# Legislative Assembly

Wednesday, the 14th November, 1962

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The SPEAKER (Mr. Hearman) took the Chair at 11 a.m., and read prayers.

## POSTPONEMENT OF QUESTIONS

**MR. BRAND** (Greenough—Premier) [11.2 a.m.]: May I suggest to you, Mr. Speaker, that the answers to questions be postponed until midday? I understand very few answers to questions have arrived at the House.

The SPEAKER (Mr. Hearman): Provided they do not interrupt the debate, I will take the answers to questions immediately upon my return after lunch.

## LEAVE OF ABSENCE

On motion by Mr. H. May, leave of absence granted to Mr. Evans (Kalgoorlie) on the ground of urgent public business.

## BREAD ACT AMENDMENT BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr. Wild (Minister for Labour), and read a first time.

*Second Reading*

**MR. WILD** (Dale—Minister for Labour) [11.6 a.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Bread Act to extend the metropolitan area from 25 miles to 28 miles radius from the G.P.O., Perth. The measure is designed to provide for contingencies or anomalies which may arise as a result of the proposed new Bakers' Metropolitan Award coming into effect. At the moment, the scope of this baking award is 25 miles from the G.P.O., Perth.

The new award proposes to allow baking in the metropolitan area only up till 12 noon on Fridays, with no baking on Saturdays and Sundays. The full extent of the anomalies which may arise will not be evident until the new award comes into effect. Provision is therefore made for the amendment to come into operation on a date to be proclaimed, and it will at least allow the parties to the award and the Arbitration Court to overcome some of the considered anomalies.

One point which immediately arises indicates where inequalities could arise in the Rockingham-Safety Bay area, where at present two bakeries are subject to conditions under the metropolitan award and metropolitan conditions under the Bread Act; while a third, situated within and serving the same district, is under country conditions in that it is just outside the 25-mile radius. Various advantages exist for the bakers under the metropolitan award and the one under the country award, but in many ways they are offset by corresponding disadvantages.

For example, the baker under country conditions may bake on Saturdays. He may also bake on Sundays and public holidays at penalty rates if he employs any tradesmen. On the other hand, he cannot deliver bread on these latter days and he also cannot avail himself of the privilege of a multiple bake overnight prior to week-ends or holidays. The main disadvantage to those bakers under metropolitan conditions will be that under the new award they may not bake on Saturdays or Sundays.

For the sake of regularity it would be better for all these bakers to operate under the same conditions. If the new award is extended and the country award altered accordingly, then the extension of the metropolitan area in the Bread Act would allow of conditions being regularised within the well-developed Rockingham shire area.

In regard to the 28-mile radius, it will be found that the perimeter will pass through undeveloped areas; and apart from placing all three bakeries in the Rockingham area on a common footing, it will not alter the *status quo* of other bakeries now situated in the vicinity of the perimeter of the existing 12-mile radius. In other words, it will take in all the developed area on the fringe of the metropolitan area.

**Debate adjourned until a later stage of the sitting, on motion by Mr. W. Hegney.**

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## BILLS (2): INTRODUCTION AND FIRST READING

1. Parliamentary Allowances Act Amendment Bill.
2. Members of Parliament, Reimbursement of Expenses, Act Amendment Bill.

Bills introduced, on motion by Mr. Brand (Treasurer), and read a first time.

## AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 13th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

**MR. KELLY** (Merredin-Yilgarn) [11.11 a.m.]: For some time now there have been murmurings in the apple industry, and it appears that things have not been going as well as had been hoped. Obvious problems have been worrying many of the growers and these could, of course, be of a widespread character.

For a number of reasons this is one industry that should not have got into difficulties. The industry has mostly enjoyed good seasons throughout a number of years. The constant public demand for its product has been consistently maintained throughout the years. The industry has enjoyed good export clearances; and, at least from the buyers' angle, the industry has produced average to above-average retail prices. Production over a period of years has been improved and there has been evidence of an ever-advancing production technique which has made possible the elimination of a lot of the hit-and-miss methods of earlier times. We seem to be producing an abundance of varieties that will keep for a long time. Therefore in every respect it does seem that this industry is one that should not be in a great deal of trouble.

