members of this profession in Western Australia, as in other countries, have a natural pride in its ancient foundation, and are just as anxious as members of that profession in other places to advance and raise the standard of their work. In keeping with the general progress of events, the optician, as we know him to-day, in well regulated communities, has advanced in knowledge and practice in that profession to a high degree of efficiency. Any respected member of that profession can be relied upon for skill in his department, just as is the case with members of other professions. It has been found, as in other cases, that the public have to be protected against the unskilled practitioner or quack. Legislation has been found necessary in various professions, for example in the legal, medical, dental and other professions, to safeguard the public against this sort of thing. The public are exposed to risk in regard to opticians, and cases

are not unknown where serious danger has resulted to people from following the treatment of men quite unskilled in dealing with the sight of that important organ, the eye. One is somewhat amazed when considering that no protection is afforded to the public from opticians, notwithstanding that past Governments have exercised what they regard as a very necessary care in connection with such a trade as the plumbing trade. No person can even alter a water tap in his garden without having a duly licensed or qualified plumber to carry out that operation. Here is an important organ of the body—the eye—which, if treated by someone unskilled, may lead to most harmful and dire results, and yet no protection has been afforded the public so far. At the present time any person in Western Australia without any previous training or knowledge, may practise as an optician, and the danger of allowing an unqualified man to carry on the work will be apparent to everyone. An unqualified, inexperienced man may do irreparable harm to the public, and unless legislation is passed, the danger is bound to become greater. For example, it is known that hawkers offer spectacles for sale and pretend to a knowledge of eyesight which they do not possess. Persons are known to buy spectacles worth only a few shillings at a cost of several pounds. These spectacles may do serious damage to the eyes. Complaint has been made, I understand, through the police in regard to this class of business, but, so far, no means have been found to prevent it. The Bill, by Clause 22, Subclause 2, is aimed directly against this class of business. I would refer members in passing to that clause. It states that—

Subject to this Act, any registered optician shall be entitled to practise optometry and to dispense medical practitioners' prescriptions for spectacles. After the expiration of six months from the commencement of this Act, no person who is not a registered optician shall practise optometry or dispense medical practitioners' prescriptions for spectacles.

The penalty provided is £50. This is in keeping with provisions in Acts in force in other States, to which I will refer later on. The mere selling of spectacles as merchandise is not prohibited. Under Clause 35 of the Bill, it will be found that nothing in the measure shall apply to anyone who sells spectacles as merchandise, and who does not practise or profess to practise as an optician. In that way, therefore, in the country districts where people have not the facilities or opportunities to consult someone of experience, if they choose to take the risk, they can go to their local store or to some other place where spectacles are vended, and buy a spectacle to suit their requirements, and those shopkeepers will be permitted to carry on that business.

Hon. Sir E. H. WITTENOOM: Does that include testing the eyesight?

Hon. J. NICHOLSON: If he tests the sight, he becomes an optician.

Hon. Sir E. H. Wittenoom: You can hardly sell spectacles without testing the sight.

Hon. J. NICHOLSON: The storekeeper may give the person a pair of spectacles and say, "Try these; see if they fit you."

Hon. A. Lovelock: Would not that be testing?

Hon. J. NICHOLSON: No. The man simply buys an article. Such a man would not be put through the usual test for refraction of the eyesight, which is usual in the case of an optician.

Hon. J. J. Holmes: It is customary to go into a shop and pick up glasses and see if they fit you.

Hon. J. NICHOLSON: That position is safeguarded in the Bill. There are many places in the country where there are no opticians practising, and storekeepers are in the habit of stocking these articles. If a man chooses to take a risk and buy spectacles from them, that is his risk. Such a man could take an opportunity when he came to a centre where there is an oculist or optician practising, to get his eyesight tested, and get proper glasses to suit him. In other States, the sellers of spectacles have been dealt with. In at least two of the States where such laws are enforced the sellers of spectacles are licensed, so that some check may be placed on them and on unlicensed hawkers.

Hon. A. Sanderson: Which States are those?

