the best possible service if we attained a stage where we would be able to balance our budget. I have done my best to try to explain that position clearly to the House.

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

Ayes	7
Noes	13
Majority against ..	6

AYES.

Hon. J. Cornell	Hon. W. R. Hall
Hon. L. Craig	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Gray	*(Teller.)*

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. A. Thomson
Hon. V. Hamersley	Hon. H. Tuckey
Hon. J. J. Holmes	Hon. F. R. Welsh
Hon. J. M. Macfarlane	Hon. H. L. Roche
Hon. W. J. Mann	*(Teller.)*

PAIRS.

AYES.	NOES.
Hon. G. W. Miles	Hon. H. V. Piesse
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. J. A. Dimmitt
Hon. T. Moore	Hon. G. Fraser

Question thus negatived; Bill defeated.

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th October.

HON. H. SEDDON (North-East) [8.53]: I have examined the Bill, and intend to give it my support. It has been fully explained by the Chief Secretary, and therefore there is no need for me to elaborate upon its provisions.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 8.56 p.m.

Legislative Assembly.

Tuesday, 22nd October, 1940.

	PAGE
Question: Producer gas plants, University tests	1413
Assent to Bills	1413
Bills: Fisheries Act Amendment, 1R.	1413
Royal Agricultural Society Act Amendment, 3R.	1413
Bush Fires Act Amendment, report	1413
Road Closure, report	1413
City of Perth (Rating Appeals), recom., report	1416
Tramways Purchase Act Amendment, 2R.	1421
Harbours and Jetties Act Amendment, 2R.	1427
Registration of Firms Act Amendment, 2R.	1427
Police Act Amendment, 2R., Com. report	1428
Optometrists, Com.	1428
Electoral Act Amendment (No. 1), Council's amendments	1438
Standing Orders, report of Committee	1414
Resolution: Rural relief, to inquire by Joint Select Committee	1427

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

QUESTION—PRODUCER GAS PLANTS.

University Tests.

Mr. BOYLE asked the Minister for Industrial Development: 1, Following the announcement of the Industries Department some time ago that comparative tests for gas producers would be conducted by the University, have these tests been finalised? 2, If not, what is the cause of the delay? 3, Is he aware that the delay in announcing the results is tending to prevent the expansion of the gas producer industry in this State?

The MINISTER FOR INDUSTRIAL DEVELOPMENT replied: 1, No. 2, Efforts are being made to construct the equipment locally but there has been some delay in delivery of certain parts of the plant. 3, No.

ASSENT TO BILLS.

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

1, Agricultural Products Act Amendment.

2, Kalgoorlie Health Authority Loan.

BILL—FISHERIES ACT AMENDMENT.

Introduced by the Minister for the North-West and read a first time.

BILL—ROYAL AGRICULTURAL SOCIETY ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILLS (2)—REPORTS.

1, Bush Fires Act Amendment.

2, Road Closure.

Adopted.

STANDING ORDERS.

Report of Committee.

MR. MARSHALL (Murchison) [4.37]: I desire to be brief in my explanation to the House of the Standing Orders Committee's reasons for recommending that the amendments set out in the report be given effect to. There is nothing particularly debatable about any of them, but most of them are necessary. The one likely to cause some argument is the proposed addition of a new standing order. The first amendment is necessary owing to the alteration of the title of the Imperial Parliament; the word "Northern" is proposed to be inserted in the standing order immediately before the word "Ireland," because Southern Ireland now has Home Rule. The second amendment proposes to transpose Standing Order No. 422 to its proper place as Standing Order No. 2. This standing order is in the nature of a definition and should not appear at the end of the standing orders; it should occupy a more suitable place at the commencement. The third amendment proposes to alter Standing Order No. 31 so as to bring our standing orders into conformity with the procedure this House has always followed. Members are aware that the Speaker has never read the Governor's Speech, as directed by the standing orders, but has had copies of the Speech printed and then distributed amongst members for greater accuracy and for their information. Amendment No. 3 proposes to strike out of Standing Order 31 all the words after the word "accuracy" and add the words "caused copies to be distributed." That is the procedure adopted through the years, and I believe that by making this amendment, we shall merely be bringing the standing orders into conformity with the practice ever since responsible Government. The next amendment to Standing Order 32 is more or less consequential on the preceding amendment. The Speaker does not read the Speech to the House; he reports the receipt of copies of the Speech. Therefore the word "read" should be struck out and the word "reported" inserted in lieu. Amendment No. 5 deals with Standing Order 36 and proposes to strike out the words "or if the Speaker should also be absent, without the Clerk having been informed that he was so unavoidably, the House shall stand adjourned to the next sitting day." The Chairman of Committees is now authorised under the Constitution to occupy the Chair in the absence of the Speaker. Even a Deputy Chairman of Committees may take the Chair if delegated by the Speaker to do so. Therefore the present wording should not be retained in view of the fact that it conflicts with our procedure under which the Chairman of Committees assumes the Chair in the Speaker's absence.

Amendment No. 6 proposes to delete Standing Order 66, which deals with the admittance of strangers to the gallery. There was a time when the Speaker issued tickets to visitors. Without a ticket, a visitor was not permitted to enter even the public gallery of this august House. That practice has long since disappeared and been forgotten. The standing order also provides that every member may be issued with two tickets for the ladies' gallery. We have not had a ladies' gallery since 1921 or 1922. In that year the ladies' gallery was abolished, although it still has the brass plate on the door. I believe that the first lady member of this House took exception to having a ladies' gallery and this House agreed to its abolition, so that now we have a mixed assemblage in each gallery. Amendment No. 7 proposes the insertion of a new standing order after Standing Order 144. This matter was the subject of some debate on the last occasion when a report of the Standing Orders Committee was discussed. The proposal is to insert a new standing order as follows:—

> When any member objects to words used in debate by another member, the Speaker or Chairman of Committees shall, if either considers the words to be objectionable, order them to be withdrawn and, if necessary, an apology made.

Hon. C. G. Latham: It should read "objectionable or unparliamentary."

Mr. MARSHALL: The matter is open for amendment; we are not wedded to the wording proposed. At present there is no one to say whether an utterance made by a member is offensive, unbecoming or unparliamentary. If any member makes a statement and another member considers it to be offensive or unparliamentary, he may rise and ask for a withdrawal of the words complained of, but there is nobody to say whether such utterance is of an offensive nature. The Standing Orders Committee considers that the Speaker, Chairman of Committees, or Deputy Chairman should be empowered to adjudicate as to whether an utterance is offensive. If so, a withdrawal may be requested and, if necessary, an apology.

The Minister for Mines: The member would have to apologise to the House.

Mr. MARSHALL: Yes, there is no reference to the apology being made to the member who considers himself offended. Amendment No. 8 proposes an alteration to Standing Order 145. This standing order is somewhat ambiguous in that it is capable of two interpretations. It leaves doubt as to the particular stage of discussion when a member may ask for a withdrawal of words considered to be offensive, that is, while the other member is speaking. The standing order reads—

> Every such objection must be taken at the time when such words are used, and not after any other member has spoken.

Exactly what is meant by the latter words, the Standing Orders Committee was at a loss to know. A member could be offended by another member's statement and not be in the Chamber at the time. He might enter the Chamber 10, 15 or 20 minutes later, and having been informed of the offensive nature of the statement could, provided the same member was addressing the Chair, ask for a withdrawal. So long as he asked for a withdrawal before any other member had spoken, he would be in order. We think that if a statement is made that offends another member, he should make his objection immediately the words are uttered. If he fails to take advantage of the opportunity, he should not be permitted to interrupt the debate at a later stage. It has been the practice for the Speaker and Chairman of Committees to adopt this course. When members have asked for the withdrawal of a statement considered to be offensive, they have been refused the right through not having raised the objection at the time. The amendment will make the standing order definite. If any objection is to be taken, it must be taken when the words are used. A member may not permit the debate to continue for a time and then seek a withdrawal.

Amendment No. 9 deals with Standing Order 306, and is consequent upon an alteration of the Constitution. The Constitution Act Amendment Act of 1921 repeals Sections 67 and 68, and inserts a new section, No. 46, in lieu of those two sections. I do not think members will desire to debate that proposal. Amendment 10 deals with Standing Order 331. I am given to understand that many years ago each House of this Legislature had its own refreshment room. We now have a Joint House Committee, and therefore this amendment is necessary in order to bring our standing orders in conformity with the procedure and practice over a long period of years. Amendment No. 11 refers to Standing Orders 388 and 389. These standing orders have never been put into force. I understand that they were taken from the South Australian rules of debate. However, they have never been used and are contrary to the procedure uniformly adopted here. They overload the standing orders inasmuch as they are absolutely obsolete and ineffective. If they were of any consequence, it would be necessary for us to revive Standing Order 35, which has been repealed. I am given to understand that the procedure under Standing Orders Nos. 388 and 389 is adopted in the South Australian Parliament, and also in the Commonwealth Parliament, where such committees are appointed almost at the first meeting of Parliament and remain in existence. Our procedure is different, inasmuch as we can act only upon a message from the Governor. I move—

> That the report of the Standing Orders Committee be adopted.

Mr. SPEAKER: The amendments had better be put seriatum, because the House may desire to adopt some and disagree to others.

Amendments Nos. 1 to 6—adopted.

Amendment No. 7:

Hon. C. G. LATHAM: I move an amendment—

That after the word "objectionable" the words "or unparliamentary" be inserted.

Words may not be objectionable but still be unparliamentary. I have known occasions here of the use of words which did not conform to that standard of decorum that is customarily maintained, and I think such an occurrence had better be left to the Speaker or the Chairman for decision.

Mr. SPEAKER: I point out to the hon. member that possibly Standing Order 131 may be duplicated by his amendment.

Mr. MARSHALL: I have no objection to the amendment. Standing Order 131 provides that no member shall use any offensive or unbecoming words in reference to a member of the House. However, that standing order would permit me to use unparliamentary language against the decorum of the House. Although I have never used any unbecoming language here, I consider that the words suggested by the Leader of the Opposition should be inserted, there being a distinction between what is unparliamentary and what is objectionable.

Hon. C. G. LATHAM: With reference to Standing Order 131, on one occasion I heard used in this Chamber a word that was blasphemous, and certainly unparliamentary, though conceivably not offensive to any member of the House. Therefore there is ground for the amendment.

Mr. SPEAKER: I think the Speaker is now empowered to deal with that kind of thing.

Amendment put and passed; the amendment, as amended, adopted.

Amendments Nos. 8 to 11—adopted.

On motion by Mr. Marshall, the report of the Standing Orders Committee, as amended, adopted.

BILL—CITY OF PERTH (RATING APPEALS).

Recommittal.

On motion by Mr. J. Hegney, Bill recommitted for the purpose of further considering Clause 5.

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 5—Constitution of board:

Mr. J. HEGNEY: I move an amendment—

That in Subclause 4, the word "of" be struck out.