I know it can be said that increasing costs of production have made inroads into the industry because of the reduced spending power; but by and large these costs have had to be borne by every other primary-producing industry and the majority of them have overcome their difficulties without a great deal of trouble. Therefore I ask the question: Whence have the difficulties in this industry actually stemmed over and above the cost of production factor which, of course, has played its part in recent years?

I regard this Bill as being a shandygaff mixture of acceptance of the commissioners' recommendations and of a compromise with the Western Australian Fruit Growers' Association. Some time ago the Government considered it necessary to conduct an examination into the industry, and for this purpose it appointed a Royal Commissioner. The problem was probably climaxed—if that is the right word to use —in 1961, when although there was such a tremendous crop available, conditions apparently went against the industry. It was in October of that year that the commissioner was appointed.

It is rather remarkable that although up to that particular time that was a near-record crop, the majority of it was, according to the evidence submitted to the Royal Commission, disposed of at unremunerative prices. That year there was a record 1,300,000-odd cases exported, and very reasonable clearance prices were obtained for the majority of those apples.

It will be maintained that many of the growers were not satisfied. Well, of course, that is often the case. Primary producers generally are hard to convince that they are obtaining the maximum out of the market. Nevertheless these prices were reasonably high, taking into consideration the value we generally place on apples.

Mr. Nalder: That would be your own experience as a primary producer?

Mr. KELLY: Well, no; I do not think so. I believe that many primary producers would quite agree with that statement.

Mr. Nalder: And it has been your experience too.

Mr. KELLY: Yes; I can agree with the Minister there. I know it is an uphill battle to keep one's head above water in anything that savours of production of commodities which are consumed by the people. These problems, of course, have to be faced by every primary producer.

During that 1961 period, there were heavy supplies on the local market and, again, I would say that the prices obtained were high from the buyers' point of view. There would be a variation of opinion on that thought so far as the producer is concerned because he has a lot of commitments about which the buyer has no knowledge. Yet, in all these circumstances, the net returns to the grower during 1961 were unsatisfactory.

The Royal Commission conducted an extensive examination and obtained evidence from many witnesses. I have not been able to read the whole of the evidence, but those parts I have read contain some interesting subject-matter. The majority of those who gave evidence produced their findings to the commission on sound and helpful lines. The opinions, of course, differed very widely and, as a matter of fact, in some cases could be regarded as being contradictory when the submissions of one grower are compared with those of another grower or several other growers.

Those opinions were, of course, connected with the decline of this industry. Most people were prepared, I think, to acknowledge that the conditions were worsening gradually. The decline had not come to the industry overnight; there had been a period of time when a notch or two were slipped along the way, and so the industry began to go backwards.

I think the many expressions of thought on this matter and the controlling factors which have contributed to this decline could be summed up under a few headings; namely, generally high handling costs; freight difficulties; container costs; fairly high costs of fertiliser, and the added

necessity for increased amounts of fertiliser; and storage charges. A good deal was said, from almost all quarters, about shipping. Packing came in for quite an amount of comment. Seasonal conditions were also mentioned; although, as I said earlier, the majority of seasons have been reasonably well suited to this industry. There have been occasions, however, when bad returns resulted from a poor season. There seemed to be other minor factors to which various people attributed the decline of this industry.

Apart from all these difficulties which have beset apple growing, the three factors which appear in the Bill as having constituted the main difference to the industry are quality, quantity, and the net returns to growers. Each of those factors has undoubtedly played a very important part. The majority of those who gave evidence recognised them as having had quite a deal to do with the condition of the industry; and, as a matter of fact, many of those who gave evidence stressed the need for quality improvement not only in the grade of apples but in other directions from an apple-growing angle.

I was very interested to read the evidence given by one of the witnesses. He said this improvement could be achieved in a variety of ways. He instanced that the adoption of correct spraying could do a lot towards bettering the quality. Spraying at the right time and on approved lines he instanced as being another factor which would benefit the industry. Avoiding the marketing of defective fruit was another factor. Of course, the Bill aims at doing just that. However, he did not put it that way—he did not say "marketing of defective fruit." He said, "in the matter of the picking of defective fruit." I do not know how we would treat defective fruit unless we went to the trouble of picking it, because it is a menace to one's orchard if one does not pick such fruit. Therefore, it seems to me that he must have meant, rather than picking, the actual marketing of fruit. I think that would have been a logical thought.

