Item No. 100: Rural Bank—Recoup of cost of administering Government Agency Section, £16,000.

Mr. TONKIN: I am interested to know how such a substantial saving can be anticipated, because last year the expenditure was some £4,000 more. Is this to come about because of a change in the work, or through curtailment of the services rendered?

Mr. BRAND: I can only pass on to the honourable member the information I have here. The Government agency section took over debts which were owing to the old Agricultural Bank that were not considered first-class banking risks by the Rural and Industries Bank when the latter took over the Agricultural Bank. The Rural and Industries Bank now administers these accounts as the agent for the Treasury, together with other delegated agencies, and this item reimburses it with the cost of administration. In 1958-59 the administration costs for 18 months were met.

Item No. 103: State Building Supplies—Recoup of Losses, £47,000.

Mr. CRAIG: Will the Treasurer give me some information on this item?

Mr. BRAND: The State Trading Concerns Estimates will be dealt with separately, and the Minister in charge will give the information. All I can say it that the item refers to the loss of the State Building Supplies for the year 1958-59, and the concern is reimbursed by appropriation.

Item No. 108: World Power Conference —State's Proportion of Contribution towards Expenses, £731.

Mr. TONKIN: Will the Treasurer give some information about this new item? How does the State come into it, and what benefit will the State derive from the expenditure?

Mr. BRAND: We are involved only to the extent of £731. A world power conference is to be held in Melbourne in 1962 at a total cost of approximately £120,000. The Commonwealth is providing £10,000 on condition that the States provide a similar sum. This item will make the funds available for contribution by Western Australia to those expenses.

When the matter was referred to me I questioned the reason for calling upon the State to contribute. I found that the other States had agreed to contribute their shares. In view of the very exciting and marked advance in the field of power development, I felt the State should make some contribution.

Mr. TONKIN: Will this be the only commitment, or is it merely an advance? The Treasurer stated that this State will have to find £10,000, and the item of £731 appears to be very small.

Mr. Watts: Western Australia's share of £730 represents approximately seven per cent. on the population basis.

Mr. TONKIN: Will we be able to send representatives to the conference and participate in the deliberations, or will papers be made available to the State?

Mr. BRAND: I would like to examine this matter further. The Commonwealth Government has already agreed to make a £10,000 contribution and each of the other States agreed to pay its share. I am quite satisfied, as a result of a conference of this nature which will bring to Australia from the other countries the most-up-to-date information in regard to scientific discoveries on nuclear and electric power, that the information will be valuable to this State. I imagine we will be able to send observers. To the extent that we have people here capable of taking part in the discussions, any representative from this State will be welcome.

Vote put and passed.

Vote—Tourist Bureau, £60,433.

Item No. 4: Subsidies to Tourist Associations, £7,750.

Mr. KELLY: Does this increase of £3,443 mean that the number of associations has been almost doubled, or has the individual subsidy to the associations been doubled? I want to know whether the amount paid to the associations has been increased from the £750 subsidy that was the standing amount paid by the previous Government to each of these associations. It would appear that either the number of associations has increased considerably or the amount is in excess of £750 per association.

Mr. BRAND: Last year's vote was £3,600 and expenditure £4,307. The estimated requirement this year is £7,750, based on anticipated increased assistance to local tourist associations.

Vote put and passed.

Progress reported.

House adjourned at 11.12 p.m.

Legislative Council

Wednesday, the 14th October, 1959

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CONTENTS—*continued*

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

QUESTIONS ON NOTICE

MOTOR-VEHICLE LICENSE FEES

Holden Sedans

1. The Hon. A. L. LOTON asked the Minister for Mines:

As I was advised, in response to a question on Wednesday, the 30th September, 1959, that the license fee in Western Australia for a Holden "F.E." sedan was £8 12s., will the Minister advise whether the license fee in Western Australia for "F.E.", "F.C.", and "F.J." Holden sedans is the same?

The Hon. A. F. GRIFFITH replied:

Motorcars are licensed on the basis of 4s. per power weight unit, which unit is assessed as the sum of the horse power rating—R.A.C. formula—added to the unladen weight of the vehicle in cwts. Prior to December, 1958, every car submitted to the Traffic office for licensing was weighed separately. Therefore the earlier model Holdens, i.e., with or without tools could vary 4s. above or 8s. below the fee, £8 12s., charged for the F.C. model, the fee for which and for some other makes of cars was standardised in December, 1958.

WATER SHORTAGE

Lessening of Restrictions

2. The Hon. G. E. JEFFERY asked the Minister for Mines:

In view of the order issued by the Minister for Water Supply, Sewerage and Drainage, pursuant to by-law No. 283A under the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1956, and published in the *Daily News* on Wednesday, the 30th September, 1959, restricting the use of water and containing certain exemptions from such restrictions (in paragraph (c) of the order)—will the Government further examine the position with a view to widening such exemptions to include—

(a) school ovals used specifically for recreation purposes;

(b) Lawns and gardens established by schools?

