The Government will then have the right to appoint two members as trustees, while the executive of the R.S.L. nominates one. I am content to leave it to the Government to do the right thing. I am informed that many people are now making applications for assistance. There are obvious reasons for that, but I will not do more than touch on them now. Many Servicemen who returned from the 1914-18 war are now much older. In fact they are even now five or six years older than they were when I was a trustee of the R.S.L. I hope the provisions of the Bill will be agreed to, and that the Government will appoint three trustees. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 10.47 p.m.

Legislative Assembly.

Thursday, 25th September, 1947.

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

QUESTIONS.

PUBLIC TRUST OFFICE.

As to Inclusion as Trading Concern.

Mr. GRAHAM (on notice) asked the Attorney General:

Will he lay upon the Table of the House the file relating to the proposals to make the Public Trust Office a State trading concern?

The ATTORNEY GENERAL replied:

If the hon. member will be good enough to call at the Crown Law Department I may be able to make available for his inspection certain papers relating to the subject matter of his question.

TEXTILES.

As to Local Shortage and Exports.

Mr. GRAHAM (on notice) asked the Premier:

(1) Prior to answering these questions, will he view the item in the "Personal" column of "The West Australian" of the 8th inst., wherein a statement appears that the principal of a wholesale firm will be absent from the State for about three months seeking openings for larger exports of textiles to South Africa?

(2) In view of the acute insufficiency of suiting and other clothing materials, and textiles generally, does he believe such action is desirable?

(3) Will he examine the validity of the assertion of interested exporters that it is necessary on economic grounds to establish and expand markets beyond the State, notwithstanding shortages locally?

(4) Does he consider the disregard of citizens of this State is influenced by the higher prices obtainable elsewhere?

(5) Is he able and willing to take steps to ensure adequate supplies for our own people before oversea markets are stimulated?

(6) If so, what action does he contemplate?

The PREMIER replied:

(1) to (6) The State Government has no jurisdiction in this matter, but will be very pleased to transmit to the Commonwealth Government any representations which the hon. member may submit.

NURSES.

As to Shortage, Trainees and Training Centres.

Mr. REYNOLDS (on notice) asked the Minister representing the Minister for Health:

(1) Is there a shortage of trained nurses in this State?

(2) If so, what is the number?

(3) What will be the duties of the recently appointed tutor sister?

(4) Will she help to teach trainees in the country as well as in Perth and Fremantle?

(5) Will she visit Kalgoorlie?

(6) How many trainees are now with each of the following:—Perth Hospital, Children's Hospital, Mount Hospital, St. John of God, Fremantle, and Government Hospitals?

(7) How many were there in 1939?

(8) Which hospitals have been registered as training centres since the 1st April, 1947?

(9) How many, if any, nurses are now in training at these hospitals?

(10) Which country hospitals, if any, have had their subsidies reduced?

(11) Do subsidies rise and fall with the bed average?

The HONORARY MINISTER replied:

(1) Yes.

(2) 134.

(3) Organise training in country Departmental hospitals.

(4) Answered by (3).

(5) Not at present.

(6) Perth 295; Children's 147; Mount 45; St. John of God 18; Fremantle 101; Government Hospitals 124; total 730.

(7) Perth 237; Children's 88; Mount none; St. John of God 32; Fremantle 76; Government Hospitals 115; total 548.

(8) Repat. General Hospital. Collie as a full time school.

(9) There are 12 trainees in preliminary training at Northam, a proportion of whom will go to Collie.

(10) Mt. Magnet, Goomalling, Boyup Brook, Nannup.

(11) Yes.

POULTRY FEED.

As to Samples of Meat-meal Below Standard.

Hon. J. T. TONKIN (on notice) asked the Minister for Agriculture:

Will he lay upon the Table of the House all papers relating to the taking of samples of meat-meal by the Poultry Farmers' Association of W.A. and the Department of Agriculture and the request by the former that action be taken against the merchants concerned who had sold laying mashes below the required standard?

The MINISTER replied:

Yes.

PEARLING.

As to Shell-Dredging at Shark Bay.

Hon. F. J. S. WISE (on notice) asked the Minister for Industrial Development:

(1) Is he aware that a news item was broadcast on Saturday last to the effect that a syndicate was being financed by the State Government to the extent of £6,000 to dredge for pearl shell at Shark Bay?

(2) Was the report substantially correct?

(3) What is the likely location of the operations?

(4) Are the operations to be in locations authorised by the Fisheries Department?

The MINISTER replied:

(1) Yes.

(2) Yes, with the exception that the area of operations was incorrectly stated as Shark Bay.

(3) The North-West coast between Onslow and Collier Bay, in areas where owing to heavy tides and muddy bottoms, pearl shell cannot be taken by normal diving methods.

(4) Yes.

BILL—STIPENDIARY MAGISTRATES ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [4.46] in moving the second reading said: This Bill has some relation to one which was introduced into this House, I think last year, by the member for Kanowna as Minister for Justice. It provides for an amendment of the Stipendiary Magistrates Act, 1930. The object of the amendment is to enable magistrates who are not stipendiary magistrates to assist in carrying out magisterial duties in a stipendiary district when the urgency of business may make that course desirable. Members will recollect that the parent Act of 1930 provides for the proclamation of certain districts and courts to which the Act should be applicable. It provides that as to such districts and courts a stipendiary magistrate only may be appointed. The status and

salary of stipendiary magistrates are prescribed. The number of stipendiary magistrates in the State is not to exceed 12.

There are now some four or five districts to which stipendiary magistrates only may be appointed. There were more stipendiary districts, but there have been proclamations revoking such districts as stipendiary magistrates' districts. An example of a district which was a stipendiary magistrate's district, but was removed from that category is the Bunbury magisterial district. In the case of districts which are not stipendiary districts, the work of the magistrate may be carried out by a resident or police magistrate or a local court magistrate, but in those districts which are proclaimed as districts for a stipendiary magistrate, a stipendiary magistrate alone is entitled to officiate.

An inconvenience has been found to exist where it is desired to render assistance to a stipendiary magistrate in his district, and this applies particularly in the Perth district, where the business of the court may become, I will not say congested, but considerably voluminous from time to time. In a stipendiary district like Perth, it is sometimes necessary to render assistance in the courts at short notice. As it is now, a resident or police magistrate cannot act in that district as a magistrate, but only as a justice of the peace for the State, and when a resident or police magistrate so acts he needs to have sitting with him another justice, because two justices are required to officiate on the bench under the Justices Act, whereas the magistrate can exercise that jurisdiction by himself.

Where assistance is required to be obtained at short notice, as it may in Perth, and possibly in other districts, it has been the case sometimes, in order that experienced assistance might be obtained, to call upon the services of Mr. Rodriguez, the Coroner. He is not a stipendiary magistrate, so that when he is called upon to assist in the Perth stipendiary district he can only act on the bench in his capacity of a justice of the peace and, in order to complete the jurisdiction, he needs to have sitting with him another justice of the peace.

Hon. E. Nulsen: What is the difference between the effect of this Bill and the one I brought down last year?

The ATTORNEY GENERAL: There is a difference, and I shall come to it in a moment. It is not always convenient to get hold of a justice at short notice to sit with a resident or police magistrate, or coroner, in these circumstances, and it also seems unnecessary that a magistrate should have sitting with him a justice of the peace, because he would, by himself, be qualified to carry out the duties in Perth. The idea of the Bill is to enable police or resident magistrates, or coroners who are not stipendiary magistrates, to officiate in a stipendiary district as magistrates without the necessity for a justice sitting with them so as to make more convenient the expedition of business.

The member for Kanowna brought down a Bill last year and he had in view, I think, amongst other things, the idea of effecting this particular convenience that I have mentioned, namely, that of rendering assistance in a stipendiary district. His Bill, however, purported to abolish stipendiary districts, as provided in the parent Act. That measure, in order to achieve the objective he had in mind, went some distance in removing the framework or basis upon which the parent Act was constructed. It was based on the proclamation of stipendiary districts, and those districts being reserved exclusively for stipendiary magistrates. It was considered last year that the amendments brought down by the hon. member went further than was strictly necessary, and broke down to some extent—or might so break down—the basis of the parent Act. There was some apprehension that the institution of stipendiary magistrates contemplated and provided for by the parent Act might, to some extent, be weakened.

Hon. E. Nulsen: That was not my information from the Crown Law Department.

The ATTORNEY GENERAL: I appreciate the hon. member's intention in the matter, but there was the apprehension that the parent Act would be amended to such a degree that its strength would be impaired. It is desired, in the present Bill, to avoid any apprehension of that kind. Therefore, the basis of the parent Act is retained. The provision for the proclamation of stipendiary districts to be exclusively reserved as areas for stipendiary magistrates, is retained.

Hon. E. Nulsen: But they will still be subject to proclamation.

The ATTORNEY GENERAL: That is so. But all the districts now proclaimed will remain whereas, under the previous amendment, which sought to do away with the district system, all those districts would have been abolished. I may be wrong, but that is the impression I have. We had some discussion on the matter, and there was some doubt as to exactly what the effect of the previous Bill would be. To avoid any such doubt, the basis of the parent Act is retained here. The measure last year passed this House but was not accepted by the Legislative Council. But any objection that may have been felt against that Bill, either here or in the Legislative Council, should not, I think, be felt in connection with this one, which provides that a magistrate, who is not a stipendiary magistrate, may be appointed to assist a stipendiary magistrate in a stipendiary district or court. There must at all times in that district be a stipendiary magistrate before another magistrate, who is not a stipendiary, can be brought there as an assistant.

The result is that under the Act, as it is proposed to be amended, the stipendiary districts now existing will remain, and there will continue to be stipendiary magistrates for them. But, under the Bill, there can be brought into a stipendiary district, to assist the stipendiary magistrate, another magistrate who is not a stipendiary magistrate, but who would be a police or resident magistrate, or a coroner. It is provided that the assistant shall not be brought into the district of a stipendiary magistrate unless there is a stipendiary magistrate there, which means that the Government is required to maintain a stipendiary magistrate in districts which have been proclaimed as districts to which stipendiary magistrates should be appointed. Under this Bill, therefore, by an amendment of Section 9 of the parent Act, which requires a stipendiary magistrate in a stipendiary district or court, an exception is made in the case of a magistrate of the local court or a police or resident magistrate or a coroner—but not a deputy coroner—who will be assisting a stipendiary magistrate in any court or district which has been assigned to that stipendiary magistrate.