He also stressed that improved handling methods would be a factor whereby a reduction in the total costs of production would be possible, and that improved handling methods would be very helpful. He thought that a general reduction in the production costs structure would be possible if every grower became fully alive to the importance of this factor; and that such over-all improvements would, without any other action on behalf of a Government or anybody else, have the effect of putting this industry in a far better position.

Some growers cited other disabilities, such as the introduction of domestic grade apples retailed by supermarkets. A lot of importance seemed to be attached to that factor; namely, the quantity of apples which supermarkets were retailing—not always at very attractive prices, I might say, because they, like most other traders, take advantage of having bought at the right price and they perhaps keep just a point under the other fellow in selling, but still get a very handsome profit. Many apples, although regarded as domestic grade, were not of very high quality, and any member who has to purchase from this channel would realise that many of the apples submitted to the public at reasonably high charges were far below standard. Nevertheless, they have, over several years now, provided a very big proportion of the apples marketed to the public of Western Australia.

I do not know at this stage what the industry is going to do with all those apples; because undoubtedly there must be, as I will show a little later on, a very large percentage of most growers' output which comes into that category.

Many other people who gave evidence mentioned price fixing by shipping agents as being of great nuisance value to the industry, and said that this had been responsible for the 1961 fall in prices; because they did not, as the growers put it, receive the amount which they should have in return for the product which was passing through the hands of the shipping agents. Quite a number of witnesses seemed to think there were too many shipping agents licensed in Western Australia; and on the spate of evidence and from the various disclosures which were made, I am inclined to think that might be the case. It was stated, for instance, that we in Western Australia have no fewer than 17 shipping agents, all of whom are trading in exactly the same form.

We are handling, as I said earlier, 1,300,000 bushels of apples; whereas in Tasmania, where there are fewer shipping agents, their throughput last year was, I think, somewhere in the vicinity of 6,000,000 bushels. Prior to that it had been in the order of 4,000,000 to 4,500,000 bushels. So if one State can do with a far lesser number of agents, I do not see why that could not be attempted here. It does seem as though the situation has got out of hand in the matter of the registration of many of these agents and the industry is now encumbered with far too many of them, all of whom are getting a share out of it.

Another factor that came into prominence on several occasions was the insufficiency of cold-storage space. It was advocated that more cold-storage space should be provided, and that it should be dispersed over a wider area than it is at present in order that transport difficulties could be minimised.

By virtue of the fact that this inquiry extended over two months one would reasonably expect that most of the industry's ills would have come in for consideration of one kind or another, and that any aspect ventilated would have

been fully discussed and examined. But I think the commissioner's recommendations were so far-reaching—and the Minister made this point too—that they could be regarded in the category of a marketing scheme. That is really what the commissioner advocated in his summing up.

Mr. Dixon's summing up at the end of the examination of witnesses indicated that there was some obstruction somewhere along the line from some quarters, and that aspect seems to permeate the whole report. I think that is rather disturbing. We appoint Royal Commissioners to do a job; and, without casting any reflection on the person involved in this instance, there does appear to be some undercurrent throughout the report which is really hard to pinpoint. I gained my opinion from a heading which appeared in *The West Australian* of the 15th December, 1961—"'No Panacea' Warning as Apple Inquiry Closes." I consulted a dictionary so that I could get the correct meaning of the word "panacea" and I found that it means "a universal remedy."

Apparently the terms of reference of the Royal Commission were not sufficiently wide enough to enable the commissioner to get to the bottom of all of the difficulties involved; and I think that during his closing address Mr. Downing, Q.C. said the examination was made on a restricted basis. That is a pity, as this industry deserved the fullest examination possible; and even if the outcome may not have been palatable to the Government it was something which should have been done and the recommendations could have been adopted *in toto*. As a result of the restricted nature of the inquiry the findings of the Royal Commission have not disclosed a complete picture of the industry This article to which I have already referred reads as follows:—

> Mr. O. Dixon, counsel assisting the Royal Commissioner, Judge W. C. Gillespie, said this in his final address.
>
> It will probably be several months before the commissioner's report is ready. He has to read about 500,000 words of evidence and speeches in 2,000 typewritten pages. In addition, there are 124 exhibits, mainly accounts and other statistics, to be studied.
>
> SEVEN WAYS.
>
> Summing up the inquiry, Mr. Dixon said there were seven possible ways in which the industry could be improved:—
>
> Greater co-operation between grower and packing-shed operator.
>
> Greater efficiency in packing sheds.
>
> Possible reductions in packing-shed charges.
>
> Improved rail facilities.
>
> Use of Bunbury as an apple exporting port.