The Hon. A. F. GRIFFITH replied:

Full consideration was given to the extent to which exemptions should and could be granted before the restriction order was imposed; and, because of the present storage position, no relaxation is permissible.

GOVERNMENT CHEMICAL LABORATORIES

Value of Industrial Chemistry Division to Secondary Industry

3A. The Hon. E. M. HEENAN asked the Minister for Mines:

In view of the Government's declared policy of encouraging secondary industry, will the Minister state whether the fullest use is being made of the technical services of the Industrial Chemistry Division of the Government Chemical Laboratories, and whether secondary industry in this State is aware of the services available?

The Hon. A. F. GRIFFITH replied:

During 1957, there were 2,172 technical inquiries received and handled by the Industrial Chemistry Division for private industry. In 1958, there were 3,009 inquiries. This shows the increasing interest displayed in the division's functions in the service provided. In all laboratories of this nature, it is usual to install equipment sufficient to meet all likely requirements, including specialised ones, and naturally all does not operate continuously. A copy of the last published annual report (1957) of this division is attached for the honourable member's information. The 1958 report is in course of printing.

Vacancy in Industrial Chemistry Division

3B. The Hon. E. M. HEENAN asked the Minister for Mines:

Will the Minister state why the position of second-in-charge of the Industrial Chemistry Division of the Government Chemical Laboratories has been left vacant for over two years?

The Hon. A. F. GRIFFITH replied:

The position referred to has not been filled because there is not at present the volume of higher-grade work to justify an appointment. It is, however, desired to retain the structure of the division for future demands and developments. This situation has pertained for some considerable time.

SCAEVOLA SPINESCENS

Investigation of Analgesic and Euphoretic Effects.

4. The Hon. E. M. HEENAN asked the Minister for Mines:

In view of the statement made by the Hon. J. G. Hislop on Wednesday, the 5th November, 1958, regarding the apparent pain-relieving properties of the extract scaevola spinescens—

(1) Will the Minister please state whether the Public Health Department has investigated the analgesic and euphoretic effects of scaevola spinescens extracts clinically, or otherwise; and if so, what are its findings?

(2) If analgesic or euphoretic effects have in fact been observed, in how many cases of the 57 clinical patients have they been noted?

(3) If analgesic or euphoretic effects have been observed as mentioned in (2), have the results obtained been related to the medical history of the patient?

(4) In submitting samples of scaevola spinescens to outside pharmaceutical firms, has the Public Health Department stressed to the firms in question that the potential euphoria or analgesia were the most important things to study; and have, in fact, the firm or firms made any mention of this aspect in any reports they may have submitted?

(5) In view of the Hon. J. G. Hislop's statement, can the Minister explain why, in all questions relating to scaevola spinescens, the Public Health Department has omitted to mention analgesic or euphoretic effects?

(6) Will the services of the incumbent Government Botanist who is due shortly to retire be made use of by the Pharmacology Department in locating and correct naming of the native flora, on which he is an outstanding authority?

(7) Will the Minister table a copy of all the correspondence received from Messrs. Burroughs Wellcome and/or Wellcome Foundation?

The Hon. A. F. GRIFFITH replied:

(1) Yes. Some patients treated have said that their pain had been eased and their sense of well-being enhanced during treatment. Some of these had been receiving concurrent lines of treatment which could have produced the same results, and doubtless did in some cases. In others these subjective impressions might have been due to phychological causes. However, it is thought that there may have been some effects produced by the extract.

(2) They have been reported in 7 of the 65 cases.

(3) The meaning of this question is not clear, but perhaps the reply to No. (1) is relevant.

(4) The Wellcome Foundation was requested to report on the preparation for possible effects on euphoria or analgesia, as well as possible action on cancer. The foundation has not as yet reported on the possible analgesic or euphoretic effects, but is continuing its investigations.

(5) The only certain thing about this clinical trial so far is that the preparation has no action on cancerous growths. The clinical evidence that it may have analgesic or euphoretic effects is relatively slight and unsubstantiated, and publicity would not be in the public interest.

(6) This department is now in process of formation, and no doubt consideration will be given to the suggestion made.

(7) Yes.

The correspondence was tabled.

JURIES ACT AMENDMENT BILL

Third Reading

Bill read a third time and passed.

STATE HOTELS (DISPOSAL) BILL

Report

Report of Committee adopted.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Child Welfare) [4.40] in moving the second reading said: Since 1896, provision has existed in this State for arranging the legal adoption of children. The advantages of adoption are twofold, the first being that the birth of the child concerned is reregistered showing him to be the son of his adopting parents; and the other that the adopting parents obtain a legal "title" to him through the judge's order when the application is granted.

