

# WEIGHTS AND MEASURES ACT AMENDMENT BILL.

## Second Reading.

**THE HON. J. J. BRADY** (Minister for Police—Guildford-Midland) [5.59] in moving the second reading said: This Bill is the result of legislation passed by the Commonwealth Parliament in 1948, known as the Weights and Measures (National Standards) Act of 1948. This Act gives the Commonwealth power to prescribe Commonwealth legal units of measurement and Commonwealth standards in regard to those units of measurement, and it is intended that they will be prescribed under statutory rules. The proposed statutory rules have been the subject of negotiations between the States for a number of years. Agreement having been reached, the Commonwealth now intends to bring the rules into effect as soon as possible. When this action is taken, Part II of the Weights and Measures Act, 1915-1941, of this State will cease to have effect; and it is to meet this situation that this Bill has been introduced.

The subject goes back many years. At a conference of Commonwealth and State Ministers held in 1939, reference was made to a resolution agreed to at a similar conference held in 1936, to the effect that if the Commonwealth Government enacted legislation concerning the establishment and maintenance of Commonwealth standards, the States would fully co-operate in the adoption of such standards throughout Australia.

At present each State has established its own standards of measurement, resulting in lack of uniformity in many instances. In enacting its legislation, the Commonwealth has provided for standards of measurement which will be the ultimate reference standards throughout the Commonwealth, and against which the State standards may be calibrated, thus ensuring that all measurements will ultimately be referred back to the Commonwealth standards maintained in the National Standards Laboratory of the C.S.I.R.O. In providing for the national standards, the Commonwealth leaves the administration and control of weights and measures in the hands of the States to be carried on through existing State legislation.

The Bill provides that the amending Act will come into force on a date to be proclaimed. In this manner the amendment will not be made operative until the promulgation of the Commonwealth statutory rules. The Bill defines the Commonwealth Act and adds two new sections, 8A and 8B. The proposed section 8A substitutes a prescribed Commonwealth unit of measurement for the like standard weight or measure, or unit of weight and measure under the State Act.

The proposed section 8B provides for the State to adopt the Commonwealth standards of measurement, and requires the

Minister to provide and deposit at the State Treasury, standard weights and measures, and to have them verified and re-verified as prescribed by the Commonwealth Act. It further requires that such weights and measures shall be declared the standard or units of weight and measure for the State by notice in the "Government Gazette."

Other small amendments are necessary to conform with the proposed new sections, and these are contained in the Bill. Weights and measures are a very important part of commerce and industry and any move towards uniformity between the States can only lead to greater efficiency. I move—

That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned for one week.

House adjourned at 6.4 p.m.

## Legislative Council

Tuesday, the 7th October, 1958.

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

**BILLS (12)—ASSENT.**

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

- 1, Land Act Amendment.
- 2, Noxious Weeds Act Amendment.
- 3, Argentine Ant Act Amendment (Continuance).
- 4, Broken Hill Proprietary Steel Industry Agreement Act Amendment.
- 5, Plant Diseases Act Amendment.
- 6, Junior Farmers' Movement Act Amendment.
- 7, College Street Closure.
- 8, State Housing Act Amendment.
- 9, Vermin Act Amendment.
- 10, Licensed Surveyors Act Amendment.
- 11, Industries Assistance Act Amendment.
- 12, Government Railways Act Amendment.

**QUESTIONS ON NOTICE.****PUBLIC WORKS DEPARTMENT.***Buildings Erected on Day-labour Basis.*

1. The Hon. J. M. THOMSON asked the Minister for Railways:

(1) In the periods listed hereunder, what buildings have been erected by the Public Works Department on the day-labour basis, and what are their respective itemised costs—

- (a) the 1st January to the 30th June, 1953;
- (b) the financial years ended the 30th June, 1954, 1955, 1956, 1957 and 1958?

(2) What buildings are being erected and what other buildings is it anticipated will be commenced during the current

financial year on the day-labour basis and what are their respective itemised actual and estimated costs?

The Hon. H. C. STRICKLAND replied:

I must again request the hon. member to postpone this question. I ask him to postpone it until the 14th instant to enable the necessary details to be compiled.

**DENTAL CLINICS.***Plans and Specifications.*

2. The Hon. J. M. THOMSON asked the Minister for Railways:

(1) Are the plans and specifications identical for the three dental clinics referred to in my question answered by the Minister on Wednesday the 24th September?

(2) If not, what are details constituting the differences?

The Hon. H. C. STRICKLAND replied:

(1) No.

(2) Albany clinic: Smaller clinic for 1 dentist and 2 chairs. Single storey construction. Able to use municipal council toilets, thus avoiding duplication of these facilities.

Bunbury clinic: 2 dentists and 3 chairs. Single storey construction. Toilet facilities have to be provided in the clinic.

Boulder clinic: 2 dentists and 3 chairs. Two storey construction because of the limited size of the site. Able to use municipal council toilets, thus avoiding duplication of these facilities.

**ELECTRICITY SUPPLIES.***Justification for Serpentine-North Dandalup Power Line, etc.*

3. The Hon. G. C. MacKINNON asked the Minister for Railways:

(1) How does the Government justify expenditure of public money on a 15-mile power line from Serpentine to North Dandalup for railway use only when requests for such a line to serve the important North Dandalup-Keysbrook farming area have been refused?

(2) Has the erection of this special line been justified by ministerial letters to North Dandalup-Keysbrook residents on the grounds that power is for vital railway equipment and must be delivered by special line to avoid interruptions and interference?

(3) If so, what guarantee is there that the supply will not be affected between Serpentine and the source of supply?

(4) Has wiring been installed on the 15 miles of power poles recently erected between Serpentine and North Dandalup for railway use?

(5) If not, is there any good reason why the wiring could not be made heavier than is required for railway needs so that the power line could serve the farming communities en route?

(6) Why has the North Dandalup-Keysbrook request for power been refused?

(7) Has a thorough survey of the power potential of these districts been made by the State Electricity Commission?

(8) If so, what were the facts and figures revealed by the survey?

The Hon. H. C. STRICKLAND replied:

(1) The distance from North Dandalup to Serpentine is 11 miles. The line is part of a major signalling scheme which will increase the carrying capacity of the South-West railway and result in savings in safe working labour. It is necessary to carry signal wires in addition to power supply.

(2) Yes. (See Premier's letter dated the 17th July, 1958).

(3) The railway power line will be connected to a State Electricity Commission main line with alternative supplies.

(4) The wiring is in progress.

(5) It is world wide practice based on experience that railway safe working lines should be kept free of general power supplies. The steady load of the signalling equipment results in a steady voltage essential for the satisfactory working of this equipment.

(6) Because the loads offering are small and the distance between them excessive. Also see No. (5).

(7) No detailed survey has been made by the State Electricity Commission because a general survey showed only scattered development and small loads. A detailed survey by the residents is now being investigated.

(8) See No. (7).

### ROAD DISTRICTS ACT.

#### *To Disallow Uniform General Building By-laws.*

THE HON. A. F. GRIFFITH (Suburban) [4.44]: I move—

That uniform general building by-laws Nos. 1 to 505 inclusive made under the Road Districts Act, 1919-1956, as published in the "Government Gazette" on the 18th August, 1958, and laid on the Table of the House on the 19th August, 1958, be and are hereby disallowed.

In order to save time, I ask the permission of the House to deal with notice of motion No. 1 and notice of motion No. 2, together.

Leave granted.

Members will recall that during the course of this session I have asked the Minister for Railways a number of questions concerning these uniform general building by-laws. In view of the fact that last Thursday week, the Minister informed hon. members that a revocation of the by-laws would be tabled in the House, I am rather surprised that some action has not yet been taken.

The history of these by-laws leaves quite a deal to be desired, so far as the administration by the department is concerned. In the circumstances I am at a loss to know why something has not been done in the past two weeks. The Legislative Council rose last Thursday week, and we have had from then until the present time for the Government to do something about the revocation of the by-laws, but we find that the by-laws have not been revoked and are, therefore, still in force.

To say the least, I think this is mal-administration of the worst order, because not only do the local authorities not know where they stand, but the people of the State do not know where they stand in connection with applications for building permits.

You will remember, Sir, that last year the uniform general building by-laws first saw the light of day. They were of such a complex nature and so many differences of opinion arose that in July of 1957 I moved for their disallowance. A similar move was made by a private member in another place. As a result of suggestions put forward in this House, the Government brought down amendments to the by-laws, and those amendments were challenged here. At the same time, the same thing occurred in another place where the Government found itself in the strange position of having the uniform general building by-laws of 1957 disallowed on the voices when the motion was put. As a result, the motions I had moved had to be withdrawn because the by-laws no longer had effect.

With the opening of Parliament this year, the Government laid on the Table of the House another set of building by-laws which were duly promulgated in the "Government Gazette." Because of this, I started to ask various questions. As a result of comments made by a visitor to the State, who is well versed in the matter of local government, the Government decided to hold up the operation of the building by-laws, and accordingly it wrote to all the local authorities asking them to suspend operation of the by-laws for 14 days. That is a convenient way of doing things, although I do not know of any law that allows it to be done.

Nevertheless, to the best of my knowledge, the local authorities have taken notice of the request; and as late, I repeat, as last Thursday week, the Minister was good enough to inform the House that the Government intended to revoke the existing by-laws because of advice that had been

received from the Crown Law Department. One would have thought the revocation would have been made by now.