Mr. Williams: Hear, hear!

Mr. KELLY: The report continues—

> Improved public relations between grower and shipper.
>
> Improved local marketing.
>
> Mr. Dixon said the fixing of apple prices by the shippers last season without informing the growers was a monumental blunder in the public relations field.

The SPEAKER (Mr. Hearman): Has that anything to do with local marketing?

Mr. KELLY: Yes; it has everything to do with local marketing, Mr. Speaker. All these aspects to which I have referred have a severe impact on local marketing so far as the apple industry is concerned, and this Bill is designed to bring about some relief for the industry. What I have been quoting are suggested reliefs from which the industry would benefit if these suggestions were implemented. I would respectfully suggest, Mr. Speaker, that all these factors have a vital bearing on the local marketing of apples. I have not been in any way critical in my remarks up to now, but I am speaking more from the point of view of giving some of my observations on the question.

I think this is an industry to which we must give greater attention than has been given to it in the past. The report in the Press went on to state—

> It did not follow that the prices fixed were unreasonable, but it engendered in the growers a strong suspicion that all was not well, that they were not being given a fair deal.

It then proceeded to mention what Mr. Downing had to say; and as I have already given some indication of his comments on the matter, I shall not pursue that aspect any further. He went on to say he thought the findings of the commission could not be of help; however, if the findings were sufficiently broad enough, and covered a wide field, and were put into effect, there must be some factors that would be of great interest to those engaged in the industry.

It will be seen that the Royal Commissioner was concerned only with apples after they had left the growers' control—in other words, from the commencement of marketing. Throughout the proceedings there was no mention of quality being of the utmost importance. During the course of the examination I do not think there was any mention of the fact that the orchard factor was of tremendous importance to the industry generally.

As I said earlier, this Bill is of a shandygaff nature; it is endeavouring to do something for the growers, to placate the

Western Australian fruit-producing organisation, and there is some scope for adopting some of the commissioner's recommendations. During his speech the Minister did not indicate that he thought the Bill would to any extent overcome the real problems facing the growers. In the Bill there is only one provision that would have that effect, and at this stage I think it is impossible to assess the likely results that will spring from this legisation after it has been in operation for 12 months.

I think the cost of policing and administering the Act could be fairly high. I understand that the Fruit Growing Industry Trust Fund will be finding the capital which will be necessary to carry on this proposed work of detection, examination, and inspection in all avenues. In the long run that cost, undoubtedly, will be borne by the growers themselves to a great degree.

At the present moment I am not aware what the Government is contributing to the trust fund. I think it is something in the vicinity of £7,000, but I would not be sure. By and large, the major portion of the money that will be needed for administration by this advisory committee will be found by the growers; there are no two ways about that. The Minister expressed the opinion that the measure could be regarded as an alternative method of doing something quickly for the industry, and he may be correct. He said it might effect some improvement in the industry and it was worth a trial. I fully agree with that explanation.

Little else could be done at this stage that would have any marked effect on the results obtained from the 1962 apple crop. That crop is practically available for marketing now and there is only one way that conditions in the industry could be improved for the growers and that is to show them how they can obtain added returns for their products. However, I find it hard to realise any improvement can take place, even though at all times an improvement in the quality should be aimed at, because it is a most important factor. It is particularly important with export fruit. If export fruit is not of the highest quality it will create a bad impression of the State generally overseas. Therefore, I think the aim of the Bill in trying to improve quality is extremely commendable.

I do not think we can hope to gain ground by concentrating solely on obtaining benefit to the industry from this angle alone. It must be realised that apples are only worth what the purchasing public is prepared to pay for them. Any product of primary or secondary industry is met by buyer resistance, especially from those persons who are endeavouring to make ends meet with the family income. By and large, I suppose the greatest quantity of apples is consumed by those people with large families who are on a fairly low income. If apples are costly the purchasing power of the buyer must be reduced. A family with only a small income has to work on a very restricted budget, with so many shillings for fruit and vegetables, so many shillings for groceries, and so on. Therefore, if apples are priced at 2s. 6d. a lb., and they can only afford to spend 5s. on them, they will buy 2 lb.; but if the price of apples rises to 5s. a lb. a family on a low income will be able to purchase only 1 lb.