I believe that the 1930 Act brought in what was a very valuable system. It provided a certain security of tenure and status for the senior members of our magistracy, a certain independence, which it is desirable they should have. The object of this Bill is to preserve the features of the parent Act and at the same time to enable assistance to be given by the use of the services of other magistrates when that assistance is desirable. In particular it will enable a more convenient use to be made of the services of Mr. Rodriguez, who was appointed coroner some year or so ago—as the member for Kanowna will recollect—and who can usefully be called upon from time to time to help in a stipendiary district such as Perth, as well as in other districts, in intervals between the times when his duties as coroner may require him to sit in the Coroner's Court.

Hon. A. H. Panton: Will he get extra money for higher duties?

The ATTORNEY GENERAL: That is another question, and I think it is perhaps not without a certain amount of materiality. The Bill is designed to facilitate assistance being given to stipendiary magistrates, without there being any apprehension that it may in any way affect the strength and operation of the parent measure. I move—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [4.55] in moving the second reading said: A week or two ago the House passed a measure for the continuation of the Increase of Rent (War Restrictions) Act, 1939. At that time I said that a further Bill would be brought down by way of amendment of the parent Act, so that members could have opportunity of discussing the legislation—which is very important—and expressing any views they may have as to means by which it might be made more efficient and equitable in operation. Members will recall that at the outbreak of war our Parliament passed the Increase of Rent (War Restrictions) Act, 1939, which can be divided into two parts, the first part dealing with the amount of

rents—that is to say, controlling increases of rents which it was apprehended might take place as the result of war conditions—and the second part dealing with security of tenure for tenants—that is, protecting them from arbitrary ejectment by the owners of premises. Practically simultaneously the Commonwealth Government, in the exercise of its defence power under the National Security Act, brought down regulations known as the Commonwealth National Security (Landlord and Tenant) Regulations.

The Commonwealth Landlord and Tenant Regulations being made under the Commonwealth Constitution would and did over-ride any State legislation that may have been made in relation to the same subject-matter. The Commonwealth regulations had the same objectives as had our State Increase of Rent (War Restrictions) Act. In other words the Commonwealth regulations had two objectives, to avoid any arbitrary increase in rents and to prevent tenants from being arbitrarily dispossessed of their homes, shops, farms or other premises. The Western Australian Act covered all types of premises, dwelling houses, farms, shops and so on. The Commonwealth regulations covered all types of premises except licensed premises, the policy of the Commonwealth being not to interfere with or place any regulations upon hotels or other licensed premises. In all the States of Australia, with the exception of Western Australia, the Commonwealth regulations have dealt with the whole field of landlord and tenant matters, for all practical purposes. In the other States of Australia the Commonwealth Landlord and Tenant Regulations have regulated the amount of rents and the matter of dispossession of premises. In our State the situation was rather different.

The Commonwealth has regulated in our State and still regulates the matter of security of tenure and the matter of the dispossession of any tenant, but by a special waiver or provision the Commonwealth declared that its regulation should not apply to Western Australia in relation to the control of the amount of rents. The reason for that apparently was that this State was about the first to bring in legislation of that kind. When the Commonwealth promulgated its regulations, it decided that we should control the amount of rents. We had made reasonably satisfactory provisions in our State Act, and therefore it was decided that the State Act could apply. But in relation to the other objective, namely, security of tenure, the Commonwealth regulations applied in Western Australia and thereby over-rode the State Act with regard to dispossession of premises except in the case of hotels or licensed premises, which, not being covered by the Commonwealth regulations, fell within the purview of the provisions of the State Act with reference to dispossession of premises.

Under the State Act dealing, of course, with that part which is operating—that refers to the control of rents—the policy was to freeze rents at the figure existing on the 31st August, 1939. By that means the rents of shops, houses, hotels and commercial premises as existing on the 31st August, 1939, became what are known as the standard rents and those rents cannot be raised except by the permission of the court in certain very exceptional cases or in two expressed instances mentioned in the Act, one being where the landlord made structural improvements, increasing the size of the premises, in which case he might make an addition to the rental, or where rates were increased, in which event the landlord was permitted to increase the rent charged to the extent of the additional rates that were paid.

A question that has exercised the minds of members every time the Act has been renewed annually has been the matter of standard rents, particularly in late years, because, as I mentioned before, rents were fixed at the 1939 level and since that time the value of money has decreased and the cost to house-owners for renewals and repairs has greatly increased. At the same time, the landlord could derive no more revenue from his house than he did in 1939.

Mr. Graham: Do you think that is observed where the tenants change?

The ATTORNEY GENERAL: I think there have been cases where it has not been observed, but on the whole I believe it has been.

Mr. Graham: I think it is like the maximum price fixed for secondhand motorcars.

The ATTORNEY GENERAL: If that is so, perhaps the position is not quite so urgent or, on the other hand, it might mean that it is more urgent because it may be that unscrupulous persons are increasing their rentals whereas honest, law-abiding in-

dividuals are suffering because they maintain their rental charges at the proper level.

Mr. Graham: It is a matter of policing it.

The ATTORNEY GENERAL: Yes, and the task of policing rents is by no means easy. By the Bill, we hope to provide some facilities whereby the rental position may be dealt with more satisfactorily.

Mr. Styants: The protection is there in the Act if the tenant likes to avail himself of it.

The ATTORNEY GENERAL: Yes, it is there; but I believe there is difficulty to some extent because a tenant may be so frightened of incurring the enmity of his landlord that he hesitates to exercise his rights. On the other hand, I have heard of a number of instances where tenants have been in no way apprehensive and, when they have found out the position, have asserted their rights against their landlords and in some cases have secured substantial refunds of rents previously overcharged. In the circumstances, the Act has not done so badly and, in fact, I have been told that our Act has worked well compared with the position in other States.

Mr. Styants: It has done a tremendous amount of good.

The ATTORNEY GENERAL: I think so. In the first place I want to address myself, as briefly as I can, to the position of rents on the standard level and to make some inquiries as to whether there should be any alteration to that system. The matter was discussed at the Premiers' Conference held in August, 1946, when this State was represented by the member for Gascoyne. In a memorandum presented to the Premiers assembled at that conference, the Commonwealth Government made this statement—

It is considered that the need for continuation of these controls—

that refers to controls of the type I have referred to—

—is at least as great now as it was when the Premiers' Conference met in August, 1945. The need has, in fact, been strengthened by the demobilisation of the Forces in recent months and the consequent heavily increased demand for housing and other accommodation. Early alleviation of the shortage of housing cannot be expected, and, therefore, keen demand for accommodation will continue for some considerable period. While this shortage exists, the necessity remains for control over rents and eviction proceedings, as the removal of such control would result in the general inflation of rents, wholesale evictions and the securing of accommodation by those in better financial circumstances, in many instances, at the expense of persons in the low income group. Rents, it is estimated, represent approximately 20 per cent. of the total cost of living, and, accordingly, any upward movement in rents will be reflected in that cost and may give rise to claims for the increase of wages. Sharp upward trend in the cost of living would bear harshly on persons on low incomes, especially those in receipt of war injury, invalid, old-age and other pensions.

Then the memorandum went on to set out—

The need for retention of these controls has been emphasised by the recent experience of the United States of America, where it appears that, consequent on the lifting of controls, rents were immediately increased by from 15 to 50 per cent., and, in some extreme cases by several times the rates ruling while rent control was in operation. The effects of the lifting of rent control in the United States of America were so drastic that the control was restored within a few weeks.

In Great Britain, on the other hand, the tendency has been to regard the continuance of rent control as necessary for the next ten years with the proviso that partial decontrol may be possible within that period. An interdepartment committee, appointed by the Minister for Health to examine the problems of rent control, made a recommendation to this effect in its report, which was presented to Parliament in April, 1945. In accordance with another of the committee's recommendations, legislation was enacted in March, 1946, to extend rent control to houses and parts of houses, let at a rent which included payment for the use of furniture and for services. This legislation can only be regarded as a recognition of the need to maintain control over rented premises.

After consideration of the whole subject by the Premiers at the Canberra conference in August, 1946, it was resolved, "That controls over rents and evictions should continue to be exercised." The Premiers further resolved, "That, in view of the limitations on the Commonwealth's power, control should continue on a basis of Commonwealth and appropriate complementary State legislation," and the Premiers directed that the Commonwealth Solicitor General should prepare a draft Bill and confer with legal officers.

We find, then, regarding rent control and security of tenure, the conclusion of the Premiers' Conference a year ago was that these things should continue, and they decided in effect that they should continue for preference on a uniform basis as between the States. They decided that, as

the Commonwealth power over rental and tenant matters depended on the defence power, which at any time might not be constitutionally exercisable, uniform control over rents and security of tenure should be continued by means of legislation jointly made by the Commonwealth and States on a uniform pattern. For this there was some reason, because the Premiers no doubt felt that if there were to be an increase in standard rents throughout Australia, it should be on a uniform basis. If an increase in rents were permitted on a certain percentage in one State and a different percentage in another State, there might be variations in wage levels, particularly in the Federal basic wage, which might not be in the best interests of the industrial economy of the country.

On the 31st August, 1939, there were in this State approximately 42,000 dwellings which were being rented, so the standard rent would have applied on that date to that number of dwellings in this State. While I have not the total of all the houses, I think it would be found that the houses rents of which were made standard rents would have represented well on towards half the total dwellings in the State. I mention this fact because it will be seen that the problem is one of some magnitude. It has been proposed that tenants whose rents are pegged at the standard rents might be allowed to approach the courts and obtain what is called a fair rent, but as there were 42,000 dwellings, quite apart from other premises that were the subject of a standard rent, if the occupiers were permitted to approach the courts to have a fair rent declared, so many thousands would be approaching the courts that they would be physically unable to deal with the cases. We have not the magistrates, the staffs or the premises, and it would probably take years to deal with all the houses and arrive at a fair rent.

The alternative is to make a flat rate increase on the standard rents, and I believe that was done subsequently in the United States of America, where a rise was allowed of 10 per cent. to 12½ per cent. on the landlord undertaking that the tenant would be undisturbed for 12 months after the rise took place.

There is the further question that the Commonwealth has announced its intention of holding a referendum, probably in February next, to seek power over rental and tenant matters, which would mean rents and security of tenures being transferred by the States to the Commonwealth as a permanent power of the Commonwealth. If the referendum were carried, it would mean that from that time on the power over rental and tenant matters would be exclusively a Commonwealth power, and no State legislation would have any effect in relation to that subject-matter whilst it was covered by Commonwealth legislation.