From time to time, the Adoption of Children Act has been amended in order to improve the system of adoptions, and the present Bill seeks further to improve that system. Particular attention is paid to the health of the applicants; and, in addition, reports on their material and emotional suitability to adopt children will be required by the judges in future.

Provision is also made that orders of adoption granted prior to 1953 may be passed to the Registrar-General to enable him to reregister the births of the children concerned. Since 1953 the reregistration action has been automatic.

Section 5 of the principal Act sets out the conditions to be fulfilled before a judge of the Supreme Court may make orders of adoption. It is proposed to add two further requirements to the existing list of conditions. The first requirement is—

> It shall be obligatory for the applicants for an order of adoption to submit themselves to an X-ray examination of the chest and also to provide a certificate that they are not suffering from any form of infectious tuberculosis.

This provision is included to ensure that a child for adoption is placed only with applicants who are healthy in this respect. This proposed amendment is deemed to be necessary as there have been a few cases brought to notice in which children have been adopted by persons who have been suffering from tuberculosis. The second requirement is—

> The judges will in future require from the Child Welfare Department a report which should embrace comments on the reputation, fitness, suitability and financial ability of the applicants to adopt a child. The report should cover any other aspect of the application required by the judges from time to time.

In order to have authority to make the inquiries set out in the proposed new paragraph (8b), clause 3 requires all applicants for the adoption of a child to inform the Child Welfare Department of their desire to adopt a child at least 30 days before their application is made to the Supreme Court. Upon receipt of this advice, a responsible officer of the department will commence the investigation and, in due course, will submit a written report and recommendation to the court.

The practice in the past has been to investigate and report on those persons who apply to the Child Welfare Department for a child to be placed with them for adoption. If the reports were satisfactory, the applicants were approved and, in due course, a child was placed with them. In private cases—i.e., cases where applicants acquire a child through a doctor or hospital, and a solicitor handles the legal work—the Supreme Court referred the matter to the Child Welfare Department to ascertain whether the applicants and/or the mother of the child were known to the department. The department informed the court in accordance with its knowledge or lack of record of the parties concerned, but did not carry out any investigation unless specifically asked to do so by the judge.

The main trouble with this arrangement is that the child is already in the possession of the applicants when the Child Welfare Department is asked to report to the court. On odd occasions, the judges have refused to grant orders of adoption in private cases when departmental information has been made available to them. The proposed amendment will overcome this difficulty. By making it compulsory for all applicants to notify the department at least 30 days before any application is made to the court, the department will have the opportunity to investigate and recommend the applicants, or not recommend them, as the case may be. The fact that a certain couple is not recommended by the department does not debar them from perservering with their application as it is the prerogative of the judge to grant or refuse the order, but they will know in advance that the report is unfavourable. It is hoped that this will have the effect of the private agency declining to place a child with them. It is worthy of mention that the practice of investigating all applicants for adoption by the Child Welfare Department is followed in New South Wales.

Section 12 of the Act requires the Registrar of the Supreme Court to furnish to the Registrar-General a return in writing of all orders of adoption made under this Act, and also giving information concerning orders which are varied, reversed or discharged. This return is to be furnished at least once in every six months. In view of the fact that section 12A obliges the Registrar of the Supreme Court to supply to the Registrar-General certified copies

of adoption orders of children whose births are registered in this State, and that section 13B obliges him to supply certified copies of adoption orders to the Registrar-General in cases where the child's birth is not registered in this State, there is a comprehensive and automatic process in use, and it is no longer necessary for the six-monthly return to be supplied. In other words, the Registrar-General is assured of receiving details of every adoption granted either by the Supreme Court of this State or by the appropriate authority elsewhere.

Clause 4, if agreed to, will remove the present and superfluous obligation on the Registrar of the Supreme Court to provide periodical returns in relation to adoptions granted; but it will still require him to supply information to the Registrar-General at stated intervals concerning adoptions which have been varied, reversed, or discharged.

Section 13, as it stands at present, enables the Registrar-General to reregister the births of adopted children if the adoptions were granted prior to 1949, and if the birth of the child concerned had been registered in this State. There is no provision, however, for similar action to be taken if the birth of the child concerned had not been registered here. Clause 5 proposes to make provision for such an eventuality by adding the words set out in the clause of the Bill. The effect will be that if a child had been adopted prior to 1953, and his birth had not been registered here for one reason or another, he or some other responsible party can apply to the Registrar-General to have his birth registered in accordance with the particulars shown in the order of adoption.