I would like the Minister, when he is replying to the debate, to tell the House what position we are in, for argument's sake, in regard to windfalls, undersized apples, apples with signs of scald, deformed apples, and those with other defects. Most of such defects have been brought about because of unavoidable circumstances, such as the weather becoming too hot at the wrong time of the year and the apples being scorched. Deformity in an apple is something that no grower can overcome completely, and windfalls will occur no matter how competent an orchardist may be.

I am told that as a result of all these factors which tend to reduce the orchard production, the approximate spoilage figure is from 23 to 25 per cent. I do not know whether that is correct, but I think it might have been arrived at by virtue of the fact that a few odd growers have produced a large proportion of poor-grade fruit. A very good orchardist would, in all probability, produce a larger quantity of good quality apples. If this 23 to 25 per cent. of spoiled apples are withdrawn from the market it must reduce the total quantity of apples available for disposal. That is an elementary conclusion. No figures can gainsay that fact if and when this Bill becomes operative, and only the best quality apple is permitted to be marketed. Naturally, a higher price will be obtained for the higher quality article.

If that is going to be the basis of our marketing in the future, only 75 to 78 per cent. of the entire crop, which will be of good or prime quality, will be available for sale. But growers are not going to submit to a 22 to 25 per cent. loss in apple production. Naturally, they are going to endeavour to cut their coat according to the material they have available. Therefore, if the availability of apples is to be only 75 to 78 per cent. of the entire crop, and this quantity is to be sold at a higher price than formerly, the purchasing power of the public will have great effect on this attempt to better the conditions of this industry.

I have some doubts—and I suppose other members would have them, too—on whether we can afford to dispose of this high percentage of fruit which has a defect of some kind or other, because that will be

the ultimate fate of fruit so affected. Is it going to be fed to pigs? Will it be handed over to the processing firms? Are prospective buyers to be permitted to enter an orchard and the grower be allowed to supply them with a truck-load of apples gratis? Will it possibly build up a black-market in the sale of this type of fruit? What will be the outcome in regard to all fruit which has some defect or other? If the Minister has any thoughts on the matter, will he be prepared to tell us what will be the ultimate fate of this 22 to 25 per cent. of the apple crop?

So with all these factors the measure can only be regarded as being on a trial basis, as an experimental measure which could have quite a good effect. It may, of course, be disappointing. It may not achieve the end the Fruit Growers' Association desires; it may not achieve the end the department has in view for it.

There are a number of factors to be considered, and naturally I hope for the sake of the apple growers, and of the consumers—because I am equally concerned about the consumers, if not more so—that this trial period will prove to be an undoubted success. I do not think it is sufficient for it to be a marginal success; it must be an undoubted success. If we are to adopt it as a measure for re-enactment at the end of 12 months, there should be a very appreciable difference in the conditions that appertain to growers now; and I think that the consumers, also, must be given a great deal of thought in this matter, if they are to be treated fairly.

I would now like to refer to the appointment of the Apple Sales Advisory Committee of seven. This committee would not market as a majority-grower committee. I have always understood that the Government at all times fostered the placing on committees of grower-majorities. In this instance the constitution of the committee cannot be regarded as a grower-majority, particularly when we bear in mind the adverse comments of some sections of the industry which I find have a representative on this body.

With three members out of the entire seven, the growers would not have a majority, though perhaps virtually they would have a majority by reason of the fact that the other three outside interests would have a very definite outlook, and would in this matter not coincide at all times with the desire of the growers. As none of the outsiders will have any effective influence, I suggest to the Minister that the seventh member be selected from a panel of three to be named by the A.L.P. I think the Minister should give serious consideration to the appointment of such a member as a consumers' representative.

There would be no section of the community that would be more representative of greater consumer demand among the persons entitled to be considered in a panel to be submitted to the Minister than the members nominated by the A.L.P. We know that all the others to be appointed to this committee will be representative of growers. They will also be consumers. They would be representative of the shipping companies; and again they would be consumers. Finally they would be representative of all other interests in a very special capacity.