If this amendment is passed, the subclause would, subject to the passing of a further amendment, provide that two members of the rating appeal board shall be members of the Commonwealth Institute of Valuers in actual practice, and that there shall not be a member representative of Perth ratepayers. If we desire an expert board, we should make it such; to that end another valuer should be provided for members are aware that the Taxation Department has a board which deals with land tax matters, and that board consists of experts only. The board contemplated under the Bill will be representative of the ratepayers and will determine what shall be fair values to be placed on city properties. If the amendment is agreed to, I shall move to strike out the latter part of the subclause reading, "and the other shall be a person who is a ratepayer of the City of Perth but not a member of the council, and is nominated by the Minister charged with the administration of the principal Act as a representative of the ratepayers of the said city." That means that the clause will provide that the other two members of the board shall be members of the Commonwealth Institute of Valuers in actual practice. The board will act as an appeal board and will have to hold the scales of justice evenly. One suggestion advanced was that an architect should be appointed to the board, but I do not think an architect would be in such close touch with valuations and the variations that take place from time to time, as a valuer in actual practice.

The MINISTER FOR WORKS: I did not object to the Bill being recommitted for the further consideration of the clause, but I decidedly object to the amendments outlined by the member for Middle Swan. The issue involved was dealt with fully by the Committee previously. The member for West Perth wished to provide for an architect as a third member of the board. Taking the clause as it stands, no objection has been raised to the first member of the board

who is to be a lawyer, nor has any objection been raised to the second member, who is to be a member of the Commonwealth Institute of Valuers. The comprehensive amendment in the form to be proposed by the member for Middle Swan will have the effect of taking away discretion regarding the third member, for he provides that a second valuer is to be appointed. The amendment to the extent that it will limit the choice regarding the third member of the board, is decidedly objectionable. The whole question was thrashed out by the Perth City Council and was first discussed on a report from a committee which recommended that the third member should be an architect. That was not agreed to, and the council decided that the third man should be a representative of the ratepayers. The point was raised then, and it has been repeated in this House, that such a decision would limit the choice. At this stage I would not say that the third member should not be a sworn valuator nor yet an architect, but certainly the City Council desired that some discretion should be allowed regarding the appointment of the third member. The body that is contemplated should be regarded as an expert board or a board of specialists. I think the member for Nedlands proposed that there should be three sworn valuers on the board. One member, as set out in the clause, will belong to the legal profession and, as such, he will be a specialist.

Hon. N. Keenan: In what?

The MINISTER FOR WORKS: In procedure. He should also have a better knowledge of what could be accepted as evidence and would be in a better position to assess the value of evidence tendered. His presence on the board would ensure that the proceedings were conducted properly and in a dignified manner.

Mr. Hughes: And the presence of a lawyer will clothe the board with dignity!

The MINISTER FOR WORKS: To my mind, it would be preferable if a magistrate were appointed, but in all probability the services of such an officer could not be made available. We must bear in mind that the work to be undertaken is of a special type. Then the question of a valuer comes in. I have seen a list of sworn valuers, and I find that many of them are land agents. Provision is made already for one valuer to be a member of the board and I think it most desirable that discretion should be allowed in the appointment of the third member who would be a specialist of standing in the community. For instance, there might be an architect who had not only a good knowledge of his own profession but an undoubted appreciation of rental values. He might be a man of very wide experience, but the amendment, as proposed by the member for Middle Swan, would exclude the possibility of making such a selection. I do not think it desirable that the clause should be so amended that two sworn valuers will have to be appointed. Then again, if the latter part of the subclause is struck out, we will delete the provision that the third member must be a ratepayer of the City of Perth, but not a member of the council. If that provision is struck out, a sworn valuer who was a member of the City Council could be appointed. That would be objectionable.

Hon. N. Keenan: Then he would not be appointed.

The MINISTER FOR WORKS: But if all the amendments foreshadowed by the member for Middle Swan are accepted, that provision will be struck out. The third appointee should possess more qualifications than merely that of being a ratepayer, to justify his selection and decidedly he should not be a member of the City Council. Although I do not suggest that we are slavishly bound to do as the City Council asks, the fact remains that this phase has been well discussed by the council and the clause represents what the council desires.

Hon. N. KEENAN: The argument advanced by me when the Bill was in Committee, an argument now accepted by the member for Middle Swan, was that we should have a board of experts and not one who might or might not be expert. Nobody would suggest that the councillors of the City of Perth are corrupt, but I pointed out that circumstances arose that so influenced the decisions of the council that on many occasions the city valuer's figures were without justification interfered with.

Mr. Raphael: On all occasions.

Hon. N. KEENAN: That is what we want to cure. We want an expert board that will not be liable to go wrong. I

repeat that there is no suggestion of bad faith or corrupt action on the part of the councillors.

The Minister for Works: I did not suggest that.

Hon. N. KEENAN: Nobody did. The councillors merely did wrong because they were not experts. The Minister's previous argument against my suggestion that an expert board should be appointed was that some valuers practising in Perth and belonging to the Commonwealth Institute of Valuers were also land agents and dealers in land. However, every single member of the board has to be appointed by the Governor and consequently before an appointment is made the Minister can ascertain whether the proposed member of the board is a dealer in land.

The Minister for Works: The most expert valuers are land agents.

Hon. N. KEENAN: If that is so and an expert valuer who is also a land agent and an honest man, is eligible for appointment, why should not he be appointed? The member for Middle Swan desires the appointment of an expert board and I support the amendment though unfortunately he goes only two-thirds of the way I would have liked him to go. If there is any difficulty about the hon. member not having put the right form of amendment on the notice paper, I would point out that he has the right to amend it at any time.

The Minister for Works: All I object to is the exclusion of the last part of the clause.

Hon. N. KEENAN: If the two members are to be valuers and members of the institute of valuers and are to be selected by the Governor, what is the objection?

The Minister for Works: The clause sets out that they must not be members of the council.

Hon. N. KEENAN: Would any Government in power choose as a member of the board a man who is a member of the council?

The Minister for Works: Not if the clause remains.

Hon. N. KEENAN: Would any Government appoint a member of the council after all this trouble had arisen? Of course not.

Mr. ABBOTT: I support the amendment.

The Minister for Mines: I am glad to see the lawyers agreeing.

Mr. ABBOTT: I would emphasise the point made by the member for Nedlands that in appointing anyone to a judicial body, it is bad policy to appoint someone to represent a particular party. The Bill provides that one of the members of the board is to be nominated by the Minister charged with the administration of the principal Act not to decide a question, but to act as a representative of the ratepayers. Everyone knows what has happened in the Arbitration Court where 90 per cent. of the decisions have been given by the chairman with one of the other two members of the bench agreeing and the second dissenting. If a decision is in favour of the employers, then the employers' representative on the Arbitration Court bench supports it. If the decision is in favour of the workers, support comes from the employees' representative. Consequently it is not a judicial body at all, but consists of one chairman and two people advocating different views, which is wrong. The Bill provides that one member of the board shall be a representative of the ratepayers. Does not that mean that such an individual will be an advocate looking after the interests of the ratepayers? Those interests should be looked after not by a member of the judicial body, but by someone on the floor. A member of the board should not be in the position of being influenced by the fact that he is representing any particular party.

The MINISTER FOR WORKS: We are not appointing a super valuation board. It may be that if there were three expert valuers they would disagree with every valuation of the city valuer.

Mr. Abbott: They would deal only with appeals.

The MINISTER FOR WORKS: I suggest that the City Valuer is not expected to be absolutely correct in all his valuations, but he is expected to be consistent. The trouble has arisen because places of equal value have had different values put upon them so that some people have been unjustly treated. What might occur is that an expert board would disregard the valuations made by the City Valuer and set a value which might be correct, but which would be entirely inconsistent with all the other valuations. What the City Valuer has to do is to be consistent.

Mr. Hughes: Consistently right.

The MINISTER FOR WORKS: He has to be consistently uniform. After all, these values are merely arbitrary figures. It is a matter of opinion. The same thing occurs in the buying of a horse. Different values are placed on properties by different experts. The work of the board is not to go round the city and value property, but to sit in court and hear evidence. We need men who are not so much sworn valuers as valuers of evidence, and a sworn land valuer is not necessarily a valuer of evidence.

Mr. Abbott: It would be wrong for the Government to appoint such a man. The Minister is supposed to use his discretion.

The MINISTER FOR WORKS: The hon. member need not be at all perturbed. The men chosen will be the very best. It is suggested that because a man has had extensive experience as a land agent he would be suitable as a member of the board. Pressure, however, can be brought to bear upon land agents, for after all they are still human beings. We have to be careful not to overcrowd the board, but I think it desirable to have on it men who can be referred to as specialists in land values. That, however, is only one part of the business. The board must consist of men who are capable of assessing the value of evidence placed before them. We want a tribunal that will review the work of the City Valuer. When an aggrieved ratepayer goes before the board he must show not that a wrong value has been placed upon his property, but a value that is inconsistent with other valuations. The board must endeavour to discover to what extent that inconsistency exists, if at all. No definite formula can be applied to valuations in all municipalities. The annual values relating to the whole of the metropolitan area are not consistent one with the other. In one municipality a different formula is adopted compared with what is adopted in another, but so long as the valuations are consistent within the municipality, no harm can be done. The board would not examine buildings, but weigh the evidence. We should not exclude from it men who are experienced in pursuits other than valuing.

Mr. Sampson: What is the qualification of a Commonwealth valuer?

The MINISTER FOR WORKS: He should be a member of the Commonwealth Institute of Valuers, would require to have a knowledge of mathematics, and have a great deal of general experience.

Mr. Hughes: Do members of that institute have to pass an examination?

The MINISTER FOR WORKS: The work of a valuer is not an exact science. I do not know what technical knowledge is required of a sworn valuer. As members of a union, however, they have the right to declare themselves members of the institute.

Mr. Hughes: Having satisfied each other that an examination is not necessary.

The MINISTER FOR WORKS: We are dealing with those who have jumped the hurdle, and are already sworn valuers. In constituting the board we should not limit ourselves to a solicitor and two sworn valuers. I object to closing the door to "other than sworn valuers." Many men may be available whom it is desirable to appoint to the board, and we do not want to be deprived of the right to put them there.

Mr. J. HEGNEY: The Minister has made out an excellent case against the constitution of the board.

The Minister for Mines: Then let us wipe it out.

Mr. J. HEGNEY: The board will be there to hear appeals, just as the board appointed by the taxation authorities now hears appeals from taxpayers.

Mr. Hughes: Why do you worry so much about the City of Perth?

Mr. J. HEGNEY: The chairman of the Taxation Appeal Board is a legal man when income tax cases are dealt with, and a land valuer when land tax cases are dealt with. If we set up a board to hear appeals from ratepayers of the City of Perth we should appoint experts so that all appeals may be properly reviewed. Sworn valuers have had great experience in the buying and selling of properties, and, with the sound knowledge they have of the job, would be in a better position to hear appeals than would persons who have not had that experience. Of what use would it be to appoint a board to hear appeals if its members were not competent to analyse the decisions arrived at by the city valuer? The selection of persons to serve on the board is one of the most important features of the Bill.