Hon. J. NICHOLSON: Queensland and South Australia.

Hon. A. Sanderson: Are you certain on that point?

Hon. J. NICHOLSON: I think that is correct, but I will verify the statement later on. In the South Australian Act, the provision dealing with this aspect reads as follows:

Subject to this Act any person of or over the age of twenty-one years shall, upon payment of the prescribed fee, be entitled without examination to be registered as a spectacle seller, and to receive a license in that behalf from the board. Any person not being a licensed spectacle seller under this Act who sells spectacles by retail shall be liable to a penalty not exceeding Ten pounds. Nothing in this Act shall be construed to authorise or permit spectacle sellers who are not certified opticians to practise optometry or to dispense oculists or opticians' prescriptions for glasses.

Hon. A. Sanderson: Which Act is that?

Hon. J. NICHOLSON: The South Australian Act of 1919.

Hon. A. Sanderson: There was one passed in 1920.

Hon. J. NICHOLSON: That may be an amending Act. There is an Act in force in Queensland, and Section 10 of that Act deals

with the matter on similar lines to the section I have quoted from the South Australian Act. They apparently copied the provision from that measure. Evidently in those States it has been considered desirable to have some check provided, and so they have registered these people. We have not, however, sought to place any restraint under the Bill upon anyone selling these articles merely as merchandise. There are three Australian States where legislation is in force, namely, South Australia, Queensland, and Tasmania. I am informed that legislation is to be introduced shortly in Victoria and New South Wales.

Hon. A. J. H. Saw: By the Government?

Hon. J. NICHOLSON: I cannot say by whom. It is intended to introduce Bills to deal with the matter. In 44 of the 48 States in America, legislation is in force dealing with this question, and in several States in Canada—I am not sure of the number there—legislation is also on the Statute books. At the present time, we afford privileges here to the hawkers and quacks in the shape of a happy hunting ground, and it is proposed to extend under this Bill some measure of protection to the public, and to prevent the business of hawking and the establishment of quacks in this particular profession. It may be contended that the Bill is one which is prompted for the benefit of those engaged as opticians in this State. This is not the case. A perusal of the Bill will show that what is really sought is to secure efficiency among those practising this particular profession and to prevent the quack practising.

Hon. Sir E. H. Wittenoom: It is philanthropic.

Hon. J. NICHOLSON: There is nothing philanthropic about it at all. Those who are engaged in this profession are naturally desirous of raising the standard of their calling, and in doing that they are assuring to the public a higher degree of efficiency than is possible in existing circumstances. If that efficiency is not provided, then the public must go on dealing with men who have no knowledge of a profession which calls for some skill. The various clauses in the Bill emphasise what I have stated as to the intention and purpose of the measure. In the first place, I refer members to those parts of the Bill which prove the strength of my words. Under Clause 25 it is provided that—

Registration under this Act shall not confer upon any person any right to, and no registered optician shall—(a) Assume the title or designation implying that he is by law recognised as a medical practitioner, or that he is qualified to practise ophthalmic medicine or surgery; or (b) administer any drug for the purpose of paralyzing the accommodation of the eye; or (c) Sell, supply, or prescribe any drug or patent medicine. Penalty: Twenty pounds. There is nothing, so far as I understand, to prevent any man who examines the eye

from administering a drug with a view to testing the eye, at the present time. Respectable opticians have no desire to, and certainly do not transgress in this way, because they regard that act as transgressing upon and invading the field of operations of the oculist or eye specialist. The administration of a drug is never resorted to by respectable opticians and, by way of proving that the measure is to secure greater protection to the public, it will be seen that by this clause they specifically exclude themselves from doing what at the present time it is possible for them to do.

Hon. A. J. H. Saw: At their own risk.

Hon. J. NICHOLSON: That may be so.

Hon. A. J. H. Saw: A man may give poison at the present time—at his own risk.