The only person who would be a down-to-earth representative, and who would have contact with the rank and file of this State, would be the seventh member, who would be designated as a consumers' representative. Accordingly I ask the Minister to give serious consideration to the possibility of appointing a seventh member who is more closely representative of the industrial side. I think a great deal of harmony could be brought about by such an appointment. Apart from that, such an appointment would be very effective, and I am sure it would add balance to the committee in question. I support the Bill in all it seeks to do, and I can only hope that, with the effluxion of time, the measure will prove to be successful.

**MR. MITCHELL** (Stirling) [11.56 a.m.]: I, too, would like to say a few words on this measure, though I do not intend to be quite as long as the member for Merredin-Yilgarn. I would, however, like to correct what appears to be some misapprehension on his part.

In the first place the honourable member said that the Bill is an attempt to rectify the fruit industry because of its past decline. He suggested, in the second place, that the purpose of the measure is apparently to protect the producers. I think the Bill is primarily introduced for the purpose of doing something for the industry, because of its progress; and I do not mean progress so far as the financial status of the growers is concerned, but progress in the development of the industry and its increased production.

I also feel that the measure seeks to protect consumers. The honourable member referred to 25 per cent. of the fruit which never sees the market. I would point out that the amount of fruit which a good grower disposes of, and which never sees the market, is something like 50 per cent.

Mr. Kelly: That makes the position worse.

Mr. MITCHELL: When an unscrupulous grower puts that percentage of fruit on the market, which is of no use to the consumer, it costs the growers money to put it on the market. It also ruins the market for the good grower who markets fruit of reasonable quality. My contention has always been that apples, in particular, are a luxury item. It is a question

of creating a demand from the consumers of this State; to get people used to eating apples.

The only way to do that is to regulate the supply of apples so that the consumers can have good quality fruit all the year round at a reasonable price, which returns something to the grower. One of the most important clauses in the Bill provides that the committee to be appointed will assess the quantity of fruit that is likely to be consumed. The trouble is that, unfortunately, in the fruit-growing industry there are good years and bad years. No industry is so vitally affected by weather conditions as the fruit industry.

In 1960-61 we had a very big crop of fruit—and here again the member for Merredin-Yilgarn spoke of the scarcity of cold-storage space in Western Australia. I would, however, indicate that there was sufficient cold-storage space last year to store enough fruit in Western Australia to enable it to be sold later; and much of it was sold at prices which did not return the cost the growers put in.

Mr. Kelly: I only quoted what was disclosed in the evidence before the Royal Commission.

Mr. MITCHELL: There is special cold-storage space for long-range storage of fruit in quantity; but if that quantity of fruit were put on the market it would ruin the price for the growers. I think we must look at the over-all picture, rather than consider any one aspect.

The Bill is an attempt to set up a committee to do something for one year; to prove to the Government of the day that it can control the sale of fruit, make reasonable returns to the growers, and give the consumers a quantity of fruit at a reasonable price. I think the original suggestion of the commissioner was that if the committee were to be set up it should consist of one grower from the hills district, and two growers from the south-west. Naturally, the Great Southern district, which produces quite a quantity of fruit that is capable of being stored for long periods, should also have representation on this committee. There are to be three representatives of the growers on the committee, and I consider that to be sufficient representation.

In this type of appointment, often it is not wise to specify the various districts from which the representatives shall come. It would have been sufficient to specify three growers to be nominated by the Fruit Growers' Association. However, that association is happy with the proposed representation offered to the growers. I hope that members of the Opposition will not regard the Bill as being detrimental to the interests of the consumers of apples.

I have seen instances in the metropolitan area where fruit which was absolutely unfit for sale was exhibited in the shops. In one instance I saw Granny Smiths of less than two inches in size being displayed outside a shop during the middle of February. This fruit was hail-marked and had been thinned out. Someone had the effrontery to offer that fruit to the public as being fit for consumption. It is that type of fruit which the Bill seeks to keep off the market so that a better class of fruit can be offered to the public, the growers will be able to receive a reasonable return, and the consumers will be able to purchase a reasonable product.