The unfortunate illness of the Chief Secretary—I wish to make this quite clear—I am sure has not had anything to do with the matter, and I do not attach any blame to him. I think this is a departmental question, and that action should have been taken before this. But the position at the present time is simply that these by-laws have not been revoked. I understand that a further letter has gone out to the local authorities asking them to suspend action on the by-laws because, it is stated in the letter, the Government intends to revoke them; and I doubt whether there are any building by-laws in existence in the State, except those which we are debating at present because they are legally in force. Yet they are not being operated on, and inquiries I have made reveal that the local authorities are acting upon their old building by-laws. That is not an enviable state of affairs, and I think somebody should have a very red face about the matter.

Many people have been caused a great deal of inconvenience, particularly local authorities. One secretary of a local authority to whom I spoke, mentioned the question of building fees. He said that his board had set about reviewing its building fees, but when the regulations of 1957 came into force, they provided a scale of fees; and so the board was obliged to alter its fees once again. When the 1957 regulations were disallowed in the Legislative Assembly last year, the board had to revert to its original fees and, as under that scale no increase was provided for, the board lost revenue over that period. Surely something can be done about this situation.

I repeat, I have very grave doubts as to whether any building by-laws are legally in operation in the State at present. If that is so, it is time some speedy action was taken to rectify the position. I am obliged to move this motion formally, as I was obliged to give notice of it last Thursday week, that being the last day upon which I could give notice, in order to lodge my protest against this type of administration.

**THE HON. H. C. STRICKLAND** (Minister for Railways—North) [4.53]: I do not think we should delay the House very long in debating this motion. The facts are as I explained on the 25th September—action is being taken to revoke the by-laws. The hon. member asked why action had not been taken earlier, sooner or in the interim; or he used words to that effect. The hon. member should know quite well that there has been no Executive Council meeting since I informed the House that instructions had been issued to the department by the Minister to revoke the by-laws.

**The Hon. A. F. Griffith:** I am not to know that.

**The Hon. H. C. STRICKLAND:** That action was taken, and the Executive Council papers have been signed and are awaiting approval at the next Executive Council meeting, which is tomorrow. Executive Council meets fortnightly unless there are some special circumstances and the Governor, or the Lieut.-Governor and Administrator, is available. Therefore every action possible has been taken. The hon. member claimed that there has been maladministration of the worst kind.

**The Hon. A. F. Griffith:** So there has been.

**The Hon. H. C. STRICKLAND:** They are the words the hon. member used.

**The Hon. A. F. Griffith:** This has been going on for some considerable time.

**The Hon. H. C. STRICKLAND:** No. I mentioned last Thursday week that action was being taken.

**The Hon. A. F. Griffith:** Your memory is too short.

**The Hon. H. C. STRICKLAND:** I gave the hon. member the information on the 25th September, and it will be found in Hansard No. 8. That explanation was given and accepted by the hon. member; and now he moves this motion, I think merely to make an assertion that there has been maladministration of the very worst kind. Action could not have been taken any sooner. The hon. member knows that the Minister is ill.

**The Hon. A. F. Griffith:** I realise that.

**The Hon. H. C. STRICKLAND:** He said that he does not blame the Minister; but the Minister is still doing his job and the papers were referred to him. He issued instructions, and the necessary papers are awaiting approval by Executive Council at its meeting tomorrow. Then the by-laws will be revoked. However, if the few hours difference between now and 12 noon tomorrow will have the effect of saving some inconvenience to local authorities, or the public in general, as the hon. member claimed—

**The Hon. A. F. Griffith:** It is too late now.

**The Hon. H. C. STRICKLAND:** I understood the hon. member's only complaint was that the local authorities were losing revenue; if they are losing, the public is gaining. I cannot see that there is anything for this House to worry about, and I ask hon. members not to agree to the motion but to allow events to take their normal course and give the Government time to carry out its promise of revoking the by-laws in the normal way.

Little, if any, inconvenience has been caused because the by-laws have not been enforced, and the hon. member said that local authorities agreed not to enforce

them after they received a request from the department. So what is there to complain about? Why should the motion be agreed to? If hon. members think that by agreeing to this motion, instead of letting events take their normal course and having the by-laws revoked tomorrow by Executive Council, some people will be saved inconvenience, let them agree to the motion. But if hon. members think that that is a very remote circumstance they will disagree with the motion.

**THE HON. G. C. MacKINNON** (South-West) [4.58]: The Minister is well aware that the hon. Mr. Griffith did not mean to imply that the maladministration applied only to the time which has elapsed between the Minister's promise to revoke the regulations and the actual date of revocation. He meant that these by-laws had been spoken of and discussed, and questions had been asked about them both this session and last; and yet we still find that we have a most unsuitable set of by-laws governing all buildings erected in this State. If that is not maladministration, I do not know what is!

The Minister said that the local authorities were asked not to enforce these by-laws. On the cover of the by-laws it states that they are enacted by Section 338 of the Municipal Corporations Act and that they shall have the force of law on and after the 15th day of September, 1958, in each and every municipal district for the time being constituted under the said Act. I would like to know when any Minister has been given authority, by request, to set aside a law of this country.

**The Hon. A. F. Griffith:** By writing a letter.

**The Hon. G. C. MacKINNON:** Yes.

**The Hon. H. C. Strickland:** You disagree with it?

**The Hon. G. C. MacKINNON:** I do not think it is worth the paper it is written on because these by-laws have had legal force from the 15th September, 1958.

**The Hon. H. C. Strickland:** But they were not enforced.

**The Hon. G. C. MacKINNON:** If an Act or a regulation is gazetted to come into force on a certain date, I understand it has the force of law as from that day. If the Minister wrote to a local authority and asked the traffic inspector not to enforce the Traffic Act for one week, it would not mean a thing. The local authority might do it, but it is pretty poor administration; and no amount of camouflage, if I may borrow the word—

**The Hon. F. R. H. Lavery:** Hey!

**The PRESIDENT:** Order!

**The Hon. G. C. MacKINNON:** No amount of camouflage can disguise the fact that there has been maladministration over these things; or that there has been very poor work in their preparation. It

certainly does not show very good foresight. The answers to questions the Minister had to read must have indicated to him that there had not been a lot of thought and careful research to ensure they had the necessary power to do these things, which it was incumbent on them to carry out. I asked a question in regard to Section 31, and the answer was that he thought the power was given under paragraph (m) of a certain section of the Municipal Corporations Act. It is the opinion of a very good lawyer that power does not exist to frame that particular section under these regulations.

If that indicates careful research it sounds most peculiar to me. I am sure nobody would agree with the Minister when he says that the fact that it has taken two weeks to get the revocation through shows there has been no maladministration.

**The Hon. H. C. Strickland:** Cite a case where they have been enforced.

**The Hon. G. C. MacKINNON:** Local authorities all over the place have been trying to use them.

**The Hon. H. C. Strickland:** Name one.

**The Hon. G. C. MacKINNON:** Bunbury. This occurred in between the time they received the Minister's letter to say this law is not a law, and the time they got the Gazette to say it is. I asked a question in regard to a particular case, and the Minister admitted that the meaning the department had intended to imply in the particular regulation was not in fact conveyed by the wording of the regulation as printed; in effect, there were some conditions which were supposed to apply to both point (a) and point (b), but legally they did not apply. The position arises that many local authorities have held up the bringing of their regulations up to date, believing it was going to be done competently. But that has not occurred. The question that arises now is an interesting one, and I put it forward full of friendly co-operation. It is one that would bear investigation. If these regulations were gazetted to replace all existing by-laws, then the position at law could easily be that all by-laws existing on the 15th September, as being official for various local authorities, did, in fact, on that day cease to exist legally, having been supplanted by these regulations. When the uniform regulations are revoked they cease to exist legally.

**The Hon. H. C. Strickland:** And the others come back.

**The Hon. G. C. MacKINNON:** They do not come back of their own volition, because they cease to exist legally. I think the Minister might find on investigation that that is the legal position, and unless the regulations are re-gazetted and re-tabled—the whole jolly lot of them—they just do not come back; which means that we are left without any by-laws in this

State. If that conclusion does not smack of maladministration I do not know what does.

The Hon. H. C. Strickland: We had that position as the will of the House.

The Hon. G. C. MacKINNON: I am talking about uniform building by-laws.

The Hon. H. C. Strickland: You agreed to it then.

The Hon. G. C. MacKINNON: I understand that is the position, and I think they should be considered more closely.

The Hon. R. C. MATTISKE: I move—

That the debate be adjourned.

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

**Ayes—14**

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray

(Teller.)

**Noes—13**

Hon. G. Bennetts	Hon. A. L. Loton
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. G. E. Jeffery
Hon. F. R. H. Lavery	

(Teller.)

**Pair.**

<b>Aye.</b>	<b>No.</b>
Hon. L. C. Diver	Hon. G. Fraser

*Majority for—1.*

*Motion thus passed; debate adjourned.*

**MUNICIPAL CORPORATIONS ACT.**

*To Disallow Uniform General Building Regulations.*

**THE HON. A. F. GRIFFITH** (Suburban) [5.10]: I move—

That uniform general building regulations Nos. 1 to 505 inclusive made under the Municipal Corporations Act, 1906-1956, as published in the Government Gazette on the 18th August, 1958, and laid on the Table of the House on the 19th August, 1958, be and are hereby disallowed.