Hon. J. NICHOLSON: But in this clause they have specifically excluded themselves from any possibility of doing as I suggest. Regarding efficiency, it is provided that opticians will have to pass certain tests and examinations. Clause 21 sets out the qualifications for registration. It reads—

Subject to this Act, any person of or over the age of twenty-one years being a natural born or naturalised British subject who—(a) is, at the commencement of this Act, a member of the Western Australian Optical Association Incorporated—There is an association in existence, and it is proposed that members of this association shall be entitled to registration.

Hon. F. A. Baglin: Preference to unionists.

Hon. J. NICHOLSON: There is no question of preference to unionists. All that is desired is to provide skilled men. No preference is given, because the hon. member himself might qualify. If this measure is passed anyone may qualify; it will be quite open to anyone to gain the qualification prescribed.

Hon. F. A. Baglin: That clause gives preference.

Hon. J. NICHOLSON: It does not give preference. It is necessary that with all associations of this kind a start should be made. I would impress on members that, with regard to every Bill of this nature which has come before Parliament, it has been necessary to have a starting point. Usually the need for legislation is discovered when a certain membership is in existence. Therefore it is only right to make a starting point with those who are actually engaged in practice at the time. Such men have proved by their practice that they are entitled to some consideration. Clause 21 continues—

(b) before the commencement of this Act has been engaged, as a principal, manager, or assistant, for at least three years in the practice of optometry, and has for the three months immediately preceding such commencement been continuously resident in the State, and applies for registration within three months after such commencement; or (c) has been employed as an apprentice or engaged in the manufacture of spectacles and spectacle lenses in the

business of an optician for a period of at least three years and passes the prescribed examination; or (d) proves to the satisfaction of the board that he holds a certificate or diploma of competency as a sight-testing optician, from a society, college, or board of opticians recognised by the board by its regulations; or (e) before the commencement of this Act has been engaged as a principal in the practice of optometry, or has been employed as a manager or assistant in optometry, and passes the prescribed examination, and applies for registration within twelve months after the commencement of this Act, shall be entitled, on payment of the prescribed fee, to be registered as an optician and to receive the prescribed certificate of registration: provided that the board may refuse any application based on any ground other than membership of the said association, if it shall appear to the board that the applicant is not of good character.

Clause 26 provides that no person shall be apprenticed to a registered optician unless he has first obtained from the board the prescribed certificate of educational fitness. This is the usual thing with all apprentices. Articled clerks have to pass an examination to show that they have capacity and a knowledge of general subjects which will fit them to discharge their duties to the satisfaction of the people with whom they will come in contact. The Bill also seeks to restrain opticians from doing things which to-day they are free to do. Clause 24 sets forth that no registered optician shall solicit business or engage in the hawking of spectacles.

Hon. A. J. H. Saw: Cannot they advertise?

Hon. J. NICHOLSON: There will, I assume, be no advertising. There is a provision to regulate advertising, the same as applies to the medical profession. I understand that, under the rules of the Medical Association, advertising can be regulated, and so provision is made in this Bill for the passing of rules to regulate advertising.

Hon. Sir E. H. Wittenoom: Why should not opticians advertise?

Hon. J. NICHOLSON: It is for the board to pass rules to regulate advertising. Clause 27 reads—

No registered optician shall practise or keep or permit to be kept any open shop or place of business for the practice of optometry or dispensing of prescriptions for spectacles, otherwise than in his own name, or the name of himself and his registered partners, and under the actual personal supervision and management of himself or of another registered optician.

The idea is to prevent mischief which I believe has manifested itself in certain other professions where men have been in the habit of carrying on the practice of their profession under a company name with one registered practitioner, and having a big institution with men, who probably are not qualified, to assist.

Hon. A. J. H. Saw: That would prevent Boans' from having an optical department.

Hon. J. NICHOLSON: No.

Hon. A. J. H. Saw: Of course it would.

