11. Rural and Industries Bank Act Amendment Bill.
12. Bush Fires Act Amendment Bill.
13. Land Act Amendment Bill.
    Bills introduced, on motions by Mr. Bovell (Minister for Lands), and read a first time.
14. Abattoirs Act Amendment Bill.
15. Pig Industry Compensation Act Amendment Bill.
16. Bee Industry Compensation Act Amendment Bill.
    Bills introduced, on motions by Mr. Nalder (Minister for Agriculture), and read a first time.
17. Bunbury Harbour Board Act Amendment Bill.
18. Albany Harbour Board Act Amendment Bill.
    Bills introduced, on motions by Mr. Wild (Minister for Works), and read a first time.
19. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
    Bill introduced, on motion by Mr. Wild (Minister for Water Supplies), and read a first time.
20. Fluordation of Public Water Supplies Bill.
    Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Health), and read a first time.
21. Painters' Registration Act Amendment Bill.
    Bill introduced, on motion by Mr. Graham, and read a first time.

House Adjourned at 8.27 p.m.

Legislative Assembly

Thursday, the 5th September, 1963.

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

FLASHING LIGHTS

Installation at Hannan Street Crossing

1. Mr. EVANS asked the Minister for Railways:

   With regard to the installation of flashing lights in Kalgoorlie at the Hannan Street crossing, on what date is it now considered the installation could reasonably be commenced?

   Mr. COURT replied:

   Equipment is on order for this crossing. Installation at Hannan Street should commence in four to five months' time.

RAILWAY REFRESHMENT SERVICES: FEMALE STAFF

Filling of Vacancies

2. Mr. EVANS asked the Minister for Railways:

   (1) Are vacancies in the railway refreshment service in respect of female employment advertised in the Press?

   (2) If not, in what manner are such positions filled?

Employment of Kalgoorlie Girls in Buffets

   (3) In respect of staffing the buffet service on the Kalgoorlie train, would it be practical for a girl from Kalgoorlie to be employed without necessitating on her part a change of permanent abode from Kalgoorlie to the metropolitan area?

   (4) When any future vacancies occur in this service, will he please undertake to ensure that Kalgoorlie girls will be given the opportunity to apply for same, by having these positions advertised by way of some local media?

   Mr. COURT replied:

   (1) and (2) The original vacancies for trained waitresses were advertised in both *The West Australian* and the *Kalgoorlie Miner* newspapers. When staff replacements are required application is made to the Commonwealth Employment Bureau.

   (3) As females employed on buffet services are not restricted to Kalgoorlie service only, a change of residence to the metropolitan area would normally be necessary.

   (4) Answered by Nos. (1) and (2). It should be noted that when the vacancies for these positions were previously advertised in the *Kalgoorlie Miner* newspaper not any application for employment was received.

Facilities Available for Off-duty Hours

3. Mr. EVANS asked the Minister for Railways:

   Is he satisfied that adequate and satisfactory facilities are available at the Kalgoorlie railway station for the female staff of the buffet cars, during their off-hours stay in Kalgoorlie, with due regard being given to seasonal conditions?

   Mr. COURT replied:

   The commissioner already has re-examination of the position in hand.

CHILD WELFARE OFFICERS

Clerical Assistance

4. Mr. EVANS asked the Minister representing the Minister for Child Welfare:

   (1) In what regional districts are child welfare officers provided with full-time clerical assistants?

   (2) In view of the large district to be covered by the officer stationed at Kalgoorlie, and the fact that his visits to all centres in this district necessitate the closing of the Kalgoorlie office, will he reconsider the matter of providing an office assistant for the Kalgoorlie officer?

   Mr. CRAIG replied:

   (1) None.

   (2) The matter has been reconsidered. When the finance available permits, country clients of the Child Welfare Department can be better served by opening new district offices and so decreasing the size of districts rather than by providing clerical assistance in the present centres.

AUSTRALIA HOTEL AT KALGOORLIE

Government Purchase

5. Mr. EVANS asked the Premier:

   (1) Have any representations been made to the Government with a view to Government purchase of the Australia Hotel building in Hannan Street, Kalgoorlie, for possible use for housing departmental officers, or any other quasi-Government activity?

   (2) If not, will he give consideration to negotiating for the acquisition of this property for future Government use?

Mr. BRAND replied:

(1) and (2) Consideration has been given to the purchase of the Australia Hotel, Kalgoorlie, for the purpose of housing departmental officers. Reports prepared by the Principal Architects were examined by the Public Service Commissioner and the General Manager, State Government Insurance Office, and a decision was made against acquiring this property for future Government use.

HOUSING COMMISSION PURCHASE HOMES

Assistance for Kalgoorlie Applicants

6. Mr. EVANS asked the Minister representing the Minister for Housing:

(1) Following the visit to Kalgoorlie of commission officer, Mr. Christie, and the subsequent submission of his report, is he now in a position to indicate whether it is likely that the commission will be able to assist applicants who are known to be interested in building purchase homes?

(2) In respect of Kalgoorlie applications received subsequent to Mr. Christie's visit, what steps will the commission take to assist where possible in the building of purchase homes?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The commission will confer with the applicants and will provide assistance to build on the applicants' own land, or will erect homes on commission land, whichever is desired.

SOUTH KALGOORLIE SCHOOL

Provision of Suitable Fencing

7. Mr. EVANS asked the Minister for Education:

In view of my advocacy by way of Address-in-Reply speech in respect of providing a suitable fence at South Kalgoorlie school—with particular emphasis on the desirability of fencing along the eastern border facing Lionel Street—will he undertake to reconsider his decision in this matter?

Mr. LEWIS replied:

Yes.

8. *This question was postponed.*

JOHN KEENAN

Tabling of File

9. Mr. H. MAY asked the Chief Secretary:

Will he lay on the Table of the House the file relating to John Keenan, of 27 Steere Street, Collie, employed until recently at the Collie District Hospital as a carpenter and maintenance man?

Mr. ROSS HUTCHINSON replied:

This is a personal file and I am prepared to make it available for the honourable member for his perusal.

LINE-MAPS OF WESTERN AUSTRALIA

Air Photographing, and Availability

10. Mr. BURT asked the Minister for Lands:

(1) Has the whole of Western Australia been air-photographed for the purpose of compiling line-maps suitable for pastoralists, geologists, and others?

(2) If not, which sections are yet to be air-photographed?

(3) When will line-maps for the following "four-mile" areas be available for the use of pastoralists, etc:—

Cue;
Sandstone;
Sir Samuel (Albion Downs, Kathleen Valley, and Sir Samuel);
Laverton;
Edjudina; and
Kirkalocka (Mt. Magnet and Thundelarra)?

Mr. BOVELL replied:

(1) Ninety-nine per cent. of Western Australia has been covered by aerial photography.

(2) Sections yet to be air-photographed are—

Malcolm: 4-mile area—approximately 4,000 square miles.
Part Dumbleyung: 4-mile area—approximately 3,000 square miles.
Part Albany: 4-mile area—approximately 3,000 square miles.

(3) It is anticipated that line-maps will be available as follows:—

	months approximately
Cue	12
Sandstone	12
Sir Samuel	12
Laverton	3
Edjudina	3
Kirkalocka	12

POLICE STATION FOR GERALDTON

Building, Cost, and Site

11. Mr. SEWELL asked the Minister for Police:

(1) When will the new police station at Geraldton be built?

(2) What amount of money is to be spent on the new station?

(3) On what site will the station be built?

Mr. CRAIG replied:

(1) Working drawings have just been completed and tenders are to be called next week for the completion of this building during the current financial year.

(2) £35,000.

(3) The site previously occupied by the bowling green.

HARBOUR DEVELOPMENT AT ALBANY

Provision of Small Craft Anchorages

12. Mr. HALL asked the Minister for Works:

(1) In view of the contemplated development of the Albany Harbour in keeping with the Tydeman plan, is provision being made for anchorage of small yachts and fishing craft other than yacht club facilities?

(2) If not, will he undertake to have the matter looked into so that provision can be made?

Mr. WILD replied:

(1) No.

(2) Yes.

IRON ORE

Green Range Deposits

13. Mr. HALL asked the Minister representing the Minister for Mines:

(1) Are the iron ore mining leases in the Green Range area, Albany, held by Blue Metal Company; if not, who are the lessees?

(2) Has the quality of iron ore in the Green Range area been determined?

(3) What are the estimated tonnages of iron ore deposits in the Green Range area?

Mr. BOVELL replied:

(1) Australian Blue Metal Ltd. applied for three mineral claims for iron ore on the 24th July, 1961, but subsequently withdrew the applications. The area is not held by anyone under mineral claim or other mining title.

(2) Sampling by geological surveys and by Australian Blue Metals Ltd. indicated that the deposit was low grade.

(3) The Geological Survey Branch has reported the deposit to be too small to have any economic significance.

14. and 15. *These questions were postponed.*

SUPERPHOSPHATE

W.A.G.R. Freight Concession

16. Mr. D. G. MAY asked the Minister for Railways:

(1) Will he indicate if the 5s. per ton freight concession for superphosphate for the period, the 1st September, 1962, to the 31st January, 1963, has had the desired effect of encouraging the spread of deliveries?

(2) In view of the recent Commonwealth grant of a £3 a ton bounty on superphosphate, is it the intention of the W.A.G.R to discontinue the freight concession granted last year?

Concession by Companies

(3) Can he advise if the superphosphate companies intend to grant a concession this season?

Mr. COURT replied:

(1) Not to the extent expected, but having regard for all the circumstances it is desirable to continue the freight concession at least for this season so that its full effect can better be assessed.

(2) No. See answer to No. (1).

(3) Yes. The company announced this in the Press on Saturday, the 31st August.

T.A.B. BETTING PREMISES

Establishment Near Cannington Hotel

17. Mr. D. G. MAY asked the Minister for Police:

(1) Is it the intention of the T.A.B. to locate a licensed premises in the vicinity of the Cannington Hotel, Albany Highway, Cannington?

(2) Has any application been received from persons desirous of erecting premises in this area?

(3) If so, has the application been approved?

Mr. CRAIG replied:

(1) Not at the present time.

(2) No.

(3) Answered by No. (1).

18. *This question was postponed.*

AUSTRALIND ROAD

Reconstruction between Bunbury and Australind

19A. Mr. I. W. MANNING asked the Minister for Works:

What plans are being considered for the reconstruction of the Australind Road between Bunbury and Australind?

Mr. WILD replied:

Plans have been prepared for the construction of a section between Victoria Street and the Collie River Bridge. Work will commence soon.
The remainder of the section between Bunbury and Australind will be improved as soon as possible and as funds can be made available.

JOHNSTON'S BRIDGE AT LESCHENAULT

Replacement

19B. Mr. I. W. MANNING asked the Minister for Works:

When is it intended that work shall commence on the construction of a new bridge to replace Johnston's Bridge at Leschenault?

Mr. WILD replied:

Plans are being developed for reconstruction. Some resumption of land will be required, and there is need for collaboration with the Public Works Department in respect of flood control considerations. It cannot be said at this point of time when work can commence on construction of a new bridge.

HOMES FOR CLOVERDALE

State Housing Commission's Programme

20. Mr. J. HEGNEY asked the Minister representing the Minister for Housing:

(1) What land is still owned by the State Housing Commission in Cloverdale but not yet used by the commission?

(2) Is it intended to proceed with the building of houses on this land in the near future?

(3) If so, how many houses will be erected on this land in—

(a) this financial year;

(b) next financial year;

(c) completing the area?

Mr. ROSS HUTCHINSON replied:

(1) 93 residential lots and a further 150 acres of land east of the Beechboro-Gosnells controlled access highway, which is zoned for industrial and warehouse use.

(2) Yes. 50 sites will be used for group houses and the remaining 43 lots, which are widely dispersed, are available for sale to individual applicants.

(3) (a) 50.

(b) Nil.

(c) Answered by (a).

TABLE OF PRECEDENCE

Gazettal

21. Mr. DAVIES asked the Premier:

(1) Is there an officially gazetted list or table of precedence for W.A.?

(2) If not, will he give consideration to having such a list gazetted?

Mr. BRAND replied:

(1) The last table of precedence officially gazetted was in 1919. This list was revised in 1934 but apparently not gazetted.

(2) The question of gazetting a new table of precedence has been receiving consideration, but a decision has not yet been made.

HOUSING

McNess Homes in Swan Electorate

22. Mr. BRADY asked the Minister representing the Minister for Housing:

(1) Are any McNess homes to be built in the Swan electorate in the current year?

(2) When were the last houses built under the McNess homes scheme in the Swan electorate?

Single-unit Flats in Suburban Province

(3) Are any plans being made on building of single-unit flats in the Suburban Province?

(4) If not, will he endeavour to have a number of single-unit flats erected in the near future?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) September, 1955—but Commonwealth-State pensioner flats were erected in 1961.

(3) Single-unit flats will be erected where the need is greatest and subject to suitable land and finance being available.

(4) Answered by No. (3).

SWAN STREET BRIDGE AT GUILDFORD

Tenders and Completion

23. Mr. BRADY asked the Minister for Works:
    (1) Have tenders been called for the Swan Street bridge at East Guildford?
    (2) If so, when is the bridge likely to be open for traffic?
    (3) If not, will he state the reason for delay?

    Mr. WILD replied:
    (1) No.
    (2) Answered by No. (1).
    (3) Planning is dependent upon finalisation of the Railways Department's plans.

24. *This question was postponed.*

MOSQUITO BREEDING GROUNDS

Treatment by Local Governing Bodies

25. Mr. BRADY asked the Minister for Health:

    In view of the abnormal quantity of water lying about the metropolitan area and causing considerable breeding grounds for mosquitoes, will he endeavour to have early co-ordinated action by local governing bodies to treat same and thus reduce to a minimum the breeding of mosquitoes?