I do not propose to delay the House any further on this matter, but I would appreciate it as I am sure you would, Sir, if I could get an indication from the Minister as to what he is going to do with regard to this motion. If some hon. member on this side of the House moves the adjournment of the debate, I am sure it will be in a spirit of co-operation. I realise, now that the Minister has told us, that the Executive Council will sit tomorrow and assent will be given to the revocation of the by-laws. If that is the way the Minister would like them to be revoked, I have no objection.

If he would like them to be revoked by a vote of this House, he should indicate it, and I would have no objection

to that either. Everyone knows the intention is that they be revoked, but it was necessary to move this motion today for the reason that they have not already been revoked, and I was not to know when the Executive Council would sit and make its decision on this or on any other question. As the hon. Mr. MacKinnon said during a previous debate, these by-laws are in existence legally at present, and I doubt whether there is anything to replace them. Without spending any further time, if the Minister would be kind enough to tell us what he desires to be done, I would like to co-operate.

**THE HON. H. C. STRICKLAND** (Minister for Railways—North) [5.13]: The Minister knows what he would like, but he realises that might be right, and is prepared to go quietly. The hon. member now admits that he realises action is being taken.

The Hon. A. F. Griffith: Because you just told us.

The Hon. H. C. STRICKLAND: I think the hon. member knew before that, and I think he is merely playing politics. That is my opinion of it.

The Hon. J. M. A. Cunningham: Was he advised officially?

The Hon. H. C. STRICKLAND: I am allowed to have an opinion, I understand, and also to express it. Therefore, that is my opinion. However, the hon. member asked me what I want to do about this motion. It is not what I want to do, but what I have to do. Therefore the matter is in the hands of the hon. member.

On motion by the Hon. R. C. Mattiske, debate adjourned.

**BILLS (2)—FIRST READING.**

1. Natives (Status as Citizens).
2. Western Australian Aged Sailors and Soldiers' Relief Fund Act Amendment.

Received from the Assembly.

**BILLS (2)—THIRD READING.**

1. Municipal Corporations (Postponement of 1958 Elections).

Transmitted to the Assembly.

2. Acts Amendment (Superannuation and Pensions).

Passed.

**CATTLE TRESPASS, FENCING,  
AND IMPOUNDING ACT  
AMENDMENT BILL.**

*Second Reading.*

**THE HON. A. L. LOTON** (South) [5.17] in moving the second reading said: The purpose of this Bill is to give to owners of enclosed country land some protection

and power. Firstly, if any person knowingly and without lawful reason trespasses on private property he shall, on complaint to a justice of the peace, pay a penalty of not less than two pounds, or more than ten pounds for such trespass, such sum to be in addition to and not in substitution for any damage assessed by reason of such trespass.

Secondly, the Bill gives to the owner, a member of his family or an employee, the right to demand the name and address of any trespasser; and any person who neglects or refuses to give his name and address or gives a wrong name or address shall, on complaint made to a justice of the peace, be guilty of an offence. I move—

That the Bill be now read a second time.

On motion by the Minister for Railways, debate adjourned.

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

#### *Second Reading.*

**THE HON. J. D. TEAHAN** (North-East) [5.19] in moving the second reading said: This is a Bill to repeal Section 13 of the Legal Practitioners Act, 1893-1957, and the amendment will read as follows:

No articulated clerk shall, without the written consent of the practitioner to whom he is articulated, which consent shall be filed with the Board by the articulated clerk within fourteen days of its being granted, hold any office or engage in any employment other than as a bona fide articulated clerk to the practitioner to whom he is articulated for the time being or his partner. Such written consent of the practitioner shall not be given to an articulated clerk unless the hours of such other office or employment are outside the hours of between nine o'clock in the morning and five o'clock in the afternoon on those weeks days (excluding Saturdays, Sundays and public holidays) when the offices of legal practitioners are normally open to the public.

This Bill is similar to the one which was presented to this House and, up to a point, favourably received. However it had a condition which may have given to members of Parliament what was considered an advantage. I think it was rejected for that reason. On this occasion, however, that provision is not included in the measure before us. As members are aware, there are two processes by which one may become a practising solicitor. Firstly, one may undergo a course of study at the university and, having passed the necessary examinations, serve two years' articles with a solicitor; or, alternatively,

a student who has matriculated may, without attending the university, submit himself to five years' articles with a legal practitioner and must pass the prescribed examinations.

The university graduate may, if he so wishes, engage in outside employment, apart from the hours during which he studies or attends lectures, without seeking the consent of anyone, whereas the student who matriculates and serves his five years' articles with a legal practitioner has, at present, to seek the permission of the Barristers' Board if he wishes to engage in employment outside the solicitor's office. This measure seeks to alter the law slightly so that, instead of having to apply to the Barristers' Board for permission to accept outside employment, the articulated clerk serving five years' articles with the solicitor may apply to his employer, the solicitor, for that permission.

I do not think this measure asks too much and I hope that it will be favourably received by the Chamber. I would remind members that there is a shortage of lawyers in this State, and I believe that the passing of this Bill will encourage some young people, who at present may feel discouraged in their attempts to enter the legal profession. I believe there are quite a number of young men in our community who are desirous of becoming lawyers, but whose prospects of success are limited by the meagreness of their financial resources. The passing of this measure would permit such persons to engage in employment during the evenings, for instance, and in that way might enable them to attain the end they desire. As the Bill, in fact, seeks so little, I hope the House will give it favourable consideration. I move—

That the Bill be now read a second time.

**THE HON. E. M. HEENAN** (North-East) [5.24]: As the hon. Mr. Teahan has said in his introduction, this Bill is a modification of a somewhat similar measure which was before the Chamber last session, and which was defeated. That Bill, as he pointed out, contained a provision relating to members of Parliament, but that provision has been omitted from the measure now before us. I support the present Bill, as I think it may possibly be of some assistance to certain young people who wish to enter the legal profession, although in all fairness to the Barristers' Board I must say that, in my long experience as a legal practitioner, I believe that Section 13 of the Act has operated fairly and has been administered wisely by the Barristers' Board.

Section 13 of the Act provides that no articulated clerk shall, without the written consent of the Barristers' Board, hold any office or engage in any employment other than as a bona fide articulated clerk. As

the hon. Mr. Teahan pointed out, a person may enter the legal profession in either of two ways. He can serve five years' articles with a legal practitioner—that was the normal way of becoming a solicitor before we had a university in Western Australia; and it was the method which I and others of my generation had to adopt—and pass the necessary examinations, as prescribed by the Barristers' Board, or else do a law course at the university. The old method has largely been superseded by the university course, which I believe is a great improvement, because it offers a better standard of training. The law student at the university, if he is successful in passing his final examinations, is awarded the LL.B. degree and must then serve two years' articles with a legal practitioner in order to gain much-needed experience, just as a young doctor has to serve his internship in a public hospital.

The student, serving his five years' articles with a legal practitioner, may want to take outside employment, either at night or during his vacation, and in that event he must write to the Barristers' Board and apply for permission, which in my experience has invariably been granted. No-one was in poorer circumstances than I and my family at the time I was studying law, and I used to supplement my income by teaching three nights per week at night school. In order to do that I had to apply to the Barristers' Board for permission, which was readily granted. As another example a young university student, who was doing his two years' articles in my office, was highly thought of as a caller at square dances, for which he was paid about £2 per night. He applied to the Barristers' Board for permission to engage in that employment, and permission was readily granted.

The Hon. G. Bennetts: He would have to put in a certain number of hours, of course.

The Hon. E. M. HEENAN: The whole principle of serving articles can be compared to an apprentice serving under a carpenter. It is the same with a medical student. It is not much use insisting that a young doctor spend his time getting experience at a hospital, if for half of the time he is doing something entirely extraneous.

The object of Section 13 is to ensure that the clerks apply themselves to their articles. However, any clerk, who is a deserving case, can write in and obtain permission to work outside. I have never known of a case where Section 13 of the Act has not been applied fairly. The only justification for this Bill is that, perhaps, the position might be alleviated and a more lenient attitude adopted if the onus is placed on the individual legal practitioner instead of on the Barristers' Board. In my experience, as already pointed out, the board has

always adopted a lenient attitude. However if the sponsor of the Bill thinks that a more lenient attitude is necessary, I will not oppose his measure.

To sum up, I do not think the proposed amendment will make much difference, but perhaps it will obviate a possible cause of complaint. It would appear that the sponsor of the Bill considers that the Barristers' Board has acted unfairly or that someone has been handicapped by the operation of Section 13 of the Act. Rather than have that point of view held, I support the provisions in the Bill.

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

## BUSH FIRES ACT AMENDMENT BILL. *Second Reading.*

Debate resumed from the 25th September.

THE HON. A. R. JONES (Midland) [5.34]: I support the second reading of the Bill. When the hon. Mr. Wise introduced it, he made the objects very clear. I have made a careful study of the Act, together with the proposed amendments, and I feel I can support, very strongly, the provisions of this measure. The object of bringing this legislation before the House is to make possible the lighting of fires in some parts of the State, although a fire hazard has been declared over all the State.