Mr. SAMPSON: We cannot safely adopt the amendment. The hon. member has failed to advise us of the qualifications

of members of the Commonwealth Institute of Valuers. The Minister believes they should have a knowledge of mathematics, but we are not aware whether that is so. They have a knowledge of the value of land. On what basis are they admitted? Is it on the payment of a fee or do they pass a qualifying test? The Bill is quite satisfactory as it stands in respect of valuers and it would not be wise to alter it. There is provision for one member of the Commonwealth Institute of Valuers and he can bring forward all the arguments that can properly be brought forward by a valuer. Whether he would have a knowledge of mathematics or not, I am not able to say. The Bill provides for a varied type of men who are qualified in respect of valuations. We should not set aside the provisions contained in the clause. I believe that valuers appointed by the State under the Land Agents Act are accepted if their character is above reproach and subject to their paying a prescribed fee, but so far as I have been able to ascertain, they do not have to pass an examination. I shall vote against the amendment. I am anxious that we should have capable valuers.

Mr. HUGHES: The valuer who sits on the board of valuers is not going to substitute his own opinion for the sworn testimony. When an applicant goes before the board, I take it he will bring along a couple of valuers and such other evidence which he thinks will convince the board, and those on the board will decide on the evidence tendered. If the members of the board substitute their own opinion for the evidence that has been given, the decision is bound to be upset on appeal. I do not see that there is any magic in the membership of the Commonwealth Institute of Valuers. I would be safe in making the statement that not one member of that institute could pass a junior examination in mathematics. I know many people who are sworn valuers and whose knowledge mathematically is limited. After all, the question is the valuation of a property. I cannot understand the suggestion of the Minister that the board will endeavour to assess a value consistent with other values in the district.

The Minister for Works: That is highly important.

Mr. HUGHES: The value of property is the existing capital value and if a property were earning £100 a year, it would be worth £2,000, because you would get 5 per cent. clear by letting it on its rental value, which must be the basis of valuation.

The CHAIRMAN: Will the hon member please get back to the amendment? The discussion has been very wide.

Mr. HUGHES: The Commonwealth Institute of Valuers consists of a number of people who banded together to give themselves some standing in the community. People who have been engaged in the work of valuing property for various purposes were allowed to join and one of the difficulties about this type of organisation is the same as that existing in the accountancy world. I could point to people in Perth with certificates 3ft. x 2ft. in size. Some person in Sydney conceived the idea of forming a separate institute of accountants and he wrote to typists and clerks and others and induced them to enrol as members, and then sent them the huge 3ft. x 2ft. certificate. The man in the street does not know the difference between a chartered accountant and anyone else, but when he sees a big certificate displayed, he takes it for granted that the holder must be a qualified person. Not many members of the Commonwealth Institute of Valuers passed any examination prior to membership. If they have done so, then that must be a recent development. I cannot see any advantage in putting two of such valuers on the board. The wider we leave the choice, the better board we are likely to get. The board would be very much stronger if an accountant were appointed to it.

The Minister for Works: I think so, too.

Mr. HUGHES: People giving evidence as to the value of their properties would bring with them their rental returns and statements showing outgoings, and therefore the board would be materially assisted by the services of an accountant. Perhaps the wisest course to pursue would be not to establish a board, but to provide for appeals direct to the magistrate of the local court. I do not support the amendment.

Amendment put and negatived.

Mr. ABBOTT: I move an amendment—

That in line 4 of Subclause 4 the words "is a ratepayer of the City of Perth but" be struck out.

I do not think any appointee should be representative of a particular class. The three members of the board should act in a judicial capacity.

The CHAIRMAN: I draw attention to Standing Order 297, under which no amendment shall be made and no new clause added to any Bill recommitted on the third reading, unless notice thereof has been previously given. I therefore cannot accept the amendment, nor can any other member move a further amendment at this stage.

Clause put and passed.

Bill reported without further amendment and the report adopted.

BILL—TRAMWAYS PURCHASE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. E. Nulsen—Kanowna) [6.6] in moving the second reading said: This is a small but important Bill. A similar measure was introduced last session, but was defeated in the Legislative Council. There was not much debate on it in this House; in fact, it had an easy passage. Of the two members who spoke on the measure, one was in favour of it, while the other opposed it. Section 8 of the parent Act provides:—

> As from the completion of the purchase until the year 1939 and thereafter until Parliament shall otherwise determine the Colonial Treasurer shall pay half-yearly to the credit of a trust fund to be kept at the Treasury three pounds per centum of the gross earnings derived from the working of the tramways, and such percentage shall be paid to the local authorities as hereinafter provided.

Mr. Cross: Is not the percentage paid only to the Municipality of Perth?

The MINISTER FOR RAILWAYS: No. The percentage is also paid to other local authorities. The City of Perth, however, gets the greater part. The fixed period having expired, this Bill is designed to secure Parliamentary authority to discontinue the payments as it is considered that the local authorities have been more than compensated for any reversionary rights they lost when the Government purchased the tramways, especially in view of the large amount of money it has been necessary to expend on extensions, rolling stock, etc., since the date of the purchase, and also in view of the greatly enhanced land values in those districts served by the tramways, which have directly and indirectly benefited the local authorities. I have read the Parliamentary debates and studied many of the speeches, but can find nowhere anything to justify the continuance of the payment of 3 per cent. of the gross takings of the tramways to local authorities. The member for Subiaco (Mrs. Cardell-Oliver) opposed the second reading of the Bill because she was requested to do so by the Subiaco Municipal Council. She said that she had read the Act and the Bill carefully and had come to the conclusion that technically the Government was quite right in bringing the Bill forward; but morally she considered the Government had not a leg to stand on. Technically, the Government is certainly justified in bringing forward the Bill, it having complied with the contract as to carrying out the agreement until 1939. I consider that morally the Government is even more entitled to terminate the 3 per cent. payment. It is an injustice to the users of the trams and the taxpayers of the State. It really means that those who use the trams help to pay the rates of wealthy business firms, banking institutions, land speculators and many others who live in comfort in the city.

Mr. Watts: There are many others who do not.

The MINISTER FOR RAILWAYS: Yes; and the taxpayers in the country and the suburbs and those who do not own land or live within the area of the Perth City Council or the Subiaco Municipal Council all contribute to this subsidy. I mention those two bodies because they receive the lion's share of the 3 per cent. payment from the tramways. The member for Subiaco said that, with the expectation of the 3 per cent. payment, the Subiaco Municipal Council was able to reduce rates. If the payment ceased, it would mean a loss of £500 to the council. It seems to me to be an extraordinary state of affairs when the travelling public are expected to help to pay the rates of metropolitan municipal councils.

Mr. Sampson: Incidentally, the tramways do use the roads.

The Premier: And the councils do not pay much towards them.

The MINISTER FOR RAILWAYS: Where a deficit has been made on the tramways, the taxpayers of the whole State contribute to the rates payable by the ratepayers of those local governing bodies which participate in the 3 per cent. payment; and to counteract that position there is only one

alternative, which is to increase the fares. If the Bill becomes an Act, the roadway between the tram lines and 18 inches on either side will continue, as in the past, to be kept in repair by the Tramways Department, while the poles carrying the overhead wires will still be at the service of the council. I contend that it is the local governing bodies which, morally, have not a leg to stand on in demanding the continuance of this payment. The Leader of the Opposition did not oppose the Bill last session. He realised that the users of the trams should not be penalised for the benefit of city ratepayers.

Hon. C. G. Latham: I have an idea that I did oppose the Bill.

Mr. Sampson: Even Homer nods!

The MINISTER FOR RAILWAYS: Some members of another place were quite unreasonable in their arguments last year. One representative of the Metropolitan Province said that if the 3 per cent. payments were discontinued it would operate seriously against municipalities with a big area. In fact, he meant it would penalise the ratepayers. He did not say a word about those who used the trams to travel to and from the city, nor about the country users. The only people for whom a number of members in another place expressed concern were wealthy ratepayers, not forgetting themselves. It is unquestionably wrong to expect the travelling public to contribute towards the rates of city landowners, who have already had a subsidy of approximately £170,000. Moreover, the City Council has had about £430,000 from the taxpayers of the State, from which country taxpayers have received no benefit. This amount is the difference between the .75d. per unit paid by the council and the actual cost of producing the electricity supply to the council.

Mr. Sampson: Many people would be prepared to scrap the trams so that a better service might be inaugurated.

The MINISTER FOR RAILWAYS: One of the members of the North Province said, "My opinion is that the 3 per cent. is better in the hands of the City Council than it would be in the hands of the Government." What an expression of opinion! What an entirely loose and irresponsible statement unsupported by any reasoned argument.

Mr. Thorn: What did the member for Subiaco say?

The MINISTER FOR RAILWAYS: She did not say that. No wonder people are becoming tired of gerontocracy. These people are hopelessly out of date and so steeped in tradition that their reasoning is warped.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR RAILWAYS: The cost of purchasing the tramway system in 1912 was £488,452. The capital expenditure between 1914 and 1938 was £1,126,557. An amount of £16,000 was written off for Waratah-avenue, Claremont, which left a capital expenditure of £1,110,000. There was another amount of £332,927 representing special expenditure on renewals and replacements. When the two are added, the total is close on £1,500,000. It is extremely doubtful whether the local governing authorities would have been in a position to spend that amount of money, and the fact of that sum having been spent has undoubtedly been of great benefit to the community of Perth and Claremont. The Perth City Council would have obtained the greater benefit because the rates collected have been far in advance of what would have been collectable had that huge sum of money not been spent on the system to help to open up various parts of the municipality. Whatever justification the Perth City Council might have had for receiving three per cent. of the gross takings of the tramways in the past, there is no justification for that payment to continue. The council has received approximately £170,000, and I am now asking Parliament to discontinue the arrangement. To discontinue it will be neither inequitable nor unjust to the local authorities. Last session I pointed out fully and clearly the position of the tramways and the benefit derived by the various local authorities participating in the three per cent. I believe that every member has received a copy of a circular from the Perth City Council.

Mr. Thorn: We will take it as read.

The MINISTER FOR RAILWAYS: No, I intend to refer to it briefly. It begins—

> The City Council notes with alarm that another attempt is about to be made by the Government to terminate the obligation imposed

upon the State Treasurer to pay the local authorities concerned three per cent. of the gross earnings of the tramways as provided in the Tramways Purchase Act, 1912. The council again registers its protest against this endeavour to deprive it of portion of its revenue. If the Bill were passed, the council would lose approximately £6,000 per annum, which would necessitate the raising of the city rates by 1d. in the pound.

This means that the users of the trams are expected to help to pay rates to the Perth City Council; in other words, the owners of city properties, the banking institutions and wealthy businesses, the land speculators and people living in comfort and luxury, those who use the trams—

Hon. C. G. Latham: They do not use the trams.

The MINISTER FOR RAILWAYS: No. I was about to say that the users of the trams contribute to the rates which should be paid by those wealthy people. Those who do not live within the area of the municipality are also penalised and compelled to contribute to the rates of big businesses. Is that reasonable? I say it is not. Neither is it fair that the people of the country, when they come to Perth, should be penalised by being expected to help to pay the rates of city landowners. The circular continues—

A recital of the facts of the case will, it is hoped, convince members of Parliament of the injustice of the proposal.