    Mr. ROSS HUTCHINSON replied:

    Yes. This matter is in hand.

FLUORIDATION

Harmful Toxic Effects: Opinion of Dr. Brusch

26. Mr. I. W. MANNING asked the Minister for Health:
    (1) Has he seen an opinion by Dr. Chas. A. Brusch, Director of the Medical Centre in Cambridge, U.S.A., who has listed harmful toxic effects of fluoridation as follows:—
        (a) Damage to brain and nerve cells;
        (b) harm to the reproductive organs;
        (c) affects the thyroid glands and damages the liver; and
        (d) creates a high incidence of bone fracture?
    (2) Has he any evidence to support or refute the above opinion of Dr. Brusch?

    Mr. ROSS HUTCHINSON replied:
    (1) The honourable member may have been misinformed about the status of the person named. His professional qualifications are uncertain, but he is said to be Director of "The Brusch Chemical Centre", Cambridge, Massachusetts—not the "Medical Centre", as stated.
    (2) The evidence for these and other similar allegations has been evaluated by the professional and scientific organisations best qualified to do so.

    The World Health Organisation Expert Committee, after receiving the evidence on all aspects of fluoridation, concluded—'All these findings fit together in a consonant whole that constitutes a great guarantee of safety—a body of evidence without precedence in public health procedures'. (W.H.O. Tech. Rpt. No. 146, 1958, Page 16). The British Ministry of Health investigation concluded as follows:—

    > No harmful effects from the addition of one part per million of fluoride to drinking water have been demonstrated in any of the extensive medical evidence collected and reviewed by the Research Committee. (Ministry of Health, Report No. 105, 1962, Page 49).

    For detailed information on the specific allegations referred to by the honourable member, it is recommended that he refer to the "Classification and Appraisal of Objections to Fluoridation" 1960, published by the University of Michigan. In this document all these allegations are repudiated.

FLUORIDES AND DRUGS

Opinions as to Safety

27. Mr. TONKIN asked the Minister for Health:
    (1) What is the recognised therapeutic range for the use of fluorides?
    (2) Who is the authority upon which the reply to No. (1) is based?
    (3) When was the drug thalidomide first made available for purchase by the public?
    (4) Were there any products other than "distaval," "valgis," "tensival" and "valgraine" which contained thalidomide and which were being concurrently marketed?
    (5) On what date were the products containing thalidomide withdrawn from sale in Australia?
    (6) Was the withdrawal of the products a voluntary act on the part of firms producing them, or by order of some authority?
    (7) If the latter, which authority issued the required instruction?

(8) From which sources did The Distillers Company (Biochemists) Ltd., London, receive the reports suggesting a possible association of thalidomide with harmful effects on the foetus in early pregnancy?

(9) Was it not a fact that at the time there were no reports arising in Great Britain, either clinically or pharmacologically, and the evidence from overseas was regarded as circumstantial only?

(10) Is there anything to establish that The Medical Research Council of Britain, The National Health and Medical Research Council of Australia, and the Expert Committee of World Health Organisations regarded any of the products containing thalidomide otherwise than safe right up to the time that they were withdrawn from sale?

(11) Does not the possibility exist that the three organisations abovementioned may be in error also regarding the "safety" of fluoridation?

Mr. ROSS HUTCHINSON replied:

(1) In the vicinity of 1 part per million in water supplies.

(2) The authorities are quoted in the report of the expert committee on water fluoridation, World Health Organisation (1958).

(3) About August, 1960, in Australia.

(4) It is understood that in addition to the four preparations named, "distaval forte" and "distavone" were also on the market.

(5) In November, 1961.

(6) and (7) A voluntary act.

(8) It is understood from West Germany, and also probably from Australia.

(9) The honourable member's information on this matter appears to have been derived from the official announcement by the Managing Director of the Distillers Company (Biochemicals) Ltd., which was published as a letter to the Lancet on the 2nd December, 1961. It reads as follows:—

> We have just received reports from two overseas sources possibly associating thalidomide ("Distaval") with harmful effects on the foetus in early pregnancy. Although the evidence on which these reports is based is circumstantial, and there have been no reports from Great Britain, either clinical or pharmacological, we feel that we have no alternative but to withdraw the drug from the market immediately pending further investigation . . .

The first published report from Britain is in the Lancet of the 10th February, 1962.

(10) The three organisations mentioned had not been required to study the effects of thalidomide or express an opinion as to its safety at the time.

(11) They were not in error in regard to thalidomide. On the other hand they have studied fluoridation and stated clearly that fluoridation of water supplies at about 1 part per million is safe.

QUESTION WITHOUT NOTICE

TIMBER

Road Transport to Metropolitan Area

Mr. RUNCIMAN asked the Minister for Transport:

Under what conditions is permission granted for the road transport of sawn timber to the metropolitan area?

Mr. CRAIG replied:

Each application for a license is considered on its merits as provided under the Act. General policy is to allow road transport in the following circumstances:—

(a) From areas not served by rail such as the Dale River area.

(b) On short hauls up to approximately 40 miles.

(c) From areas previously cut, where milling operations are in the nature of the salvage of remaining timber which is not otherwise economically practicable.

(d) Short length timber up to seven feet in length produced as a by-product of mills otherwise engaged in sleeper production.

BEEKEEPERS BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [2.37 p.m.]: I move—

That the Bill be now read a second time.

Since 1930, the honey industry has been regulated and controlled in accordance with the Bees Act, 1930, and subsequent amendments to that legislation. In view of subsequent developments, and the numerous difficulties that have been encountered, the present Act has been found inadequate. It is therefore proposed that the existing Act shall be repealed and that this Bill shall provide for new legislation

to be known as the Beekeepers Act, designed to make better provision for the eradication of diseases and pests among bees, for the orderly conduct of the industry, and for the improvement of the products of beekeeping.

Before I proceed with details of the legislation I would like to give the House an indication of the value of the industry to the State. It may be of interest to know that the total number of hives in the State is approximately 45,000. There are 649 registered beekeepers in Western Australia and 105 of them operate more than 100 hives each. These produced 94 per cent. of the total crop. There are 48 full-time commercial beekeepers who operate more than 300 hives each. These produced 75 per cent. of the total crop.

The commercial operators averaged 267 lb. weight of honey per hive. In Western Australia to the year ended the 30th June, 1962, 7,982,377 lb. or 3,561 tons of honey were produced, valued at £252,775. This was 18 per cent. of the overall honey produced in Australia. The production of honey exported totalled 4,000,000 lb. or 1,799 tons, valued at £175,000. For the year ended the 30th June, 1963, 5,424,842 lb. or 2,420 tons were exported, valued at £289,674. For the year ended the 30th June, 1962, 42 tons of beeswax were produced, and of this, 20 tons, valued at £9,500, were exported. For the year ended the 30th June, 1963, 31 tons of beeswax, valued at £15,000, were exported.

Over the past 10 years, Western Australia has exported approximately 80 per cent. of the honey it has produced. The value of natural vegetation consisting mainly of parrot bush and limestone country, averages £1 per acre, whilst better beekeepers have an average of up to £2 per acre. I am sure the House will find those statistics interesting, because they are most informative.

The majority of the provisions in the Bill are already in the existing Act but, by redrafting the legislation, it has been possible to achieve greater clarity and, at the same time, be more concise. The revision of the Act follows the appointment of Dr. F. G. Smith as senior apiculturist in charge of the apicultural division of the department. Dr. Smith carried out a complete investigation and, in principle, has obtained the agreement of the beekeepers' section of the Farmers' Union. The major provisions of the Bill I will now enumerate for the information of the House although, as I said before, many of these provisions already exist in the Bees Act. These provisions are as follows:—

> The appointment of inspectors to carry out the provisions of the Act, and definition of their powers and duties.
>
> The registration of beekeepers in order that their whereabouts may be known.
>
> The branding of hives so that the ownership of apiaries in the countryside can be determined, and incidentally as a measure of protection for the beekeeper against theft.
>
> The notification of movement or sale, lease, exchange, or disposal of apiaries.
>
> Control of imports of bees, combs, used hives, honey and used appliances to protect the industry from the introduction of disease from other States.
>
> The reporting of disease occurrence and the steps to be taken by the beekeeper in the eradication of diseases and pests.
>
> The authority to order destruction or disinfection of articles infected by disease or pests, and to carry out such destruction or disinfection if the directions are not carried out.
>
> Authority to isolate under a quarantine order an apiary in which disease occurs or is suspected, with provision to authorise movement of the apiary and extraction of honey where such activities are not in conflict with the processes of cure and eradication of the disease.
>
> Prohibition of exposure or storage of hives, combs, honey, and wax in such a manner as would lead to robbing bees, and the spread and development of diseases and pests.
>
> Defining the type of hives which may be used so that diseases and pests can be readily discovered and eradicated.
>
> The protection of the public from bees as a nuisance, particularly in respect of the manner of keeping and transporting bees, and the provision of water for the bees.

It will be recalled that last year, in the Swan district of the metropolitan area, several hives of bees became a nuisance. It has been considered necessary, therefore, to include a provision in this new legislation to meet the occurrence of such a problem in the future. The remaining major provisions of the Bill I will continue to quote—

> Authority to order the removal of an apiary, and to move an apiary when the order is not obeyed, when the apiary is on a site where it is harmful to the process of drying fruits or to the detriment or nuisance of the public.
>
> The taking possession of and disposal of abandoned or neglected hives.
>
> Declaration by the Governor of pests as occasion may require.

If the Bill is passed, it is proposed that it shall come into operation by proclamation. The Bees Act, 1930, and its amendments will then be repealed.

Debate adjourned, on motion by Mr. Sewell.

SALE OF HUMAN BLOOD BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [2.47 p.m.]: I move—

That the Bill be now read a second time.

The Bill is short and to the point, and can be clearly understood even on a cursory reading. Its purpose is to prohibit unauthorised trading in human blood. Provision is made, however, for the Minister, by order in writing, to authorise a person—subject to such conditions as are specified—to buy human blood when it is found to be necessary by reason of special circumstances. Penalties are also provided for infringement of the law.

For many years past the Red Cross Society has held a monopoly in the procurement and distribution of whole human blood. Similarly, the Commonwealth Serum Laboratories in Melbourne have held a monopoly in the production and distribution of various products derived from human blood. Apparently this monopoly was introduced by the Commonwealth Government to ensure an adequate and uninterrupted supply of safe material required by the medical profession to save life and to treat injury and disease.

The monopoly was protected under a Commonwealth patent law, the term of which has now expired. Extension of this protection apparently is legally impracticable in its present form, and if its continuance is desired, individual State legislation is necessary. The Commonwealth Attorney-General drew the attention of the State Attorneys-General to this matter some time ago, and the Commonwealth Department of Health circulated a draft Bill among the various States and recommended that the State health authorities should initiate uniform legislation. This has already been implemented in Victoria.

At this point I think it is appropriate to quote a letter which was addressed to The Hon. A. F. Watts, who was then the Attorney-General in this State, from the Commonwealth Attorney-General (Sir Garfield Barwick). That letter is dated the 12th October, 1961, and is as follows:—

> In a note which I circulated at the recent meeting in Adelaide of the Standing Committee of Commonwealth and State Attorneys-General I mentioned the problem arising from the expiry later this year, of Patent No. 129,251 entitled "Improvements in or relating to the fractionation of proteins and the product thereof." This patent is owned by the Commonwealth.
>
> This patent among other things defines the method used by Commonwealth Serum Laboratories for the extraction and separation of the various fractions of human blood. The blood processed is that donated by the public to the Red Cross Blood Transfusion Service and I understand that no other country in the world has a blood donation scheme that can be compared with the one operating in Australia.
>
> My colleague the Commonwealth Minister for Health has discussed the matter with me and is concerned that when the patent expires some commercial interests may pay for blood and engage commercially in the fractionation of blood. This could wreck the Red Cross Society blood donation scheme and deprive the public of readily available free blood and blood fractionation transfusions.
>
> I have considered the question whether the patent can be extended. Part IX of the Patents Act, 1952-1960, provides for extensions of patents on the ground of inadequate remuneration (section 94) and war loss (section 95). It is, I think, obvious that the Commonwealth could not obtain extension on either of these grounds. The only other method would be by an amendment of the Patents Act to extend the Commonwealth's patent. It is extremely doubtful if an extension in perpetuity is within the Commonwealth's power and an extension for a limited period would merely postpone the crisis. In addition, such an amendment would be a major departure from the policy of granting patents under a general law and subject to general conditions, and could open the door to claims for extensions for other patents.
>
> A possible solution which I put to my colleague was that the Commonwealth and States pass uniform laws preventing the sale of human blood and I undertook to raise the problem with our Standing Committee to see if an answer could be found by the use of this method. I appreciate, of course, that your colleague administering the Department of Health in your State would be concerned and I would be glad if you could discuss the problem with him and let me know your views.

Following the receipt of this letter, and the department being fully apprised of the situation, negotiations were entered into with the Blood Transfusion Committee of the Red Cross Society (W.A. Division). This committee has twice considered the

matter in recent times; and on each occasion it has recommended to the Government that legislation be introduced in this State.

The Red Cross Blood Transfusion Service is a humane organisation which neither purchases nor sells blood. It therefore attracts a sufficiency of voluntary blood donors from whom blood is drawn under careful supervision. This blood is submitted to various tests to exclude disease and is reliably typed to safeguard compatibility. A close watch is kept on storage and transport to minimise the chance of deterioration.

The private sale and purchase of human blood could deplete the number of donors now prepared to give blood free. This is something that has happened in America, and it would, indirectly anyway, reduce the total amount of blood available.