We have to keep in mind that Western Australia is a very large State and that, although a dangerous fire hazard may exist in the northern parts, it may be quite safe to light fires 100 miles further south. Therefore, something more is necessary than to allow a blanket declaration to be made on a fire hazard. Precaution has been taken to ensure that the Fire Brigades Board should examine properly the application of any local authority to be declared an approved board. That is very wise, because I gather that there may be some local authorities that do not measure up to the required standards set by the Fire Brigades Board, because their equipment may not be very good and the members of their fire brigades may not be efficient.

Therefore, the Bill requires that a local authority shall be approved, in the first instance, by the Fire Brigades Board before it is granted any further powers. The additional power that is to be conferred upon a local authority is that it shall be able to appoint a fire officer and a deputy who will take the place of the fire officer in the event of his being ill or absent from the district, for some reason or other, so that he may use his jurisdiction to allow fires to be lit in the district or to decide, at any particular time, when a fire hazard shall be declared.

During his second reading speech, the hon. member who introduced the Bill said that some fire officers may not accept the



responsibility placed upon them, and so it is left to the board to appoint a committee with which the fire officer can confer. Whilst some hon. members feel that it may be necessary for more than one man to be available to a local authority, in view of the great distance in some road board areas between their north and south, or other extremities, I feel that it is impracticable to grant definite authority to more than one man. It will, of course, be within the jurisdiction of each board to decide whether it will appoint a committee to consult with and advise the one man to be responsible to the Fire Brigades Board. Nevertheless, I think it is essential for one man only to have the final say on any decisions that should be made.

If this Bill is passed, it will give the jurisdiction necessary to allow anyone to burn off agricultural land for the gathering of clover seed or for the clearing of land. In my opinion, provided the regulations in the Act relating to burning off on such land are complied with, there is nothing to be concerned about. In the past the existing provisions in the Act have created a ridiculous situation when a dangerous fire hazard has been declared throughout the whole of the State.

Although it may be dangerous to light fires in the south, it may be quite safe to light them in other parts of the State. It may be quite hot in one area and yet, in another, cool winds may be blowing which keep the temperature down. Therefore, this Bill will grant more latitude to those who wish to burn when it is considered that conditions are safe. I consider we can give our approval to these amendments because they will bring about an improvement to the Act and if, in the future, the Bush Fires Board considers that something extra is necessary, there will be no difficulty in bringing forward further amendments next year. I have much pleasure in commending this measure to the House because it is legislation which I think will meet with the approval of all those who are concerned with the administration of the Bush Fires Act.

**THE HON. H. L. ROCHE** (South) [5.39]: With the hon. Mr. Jones, I feel that the House can very well accept this Bill in the form in which it has been introduced. At this stage I would like to express to the Minister for Agriculture my appreciation of his readiness in accepting the complaints that were expressed to him this year in regard to the working of the parent Act. Some of us seem to think that we know a great deal about bush fires and the control of them, and we went through the parent Act with a fine tooth-comb in the past, but this measure shows us that, in some circumstances, a Bill can become an Act but the practical application of its provisions do not always work out as satisfactorily as its architects or supporters thought it would.

For example, an utterly ridiculous position occurred this year in regard to the administering of this legislation. To those members who are perhaps not in touch with this kind of activity, I might explain that, under the parent Act, if a dangerous fire hazard is declared by the officers of the meteorological bureau, an immediate blanket restriction on burning is imposed throughout Western Australia. This occurred early this year, but whilst the officers of the Weather Bureau apparently expected temperatures of 100 degrees or thereabouts in the metropolitan area, at centres such as Darkan the temperature varied between 72 and 78 degrees with no dangerous fire hazard whatsoever. Nevertheless, they were covered by the ban.

In other areas, such as Tambellup, they received about four or five inches of rain a week before, following a storm, and although one would not have been able to get a fire to burn even with a liberal application of kerosene, those places were brought within the ban on burning. So the position was quite absurd and the fact that the Minister for Agriculture has taken steps to remedy the weakness of the Act following upon the reports he received, is much to his credit.

Ever since we commenced dealing with this legislation I have been concerned that the control exercised under it shall not become centralised. I have been concerned that those in charge of the administration of the Act shall not regard themselves as the only authority. The responsibility for administering its provisions should be carried by the individual district, because it is those who are resident in the district who suffer the losses should a fire get out of control.

Those residing in any particular part of the State know when it is or is not safe to burn. They know the most efficient way to deal with a fire should one break out. It is wrong for people to gain the impression that the lighting of all fires is unwise or dangerous. Under control, a fire is still a good friend to settlers in all parts of the State. There are many who know how to control fires effectively, but we will not have this legislation operating successfully if the control becomes too centralised.

So, I say again that the readiness with which the Minister for Agriculture acknowledged the representations made to him is to his credit. Also, this legislation will prove very helpful to those who are members of the various bush fire brigades throughout the State, and those who support them. They have put a lot of time and effort into fire prevention and, up to date, quite a lot of money into providing fire-fighting equipment. In most districts, especially those I know best in the central and lower Great Southern, the people have been extremely successful in fire control. They certainly do this work to protect their

own assets and their districts; but in doing that they are also protecting assets which are worth a lot to Western Australia.

Question put and passed.

Bill read a second time.

### *In Committee.*

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

## **STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL.**

### *Second Reading.*

Debate resumed from the 25th September.

**THE HON. R. F. HUTCHISON** (Suburban) [5.47]: Each year when a Bill similar to the one before us has come up, I have risen and said something on the matter. On this occasion I would like to say that as the Bill has been introduced each year and has received the same fate on each occasion, it is about time we started to revise our thoughts and do something worth while, because to me the action of this House in consistently rejecting a Bill, which has been passed in another place by a Government elected on a popular franchise, is a negation of democracy. It is an act of negation by a House which is elected on a very restricted franchise.

We, in this House, do not voice the popular views of the people whom we are supposed to represent; we only voice the views of a few of the people who hold sectional interests, which are mostly known to us. To me this seems unfair; it is not good government; it seems to be unsound reasoning; and it seems to be strong support for my contention that the Opposition in this House consistently throws out a Bill which has cost very much to introduce each year.

All that the measure seeks is for the people of this State to have freedom of choice in respect to one field of insurance. We have heard a great deal spoken about the freedom of choice here. We hear it day after day, but when it becomes a matter of reality to give the people a freedom of choice, the majority in this House treat the matter pretty severely, and the heads of the people who make the move to bring about that freedom of choice, are metaphorically broken or chopped off.

The State Insurance Office is asking for no more than a right which it has earned as a public utility. It seems strange to me that any political party can do other than accede to such a request. We all understand that it is a policy of the Opposition to block this type of Bill and to give the people the very least.

Last year we heard some hon. members speak on the question of school buses. This matter has stuck in my mind. When it came forward for discussion we did not

hear them say anything about socialism, as we have heard them when speaking to a Bill of this nature. To me socialism represents a service to the people. I have expressed that viewpoint before. When it related to buses and transport concerning one corner of the State, the Opposition members wanted to socialise to a much greater extent a service which had been put in by the Government. We all know it is a socialised service, yet we heard members of the Opposition wanting more of it and advocating that they were not being given enough socialism in that case.

If it is right for the Opposition to want more socialism in respect of an amenity, that is school buses for children, why is it not right for us on this occasion to extend the coverage of the State Insurance Office to enable it to provide insurance for school-children for 24 hours of the day? We have seen the entry of a private insurance company into this field, and we have heard something about that company in the House already. Apparently it can go right over the head of the State Insurance Office in respect of this type of insurance. All that the Bill seeks is the simple right for the State Insurance Office to give to the people of this State an insurance service which is better than the one offered by the private company at the moment.

We have seen all kinds of unfair measures being taken by the private company to obtain business, such as the issuing of pamphlets to school children. I know, because some mothers have brought those pamphlets to me. Yet the State Insurance Office is not able to give this type of insurance. The private company is offering coverage which does not mean very much when the concise facts are considered, because much of the time when the children will be insured is when they are asleep. It is a 24-hour cover against accidents.

This reminds me of the early days when the State Insurance Office had, like the starting price betting operators, to carry on its activities before the situation was legalised. Since those days some progress has been made. When the miners wanted coverage, because many were dying from silicosis, the State Insurance Office had to provide it. The private insurance companies looked on silicosis as a bad risk and would not cover the miners. Until people became more active and more informed, and until a Labour Government introduced a measure into Parliament to legalise the activities of the State Insurance Office, those activities were carried on illegally for many years. By that time the coverage of silicosis had become such a social question that the Opposition had to pass the Bill. It did not like flying in the face of Providence, and so the Bill went through.

I make this assertion: This Bill is also becoming a social question, and a very live social question. We know that some

people can be fooled some of the time, but all the people cannot be fooled all the time. Now the Labour Party is able to speak in this House with a stronger voice than it has been able to for many years past, and the people are becoming more informed.

I have been amazed at the reaction of parents towards school children's insurance, and I have received many callers protesting against the State Insurance Office not bringing in this scheme for the insurance of school children. I have had to explain the reasons to them, and I explained them for long minutes and hours on different occasions. Since the private company has come into the field of school children's insurance, the hon. Mr. Griffith has had the opportunity of hearing its representative explain the coverage.

On this occasion we have one type of insurance which the State Insurance Office can offer to the parents of the State, but the Opposition in the House has been telling them why it cannot be allowed to offer such insurance. The people should be told about this, and we shall see what they think, because this matter is becoming a very sore point with them.