In the circumstances, my feeling is that the present is not a time in which we can see the position clearly enough to deal with the question of the standard rent. It would perhaps create a difficult situation if we took action at the present moment, and, within four or five months, the Commonwealth assumed control of this matter and possibly dealt legislatively with it on a different basis. There is the further consideration that if we are to pay any regard to the conclusions of the Premiers' Conference in 1946, we should realise that the view of the Premiers appeared to be that this legislation should be reviewed by the States in consultation with the Commonwealth and on a uniform basis, or as nearly as possible to a uniform basis.

Under this Bill, therefore, the present terms of the Act in relation to the standard rents have in general been left as they are, but provision has been made to meet certain specific cases where rentals might be varied in order to meet the justice of the situation between landlord and tenant. With those specific cases, I shall deal in a moment. Therefore, in general the principles and bases of the present Act are not substantially affected, but certain variations are made to meet the circumstances which have become evident from our experience of the working of this type of legislation. One of the chief amendments is in relation to what is called shared accommodation. Shared accommodation means premises leased, or intended to be leased, for the purpose of residence, including premises leased with good therewith and forming part of other premises.

Hon. A. H. Panton: Are you quoting the present Act or the Bill?

The ATTORNEY GENERAL: I am quoting the Bill. We propose, with the consent of the House, to insert in this legis-

lation new provisions relating to shared premises, that is, where a person who has a house lets part of it to one, two, three or even more persons. Those persons become sub-tenants and pay the rent to the person who is tenant of the whole house. There are cases where we believe there has been exploitation of the people who have become tenants of part of a house. In connection with this provision for shared accommodation, either the lessor or lessee—that is, the landlord or the tenant of the house, or it may be a shop or any other premises, but it is mainly applicable to dwelling houses—may apply in writing to the rent inspector to determine the fair rent of the shared premises, that is, the portion sublet, and any goods that are let with that portion.

The rent inspector is a person appointed by the Government—a Government servant under the terms of the parent legislation. The rent inspector then inspects the premises and determines what is a fair rent for the shared premises, that is, a fair rent for a portion of the house which has been sublet to another person. On his determination being made, it becomes binding on the landlord, or shall we say binding on the tenant and the sub-tenant.

Hon. A. H. Panton: Is there no appeal from that decision?

The ATTORNEY GENERAL: Yes. As the member for Leederville suggests, the matter does not rest on the single decision of the rent inspector, even though he is a Government servant and I hope would be impartial. Either party may appeal to the court against his determination. These provisions are taken from the Commonwealth (Landlord and Tenant) Regulations, Section 8, which contains the definition of shared premises, and Section 25, which sets out the provisions for determination of a fair rent for the part of the premises which is sublet. As I have said, the policy of the Commonwealth Government has been to exclude hotels from the terms of the Landlord and Tenant Regulations, and that has applied in all the other States of Australia. When the regulations were re-made by the Commonwealth under the Defence (Transitional Provisions) Act of last year, the Commonwealth policy was maintained that licensed premises should be outside the terms of the Landlord and Tenant Regulations. The reason, I presume, is that in the case of hotels the hotel-owner and the licensee are in a position to look after themselves, and further theirs is a public business and they can be allowed to settle their various matters between themselves without the need for control by the Act.

It has happened in this State in the case of hotels that while a large number of hotelkeepers have carried on their hotels well and have given good service, a certain proportion of them have not done so. Their leases will have expired during the war years and they retain their right to the hotel as tenants by virtue of the protection given to them by our State legislation. In the case of some such hotel-keepers their interest, I am informed, has been more on the bar side than on the house and service sides. The result has been that the travelling public, who look to these hotels for accommodation, have not been able to get the service they should. That type of licensee, knowing that when the Act is lifted and the protection no longer applies, their lease will determine, do all they can to make money from the bar side and are not at all concerned to cater for the travelling public. There are some 440 licensed premises in the State of Western Australia. The Licensing Court can and does endeavour to keep supervision over them, but it is not possible to supervise all that number.

Hon. A. H. Panton: The Court has been coming down on them lately.

The ATTORNEY GENERAL: It has been endeavouring to do so. I believe it was very badly needed. A number of hotels throughout the State shut up their bedrooms or practically did so, and refused to take in anybody at all who wanted accomodation or service in the way of meals.

Mr. Reynolds: Should not their licenses be cancelled? I know they have been doing that for the last three or four years.

The ATTORNEY GENERAL: I think that might be wise. It is suggested that the hotel-owners should be allowed to resume control of their hotels in order to ensure a better service for the people. They know the tenants who are not giving satisfactory service and can replace them with tenants who will give satisfactory service. At the present time, these unsatisfactory tenants are protected not by Commonwealth

regulations, because the policy of the Commonwealth Government has been all through to exclude licensed premises from control; but hotels are the one class of premises that happen to be protected, on behalf of the tenants, by our State Act, because hotels are the only class of premises to which our State Act applies in relation to security of tenure.

So in this Bill we submit to the House the suggestion that the time has come when those who own hotels should be enabled to deal directly with their tenants without being prohibited by the terms of this present legislation. They could then deal with the tenants who are unsatisfactory and replace them with tenants who will give a proper service to the public. That does not affect rents. All hotels will still remain subject to the control of rents under this Act. The owners cannot raise the rent; but if this amendment is accepted by the House on the lines of the Commonwealth Government's policy then, with regard to occupancy of premises, they will be restored to a certain measure of control, although they cannot get more money by raising rents.

Hon. A. H. Panton: Not legally.

Mr. Reynolds: Only six weeks ago I saw a letter in which a publican said that his rent was going to be raised £7 10s. a week.

The ATTORNEY GENERAL: The race of publicans is not a very simple one, and I should be extremely surprised to learn that publicans are not aware of their rights. I think the man in question may have told the hon. member that story perhaps when sending in his bill.

Mr. Reynolds: I saw a letter signed by the secretary of the Swan Brewery. I told him what to do.

The ATTORNEY GENERAL: He cannot do that. I cannot believe that any hotel-keeper would endeavour to increase rents, because he cannot do so, and I cannot believe any licensee would fall for any suggestion for increased rent.

Mr. Reynolds: It was tried on, though.

The ATTORNEY GENERAL: It may be so. I will take the hon. member's word, but I should think it would be very unlikely. The proposal that the hotelkeepers, while their rents remain fixed, should be enabled to regulate their own affairs regarding tenancies is supported in a lett to me from the Licensed Victuallers' Association.

Hon. A. H. Panton: May I ask you t clear up one question with regard to th tenant and the sub-tenant? Would that af fect the landlord himself, or do they com to an agreement between themselves?

Hon. F. J. S. Wise: It is on page 3 o the Bill.

The ATTORNEY GENERAL: It oper ates this way. Suppose I have a house fo which I pay £2 a week rent.

Hon. A. H. Panton: As a tenant?

The ATTORNEY GENERAL: Yes. let half the house to the member fo Sussex.

Hon. A. R. G. Hawke: You would b taking a risk.

Mr. Bovell: Don't you believe it: h knows me.

The ATTORNEY GENERAL: I woul take a risk on Busselton as soon as an other risk. I let half the house at £2 week, or £2 10s., if you like, because he i in desperate need of a house. He can g to the rent inspector and say, "Have a loo at this house and tell me whether the ren I am paying is a fair rent for the hal house." The inspector has a look at th house and fixes the rent. That does no affect the owner. But there is further pro vision in this Bill which helps the owner and that is that if the house is sublet b the tenant to one or more sub-tenants, the the owner can apply to the court, not to th rent inspector—he must go to the court. H can say, in the circumstances, "My ren should be higher than the standard rent.

Hon. A. H. Panton: He wants a share o what the member for Sussex put in.

The ATTORNEY GENERAL: No! I the tenant, by letting three or four peopl in, even though the rents are approved b the inspector, is making a bit of a welte of it, the landlord can say, "I should ge a bit more than the standard rent," an that lies in the discretion of the magis trate. While I do not want to detain th House, I desire to refer to one or two o the letters I have received. Here is a cas where a man and his wife and child in th metropolitan area are living in one room

with the partial use of a kitchen, for which they are paying £2 17s. 6d. a week. These are cases stated to me and I have every reason to believe they are correct. Here is a case where the tenant of a house is paying £3 10s. a week for it, but the agents are of the opinion—they cannot say this absolutely but believe—that the tenant is getting a return of about £15 a week from the house, plus her accommodation. So, by paying £3 10s. a week and sub-letting the premises, the agents think, she is receiving £15 a week for the house, plus her accommodation.

Hon. A. H. Panton: I think that is not uncommon.

The ATTORNEY GENERAL: I agree with the hon. member. I think there are a number of cases, and one of the objects of the Bill is to enable some protection to be given to people in those circumstances.

Mr. Styants: But that would be in the nature of an apartment house.

The ATTORNEY GENERAL: It might be, or perhaps a couple of rooms or a house with eight or nine rooms. It would become substantially an apartment house.

Hon. F. J. S. Wise: But the accommodation position is so desperate that you might have difficulty in getting people to admit they are paying such rents.

The ATTORNEY GENERAL: That is always a possibility, but we cannot help that. If there is, I will not say a conspiracy but at all events an implied agreement, between the landlord and tenant as to what the conditions are to be, we cannot very well intervene.

Mr. Styants: They deserve all they get.

Hon. A. H. Panton: They must have a roof over their heads, poor beggars.

The ATTORNEY GENERAL: A practice has grown up under which people say, "I will let you the house but you will have to pay so much for the key."

Hon. A. H. Panton: That is an old one.

The ATTORNEY GENERAL: It may be a big sum. The practice, I am told, has also grown up in this city by which certain people say, "I can tell you where you can get a house but you must first pay me £5 for the information." Then, after the people get the money, they will perhaps give the information which leads the homeseeker to obtain a house. Again, people may say, "You can have the house at a certain rent, but you must pay so much to buy the furniture," and the amount stipulated for the furniture may be a wholly exorbitant sum.

Hon. A. H. Panton: Even the carpet may be worth a lot of money.

The ATTORNEY GENERAL: Yes, it may be like a Persian carpet from the sultan's harem.

Mr. Styants: It is like trade-ins in the motor business.

The ATTORNEY GENERAL: So a provision has been inserted in the Bill in the hope that something may be done to meet these cases, and that provision is substantially the same as Regulation 33 of the Commonwealth Landlord and Tenant Regulations.

Hon. F. J. S. Wise: What is the penalty in that connection? I do not see it in the Bill.

The ATTORNEY GENERAL: The penalty will be £50. In the parent Act there was not a common penalty for all offences. In some cases there was no penalty; in other cases a penalty was prescribed, sometimes £20, sometimes £50. In this Bill, there is a clause to the effect that where no specific penalty is prescribed the general penalty shall be £50. There are one or two other provisions in the Bill. Whereas under the present Act a tenant may demand from a landlord information as to what the standard rent should be, and also particulars of the rent he has received over a period, the same right is now conferred by this Bill on the rent inspector—that is, the Government officer. So, the rent inspector, in order to police the Act, will have power to go to a landlord and get such relevant particulars as will assist him to ascertain whether any breach of the Act has taken place.