Hon. J. NICHOLSON: It would not prevent them from selling spectacles and lenses. We have read in the Press of this practice obtaining with regard to dentistry. We know that companies have carried on business, and so long as they had one qualified man, they could carry on as big an institution as they chose with as many assistants as they deemed requisite to meet the business. The question is whether the carrying on of such institutions, except by qualified men, is advisable in the public interest. Would any member, if suffering from some eye trouble, care to go to an institution of that kind and be attended to by a man who did not possess the necessary qualifications? The only way whereby we can feel that we are getting proper results is to provide that no one shall carry on business otherwise than under his own name, and that each of the persons who carry on business shall be duly qualified opticians.

Hon. A. Sanderson: Did you say that this was copied from the South Australian Act?

Hon. J. NICHOLSON: Not this particular section.

Hon. A. Sanderson: Is there an Opticians' Act in South Australia?

Hon. J. NICHOLSON: Yes.

Hon. A. Sanderson: Are you certain?

Hon. J. NICHOLSON: Very certain. The hon. member himself referred to it as having been passed in 1920.

The PRESIDENT: I would ask hon. members not to conduct conversations.

Hon. J. NICHOLSON: I have referred to Clause 21.

Hon. Sir F. H. Wittenoom: Do I understand that every person in the establishment must be qualified?

Hon. J. NICHOLSON: Not every one, but if a man is carrying on business as an optician, he must be qualified. If he has a partner, the partner must be qualified.

Hon. J. J. Holmes: Whether he takes an active part in the business or not?

Hon. J. NICHOLSON: If he is carrying on business and another man is held up as his partner in the business, that man must certainly be qualified; otherwise he would be a menace to the public.

Hon. J. J. Holmes interjected.

Hon. J. NICHOLSON: The hon. member would take the usual security, a bill of sale over the premises and chattels, to safeguard himself.

Hon. J. J. Holmes: I would not be competent.

Hon. J. NICHOLSON: It would not be desirable for the hon. member to become a partner in such a profession, unless he had qualified by examination.

Hon. J. J. Holmes: Not a sleeping partner?

Hon. J. NICHOLSON: That is not desirable any more than in the legal profession.

What possible hope would the hon. member have of entering into partnership with a duly qualified legal or medical man?

Hon. J. Duffell: For the simple reason that he has not to carry any stock. The optician does carry stock, machinery and lenses, all of which cost money.

Hon. J. NICHOLSON: It does not matter whether stock is carried or not. The stock of an optician might not be so very costly. Probably it would be less costly than the stock which a legal man would require. I do not think it would be desirable in the interests of the public that power should be given to any person to join in a partnership unless he himself held the necessary qualifications. I referred to the qualifications which are necessary, and I emphasise the fact that a start must be made with someone. The board has to be constituted and the board must be drawn from some persons, and the only chance of getting a board is to draw from the men who are now practising. It has been the invariable rule with regard to all similar enactments for a like procedure to be adopted. Take the Legal Practitioners Act, of which I can speak with some degree of authority. It will be found that when the law was first passed a board was necessary, and it had to be drawn from some source, and it could only be drawn from the members of the profession then practising. The same applies to other professions. Dr. Saw will agree that when the first legislative enactment dealing with medical men came into force they had to draw their board from the practising medical practitioners of the day. One might go back to the history of many of these institutions and find how they originated. I may give one instance of how a certain well-known legal body in Scotland started its existence. It is the body known as writers to the signet. Many years ago there were in existence in Scotland a number of men who were known as clerks to the signet. The duty of those men was to pass documents which required to have the King's signet attached. They gradually became more numerous, as the volume of business increased. Amongst the documents which required to have the King's signet or seal attached were such things as summonses issued through the Supreme Court. Just as the clerks in our Supreme Court issue those documents at the present time and affix the seal of the Supreme Court to them, so in those earlier years the clerks of the signet did this duty. These men became more or less experts in connection with those particular documents, and with the necessary procedure relating to them. As time went on they thought it desirable that they should form themselves into some sort of corporate body, giving them power to practise as legal practitioners. In the course of years they did receive a charter from the Government, and it is on the foundations of that charter, I believe, that this body is still in existence to-day. The term now used is