A proportion of blood taken by the Red Cross—and not needed for whole blood transfusion locally—is sent to Melbourne to be processed at the Commonwealth Serum Laboratories into products such as gammaglobulin, albumen, fibrinogen, etc. Equivalent quantities of these are returned to Western Australia free of charge for use in treating and preventing certain diseases. The manufacture of these products in safe and potent form is a highly specialised technical matter, for which private persons and small organisations are not properly equipped on the scale required.

These arrangements for ensuring an adequate and safe supply of blood and blood products have worked very well in Australia up to now, and have been of great benefit to the public. It is felt that they should continue.

Debate adjourned, on motion by Mr. Norton.

LAND ACT AMENDMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [2.55 p.m.]: I move—

That the Bill be now read a second time.

The pastoral industry, which extends over a wide area of Western Australia, is an all-important factor in the State's economy. In giving consideration to the future of this industry, its historical background is of vital concern and interest.

Excluding pastoral leases in the South-West Land Division, in the pastoral areas of the State there are approximately 558 stations, and the areas under pastoral lease in the four divisions are as follows:—

	Acres	Leases
Eucla	8,989,028	60
North-West	101,181,033	842
Eastern	56,375,465	498
Kimberley	54,960,624	342
Total	226,506,150	1,742

In 1961-62 a total of 3,462,057 sheep were shorn for a total clip of 31,432,254 lb. of wool. Cattle numbers for the same year totalled 619,029. Therefore it will be seen that the pastoral industry is vital to the State's economy, and its stability must be maintained. Development has proceeded from the early years of Western Australia's foundation.

The 1963 report of the Pastoral Leases Committee includes an historical record of the separate divisions and it is, I consider, appropriate to inform the House accordingly. There are five statistical divisions, namely, Pilbara, North-West, Kimberley, Central, and Eastern Goldfields; and I will deal with each separately.

Pilbara Division: It is recorded that the Pilbara area is credited with the first shipment of cattle, horses, and sheep ever landed in the north-west, when Walter Padbury chartered the *Tien Tsin* in 1863. The ship anchored near Roebourne and the stock were overlanded to the De Grey River. This venture was followed in successive years by further pioneers, and signs of an established settlement soon became evident. The arrival of seven bales of wool at Fremantle in 1864 did much to establish confidence in the area.

By the end of 1868, there were 59 selections, representing 5,605,000 acres, and stock consisted of 38,580 sheep, 444 cattle, 208 horses and 23 goats. The town of Port Hedland was established in 1896.

Despite the many hardships through the intervening years of obtaining supplies and devastation by hurricanes and cyclones, causing heavy losses of stock, the settlement became firmly established, and extended easterly to the desert country and southwards towards the Gascoyne area.

Sheep numbers reached their maximum in the early 1930's, but have declined since, for many reasons, by approximately half, to a total of nearly 500,000. The decline and progressive deterioration of productivity in this area over the past 25 to 30 years has caused great concern to the Government, and was the subject of investigation by a special committee appointed in 1959.

The most noticeable deterioration has been in the eastern areas, mainly due to vermin. The Government has already initiated a plan to spend £250,000 over five years to assist in eradicating vermin in the area. The present wool output of the area is approximately 3,644,000 lb.

North-West Division: In 1876, following the earlier and favourable reports of Lieutenant George Grey, the subsequent explorations of Gregory and the information gained by settlers droving stock through the Gascoyne district, it is recorded that Messrs. Aubrey Brown, and John Henry Monger had taken up a large tract of land on each bank of the Gascoyne

River to the coast, and Brown started overland from York to the area with 4,000 sheep.

At about the same time, Charles Brockman started to explore the country and joined Brown in further exploration of the country northwards. Brown finally established Brickhouse Station, and Brockman took up 40,000 acres at Boolathana. Extreme hardships were experienced, due to the dryness of the seasons, and the heavy losses of stock encountered. The following year, however, was a good one, and splendid lambing compensated for earlier losses.

The pioneers were in subsequent years followed by Butcher, Richardson, and Gooch, and other settlers, who gradually extended the holdings northwards. It is interesting to note that those names are still by-words in the north-west of this State.

The towns of Carnarvon and Onslow were established in 1883 and 1885, respectively. Reduction of sheep numbers in this area appears to have been caused by a succession of dry years, and, in particular, the major drought of 1935 to 1940.

The fall from the peak number of 1,995,904 sheep in 1934, to 985,950 in 1940, was one of the reasons that the Government of the day appointed a Royal Commission to inquire into and report on the economic position of the pastoral industry. Since 1940, there has been no increase in sheep numbers and the present wool clip for the division is approximately 8,370,000 lb.

Kimberley Division: Following the exploration of Alexander Forrest in 1879, settlers landed at Roebuck Bay and took up country on the Yeeda and Fitzroy Rivers. They were followed by the Meda Pastoral Company and Lennard River settlers, and altogether eight stations were established by 1883. The townsites of Broome and Derby were declared in 1883, and officially named in 1884, by Governor Sir Napier Broome.

By 1890, the west Kimberley supported 100,000 sheep and 17,937 cattle; and, in 1892, 1,140 cattle were shipped from Derby to the metropolitan markets.

The east Kimberley had in the meantime, between 1882-1885, been established as far south as Fossil Downs by the three major groups who had completed the great trek across the north of the continent. These were, in order of arrival, the Buchanans with Osmond and Panton's cattle for Ord River; the Duracks and associates, who founded Lissadell, Argyle, and Rosewood on the lower Ord; and the MacDonalds who settled near the junction of the Margaret and the upper Fitzroy, at Fossil Downs. By 1887-88 two more cattle stations were formed in the Halls Creek area —Denison Downs and Flora Valley—both stocked by overlanding from points east.

The unsettled country between the east and west Kimberleys formed a natural barrier; the first settlers in each area had little in common. The settlers in the west had come up by the sea from established settlements further south, found suitable landing places, and occupied the river frontages. They were used to closer settlement of woolgrowing and practised paddocking.

In 1901, Brockman explored the north Kimberley, and although a rush followed the favourable report, no permanent settlement was achieved. The area was too remote and facilities non-existent.

Between 1900 and 1905 cattle numbers in the Kimberley increased from 204,751 to 380,994, and improved over the next 10 years. During this period, up to 20,000 cattle were leaving the ports for Fremantle every year.

The years immediately preceding World War I were prosperous for the Kimberleys, which were then exporting cattle overseas. Even the decline in wool prices did not prevent the steady but unspectacular growth of prosperity in the Fitzroy area, as scientific breeding had improved the wool clip.

In January 1914, however, an unprecedented flood on the Fitzroy swept away 40,000 sheep and 20,000 cattle. The temporary effect of these floods was beneficial to the pastures and restored vitality to the over-stocked river frontages of those days. However, the sheep stations did not recover their former numbers. The tally fell from 284,988 in 1913, to 174,120 in 1918.

In 1914, after an unsuccessful attempt to interest an investor to construct a freezing works at Wyndham, the Government decided to proceed with the project. It was completed in 1919, and in the same year a total of 9,281 cattle were processed.

Prices slumped in 1921, and the works did not operate. A Select Committee recommended the closing down or disposal of the works. At this time, attention was drawn to the potential of the north Kimberley by an expedition led by W. R. Easton—first charted by Brockman in 1901 but nothing was achieved.

Returns to the east Kimberley grower from Wyndham fell to £3 3s. per head in 1922, due to South American competition. West Kimberley pastoralists, however, were enjoying good prices in Perth.

By 1927 returns to the grower from Wyndham had edged up to £3 18s. per head, whilst prices at Fremantle averaged £19 7s. Properties in east Kimberley deteriorated further, and few improvements were being effected due to absentee ownership and low returns.

A Royal Commission at that time reported conditions near crisis. To attract capital for further development, they recommended the extension of the date of

expiry of leases from 1948 to 1978, exemptions from taxation, and deduction of cost of improvements from profits in assessing taxable income—the Northern Territory was already then tax free—improvement of shipping services and stock routes, and removal of the obsolete quarantine line between east and west, as this was hindering the struggling small holders around Hall's Creek from marketing their stock to advantage. Many of the suggestions were sound in principle, but nothing was done to implement the recommendations.

East Kimberley pastoralists went into the 1929 depression loyally adhering to their run-down and profitless cattle, and in the same year pleuro-pneumonia broke out in west Kimberley and a quarantine line was imposed south of Broome. The depression years saw further decline in the beef industry. In west Kimberley, there was a general change to sheep and the number of sheep shorn rose from 193,863 in 1929 to 293,645 in 1935, reaching a maximum of 315,000 in 1940.

In 1932, a committee was appointed by the Government to consider the future development of the area. Its recommendation was extension of leaseholds to 1978 in the north-west and 1998 in the Kimberleys. The then Government introduced legislation extending all leases to 1982. All members will know that that is the existing law. That extension was approved by Parliament, the legislation being introduced by the Mitchell-Latham Government of those days. Wool prices, down between 1930 and 1933, rose sharply in 1933-34 and maintained an average of 13½d. between 1935 and 1940. Of all the northern pastoral districts West Kimberley alone benefited from this improvement, as it was the only sheep-grazing area which was not seriously affected by a ruinous and protracted drought.

During the war, the Wyndham Meat Works were closed between 1942 and 1944. A newly-opened private meatworks at Broome, completed by the Farrell brothers in 1941, operated throughout the period with financial assistance from the Commonwealth Government. Air Beef was conceived by the Blythes in 1947, and came into operation in 1949. It was pointed out that much wastage and loss could be prevented by avoiding overlanding cattle to Wyndham.

Modern road trains were introduced by the Farrell brothers who favoured this method of bringing cattle to their killing centre. By 1953, about 70 per cent. of the 6,300 cattle treated was being trucked to their works. Thus both concerns illustrated the need for modern transportation. In 1949-51 the Kimberleys were marketing over 50,000 head of cattle annually, a figure never known to have been exceeded in the past. In 1950, the north Kimberleys were withdrawn from selection, and in 1954 an expedition was sent to the area to ascertain the potentialities of the country for pastoral purposes.

Some of the leases for selection in north Kimberley have been taken up as a result of the 1954 expedition led by surveyor John Morgan. The practical aid given by the State Government to the Kimberley pastoralists to subsidise approved boring programmes, whereby dud bores are paid for by the Government, acts to the advantage of many lessees.

A scheme to upgrade existing roads and for the construction of new roads in the Kimberleys has received favourable consideration from the Commonwealth Government for financial assistance, and now there is a future for the industry. Today, the Kimberley area supports approximately 550,000 cattle, and 186,000 sheep, with a wool clip of about 1,200,000 lb.

Central Division: In 1854, Surveyor Austin examined the Murchison district, reporting on its mineral potentials, but could see no value in it from a pastoral standpoint. However, two years later, Gregory and Trigg covered the same area and deemed it most suitable for pastoral settlement. The glamour of the north-west discoveries which occurred shortly after 1860 attracted the pastoralists and consequently little was done on the Murchison at that time.

Yallalong was established in the early 1880's, and embraces part of the territory adversely commented on by Austin. Meanwhile, John Forrest, in 1874, followed the Murchison River to 30 miles north of Meekatharra, and named Mt. Padbury and Mt. Fraser, which later gave their names to stations there. Pastoral development began in the 1880's, when some of the first sheep stations were taken up. Among these were Annean, Moorarie, and Polelle.

Ernest Lee Steere took up Belele in 1890, but the Murchison was hit by such a devastating drought that between 1890 and 1892 thousands of sheep perished. In nearby Moorarie, of a total of 30,000 sheep, only 1,100 survived. This was the most serious drought recorded for that area. The townsite of Meekatharra was declared in 1903. Today, the area supports about 30,000 cattle, and 1,100,000 sheep, with a wool clip of about 10,500,000 lb.

Eastern Goldfields Division: In 1863, H. M. Lefroy's party came to Coolgardie, and reported the existence of good pastoral land, though no surface waters. The same year, the Dempsters discovered the pastoral areas around Esperance Bay, and took out leases for over 300,000 acres, returning with 518 sheep, 80 cattle, and the necessary horses to overland to Esperance. When they had settled in this new country they purchased further sheep

from South Australia. They remained alone for a number of years, even surrendering their leases for a further area in the same district, before other leases were taken up.

Madura Station was taken up in 1876 by G. Heinzman. In the 1870's, graziers were turning their attention to the south-east, and pastoral lands were being taken up in the coastal areas of the Nullarbor Plains. However, little development took place in the Eucla district, notwithstanding strenuous efforts to make permanent settlement there. There was an abundance of food, but great difficulty in obtaining water; and although special inducements were offered by the Government to those finding artesian water, the results were not encouraging. Today, the area supports about 22,000 cattle, and 1,000,000 sheep, with a wool clip of about 10,000,000 lb.

I now desire to inform members of proposed legislation which is designed to protect the overall interests of Western Australia, with improved stability to the industry. Several proposed amendments do not altogether apply to the pastoral lease section of the Act, and I will refer to those amendments first.

The Bill proposes to add the definitions of "bed" and "water-courses", and extend the definition of "Crown lands" to include lands below low-water mark on the seashore, and on the banks of tidal waters, and all lands being the beds of water-courses which are leased or licensed under sections 116 or 118 of the Land Act for purposes that necessitate the lessee or licensee to operate on land under the sea or on river beds.

The necessity for this is evidenced by the proposed operations of the Shark Bay Salt Company Limited which will operate in shallow waters of Shark Bay, and also in respect of licensees engaged in river dredging in the Swan and Canning Rivers.

The Land Act Amendment Act, No. 41 of 1962, amending section 47(a) of the Act, inadvertently excluded power to the Governor to reduce the maximum area that may be acquired in prescribed localities. This is now being rectified. Whilst 5,000 acres may be considered a single economic unit in some areas, in others, where closer settlement and more intense agricultural production is engaged in, lesser areas comprise an economic farm unit.