The addition of the words "or register as the case may be" empowers the Registrar-General to reregister the birth of an adopted child whose birth had already been registered in Western Australia, and to register the birth of an adopted child whose original particulars were not registered. No certified copies of the reregistration or the registration of the birth entries of adopted children may be supplied except with the approval of the Registrar-General.

Subclause (d) of clause 5 deals with children who were adopted prior to 1953, and who were not born in this State. If the adopted child or some other responsible person on his behalf applies to the Registrar-General, and supplies a certified copy of the adoption order and all relevant particulars, the Registrar-General will be able to send the details to the Child Welfare Department; and that department will, in its turn, proceed to forward all necessary papers to the authority in the other place where the child was born, and arrange for the adoption to be registered there.

The two great advantages to be gained from clause 5 are that it is retrospective in effect, and it caters for adopted children whose original birth particulars were not registered in this State. I move—

That the Bill be now read a second time.

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

MARRIAGE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.50] in moving the second reading said: The most important proposal in this Bill is to rectify an anomaly which has created hardship and embarrassment in at least two recent cases, and could do so on future occasions. Members, who were then in the House, will recollect that in 1956 Parliament inserted section 8A into the principal Act. This provided a legal minimum marriage age of 16 years for females and 18 years for males. Prior to that, our legislation did not prescribe a minimum marriageable age. As a result, we were bound by the common law of England, which provided that a valid and binding marriage might be contracted when the male was 14 years and the female twelve years old. This common law provision was adapted from the old ecclesiastical law of England.

Originally, the law relating to marriage in England was administered by the ecclesiastical courts, which permitted marriage at the age of puberty—14 years for males and 12 years for females. In 1929 the British Parliament passed the Age of Marriage Act, which provided that a legal marriage could not be contracted when the parties were under 16 years of age. This Act, however, had effect in Great Britain only. The common law of England still applied to any part of the British Commonwealth where it had not been superseded by local enactment. Prior to 1956, the only statutory specification in Western Australia was in section 9 of the principal Act, which provided that persons under 21 years of age could not marry without parental or guardian's consent.

In 1956 Parliament agreed, without any opposition in either House, to provisions permitting the marriage of females under 16 years of age and of males under 18 years. These provisions were that a magistrate could make an order for marriage, provided the parents or guardians agreed, and that a medical certificate revealed the girl was pregnant. The anomaly I have referred to is that section 8A only permits the magistrate to issue the order if the girl is pregnant, and not where the child is already born.

In December, 1958, a young man was charged with unlawful carnal knowledge of a girl under 16 years of age. She was pregnant and told the magistrate she and the young fellow wished to marry. The magistrate refused permission as he thought the young man might be trying to avoid a prison sentence by marrying the girl. He sentenced the man to 12 months' imprisonment and told him that if, on his release, he still wished to marry the girl, the matter would be reconsidered. In due course, the young chap was released, and he and the girl immediately asked for permission to marry. By then, however, the child had been born, and the magistrate said he had no power to authorise a marriage.

There has been another recent case of this nature; and the Bill seeks to allow a magistrate to grant an order, not only where the girl is pregnant, but where she is the mother of a child of whom the intended husband is the father. The Acting Director of the Child Welfare Department heartily supports this amendment.

South Australia and Tasmania are the only other States which have statutory provisions relating to a minimum marriageable age, but in neither State is pregnancy the only condition permitting the issue of a marriage order. In South Australia, the Minister in charge of the Act may issue an order if he is satisfied a marriage should occur; and, in Tasmania, similar authority is vested in the Registrar-General or a police magistrate.

The three other proposals in the Bill are of a minor nature. The first of these affects section 11 of the principal Act, which requires a district registrar or an officiating minister to prepare marriage certificates in triplicate. One copy is given to the bridal couple, and one is kept by the registrar or the minister for record purposes. In the case of a registry marriage, the third copy is also kept and registered by the registrar.

Where it is a church wedding, the Minister must, within 14 days, send the third copy to the registrar for entry in the marriage register book. Due to an oversight, the Act only provides for registration of the copy submitted by the minister, and the Acting Registrar-General has asked that an amendment be made to provide for the registration also of the certificate itself. This is consistent with the form of registration of births and deaths, by which the original and copy of the certificate are registered. It was always intended that the same situation should apply to marriage certificates. The amendment will validate what has actually been the procedure for many years.

Sections 12 and 13 of the parent Act provide that marriages may not be celebrated by ministers or district registrars unless banns have been called by the minister, or notice has been published at the registry office. Section 12 specifies that banns may be dispensed with in the case of marriage by special licence. Section 13, however, gives no exemption from notice in a registry office where a special license is concerned. As section 20 of the Act allows both ministers and registrars to conduct special-license marriages, it is desirable to amend section 13 to bring it into conformity with section 12.