Many parents, being quite uninformed about politics, think that the suggested scheme of the private company is a good one. They are waiting for their present policies to run out next year before taking out new policies under the State scheme. They will find out in due course what a real camouflage has been placed before them. I am using the word "camouflage" very advisedly indeed.

The good service rendered by the State Insurance Office to the people of Western Australia should earn it full status in other fields of insurance. That office has proved its capacity and ability to manage its affairs. Why should not the premiums and profits which accrue from insurance be paid back to the people of this State for their own benefit, instead of being sent out of the State—most of it is sent out—and very often sent overseas? Is that not sound reasoning? Will any hon. member tell me why we in this State should not have the benefit of the money that is spent in the payment of premiums here? I do not think that any hon. member will get up and answer that question or tell me why we should not have the benefit of that money; or why we, as a Labour Government, should be balked in this very House when we are trying to mete out common justice to the people. That is exactly what is happening.

The Labour Government was elected to office on a popular franchise. It tries to bring in legislation for the good of the people of the State, but when we see treatment such as that meted out to similar Bills in the past which were introduced for the common good, we become

alarmed. Without doubt, when a similar measure was brought before this House it was thrown back into the face of the people by a majority of two. To me, power of that nature is not good for the State.

The members of this House are elected not by all the people, but only by some. We are elected under a certain system, but we have the full power to reject anything brought forward by the Party to which I belong. The members here are elected on a franchise which is not being used in progressive countries any further. In Victoria there is adult franchise. In New Zealand the people did away with the Upper House. In Queensland the Upper House has been abolished. In New South Wales it has now become simply a committee appointed by Parliament itself, and its members do not have to go to the country. In this State, however, we have a narrow franchise, and a utility like the State Insurance Office, has to reason with people who are determined to think in "redundant" terms. That is the only way I can express the position.

The Hon. J. G. Hislop: Are you going to explain the Bill?

The Hon. R. F. HUTCHISON: From speeches which have been made previously in this Chamber hon. members know what is contained in the Bill. I am giving reasons why the Bill should be passed. I object to the action of this House, and have done so all the years I have been a member. If any people read my speeches, they will see that the Bill has been fully debated.

The PRESIDENT: The franchise of this House is not in the Bill; the hon. member should keep to the Bill.

The Hon. R. F. HUTCHISON: I tie it up this way: It is because of the franchise of this House that the Bill is not passed. If we were elected by the people this would not be so, because we would not have a property and privilege vote.

In this Chamber we often hear talk of freedom of choice and freedom of the people, so it is not a bad thing to get down to fundamentals sometimes. I spoke of school children's insurance, because I happened to be at the meeting where this subject was fully discussed, and most of the parents and citizens' associations objected to the new policy which is being proposed. They prefer the State policy. Why would they do that if it were not a good policy?

During the last year, 6,000 claims were met by the State Insurance Office and £38,000 was disbursed to parents under the accident policy; and all that money remained in the State. It is typical that, when by slow progress and trial and error we get something which is good for the people, somebody else is allowed to come in and take the cream away from the State. I think this is an unfair restriction on the

State Insurance Office and I voice my protest against it. It is only because the proposal turned out so well that private insurance firms have rushed in to get the business.

The Bill asks for a widening of the rights of the State Insurance Office, and I hope the House will think over what I have said. I have put my thoughts into words because this has become a social question. I was not believed when I told the House that the Jury Bill had become a social question, but I say now that the subject of the State Insurance Office is becoming a very live social question in Western Australia, because people are learning fast.

I find that everybody is becoming conscious of the need to patronise their own State utilities that benefit the people, instead of those which are to the advantage of just a few. I hope that when this Bill comes to the vote there will be enough hon. members with wide thought who will support it and give some semblance of justice—

The Hon. A. R. Jones: What are you asking us to support?

The Hon. R. F. HUTCHISON: This Bill.

The Hon. A. R. Jones: Tell us what the Bill does.

The Hon. R. F. HUTCHISON: It will give wider powers to the State Government Insurance Office to conduct insurance on general lines. The hon. member knows quite well what the Bill is about. I am just pointing out what a negation of democracy it is for the Opposition in this Chamber to throw out, year after year, a Bill which is brought down by a Government that has been elected by such a large majority of the people of Western Australia. I support the Bill.

**THE HON. J. D. TEAHAN** (North-East) [6.5]: I support this Bill and note with satisfaction something said by the previous speaker, the hon. Mrs. Hutchison, that the State Government Insurance Office had earned the right to cover a wider field of insurance. It has certainly earned that right, as in the field it now covers it has conducted its operations in an excellent and efficient way, and with courtesy. It has grown from the humblest of beginnings and now occupies one of the best buildings in Perth, situated in a very prominent position; and I hope it continues to grow.

The opponents of this Bill say that they are prepared to support those things the Government does which cover the activities of most people; such as the postal service. Insurance is growing to such an extent that one could say it covers pretty well every person in the land and most of their activities. It covers the breadwinner while working; it covers children to and from school; it covers the possibility of crop failure; it covers sports meetings in case of rain; and practically every other

activity. It also covers such a thing as public risk. Therefore, it warrants administration by the Government.

As pointed out by the hon. Mrs. Hutchison, the profits earned by the State Insurance Office, if that office were given greater scope, could be channelled into our Consolidated Revenue Fund.

The Hon. J. G. Hislop: What was that?

The Hon. J. D. TEAHAN: We would then not hear so much opposition to the imposition of land tax or greater probate duties. These would not be necessary if we obtained the revenue to which we are entitled from the State Insurance Office. We do not object to other companies coming here from abroad. There are over 100 insurance companies operating in this State, the majority of which have their parent companies overseas. The next greatest number is from the Eastern States, while a few are Western Australian companies.

The State Insurance Office is not allowed to cover anything more than it can cover at the present time, because the Opposition feels it would interfere with the profits of those companies already existing. We are also told that institutions such as the State Insurance Office are too bureaucratic. They are bound up with too much red tape. It could not have much more red tape tacked to it than a big insurance company in St. George's Terrace which I dealt with recently.

I was seeking information on what could be considered a very small subject, but the officials of the company said, "We cannot tell you under 10 days". I said "Why?" They said, "That information must be obtained from head office in Melbourne," and I said, "Surely you must keep files of the people you deal with in this State". They said, "The files are in Melbourne and we cannot do anything sooner than 10 days." I waited the 10 days and was then informed that Melbourne had not yet advised them. If such a thing happened with a State instrumentality there would be protests all over the land. Red tape and bureaucratic methods would be referred to.

I repeat that the State Government Insurance Office has earned the right to be given the extra powers contained in this Bill. It is giving efficient and courteous attention, and if the Bill is passed we will find it will, with its wider powers, do just as excellent a job as it has in the past.

**THE HON. E. M. HEENAN** (North-East) [6.11]: There have been two consecutive speeches in favour of the Bill. I was hoping to hear some arguments against it.

The Hon. R. F. Hutchison: They have no reason to argue.

The Hon. E. M. HEENAN: I do not know whether to interpret the silence as ominous or meaning assent to the Bill.

The Hon. A. F. Griffith: Apply that to some of the things that have happened in the past.

The Hon. E. M. HEENAN: I think the speech by the hon. Mrs. Hutchison and the remarks made by the hon. Mr. Teahan, at least call for some comment; and in the brief space of time that I intend to allot to the measure, I hope I may be able to make a few remarks that will call for some argument from the other side of the House.

We hear a great deal about State enterprises; and the idea is often conveyed that they are associated with failure. I just happened to come across the financial statement made by the Premier for the year 1957-58 containing a summary of results of operations of some of the better known State undertakings. For the year 1956-57, the State Electricity Commission made a profit of £103,065, and the charcoal iron and steel industry a profit of £11,532.

The Hon. R. C. Mattiske: What is its total accumulated loss?

The Hon. E. M. HEENAN: The Albany Harbour Board made a profit of £22,294, and the State Government Insurance Office a profit of £106,627.

The Hon. R. C. Mattiske: What about the State Building Supplies?

The Hon. E. M. HEENAN: There are a number of others. The Wyndham Meatworks made a profit of £38,867, and the State Hotels a profit of £1,505.

The Hon. R. C. Mattiske: You still have not quoted the State Building Supplies.

The Hon. F. R. H. Lavery: You can quote them after.

The Hon. E. M. HEENAN: The State Sawmills made a loss of £50,197. There are losses and profits as in most business undertakings; but the point I am making is that the State Government Insurance Office, with which we are concerned at the present time, made a profit of £106,627 during its last year of trading.

*Sitting suspended from 6.15 to 7.30 p.m.*

The Hon. E. M. HEENAN: The Bill is in all respects similar to the one that was before the Chamber last year, and which was defeated. Other speakers have pointed out that this is the sixth attempt the Government has made to have legislation passed to enable the State Government Insurance Office to carry out insurance, in the normal broad way, as it is carried out by most other companies. It will be seen, therefore, that the Government is anxious and sincere in its efforts to get this legislation on the statute book. It holds the view that the State Government Insurance Office has established itself in the business-life of Western Australia; that it has won through from humble beginnings.