The deletion of sections 55 and 56 of the Act removes the right of pastoral lessees to obtain the freehold of any portion of their pastoral leases. Very few pastoral lessees have availed themselves of this right in the past. The right to freehold under the Act applies only to lands which are not within a goldfield or mineral field. As there is now very little of the pastoral area which does not come within either a goldfield or a mineral field, these sections have practically no application.

In the event of forfeiture, surrender, revision, or termination of pastoral leases, small freehold blocks could seriously affect the operations of future lessees.

The matters dealt with in existing sections 92 to 96 inclusive are now covered in section 98 as amended, so that sections 92 to 96 inclusive can be deleted.

Provision has been made for the term of all new or converted leases to expire on the 30th June, 2015.

The constitution of the Pastoral Appraisement Board has been amended to comprise four instead of three members, by the addition of the Director of Agriculture. The other members are the Surveyor-General, chairman, and two members to be appointed by the Governor. The Board of Appraisers at present comprises the Surveyor-General, chairman; the Deputy Surveyor-General; and Mr. W. E. Butcher.

In respect of new or converted leases, provision is made for more frequent reappraisements. Whereas the Act now provides for reappraisement at intervals of 15 years from the common date, as set out in section 98B of the Act, the Bill proposes that in respect of any lease granted in the Kimberley Division, not being a lease that is due to expire on the 31st December, 1982, the rent payable shall, on the 1st July, 1969, and again on the first day of July in each of the years 1979, 1989, 1999, and 2009, be subject to reassessment as on and from each of those dates.

In respect of any leases granted in any division other than the Kimberley Division, not being a lease that is due to expire on the 31st December, 1982, the rent payable shall, on the 1st July, 1967, and again on the 1st July in each of the years 1977, 1987, 1997, and 2007, be subject to reappraisement as on and from each of those dates.

Provided the lessees of land selected for pastoral leasing, after the commencement of this amending Bill, expend on improvements, in accordance with a plan to be approved by the Minister, during any one of the first three years of the lease, an amount not less than two and a half times the rent for that year, the Minister may waive the rent.

In the event of a lease being transferred within seven years from the date of commencement, the right is reserved to the Minister to require payment in full of any rent so waived.

In all the amendments the year has been defined as "the financial year"; that is, to the 30th June. At present the pastoral year concludes at the end of the calendar year, but the Government feels it will be much more convenient for all concerned if the pastoral year ends at the same time as the financial year.

If the pastoral lessee is prohibited under the provisions of the Soil Conservation Act from grazing stock on the whole or any portion of the lease, such areas will be exempt from rent on a pro rata basis. The lessee shall be responsible for vermin control under the Vermin Act.

Provision has been made that after the coming into operation of the Land Act Amendment Act, 1963, a pastoral lease shall not be granted unless in the opinion of the Pastoral Appraisement Board, as prescribed by regulations, it is an economic unit. This at present is set down as one that will carry when fully developed, at least 6,000 sheep or 1,200 head of cattle. These numbers may be amended from time to time by regulation. This provision does not apply to converted leases.

Where unleased land abuts pastoral leases and is insufficient to provide an economic unit, such abutting land may be granted to an adjoining lessee, subject to the limitation of area under section 113.

The amendments provide that each pastoral lessee may hold one lease only to comprise all his land, and that the lease must be identified by a station name to be approved by the Minister. It will be recalled that I said earlier that there are approximately 1,742 leases at present but that there are only approximately 558 stations. Under this legislation there will only be as many leases as there are stations.

The right has been extended to pastoral lessees to inquire of the Government or the Minister regarding the future of their leases, 20 years before the expiry date; that is, 1995.

Where in the Act the board appointed under section 98 has been referred to as the Board of Appraisers, the title has been amended to Pastoral Appraisement Board.

The common date for reappraisement in respect of pastoral leases, as set out in section 98B, will apply only to leases which expire on the 31st December, 1982; that is, of course, unconverted leases.

Section 101 of the Act, which refers to adjustment and appraisement of rents of pastoral leases granted before the commencement of the 1933 Act, is deleted as there are now no leases to which this section refers.

The lessees of new or converted leases will be required to furnish to the Under-Secretary for Lands within 12 months after commencement of the lease, a return setting out the improvements that the lessee proposes to effect on the land and the proposed situations thereof of such improvements. The plan must provide for reasonable development of all portions of the land capable of being used for pastoral purposes.

The plan will be considered by the Pastoral Appraisement Board, which will recommend the Minister to approve of it, either without modification or subject to such modifications as the board may specify. Once the plan has been approved, all improvements effected by the lessee must be in accordance with the approved plan, unless the Minister, on the recommendation of the Pastoral Appraisement Board, approves of an amendment.

Such lessees will be required, each year, to expend on improving the lease an amount not less than two and a half times the rent payable for that year, until such time as the improvements shown on the approved plan have been fully effected. Any excess of required improvements in any one year may be carried forward to the following year, and so on. In other words, if a pastoral lessee expends £20,000 on improvements in one year and the rent is £2,000, he would be covered for 10 years. I think that is fair enough.

The lessees will be required to submit to the Under-Secretary for Lands an annual return showing full particulars of improvements carried out during the preceding year ended the 30th June.

Every lessee will be required to stock his lease with such numbers of sheep and/or cattle as the Pastoral Appraisement Board considers a reasonable and fair assessment of the capacity of the land, having regard to all circumstances, including seasonal climatic conditions and the period the lease has been held. Failure to stock the lease will render it liable to forfeiture, subject to such notice being given to the lessee as the Minister considers reasonable.

Provision has also been made for the Minister to require the lessee to reduce stock numbers if, in the opinion of the board, a lease is considered to be overstocked.

The lessee will be required to furnish to the Under-Secretary for Lands, not later than the 31st December in each year, a return setting forth the numbers of stock carried during the preceding year ended the 30th June. No agistment of stock will be permitted unless the Minister, on the recommendation of the board, approves. That means that a person who has a pastoral lease cannot eke it out by agisting another person's stock unless the Minister, on the advice of the Pastoral Appraisement Board, approves.

The lessee is required at all times during the term of the lease to manage and work the subject land in a proper and husband-like manner according to sound and approved methods, with particular attention to the conservation and regeneration of pasture.

If a lessee permits or suffers any or part of the subject land to deteriorate to such an extent as to necessitate, in the opinion of the Minister, a lengthy period of protection from grazing, the lease will be liable to forfeiture.

Doubts have arisen as to the powers of the Governor to resume lands from a pastoral lease where such lands are needed for industry or purposes other than agricultural or horticultural development. The Act is being amended to remove any such doubts.

It provides that the Governor may resume, enter upon and dispose of, the whole or any part of the land comprised in any pastoral lease, for agricultural or horticultural settlement, mining, industry, or for otherwise facilitating the improvement and settlement of the State.

Section 89D of the Land Act empowers the Governor to enter into an agreement with an approved corporate body for the disposal of any area of Crown land, provided that the corporate body is bound by agreement to develop the land for agricultural purposes.

A similar provision has been included in the Bill in respect of pastoral land which could accelerate the development of outback portions of the State. Any such agreement will, within six months, require ratification by Parliament, otherwise it shall be void and of no effect.

Provision has been made for any lessee holding a pastoral lease which expires on the 1st December, 1982, to apply—not later than the 31st December, 1964—for a new lease for a term expiring on the 30th June, 2015. An extension of the time in which to lodge such application, to the 30th June, 1965, may be authorised by the Minister in special circumstances.

For instance, a lessee may be prevented because of ill-health, or other circumstances beyond his control, from lodging an application before the 31st December, 1964. Therefore, the Minister is given the authority to extend the time for six months, under extenuating circumstances.

I should like to emphasise here that they must be extenuating circumstances. Unless they are extenuating circumstances, lessees cannot expect to delay their applications beyond the 31st December, 1964. Of course, there is no compulsion for them to convert. If a lessee does not desire to convert before that time, his lease will continue until 1982; and then, of course, he will have to surrender his lease, as by then it will have expired.

All the land developed as a station property will be the subject of one lease, and the lessee will be required to submit a name for each station leased, for the Minister's approval. Action necessary to protect securities under existing leases is provided for in the Bill. That is, protection will be given for anybody who has advanced money against the security. It is the normal procedure to protect the securities under existing leases.

Where a lessee of a pastoral lease or leases is entitled to apply for a new lease to the 30th June, 2015, but fails to do so within the time specified, provision has been made for the Minister to call in and cancel the existing lease and issue, in lieu, a composite station lease for a term expiring on the 31st December, 1982. Each lessee will be required to submit a station name for the Minister's approval. This action is necessary for purposes of consolidation and uniformity.

Areas which are not contiguous may be included in the consolidated lease to be run as one station. It is desired to unify the position of leases and stations. There may be three or four separate leases, and under the new provisions one lease may comprise one station. It would not be in any way a breach of faith for Parliament, in the interests of uniformity and consolidation, to agree to this amendment to the 1982 leases—they being the ones which are not converted.

Provision has been made to ensure that an uneconomic unit may not be created by transfer of portion of a lease. For the purposes of improvements within the meaning of the Act, the dwelling house on a pastoral lease has been excluded. A person might occupy a lease and spend £20,000 on a homestead. I think that applies under the conditions which exist at present. The Bill will exclude the dwelling house from improvements expected within the meaning of the Act. It is desired to ensure that the amount enforceable by law for improvements will be applied for the purposes of increasing productivity and earning capacity.

The nineteenth schedule to the Act is the form of pastoral lease, and this has been amended to enable resumption of such areas as may be considered by the Governor to be necessary to facilitate and improve the settlement of the State, without limitation to areas required for reservation under part III of the Act, which provides for the creation of reserves.

Provision has also been made in the nineteenth schedule for the lessee to comply with the requirements of the Vermin Act, Soil Conservation Act, and Noxious Weeds Act. Failure to comply with all the conditions of the lease renders the lease liable to forfeiture.

Of course, lessees are required under common law to carry out the provisions of the Soil Conservation Act, the Vermin Act, and the Noxious Weeds Act, but no penalty exists at present for forfeiture of leases. The Bill will provide that if these Acts are not complied with, a lease will be liable to forfeiture in view of a lessee's non-compliance with an Act.

I have dealt fully with the provisions in the Bill. In conclusion, I wish to take the opportunity of expressing the appreciation of the Government and of myself to members of the Pastoral Leases Committee—to the chairman, Surveyor-General Harold Camm; and to members

H. C. Stewart and H. G. Lukin—for the March 1963 report on pastoral leases.

I would also like to thank Mr. L. G. Henley, secretary to the committee, and Mrs. V. O'Dowd who was the committee's typist. In addition, I want to thank Mr. W. V. Fyfe, former Surveyor-General, whose recommendations were the first to be considered in this matter.

The initial report on pastoral leases was made to the former Government in 1959, although in 1958 that Government did call for a report because, according to the record, it was very concerned about the pastoral industry and the need then—and this is nearly five years ago—to do something about bringing stability and security to the industry. The members for Kimberley and Pilbara have suggested that the Bill should be deferred until next session. That is not the Government's desire nor is it its intention. It is intended that the Bill be dealt with by Parliament this session.

The Pastoral Leases Committee's report was tabled on the first day available to the Government to table it, after Parliament met; the Bill was introduced on the first day the Government had an opportunity to do so; and therefore no time has been lost by the Government in acquainting Parliament of the conditions and proposals which I have submitted.

Finally, my thanks are also extended to all who have co-operated with the committee in supplying information which would assist the Government. By such co-operation it has been possible to submit to Parliament a Bill which in the Government's opinion will protect the overall interests of the State of Western Australia.

Debate adjourned for two weeks, on motion by Mr. Norton.

LAND ACT AMENDMENT BILL

Message: Appropriation

Message from the Lieutenant-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

Sitting suspended from 3.45 to 4.4 p.m.

STAMP ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [4.4 p.m.]: I move—

That the Bill be now read a second time.

Contrary to the expectations of several members that this was to be another taxing Bill, I can assure them it is not; it is one dealing with the Dairy Cattle Industry Butterfat Compensation Fund. This fund has now reached a stable and reasonable level and it is proposed to reduce the rate of stamp duty to 1d. in the pound. To do so, however, it is necessary to amend the second schedule of the Stamp Act which now fixes the stamp duty payable at 2d.

In order that any future changes which become necessary may be made without having to amend the Act, in this Bill it is proposed that the amount of 2d. should stand, but that the words "or such amount, being not more than twopence, as the Governor may, from time to time, by proclamation declare", should be added. Contributions to the fund are at present obtained by means of stamp duty on the sales of butterfat at the rate of 2d. in the pound. At the 30th June, 1963, the net balance in the fund was £48,940, of which £20,000 has been invested.

Although the maximum amount of compensation payable for tuberculin reactors was increased from £35 to £40 per head from the 1st October, 1962, the fund has steadily grown because the incidence of disease in early testing proved less than was anticipated which, in turn, has meant a corresponding reduction in the claims against the fund.

Since the commencement of the scheme in August, 1961, and up to the 30th June, 1963, a total of 127,909 cattle have been tested, of which there were 902 reactors or a percentage of 0.705. Of the total number, 49,726 cattle were tested in the year from the 1st July, 1962, to the 30th June, 1963, and there were 229 reactors—or a percentage of 0.46—which shows a reduction in the incidence of tuberculosis. If this trend continues, the fund will remain in a sound position despite the reduction in stamp duty as proposed, and the increase in the maximum compensation payable.

Debate adjourned, on motion by Mr. Hall.

OCCUPATIONAL THERAPISTS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [4.8 p.m.]: I move—

That the Bill be now read a second time.