There is a small amendment regarding costs. The Act at present provides, by Section 10, that no costs shall be allowed in any proceedings under the Act unless, in the opinion of the Court or the judge, the grounds of the application or the opposition to such application, are unreasonable. In order to make the position quite certain, the amendment is to ensure that that does not apply where people are being prosecuted for an offence against the Act. If people are so prosecuted there will be power to order the offenders to pay the costs of the

prosecutions. I spent a fair amount of time in dealing with the question of the standard rent, but I felt the importance of the subject required that we should give some consideration to it. The Bill will aid the existing law and assist in removing some of the injustices now possible. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

In Committee.

Resumed from the 23rd September. Mr. Perkins in the Chair; the Premier in charge of the Bill.

Clause 5—Amendment of Sections 26 (1), 31 (2) (b), 40 (1) (b), 47 (2) and 49 (2) (b) (partly considered):

Hon. F. J. S. WISE: Some members have spoken in favour of the principle included in the clause, and many have spoken against it. It is necessary to get a clear understanding of what is intended as well as what is implied by the alteration which seeks to obtain authority to increase the maximum advance by the Housing Commission for the building of homes from £1,250 to £1,500. The Premier, in his reply to the second reading debate, stated that rising costs appeared to be inevitable, and he could not see any sign of a fall in the cost of building. He gave some figures which showed that a five-roomed brick house in 1939 cost £794, and in 1947 the same house is anticipated to cost £1,493; and that a five-roomed house built of wood cost £531 in 1939, and is anticipated to cost £1,210 in 1947. These are tremendous increases, and the Premier anticipates that the peak price has not yet been reached.

What this clause intends to cover, therefore, is that when the Housing Commission resumes building of homes for sale, it will have authority to build five-roomed houses of brick. That is the maximum that this will give, based on the prices quoted by the Premier. I quite realise that the hon. gentleman has, at this stage, a clear appreciation of the problems associated with prices. He had not that appreciation some months ago. I think it is our duty to assist in whatever way we can in the building of homes, even if for the time being it is inevitable that they be built almost irrespective of cost. It is no use denying that that is th factual position, or that the cost of buildin has got right away from the even parallel i kept with wages.

I am certain that if we had a graph o wages and costs for 1918, when the Worker Homes Board commenced its activities, w would see that costs kept parallel wit wages until about 1942. But we find no that there is a sharp and inevitable rise, an one which no inquiry into costs seems to b able to curb. This is a serious position But our denying the Premier the right t make provision for the building of homes within what were reasonable plans eigh years ago, would not improve it. There ar many people with big family responsibili ties who require housing urgently, and wh are willing and anxious to pay for th homes the Housing Commission can buil them. We must face this stark fact, tha for the time being, irrespective of what an Government has attempted to do, the pre sent one is in the position of having to ad mit that there is no prospect of those o low wages, and even those with margin substantially above the basic wage, purchas ing a home at this stage. The sooner that i admitted by the Government the quicker wil there be a realisation of the actual hous ing position. However we may cover tha position and deny it, we must face the fac that we are at present passing through a phase in which building costs are so high that the average wage-earner can never hop to possess a home of his own.

Mr. Smith: We should extend the term.

Hon. F. J. S. WISE: Yes, provided we made substantial interest concessions.

The Premier: The term is 35 years now.

Hon. F. J. S. WISE: That touches another point. Replying to me the other evening the Premier said he intended to make money available to the Housing Commission to enable it to lend at 4¼ per cent. The only alteration that I can see is that the Premier will loan the money to the Commission at the cost of the loan plus 1 per cent. The difference between that and past practice is that previously the cost of loans was pooled and, whether a loan was raised at 5¾ per cent. or 4¼ per cent., the cost to the Commission was the pool cost of the money at the time of its being loaned.

The Premier: If we did that today the average cost of borrowed money would be 4 per cent.

Hon. F. J. S. WISE: I am not arguing that. The Premier said he would alter that principle, but he is simply charging the extra 1 per cent. for administration as a whole. If the future cost of borrowing money rises during the next three or four years on some houses a greater rate of interest will have to be paid than on the homes first built under the scheme. Unless money can be made available to the Housing Commission at cost, and no administration charge made on it—that sum being met by a subsidy from the Government—there will be little variation in the interest rate. At present we must face costs that are high for all sorts of reasons, and the Premier has not told us of any way in which such costs can be reduced. Side by side with that houses must be built by the thousand.

When the position was analysed by the Prime Minister in August last year, he gave as the anticipated requirement to achieve a slight step up from pre-war construction, 130,000 building artisans in Australia, of which this State needed 7,500. Our pre-war best was about 5,000, so there are two things facing us immediately in the matter of housing costs. Nearly two years ago the then Government attempted, through an inquiry held by Mr. Wallwork, to place a finger on the aspects of costs that could be better controlled. I hope the Premier will arrange for someone to pick up that inquiry again and examine the position obtaining today. It is vital that we put our fingers on where costs are rising unnecessarily, whether because of margins paid to those constructing the homes or the cost of commodities going into the homes. We must stimulate and encourage, wherever possible, the introduction into the industry of more artisans. Unless we do these things a long time will pass before we overtake the lag.

The Premier: It is admitted by the other States that our building costs are the cheapest in Australia.

Hon. F. J. S. WISE: It is nice to have that admission from the Premier now. I could be unkind, as I have in front of me what the Premier said on that subject six months ago. However, this is a striking statement and I appreciate its honesty.

The Premier: I knew it would please you.

Hon. F. J. S. WISE: The Premier now realises the difficulties which he did not appreciate six months ago.

Hon. J. T. Tonkin: Then it was not a case of "Prices rise with Wise."

Hon. F. J. S. WISE: Not at all, and the Premier now admits that. I sympathise with him, in the position in which he now finds himself. I support the clause as printed, as I believe there is no alternative but to stimulate construction and keep people occupied in the building of homes in order that no matter how small may be the contribution to a solution of the problem, it may ultimately become substantial.

Clause put and passed.

Clause 6—New part XA.

The PREMIER: I move an amendment—

That after the word "Act" in line 1 of proposed new Section 70A the following definitions be inserted:—

"account" means a separate account recorded by a local authority in respect of each agreement;

"advance" means an advance of money by the Commission to a local authority under an agreement.

Each time the Commission makes an advance to a local authority it has to open a separate account, as interest starts from the time when the account is opened.

Hon. F. J. S. Wise: That will be in the other two Bills, as well?

The PREMIER: Yes.

Amendment put and passed.

Mr. HOAR: I move an amendment—

That at the end of proposed new Section 70B the following proviso be added:—

Provided the Commission shall not under any agreement charge any local authority more for the money advanced than the cost of same to the Commission.

Proposed new Section 70B makes provision that the Commission and the local authority may come to an agreement or financial arrangement specifically for the construction of roads. At least some local authorities could with advantage avail themselves of this provision, as in a number of road districts the demand for home building is acute and in some areas large tracts of land have been subdivided or are about to be subdivided into building blocks, yet the responsibility for constructing roads in such areas in the initial stages, and under the existing state of revenue, would be a hardship if not an impossibility. I therefore think this pro-

posed new section has a great deal to commend it.

On this point, I do not wish to reflect upon the Government or upon the Housing Commission, but nevertheless I think it would be more satisfactory from the local authorities' point of view if, when an agreement was being arranged with the Commission, they knew that the maximum charge on the loan to be advanced was firmly established in the Act. There should be no doubt on the point, and any accommodation charge against a local authority should be no greater than the rate paid by the Housing Commission in respect of the money at its disposal. In other legislation that is complementary to this measure, every encouragement is extended to local authorities to play a part in the house building programme. While I do not suggest the Housing Commission would misuse its powers, I think it would be of distinct advantage if we could include in the Act itself a provision governing the ceiling charge on the money. It would create a feeling of confidence and trust from the outset in any bargaining that might take place before the Commission and a local authority came to agreement.

The PREMIER: In my opinion, the Housing Commission would be justified in asking a local authority to pay a little extra beyond that actually charged when the loan was raised. For 35 years the Commission will have to keep an account of the money owing by a local authority, and that will entail some expense. The Leader of the Opposition will agree with me when I say that under this scheme local authorities will secure money at a cheaper rate than they would have to pay if they borrowed outside. There seems to be a tendency to ask Governments to shoulder expenses and to give something. Since I have been at the Treasury, I have been continually confronted with requests for something for nothing.

Hon. A. H. Panton: Other Treasurers down the years could tell the same story.

The PREMIER: I do not know whether they received more requests than I have had.

Mr. Styants: It is in accord with the general psychology of the people.

The PREMIER: Yes. It is the psychology of the times.

The Attorney General: They think you are easy, being Scotch!

The PREMIER: I do not think the amendment would be very costly from the point of view of the Government. As the money will be loaned for a good purpose and it is a safe investment, I propose to accept the amendment.

Amendment put and passed.

The PREMIER: I move an amendment—

That proposed new Section 70C be struck out and a new section inserted as follows:—

"70C. An agreement shall include provision that a local authority shall record separately in respect of the agreement an account in which there shall be credited to the Commission the amount of the advance made and debited from time to time to the Commission the amount of the general rate payable on the land in the area until the total of the debits equals the total of the credits when the local authority's liability for repayment under the agreement shall be discharged.

The local authority shall also pay annually to the Commission interest at the rate determined in the agreement on the amount of the advance still outstanding at the beginning of each financial year."

A number of members took exception to the proposed new Section 70C on the ground that it was difficult to understand, and I agree with them. The amendment will clarify the position.

Mr. Styants: The proposed new section is satisfactory now.

Amendment put and passed.

The PREMIER: I move an amendment—

That in the proviso to proposed new Section 70D the words "the proviso to" be struck out.

These words are not now necessary.

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

Title—agreed to.

Bill reported with amendments.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

In Committee.

Mr. Perkins in the Chair; the Minister for Local Government in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Amendment of Section 180:

Mr. STYANTS: I move an amendment—

That in line 6 of subparagraph (c) of proposed new paragraph (23A) the word "forty-nine" be struck out with a view to inserting the word "fifty-two."