The next amendment is to section 16 of the principal Act, which provides for payment of a fee of one shilling for the posting, by a district registrar, of a notice of marriage. The Registration of Births, Deaths and Marriages Act, which specifies the fees to be "demanded and paid" for "matters and things" to be done under that Act and the Marriage Act, has increased this fee to two shillings; and, to provide uniformity, it is desired to amend the principal Act by deleting the reference to one shilling and inserting instead the words "prescribed fee."

A somewhat similar situation applies to the fee payable for the issue by a registrar of a certificate after the notice of marriage has been posted for the requisite period of seven days. This fee is also one shilling; and while it has not been increased by the Registration of Births, Deaths and Marriages Act, it is advisable also to alter the wording to "prescribed fee." I move—

That the Bill be now read a second time.

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

MAIN ROADS ACT AMENDMENT BILL

Second Reading.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.56] in moving the second reading said: In introducing this Bill, I would first mention that the need for improving the standard of lighting on metropolitan main highways has long been recognised. However, the problem to be overcome is the apportionment of the estimated cost involved in providing lighting of a satisfactory standard. In the past, the cost of establishing and maintaining street lighting has been the responsibility of local authorities.

Proposals for improving the standard of highway lighting were prepared by the Main Roads Department, working in conjunction with the State Electricity Commission, and these were discussed at a meeting held on the 19th August last year between the Commissioner of Main Roads and representatives of the Local Government Association. Agreement was reached, in principle, that the cost of implementing the proposals for an improved standard of lighting on metropolitan highways would be shared by the Main Roads Department and those local authorities situated on the route of the particular highways.

The Local Government Association has advised the Minister for Works that the scheme has been approved by its members.

The total cost per mile for the installation, maintenance, and electric current for the proposed new system of lighting is £720 per annum for a highway such as Stirling Highway. Work involved in the installation and maintenance of the new lighting system is to be carried out by the State Electricity Commission.

After an examination of many types of street lighting, it was decided that the most suitable type for Western Australian conditions was that of colour-corrected mercury-vapour lanterns. This new type of lighting has already been installed by the State Electricity Commission in sections of Beaufort Street, Albany Highway, and approaches to the Fremantle Traffic Bridge. Mercury-vapour street lighting is used extensively in America and Europe, and Perth motorists have already found that the new lights are a big improvement.

The new lighting proposals are based on the Standards Association of Australia Street Lighting Code. In the case of Stirling Highway, the illumination would be at the level of 100 lumens per lineal foot. An indication of the improvement which will be effected is provided by the comparison of the present lighting on Stirling Highway, which ranges from approximately 25 to 57 lumens per lineal foot.

As the principal Act does not authorise the Main Roads Department to expend funds on street lighting, it is necessary that the Act be amended before the proposals for improving highway lighting can be implemented. The Bill, therefore, provides that the Commissioner of Main Roads shall have authority to expend moneys from the department's allocation of metropolitan traffic fees towards the cost of highway lighting.

I might add that the improvement that has taken place in Albany Highway, Beaufort Street, and the area around Midland Junction makes it very much safer to drive at night, because it is pretty well possible to do without lights on one's car at all. It is quite easy to see at least 500 or 600 yards ahead. In driving around the city with dipped or inefficient lights, one of the great problems that results, if one happens to face a glare of headlights, is that one develops a blind spot which, of course, is most dangerous to safe driving. This highway lighting will overcome that problem. All we are asking now is an alteration to the Main Roads Act to allow the commissioner to use main roads funds on highway lighting in the metropolitan area.

The Hon. F. J. S. Wise: I think lighting is the key to safe driving.

The Hon. L. A. LOGAN: I can appreciate the improvement since I have been driving around the city. I move—

That the Bill be now read a second time.

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

BUILDERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.1] in moving the second reading said: I am advised that the proposals in this Bill are the result of recommendations by the Master Builders' Association and the Builders' Guild, and that they bear the approval of the Builders' Registration Board. The purpose of the principal Act in requiring the registration of builders is to ensure a close check on builders, to fix responsibility, and to reduce shoddy and unsatisfactory work to a minimum. The registration board consists of five members representing the various facets of the building industry. The Principal Architect is chairman, and the four other members represent the Master Builders' Association, the Builders' Guild, the Royal Australian Institute of Architects, and employees of the building industry.

The functions of the board, generally, are to administer a course of training—which includes practical experience in building work—to maintain a register of approved builders, to investigate complaints, and generally to supervise the standard of work. The board's revenue is derived from the registration fees paid by builders; and its expenditure is mostly on salaries and members' fees. When the principal Act was agreed to in 1939, it contained—and still contains—provisions exempting from registration members of the Royal Institute of Architects, the Institute of Engineers (Perth Division), the Australian Institute of Mining and Metallurgy, and any person registered under the Architects' Act.