This is a short and simple Bill and to me, at least, it does not present any controversial features. The Bill seeks to provide for the provisional registration of occupational therapists who qualify before they reach the age of 21 years. At present the Occupational Therapists Act limits the right of registration to persons over 21 years of age who hold the necessary qualifications. In this State the School of Occupational Therapists accepts students at an age which permits completion of the course and consequent qualification before the student reaches the age of 21 years.

As a result, there are qualified persons who are not entitled to be employed as occupational therapists until they have become registered. That is, they must wait until they attain the age of 21 years. A registered occupational therapist is entitled to engage in private practice on his own account, and thus it is necessary that the practitioner be an adult so that he will be legally liable for any consequences arising out of his own action and for any financial obligations which possibly may be associated with such events.

By amending the Act to permit persons under 21 years of age to receive provisional registration, which requires that they be employed by an institution, by the Government, or by a registered occupational therapist over 21 years of age, this objection would no longer be valid. On reaching the age of 21 years, the occupational therapist who is provisionally registered would be entitled to full registration.

Debate adjourned, on motion by Mr. Davies.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

MR. WILD (Dale—Minister for Water Supplies) [4.11 p.m.]: I move—

That the Bill be now read a second time.

In introducing this Bill, in which it is proposed that metropolitan water supply, sewerage, and drainage functions and operations shall be directed and controlled by a duly appointed board, I wish to make it quite clear to the members of this House that the only other main provisions are to allow of the board having borrowing powers.

The prime purpose of this measure is to widen borrowing powers for use only as occasion demands; to enable ratepayers' representatives to gain and take a more intimate part in the functions and operations of an undertaking responsible for providing essential public services; and to give control unhampered by political influence.

The board will be subject to the Minister—a similar provision to that contained in the State Electricity Commission Act—as it is felt that the Minister is necessary as a liaison between the board and Parliament, and also to have the final control in the event of extraordinary circumstances arising.

It is proposed that the board shall consist of seven members, of whom—

(a) one shall, on the nomination of the Governor, be appointed chairman;

(b) one shall be the general manager for the time being of the board;

(c) one shall be an engineer who is a corporate member of either the Institution of Civil Engineers, Australia or the Institution of Civil Engineers, London;

(d) one shall be—

(i) the Under-Treasurer of the State for the time being, or

(ii) an officer of the Treasury appointed on the nomination of the Under-Treasurer;

(e) one shall be a person, appointed on the nomination of the Minister, from a panel of the names of three persons eligible and willing to act as members submitted to the Minister for the purpose, by the Council of the City of Perth and who shall represent the ratepayers; and

(f) two shall be persons, appointed on the nomination of the Minister, from a panel of the names of six persons eligible and willing to act as members, submitted to the Minister for the purpose, by the body known as the Local Government Association of Western Australia, each of whom—

(i) shall represent the ratepayers, and

(ii) shall, at the time he is so appointed, be either a mayor, president or councillor of a local authority, whose municipal district or part district or part thereof is within the area.

In a fast developing State, and particularly in the metropolitan area, the provision of loan funds is always a source of worry, not only to the Government of the day, but to the respective departments; and in this regard the Metropolitan Water Supply Department is no orphan. The amount that can be provided by the Treasury annually is inadequate to fulfil all of what it considers to be its necessary undertakings by way of improved storage, reticulation, etc.

With the increase in population, and the continual spread of buildings in the metropolitan area, the demand for loan funds for the provision of further damming facilities and reticulation will become greater every year. This necessary increase in loan funds is similar in all other departments and, therefore, with the passage of this Bill and the means whereby the Metropolitan Water Supply Department can borrow from outside sources, there will be a greater amount available for other departments to build extra schools, hospitals, etc.

As a matter of interest, it is worthy of note that Government loan funds spent during the past 10 years on capital works carried out by the Metropolitan Water Supply, Sewerage, and Drainage Department were £19,317,875. Some of the major works in that period, either now completed or still under construction, are the Serpentine Dam, pipelines to the metropolitan area, the installation of the sewerage treatment plant, the ocean outfall at Swanbourne, and the new major south-of-the-Swan-River sewerage scheme.

Last year loan funds obtained from the Treasury for the Metropolitan Water Supply Department amounted to £2,410,700. Members will therefore see that if this or any lesser amount could be obtained from the public by way of borrowings, it would release for other Government departments, such as those erecting schools, hospitals, etc., a considerable amount of money.

It will be noted that with the passage of the State Electricity Act in 1945, which gave the borrowing powers to the State Electricity Commission, the commission has successfully each year been able to borrow increased amounts; with the result that this last financial year there has been no drain on the Treasury whatever, as the commission has been able to obtain all its finance outside Government circles.

This, in the view of the Government, is one of the main reasons—quite apart from the reasons referred to earlier—for the substitution of a board for a straight-out Government department. I commend this Bill to the House for its approbation.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Police) [4.19 p.m.]: I move—

> That the Bill be now read a second time.

There were some amendments made to the Firearms and Guns Act last session. I feel that Parliament does not like interfering with this particular Act too often, but circumstances have arisen necessitating certain amendments, and these are contained in the proposals I will now submit to the House.

The first to be dealt with is section 11A, which deals with the power of the Commissioner of Police to dispose of weapons that have come into his possession. The weapons referred to are those in the possession of, say, a person who is possibly considered to be mentally ill. The police, in their wisdom, feel that such firearm would be better kept in police custody.

At the present time the wording of the section creates difficulty and does not, I feel, convey the meaning intended. It should therefore be amended. Section 11A (1) (c) states inter alia—

> Where the firearm is in possession of a police officer, the owner of the firearm not being the holder of a license to possess it, refuses to lawfully dispose of the firearm within six months of it coming into the possession of the police officer, unless . . . etc.

The owner must refuse within six months of the firearm coming into the possession of the police, and after that period the Commissioner of Police has no further powers under the paragraph, except, of course, to retain possession of the firearm.

To make this clear to members I quote examples that could arise, and have actually arisen. A firearm comes into the possession of the police; the owner is not a suitable person; he is approached, and is given the opportunity to sell or otherwise dispose of the firearm; he agrees to sell, but keeps putting it of; and when approached after six months have gone by he flatly refuses to dispose of the firearm Section 11A, therefore, ceases to have effect and nothing further can be done.

Another example is this: An owner not eligible for a license disappears, and cannot be located within six months. He will not dispose of the firearm when finally located. Once again section 11A has no effect.

The result is that the Police Department has firearms on hand which must be cared for, and the department cannot demand the fee normally charged for such service, which is at present £1 per annum; and this is the position with a large number of firearms at the moment. The police have quite an accumulation of firearms acquired by this means.

The amendment will permit the Commissioner of Police to call on the owner—ineligible for a license—of firearms in possession of the police, at any time to lawfully dispose of them within a period, possibly of three months, and neglect or refusal so to do will permit the commissioner to dispose of the firearms and pay the net return to the owner. The net return would cover such incidental costs as the handling and maintenance charges advertisement, postage, and so on.

The next two amendments in the Bill concern the regulation power to—

> (a) enable regulations requiring notice of the sale of arms to unlicensed persons to be made; and
>
> (b) eliminate the maximum fee that may be prescribed.

The need for notice of sale has been highlighted by a recent decision of the Full High Court which upheld the right of a Melbourne gun dealer to sell firearms to people living in other States, without their

producing firearms licenses. The normal procedure in Western Australia is for anyone desiring to purchase a firearm to obtain a permit to do so, and consequently to be issued with a license before delivery is taken of the firearm.

It is easy to imagine the concern that was felt throughout Australia when the verdict was made known, and it was very evident that each State would have to enact some form of legislation that would not only ensure the maintenance in each State of lists of dealers, but also ensure that—and this is most important—dealers notify the police of interstate sales, and that particulars of such sales be conveyed to the police in the State concerned for the necessary attention.

The amendment sought in this Bill would enable regulations to be made stipulating what sales or deliveries of firearms were to be notified to the Commissioner of Police, and laying down the period within which such notice would have to be given.

In view of the danger of indiscriminate interstate trading of firearms, especially by the criminal types, it will be necessary to make this prescribed period a short one if the notices and interstate advice are to be effective. Members have my assurance this will be very much borne in mind when the regulations are being framed. I might add that such legislation is recommended by all the Commissioners of Police in Australia, as well as the Commonwealth Attorney-General.

In regard to the other alteration to the regulating powers, this aims to allow for a flat licensing rate for all firearms of 10s., irrespective of the number. At the present time two different fees are charged; namely, 5s. for one firearm, and 10s. for two or more weapons on any one license.

There are two types of forms, the original and the renewal, the latter being a complete rewrite of the original each time a renewal is effected, and all fall due in January of each year.

With approximately 75,000 such licenses it will be appreciated that there is a great deal of paper work involved in writing a complete renewal form each year at the various police stations, and it is further noted that many mistakes are made in copying these renewals, due often to the condition of the original. This gives rise to a considerable amount of correspondence by way of queries from the recording office of the firearms branch.

It is proposed, if the Bill is agreed to, to develop a new type of original license on better paper, which could be renewed annually by the mere issue of an official receipt, thus dispensing with the present type of renewal license. This will effect a considerable saving in stationery and clerical labour; and will eliminate the queries from the recording office referred to.

As the license is a monetary form, it is not desirable from an audit or accounting angle to have two types of fees for one particular form; namely, 5s. for a single firearm, and 10s. for multiple firearms. Amendment of the regulations is therefore sought to provide a flat rate for all firearms licenses of 10s.; that would be irrespective of the number of firearms. This will also effect a considerable saving in stationery and time.

Debate adjourned, on motion by Mr. Brady.

OFFENDERS PROBATION AND PAROLE BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [4.28 p.m.]: I move—

That the Bill be now read a second time.

I am introducing this Bill—the Offenders Probation and Parole Bill—on behalf of the Minister for Justice. The next two Bills on the notice paper are small complementary measures to this one, and they seek to amend the Criminal Code and the Prisons Act, respectively, so as to conform with the amendments contained in the Bill before us.

Mr. Jamieson: Why has this Bill not been introduced by the Minister for Justice himself? It does not require a message.

Mr. ROSS HUTCHINSON: I cannot tell the honourable member whether or not it needs a message, but it does not matter whether the Bill is introduced in another place or in this House.

Mr. Jamieson: This is an unusual procedure.

Mr. ROSS HUTCHINSON: It is not unusual at all.

Mr. W. Hegney: We should put you on probation!

Mr. ROSS HUTCHINSON: As a matter of fact, it is not inappropriate that I, as Chief Secretary, should introduce it.

Mr. Jamieson: You keep them locked up and he lets them out.

Mr. ROSS HUTCHINSON: As the honourable member is not trying to secure the adjournment of the debate so far, I presume I can go forward with it. Penal reform, and for that matter penal legislation, usually lag far behind the hopes and aspirations of an interested minority. Some few steps have been taken in recent times to effect improvements to our penal establishments; but it is still very difficult to obtain the necessary finance to move more quickly in this regard. This is

natural enough because of heavy commitments in other more popular spheres of Government action.

In regard to penal legislation, it is interesting to note that there have rarely been any significant reforms since the foundation of our State. One of some significance, however, occurred in 1918 when legislation was brought down to establish a reform system under a body known as the Indeterminate Sentences Board. Much good work has been done by that board, but its activities have been restricted through the limitations of its establishment.

For instance, during the 45 years of its existence, the board has dealt with fewer than 1,000 prisoners or, in other words, an average of 22 per annum. As against that figure, the number of prisoners received into gaols during the single year ended the 30th June, 1961—these figures are contained in the annual report tabled last session—was 4,214, of which number no less than 3,000 were serving their fourth or more than their fourth period in gaol.

One or two of our prison outstations are doing a good job in so far as reform is concerned. All, I think, play their role in one way or another, but unfortunately not many of them are able to deal greatly with the rehabilitation of the prisoners. Karnet in particular gives early indication of great worth in the rehabilitative field, but the situation at our largest prison at Fremantle paints a different picture.

Instead of Fremantle Prison being, as it were, a bulwark of community social protection, it is, to a certain extent, principally because of overcrowding and consequent lack of rehabilitative opportunity, little more than an enforced common meeting place for criminals and social derelicts who actually infect the casual offender, the weak, and the mentally and morally retarded: and as hundreds of these pass through prison life back into the outside world, the infection spreads and criminal incidents occur in community life in other parts of the State.

So it will be appreciated that despite improvements like the Karnet Rehabilitation Centre, and the activities of the Indeterminate Sentences Board, a great body of both short and long-term prisoners remain neglected and unassisted. Besides this sad individual waste, the waste in potential to the community is also quite substantial. The problems encountered in this State are in no way different from those being faced in other States; and, in Victoria, legislation was passed in 1955 to try to remedy the position. Tasmania started a probation system in 1947, which has proved quite successful.

Through the experience gained in other States in recent years, which has been subjected to the closest scrutiny by our own officers, we have been able in the drafting of this measure to be quite selective in the choice of legislation considered most suitable to our needs. Much of the material in this Bill has been lifted from the Victorian legislation. It comes in two main parts. The first main objective is to introduce a system of probation—this with a view to reducing in the first instance the number of persons committed to prison. The second main part deals with the release of prisoners on parole, provides for the setting up of a new board to replace the Indeterminate Sentences Board and, together with the probation proposals, is directed towards keeping the offender within the community, but under adequate and proper supervision.

It is hoped that with the passing of this measure and its implementation by the judiciary, imprisonment will, in the main, come only as a last resort for the most dangerous types and the "no-hopers." In respect of those who will be sentenced to imprisonment, it is possible the number of short terms will be reduced, because their brevity does not allow of any degree of reform or rehabilitation being given, while, on the other hand, even a short term permits of considerable contamination occurring and the making of new and criminal associations. Undue severity on a criminal provides no lasting safety to the community: while, on the other hand, in criminal matters there is no room for emotionalism.