During its period of life, it has served various sections of the community, and the State generally, very well. The Government, in my opinion, rightly takes the view that the office should not be circumscribed in its activities, as it now is. Although the Bill runs into 13 pages, the gist of it is contained in Clause 4 which seeks to amend Section 4. This amendment is one which proposes to extend the jurisdiction of the State Government Insurance Office.

It proposes that the State Insurance Office shall be allowed to undertake and carry on the general business of insurance, including any class or form of insurance which is, on the coming into operation of the State Government Insurance Office Act of 1958, being undertaken or carried on by any person engaged in the business of insurance, etc. The Bill seeks to provide an extension of the cover which is now given to school children. Others have pointed out that at the present time, the State Government Insurance Office can cover these children only during the hours when they are at school or are going to or returning from school. The Government now seeks to allow the State office to cover the children for the whole period in a manner similar to the way in which one of the private companies covers them. This seems a most reasonable request.

Another provision seeks to allow the office to have jurisdiction to grant what are termed probate policies to graziers and farmers. This is a new aspect of insurance which modern times have made necessary for people with large incomes or with large estates. It can be foreseen that most people with large estates will, in the future, take out a policy along these lines.

The Hon. A. F. Griffith: If they are badly advised, they will.

The Hon. E. M. HEENAN: I think this is a wise undertaking for them to make, because the average farmer who dies these days leaves an estate to the value of £20,000 or £30,000. We frequently read of them in the daily papers. Such estates are made up largely by the value of the real estate and the stock, and they possibly contain very little in the way of ready money.

The Hon. A. F. Griffith: Would you advise a man to assign a policy when he has no need to do so?

The Hon. E. M. HEENAN: I would not advise anyone to do anything that he has no need to do.

The Hon. A. F. Griffith: Then you would not agree with this provision?

The Hon. E. M. HEENAN: If he has need to do it, or if it is in his best interests to do it, I would certainly advise him to do it. Let us take the case of a farmer who dies and leaves an estate of, say, £30,000. This would attract a

lot of probate duty. In the ordinary course of events, if he does not make some provision by way of a probate policy, his executor—probably his wife or some other member of his family—would have to raise, perhaps, a couple of thousand pounds. The executor may sell stock or raise the money on mortgage; and sometimes that is difficult to do. I think it is wise for a man in that category to take out one of these probate policies. However, be that as it may, the idea of the Bill is to give the State Insurance Office jurisdiction to engage in practically all forms of insurance other than life insurance.

Of course this is where we come to a divergence of views. People who are opposed to this policy say that they oppose it not because of its intrinsic merits or demerits, but simply because it is a further manifestation and extension of State trading enterprise. I suppose one can respect that point of view. On the other hand, we have to realise that the State Insurance Office was more or less forced into existence away back in 1938—or many years before 1938—and for a number of years it operated without any statutory authority.

I remember those days very well because then insurance, under the Workers' Compensation Act, was not compulsory. On the Goldfields we had the spectacle, on more than one occasion, of men being killed in the mines, and their dependants not being able to recover any compensation. I can recall two instances of men working for companies of little standing or substance. These men were killed, but they were not covered by insurance; and the companies had no assets. As a result, the unfortunate dependants of those men received no compensation.

In 1938, the State Government Insurance Office was, after many years of struggle—such as we are having over this measure—legalised. Year after year, the Bill to legalise the State Insurance Office was brought before this Chamber and was defeated but, in 1938, it was passed by a small majority. I think everyone must agree that the subsequent years have proved that that was a wise move.

The insurance of employees under the Workers' Compensation Act became compulsory and, ever since, if anyone has become injured or died from an accident at work, compensation has had to be paid to the injured worker or to his dependants. I think that is wise and good.

The State Government Insurance Office has not monopolised the field of insurance. The hon. Mr. Teahan has pointed out that approximately 100 companies operate in Western Australia, all of which are presumably, getting along satisfactorily, and are holding their own in a business sense. As I have already pointed out, last year the State Insurance Office made over

£100,000 profit. It has erected a building which is an ornament to our city, and I think it is one State trading concern which is eminently respected, and deservedly so. I feel confident that if the measure is passed no dire results will occur. This State is going ahead at a great rate. We know how our schools are crowded—how classes are twice as large as they should be—and the population is increasing rapidly. We have vast potentialities in the North and in the South, and I am sure there is enough business in the insurance world for all concerned.

Those are just a few of the ideas that appeal to me, and I hope they will appeal to some hon. members who in the past have been opposed to measures such as this. I respect their points of view when they say they are opposed to State trading concerns. They say that certain spheres of business should be the field of private enterprise, and the State should not trespass on that field. But, nowadays, insurance is somewhat of a public necessity. As the hon. Mr. Teahan pointed out, everyone has to carry insurance of some form or another. An enormous amount of public money is invested, and wisely invested, with insurance companies. To their credit, it has been my experience that private companies have conducted their businesses along reputable lines. The fine buildings that are erected around Perth, especially those which have been built in recent years, are a credit to the business acumen with which the insurance companies have conducted their affairs.

In my opinion this Bill does not seek to handicap the existing companies in any way. It seeks only to give the State office the right to trade on all fours with them, and that seems a fair proposition to me. I applaud the fact that this other company came into the field and covered little children for the full 24 hours of the day. I am sure most parents in Western Australia who have children going to school applaud that move because not many parents want to run any risk whatever where their children are concerned. The move was all to the good, but it seems illogical to me that, having given the State Insurance Office the power to embark on this type of insurance, we should now restrict it to doing only half the job. For goodness' sake, let us give it the power to insure those little children for the full 24 hours, as most people would desire it to do. The position now is that if any parent wants to insure his children adequately, he has to go to this private company to do it.

The Hon. G. Bennetts: It is only fair that Mum and Dad should be covered, too.

The Hon. E. M. HEENAN: In my opinion it is only fair that parents should have the choice. A lot of people consider that they would like to deal with the State Insurance Office. We all have our likes and dislikes—our preferences—and I think it is fair enough for all to be treated alike.

I do not want to weary hon. members any further because I have spoken on Bills of this nature on a number of occasions previously. I suppose year after year we feel that we are using the same arguments; but it is hard to think of anything new. I can assure every hon. member that the Government is earnest and sincere in its efforts to get this measure on the statute book, and I am confident no dire result will happen if it is passed; and I feel certain that the private companies who are afraid of the measure will find their fears have been exaggerated. Especially from the point of view of the clause relating to school children. I hope on this occasion the measure will be agreed to.

**THE HON. J. G. HISLOP** (Metropolitan) [7.52]: I had not intended to say much about this Bill, and I shall not be long in dealing with it. But certain things have been said here this evening which in the main are superficial and have not uncovered what lies underneath. I feel sorry for freedom. It gets handled very lightly, and some terrible things have been perpetrated under the guise of freedom. We still find it very carelessly handled. For instance, I found tonight that freedom can be given to people by including in the field one more insurance company, in addition to the 70 that already exist!

**The Hon. J. D. Teahan:** One hundred.

**The Hon. J. G. HISLOP:** But if we refrain from allowing that company to enter the field we take freedom away.

**The Hon. W. F. Willesee:** It does to those who desire it.

**The Hon. J. G. HISLOP:** It was suggested that that was a terrible thing to do. It was also suggested that this is the policy of hon. members on the Government side.

**The Hon. F. R. H. Lavery:** It is.

**The Hon. J. G. HISLOP:** It is our policy to oppose it; and that is where the situation lies. I think we would be doing a grave injustice to a very large percentage of the people of this State if we did not oppose such a policy because, in our opinion, it is not in the interests of the State nor of its people. If full freedom existed I do not know that I would worry very much about this Bill; but I think that freedom has been handled very carelessly. I have recollections of what has been happening lately in the printing trade.

**The Hon. F. R. H. Lavery:** Is that in the Bill?

**The Hon. J. G. HISLOP:** Instructions have been issued that orders for Government departments are to go to the Government Printing Office rather than to one of the private companies. It is possible that freedom might be exhibited for the State Insurance Office in exactly the

same way! It would be interesting to know, for instance, what has happened, or what will happen, to the person who bought expensive machinery to print bus tickets. Probably he will find that he has lost the job of printing those tickets, and that the work has gone, with perfect freedom, to a State enterprise.

**The Hon. F. R. H. Lavery:** They are used by a State enterprise.

**The Hon. J. G. HISLOP:** Freedom is such a nice thing to handle that it can be used almost as a two-edged sword.

**The Hon. A. F. Griffith:** Freedom to call tenders for public buildings, if you want to!

**The Hon. J. G. HISLOP:** Of course.

**The Hon. J. M. A. Cunningham:** Who insures the buses of the public transport people?

**The Hon. J. G. HISLOP:** I have a very interesting cutting here from an Eastern States newspaper. In a Bill which was introduced into this House, either last year or the year before, there was a clause which gave public servants the right to act as agents for the State Government Insurance Office. This cutting is from the Brisbane "Courier-Mail" and, although I shall not read it, I will tell hon. members what it contains. In that State, police officers found that they could not act as agents for the State Insurance Company and at the same time arrest anybody. So it looks as if a man there would have the opportunity of paying a fine or taking out a policy!

**The Hon. A. F. Griffith:** That is freedom anyway!

**The Hon. J. G. HISLOP:** That policy was instituted by the previous Government and not the present Government of Queensland. So one has to be very careful about the freedom that we are being granted so easily. We might not be quite so free as we think we are. I was told this afternoon that "you cannot fool all the people all the time."