I understand that the board has encountered difficulties in controlling building operations undertaken by these exempted persons, and that it is considered desirable they should be registered under the Act. The Bill seeks to achieve this; but, in view of their professional qualifications, it specifically exempts these persons from the need to complete the course of training and to pass the examination prescribed by the parent Act. They would be required, however, to pay the necessary registration fees.

As I have already mentioned, the parent Act provides that the Principal Architect shall be chairman of the board. It is considered that it would be more apropriate if the chairman could be any architect appointed by the Governor; and the Bill submits this for consideration. This proposal would permit the selection, as chairman, of any Government or privately-employed architect.

The next amendment seeks to increase the fees paid to board members. In 1939, when the Act came into operation, these fees were a maximum of £1 1s. for each meeting, and no member could receive

more than £12 12s. annually. In 1953, the fees were increased to £2 2s. with an annual maximum to each member of £25 4s. The fees rose in 1956 to £3 3s. and a maximum of £37 16s.

At present fees for Government boards and instrumentalities generally are £4 4s. for each meeting, and so the Bill proposes an increase to a similar amount, with an annual maximum of £50 8s. payable to any member. This works out at 12 meetings in a year, and seems a reasonable proposal.

The next amendment is of some importance. In 1956 the Act was amended to provide for the registration of A and B-class builders. An A-class builder is required to pass two parts of an examination and to have at least seven years' experience in the building industry. Registration as a B-class builder can be obtained by passing one part of the examination and having at least five years in the building industry. A B-class builder cannot undertake a contract in excess of £5,000 unless the building is for his own use and not for sale.

It is considered that a qualified B-class builder should be capable of successfully undertaking work of a higher value than £5,000. Such work would include the more expensive type of residence, and small commercial and industrial work. The keen building competition that exists now has culled many of the less efficient men from the B-class list. Since 1953 the number of registered B-class builders has fallen from 1,600 to approximately 400. It can be postulated that these latter have the ability and the resources to undertake work of a greater value than £5,000, and so the Bill seeks to extend this limit to £10,000.

The principal Act also requires that a B-class builder shall not be reregistered unless in the previous year he has carried out work to the value of at least £5,000, including the cost of the materials. This embargo can be overlooked if the board is satisfied a builder had genuine reasons for not doing the required amount of work. The Bill proposes to remove completely this embargo, which was designed to eliminate the type of person who was not actually earning his living as a builder. As I have said, it is felt that the B-class builders now registered are genuine builders. The embargo has served its purpose, and it is the consensus of opinion that it can be removed.

Section 4 (2) (b) of the principal Act provides that any partnership, where not more than one of the partners is not registered under the Act, is exempted from the necessity of obtaining registration. This provision is being used by unregistered builders to permit them to operate. In quite a number of cases, unregistered persons have entered into partnership with a registered builder, who has only a fractional interest in the business and takes no part in the supervision or management of the work of the partnership. It is, therefore, considered necessary that the Act be amended to provide that in any partnership which includes unregistered persons, the building work of the partnership shall be managed and supervised by the registered person; and that the registered person's name, class, and registration number must appear in all advertisements and notices on work under construction. It is felt that such an amendment would assist in preventing the "dummying" which is at present occurring in connection with these partnerships.

The principal Act also provides that any company or other body corporate whose building work is managed and supervised by a person registered under this Act is exempted from the necessity of obtaining registration. There is a considerable number of building companies operating under this provision—particularly many land agents. These companies frequently advertise themselves as A-class builders; and as, in many cases, the principals of the firms concerned have no building knowledge, this is misleading to the public. Consequently it is considered that a company operating under this heading should be required to show in its advertisements and in notices on works being carried out by it, the name, class, and registered number of the person who is managing and supervising the work. The Bill seeks to insert these requirements into the Act.

The last amendment proposes an increase from £3 3s. to £5 5s. in the annual fee paid to the board by each registered A and B-class builder. Members will recollect I explained that the number of B-class builders had fallen from 1,600 in 1953, to approximately 400. This reduction in number, together with the mounting rate of expenses, is making it difficult for the board to carry out the functions required of it under the Act. A careful examination of the costs involved indicates that a fee of £5 5s. is necessary for this purpose. The fee was £1 1s. in 1939, and this was increased to the present rate of £3 3s. in 1953. I move—

That the Bill be now read a second time.

On motion by the Hon. H. C. Strickland, debate adjourned till Tuesday, the 20th October.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.11] in moving the second reading said: There are two proposals in this Bill. The first is to clarify the power of the Governor to proclaim a townsite for the purpose of the principal Act. The definition of "country land" in section 5 of the Act is—

> Any holdings within the boundaries of a country water area, but not within the boundaries of any municipal

district constituted under the Municipal Corporations Act, or townsite as defined in the Road Districts Act.