"writer to the signet"; and the writers to the signet are a very distinguished body of legal luminaries. That is an instance of how an institution of the kind comes into being. The writers to the signet started without having any legal training, and without having passed examinations; but a start had to be made. So with the opticians here; a start has to be made. One can only start with the men who are in practise as opticians to-day. I maintain, therefore, that the proper course is to draw the board from the men who are proved of good reputation, and proved to have been in practise as opticians, as is assured in this instance by their being members of the recognised association. Some correspondence has appeared in the Press between the local branch of the British Medical Association and the promoters of this Bill. I submit that members of this House have nothing to do with any differences of opinion disclosed in that correspondence, but are here to see as far as possible that whatever legislation may be passed shall be of a beneficial character.

Hon. A. Sanderson: Like your Divorce Bill.

Hon. J. NICHOLSON: I do not know what the hon. member alludes to. I have nothing to do at present with the Divorce Bill, which, however, is all right, subject to a very slight modification which can easily be made. I think the hon. member is utterly out of order in making such a suggestion. However, my contention is that we have absolutely nothing to do with the differences of opinion existing between the people who have indulged in the newspaper correspondence.

Hon. A. H. Panton: Not even if it comes to expert advice?

Hon. J. NICHOLSON: We are entitled to take expert advice, but it is not my intention to go into the merits of that correspondence. I propose to leave hon. members to decide the one simple question, whether in the public interest it is desirable that there should be some protection afforded such as this Bill is designed to give to the public? I feel sure that hon. members, if they weigh fully the provisions of this Bill, will recognise that in the public interest it is desirable that people who are allowed to practise as opticians should be men as fully qualified as it is possible to get them. The more highly qualified opticians are, the better it will be for the safety of the public; and in the interests of the public I claim that I am entitled to ask the support of hon. members for this Bill. As a fact, the whole question of the divergent views between the medical profession and leading opticians has been gone into fully in another State, namely Queensland, where a select committee investigated the subject in 1917, prior to the passing of the Act, corresponding to this Bill, which is now in force in that State.

Hon. A. J. H. Saw. Do you approve of all Queensland legislation?

Hon. J. NICHOLSON: No. I am not here to advance arguments in favour of

Queensland legislation, but I am here for the purpose of asking hon. members to consider this Bill fully and with due regard to what I have said. In that connection I ask them to take the opportunity of perusing the evidence given before the select committee, and to note the results of that select committee's inquiries.

Hon. J. Cornell: We have provided legislation for horse doctors; why not for eye doctors?

THE PRESIDENT: Order!

Hon. J. NICHOLSON: I mentioned the case of the veterinary surgeon, and I also alluded to the case of the plumber. One cannot alter the water tap in one's garden without calling in a licensed plumber. But at the present time anyone may test eyesight and operate on the eye. Men of all types have been seeking to pose as opticians, and, therefore, the passing of this Bill will protect the public against dangers which now beset them. Before referring to the clauses of the Bill particularly, I again ask hon. members, if they have any doubt as to the wisdom of passing this measure, to read the evidence given before the select committee in Queensland.

Hon. A. H. Panton: Where can we get it?

Hon. J. NICHOLSON: In the Parliamentary library. Notwithstanding that certain evidence was given by medical men, that select committee unhesitatingly came to the conclusion that the Bill was a good one, and Parliament passed it, and the Act is in force in Queensland to-day. Moreover, there are similar Acts in force in the two other States I have mentioned. Now I will refer briefly to various clauses of the Bill. Clause 2 furnishes definitions, and the definitions are similar to those contained in the Acts of the other States, with the exception that where this Bill refers to "registered optician" the Acts refer to "certified optician." Clauses 4 to 15 deal with the proposed board, and are on a line with what is usual in the case of similar boards. Provision is made for the keeping of a register in more or less the usual form. Clauses 16 to 20 deal with that subject. Clauses 21 and succeeding clauses deal with matters which are pertinent to registered opticians. Clauses 22 and 23 are important. Clause 22 reads—