In 1938 we provided that, after a maximum period of 10 years, all verandahs and balconies supported by posts might be removed at the discretion of the council. The provision was quite sound and would have been carried into effect had conditions remained normal, but the war intervened for six years and there is now neither the manpower nor the material available for giving effect to it. If we retain the original date, some council might regard it as an indication that it should start a crusade against all such structures.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. STYANTS: If my amendment be agreed to, the period would be extended from 1949 to 1952.

The MINISTER FOR LOCAL GOVERNMENT: The member for Kalgoorlie, both at the second reading stage and at this stage, has made out a case for the amendment, and I agree to it.

Amendment (to strike out word) put and passed.

Mr. STYANTS: I move—

That the word proposed to be inserted be inserted.

Amendment (to insert word) put and passed; the clause, as amended, agreed to.

Clauses 6 to 11—agreed to.

Clause 12—New Part XXIVA:

The MINISTER FOR LOCAL GOVERNMENT: The amendments to the proposed new part of the Act are corollaries to those which were made to the State Housing Act Amendment Bill earlier this afternoon. As they are worded in precisely the same way, it is unnecessary for me to explain them again, unless any member is in doubt. I move an amendment—

That after the word "Act" in line 2 of proposed new Section 473A the following definitions be inserted:—

"account" means a separate account recorded by the council in respect of each agreement;

"advance" means an advance of money by the Commission to a council under an agreement.

Amendment put and passed.

The MINISTER FOR LOCAL GOVERNMENT: I move an amendment—

That proposed new Section 473C be struck out with a view to inserting other words.

Amendment put and passed.

The MINISTER FOR LOCAL GOVERNMENT: I move—

That a new section be inserted as follows:—

"473C. An agreement shall include provision that the council shall record separately in respect of the agreement an account in which there shall be credited to the Commission the amount of the advance made and debit from time to time to the Commission the amount of the general rate payable on the land in the area until the total of the debits equals the total of the credits when the council's liability for repayment under the agreement shall be discharged.

The council shall also pay annually to the Commission interest at the rate determined in the agreement on the amount of the advance outstanding at the beginning of each financial year."

This new section is worded in precisely the same way as that which was inserted in the State Housing Act Amendment Bill. It deals with the provisions in the agreement and with payment of interest.

Hon. F. J. S. Wise: It is more intelligible than the first.

The MINISTER FOR LOCAL GOVERNMENT: In every way.

Amendment (to insert words) put and passed.

The MINISTER FOR LOCAL GOVERNMENT: I move an amendment—

That in line 2 of the proviso to proposed new Section 473E the words "the proviso to" be struck out.

There is now no proviso to Section 473C.

Amendment put and passed.

The MINISTER FOR LOCAL GOVERNMENT: Proposed new Section 473F has become unnecessary because the previous amendment makes sufficient provision for the keeping of an account and the rest is not required. I move an amendment—

That proposed new Section 473F be struck out.

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

Title—agreed to.

Bill reported with amendments.

BILL—ROAD DISTRICTS ACT AMENDMENT.

In Committee.

Resumed from the 16th September. Mr. Perkins in the Chair; the Minister for Local Government in charge of the Bill.

Clause 15—New Part VIIA (partly considered):

The MINISTER FOR LOCAL GOVERNMENT: We are in precisely the same situation as in regard to the amendments moved in respect of the previous Bill. It becomes necessary to amend Clause 15 of this measure in pursuance of the previous arrangements, and the amendments are identical and merely corollaries to those previously before the Committee. I move an amendment—

That in line 2 of proposed new Section 319A after the word "Act" the following definitions be inserted:—

"account" means a separate account recorded by the Board in respect of each agreement;

"advance" means an advance of money by the Commission to a board under an agreement.

Amendment put and passed.

The MINISTER FOR LOCAL GOVERNMENT: It becomes necessary to strike out proposed new Section 319C and to substitute another. I move—

That proposed new Section 319C be struck out and a new section inserted as follows:—

"319C. An agreement shall include provision that the Board shall record separately in respect of the agreement an account in which there shall be credited to the Commission the amount of the advance made and debit from time to time to the Commission the amount of the general rate payable on the land in the area until the total of the debits equals the total of the credits when the board's liability for repayment under the agreement shall be discharged.

The board shall also pay annually to the Commission interest at the rate determined in the agreement on the amount of the advance outstanding at the beginning of each financial year.

Amendment put and passed.

The MINISTER FOR LOCAL GOVERNMENT: I move an amendment—

That in line 2 of the proviso to proposed new Section 319E the words "the proviso to" be struck out.

This is necessary since the proviso no longer exists.

Amendment put and passed.

The MINISTER FOR LOCAL GOVERNMENT: I move an amendment—

That proposed new Section 319F be struck out.

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

Title—agreed to.

Bill reported with amendments.

BILL—DENTISTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd September.

HON. F. J. S. WISE (Gascoyne) [7.49]: I think this Bill is quite unnecessary. If my interpretation of the parent Act is correct, the Bill as introduced in the Legislative Council by the Minister for Health is designed to amend Section 34 of the Dentists Act of 1939 and the Honorary Minister in explaining the measure stated that, since there was no mention in the parent Act of the University of Western Australia, it was necessary to amend that Act to include the degree of the University of Western Australia, or those who had secured the Degree of Dentistry or obtained a Diploma of Dentistry would be unable to practice and unable to obtain the approval of the Dental Board. I refer the House to Section 44 of the Dentists Act, which this Bill intends to amend. That section states:—

Subject to Section forty-three of this Act, no person shall be qualified for registration as a dentist under this Act, unless and until he proves to the satisfaction of the board, and if so required after personal attendance before the board, that—

(d) he holds—

(i) the diploma of dentistry of the Royal College of Surgeons either of England, Ireland, Edinburgh, or Glasgow, or holds a degree or diploma of dental surgery or dental science of any University of the United Kingdom or of Ireland, New Zealand, or Australia and at the date of his application for registration under this Act is entitled to registration as a dentist in the country where such diploma or degree was granted.

Hon. A. H. Panton: Apparently Western Australia is not part of Australia then!

Hon. F. J. S. WISE: If the argument of the Honorary Minister were sound, it would be necessary to add to this section the names of the universities of every State of Australia. But of course that is absolutely unnecessary.

The Minister for Education: We do not do a full dental course at our University.

Hon. F. J. S. WISE: The words in the Bill are, "holds a diploma or degree in dental surgery" and those are the exact words used by the Honorary Minister when introducing the Bill. She said that this is to make possible the approval by the board of men who —and I quote from the Bill itself—"have a diploma or degree in dental surgery or dental science granted by the University of Western Australia." I suggest that the Bill is wholly unnecessary because of the very clear and explicit wording of the parent Act. If that analysis of the position were not correct and we were to pass on to subparagraph (ii) of paragraph (d) we would find that a person must prove, if he cannot prove directly that he has a diploma of the universities of Australia or any one of them, that he holds a diploma or degree in dental surgery or dental science granted by such university in any part of the British Dominions other than those mentioned in subparagraph (i). Again I say that if my analysis of this position is correct, this Bill is simply taking up the time, unnecessarily, of both Houses. Before proceeding to vote on the second reading, and believing that it is quite unnecessary, I would like to hear an explanation from the Honorary Minister based on the case I have submitted.

THE CHIEF SECRETARY (Hon. A. V. R. Abbott—North Perth) [7.55]: This amendment is one of a technical nature. Advice on it has been received, naturally, from the Crown Law authorities, and I shall do my best to put forward the argument given by the legal advisers of the State. There are two things necessary before a dentist can be registered. He must first have the diploma of an Australian university. I am leaving out the qualifications of other countries for the purpose of this argument. But he must have something more because the Act goes on to say—

and at the date of his application for registration under this Act is entitled to registration as a dentist.

That is the second qualification. A man might have a diploma of the University of Adelaide, but if he were not entitled to be registered as a dentist in that State he could not be registered in Western Australia. They are the two qualifications. A man must first have a recognised diploma of some university or training school and, secondly, under the laws of the particular State, he must be able to be admitted for practice. Assuming the University of Western Australia gave the required diploma, that would not, in itself, permit him to practice, because under the laws of this State the mere fact that the university has said that he has passed the necessary examinations for the degree of dentistry, does not of itself permit him to practice in Western Australia.

Mr. Graham: Why not have a Bill for every State?

The CHIEF SECRETARY: It could have been done that way, but it was not. It is necessary to have the two qualifications.

Hon. F. J. S. Wise: If your argument is sound you must include subparagraph (ii) in the Bill.

The CHIEF SECRETARY: The same thing is there.

Hon. F. J. S. Wise: It will not bear examination.

The CHIEF SECRETARY: I will deal with subparagraph (ii), which states—

A diploma or degree in dental surgery or dental science granted by such university in any part of the British Dominions, other than those mentioned in subparagraph (i) hereof, as may be prescribed by the board, and has passed in this State such examination (if any) as may be prescribed by the board—

Hon. F. J. S. Wise: That is an alternative.

The CHIEF SECRETARY: Yes, and the same sentence appears in the Bill. The subparagraph continues—

and at the date of his application for registration under this Act is entitled to registration as a dentist in the country where such diploma or degree was granted.

So, there are still two qualifications. First of all a man must have a certificate from the school where he learned his trade.

Hon. A. H. Panton: That is the University of Western Australia.

The CHIEF SECRETARY: Yes. And secondly, under the laws of the country he must be entitled to be registered.

Hon. F. J. S. Wise: That will not hold water. You are excluding that specifically in the Bill itself.

The CHIEF SECRETARY: No. I admit it is somewhat difficult to grasp, but if the Leader of the Opposition will appreciate that there must be two qualifications he will find it easier. There are many schools of

dentistry in America, and even in that country people holding the degrees of those particular schools would not be entitled to practice here.

Hon. A. H. Panton: We are only dealing with the University of Western Australia.

The CHIEF SECRETARY: Before a person holding such a degree could be admitted here, his degree would have to entitle him to hold a certificate to practice in America. The mere fact that this university issues a degree of dentistry does not of itself entitle anyone to practice here. Therefore the second qualification is not there.

Hon. A. H. Panton: And it is not going to be there by your Bill.

The CHIEF SECRETARY: Yes, it is.

Hon. F. J. S. Wise: There is nothing in that part of the section you quoted as an alternative.

The CHIEF SECRETARY: No, because in the Bill there is to be a third subparagraph as follows:—

> A diploma or degree in dental surgery or dental science granted by the University of Western Australia.

That, of itself, if this Bill becomes an Act, will automatically entitle any holder of the degree to practice.

Hon. F. J. S. Wise: So does the present Act.

The CHIEF SECRETARY: I have done my best to convince members.

Hon. F. J. S. Wise: Let us hear the Honorary Minister on the point.

The CHIEF SECRETARY: I have done my best to convince the Leader of the Opposition.