**The Hon. W. F. Willesee:** Not again!

**The Hon. J. G. HISLOP:** I am one of those who realises that completely.

**The Hon. H. C. Strickland:** You have had that experience?

**The Hon. J. G. HISLOP:** Therefore this freedom that has been handed to me does not completely fool me. If I felt that the State Insurance Office was to be completely free to compete on normal business grounds, I might consider the question of freedom. But when I know that the Government is quite capable of sending a direction to semi-governmental bodies, and to others, suggesting that their business should go to Government concerns, it makes me think twice about freedom.

The Hon. J. M. A. Cunningham: It is only a commercial traveller's job.

The Hon. J. G. HISLOP: Despite the fact that some hon. members have said that the Bill is something that everybody wants, I have never been able to discover how anybody can say that everybody wants something. That is certainly a wild statement; but it is used as a means of telling us that a convincing argument is being presented.

The Hon. F. J. S. Wise: There is a difference between want and need.

The Hon. J. G. HISLOP: There is; I both want and need. Until we have some clear indication that this State enterprise will be put on to the same commercial basis as other insurance companies, I am afraid I cannot vote for a measure of this sort. I know quite well that Government institutions of this kind, both here and in the Eastern States, are compelled to make a greater proportion of ex gratia payments, because of political pressure, than are granted by private companies. Until that political pressure is removed from organisations of this sort, it is not wise to agree to a Bill such as this.

THE HON. F. R. H. LAVERY (West) [7.59]: I have often admired many of the hon. Dr. Hislop's speeches in this House; but I have never heard him put up such a feeble and innocuous effort as he has done on this occasion.

The Hon. J. G. Hislop: You usually help me.

The Hon. F. R. H. LAVERY: I gave him credit for making a better speech on this matter. As every hon. member here knows, this is the sixth occasion that a Bill of this nature has been presented to Parliament and, as a result, I do not intend to deal with it clause by clause.

When the hon. Dr. Hislop talks about freedom, and says that all the people do not want these things, I point out that we are in this House because some of the people wanted us, while others wanted our opponents. It would seem that more people wanted us than our opponents. Accordingly the hon. member is quite right. I have two letters here which I would like to quote because I want them incorporated in Hansard.

The PRESIDENT: I hope they have something to do with this debate, because otherwise the hon. member cannot have them included in Hansard.

The Hon. F. R. H. LAVERY: Perhaps I may be permitted to make my speech, Mr. President, and you could stop me if I go wrong. I have spoken at some length on a similar measure before, and I have no intention of doing so again tonight. To my way of thinking some of the insurance companies were rather impertinent to write as they did to members of Parliament; particularly when we have heard

talk of freedoms and pressures. If the letter I am about to read does not indicate the existence of pressures, I will agree with what the hon. Dr. Hislop had to say. A number of hon. members have received a similar letter; but up till now nobody has mentioned it in the debate. During the course of my reading of it I will interpolate, sometimes favourably towards the company, and at other times in favour of the State Government Insurance Office. The letter reads as follows:—

Commonwealth General Assurance  
Co. Ltd.,

202 Adelaide Terrace,  
Perth.

Dear Sir,

The name of this Corporation is featuring in present discussions because it has taken the initiative in extending insurance to cover accidents 24 hours a day, 365 days a year, to school children in Western Australia. We feel that it is important you should know some of the background of C.G.A. and the following facts are given:

Like the hon. Mr. Heenan, I congratulate the company on providing a 24-hour service, and I would also require that of the State Government Insurance Office. To continue—

The Corporation is purely Australian, and all shareholders are resident in Australia.

The Corporation was incorporated in 1920.

All re-insurances are effected in Western Australia.

On that point I would mention that the State Government Insurance Office does a lot of re-insurance with some of the other hundred companies of this State. The letter goes on—

It is a composite office and covers all forms of insurance, including life, fire, accident, marine, school pupil's insurance and family accident insurance. No other company in Australia covers such a wide range.

As I said before, I have no quarrel with that whatever. All I ask is that the State Government Insurance Office be given a similar privilege—

It has made phenomenal progress in the last three years and has been unequalled in insurance history, proving the popularity of our contracts.

Again I congratulate the company. Whether it be the biggest wool firm or the smallest storekeeper, I like to see progress in business. To continue—

In the life field, it pioneered acceptance of persons previously medically unacceptable, abolished all occupational loadings on persons engaged in



liquor trades, and made very substantial reductions in loadings on premiums for air crews of the R.A.A.F. I again congratulate them—

Production of life assurance has doubled in each of the last three years, and this year could almost treble.

That backs up what the hon. Mr. Heenan says. It is only possible because of the increase in population in this State, and because of the high level of our prosperity today. The letter continues—

So far as School Pupils' insurance is concerned, C.G.A. has been officially approved by Ministers of Education in all other States of the Commonwealth.

Nearly 800,000 students are covered under a C.G.A. Schools Insurance policy in the Commonwealth of Australia.

In South Australia, over 90 per cent. of all school children are insured. In all other States, complete freedom of access is given to school premises, and the Corporation enjoys the co-operation of the teaching staff. In Western Australia, C.G.A. was the first insurance office to offer a commission for school children's insurance.

I will be quite candid about this commission; I do not know what benefit that would provide to the parent or the child—

The claims procedure relieved the teaching staff of all work connected with same. The claims procedure is particularly simple and the parent has direct contact with the C.G.A. office. In all cases where parents have called at this office, payment has been made immediately. We do not know of any instance where a client whose claim is in order has left this office without being paid. If there is such a case, we would be pleased to hear of it.

My own experience of three cases with the State Insurance Office proves it to be in exactly the same position, and I congratulate both this company and the State office on their prompt settlement of claims. I quote—

The scheme was first introduced to private schools in February, 1958, and where parents had an equal opportunity of choice it resulted in a ratio of five to one in favour of the C.G.A. scheme. The scheme was then introduced to the University of W.A. and the teachers' training colleges. When the scheme was extended to State schools certain directions given by the Education Department resulted in a denial to parents in many cases of an equal opportunity for selection of the type of policy best suited to their needs. The restriction was imposed on the ground "No distribution of advertising material in schools."

There is an innuendo in that statement to the effect that the Education Department, under direction from the Government, issued a manifesto to the schools not to permit these people to advertise in the schools. Hon. members know that the Education Department is bound by a set of regulations, and those of us who have had dealings in this matter with this company will know that those restrictions applied many years before the company came to this State.

The Hon. A. F. Griffith: Will it apply to the State Insurance Office?

The Hon. F. R. H. LAVERY: To my knowledge the State Insurance Office conforms in that respect. To continue with the letter—

C.G.A. officers, at great inconvenience, arranged for the distribution of 110,000 cards by hand outside the school property.

We know that at election time it is an offence for us to give school children pamphlets to distribute, so why should not that also apply to this company in the case of these advertising cards? To continue—

At the same time, there were many instances where advertising material from other organisations of varied interests was distributed by the schools.

My inquiries of the department show that to the best of its knowledge the only documents distributed in the schools today are those dealing with the parents and citizens' organisations, etc.—

All that this Corporation asks for is that parents should have an equal opportunity for selection of the scheme that they prefer.

I do not deny them that at all. It is fair and equitable. What is right for one should be right for another. The company then says—

If it is wrong for one company to distribute its wares, it is wrong for another; if it is fair for one, it is fair for all.

This Bill is fair. After 24 years of trading, a monument, equal to any built by other companies, has been erected in St. George's Terrace to the State Insurance Office. Its fair trading leaves me in no doubt that we would be doing a duty to the people of this State if we made it possible for this company to have this general insurance, less the life assurance side of it. To continue—

The present attempted restriction to this office aims at the creation of a monopoly for the Government Insurance Office, and, whether private or Governmental, is an obvious contravention of the Unfair Trading Act.

I think it is at this point that I complain at what the company has done. I think it is an impertinence to include such a paragraph in a letter to me. I claim to have a

certain amount of commonsense and a little knowledge in these matters, and I feel it is an insult to my intelligence to have such a paragraph included in a letter addressed to me—

The scheme has been operated at no cost whatever to the State taxpayers and gives employment to a large staff of West Australians.

I do not deny that. The large building erected in St. George's Terrace did not cost the people of this State one penny, either, unless it happened to be those who paid workers' compensation, and other types of insurance premiums. Accordingly, what case can be made by those in opposition to this request by the Government to give the State Insurance Office equal trading rights with other companies? The letter goes on—

Where an organisation displays initiative in advancing a particular scheme, we feel that that organisation should have a right to trade freely and not seek protection under law or monopolistic actions.

I feel that the State Insurance Office, previously managed by Mr. Bown, has risen to great heights. A committee meets once a month, or once a fortnight, to deal with insurance matters generally, and it would indicate the regard the other insurance companies have for Mr. Bown, as he is chairman of their committee. Accordingly I say, without fear of contradiction, that there is no hostility from the insurance companies, and no opposition to this Bill; the opposition stems mainly from the hon. members in this Chamber.