One of the main objects of the Bill is to assist in the reform and rehabilitation of those offenders of our laws who are reformable. The main body of this legislation is contained in parts II and III of the Bill, the former dealing with probation and the latter with parole. Under part II, the Governor may appoint a chief probation officer, his deputy, stipendiary probation officers, and such other officers as are necessary to give effect to the new approach to probation.

Persons who are clerks of petty sessions and not members of the Police Force, also officers appointed under the Child Welfare Act, may be appointed honorary probation officers in respect of localities more than 50 miles from the Town Hall in Perth. The functions, powers, and duties of all these officers are prescribed in the Bill and will be enlarged further by rules made by the judges. Each probation officer, in relation to a probation order, will be subject to direction by the court that made the order; but, otherwise, the chief probation officer will be under the control of the Minister or such person as the Minister determines.

The courts will be empowered to call on the chief probation officer, when a person is convicted and before he is sentenced, to submit a report on the convicted person and his background. This will be helpful in enabling a decision to be made

as to whether the issuance of a probation order is desirable. In the event of a person being convicted by a court of any offence punishable by a term of imprisonment, otherwise than in default of payment of a fine, the court may, having regard to all the circumstances, the nature of the offence, the character and personal history of the offender, his home surroundings and other environment, order him to be put on probation if such course is deemed expedient rather than a prison sentence.

Such an order will specify the court of petty sessions nearest the place where the probationer intends to reside to be the supervising court; and some latitude is provided to meet circumstances and convenience. All probation orders will require the probationer to report in person where directed in the order within 24 hours after his release on probation. The order may, in addition, require the probationer to comply during the whole or any part of the probation period with such requirements as submitting himself to medical, psychiatric, or psychological treatment, and residence up to a maximum of 12 months in a suitable institution. Generally, the requirements will be considered those necessary to secure the good conduct of the probationer or with a view to preventing a repetition by him of the same offence which placed him in the hands of the law.

Furthermore, a probation order may require the probationer to pay damages for injury or compensation for loss caused by or arising out of the offence. The court may further include in an order a requirement relating to the residence of the probationer.

All orders must be explained to the offender in language likely to be readily understood by him. He or she must be fully aware of liability to be sentenced in the event of failing to comply with the order and, of course, it will be essential that the convicted person express his willingness to comply with the requirements of the order—otherwise no order may be made. A particular probation officer will be assigned to supervise a particular case.

Upon the passing of this measure, it is intended that a person convicted of an offence shall not be released upon his entering into a recognisance under the provisions of the Criminal Code, if, in the opinion of the court, he could probably and conveniently be released on probation. It is provided that if, during the probation period, the probationer complies with the requirements of the order and does not commit any offence either in Western Australia or elsewhere during the period, the order on the expiration of the probation period is discharged without further action by any court. As a consequence, the probationer is then released from any further obligation or liability in respect of the order and of the offence in respect of which the order was made except in the matter of civil liability—claims for compensation and so forth.

Probation orders may be amended from time to time but their duration not reduced—this upholds the integrity of the original decision—nor extended beyond a period of five years. It is provided, however, that an order shall not later require a probationer to live in an institution contrary to the original decision accepted by the probationer.

In the event of a probation order being breached otherwise than by conviction, the probationer may be brought to court. There is provision for a fine not exceeding £10, and the court is further authorised to deal with him as though he were just convicted of the original offence.

A conviction for an offence in respect of which a probation order is made shall be deemed not to be a conviction for any purpose, such as an enactment imposing or authorising any disqualification or disability—loss of employment for instance. Nothing in the Bill prevents an offender from appealing against his conviction.

There is provision under part III of the Bill for the setting up of a parole board of five members. A judge nominated by the Chief Justice is to be chairman. The Comptroller-General of Prisons will be a member. The Governor will appoint three men to sit on the board when matters affecting male prisoners are being dealt with; and two women, together with one of the male members, to sit when matters dealing with female prisoners are being dealt with.

An appointed member may hold office for three years and be eligible for reappointment. Remuneration, travelling, and other allowances will be determined by the Governor. The chairman and two members will constitute a quorum. Any question arising at a meeting shall be determined by a majority of the members present and voting, but the chairman alone shall determine any question of law arising before the board. The chairman will have a second or casting vote.

The board, as constituted, is to succeed the Indeterminate Sentences Board; and any matter or thing done or commenced by the Indeterminate Sentences Board, or any of its members, before the date of the new Act coming into operation, may be carried on and continued by the new board. The chairman and other members will have and may exercise powers conferred by the Royal Commissioners' Powers Act, 1902.

The Bill requires the board to report annually to the Minister upon its operation under the Act. It is obliged to report on persons found not guilty on the grounds of insanity, on persons whose sentences have been commuted to life sentences, and on persons sentenced to life imprisonment.

There is provision for the appointment of a chief parole officer, stipendiary parole officers, and honorary parole officers, which latter appointments will be in respect of duties to be carried out in a district located more than 50 miles from the Town Hall in Perth. The functions, powers, and duties of the chief parole officer and his staff are described in the Bill, and they are to be supplemented by rules made by the judges.

It shall be incumbent upon the judiciary, when sentencing a convicted person to a term of imprisonment for the period of not less than 12 months, to fix as part of the sentence a minimum term during which a convicted person will not be eligible to be released on parole.

A court may in its discretion fix a minimum term when sentencing to imprisonment for a period of less than 12 months.

When minimum terms are fixed, the prison remission regulations will not apply, but there is provision that new regulations may be made to apply to prisoners whose terms of imprisonment are qualified by a minimum serving period.

Though it is incumbent upon the court to fix a minimum term in respect of the longer sentences, a court is, nevertheless, not required to fix a minimum term should it consider the nature of the offence and the antecedents of the convicted person render the fixing of such minimum term inappropriate. Should a court neglect to fix a minimum term, a prisoner may appeal through the comptroller-general, who has discretionary power as to whether such appeal should be submitted to a court.

A court may not fix a minimum term in respect of a term of imprisonment imposed on an habitual criminal if, at the expiration of that term of imprisonment, he is to be detained during the Governor's pleasure in a reformatory prison; nor in respect of a person, if, on the expiration of that term of imprisonment, he is to be so detained otherwise than as an habitual criminal; nor in respect of a person imprisoned for life, whether with or without hard labour.

The board is empowered in its discretion to order the release on parole of a prisoner undergoing a sentence of imprisonment, in respect of which a minimum term has been fixed, at any time after the expiration of the minimum term, or such reduced minimum term as fixed by regulation, as an incentive to, or reward for, good conduct or industry.

Persons in prison immediately before the coming into operation of the new Act will be entitled to have minimum terms fixed by the board, unless imprisoned for life, and that includes a sentence of imprisonment for life commuted from a sentence to death; or a term of imprisonment of which less than 12 months remain to be served having regard to the effect of any remission regulations; or any term being served as an habitual criminal at the expiration of which the person is to be detained during the Governor's pleasure in a reformatory prison; or any term at the expiration of which a person is to be detained otherwise than as an habitual criminal. There is provision for the board to fix such minimum terms without undue delay.

Other prisoners who may be released on parole by the board are habitual criminals having completed a sentence of imprisonment and being detained during the Governor's pleasure, but only after being so detained during a period of two years.

A prisoner who, having completed a sentence of imprisonment, is being detained otherwise than as an habitual criminal in a reformatory prison during the Governor's pleasure may be released on parole at any time after the prisoner has been so detained for any period.

When a person is given the "key" without the attachment of a finite sentence, he may be released on parole at any time after being so detained. Each parolee will be under the supervision of a parole officer and every parole order will contain a requirement that he shall not frequently consort with reputed criminals or persons of ill repute.

The Governor may release, on parole, a prisoner serving a life sentence, except sentences commuted from death or for murder, on the recommendation of the board, for a period not exceeding five years.

Upon a prisoner properly carrying out the conditions of his parole, he shall upon its completion be regarded as having served his term of imprisonment or his detention during the Governor's pleasure in a reformatory prison and be wholly discharged. Furthermore, in the case of an habitual criminal, he ceases to be such.

However, until the prisoner is in any way discharged from his sentence of imprisonment or detention, he shall, while released on parole, be regarded as being still under sentence for the offence in respect of which he was so released, or under detention during the Governor's pleasure, as the case requires, and as not having suffered the punishment to which he was sentenced, and where applicable, continue to be liable to be further detained during the Governor's pleasure.

Parole orders may be cancelled or varied at any time by the board. It is important to note that in the event of a prisoner on parole being sentenced in this State or elsewhere for a new offence, his parole is automatically cancelled. This applies no matter whether his parole has already elapsed before such sentence comes under the notice of the board. The board may then, at any time of his life, authorise his

apprehension and have him returned to prison to serve the unexpired portion of his term of imprisonment or further detention during the Governor's pleasure in respect of the original offence, as a consequence of which he was ultimately paroled. The board may, however, release any prisoner on parole time and time again, notwithstanding that a particular parole has been cancelled.

The Bill is supported by two complementary measures. Their purpose is to amend the Prisons Act and the Criminal Code. These are necessary so that the reform of the penal system may be implemented.

Finally, I should like, as Chief Secretary, to pay a tribute to the members of the Indeterminate Sentences Board for the work they have done in the way of rehabilitation of personnel. This board has functioned very well within its limitations, and the congratulations of the community are due to the members of the Indeterminate Sentences Board both past and present.

Debate adjourned, on motion by Mr. Brady.

CRIMINAL CODE AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [4.54 p.m.]: I move—

That the Bill be now read a second time.

This Bill for an Act to amend the Criminal Code is one of two Bills which are complementary to the Offenders Probation and Parole Bill.

It is intended that this Bill, upon its passing into an Act shall come into operation on the date on which part II of the Offenders Probation and Parole Act, 1963, comes into operation.

The provisions in the Bill are clear-cut, requiring as they do the repeal of sections 666, 667 and 668 of the Criminal Code. These three sections deal with the release of prisoners on probation by the Governor.

Section 666 authorises the Governor to direct the release on probation for two years of any person undergoing an indeterminate sentence.

Conditions of release and the means by which prisoners on probation may be supervised are set out in this section. Police supervision under section 660 is also applicable. Nothing, however, in section 666 of the Criminal Code prevents the exercise by the Governor of the Royal prerogative of mercy.

That latter provision is also made specifically in clause 5 of the Offenders Probation and Parole Bill.

Section 667 of the Criminal Code sets out the procedure for the recommittal of persons released on probation or the termination of their reformative detention.

Section 668 applies the provisions contained in the former two sections to persons who, immediately prior to the commencement of the provisions in those sections, were undergoing or liable to undergo a sentence of preventive detention as habitual criminals or released on probation from such detention.

All of the provisions contained in those three sections of the Criminal Code are to be replaced by those which are set out in relevant sections of the Offenders Probation and Parole Bill. They accordingly become redundant in the Code and should be repealed.

Debate adjourned, on motion by Mr. Brady.

PRISONS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [4.57 p.m.]: I move—

That the Bill be now read a second time.

This is the second of the two brief complementary measures being introduced to enable the operation of the provisions contained in the Offenders Probation and Parole Bill.

In clause 3 of the Bill, however, is provision for the insertion of a reference part VIB—institutions for the reception of convicted inebriates, subsections 64O to 64Q—into section 2 of the Act, which lists the several parts of the Act. This reference was included in the main body of a Bill passed by Parliament last year, but its insertion in section 2 was overlooked.

It will be noticed that in clause 4 of the Bill, there is a definition of "the Board" as meaning the Parole Board established under the Offenders Probation and Parole Bill. Through the application of the amendments appearing in clauses 7, 8, 13, and 14, the references made in the respective sections of the Act will in future be to the Parole Board instead of to the Indeterminate Sentences Board, which is being superseded by the Parole Board.

The necessity to qualify the remission of sentence as contained in subsection (2) of section 34 is brought about through the application of clause 39 of the Offenders Probation and Parole Bill.

Part of this clause provides for the making of regulations for the reduction of minimum terms, as an incentive or reward for good conduct or industry. This is necessary because subclause (1) of that clause removes terms of imprisonment, in respect of which a minimum term is fixed, from the application of the prison remission regulation. The insertion of the

words "under the regulations or regulations made under any other Act" in the clause is being made for a similar reason.

Section 64E of the principal Act establishes the Indeterminate Sentences Board. This board is being superseded by the Parole Board. This section, as a consequence, becomes redundant, and its repeal is provided for in the clause.

Under the present provisions of the Prisons Act, a person in a reformatory may be released by the Indeterminate Sentences Board temporarily to test his reform. Such release has commonly been referred to as "parole". When such prisoner is released on probation, his release requires to be approved by the Governor. The insertion of the word "probation" in subsection (6) of section 64F of the Act is hardly applicable; and in view of the fact that in future inmates of a reformatory prison may be released on "parole" by the Parole Board, the substituting of the word "parole" for the word "probation" in subsection (6) is now desirable. This is provided for in clause 10 of the Bill.

Section 64G of the Prisons Act, which deals with the release on probation by the Governor of a person undergoing an indeterminate sentence or otherwise detained in a reformatory prison, has been superseded by the provisions in the Offenders Probation and Parole Bill, and is accordingly redundant. Its repeal is provided for.

Again, the release of a prisoner from a reformatory prison temporarily to test his reform, as contained in section 64H, is fully provided for in part III of the proposed new legislation, and its repeal under a clause of the Bill is necessary.