Hon. F. J. S. Wise: You are very unconvincing.

The CHIEF SECRETARY: With his usual ability to understand things it should have been reasonably clear to the Leader of the Opposition. I cannot press the argument further.

HON. J. B. SLEEMAN (Fremantle) [8.1]: It seems to me, Mr. Speaker, that the House of Review has not reviewed this Bill very well, and that the measure has been found to be so unnecessary that it is to the credit of the Honorary Minister that she has washed her hands of it, and has passed it on to the Chief Secretary to try to straighten it out. If it means what it says, it means that the University of Western Australia is a part of Australia. The Act says that a man must hold a degree or a diploma in dental science of any university in England, Ireland, New Zealand or Australia, and I take it that Western Australia is part of Australia. Is not the University of Western Australia a university in part of Australia? I am not surprised at the Honorary Minister allowing the Chief Secretary to try to straighten out this tangle. I think the Bill should be thrown out.

HON. A. H. PANTON (Leederville) [8.3]: I do not think we should pass unnecessary legislation. When the measure was passed in 1939, I was Minister for Health and piloted the Bill through, and at that time there was no degree or diploma in dentistry obtainable at the University of Western Australia. Somebody has discovered that now a diploma in dental surgery can be obtained at our University, but by some oversight Western Australia was not mentioned in the parent Act, and so it is desired to pass an amending Bill. As the Leader of the Opposition has pointed out, provision is made for a diploma of any university in Australia, and I have yet to learn that Western Australia is not part of Australia. The Chief Secretary, in an involved speech, tried to point out that there were other methods, and I admit that there are. When the Bill was piloted through in 1939, its chief purpose was to cover men who had failed in their examination sometime previously—the late member for Victoria Park was one of them. At that time we did not anticipate such diplomas being granted in Western Australia, but, now that this has come about, Subsection (1) of Section 44 covers the position.

The Chief Secretary: Yes, but there are two qualifications. They must be entitled to be registered.

Hon. A. H. PANTON: They are entitled to be registered under Subsection (1) of Section 44 of the original Act, and if there are other qualifications they are covered under Section 43, which catered for the young men who had failed and who had no opportunity of going to the University and gaining diplomas in 1939. If members will look through Section 44 they will see the word "or" at the end of every subsection, showing that there are alternatives. I think the

Premier should adjourn the debate, and, if necessary, have the Bill thrown out.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [8.5]: I cannot claim to have examined this Bill in detail, as I cannot examine all the legislation that is brought down, but it came before the Government at the request of the Senate of the University of Western Australia, per medium of a letter from the Chancellor, acting on a legal opinion given to the University by its lawyers.

Hon. A. H. Panton: They should change their lawyers.

The ATTORNEY GENERAL: It appeared to the Crown Law authorities that an amendment of the Act was desirable to ensure that graduates of our University Dental School or College would not be faced with a difficulty when admitted, perhaps at the end of December, and then have to sit—

Hon. A. H. Panton: On their tails!

The ATTORNEY GENERAL: —in their arm chairs, until perhaps October of the next year, when Parliament might make the necessary amendment to the Act. If the Bill is thrown out, that consequence may ensue for some of the hopeful students of our new dental college, and that would be indeed a brilliant introduction to the profession. They would not be very grateful to those who had thrown the legislation out, or willing to give testimonials to Parliament.

Hon. J. B. Sleeman: Give us your interpretation of it.

The ATTORNEY GENERAL: From a hasty glance at the measure I would say that, when the Act was brought in, we had no diploma or degree of dental surgery in Western Australia, and no immediate expectation of such a degree being granted in this State. Therefore, as the Chief Secretary has said, Section 44 of the Act was drawn by the draftsman with the idea that the dental diplomas or degrees would be from other countries or States, as appears in Section 44, which was referred to by the Leader of the Opposition, whose interpretation is a very natural one. The draftsman—bearing in mind the circumstances under which he drew the Bill—proceeded in Section 44 to provide that applicants for registration in this State should be over 21 years of age, and persons of good character. He then said that they should have two more qualifications, the first being that they should hold a degree or diploma of dental surgery of a university in the United Kingdom, Ireland, New Zealand or Australia, and the second that they should be entitled to registration as dentists in the country or State where the diploma or degree was granted.

Hon. A. H. Panton: Would they not be entitled to the diploma in this State?

The ATTORNEY GENERAL: It would be quite possible—I confess I have not seen the comparative legislation—that the Acts said, in so many words, that a degree or diploma obtained at the local University would entitle the holders to registration by the appropriate authority enabling them to practice as dentists in the respective States. What has concerned the Senate of the University of Western Australia and its legal advisers is that our Act nowhere states specifically that the diploma or degree in dentistry secured at the University here would entitle the holder to be admitted to practice in Western Australia. It may be said with some plausibility—

Hon. F. J. S. Wise: What is the Act for?

The ATTORNEY GENERAL:—that he would be permitted to practice because Western Australia is a part of Australia. However, as the Act is worded, it was obviously framed in contemplation of people coming here from other countries where they had obtained their degree or diploma, having the right to be admitted to practice by virtue of that degree or diploma. On the other hand, there is, I believe—I have not had an opportunity to go through the measure to submit it to a very careful examination—a legitimate doubt, to say the least of it, as to whether the wording of our Act is sufficient to cover the position of an individual securing a degree or diploma at the University of Western Australia. That is what has concerned the University authorities and their legal advisers. Neither the University nor the Government would desire to introduce unnecessary legislation. In the circumstances, I think it not unreasonable that the University, with its new School of Dental Science, should be able to assure students

that there is no question as to their eligibility to practice as dentists.

Hon. F. J. S. Wise: You should have arranged for the Honorary Minister to tell us this when moving the second reading of the Bill.

The ATTORNEY GENERAL: As the Chief Secretary said, this is a technical Bill.

Hon. F. J. S. Wise: I am still quite unconvinced.

The ATTORNEY GENERAL: I think the University has acted very prudently in endeavouring to assure its students that in December at the end of their training, which I think is a five-year course, they will be able to practice, for those young men would be in a very ambiguous situation if on the completion of their course they found that, through a defect in an Act of Parliament, they were not permitted to practice and could not do so until Parliament met eight months later to make the necessary corrections. While I willingly admit the point raised by the Leader of the Opposition as arguable, at the same time I think there is every justification for submitting this legislation to make sure that our own graduates shall be admitted to practice, especially when the authorities of the University and their legal advisers are in some doubt as to the position. Even at the risk of being unduly circumspect, I think we should make quite certain that we do not create a situation that may be to the detriment of some of our young students.

Mr. TRIAT: I move—

That the debate be adjourned.

Motion put and negatived.

MR. TRIAT (Mt. Magnet) [8.16]: I am sorry the Government would not agree to the adjournment of the debate. The Attorney General, who seems to be the Minister handling the legal legislation brought before the House, said he had had no opportunity to examine the Bill closely.

Hon. J. B. Sleeman: And it sounded right, too!

Mr. TRIAT: He said that, in his opinion, its provisions might mean certain things and agreed that the point raised by the Leader of the Opposition was at least arguable. He did not say whether the point was correct or otherwise. Had the Government agreed to adjourn the debate, the Attorney General could have given a little more consideration to the legal aspects, and when we met again we would know where we stood. It makes little difference, to my mind, whether the amendment proposed in the Bill is included in the Act or not, but to me it sounds all very foolish. If the Attorney General found on consultation with the Vice-Chancellor of the University that there were good reasons for the Bill, he could have reported back to the House and no difficulty would then arise. It is not reasonable to ask members to vote on a matter respecting which they have little or no knowledge. I shall certainly not support the second reading of the Bill. It is wrong, to my mind, to ask members to decide when apparently the Government is not sure of its ground.

MR. LESLIE (Mt. Marshall) [8.18]: I confess at the outset that the Leader of the Opposition nearly had me bluffed regarding the Bill.

Hon. J. B. Sleeman: Are you not still bluffed?

Mr. LESLIE: No, because the position is as plain as it could be.

Hon. A. H. Panton: Now we have the bush lawyer at work, and we will have it right.

Mr. LESLIE: The Leader of the Opposition nearly convinced me that the Bill was not necessary, but when I heard the remarks of the Chief Secretary—

Hon. F. J. S. Wise: Were you not convinced then?

Mr. LESLIE: —followed by the Attorney General's explanation of what it actually meant,—

Mr. Triat: He said he was not quite sure.

Mr. LESLIE: —I was satisfied the Bill is quite necessary. The only point about it is that in its present form the measure is somewhat confusing.

Mr. Styants: It is as plain as a flagstaff.

Hon. A. H. Panton: As clear as mud.

Mr. LESLIE: Members will appreciate the position, having heard the explanation.

Hon. A. H. Panton: But we have not heard it.

Mr. Marshall: It has not been explained.

Mr. LESLIE: Of course it has been.

Hon. A. H. Panton: Then what are you doing, if it has been explained.

Mr. SPEAKER: Order! The member for Mt. Marshall will proceed.

The Minister for Works: He is in danger of being bluffed now.

Mr. LESLIE: No, I am not. If the Bill had been placed before the House in the form I shall suggest, it would have more clearly conveyed the intention—although what I may suggest may not be legally correct. Actually, all the Bill says is that holders of degrees or diplomas granted by the University of Western Australia shall be entitled, automatically, to practice as dentists in this State.

Hon. J. B. Sleeman: The Act says that.

Mr. LESLIE: That is all that is sought in the Bill.

Hon. A. H. Panton: But the Act says that already.

Mr. LESLIE: It does not.

Hon. A. H. Panton: Of course it does. Read Subsection (1) of Section 44.

Mr. LESLIE: Unless a degree in dentistry granted by the University in South Australia—

Hon. A. H. Panton: What has the University in South Australia to do with this?

Mr. LESLIE: I am making this speech.

Hon. A. H. Panton: And making a very poor show.

Mr. LESLIE: Unless a degree in dentistry granted by the University in South Australia entitled the holder to practise in South Australia and the law there so provided, that person could not practise in Western Australia. The holding of a degree in dentistry does not automatically entitle a holder to practise.

Hon. A. H. Panton: Then this Bill is of no value.

Mr. LESLIE: The Bill proposes to add a separate paragraph to Section 44 of the Act, but it has no qualification appended as has the parent Act.

Hon. A. H. Panton: Except that the word "or" connects the paragraphs, as in other measures.

Mr. LESLIE: The provision means that once a person has a degree granted by the University of Western Australia, he shall be entitled to practise here or elsewhere if the degree is recognised there. This is where the Leader of the Opposition nearly had me bluffed. Had the wording been included in subparagraph (i), his contention would have been correct, but it is a separate subparagraph and has no qualification appended to it.