(1) Subject to this Act, any registered optician shall be entitled to practise optometry and to dispense medical practitioners' prescriptions for spectacles. (2) After the expiration of six months from the commencement of this Act, no person who is not a registered optician shall practise optometry or dispense medical practitioners' prescriptions for spectacles. Penalty: fifty pounds. (3) No person other than a registered optician shall be entitled to sue or counterclaim or set-off or recover any charge or remuneration for any optometrical service or advice rendered or given more than three months after the commencement of this Act, or for dispensing any such prescription as aforesaid

after the expiry of such period. (4) Nothing in this section shall be construed to prohibit any person from engaging in the actual craft of lens-grinding and spectacle-making or being paid therefor.

Clause 23 reads—

After the expiration of six months from the commencement of this Act, no person who is not a registered optician shall (a) assume or use the title of "optician" or any other title declared by the regulations to be equivalent thereto; or (b) use or exhibit any title, term, or sign which may be construed to indicate that he is qualified to perform the duties of a registered optician or to dispense prescriptions for spectacles; or (c) use or exhibit any title, term, or sign implying or tending to imply or convey the belief that such person is qualified or authorised to test eyesight or that sight-testing is practised, carried on, or performed by such person. Penalty: twenty pounds.

I have already referred to Clauses 24, 25, 26, and 27. Clause 28 provides—

No registered optician shall practise who has not an established place of business within the State of Western Australia. Penalty: ten pounds.

I think that is a very wise provision. Then there are various miscellaneous clauses. Clause 29 deals with examinations. Clause 30 deals with the registration fees payable to the board. Clause 31 provides for the keeping of the board's accounts. Clause 32 relates to the recovery of money due to the board. Clause 33 provides that no member of the board shall be paid for his services as a member, but that the board may appoint any member to be an examiner and pay him for his services as such. Clause 34 is an important clause—

No person, whether a registered optician or not, and no corporate body, shall take or use or have attached to or exhibited at any place of residence or business (either alone or in combination with any other word or words or letters) the words "Optical Company," or "Optical Institute," or "Optical Hospital," or "Optical College," or "College of Opticians," or "School of Opticians," or any similar words; provided that this section shall not apply to any institution established solely for purpose of education or research. Penalty: twenty pounds.

The idea is to prevent people carrying on business and calling themselves optical something or other—names which are sometimes used to mislead the public. The object of the Bill is to compel a person carrying on business to do so under his own name. It is a wise provision, because people will know then with whom they are dealing. Clause 35 is a saving clause and provides that the Act shall not apply to any person who sells spectacles as merchandise, and who does not practise, or profess to practise, as an optician.

It also sets out that the Act shall not apply to a registered pharmaceutical chemist who is also a registered optician, but it permits him to do anything a chemist may lawfully do, provided that he does nothing as an optician which is inconsistent with the Bill. The remaining clauses deal with offences and regulations.

Hon. J. Duffell: Do you think there is a necessity for the Bill?

Hon. J. NICHOLSON: There is a great necessity for it. I understand that many members of the public learn with surprise that opticians are not registered in Western Australia. Many people have expressed the opinion that they were under the impression that opticians were registered in the State and had to submit themselves to examination, just as those who followed other professions. What would the legal and medical, and other professions as well have been but for the protection afforded them by legislative enactment? The law provides that those engaging in most of the professions shall be qualified people, and it also provides that those who wish to engage in a profession shall first undergo a course of study and pass examinations. Is it not better for the public that those who engage in professions should be qualified rather than that they should be inexperienced men who have not been obliged to submit themselves to a test. I submit the Bill for the favourable consideration of hon. members and move—

That the Bill be now read a second time.

On motion by Hon. A. J. H. Saw debate adjourned.

## BILL—GUARDIANSHIP OF INFANTS.

### Second Reading.

Debate resumed from the previous day.