I hope members will give due consideration to the users of the trams and to the taxpayers of the State. There is no reason why city people who live more or less in comfort should penalise the country people when they come to Perth and use the trams. Mostly owners of large city properties do not use the trams; they have their own motor cars in which to travel and so they contribute very little to the revenue of the tramways. Yet they expect users of the trams to contribute to their rates. The circular points out that the Perth City Council will have to increase its rates by 1d. in the pound if the three per cent. payments are discontinued, and that the loss to the Perth City Council will be £6,000. That revenue is received at the expense of the people who use the trams. If the Bill is passed the fares might not be reduced, but if the Bill does not become law and we still have to contribute the three per cent. to the local authorities, there is a strong probability that fares will have to be increased. In fact, I do not think there is any doubt about it, because in the last two years the operations of the trams have shown a deficit.

The Premier: On account of the increased basic wage.

Hon. N. Keenan: The trams cannot carry the people who want to travel in business hours.

Mr. Thorn: That is another question.

The MINISTER FOR RAILWAYS: The circular continues—

In 1897 the Perth City Council granted a concession to Charles Preston Dickenson (later the Perth Electric Tramways, Ltd.) to construct and operate tramways in the City of Perth. The council was given power to purchase without goodwill at 21 years, recurring at 28 years, and it was further provided that if neither of these rights was exercised, the tramways would revert to the council at the end of 35 years without payment except the actual price paid for freehold lands. In reality, this placed the council in the position of owner of the undertaking, with the company as lessee for 35 years.

Had the system been handed over to the Perth City Council, it would probably have been in a state of disrepair, because none of the companies operating at the time would have kept the system up to date, their desire being to make a profit for their shareholders. Therefore a large expenditure would have been required to put the system into repair and the fares must necessarily have been increased. I say definitely that the people are fortunate that the Government took control of the system. I feel sure that, had the Government not taken over the system, the fares would have been much higher to-day.

Mrs. Cardell-Oliver: They are too high now.

Hon. C. G. Latham: Fares on the Fremantle trams are lower.

The MINISTER FOR RAILWAYS: They are higher than those in Perth.

Hon. C. G. Latham: No.

Mr. SPEAKER: Order!

The MINISTER FOR RAILWAYS: Fares are also higher in Kalgoorlie.

Hon. C. G. Latham: But the people there have money.

The MINISTER FOR RAILWAYS: The circular continues—

Another condition of the concession was that the company should pay to the council three per cent. of the gross earnings of the tramways, such payment to be accepted in lieu of all municipal rates and taxes now levied or hereafter to be levied which the local

authority, but for the agreement, would be entitled to impose or levy in respect of the tram lines and of all such lands, buildings or works used exclusively in connection with the working thereof.

The City Council has already received a grant of about £170,000 and in addition has received from the taxpayers of this State no less than £430,000 representing the difference between the charge of .75d per unit for electric current and the cost of producing it. Those amounts represent a total of about £600,000, and so the City Council has not fared too badly at the hands of the Government.

In 1911 the City Council entered into negotiations with the company for the purchase of the tramway undertaking. Later the State Government approached the company with the same object in view. The City Council protested against the Government's interference. At this stage the Government announced that if the tramways were nationalised, the council's rights under the agreement would be respected.

The City Council's rights have been respected. The agreement was carried out till 1939 when the position was to be reviewed by Parliament. Therefore I contend that the rights of the City Council have been respected.

When the Tramways Purchase Act was passed in 1912, it was provided that three per cent. of the gross earnings should be payable until 1939 and thereafter until Parliament should otherwise determine. No payment was made to the City Council in respect of the value of its rights under the agreement, which were valued at £500,000 at least.

I do not know where the City Council got this valuation. It seems high. On the other hand, the huge amount of capital expenditure, £1,126,000, and the cost of renewals and replacements amounting to close on £500,000 make a total of £1,500,000, and it is extremely doubtful whether the local authorities would have been able to raise that amount of money to spend on the system. Then, too, through the expenditure of that amount of money there was unearned increment, the increased value of land by the means of transport provided and the huge expenditure of money on the system. The company received that increment without any responsibility, and the benefit extended to the business community, including the Perth City Council. The additional rates collected through the expenditure of the money would probably equal the sum the Perth City Council argues it is entitled to for the reversion; that is to say, the £500,000.

If the Government had not purchased, the council would now be the owner of the city section of the tramways. Yet, notwithstanding that the Government refused to compensate the city for the value of its interests in the tramway undertaking, it is now proposed to take away the last of its rights under the tramway agreement, namely three per cent. of the gross earnings.

The Government has power under the Act, to review the position, and the agreement has been fully carried out to the end of 1939.

Hon. C. G. Latham: You could not do otherwise.

The MINISTER FOR RAILWAYS: Parliament, I am told, can do anything.

Hon. C. G. Latham: Yes, but the Government cannot.

The MINISTER FOR RAILWAYS: We have extended the term to 1950, but someone could move for the deletion of the figures "1950" and the insertion in lieu of "1941" or "1942."

This payment of three per cent. of the gross earnings to the council is in lieu of rates which would otherwise be payable in respect of the undertaking. The Municipal Corporations Act supports this position and makes provision for the payment of three per cent. of the gross earnings of tramways in full satisfaction and discharge of all rates due and payable by the tramway company in respect of all lines of tramways constructed in any road, and all lands, buildings and works used by the company for tramway purposes only.

Rates, as we know, are not paid by the Government, and never have been. It is not reasonable that the Government should pay rates to local authorities, because that would merely further penalise people who would not derive any benefit from the rates.

Hon. C. G. Latham: Do not pursue that argument too far, or you will be wrong.

The MINISTER FOR RAILWAYS: I maintain that the country districts contribute to the city in nearly every respect. Country residents contribute in this way, that if there is a deficit, the whole of the population has to contribute to the rates of big city owners. The same thing applies to most other buildings. It would be wrong in principle that the supreme power should have to pay to the subordinate power, that the subordinate power should have the right to tax in respect of land which the Government gives local authorities the right to use. Therefore I hope the House will agree to the

discontinuance of payment of the 3 per cent. I regard it as an imposition on the part of the Perth City Council to offer any opposition to the disallowance of the 3 per cent. payment. I think the council has been reasonably treated by the Government—treated even generously. Moreover, users of the trams are entitled to the cheapest fares that can be granted, and I see no reason why they should have to contribute for the benefit of big landowners in the city. When all is said and done, the City of Perth gets the lion's share. It has already reaped great benefit from electricity which it has received from the Government at less than cost price. That benefit probably amounts to half a million sterling; yet the council says that the disallowance of the 3 per cent. will mean an increase of 1d. in the pound in rates. I hope members will vote with a sense of responsibility as they did on the last occasion when this measure was before the Chamber, and I also hope that members of another place will give due consideration to the interests of those who use the trams as well as to the interests of the Western Australian taxpayers. I move—

That the Bill be now read a second time.

MR. LAMBERT (Yilgarn-Coolgardie) [7.52]: I listened very interestedly to the speech of the Minister for Justice. I have some little knowledge of the provisions of the agreement originally made between Mr. Dickinson and the City of Perth. The member for Nedlands (Hon. N. Keenan) knows it is an agreement similar to that made between Dickinson and Kalgoorlie-Boulder. The flotation of the Perth Tramway Company was one of the colourful ramps of the late nineties in Western Australia. After Mr. Dickinson had been granted a concession to establish a tramway system in Perth, and also in Kalgoorlie, he went to London and floated companies. Nearly as many fully-paid £1 shares floated into the pockets of persons who never subscribed a shilling to the undertaking, as were received by the unfortunate London shareholders who did subscribe. Probably 100,000 shares were distributed, without payment, to those who interested themselves in the venture. I consider it is the duty of the Minister in charge of the Bill to bring before Parliament the original agreement between Dickinson and the Perth City Council.

Hon. W. D. Johnson: Hear, hear!

Mr. LAMBERT: Then we would be able to ascertain exactly what the Act provided for the taking-over of the tramways in 1912. Western Australia, I make bold to say, in spite of the number of fully-paid shares thrown around promiscuously to all and sundry who were in favour with the promoter of the company, paid fully for the assumed value of those shares. Exactly the same thing, though to a lesser degree, happened in Kalgoorlie, as regards the flotation of the Kalgoorlie company. Unfortunately, the Kalgoorlie trams were not taken over by the State of Western Australia, and have never been taken over by the Kalgoorlie Municipality. If Kalgoorlie had been a rich municipality and exercised its right of purchase at valuation, as it could have done under a provision similar to that in the Perth agreement, a right of purchase after 25 years, Kalgoorlie would no doubt have paid for all promoters' shares distributed amongst the friends of the promoter at the time. I hope that in common decency, and in common justice to the people of Western Australia, even metropolitan members will realise the justice of voting for the measure. Here is a provision for payment of three per cent. on the gross income of the undertaking before it was taken over by the Government, which provision has been in existence for 38 years. Coincidentally with that, as was pointed out by the Minister for Justice, the conditions for the sale by the Government to the company of electricity and gas benefited the company by a round sum of £300,000; that is, in respect of the electricity section alone. It is a dreadful thing that an Act containing such a provision should have found its way on the statute-book—irrespective of working costs, wages, and charges and all other conditions. Why should the State have entered into an agreement to provide the Perth City Council for 50 years with electricity at a fixed basic sum?

Mr. SPEAKER: There is nothing in the Bill about electricity.

Mr. LAMBERT: That was done by the Government of 1912, I suppose. It was not a Country Party Government, because no such party was known here then. Country Party members at that time played no useful part in the public life of Western Australia.

Mr. SPEAKER: Order!

Mr. LAMBERT: I do not know, Sir, whether you will allow me to use this parallel case, but I hope there is a possibility, side by side with a revision of the measure of 1912, to give effect to the provision regarding the price of electricity charged to the Perth City Council.

Hon. W. D. Johnson: Hear, hear!

Mr. LAMBERT: After all said and done, when this monopoly—

Hon. C. G. Latham: This sounds like repudiation.

Mr. LAMBERT: What are members gabbling about over there?

Mr. SPEAKER: Order!

Mr. LAMBERT: I understand that I am not out of order, Mr. Speaker, in answering an interjection. The Perth City Council has almost been a blood-sucker on the Government of this country. If the Minister for Railways produced the original 1897 agreement between Stoneham and the Perth City Council, it would be seen that a paramount provision of that agreement was that, apart from laying the tramway lines and paying three per cent. to the Perth Municipality, the company had to maintain the centre of the tramway track and 18 inches on each side of it.

Mr. Cross: The Government still has to do that.

Mr. LAMBERT: I do not know whether the Government still does it. I do not know whether the obligation is a continuing one.

The Minister for Railways: Yes.

Mr. LAMBERT: Then the case is a thousand times worse. I know that in the original agreement between the company of 1897 and Kalgoorlie-Boulder, the same provision applied. The company had to maintain the centre of the track and 18 inches on each side thereof.