Hon. F. J. S. Wise: Do you think a diploma or degree of our University would entitle a person to practise in this State?

Mr. LESLIE: Not unless the Act says so.

Hon. F. J. S. Wise: Then what is the purpose of granting a degree?

Mr. LESLIE: Plenty of degrees are granted by Universities elsewhere, but the holder is not permitted to practise in the Commonwealth.

The Chief Secretary: The holding of a degree of law does not entitle the holder to practise here.

Mr. LESLIE: All that this Bill will do is to establish the right of the holder of a degree of the University of Western Australia to practise in this country. I am satisfied that the Bill is quite correct.

THE HONORARY MINISTER (Hon. A. F. G. Cardell-Oliver—Subiaco—in reply) [8.23]: I regret that I did not explain the Bill more fully when moving the second reading. The point was that this Bill was passed in another place within 10 minutes—

Hon. F. J. S. Wise: Another place does not examine Bills as we do.

The HONORARY MINISTER: Probably not. On this side of the House, we have several lawyers—

Hon. A. H. Panton: And they all disagree on this Bill.

The HONORARY MINISTER: They do not disagree.

Hon. A. H. Panton: It took the bush lawyer to fix it up, not the lawyers.

Mr. Leslie: Thanks!

The HONORARY MINISTER: I shall read the letter from the Vice-Chancellor to show on what I base my argument.

Hon. F. J. S. Wise: You will be introducing new matter.

Hon. J. B. Sleeman: On a point of order, is the Honorary Minister in order in introducing new matter at this stage?

Mr. SPEAKER: No new matter may be introduced at this stage, but the Honorary Minister, in replying, may deal with matters raised in the course of the debate.

The HONORARY MINISTER: This matter was introduced by the Attorney General, who mentioned it two or three times. The Vice-Chancellor of the University wrote, on the 28th March last, as follows:—

Recent consideration by the Dental Board has disclosed that, under the present Dental Act, the students who graduate from our University course in dentistry would not be able to practise legally at the end of their training.

Apparently a slight alteration to the Dental Act would correct this whole matter, and I am enclosing herewith the legal opinion obtained from our solicitors about correction required for the Act.

I would be very glad if, in order to overcome this obvious disability, your Government would have the necessary alteration in the Act made.

The fact has been stressed by the Attorney General that young men who have studied dentistry and will probably take their degree will not be allowed to practise. The Attorney General spoke about their being allowed to sit in armchairs only.

Hon. A. H. Panton: Do not put the sob stuff over us! You could do it when you were on this side of the House, but you cannot do it now.

The HONORARY MINISTER: I know what I can do, and what I am doing now is something worth-while for the dental students in this State.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 44:

Hon. F. J. S. WISE: There was no satisfaction in the explanations given by the Chief Secretary, the Attorney General or the member for Mt. Marshall. The Act is quite clear in its inclusion of the Universities of Australia, and it is foolish to introduce a comparison with another State unless we insert the words "Western Australia" for the purpose of analysing what subparagraph (i) of paragraph (d) means. That subparagraph of Section 44 provides that no person shall be qualified for registration as a dentist under this Act unless and until he proves to the satisfaction of the board that he holds a diploma of dentistry of a university of Australia. It is unnecessary to argue that when the measure was passed, because we had no Chair of Dentistry at that time, students here would be excluded. If that had been so, a provision would have been inserted to the effect that at the commencement of the Act these conditions would obtain. The Act will apply to all the dentists to be passed by our University in the future.

The Honorary Minister: What about the Vice-Chancellor's letter? Does not he know anything?

Hon. F. J. S. WISE: It is of no use the Honorary Minister's being testy about the matter, seeing that we were entitled to have from her initially much more than we actually received. I think it was quite proper for the Honorary Minister to read that letter. If I recall its wording correctly, it said that the Senate of the University was advised by the Dental Board that those who obtained their degree or diploma in dentistry would not be permitted to act and the matter was then referred to a legal authority. Is that not so?

The Honorary Minister: Yes.

Hon. F. J. S. WISE: I suggest that if the matter had been referred to a legal gentleman first the answer would have been different. The fact that the Dental Board drew attention to what it thought was a weakness in the Act and asked the solicitors advising the Senate to remedy it resulted in the answer which this Bill gives. Had the Senate thought there was a weakness in the Act, the consensus of legal opinion would have been that Section 44 covered what this Bill is designed to do.

The Attorney General: The University asked for the amendment.

Hon. F. J. S. WISE: Yes, after the Dental Board complained that in its opinion there was a flaw in Section 44. The Gov-

ernment would be well advised to have this matter scrutinised, because some doubt has been expressed about it by the Attorney General.

The Attorney General: I have no doubt now. I have looked at the Act.

Hon. F. J. S. WISE: In fairness to the Committee and to the State, we should not be wasting time on legislation of this sort, however small the Bill may be. I hope the Government will suspend consideration of the measure for the time being with a view to making certain that there is the flaw in the parent Act which this Bill presupposes.

The CHIEF SECRETARY: The Leader of the Opposition presupposes that a University degree necessarily entitles a person to practise. That is not in a number of the professions. For example, a person may hold the degree of LL.B.

Hon. J. B. Sleeman: There is nothing about law in this Bill.

The CHIEF SECRETARY: I am making a comparison. The holding of such a degree does not entitle a person to practise law. He must have an additional qualification; he must serve his articles before he is entitled to practise.

Mr. Hoar: What prevents a dentist from practising in Western Australia?

The CHIEF SECRETARY: It might well be, although I am not sure, that after having obtained his degree he must do a certain amount of clinical training.

Mr. Triat: Why not be sure? Wait a while, and verify the position.

The CHIEF SECRETARY: That is why this additional qualification is inserted in the Bill.

Hon. J. B. SLEEMAN: The Chief Secretary has compared the Dentists Act with the Legal Practitioners Act. I do not want anything compared with the latter Act, as I consider it to be one of the most rotten Acts in the world. It is an outstanding disgrace to the State. The Dentists Act says just what it means, no more and no less. It provides that any man or woman over the age of 21 who applies for registration and has in all respects complied with the requirements of the Act and the rules and regulations, is a person of good character and holds the diploma of dentistry of the Royal College of Surgeons either in England, Ireland, Edinburgh, or Glasgow, or holds a degree or diploma of dental surgery or dental science of any University of the United Kingdom or of Ireland, New Zealand or Australia—

The Chief Secretary: And something else.

Hon. J. B. SLEEMAN: —is entitled to registration as a dentist in the country where such diploma or degree was granted.

The Chief Secretary: That is it.

Hon. J. B. SLEEMAN: That is what we are saying. That is it. The Chief Secretary will not listen to reason. I think he was wrong in not agreeing to postpone the measure.

The Chief Secretary: You cannot grasp it.

Hon. J. B. SLEEMAN: The Minister who brought this Bill down tipped it into the Chamber like a load of bricks, and then read a letter from the Senate of the University to which we did not have a chance of speaking at the second reading stage. The whole thing is wrong. The Bill is quite necessarily entitle a person to practise as Chamber are not going to hold up the business merely for the sake of talking; they want to do the proper thing. The Government would be well advised to report progress.

Hon. F. J. S. WISE: Of all the legal quibbles and futile arguments we have listened to, the worst is that put forward by the Chief Secretary. He stated that the holding of a degree or diploma would not necessarily entitle a person to practise as a dentist.

The Chief Secretary: I said it certainly would not in law.

Hon. F. J. S. WISE: I prefer to quote from the Dentists Act. Section 42 provides—

> When a student or an apprentice has in all respects qualified himself for registration as a dentist under this Act, the board shall issue to him a diploma or certificate in the prescribed form, as evidence that such student or apprentice has qualified himself as aforesaid.

The holding of a diploma or a certificate is evidence that the student or apprentice has qualified himself for registration under the Act. It is therefore perfectly clear that the Chief Secretary had not read Section 42. It is no use quibbling with me. I would not speak unnecessarily in this

Chamber; I leave that entirely to the conscience of members sitting on the Government side. I would not raise my voice unnecessarily on this or on any other subject. I intend to expedite the business, but I am not going to have the Chief Secretary, or any other member opposite, suggesting that there is no foundation for the aspect I raised when discussing Clause 2 of the Bill.

The Chief Secretary: I did not suggest that.

Hon. F. J. S. WISE: The Government would be well advised to report progress in order to study all the sections of the Act which are applicable to the Bill, not forgetting the appropriateness of Section 42.

Mr. SMITH: It is most important in connection with a measure of this kind that the Act itself cannot be construed as meaning something different from what the Legislature intended it should. When this Act was passed we did not have a diploma of dentistry of the University of Western Australia. If it had been otherwise we would have provided in this Act for the automatic registration of such people as held the diploma by means of a provision such as that which apears in the Bill. I think that in all probability it would have been subparagraph (i) of paragraph (d) of Section 44 and the existing subparagraphs (i) and (ii) would have been consequentially altered.

Having provided for the automatic registration of students of our University holding a diploma, it would then be necessary for us to provide for students of other Universities who held diplomas entitling them to registration in other parts of Australia or in other countries because of the fact that they held diplomas to practise as dentists. So when this question was raised to the Senate of the University by the Dental Board, the Senate had some doubts on the matter and referred it to their legal advisers who thought that the position should be made clear beyond equivocation and beyond misconstruction of any kind. I think that this paragraph could be construed to mean students other than those who have a diploma of the University. Subparagraph (i) of paragraph (d) of Section 44 could be construed to refer to students other than those who have a diploma of the University. There is no comma after the word "Australia" and following that word the subparagraph reads—

and at the date of his application for registration under this Act is entitled to registration as a dentist in the country where such diploma or degree was granted.

I think the word "Australia" has to be read in conjunction with those words and that in construing that particular subparagraph the Court would read those words in conjunction with the word "Australia" and would interpret it to mean States of Australia other than Western Australia. I intend to support the clause.

The ATTORNEY GENERAL: I think the member for Brown Hill-Ivanhoe has placed the right interpretation on this section and I intend to say a word or two about it. Then if the Leader of the Opposition feels the matter requires further consideration I shall be happy to report progress. The interpretation that appealed to the Leader of the Opposition is a very natural one and I think it is the interpretation that at first sight one would feel should be given to this clause. Unfortunately what we glean from first sight does not always bear examination on closer study. The Government stands in this position: First of all, the statutory Dental Board operating under this Act apparently forms the opinion that a graduate in dentistry in our University would not be eligible to register. That is alarm signal Number One. Then it goes to the University, who are deeply concerned; and they refer it to their lawyers and the opinion of the Dental Board is confirmed. That is alarm signal Number Two. The University then goes to the Government and says, "Can you put through a short amendment to make sure this is perfectly right, because we are advised that one of our students would not be eligible for registration as the Act stands?" That is referred to the Solicitor General and he says, "I agree that the suggested amendment of the Dentists Act is desirable. I append the necessary Bill."