Finally, clause 15 provides for the repeal of section 64M of the Prisons Act. This is the regulation-making section and is replaced in its application by clause 52 of the new major legislation introduced earlier, which will give effect to the release of offenders on probation or parole.

Debate adjourned, on motion by Mr. Fletcher.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.4 p.m.]: I move—

That the Bill be now read a second time.

Subject to some alterations which I will shortly explain, this Bill is broadly the same as that introduced during last session. However, it will be recalled that an issue was raised concerning the difference between a tax and a rate. At the outset I propose, therefore, to quote an opinion from the Crown Law Department whether the imposition of a weed rate by amendment to the Noxious Weeds Act offends the provisions of subsection (7) of section 46 of the Constitution Acts Amendment Act, 1899, which reads—

> Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

The Crown Law opinion is as follows:—

> The first observation to be made on this provision is that the whole of section 46 was inserted in the Act as late as 1921 and the provision under examination was taken from section 55 of the Commonwealth Constitution, with one important variation—the word "Bills" was substituted for the word "Laws", appearing in the Commonwealth section. In considering this change, in 1953, the Solicitor General expressed this opinion: "It seems therefore that the framers of S. 46 (7) of the Constitution (W.A.) adopted the wording of S. 55 of the Commonwealth Constitution with the alteration of the word "laws" to "bills", deliberately intending that S. 46 (7) should relate only to a matter of Parliamentary procedure, and should not affect the validity of an Act which in fact is passed by the legislature, although passed in breach of the subsection. In my opinion, therefore, S. 46 (7) of the Constitution (W.A.) should be read as being merely directory . . .". The importance of this view, to which I respectfully subscribe, is that (if correct) the Courts would not go behind an Act of our Parliament to see whether or not there had been a breach of S. 46 (7). It is important to emphasise this point, lest there be any confusion of thought as to the validity of any legislation said to have been enacted in breach of the subsection.
>
> This does not, of course, resolve the question as to whether, in the present instance, Parliament should hold the Bill to be in breach of the subsection. It is, therefore, necessary to examine the word "taxation" and to see whether or not the Bill imposes a tax.

Mr. W. Hegney: Of course it does!

Mr. NALDER: The honourable member may recall the situation last year.

Mr. W. Hegney: I do, well.

Mr. NALDER: This is explaining the situation as we see it at the present time.

Mr. W. Hegney: There is no difference.

Mr. NALDER: I am quoting Crown Law opinion and it continues—

> In the case of Leake v Commissioner of Taxation, reported in (1934) 36 W.A.L.R., 66, a similar question was considered by Mr. Justice Dwyer, later to become Chief Justice. While holding that a compulsory contribution or an impost may be none the less a tax,

though not so called, the learned Judge went on to say: 'But I think particular fees, local assessments and tolls are not commonly regarded as included in the general term "taxes," no doubt on account of their restricted incidence, while payments based on the ownership of land or the receipt of income spread throughout the whole community invariably are.' Some support is lent to this view by dicta quoted by the Solicitor General, firstly, from May (14th Ed. p. 745) where it is said . . . impositions are not charges unless the proceeds are payable into the Exchequer. This connotation excludes local rates and loans, and even burdens imposed by Parliament the proceeds of which are payable to local funds.' and, again, from Halsbury's Laws of England (2nd Ed. Vol. 20 p. 188) according to which 'the word "tax," in its widest sense, includes all money raised by taxation, and it may therefore include Parliamentary taxes —i.e., taxes levied directly by Parliament, usually for the benefit of the whole community, and also rates and other charges levied by local authorities under Statutory powers; but, as a rule, it denotes Parliamentary taxes, . . . '

In the instant case, the Bill makes provision for the levying of a rate, by a statutory body. All that Parliament is asked to do, otherwise, is to indicate the upper limits of the rate. In my view, it does not make provision for a tax to be levied directly by Parliament and in any event the proceeds are payable to a local fund and the incidence of the rate is restricted.

Mr. W. Hegney: Who causes the rate to be levied, if Parliament does not?

Mr. NALDER: Continuing—

For those reasons alone, I would advise that the Bill is not caught by the provisions of the section 46 (7).

There is, however, a further aspect. Section 46 must be read as a whole and an examination of subsection (1) shows (omitting the portions that are inapplicable to the present case) the following: ' . . . ; but a Bill shall not be taken . . . to impose taxation, by reason only of its containing provisions for . . . the demand of payment . . . of fees for . . . services under the Bill.' The Noxious Weeds Act is essentially one for the provision of services and so, similarly, is the Bill, and the rate to be struck is, on the face of the Bill, for the purpose of providing services to the persons rated and for no other purpose. For that reason, I believe the Bill to be exempt from the operation of subsection (1) and, as a result, from that of subsection (7), as well.

I therefore hope that this clarifies the position and that we can proceed with the amendment.

Broadly, the Bill is on the same lines as that introduced last session, but with minor changes. To meet objections and opinions expressed by members during the debate on the Bill introduced last session, the minimum area for rating has been reduced from 10 acres to five acres. It is agreed that small areas carry noxious weeds which could infest previously clean land or reinfest land on which weeds had been eradicated, and it is therefore felt that they should contribute to the cost of overall control. The 10-acre minimum was originally suggested for vermin rating by the Taxation Department to conform with existing policy. However, that department now supports a five-acre minimum which is in accordance with present-day policies in regard to minimum areas allowed in new rural subdivisions. As a result, it will be necessary to amend the Vermin Act in this regard.

To meet other objections raised, the exclusion from exemption from rating of land held by local authorities and various public bodies and institutions for gain or profit has also been removed. The member for Subiaco will be interested in this provision. Although this will result in a loss of contributions, it will be compensated by the proposed reduction in the minimum rating areas to five acres. The Government has been urged by the Farmers' Union and the Agriculture Protection Board to introduce this legislation as both bodies readily recognise the ever-existent danger of the further spead of noxious weeds or the introduction of new weeds.

The main purpose of this Bill is to give effect to a recommendation by a parliamentary committee that a more determined effort be made to prevent the further spread of primary noxious weeds. Passage of this measure will enable a special rate to be imposed on farmers and pastoralists for the destruction of noxious weeds. The rate payable will be fixed from time to time by the Agriculture Protection Board and published in the *Government Gazette* but shall not exceed, in the case of a pastoral lease, 3d. and, in the case of other land, ½d. in the pound of the unimproved value of the holding as from time to time determined by the Commissioner of Taxation. For the information of members representing pastoral areas, I would point out that the 3d. referred to has been agreed to by the Pastoralists' Association.

The Agriculture Protection Board proposes that the new noxious weed rate shall be ½d. in the pound for pastoral leases and one-sixteenth pence in the pound for other lands, and it estimates that this will raise £16,000 per annum which will be met on a pound for pound basis by the Government as a contribution to the board

for noxious weeds control. It will therefore be seen that an additional £32,000 will be available for expanded activities against noxious weeds. In fact, the Treasury has already placed an amount of £16,000 on the 1963-64 Estimates to cover expanded noxious weeds control already initiated by the Agriculture Protection Board.

As previously stated, the rate will not be payable on holdings of less than five acres, and a number of other exemptions, including hospitals, churches, and schools, etc., are listed in the Bill. The proposal closely follows that part of the Vermin Act relating to the payment of vermin rates, and an amendment to the Vermin Act will be necessary to reduce the rateable area from 10 to five acres.

As the board's policy on noxious weeds control has expanded, expenditure on noxious weeds in many areas, including the north-west, has increased from £6,205 in 1951-52 to £98,709 in 1962-63, while receipts have increased from £141 to £44,935. The Agriculture Protection Board is very conscious of the need for preventing the entry of noxious weeds into Western Australia and to contain those already here which cannot be eradicated. Shearing facilities are now planned at Parkeston and a check-point at Norseman is under consideration. During 1962-63, 114,630 sheep, 835 cattle, and 167 horses were examined for seeds of noxious weeds on their arrival at Kalgoorlie from the Eastern States. Fifteen consignments, totalling 8,821 sheep, were found to be carrying either Bathurst or Noogoora burr.

During the same period, almost 30,000 sacks of imported agricultural and bird seed were inspected, resulting in a number of lines being rejected because of the presence of noxious weeds, including mintweed, thornapple, Paterson's curse, and various thistles. In addition, several consignments of used wool packs, corn sacks, and wool were not permitted entry because of the presence of seeds of noxious weeds, particularly Bathurst and Noogoora burrs. Although much is being done, it is agreed that a great deal remains to be done.

While eradication of all primary noxious weeds is scarcely practicable, small infestations can be eliminated and larger areas contained. In recent years, spectacular progress has been made with blackberries in the south-west, the explosive expansion of mesquite in the north has been stopped, and many restricted infestations of other important weeds have been destroyed. The only known occurrences of Noogoora burr and mintweed have been eliminated; and ragwort, another major weed, is difficult to find. Although recorded from several localities, progress made with hoary cress, Victoria's No. 1 weed, encourages a belief that it also can be eradicated.

Some confusion appears to exist concerning the effect of this legislation on the power of local authorities under the parent Act to rate for the financing of their responsibilities, which include the control of weeds on roadsides and reserves. This should not be confused with the rating power included in this Bill.

It must be made quite clear that the responsibility to control declared noxious weeds remains, irrespective of the size of the holding on which they exist. The exemption when the property does not exceed five acres refers to the weed rate and not to the responsibility for destruction of weeds.

Most control measures against primary noxious weeds are undertaken by farmers, local authorities, and Government departments, often with assistance from protection board units. Chemicals are supplied to farmers and local authorities for their own use, and the quality of the chemicals used and distributed by the protection board is checked by the Government Analyst prior to despatch.

While unit operators undertaking weed spraying are not completely conversant with all the technical details, they are carefully instructed regarding the methods used, along with the appropriate growth stage of the weed and the likely effect of weather conditions, particularly rain, on the results.

It must be stressed that all landholders, whether rated or not, have the responsibility of eradicating noxious weeds from their property. Funds from this legislation will enable greater protective measures to be taken, particularly with imported commodities, and facilitate weed surveys along with co-ordinated planning of campaigns. Greater assistance with programmes will be possible, but farmers and local authorities will still remain responsible for noxious weeds on land under their control and the Agriculture protection Board has no intention of sponsoring contractors.

The control of weeds is seldom simple, and Cape tulip is no exception, mainly due to the presence of dormant corms which are not affected by spraying. Research by departmental officers has enabled dormancy to be broken, to a large extent, and has increased the effectiveness of treatment, but there are still some problem areas where variable results are difficult to explain.

It is pointed out that early recognition, followed by co-ordinated control measures, are major factors in avoiding costly weed infestations. Western Australia is, at present, in a more fortunate position in this regard than other States, but the position will not continue without effective preventive measures along with planned programmes against our present problems. Such programmes must be preceded by surveys to enable a sound regional approach and the most effective control measures available should be used.

All these undertakings involve expenditure on both staff and equipment, necessitating the financial measures proposed by this Bill. If such undertakings are neglected, the effect on agricultural production cannot be over-estimated. The loss to Australian woolgrowers due to Noogoora burr alone amounts to millions of pounds annually; and there are other weeds, including skeleton weed, which are potentially of an equal or greater significance.

The Bill is therefore of extreme importance, and it is very gratifying that those affected are prepared to contribute in order to reduce the noxious weed threat to agricultural production.

Debate adjourned, on motion by Mr. D. G. May.

VERMIN ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.25 p.m.]: I move—

That the Bill be now read a second time.

By this Bill it is proposed, among other things I will mention shortly, to extend the ban, contained in the Vermin Act, prohibiting the trapping or shooting of rabbits, to cover any specified animals and birds whilst organised control work is being conducted, either directly against them or against other species.

The object of the ban at present, on the trapping or shooting of rabbits during organised poisoning drives, is to protect human health and life from the danger that may result from the consumption of poisoned rabbits as food. The proposal will prevent the taking of other animals or birds that may be contaminated with poison being used as bait, in a control area. For example, kangaroos are known to eat bait put out for other animals during a poisoning drive.

Apart from the elimination of possible interference with control work that trapping or shooting other animals may cause, the proposed extension of the ban will prevent the health of humans and animals being endangered when animals or birds are hunted and caught in control areas during poisoning drives, and used for human consumption or as pet food.

Poisoning experiments and trials against kangaroos have been undertaken in agricultural areas, central pastoral areas, in the Pilbara district, and along the Fitzroy River in the Kimberleys; and, during these drives, kangaroo hunting for meat for humans and pets has been continued in these particular areas, necessitating warnings being given to the kangaroo hunters, pointing out the dangers and also the interference they cause to an organised drive. Pastoralists, and those involved in the kangaroo meat trade, have acknowledged the wisdom of these warnings, and have little objection to wholesale hunting and shooting when no form of organised control is being practised.

The proposed amendment to this section of the Vermin Act dealing with the ban on the trapping and shooting of rabbits, to include specified animals and birds, will therefore eliminate the risk of contaminated game being captured and consumed as food, resulting in illness or even death to the consumer of it; and also will prevent any hindrance to the conduct of a particular poisoning drive.

In addition to this proposal, the amending Bill before the House seeks to reduce the general exemption from properties under 10 acres to properties under five acres, which I mentioned previously. This would meet the objections and opinions of members expressed during the last session, particularly in regard to the Noxious Weeds Act, which is the subject of a similar amendment this session and, from an administrative point of view, it is necessary to keep the two Acts uniform.

Originally the 10-acre minimum for rating under the Vermin Act was suggested by the Taxation Department to conform with existing policy. However, that department now supports a five-acre minimum, which is in accordance with present-day policies in regard to minimum areas allowed in new rural subdivisions.

A further amendment, strongly urged by members in last year's debate, will remove the exclusion from exemption from rating of land held by local authorities and various public and charitable bodies and institutions, notwithstanding that some of the land is being used for gain or profit.