Hon. C. G. Latham: If the Government did the fair thing, it would make the Perth City Council take the trams out of the streets.

Mr. SPEAKER: Order!

Mr. LAMBERT: That is one provision that constitutes an unfortunate flaw in the Municipal Corporations Act. One must go back into history to appreciate the circumstances under which that measure was passed. It was based on the Victorian Act and, in consequence, our legislation was passed in a form that enabled past happenings to occur. It was because of the provision embodied in the Victorian Act that a monopolist like Dickinson was able to secure special privileges. In the early days of Western Australia, when Parliament enacted legislation along the lines of the Victorian municipal enactment, and copied its provisions almost in toto, our Act contained the provision that allowed boodlers to operate. Under the Victorian Act the boodlers of that State were able to facilitate their friends taking advantage of every possible monopoly, especially in the city and the surrounding districts. That provision found its way automatically into our Act. My father was a town clerk and I was a councillor when I was three months over 21 years of age.

Mr. Sampson: You were a precocious young man!

Mr. LAMBERT: I have a knowledge of municipal law and of the history of some of the agreements made under that law. One of those agreements enabled colourful boodling schemes to be foisted upon Western Australia in 1897.

Mr. Sampson: When you were a bungling bumble.

Mr. LAMBERT: I shall appreciate hearing the member for Nedlands (Hon. N. Keenan) speak on this subject, because it was to a great extent due to his energy and tenacity that the policy of municipal socialism was inaugurated in Kalgoorlie. No monopoly such as that under discussion was allowed to exist in Kalgoorlie except one small avenue that was hardly worth giving away.

Mr. SPEAKER: Order! The hon. member had better get back to Perth now.

Mr. LAMBERT: I hope the Minister will produce the original agreement with the Perth City Council. If he does so, we will be able to find out what provisions were embodied in the document. We shall gain particulars regarding the capital of the old company and know exactly what it got out of the transaction. All such agreements have to be registered at the Supreme Court, and we will be able to find out what rake-off some of the boodlers got from the undertaking.

Mr. Thorn: You are floating with the boodlers.

Mr. LAMBERT: There was no rake-off when the hon. member was floated! I have not much more to say, but I hope that metropolitan members will support this legislation. The agreement has been in exist-

ence for 38 years, and the City Council has derived an enormous amount of money under it, just as it has with regard to the electricity supply. I hope members will not be ultra-parochial in their views, but will vote for the second reading and so ensure that this ancient agreement of 1897 will reach its deathbed with the passage of the legislation.

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

RESOLUTION—RURAL RELIEF.

To Inquire by Joint Select Committee.

Message from the Council received and read requesting the Assembly's concurrence in the following resolution:—

That a joint committee, consisting of three members of each House, be appointed to inquire into and report upon such measures which may seem necessary and/or desirable to relieve those engaged in the rural industry from their present financial handicaps and problems.

BILL—HARBOURS AND JETTIES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. A. A. M. Coverley—Kimberley) [8.5] in moving the second reading said: This is a one-clause Bill to amend the principal Act. The object is to give a clearer and more definite meaning to Section 2, and to strike out certain words the effect of which will be to simplify the legal position and perhaps prevent litigation in the future. The move to amend the legislation was inaugurated at an all-Australia harbour authorities conference in Tasmania in 1933. That conference recommended the Commonwealth Government to secure the introduction of uniform legislation dealing with this matter. Legislation of that description has been passed by the Commonwealth and by practically all the Australian States. The object of the Bill is to bring our Act into conformity with the Commonwealth and State legislation applying to harbours and jetties. Section 2 of the principal Act reads:—

The owner of a vessel, and the master of a vessel, shall be answerable under the provisions of the Acts set out in the Schedule to this Act for any loss or damage caused by the vessel or by any fault of the navigation of the vessel, notwithstanding that the vessel was in charge of a pilot and that pilotage was compulsory, unless it is proved by the owner or by the master that the damage was caused by the negligence of the pilot.

The Bill provides for the striking out of the words "unless it is proved by the owner or by the master that the damage was caused by the negligence of the pilot" from that section. The Bill was introduced in the Legislative Council, where it passed all stages and is now presented for acceptance by this House. There is not much that I can add beyond repeating that the object of the Bill is to make our Act conform to those passed by the Commonwealth and other States. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

BILL—REGISTRATION OF FIRMS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Kanowna) [8.10] in moving the second reading said: This is another Bill that is small but rather important. The object is to make provision in the Registration of Firms Act, 1897, for "the prohibition and regulation of certain firm names and of certain words in firm names and for other purposes incidental thereto." This legislation has been introduced at the request of the Prime Minister, who asked that the principal Act should be amended in order to disallow the use of the word "Commonwealth" in the names of firms. The Government decided to introduce legislation accordingly and to provide against the use not only of the word "Commonwealth" but of "State" as well. The Bill makes provision for the prevention of the use of those words in the names of firms in future and also for disallowing the continuance of the present use of those names by existing firms.

Mr. Sampson: They have been very confusing.

The MINISTER FOR JUSTICE: That is so, and the use of those words in the names of firms has not been reasonably fair. Some people may regard the legislation as retrospective in its effect, but that is not so in the true sense of the term. It will mean that some firms will have to change their

names by the elimination of the word "State" or "Commonwealth" and the substitution of some other name not prohibited under the Act. The passing of the legislation will not mean any interference with existing agreements. I have been assured by the Crown Law Department that the passage of the Bill will not be prejudicial to any firm that is trading at present and using one or other of the prohibited words. The only effect will be to necessitate a change in the name.

The Minister for Labour: It will create work.

The MINISTER FOR JUSTICE: Yes, it will create some work for painters and printers but, unfortunately, not very much. Investigation shows that, generally speaking, foreigners have made use of "Commonwealth" or "State" in their firms' names. I am inclined to believe that the owners of firms should use their own names. We have Boans Ltd., Foy & Gibson, and Aherns. On the other hand we have the Economic Stores and Bon Marche. It becomes necessary to go to the Registrar of Companies to ascertain exactly who are the shareholders in the last-mentioned firms.

Mr. Seward: Who are the shareholders of Boans?

The MINISTER FOR JUSTICE: Harry Boan is one and he has used his name in the designation of his firm. That is the point. He did not call his firm by some other name.

Mr. Patrick: But you would not expect to use the names of all the shareholders in, say, Selfridges.

The MINISTER FOR JUSTICE: No, nor in Woolworths. On the other hand, the names Selfridge and Woolworth are those of persons, and there is no objection to that. Then, again, we have a lot of refugees in business here whose names end, for instance in "vitch," but those people trade as "Johns" or "Jones" or "Watts."

Hon. C. G. Latham: This legislation will not prevent them from doing so.

The MINISTER FOR JUSTICE: No; I do not think the Bill goes far enough.

Hon. C. G. Latham: Why not withdraw it and introduce a decent measure?

The MINISTER FOR JUSTICE: We have to feel our way.

Hon. C. G. Latham: There is too much feeling the way.

The MINISTER FOR JUSTICE: I claim definitely that the Bill is reasonable in its provisions, and I hope the second reading will be agreed to. We have a State Furniture Factory, a State Picture Theatre, and a Commonwealth Loan Company. I wonder who runs those concerns?

Hon. C. G. Latham: You can easily find out.

The MINISTER FOR JUSTICE: Yes, but the public does not find out.

Hon. C. G. Latham: What does the public want to know for?

Mr. Patrick: The impression is that the Government is running those concerns.

The MINISTER FOR JUSTICE: That is the belief of many customers. Many years ago I used to think to myself when I saw the State Picture Theatre, "My word, the State is striking out!"

Mr. Warner: You were not as simple as that!

The MINISTER FOR JUSTICE: I admit that I did not think it was an undertaking the State was likely to engage in, but the name did suggest that it was a State concern. I move—

That the Bill be now read a second time.

On motion by Mr. Watts, debate adjourned.

BILL—POLICE ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 10th October of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—OPTOMETRISTS.

In Committee.

Mr. Marshall in the Chair; the Minister for Health in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Mr. NEEDHAM: I move an amendment—

That in line 7 of the definition of "Optometrist" after the word "making" the words "or fittings" be inserted.

I do not think the clause will be effective or will attain what it seeks to attain unless these words are included. After all, spectacle-making and the making of fittings are in the same category.

The MINISTER FOR HEALTH: I am unable to accept the amendment, which would considerably alter the interpretation of "optometrist." The fitting of spectacles is part of an optometrist's work. If anyone went to an optometrist who did not correctly follow the prescription, the work of the oculist would go by the board. It is as necessary to have well fitted spectacles as it is to have glasses that are well ground. If anybody is allowed to do fitting, it will be only a matter of time before he will seek to engage in sight-testing and we will never be able to police the measure.

Amendment put and negatived.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Establishment of board:

Mr. NEEDHAM: I move an amendment—

That in line 1 of paragraph (a) of subclause 3, the word "two" be struck out, and the word "three" inserted in lieu.

If the amendment is agreed to, the Minister will be empowered to appoint three registered optometrists to the board instead of two. My reason for moving the amendment is that I have a subsequent amendment on the notice paper to strike out paragraph (c) providing for one member of the board to be a medical practitioner, because I understand that the medical fraternity does not desire to be represented on the board. If paragraph (c) is struck out, there will still be seven members on the board, in the event of this amendment being agreed to.

The MINISTER FOR HEALTH: I agree to the amendment because I propose also to accept the further amendment to strike out paragraph (c).

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That paragraph (c) be struck out.

Amendment put and passed.

Hon. C. G. LATHAM: According to the Bill the appointment of the members of the board is mandatory. The word "shall" is used in each paragraph of this subclause. It is stated that of the members appointed to the board, "three shall be registered optometrists nominated by the Minister, three shall be registered optometrists nominated by the registered optometrists, and one shall be a member of the teaching staff of the physics department of the University." Has the Minister consulted these people and are they prepared to Act?

The Minister for Health: Yes.

Hon. C. G. LATHAM: Always?

The Minister for Health: I do not know whether there will always be a University.

Hon. C. G. LATHAM: We can amend the Act when there is not one. What I am pointing out is that we are setting up the hard and fast rule that certain people "shall" be appointed.

The Minister for Health: I can move to have the word "shall" struck out and "may" substituted.

Hon. C. G. LATHAM: I imagine that would be desirable. If the member for Perth had not secured the deletion of paragraph (c), it would have been obligatory for a doctor to be appointed whether or not the medical profession desired it.

Mr. NEEDHAM: I move an amendment—

That in line 2 down to and including the word "council" in line 8 of Subclause 4 all the words after "prescribed" be struck out.

Having deleted paragraph (c) members can see that no meaning is now attached to the words I propose to delete.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That Subclause 5 be struck out.

As the Committee has deleted the paragraph dealing with the representative of the medical association, this particular subclause is unnecessary. I understand that all the bodies concerned are willing to appoint their own representatives should the occasion demand.

Hon. C. G. LATHAM: This is a very necessary subclause, and is contained in nearly every Bill of the kind. The Minister must have some discretionary power concerning the nomination of persons to serve on the board.