Hon. J. NICHOLSON (Metropolitan) [5.50]: I secured the adjournment of the debate in order to compare the measure with the English Act which was passed in 1886. I have had the opportunity of perusing the English Statute and I find that in a large measure the Bill is identical with it. The measure is a useful one and I intend to support the second reading. Clauses 1 to 6 are practically in accord with the provisions of the Guardianship of Infants Act in force in England. Clauses 7 and 8 are not in the English Act, but I believe are in the South Australian and New Zealand Statutes respectively. I am in agreement with those clauses also. Clause 9 is in the English Statute. The passing of the Bill will in many ways confer on mothers a boon which has been denied to them for a long time. There is no question as to their natural claim to guardianship over their children. There is nothing in the Bill to destroy or take away the father's right. The child's interests, too, are safeguarded by the provisions of the



Bill and I trust it will receive the endorsement of hon. members.

On motion by Hon. J. Duffell debate adjourned.

## BILL—CITY OF PERTH ENDOWMENT LANDS.

In Committee.

Hon. J. EWING in the Chair; the Minister for Education in charge of the Bill.

Clauses 1 to 12—agreed to.

Clause 13—Powers of council over tramways:

Hon. A. LOVEKIN: An amendment to this clause appears in my name on the Notice Paper, but I do not propose to submit it to the Committee until after Clause 47 has been disposed of. The Bill might then be recommitted for the consideration of the amendment.

Clause put and passed.

Clauses 14 to 24—agreed to.

Clause 25—Government right of purchase.

Hon. A. LOVEKIN: I move an amendment—

That the following words be struck out of the proviso:—"or portion thereof sustained in operating such tramway during a period not exceeding the first seven years after completion" and "involved in any year preceding the date of purchase" be inserted in lieu.

The clause gives the Government the right to at any time purchase the tramways, provided that, in estimating the amount of the purchase, all allowance be made to reimburse the council for loss sustained in the period not exceeding the first seven years, and that no amount shall be allowed for goodwill. It is quite possible that the tramway will not pay until after the first seven years, and that when it is beginning to pay the Government may come along and take it. I have in mind the Winnipeg electric lighting works which started operations in 1906. A profit was not made until 1914, and in the year that they made a profit, if conditions similar to those contained in the Bill had applied, the Government could have taken over the concern at that stage. I do not think the Government want anything more than is equitable and, seeing that they are not paying for the goodwill, they should recoup the city for the losses which may have been sustained in the years prior to the period of purchase.

The MINISTER FOR EDUCATION: The idea of the clause as it stands is that there will be an unavoidable loss during the early years of running the trams, and therefore the assessors will take that fact into account. But it is not contemplated that the city council might go on indefinitely incurring a loss on the trams every

year with the idea that the whole of that loss will eventually fall on the Government. The provision as it stands is approved by the city council. They are not asking for anything more, although, of course, like everybody else they covet the earth and, no doubt, would be pleased with the proposed amendment. The view taken by the Government is that, although probably there will be an unavoidable loss during the early years, it will be the duty of the city council to make the trams profitable as quickly as possible. If it be thought that the seven years' period is not sufficient, the proper course to take would be to increase that period. Under the amendment the city council might deliberately run the trams at a loss year after year with a view to preventing the Government from purchasing those trams, in other words, to take away from the Government the right of purchase. If the Government are to have the right of purchase, that right must be given on equitable terms. Under the amendment the city council could build up losses which would effectively prevent the Government from purchasing the system.

Hon. J. DUFFELL: It must be borne in mind that the originators of the existing tramways running through the various municipalities had to pay for their concessions. In this case the tramway will be running through the city council's own property, and therefore the city council will have no concession to pay for. Moreover, the trams will be enhancing the value of the property, and from this enhancement the city council will derive direct benefit. I will support the clause as it stands.

Amendment put and negatived.

Clause put and passed.

Clauses 26 to 38—agreed to.