The provision in the Act is rather anomalous in that if none of the land held by local authorities, or other public institutions, is used for profit or gain, then no rate is levied; but, should even a small part of the land held be used for profit or gain, then the whole of the area becomes ratable.

The proposed removal of the exclusion from exemption will have little real effect on the overall receipts, inasmuch as the sum involved is not great and would be more than offset by the increased rates resulting from reducing the minimum acreage.

Debate adjourned, on motion by Mr. D. G. May.

MOTOR VEHICLE DRIVERS INSTRUCTORS BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Police) [5.31 p.m.]: I move—

That the Bill be now read a second time.

Realising the necessity of ensuring that all people learning to drive acquire a practical knowledge of how to handle a vehicle —and above all possess both a wide theoretical and practical knowledge of road safety—and that a very large percentage of people, both young and old, are taught by professional driving instructors, the subject of licensing such instructors has been under consideration in the State for some time.

Some difficulties were envisaged in the earlier deliberations regarding such licensing by reason of representations that all people desirous of obtaining a driver's license should do so through a professional driving instructor.

The impossibility of this in Western Australia with its vast distances can be well imagined. In addition, there is no desire to penalise a person who wishes to teach without a fee another person, such as a father teaching a son or a daughter; and perhaps a husband teaching his wife, but I would not recommend this.

Recently the matter was again considered following representations by the Royal Automobile Club, the Perth Chamber of Commerce, and the Association of Driving Schools, to require persons who set themselves up as professional driving instructors to be registered and pass a qualifying examination; hence this legislation, which is to be administered by the Commissioner of Police in the Police Department of the State, subject to the direction of the Minister.

Members' attention is drawn to the fact that the Bill takes the form of a Bill for a new Act, and not an amendment to the existing Traffic Act, 1919-1961. The reasons for adopting this method are that the Traffic Act is an Act to consolidate and amend the law relating to the licensing and use of vehicles, and the regulation of traffic, and for other incidental purposes. If I recall, the member for Balcatta made some reference to this last evening.

Although indirectly the proposed legislation is concerned with safety on the roads by ensuring that driving instructors are competent, it is not incidental to the prime objects of the Traffic Act, and is primarily for the control, by way of licensing, of driving instructors.

Before outlining the proposed legislation I again repeat that it only applies to instructors accepting a reward, and does not, and will not, interfere with instruction on a voluntary basis. This is a straightforward Bill and cannot be considered as contentious legislation. It is not my intention to go into detail, which I feel can well be left to the Committee stage. The main points are—

(a) Every person who teaches another person to drive a motor vehicle for fee, reward, salary or wages, etc., must hold a license to do so.

(b) Persons eligible to hold such a license must be over 21 years of age, hold a driver's license in this State and have done so for the past three years; or hold a driver's license in this State, and have held one for the past three years in another State or country.

(c) The person must be of good character, and be a fit and proper person to be a driving instructor and proficient in the act of driving a motor vehicle.

(d) Under clause 2 the Bill will come into operation on a date to be fixed by proclamation. This will allow ample time for the regulations to be prepared and the prescribed forms to be available. It will also give existing driving instructors, and those intending to apply to be licensed, ample time to put their house in order.

(e) The Commissioner of Police will administer the Act in the Police Department of the State, subject to the directions of the Minister, in accordance with clause 4.

(f) No offence is constituted until three months after the coming into operation of the Act. This will provide a sufficient hiatus for persons who desire to be licensed as driving instructors to obtain the necessary qualifications.

(g) Fees for licenses, permits, and renewals will be prescribed by regulation, and not fixed by the Act. The method adopted is more flexible and obviates the necessity of going back to Parliament on each occasion when a change of fees is proposed. In this respect clauses 7 and 11 apply. It is intended that instructors will be required to undergo a qualifying examination for which a fee of £2 is proposed, and the annual fee for a driving instructor's license is proposed to be £3. I think the same fees are prescribed in South Australia, and I understand that in New South Wales the fee is £10.

(h) An applicant for an instructor's license will have to undergo a test for proficiency. The person applying for an instructor's license would have to undergo a prescribed examination and obtain a certificate of competency from a prescribed authority. The National Safety Council of Western Australia Incorporated has undertaken to be such prescribed authority. The test could be written, oral or practical; and include examination in traffic

laws, driving practice, vehicle manipulation and teaching technique.

(i) The tests and courses to be set out by the National Safety Council, or other prescribed body, are to be such as are approved by the Commissioner of Police, and the fees therefor are to be prescribed by regulation.

(j) The Commissioner of Police is to have authority to issue a certificate of competency.

(k) Where an instructor's driving license is cancelled, or he ceases to hold a driver's license, his instructor's license automatically is suspended for the same period of suspension.

(l) The Commissioner of Police is to have power to suspend or cancel an instructor's license, or suspend for such term as he thinks fit, if the instructor is guilty of conduct which, in the opinion of the Commissioner, makes him unfit to hold the license. For instance, he could be the type of person who displays rather offensive behaviour to his pupils.

(m) There is power given to the Commissioner of Police to delegate any of his power, etc. under the Act. This may be of considerable advantage in this State, where the distances are great and there are big and growing communities like Kalgoorlie, Albany, Bunbury, Geraldton, etc.

(n) A right of appeal is to be given to instructors against such a decision by the commissioner, or against a refusal to grant an instructor's license. The appeal is to be made to a court of petty sessions constituted by a stipendiary magistrate.

Most members realise how easy it is for a person to set up in business as a school of driving instruction. Very little, if any, capital outlay is involved, except the expense to provide a removable painted sign attached to the hood of a vehicle. For instance, a milkman, after finishing his work in the early hours of the morning, could set himself up as a driving instructor. I am not reflecting on milkmen; I am merely quoting this as an example. He might have a very bad traffic record, and might not even possess a fundamental knowledge of road safety, or of general traffic matters. Personally I consider—I am sure this view is endorsed by everyone—that type of individual would be most unsuitable to be given the responsibilty to instruct people going for their driving licenses in the first instance. It could be that an instructor could have had several traffic breaches, including serious ones, and we feel he would be the last type of individual who should be charged with the responsibility of teaching applicants to drive.

Mr. Guthrie: Before you resume your seat, did you give any consideration to the driving instructor who damages a person's property and who just goes on and does not bother to leave his card? He should have his license cancelled for such conduct.

Mr. CRAIG: There is reference to the cancelling of a license for a particular offence. If the offence is caused by negligence or is a traffic breach as a result of negligence on the part of the driving instructor, there is power to cancel the license.

Debate adjourned, on motion by Mr. Toms.

PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.43 p.m.]: I move—

That the Bill be now read a second time.

Because of the buoyant state of the compensation fund, it has been possible to agree to an industry request that compensation at full market value shall be paid for all pigs destroyed because they are suffering, or suspected to be suffering from disease, and that as the market value of a stud pig is higher than that of a commercial pig, a higher compensation shall be payable on stud pigs.

Under the Act at present, full market value may be paid if, after destruction, a pig is found to be free of disease. If, after destruction, a pig is found to be diseased, only three-quarters of the market value may be paid. The provision regarding payment of three-quarters of the market value was apparently lifted from similar legislation in the Eastern States at the time this Act was originally drafted. The reason could have been that a diseased pig was worth less than a healthy one, or that there would be a greater incentive for owners to promptly report disease outbreaks. Experience has shown little delay by owners in reporting serious outbreaks of disease; and, under comparable legislation such as the Milk Act and the Dairy Cattle Compensation Act, full compensation is paid.

At present the Act provides that the market value shall not be deemed more than £24—that is the maximum—and this necessitates amending the Act from time to time as the market value of commercial pigs varies. Under this Bill it is therefore proposed to incorporate a provision that exists in other legislation of this type—namely, that the maximum amount of compensation shall be a sum recommended at least once annually by the

Minister and approved by the Governor. Although the rate of contribution to the compensation fund for both stud and commercial pigs is the same, a greater contribution is made to the fund from the sale of stud pigs because of the greater market value.

The following figures reveal the buoyant state of the funds:—

> On the 30th June, 1959, there was £24,882 in the pig industry compensation fund, and £60,000 in the pig industry compensation investment reserve. On the 30th June, 1960, the figure had risen to £39,882 in the compensation fund while there was still £60,000 in the investment reserve. In 1961 the figure for the compensation fund was £13,229, and the investment reserve had risen to £100,000. In 1962 there was £21,334 in the compensation fund and the same amount of £100,000 in the investment reserve. On the 31st March, 1963, the pig industry compensation fund had risen to £27,655, while the same amount of £100,000 remained in the investment reserve fund.

As the interpretations of "Prescribed" and "Regulations" are covered by the Interpretation Act, the opportunity has been taken to delete these from the principal Act.

Debate adjourned, on motion by Mr. H. May.

BEE INDUSTRY COMPENSATION ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.48 p.m.]: I move—

> That the Bill be now read a second time.

The main purpose of this Bill is to provide for the payment of the full market value of property required to be destroyed under the provisions of the principal Act, instead of two-thirds as is the case at present. At the same time it is proposed to clarify sections of the parent Act, which will make for more efficient administration and enforcement.

The contributions of a beekeeper to the compensation fund are based on the number of hives shown in his application form. However, it is explained that a hive is a man-made or artificial nesting place for bees and may consist of one or as many boxes as the beekeeper may require, and it is considered that the term "colony of bees" is more appropriate. The Bill therefore proposes that contributions will be based on the number of colonies of bees. A number of consequential amendments adopting this description are therefore necessary.

As "disease" is defined in the Bees Act, it has been decided to repeal the interpretation. Section 13 of the principal Act already refers to disease as defined in the Bees Act and further definition is therefore unnecessary.

Section 12 will be strengthened and clarified by providing that no compensation will be payable if the diseased property has been introduced into the State or if the beekeeper fails to observe the provisions of the Bees Act or fails to pay the necessary license fees in respect of the colonies of bees owned by him.

It is proposed to repeal portion of section 13 and re-enact a new subsection which will enable the full value of property destroyed to be paid as compensation. In the case of property having to be disinfected, it is intended that the lesser amount of the expense incurred or an amount equal to two-thirds of the value of the property when disinfected shall be payable as compensation. This is in the parent Act and is intended as a safeguard where the cost of disinfection may exceed the value of the property treated.

Debate adjourned, on motion by Mr. Sewell.

BUNBURY HARBOUR BOARD ACT AMENDMENT BILL

Second Reading

MR. WILD (Dale—Minister for Works) [5.53 p.m.]: I move—

> That the Bill be now read a second time.

The notes for the introduction of this measure and the next are exactly the same because they apply to borrowing powers of the Albany and Bunbury Harbour Boards. I intend at this stage to read the notes applicable to both of them, and subsequently merely move the second reading of the second Bill when it is presented to the House.

In 1960 the Fremantle Harbour Trust Act was amended to allow that authority to borrow money other than from the State Treasury. This power to borrow has proved of advantage to the State, and it is now considered appropriate to give similar power to the harbour boards of Albany and Bunbury. At present those two boards have the construction of their capital works financed from loan funds allocated to the Public Works Department. It is not proposed to alter this system, but rather that these funds should be augmented by raising money from outside sources.

It is not intended that this power to borrow will be used every year, but according to the circumstances prevailing at the time. This power to borrow will be subject to the Governor's approval.

At the present time there is a very big drain on the State's funds in providing berths at Bunbury, Esperance, and Geraldton, and it is considered appropriate to allow the harbour boards to take advantage of semi-governmental borrowing facilities in this State. The provisions are identical with those which were incorporated in the Fremantle Harbour Trust Act Amendment Act in 1960.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

ALBANY HARBOUR BOARD ACT AMENDMENT BILL

Second Reading

MR. WILD (Dale—Minister for Works) [5.55 p.m.]: I move—

That the Bill be now read a second time.

As I said when I introduced the previous Bill, this one appertains to the Albany Harbour Board, and exactly the same conditions apply. With your approval, Mr. Speaker, I will take the notes as having been read in this instance.

Debate adjourned, on motion by Mr. Hall.

BILLS (5): MESSAGES

Appropriation

Messages from the Lieutenant-Governor and Administrator received and read recommending appropriation for the purposes of the following Bills:—

1. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.
2. Offenders Probation and Parole Bill.
3. Noxious Weeds Act Amendment Bill.
4. Bunbury Harbour Board Act Amendment Bill.
5. Albany Harbour Board Act Amendment Bill.

House adjourned at 5.58 p.m.

Legislative Council

Tuesday, the 10th September, 1963

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

1. *This question was withdrawn.*

HALE SCHOOL LAND SUBDIVISION

Tabling of File

2. The Hon. F. J. S. WISE asked the Minister for Town Planning:

Will he lay on the Table of the House all papers relating to the subdivision of Hale School authorities' land in the Wembley Downs area?

The Hon. L. A. LOGAN replied:

Yes, for one week.

The papers were tabled.

SUPREME COURT RULES

Disallowance of Amendments: Motion

THE HON. H. K. WATSON (Metropolitan) [4.44 p.m.]: I move—

That the rule No. 29A inserted in order LXV of the Rules of the Supreme Court and the amendments to appendix N of the Rules of the Supreme Court as published in the *Government Gazette* of the 7th February, 1963, and laid upon the Table of the House on the 6th August, 1963, be and are hereby disallowed.

The new Supreme Court rules which my motion invites the House to disallow cover two points. They provide, firstly, that any legal practitioner who is employed by a firm on a salary basis shall not be allowed a counsel fee; secondly, that where two counsel appear in a case and they happen to be partners, only one counsel fee shall be allowed.

The Supreme Court Act empowers the justices of the Supreme Court to make rules "for regulating any matters relating