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

Ayes	14
Noes	19
Majority against	5

AYES.

Mr. Coverley	Mr. Millington
Mr. Cross	Mr. Needham
Mr. Hawke	Mr. Nulsen
Mr. W. Hegney	Mr. Panton
Mr. Johnson	Mr. Triat
Mr. Lambert	Mr. Willcock
Mr. Leahy	Mr. Wilson
	(Teller.)

NOES.

Mr. Berry	Mr. Rodoreda
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Fox	Mr. Thorn
Mr. Hill	Mr. Warner
Mr. Keenan	Mr. Watts
Mr. Latham	Mr. Willmott
Mr. Mann	Mr. Withers
Mr. McDonald	Mr. Patrick
Mr. North	*(Teller.)*

Amendment thus negatived.

Mr. NEEDHAM: I move an amendment—

That paragraph (b) of Subclause (6) be struck out.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That in line 13 of Subclause 6 the word "two" be struck out and "three" inserted in lieu.

This affects the membership of the board.

Hon. C. G. LATHAM: In the third line of Subclause (6) reference was made to "five" other persons being appointed to the board. The deletion of paragraph (b) of that subclause will reduce the number to four, and therefore the word "five" should be altered accordingly.

The Minister for Health: The hon. member will find that the number is all right.

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

Clauses 6 to 9—agreed to.

Clause 10—Disqualification:

Mr. WATTS: The word "insolvent" is used in this clause. When a man becomes insolvent he has reached the stage when he is unable to pay his debts out of the money then at his disposal. I do not, however, know, nor can anyone tell, precisely when a man is insolvent. In order to give the Minister an opportunity to discuss the matter, I move an amendment—

That in line 2 the words "or insolvent" be struck out.

The MINISTER FOR HEALTH: Quite candidly I cannot give an explanation to the hon. member. This provision was taken from the Victorian Act. If there is any doubt about it I do not want it in the Bill.

Hon. N. Keenan: Will the Minister explain what "under liquidation" means?

The MINISTER FOR HEALTH: I do not propose to allow myself to be subject to cross-examination by legal members of this Committee.

Hon. N. Keenan: Well, what does it mean?

The MINISTER FOR HEALTH: The hon. member can tell the Committee what it means.

Amendment put and negatived.

Clause put and passed.

Clauses 11 to 16—agreed to.

Clause 17—Board may make rules:

Mr. WATTS: I move an amendment—

That in line 1 of paragraph (o) of Subclause (1) the words "the causes for which" be struck out.

To provide the board with power to make further regulations prescribing additional causes for which registered optometrists may be suspended or struck off the roll, is not reasonable. Clause 26 sets out the grounds upon which the board may suspend or strike registered optometrists off the register, and that should be sufficient without enabling the board to add to the causes grounds that the board may deem sufficient but with which Parliament might not agree.

The MINISTER FOR HEALTH: I do not think it will make any difference if the words are included or excluded. I shall not object to the amendment.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That in line 3 of Subclause (4) after the word "to", the word "preliminary" be inserted.

If that amendment is agreed to, I shall move a further amendment in the next line with a view to adding the words "in optics" after the reference to the course of training necessary to qualify as an optometrist. No provision is made for a preliminary examination to discover the aptitude of a candidate for entering the profession of optometry, nor does it prescribe that the course of training shall be in optics. With the amendments I

suggest, the board will be able to discover whether an individual is qualified to enter the profession.

The MINISTER FOR HEALTH: There is no objection to the amendment. The British Medical Association wishes to make sure that those entering the profession are not encouraged to go in for medicine. Persons proposing to take up optometry should not be required to study medicine but they will require to have some knowledge of anatomy and the physiology of the eye.

Hon. W. D. JOHNSON: I think the Minister should further consider this matter because if the amendment be agreed to the board will be given power to make regulations prescribing standards and conditions concerning only preliminary examinations. This will not deal with the actual examinations to indicate the qualifications of an individual to enter the profession, and the amendment will certainly impose an appreciable limitation. I consider the amendment to be dangerous.

Mr. McDONALD: I agree with the member for Guildford-Midland, Clause 38 provides all the power necessary to enable the board to make rules prescribing the course of training and examinations necessary.

Amendment put and negatived.

Mr. NEEDHAM: Despite the loss of that amendment, I think it essential that the subclause be amended to provide that the prescribed course of training shall be in optics. I move an amendment—

That in line 4 of Subclause (4) after the word "training" the words "in optics" be inserted.

Mr. SAMPSON: I hope the Minister will not accept the amendment, which will bring the clause into conflict with the interpretation clause and will make for confusion.

The MINISTER FOR HEALTH: I think Clause 38 covers the position that the member for Perth seeks to safeguard.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 18 to 25—agreed to.

Clause 26—Registered optometrists may be suspended or be struck off register:

Mr. WATTS: I move an amendment—

That paragraph (f) of Subclause (1) be struck out.

Clause 17 provides that the board can make regulations prescribing the causes for which a man might be suspended. The words "the causes for which" have been struck out. It is therefore necessary to strike out paragraph (f) of this clause, because under it a man may be disqualified if he has been found guilty of some act or omission which by the rules and regulations is prescribed as a cause. The board has been told that it cannot prescribe by regulation the causes for which a man may be struck off the register.

The MINISTER FOR HEALTH: I hope the amendment will not be agreed to. The rules and regulations have yet to be framed and laid on the Table of the House. Should they prove unsatisfactory to members, a motion may be moved for their disallowance. If the subclause is struck out, what would be the use of making rules and regulations?

Hon. W. D. JOHNSON: I suggest that the member for Katanning has said either too little on the previous amendment or too much on this. I agree with the Minister that the amendment should not be made if the board is to be given power to make and enforce regulations.

Mr. WATTS: May I point out to the member for Guildford-Midland that Clause 17 gave the board power to make regulations prescribing the causes for which a man might be suspended? The board no longer has that power and therefore paragraph (f) should be deleted because a man cannot be guilty of an act or omission in respect of a regulation made by the board giving causes why he should be suspended.

Hon. W. D. Johnson: Therefore the previous amendment should not have been made.

Mr. WATTS: Of course it should. The member for Guildford-Midland should bear in mind that the causes are set out in the Bill itself. In my view, Parliament should be jealous in regard to matters such as this. Parliament should prescribe the causes for which a man may be struck off the register. That privilege should not be given to a board, however excellent it might be. As the member for Avon has said to me, this provision would give the board a blank cheque to prescribe what causes it thought fit.

Hon. W. D. JOHNSON: The member for Katanning, in my opinion, should move to strike out the words "cause or" in paragraph (f). Such of course would be consistent with the previous amendment.

The MINISTER FOR HEALTH: For the hon. member to argue that everything should be put into a Bill is ridiculous. Regulations are made from time to time by the British Medical Association and other organisations and are altered or replaced by others as occasion demands and the same will happen in this instance. I have no objection to the deletion of the words suggested by the member for Guildford-Midland, but why strike out the whole lot?

Mr. WATTS: If the regulations we are dealing with prescribe an offence and a man commits that offence he can be suspended from the privileges conferred by registration or have his name struck off the register. To that I take no exception. Had the words "cause or reason" been in the previous paragraph, I should have moved to strike out those words, but the draftsman contented himself by referring on page 11 to "causes," whereas in this instance he refers to "reasons" which we have never heard of before. So it is quite plain to me and I had hopes that the Minister would agree with me, that this paragraph derives such authority as it seeks to have from words which have been struck out, because while it refers to "cause or reason," I do not know what the word "reason" is there for. It was not in the earlier clause and could not be struck out, but surely that is no reason why the paragraph should remain.

Amendment put and a division taken with the following result—

Ayes	14
Noes	17
Majority against	3

AYES.

Mr. Berry	Mr. Patrick
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. North	Mr. Hill (Teller.)

NOES.

Mr. Coverley	Mr. Needham
Mr Cross	Mr. Nulsen
Mr. Fox	Mr. Panton
Mr. J. Hegney	Mr. Rodoreda
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Keenan	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Millington	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 27 to 31—agreed to.

Clause 32—Practice of optometry by persons not registered prohibited:

Mr. McDONALD: The Committee will observe that Clause 3 provides that "optometrist" and "optician" are terms that do not apply to persons engaged only in the actual craft or occupation of lens-grinding or of spectacles-making. I understand that optometry consists of testing sight with a view to providing glasses of the proper kind to meet the peculiarities of a patient's sight. The manufacture of lenses and spectacles, however, is a technical trade. People who are optometrists very often, or in a number of cases, do not themselves grind or make lenses for spectacles. They go to a man who is not an optometrist, who does not practice sight testing and does not claim to have any knowledge of sight testing, but who is a specialist in lens-grinding for the purpose of spectacles. An optometrist may go to such a man and give him a prescription or directions as to the kind of lens which is to be manufactured and when he gets the glasses back from the lens grinder, he supplies them to his patient. Lens-grinding, like the making of medical instruments or telescopes, is done by highly skilled artisans. It has nothing to do with the prescriptions of medical men. I am informed that in all the States except Tasmania and Western Australia, there is a firm called "Optical Prescriptions" which makes up lenses for spectacles, but does not itself carry on optometry. The firm makes up the prescriptions of oculists or optometrists but does not practise optometry. Clause 32 provides in effect that no person other than a registered optometrist shall practice optometry as an optometrist or dispense the prescriptions for spectacles made or given by oculists. In the Eastern States I could go to a lens-grinder or spectacle-maker without going to an optometrist. In this State, if I get a prescription from an oculist, I must go to an optometrist, who, instead of making up the prescription himself, might pass it on to a lens-grinder. The result of the provision will be that the optometrist will become a middleman where he does not in fact grind his own lenses, and as the skilled trade of lens-grinding grows, the optometrist might find it convenient to have all the spectacles he prescribes made up by members of the

craft of lens-grinders. In addition, he will have the privilege of being a middleman between the oculist and the lens-grinder. When the craft of lens-grinding is preserved, as it is by this measure, I see no reason why a person who gets a prescription from an oculist should not take it direct to the spectacle-maker. I believe it is the practice for the patient to have the spectacles examined by the oculist to ensure that they have been made according to the prescription. In the Eastern States I understand that a patient who gets an oculist's prescription goes to the firm, which operates in all the States except Tasmania and Western Australia, and has the spectacles made up. He does not need to go to an optometrist as a middleman. I am informed that spectacles can be secured at fairly reasonable rates in the Eastern States as compared with the prices charged here. People who confine themselves to the manufacture of lenses and spectacles do the work at very reasonable prices. It is only a matter of time before such a firm will start business here. There are men here who do the work of lens-grinding for optometrists. If we are to keep the price of spectacles at a reasonable level, it would be a guarantee to people if they could go direct to the technical man. I cannot see why an oculist's prescription may not be made up by a spectacle-maker, though under the Bill an optometrist's prescription may be made up by a spectacle-maker. To remedy that defect, I move an amendment—

That in Subclause 1 the words "or dispense the prescriptions for spectacles made or given by oculists" be struck out.