As members are probably aware, the principal Act provides that land in a municipal district or a townsite shall be rated on an annual rateable value basis. The maximum charge is 3s. in the £. Country land is charged a maximum rate of 5d. per acre or 3 per cent. of the unimproved value of the land, whichever is the lesser charge.

The prinicipal Act's definition of "townsite" is a townsite as defined in the Road Districts Act, and any land which the Governor may proclaim as deemed to be a townsite for the purposes of the principal Act.

The two definitions conflict; and, in order to ensure that the Governor shall have the power to proclaim townsites for water rating purposes, the Bill seeks to alter the definition of "country land" so that it will be in conformity with the definition of "townsite."

The need for this alteration arises because of the delay or failure of local authorities to proclaim townsites or to extend the boundaries of existing townsites where residential development has made such action desirable. Proclamation under the principal Act of a townsite would only be made as a last resort, as every opportunity would be given to the road board to take the necessary action.

The second proposal in the Bill is to remove a rating concession applicable to certain land in municipal districts and townsites. As I have already mentioned, municipal and townsite land is rated at a maximum of 3s. in the £ on annual rateable values. The principal Act, which came into operation on the 1st January, 1949, and superseded the Goldfields Water Supply Act, provides that land which was rated under the Goldfields Water Supply Act at a maximum of 2s. in the £ should not pay more than that amount.

It is considered that this concession is no longer warranted. Since the Goldfields Water Supply Act was repealed by the prinicipal Act, water supply mains have been, and are being extended into other townsites, and it is desirable that uniform rates should apply. I might mention that the 2s. maximum has been in operation since 1902. Members will note that in clause 3(b) of the Bill, the word "exigible" occurs. This word is seldom, if ever, used now; and for the benefit of members who may not have encountered it, I would mention that it means "that may be exacted, demandable, requirable, or chargeable." To make quite sure I looked it up in the dictionary. I move—

That the Bill be now read a second time.

On motion by the Hon. F. J. S. Wise, debate adjourned till Tuesday, the 20th October.

BILLS (2)—FIRST READING

1. Katanning Electric Lighting and Power Repeal Bill.

   Received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Administration Act Amendment Bill.

   Received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

KALGOORLIE-PARKESTON RAILWAY BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.17] in moving the second reading said: The need for this Bill became manifest as a result of negotiations that have taken place between the Western Australian Government Railways Commission and the Commonwealth Railways Commissioner. These negotiations were for the purpose of securing a new agreement for the joint working of the transhipment facilities at Kalgoorlie and Parkeston. The original agreement was entered into on the 3rd December, 1920, and changing conditions made desirable a new agreement.

Discussions in regard to the new agreement revealed that the Western Australian Railways for many years had been using the railway line from Kalgoorlie to Parkeston without statutory approval. A glance at the plan at the back of the Bill will indicate to members details of this line.

The railway line from Kalgoorlie to Kanowna, which was authorised by Act of Parliament in 1896, ceased to operate in 1928, as a result of the Railways Discontinuance Act of that year.

All the material from that line was recovered except that portion between Kalgoorlie and the spur line to Parkeston, which was continued to be used as part of the connection between Parkeston and Kalgoorlie. This portion is referred to in the Bill as the "part line." The spur line from the old Kanowna railway to Parkeston was built in or about 1912 for the Commonwealth Railways, when the Trans.-Australia railway was in course of construction. The then purpose of the spur line was to enable the delivery of rails, sleepers, etc., into a depot.

The Western Australian Government Railways Commission has, for very many years, undertaken the maintenance of the spur line, and the Commonwealth Railways have reimbursed the cost, although the spur line is outside the boundaries of Commonwealth railway property. The spur line actually runs through Crown land, which has never been transferred

as a railway reserve. A proposed reserve was surveyed in 1912-13, but the reserve was cancelled when the Commonwealth advised it did not intend to acquire the land comprised in the spur line.

On the 8th January, 1959, the Western Australian Government Railways Commission and the Commonwealth Railways Commissioner entered into an agreement that all the materials in the spur line since its construction have been, and will continue to be, the property of the Western Australian Government Railways. No charge was made by the Commonwealth for this transfer of ownership.

The legal position now is that Parliamentary approval is needed to validate the use by the State Railway Department of the discontinued part line and the spur line. Section 96 of the Public Works Act states that every railway shall be made only under the authority of a special Act, and that a map showing the course to be taken shall be tabled in Parliament. The map was tabled by me yesterday.

In regard to the railway reserve, the position is that the reserve for the old Kanowna line has never been cancelled. The land on which the spur line is laid will be gazetted by the Lands and Surveys Department as reserved for railway purposes. I move—

That the Bill be now read a second time.