Clause 39—Power of council over lands:

Hon. J. E. DODD: The powers given the city council under this clause are exceedingly great, covering almost anything. I want to know whether there is in the Bill or in any existing Act a saving clause protecting the Government in the event of their desiring to erect public buildings on this area of nearly 4,000 acres. In the next clause are 32 subclauses, all giving special powers to the council. The city council habitually discriminate against the Government, for the reason that it is not the practice in this State for the Government to pay rates on their property. Is there in the Bill anything that will protect the Government in the event of public buildings being required?

The MINISTER FOR EDUCATION: I am afraid there is nothing in the Bill which gives us anything further than is provided in the Municipal Corporations Act. If the hon. member desires it. I am prepared to report progress in order that the matter may be considered.

Hon. J. E. DODD: I shall be glad if the Minister can find out from the Solicitor General whether any power is given in the direction I have indicated.

Progress reported.

*House adjourned at 6.11 p.m.*

## Legislative Assembly.

*Wednesday, 10th November, 1920.*

	PAGE
Questions: Wheat, delivery, etc. ....	1534
Repatriation—(1) Settlement of Northern districts; (2) Settlement in North-Western division ....	1534
Leave of absence ....	1534
Annual Estimates, Votes and Items discussed ....	1534
Bills: Public Service Appeal Board, returned ....	1534
Treasury Bonds Delinquency, returned ....	1534

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

### QUESTION—WHEAT DELIVERY, ETC.

Mr. MALEY asked the Premier: 1, As stripping has already commenced in the northern districts, when will delivery of wheat be taken at sidings, so that risks from fire may be avoided and the stubble paddocks be made available for grazing stock? 2, Is it intended to provide in the wheat marketing legislation to be introduced that consacks may be made a charge against advances as hitherto? 3, If not, why?

The PREMIER replied: 1. In anticipation of the passing of the Wheat Marketing Bill arrangements are being made to receive wheat in the northern district as from 15th November. 2 and 3, Yes.

### QUESTIONS (2)—REPATRIATION.

#### *Settlement of Northern Districts.*

Mr. DAVIES (for Mr. Teesdale) asked the Premier: Will he suggest to the officer controlling soldier settlement the advisability of consulting the member for the district concerned before settling soldiers in the northern portions of the State?

The PREMIER replied: The officer controlling the soldier settlement scheme will be pleased to receive any advice or suggestions which the member for the district may have to offer.

#### *Settlement in North-Western Division.*

Mr. DAVIES (for Mr. Teesdale) asked the Premier: Is he aware that country has been taken up in the North-Western Division, where natives are hostile, and new chums have been placed on this area by the Repatriation Department, which action can only lead to trouble and expense to the Government?

The PREMIER replied: Advances have been granted by the Repatriation Department to approximately eight settlers in the division referred to. Some of these, however, have had experience in the division, and the risks involved, which are not considered great, have been impressed upon the settlers, who are mostly working in small parties.

### LEAVE OF ABSENCE.

On motion by Mr. Angelo, leave of absence for two weeks granted to Mr. Durack (Kimberley) on the ground of urgent private business.

### ANNUAL ESTIMATES, 1920-21.

#### *In Committee of Supply.*

Resumed from the 4th November; Mr. Stubbs in the Chair.

Education Department, Hon. H. P. Colebatch, Minister; (Hon. J. Mitchell, Premier, in charge of the Estimates).

Vote—Education, £456,122.

Mr. GRIFFITHS (York) [4.38]: Several members have spoken at some length on the Education Vote. The member for Pilbara (Mr. Underwood) made a speech which was somewhat lengthy and in parts somewhat foolish—

Mr. O'Loughlen: Crude.

Mr. GRIFFITHS: And which here and there contained some shrewd and sound common sense comments which might be taken to heart by members and by the department, but which was clouded by mis-statements, misconceptions and inaccuracies. We had also a speech by the member for Irwin (Mr. Gardiner). He dwelt at some length on the subject, and as an ex-Treasurer and a former colleague of the Minister controlling the Education Department, we may attach to his remarks some importance in that he would be possessed of information which would not be known to an ordinary member. His remarks also might be taken to heart. The leader of the Opposition and the member for Roebourne (Mr. Teesdale) practically