The insurance companies themselves would not give two hoots if this Bill were passed tomorrow. They would still go on with their business. The business of the community would continue, and all the people in the State would share in that business. I have another letter addressed to a private person, but I have the right to use it. It shows that some of the companies are not so jealous of the trade they have; they would not mind giving it away. This refers to the purchase of a Holden car from General Motors Corporation. It had to be insured with the Hartford Insurance Company, without any choice. The letter is from the Hartford Company, dated the 26th March, 1958, and reads as follows:—

Dear Sir,

Motor Vehicle Policy No. 12273 Due  
27/4/58:

Your insurance policy as above will expire at 4 p.m. on the date specified. Having the privilege of serving you is something which we have valued highly, and as we transact all classes of insurance business, we would like to make our full facilities available to you for other types of insurance.

There is nothing wrong with that, they are looking for business. But there is a lot wrong with the next part. It continues—

Motor vehicle business has not been a profitable class to insurance companies generally, and we would prefer not to renew your motor car policy unless we can fulfil all of your insurance needs by writing also your householder's insurance,—

A nice bit of freedom in that, isn't there? Continuing—

—your personal accident insurance, the insurance on your business, if you have one, or any other form of protection which you might have or feel a need for.

Please let us know your wishes in this connection by completing or marking one of the following, detaching along the perforated line and returning the bottom portion at your early convenience in the attached self-addressed envelope which requires no postage.

Yours very truly,

(Sgd.) A. F. Love,

Manager for Western Australia.

The Hon. R. C. Mattiske: Could you tell us that man's history?

The Hon. F. R. H. LAVERY: As a matter of fact I probably know it better than most people. This man bought the car and paid for it on the due date, and finalised payments on it. He had a claim for £19, because of an accident—although he was not to blame. The gentleman's name is B. H. N. Lavery, my son. I feel, like the hon. Mr. Griffith, that this is a matter of policy. It is a matter of policy of the Labour Party, that this insurance office shall be able to join in general insurance. It is the policy of those in Opposition, that State enterprise shall not extend further.

The Hon. H. C. Strickland: Shall not be sold!

The Hon. F. R. H. LAVERY: I put this to hon. members: We know that in certain State enterprises there have been big losses, and will be big losses in the future. We also know that there have been big losses in private enterprises. We have read of this in the newspapers in the last two or three weeks; and there are also one or two firms in the City of Perth which are very shaky. We know that the State Insurance Office can be acclaimed as an example to all other State enterprises, for its efficiency, for its service to those who desire that service, and for the commendable profits it has made on much lower premiums than various other insurance companies in this State have charged. It undertakes workers' compensation insurance not only for State Government departments, but also for many private businesses in this city.

Therefore, I feel that, policy or no policy, as this office has proved its worth to the State for 20 years, those in opposition should give further consideration to this particular section of State enterprise, if it can be called that. I hope I have adequately expressed my feelings which are that, so far as this company that wrote to my son is concerned, I entirely agree with its rights. I read in the paper recently that another company is coming here. No one says anything about that. What difference is it going to make if the total figure of the insurance business of the State is divided by 100, and a little goes back to the State office? I support the Bill.

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

### HEALTH EDUCATION COUNCIL BILL.

#### *Second Reading.*

Debate resumed from the 25th September.

**THE HON. E. M. HEENAN** (North-East) [8.20]: This Bill proposes to establish as a statutory body, the Health Education Council, which, I understand, has been operating as a non-statutory body for the past three or four years. As was pointed out by the hon. Mr. Wise when he introduced the measure, the objects of this body are somewhat similar to the objects of the National Fitness Council. In other words, the Health Education Council aspires to carry out in the field of education, similar work to that which has been so well carried out over a number of years in the sphere of physical fitness by the other body. Their idea is to disseminate knowledge which will be beneficial to all sections of the community and, of course, that is a most worthy objective.

I think that hon. Dr. Hislop gave faint praise to the proposal, and indicated that he thought it contained a number of short-comings. There may possibly be some degree of truth in his fears but, like other similar bodies, this one will learn by experience. As the years go by, if the representation, for instance, is not adequate, it can be remedied; if it trespasses on the sphere of the department, that is something that can also be rectified; if it runs counter to the medical profession in any way, that is something which can be corrected. But overall the idea appeals to me as being a very good one.

The men and women who have carried out this work in the past are to be commended. They must be imbued with the ideal of public service, and if this measure will give them better status and assist them in the laudable work that they are attempting to carry out, I think we should pass the measure. I

should think that the medical profession would welcome such an organisation because, during the polio epidemic and the initiation of the Salk vaccine campaign, this body rendered great public service. I understand that in the sphere of home accidents it has also rendered valuable help. In many other spheres it is attempting to serve the rest of the community, and it does seem to me that it will have a useful part to play. The medical profession, of course will retain theirs.

The Public Health Department operates, of course, as a department of the State, and if we have a body composed of dedicated men and women who realise the inestimable benefit of good health and who realise that good health is not a blessing that we enjoy by doing nothing about it, it will point out to the public that good health is something that can be achieved by most people if certain standard rules are followed and certain pitfalls are avoided. Such a body has an enormous field to cover and I give it every blessing. Whatever I can do in my small way to encourage it in the work it aspires to, I will do, because we all know what a precious blessing good health is and what an awful tragedy it is to be denied it.

From the way our society is developing; the complex standard of living that is being forced on it; the scourges in the way of diseases that fall upon us from time to time; the impact of the motorcar on our civilisation; the impact of radio-activity on us, and so on; it makes one think that it is going to be very difficult indeed to survive. However, we know from experience that we will survive, but great care has to be taken, and people have to be guided, assisted, and enlightened, and this body aspires to do all of these things. We know what the National Fitness Council has achieved for our young people.

I am sure most of us have had dealings with them, one way or another, and we are glad that this measure has given us an opportunity of paying tribute to this body and the work it has accomplished. If the Health Education Council can follow in the footsteps of the other organisation, and achieve as much good for the community as it has, the council will deserve well of all of us. I could, perhaps, agree with the hon. Dr. Hislop that the representation on the council could be improved. I was a little disappointed that the country and Goldfields areas are not to have much representation on this body, but I realise that that situation can be remedied as time goes on, and I will therefore not be over-critical in that respect. I think that this measure is a splendid idea, and I hope it is passed and that the Health Education Council will achieve the goals that it aspires to achieve. For those reasons I support the Bill.

**THE HON. L. C. DIVER** (Central) [8.32]: I was present in the House when the hon. Mr. Wise introduced this measure, but, unfortunately, I was not present when the hon. Dr. Hislop spoke to the debate. However, I have made it my business to read his remarks, as set out in Hansard, and I was rather disappointed at his reception of the measure which, to me, is like a breath of fresh air; inasmuch as it would appear that, at long last, an endeavour is being made to educate—as distinct from any attempt to regulate—our community.

As hon. members know, from time to time, regulations repose on the Table of the House and require our constant vigilance. Quite often they require more vigilance and time than individual hon. members can spare; and therefore I am pleased at the introduction of this measure which, instead of adding to the list of regulations, proposes to educate our people in relation to this subject. I think we all realise the tremendous scope there is for educating our people in health matters—

**The Hon. F. J. S. Wise:** Even by lay people!

**The Hon. L. C. DIVER:** Yes. How often one can see, in the average home, the hot water tap turned on first instead of the cold water tap, when it is time for the children to have their daily bath! This is just a simple thing, but how many wee mites have lost their lives through lack of education in this regard—because their parents did not know it can be fatal to turn on the hot water tap first instead of the cold water tap. How often does the housewife take a hot dish out of the oven and place it on the edge of the table, where some small mite can pull the dish down on top of itself? One could continue at great length to enumerate the common occurrences of that nature in every home, especially where the mother is young and inexperienced. How dreadfully upset she is when accidents of that kind occur!

I take it that this body will draw attention, in as many homes as possible, to the dangers that lurk in the kitchen and the bathroom. How often have we read of a father backing a motor vehicle out of his garage and running over a child—all for the want of a home formula, under which certain precautions would be taken. I take it that this national health council will have a chart of do's and don'ts placed in every home; and that it will ensure that through part of the syllabus, the Education Department will have girls taught what not to do when they come to manage a home. In that way it will be possible to avoid a great number of the accidents that now occur, and the result will be that we will not need so many hospital beds for cases resulting from accidents that could easily be prevented. Unfortunately, in most instances it is the particularly healthy child

that gets into mischief. Most of the poisons and insecticides in common use for garden purposes are covered by regulations, and necessary precautions are printed on the containers; but it is only a commonsense approach on the part of the parents that will prevent the occurrence of tragedies.

As children grow older they must have impressed on them that there is no need to fear the commonly used insecticides, poisons, and so on, but that it is necessary to have a commonsense approach to them in order to achieve safety. In that way this council will find tremendous scope for its efforts. As other speakers have said, this council has already started its campaign in various country districts and I have no doubt that, with the passage of time, its small beginnings will snowball and there will eventually be thousands of healthy children who, through its efforts, will have avoided the torture of accidents and other mishaps.

There seems to have been some misapprehension about the constitution of this body, but if the fears of the hon. Dr. Hislop materialise and it is found that certain bodies, not now represented, should be represented on the council, the Minister concerned will in due course have his attention drawn to the position, and those bodies can be represented. I believe there is no greater field for preventive work than that in relation to home accidents; and I therefore support the Bill, as I feel that in years to come not only this State, but also Australia as a whole, will reap the benefit of the passing of this measure.

On motion by the Hon. F. J. S. Wise, debate adjourned.

*House adjourned at 8.40 p.m.*