The MINISTER FOR HEALTH: I oppose the amendment. The chief reason for it given by the hon. member is that a firm operating in Melbourne and Sydney might start here. What is behind the amendment is a desire by the oculists to continue a monopoly and prevent optometrists from attaining the skill which we hope they will acquire under the protection of this measure. At present there is no inducement to young men to enter the profession of optometry. If such a young man leaves Western Australia, he cannot get registration elsewhere because, through the lack of legislation here, there is no reciprocity. Oculists realise that if the measure becomes law and the science of optometry is improved, more people will probably go to optometrists and fewer to oculists. Spectacle-making, however, is not exactly lens-grinding. There are men engaged in lens-grinding who are really wholesale spectacle-makers. They do no sight-testing, but a person, if he so desires, may have his spectacles made there. Scores of people travelling the back country buy lenses and frames, test the sight of people and fit the required lenses to the frames. That is one of the reasons why I took off the notice paper one or two amendments I had proposed to move. Immediately a lens grinder is given the right to make spectacles without first being registered as an optometrist, a loophole will be left for persons to do underhand sight-testing. We want to avoid that. If the amendment is carried that loophole will at once make itself apparent.

Hon. N. KEENAN: According to the definition, an optometrist is a man who practices optometry.

Hon. W. D. Johnson: Including lens grinding.

Hon. N. KEENAN: The term does not include the actual craft of lens grinding and spectacle making. An optometrist, therefore, is not a man who follows the actual craft of lens grinding or spectacle making. This clause provides that only a registered optometrist may practice, or dispense prescriptions for spectacles made or given by an oculist. These two parts of the Bill are, therefore, contradictory. The provision under discussion will place in the hands of registered persons a means of making glasses excessively dear for people who may have only moderate means.

Hon. C. G. Latham: It amounts to making provision for another middleman.

Hon. N. KEENAN: In other words, we must give the person concerned a rake-off before we can get our glasses. The man from whom I get my glasses is a skilful person but is only a craftsman, who makes the glasses according to the oculist's prescription.

The MINISTER FOR HEALTH: There are lens grinders in this State who work just as mechanics work in a dentist's establishment. There are others who make spectacles and sell them by the gross, but do not make them according to an oculist's prescription. The Bill will not interfere with those persons. It will, however, prevent people from dispensing prescriptions for

spectacles made or given by an oculist. That is designed to prevent the trafficking that would undobudtely take place but for such a provision. Most optometrists can grind their own lenses, or employ others to do so.

Hon. N. Keenan: Would you prevent a craftsman who is a lens grinder from carrying out the prescription of an oculist?

The MINISTER FOR HEALTH: I am not here to be cross-examined by the hon. member, or to say yes or no to his questions.

Hon. N. Keenan: You are here to answer questions. You are in charge of the Bill.

The MINISTER FOR HEALTH: And I will remain in charge of it. It is a new one on me that I am here to answer the questions of the member for Nedlands. Oculists do not want men to become scientific optometrists. That is the whole thing in a nutshell. Half-a-dozen oculists are practising in this State, and want to keep the monopoly to themselves. Western Australia has as much right to its scientific optometrists as has any other State in Australia. Because some firm is likely to come here, we are not called upon to legislate for it. We have enacted too much of that kind of legislation, with the only result that the work has always been done outside Western Australia. I hope the Committee will adhere to the clause as printed.

Hon. N. KEENAN: I still assert that it is the right of every member to ask the Minister in charge of a Bill to explain every line and every word of the measure.

The Minister for Health: But you demand, "Say yes or no." It is the Minister's right to do so if he thinks fit.

Hon. N. KEENAN: It is the Minister's right to be either courteous or discourteous; I cannot take that right away from him. But does the Minister intend by the provisions of the Bill to prevent an ordinary artisan who is able to cut lenses and make spectacles from doing so under a proper prescription from an oculist? Is the artisan to be told, "Henceforth you are to be debarred from following your craft"? Is that the idea?

The Minister for Health: The hon. member knows it is not the idea.

Hon. N. KEENAN: If that is not the aim, why must the Minister bring in the optometrist between the oculist and the lens-grinder or spectacle maker? If the object was to get the optometrist so skilled that there would be no need for the oculist, I could understand it. But this clause deals with the case where an oculist is employed. It does not suppose the case where an optometrist is so skilled that an oculist is not wanted. The clause assumes that an oculist must be employed; but the patient cannot go from the oculist to an artisan but must go to an optometrist, who will get a rake-off for nothing. If the artisan fills the oculist's prescription, will not the patient go back to the oculist to see that the spectacles have been made correctly?

The Minister for Health: The prescription affects only the grinding of the lenses. It has nothing to do with the fitting of the glasses.

Hon. N. KEENAN: The patient goes to the spectacle maker, and must go back to the oculist. The clause shoves in the optometrist to get a rake-off.

Mr. TRIAT: I am keenly interested in the Bill, because the eyesight of people needs to be protected, especially in the back country. When it comes to a question of exceptional skill in testing eyesight, the doctor is the man. If one has sufficient money to get a prescription from an oculist, one also goes to a lens-grinder of the highest skill. Similarly one takes a doctor's prescription to a chemist; Boan's, for example, employ a chemist. In the case of spectacles one can go to an oculist, and then to the spectacle-maker direct. I support the amendment.

Hon. W. D. JOHNSON: I hope the amendment will not be made. We appear to be trying to multiply expenses, not to reduce them. We say there must be an oculist, and then an optometrist, and also a lens-grinder. Optometrists are lens-grinders.

Members: No.

Hon. W. D. JOHNSON: I go by my own practical experience. Unfortunately, I have been compelled to consult an optometrist or optician, registered and properly qualified; and that man does the lot. I have not gone to an oculist. The optometrist tested my sight, and ascertained the kind of glasses I needed; and he secured them, I take it, in his own establishment. Anyhow, he did fix spectacles on me, and took much pains to ensure that they fitted correctly. No lens-grinder came into the picture at all. If a lens-grinder was used, he was used by the optometrist, who employed a mechanic for

that purpose, exactly as is done in dentistry. It would be wrong to say that dentists must not do their own mechanical work. Most dentists have gone through a course of training in the making of dentures and so forth, but there are special dental mechanics who do most of the work.

Hon. C. G. Latham: And the same position applies with regard to glasses.

Hon. W. D. JOHNSON: At the outset most of the practitioners prefer to make their own lenses, but as their business increases they employ others to do the mechanical side of the work. If we are to provide for the lens grinder as well, we will have to pass a special Act to protect him against those he employs to assist in his undertaking. The lens grinder cannot read the prescription made out by an oculist, for that has to be studied by a skilled optometrist.

Hon. C. G. Latham: If the lens grinder cannot read the prescription, how can he make the glasses?

Hon. W. D. JOHNSON: An individual goes to an oculist if he suffers from some disease of the eye. Does the hon. member suggest that the individual must go from the oculist to the optometrist and then to the lens-grinder?

Hon. C. G. Latham: That is what you want to force people to do.

Hon. W. D. JOHNSON: I do not want to force people to do that.

Mrs. Cardell-Oliver: But you would take the glasses back to the oculist.

Hon. W. D. JOHNSON: Yes, if a person is foolish enough to go to him first.

Mrs. Cardell-Oliver: But you must protect your eyesight. Some optometrists are only quacks.

The Minister for Health: What does the hon. member know about it that she should describe optometrists as quacks?

Hon. W. D. JOHNSON: Railway employees who require to have their eyesight tested do not go to an oculist unless they are suffering from some disease of the eye that necessitates the attention of a medical man. The bulk of the people go to the optometrist direct. The Bill will provide protection against quacks. We adopted the same course regarding dentistry, and we are now trying to get rid of quacks in that profession as a result of the legislation we passed.

Hon. C. G. LATHAM: With all the good advice he tendered, the member for Guildford-Midland still misses the point. A person goes to an oculist voluntarily. All men who enlist in the Army or railway men whose sight requires special testing, are sent to an oculist because he is an expert in eye complaints.

Hon. W. D. Johnson: The optometrist fixes them up.

Hon. C. G. LATHAM: The optometrist does nothing of the sort. An optometrist is a man who measures the vision of the eye by means of an instrument.

Hon. W. D. Johnson: Did you get that out of a dictionary?

Hon. C. G. LATHAM: Yes, out of Webster. The oculist prescribes the type of glasses necessary. If the Bill is passed in its present form, we will compel people to go to optometrists and thus we will cause extra expense to the individual.

The Minister for Health: Did you ever go to an oculist yourself?

Hon. C. G. LATHAM: Yes.

The Minister for Health: Where did he send you?

Hon. C. G. LATHAM: He sent me to a certain person whose name I will not mention.

The Minister for Health: That will be to the optometrist under this Bill.

Hon. C. G. LATHAM: I do not know that that is so. It seems to me that quite unnecessary expense will be involved. This Bill seeks to create another close preserve for a further section of the professional men. In this instance we tell the public that they must not go to the man who does the work, but must proceed through an intermediary, all of which will mean added expense. I strongly object to that, because I know the charge for spectacles is much greater than it should be. My desire is that persons who require spectacles—and unfortunately many do, including young people—should be able to secure them as cheaply as possible consistent with efficiency.

Mr. McDONALD: The B.M.A. is not endeavouring to get this clause struck out. The association does not mind the clause, which affects only the buyer, the patient, who is called upon to pay an extra amount. The oculist collects his fee and it does not matter to him whether a patient goes to an optometrist first and to a lens-grinder afterwards, or whether the patient takes the

prescription direct to the lens-grinder. The patient pays more by going to a middleman. Under the Bill, the optometrist is presumed to be a qualified person and people who desire to consult him will do so; on the other hand, if people desire to consult an oculist they will do so. The part to which I object only applies when the patient has gone to an oculist.

Hon. N. Keenan: That is the point.

Mr. McDONALD: A patient will go to an oculist for various reasons; it may be disease of the eye, a peculiarity of sight beyond the powers of the optometrist, or it may be to obtain the best advice possible, but the patient elects to consult an oculist. Having done so—and he would not have consulted an optometrist in the circumstances—he has to take the oculist's prescription through the optometrist to a lens-grinder. Some optometrists in Perth can grind lenses. Others can or cannot; they employ a lens-grinder. As our population grows, lens-grinding in this city will become a special craftsman's trade, as it is in all other large cities. When that time comes, optometrists will not grind lenses, but will send the prescription to craftsmen who specialise in that work. The Bill does not provide for the registration of spectacle-makers and lens-grinders.

The Minister for Health: They can make spectacles and grind lenses without being optometrists.

Mr. McDONALD: As I said, such people will not be registered. Under the Bill, if an optometrist goes to a man in Murray-street who is a lens-grinder and says, "I shall employ you to make up a prescription," there is no danger. But if the oculist says to his patient, "Take this prescription down to Mr. Jones in Murray-street and have it made up," there is a danger. The Minister sees a loophole. But this idea of a loophole is the biggest bogy I have heard of. If a loophole exists when a prescription is made up by a lens-grinder, then a loophole exists also when a prescription is made up by an optometrist. There is not the slightest difference. This particular provision will affect people needing spectacles but who cannot afford to pay a big price. It will mean that all prescriptions for spectacles must pass through this privileged body that we propose to set up by the Bill. There is no need for it. The provision has no precedent anywhere in the world. I think it is a blot on the Bill and hope it will be struck out.