THE HON. J. D. TEAHAN (North-East) [5.20]: This short Bill is to validate something which has been illegal for a number of years. The old Kanowna line was discontinued by Act of Parliament many years ago; but portion of it remained and has since been used as a means of conveying goods and passengers between Kalgoorlie and Parkeston. I regret the circumstances which have made this Bill necessary. Over the intervening years the transhipment of goods from the State to the Commonwealth railway has been done at Kalgoorlie; but in future it will be done at Parkeston by the Commonwealth railway.

I trust that, when this Bill is passed, the Minister will give favourable consideration to a request which I and the member for Kalgoorlie made to him a short while ago, to do something to help provide employment for the men who will be displaced as the result of this change in the transhipment of goods.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3—Validation and authorisation of operation and maintenance of the line affected:

The Hon. J. G. HISLOP: I have nothing to contribute to the debate; but I think it is of considerable interest to know why the State has to own such a short stretch of 4 ft. 8½ in. gauge railway. I have often wondered why the Commonwealth railway could not have continued into the station at Kalgoorlie. Can the Minister explain why such a proposal could not have been envisaged under this Bill?

The Hon. F. J. S. Wise: The position is the same as applied from Wodonga to Albury.

The Hon. J. G. HISLOP: That is so. It would be interesting to know why the Commonwealth could not draw its trains straight into the platform at Kalgoolie and own that portion of the line.

The Hon. L. A. LOGAN: It is a matter of agreement between the Commonwealth Commissioner of Railways and the Western Australian Government Railways Commissioner, who would both obviously act in the best interests of the two railways. According to the Act, a special Act of Parliament is necessary for any railway; and that is the reason for this Bill being here.

The Hon. F. J. S. Wise: I think Dr. Hislop's query is that, as the broad gauge crosses the border and goes as far as Parkeston, why cannot it be brought to Kalgoorlie?

The Hon. L. A. LOGAN: Apparently the two railways commissioners did not want it to go further than Parkeston.

The Hon. C. H. SIMPSON: I have not had time to study this Bill, but I understand that one of its purposes is to provide for the transhipment of goods at Parkeston. As Minister, years ago, I was interested in a proposal that there should be a gantry transfer of containers from flat-top to flat-top; and Commissioner Clarke, then the engineering commissioner, said he would look into it in regard to cost, where the transfer should be effected, and so on. I understand that the transfer by gantry is now to take place at Parkeston.

The Hon. J. G. Hislop: Will the 3 ft. 6 in. gauge be taken to Parkeston?

The Hon. C. H. SIMPSON: Yes it is on one side of the platform and the broad gauge is on the other side; and the crane picks up the freight and lifts it from one side to the other.

The Hon. L. A. LOGAN: I tried, when introducing the Bill, to make it clear that the measure sought only to validate something which has not been valid since 1928

when the Kalgoorlie-Kanowna line was discontinued. That line was then rebuilt from Kalgoorlie to Parkeston, through Crown land which is still Crown land and not Commonwealth land. All the Bill seeks to do is to bring this railway within the Act.

Clause put and passed.

Clause 4 and Title put and passed.

Bill reported without amendment and the report adopted.

COMPANIES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.31] in moving the second reading said: The object of the Bill is to bring this State into line with a practice operating in other Australian States. At the present time, the principal Act provides that every company shall have a registered office in this State approved by the registrar, and the company shall keep at this office a register of its members. This register must detail the names, addresses and occupations of the members; and, in the case of a company having a share capital, particulars of the shares held by each member and of the amount paid or agreed to be considered as paid on the shares of each member.

Section 105 of the principal Act specifies that each registered office shall open for at least four hours on a minimum of two days a week so that the register may be inspected by members without charge, and by the public at a charge not exceeding one shilling. In the Eastern States, companies have been formed for the express purpose of keeping the share registers and indexes of shareholders of other companies. This has proved a very convenient and satisfactory method, and in many cases has relieved other companies of expense.

Representations have been made for the registration of this type of company in Western Australia. To permit registration of such a company, it is necessary to amend the principal Act which, at present, makes it obligatory for each company to maintain its share register at its own registered office. Therefore, the Bill makes it possible for any company to advise the registrar that its register of members will be kept at a place in the State other than its registered office. The company must also advise the registrar of the days and hours during which the register is accessible for public inspection. A penalty of £50 and a daily fine of £5 is provided for each breach of these provisions.

Members will note that the word "person" is used in paragraph (b) of clause 4. In the Interpretation Act "person" includes corporations. It is more likely that the company envisaged in the Bill will be a corporation rather than an individual person. I move—

That the Bill be now read a second time.

On motion by the Hon. W. F. Willesee, debate adjourned.

ADJOURNMENT—SPECIAL

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 5.35 p.m.

Legislative Assembly

Wednesday, the 14th October, 1959

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