That is alarm signal Number Three; and with that warning I suggest to the Leader of the Opposition that the Government would have been worthy of very grave censure if it had failed to submit the matter to the House in the interests of the students now attending the Dental College at the University. Section 42, to which the Leader of the Opposition referred, is confined to students and apprentices, both of whom are people who in this State passed a certain prescribed course as students or apprentices, which is

not a University course. The diploma mentioned there is one given in respect of a course of study in this State which is not a University course. The only place a University course is mentioned is in paragraph (d) of Section 44(1) which refers to a degree or diploma of dental surgery or dental science of any University. Paragraphs (a), (b) and (c) of Section 44(1), as the Leader of the Opposition rightly said, deal with bread and butter requirements of a person over 21 and of good character and so on. Then the section goes on to say what professional requirements are necessary.

In paragraph (d) it deals with University diplomas or degrees and then in paragraphs (e), (f) and (g) it deals with qualifications acquired in this State which, at that time, were by apprenticeship and a course of study by students who served under articles to a practising dentist. So it is quite evident from this Act that this section deals with the qualifications of study in this State which will justify the board in registering and those qualifications obtained in this State do not include a degree or diploma of our local University. Then in paragraph (d) of this Section 44 (1), the one to which so much attention has been applied, reference is made to a degree or diploma of a University of England and so on, or Australia, by a student who in addition to having a degree was at the date of his application for registration under this Act entitled to registration as a dentist in the country where such degree or diploma was granted. I think that, as the member for Brown Hill-Ivanhoe has said, the reference to the right to be registered in the country where the degree or diploma has been granted means accepting that degree as a qualification in that country, because all degrees are not qualifications in a particular country, especially in the United States. I am in agreement with the opinions expressed that the Act as it now stands could legitimately be construed as not entitling a student with a degree from our University to registration.

Hon. A. H. Panton: Do you think you will have reciprocity with other States if this is passed?

The ATTORNEY GENERAL: That will depend not merely on this Bill, but on the Acts of the other States. There is usually some reciprocity in a number of occupations. I have not turned my attention to such provision in this particular legislation or in that of other States, but our opportunities of reciprocity will be immensely enhanced by the fact that we have a degree or diploma of a university for our students. So, in accordance with the previous opinions, I feel there is a defect in the legislation. But even if I put it on no higher basis than to say that there is a grave doubt, which I think should be resolved in the interests of the students, now actually being trained at this school, I hope the Committee will feel that a case has been made ou for will feel that a case has been made out for for the obligation on the Government to bring it down. But if it is felt, after a fairly full discussion, that there should be further examination, I will support a motion to report progress.

Progress reported.

BILL—LAW REFORM (CONTRIBUTORY NEGLIGENCE AND TORTFEASORS' CONTRIBUTION).

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [8.54] in moving the second reading said: I do not propose to detain the House long in explaining this second measure dealing with the reform of our general law. The Bill deals with two distinct but allied matters. The first part is new to the House. It is in respect of what is known by lawyers as the question of contributory negligence. It sometimes happens—and we may take the most familiar case, that of motorcars—that two motorcars come into collision and one gets badly damaged and the other hardly damaged at all. The owner of the badly damaged car might sue the driver of the other, but if the plaintiff has himself been guilty of what is called contributory negligence, even though the defendant has been mainly negligent, he cannot succeed. To take another illustration, suppose a man was knocked down and seriously injured by a motorcar. The driver of the motorcar may have been negligent, but if the pedestrian might have avoided that accident by the exercise of care, when he saw danger looming, then the pedestrian was guilty of contributory negligence, and might not be able to recover anything at all. It is to meet

cases of this kind, which depend upon rules which have grown up in the administration of the law in the courts, that the Bill is designed.

This principle of contributory negligence, which may, and often has, debarred a plaintiff from claiming damages for negligence, has been much criticised by courts of law and by legal writers. The time has come when we should replace it by some more rational or equitable system. So, the Bill by its first part seeks to amend the law to provide for an apportionment of damages between the parties where the plaintiff, as well as the defendant, is responsible for the happening which caused the damages. Negligence, as members may know, can briefly be described as doing something, or omitting to do something contrary to the demands of ordinary care and prudence. By the ordinary rules of law, in order that a mans' negligence may entitle another to a remedy against him, that other must have suffered harm of which this negligence is an approximate or direct cause. If the sufferer himself has, by his own negligence, contributed to the happening or event which caused the injury, he may not be entitled to any remedy. If he could, by the exercise of such care and skill as he was bound to exercise, have avoided the consequence of the other's negligence, he cannot recover damages for the injury he has sustained.

The purpose of the Bill is to do away with some of the harshness which arises from this rule of the general law. May I give an example of the law as it stands? A person, A, is driving a car along the highway at an excessive speed, having regard to the time, place and circumstances, so that he is unable to pull up and avoid any ordinary emergency that may present itself. A pedestrian, B, without taking heed of the approaching traffic, carelessly steps off the footpath and is run down by A, who is unable to stop before hitting him. In these circumstances, B, the pedestrian, could recover nothing from A, the careless motor driver, who might have been travelling along the street at 50 miles per hour. The law holds that B, before he stepped off the pavement, should have looked both ways and made quite certain it was safe for him to cross the street. If he did not do so and was knocked down and lost a leg, he could not recover from the motor driver even though the driver had come down the street at 50 miles an hour, because the pedestrian, even though the defendant was negligent, had the last opportunity of avoiding that negligence.

To carry this a step further; if A is driving his car at excessive speed when B steps off the footpath in the same heedless manner, and the driver A sees the pedestrian B some distance away, and should be able to stop, but because his brakes are out of order cannot pull up in time and runs B down, the court will hold that the motor driver was substantially to blame, and will hold him liable because, having seen the pedestrian, he had the last opportunity of avoiding the accident and could have done so had he not been negligent in having deficient brakes. I mention those two cases to show the inconsistency and, in some respects, the injustice of the law where injury is occasioned by two parties who are both negligent. The idea of the Bill is that in such a case, although the sufferer may have been negligent, if he proves that the other party was negligent he may recover some damages, but such damages will be reduced to the extent of the negligence which has been shown by the plaintiff, the sufferer.

In Admiralty, in English law there has for many years been a principle under which where two ships collide, the court does not go so nicely into the consideration as to which ship had the last opportunity of avoiding the accident. The court says that they were both to blame—if such were the case—and that ship A was three-quarters to blame and ship B one-quarter to blame. Having arrived at that decision, the court makes the two ships pay for the damage sustained in those proportions. We desire to apply something of the same principle in the case of collisions on land or injuries sustained on land, which may be the result of the negligence of both parties, so that the courts may say, when two parties litigate in such a matter, to one "you were very slightly to blame, perhaps only one-eighth," and to the other, "you were greatly to blame, perhaps seven-eighths," and so apportion the damages according to the degree of blame that the parties have shown in their contributions to the cause of the accident. That basis of law was adopted in England by an Act of 1845. I will read from the English Act known as the Law Reform (Contributory Negligence) Act, 1945—

Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage.

That is the principle embodied in this Bill and it follows the reform in the English law adopted in 1945. The second part of the Bill relates to a still more technical subject, from the point of view of wording, and that is a contribution between tortfeasors, who are wrongdoers. The second part of this Bill is practically identical with a part of the Law Reform (Miscellaneous Provisions) Act, No. 29 of 1941, passed by this House in that year. That measure contained a section dealing with contributions between the wrongdoers or tortfeasors. With a minor amendment, this Bill lifts that part of the Act of 1941, already passed by this Parliament, and incorporates it in this Bill for the sake of having two related matters brought together in the same Act of Parliament. This part deals with people who jointly commit a wrong against some other person. It may be that they jointly light a fire that burns him out or jointly conspire to defraud him. They commit a wrong against some other person and, as the law now stands, if he sues one of the two, who wronged him, and recovers judgment, he is debarred from suing the other, even though he may not be able to recover compensation from the one he has obtained judgment against, because that one has no money. He is not able to pursue his remedy against the other one or more who wronged him.

This measure alters that and makes provision that if there are two or more wrongdoers and one only is sued, or one or two out of those who committed the wrong, and judgment is obtained, it will not be a bar to suing any other or others of the wrongdoers, if the sufferer desires to do so, provided, of course, that he cannot recover more than the actual damage he has sustained. By a further rule of the existing law, where there are two or more wrongdoers who jointly commit a wrong to somebody's injury, and if one of them pays compensation to the sufferer, or is compelled to do so, he cannot recover any compensation from any other wrongdoer or wrongdoers because it was held that they were all in the wrong together, and the law will not help one to recover from the others. If the sufferer sustains damage to the extent of say £1,000, and one wrongdoer pays up, he cannot go to the other and say, "You should pay £500 to me so as to make it an equality of liability on the part of both of us, because we were both equally liable."

This Bill rectifies that position and ensures that if there are two or more wrongdoers and one pays up to the sufferer, he can recover a contribution from the other or others associated with him in the commission of the wrong, the judge deciding whether the other, or others, shall pay up the full proportionate share. Furthermore, the judge has power if he thinks fit to say, "Well, in the circumstances, although you may have paid the full amount to the sufferer, I will not enable you to recover anything from anyone else." He might hold it was not equitable in the circumstances. These are the main provisions in this law reform Bill. First of all, it provides means by which, if two parties are negligent, the responsibility for damage they, or either of them, incur may be spread in proportion to the degree of negligence exhibited that caused the accident.

The other part will deal with people who jointly cause an injury to a third person and will enable the injured person to recover fully from the wrongdoers, and for any wrongdoer who has paid more than his share to recover a contribution from any others who may have been responsible with him in the commission of the wrong. With that, I will leave any further explanation, if members will be good enough to pass the second reading, till the Committee stage, when I will be pleased to discuss the provisions in the several clauses and to give any explanation I can as to the need for them and the operation they will have. This is a reform of the law that will be well worth-while. There has been much criticism of this particular weakness in our law regarding collisions on land for many years. Owing to that criticism, the British House of Commons corrected the position in 1945, and that reform we now seek to adopt here. I move—

That the Bill be now read a second time.

On motion by Mr. Smith, debate adjourned.

House adjourned at 9.13 p.m.