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

Ayes	17
Noes	15
Majority for	2

AYES.

Mr. Berry	Mr. Rodoreda
Mrs. Cardell-Oliver	Mr. Seward
Mr. Fox	Mr. Thorn
Mr. Hill	Mr. Triat
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. North	Mr. Mann *(Teller.)*
Mr. Patrick	

NOES.

Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. J. Hegney	Mr. Panton
Mr. W. Hegney	Mr. Sampson
Mr. Johnson	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Millington	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Styants
Mr. Stubbs	Mr. Tonkin
Mr. J. H. Smith	Mr. Holman

Amendment thus passed.

Clause, as amended, put and passed.

Clause 33—agreed to.

Clause 34—Registration of persons practising as optometrists or opticians at the commencement of the Act:

Mr. NEEDHAM: I move an amendment—

That in line 3 of paragraph (b) the words "in this State" be struck out.

The marginal note to the clause is as follows:—"Registration of persons practising as optometrists or opticians at the commencement of this Act," and paragraph (b) reads—"immediately prior to the commencement of this Act he had been continuously and bona fide engaged in this State for not less than five years in the practice of optometry, either as an optometrist or optician, or as an employee of an optometrist, optician, etc." If the words "in this State" are allowed to remain, many men who have good qualifications as optometrists and who may have been practising the profession in the Eastern States will be penalised. Provided they are competent to pass the examination prescribed by the board, I cannot see why they should be debarred. There is

sufficient safeguard in the words "not less than five years." Anyone who has been practising for that period in any State of the Commonwealth should be competent and accordingly, registered.

The MINISTER FOR HEALTH: I do not oppose the amendment.

Hon. W. D. JOHNSON: I am not prepared to have the words deleted unless we limit the provision to Australia. It must be remembered that many refugees have been encouraged to come to Australia, and if these words are struck out we shall leave the way open for them to set up practice as optometrists. It is only reasonable to ensure that these people shall not take up lucrative positions without in some way justifying their presence.

Mr. NEEDHAM: My object was to prevent any man in Australia who had been practising optometry for a period of five years from being penalised. I realise the danger pointed out by the hon. member and can see that some refugees might come to the State and after three or four weeks be entitled to practise optometry to the exclusion of British-born or Australian citizens. I have no objection to some provision being inserted to confine the measure to Australians or Britishers.

Amendment put and passed.

Hon. W. D. JOHNSON: I move an amendment—

That the words "within Australia" be inserted in lieu of the words struck out.

Amendment put and passed.

Mr. NEEDHAM: I move an amendment—

That in paragraph (b) the words "or as an employee of an optometrist or optician, or partly as such optometrist or optician and partly as such employee" be struck out.

A man might be employed by an optometrist or an optician without having any knowledge of the work. The Bill will certainly be better without those words.

The MINISTER FOR HEALTH: A man within six months of the passing of the measure might be an employee of an optometrist for training. If he could prove his competency to the satisfaction of the board and by a reasonable practical demonstration, he should be entitled to registration. The words will do no harm.

Hon. W. D. JOHNSON: The provision is so wide that anyone in anticipation of the passing of the measure could begin preparing himself for examination and obtain registration. We should have a safeguard that employees are engaged in this work. The paragraph could be improved by stipulating "as an employee as an optometrist" instead of "as an employee of an optometrist."

Mr. McDonald: I think that is covered elsewhere.

Mr. SAMPSON: There is full protection. A man could not set up as an optometrist unless he was able to pass a reasonable practical test of competency.

Mr. FOX: The Minister has explained the matter satisfactorily. In my opinion the words are necessary.

Mr. NEEDHAM: If a man had been employed as an optometrist or optician, there could be no objection.

Mr. Fox: He would have to satisfy the board.

Mr. NEEDHAM: But there is no provision to that effect. The paragraph contains no assurance that such an employee was employed in optometry.

Hon. W. D. JOHNSON: Provision has been made for five year's practice in Australia, but under the paragraph anyone could sidetrack that requirement. The Minister should realise the danger. If a man had qualified in some other part of the world, he would not require the qualification of five year's practice here.

The Minister for Health: Yes, he would. The paragraph says "engaged for not less than five years" in the practice of optometry or as an employee.

Hon. W. D. JOHNSON: If the Bill defined an employee as an optometrist, my objection would be removed.

The Minister for Health: I would not mind that.

Mr. TRIAT: I do not agree that refugees would under this Bill be entitled to become members of the profession, because they would have had to be engaged in the practice of optometry in Western Australia for a period of three years before they could be registered.

Mr. NEEDHAM: If the Minister's contention is correct, then the clause has been badly

drafted. I should like to see the word "of" in line 6 of the paragraph altered to "as."

The MINISTER FOR HEALTH: The clause refers to a person who has been continuously engaged in the practice of optometry in Australia for not less than five years, employed either as an optometrist or optician or as an employee of an optometrist or optician. He must have been engaged in the practice of optometry even though he be an employee. It is not necessary to amend the paragraph in the way suggested.

Mr. BERRY: I agree with the view expressed by the Minister. There is nothing wrong with the paragraph.

Amendment put and negatived.

Mr. NEEDHAM: I move an amendment—

That in line 3 of paragraph (c) the words "this State" be struck out and the word "Australia" inserted in lieu.

Mr. Watts: Does "Australia" include Tasmania?

The MINISTER FOR HEALTH: Yes.

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

Clauses 35 to 37—agreed to.

Clause 38—Examinations and course of training:

Mr. NEEDHAM: I move an amendment—

That in line 5 of Subclause 1 after the word "examinations" the words "excluding any medical teaching, but not excluding anatomy and physiology of the eye" be inserted.

This is a matter for the medical profession and not for optometrists to deal with.

The MINISTER FOR HEALTH: I have no objection to the amendment.

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

Clauses 39 to 47, Title—agreed to.

Bill reported with amendments.

BILL—ELECTORAL ACT AMENDMENT (No. 1).

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. Withers in the Chair; the Minister for Justice (for the Minister for Lands) in charge of the Bill.

No. 1.

Clause 3: Delete all the words after the word "subject" in line 7 on page 4 (paragraph (f)) and substitute the following words:—"as hereinafter provided, may withdraw their nomination before the polling day fixed in relation to the new election:

Provided that—

(i) If a candidate withdraws his nomination at or before the hour of nomination on the nomination day fixed in relation to the new election he shall be entitled to a refund of the deposit lodged by him with his original nomination notwithstanding anything to the contrary contained in section eighty-one of this Act; and

(ii) the right of a candidate to withdraw his nomination after the hour of nomination on the nomination day fixed in relation to the new election shall be subject to the provisions of section eighty-one of this Act.

The MINISTER FOR JUSTICE: I have no objection to this amendment. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2.

Clause 3: In proposed new section eighty-seven, subsection (3):—Insert after the word "after" in line 24, page 4, the words "the close of the poll on."

The MINISTER FOR JUSTICE: This amendment also is acceptable. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

House adjourned at 10.43 p.m.

Legislative Council.

Wednesday, 23rd October, 1940.

	Page
Questions: Norseman State battery	1439
Trolley buses, as to relieving traffic congestion	1439
Traffic offences	1439
Motion: Jetties Act, to disallow regulation	1439
Bills: Electoral Act Amendment (No. 1), Assembly's Message	1441
Bush Fires Act Amendment, 1R.	1441
Road Closure, 1R.	1441
City of Perth (Rating Appeals), 1R.	1441
Police Act Amendment, returned	1441
Feeding Stuffs Act Amendment, 3R., passed	1441
McNess Housing Trust Act Amendment, 3R., passed	1441
Mine Workers' Relief Act Amendment, 3R., passed	1441
Rural Relief Fund Act Amendment, 2R., defeated	1441
Fremantle Gas and Coke Company's Act Amendment, 2R., Com. report	1448
Royal Agricultural Society Act Amendment, 2R., Com. report	1449
Adjournment, special	1450

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

QUESTION—NORSEMAN STATE BATTERY.

Hon. J. CORNELL asked the Chief Secretary: 1, Is it a fact that prospectors using the Norseman State Battery for crushing purposes have made repeated complaints to the Mines Department about the dented and holey condition of the battery plate in use there, and have asked for a new plate? 2, If so, why have these complaints, and the request made, been ignored?

The CHIEF SECRETARY replied: 1, Complaint has been received from one prospector in Norseman *re* the battery copper plate. 2, Whilst this plate is old, it is still serviceable. Its condition is carefully watched and it will be replaced when necessary.

QUESTION—TROLLEY BUSES.

As to Relieving Traffic Congestion.

Hon. J. A. DIMMITT asked the Chief Secretary: 1, What is the form of the Railway administration's effort to cope with the problem of increased passenger traffic on trolley bus routes? 2, When will the effort referred to give the travelling public the relief the present unsatisfactory situation demands?

The CHIEF SECRETARY replied: 1, Six road buses now being built will be available in December; these will be used pending receipt of six trolley buses on order. 2, Answered by No. (1).

QUESTION—TRAFFIC OFFENCES.

Hon. C. F. BAXTER asked the Chief Secretary: 1, How many persons were fined for breaches of the Traffic Act from the 1st July, 1939, to the 30th June, 1940? 2, What was the total amount of the fines inflicted on such offenders?

The CHIEF SECRETARY replied: 1, 8,793. 2, Fines £8,771 12s. 6d. and costs £1,717 9s. 11d. These figures apply to the metropolitan traffic area only. Those relating to other areas are not available.

MOTION—JETTIES ACT.

To Disallow Regulation.

HON. G. W. MILES (North) [4.35]: I move—

That Regulation No. 10 made under the Jetties Act, 1926, as published in the "Government Gazette" on the 6th September, 1940, and laid on the Table of the House on the 10th September, 1940, be and is hereby disallowed.

For the benefit of members I will read the regulation, which is as follows:—

Wharfage dues, etc., to be paid:—Except where otherwise provided, wharfage dues and handling and haulage charges, as prescribed in Appendix I of these regulations, shall be paid on all cargo landed from or shipped into any vessel. Such wharfage dues and handling and haulage charges shall, except where otherwise provided, be levied on the measurement or weight (at the option of the officer in charge) of the goods as declared on the vessel's manifest.

A perusal of the appendix referred to discloses increases in charges on commodities that the people of the North require. At this juncture when the Government has taken the opportunity to appoint a Royal Commission to inquire into the disabilities of the people engaged in the pastoral industry in the North, the time is not opportune to increase charges that have to be borne by the producers in that part of the State. I think the House should agree that it is advisable to disallow the regulations pending the receipt of the Royal Commissioner's report. I find that the new regulations, while consolidating those that have been made from time to time, also provide for increases in the charges for handling cargo and in certain of the wharfage rates payable at North-West ports. In a few instances reductions have been made presumably for the purpose of achieving uniformity. Justification for the increase