In recent years the export prices, on the whole, were more than satisfactory, and there was a desire to export more of this fruit, with the result that less was available for the public of Western Australia. That problem also arose in the present year, not because there was a great quantity of fruit but because of the poor season. I deplore the fact that exorbitant prices were paid for a few cases of the best fruit, because that would harm the industry. Consumers will get out of the habit of eating fruit because of the high price, and in future years when there are reasonable quantities the public will not buy as much of the fruit as the growers would like them to.

I ask members to support this Bill, because it is a genuine attempt to assist not only the producers, but also the consumers, to absorb a product which is on the increase and which we will have difficulty in selling if Britain joins the European Common Market. It is not to the advantage of anyone if inferior fruit is placed on the local market. I support the Bill and ask members to agree to give it a trial for one year.

MR. ROWBERRY (Warren) [12.3 p.m.]: Like the member for Merredin-Yilgarn, I intend to support this Bill. I believe it has been introduced as a result of the pressure which the Fruit Growers' Association has brought to bear on the Minister, consequent on the stupendous rise in apple production in the 1961 season when the exports from Western Australia rose to 600,000 cases, from the figure of 312,000 cases two years previously. The increased production brought about chaos in the apple industry, because of the problems experienced with regard to shipping space and export markets.

This brings it forcibly to my mind that when cut-throat competition exists, as it exists in the world at the present time, throats are likely to be cut; and there is no escape. The problem which many growers in the world face today is not one of production; it is the problem of over-production. There is a problem to distribute the products of man. In a society which relies on private enterprise and on cut-throat competition for existence, such problems are bound to arise.

This problem of over-production has to be solved by all sections of the community getting together, and they must all have

due appreciation of the common problem. The Bill contains a proposal to set up a committee to carry out certain functions prescribed therein. In the 1961 season there was chaos in the industry, because of the vast quantities of apples exported and because of the insufficient provision made in overseas ports for the distribution of those apples in places like England, Germany, Scandinavia, and other European countries. As a result of the greatly increased production in 1961 the problem of distribution was accentuated.

The Bill seeks to overcome some of the problems experienced by giving the committee the power to take action to regulate the industry and to assess the demand for apples within the State. Its main function is as follows:—

> to inquire into the size of the anticipated apple crop and the quality, grade and types of apples being harvested or expected to be harvested.

The shippers will thus be able to assess the crops and the markets available for such crops. The committee will be able to make the necessary arrangements for selling the anticipated crops on the overseas market, on which Western Australia depends so much. Because of that I support the provision in proposed section 3A(8) which, I am sure, will benefit the apple-growing industry.

Under the present economy of this country, the setting up of boards to regulate production and marketing—such as the Egg Board and the Potato Board—has been found to be necessary. This presupposes the fact that one section of the community cannot live without the other. It is impossible for our society to continue as it is, and to have the cut-throat competition which springs from private enterprise. This country has to become socialised whether that be achieved by stealth or in a straightforward manner. The Bill attempts to bring the whole community together, so that everyone will realise the problem and bear a share of the burden which confronts the industry.

The committee is to consist of seven persons who shall be appointed by the Minister. I have received representations on this matter from apple growers in the Manjimup district. They consider the growers have insufficient representation under the proposal in the Bill. Only this morning I received a telegram on this very point. It is as follows:—

> Rowberry, Parliament House.
>
> I am advised Apple Bill provides one grower south-west hills great southern. We require two south-west one each hills and great southern. Request your support.

I intended to suggest to the Minister that the period of operation of the proposed committee was too short, because one year would not be sufficient to enable it to assess the fluctuations in, or the vicissitudes of the industry; it is possible that the growers concerned were thinking along the same lines as I have indicated happened to myself. But as I have the Minister's assurance this is just a temporary committee set up to investigate and make certain propositions to the Minister, and that in the future there will be a permanent committee, I think the fears of the apple growers that they will be under-represented are not very well based; and the provisions they require now could quite easily be attended to in the future when an amendment to this legislation will come before the House as a result of recommenations made by the committee.

I welcome the fact that a person representing the consumers is to be appointed to this committee. Much has been said during the debate about the inferior quality of fruit which is finding its way on to our market as the result of the action of certain unscrupulous growers. The contention has been put forward that if we have certain standards for the home market it will cause considerable loss to the growers because they will have no opportunity of disposing of their inferior fruit.

Why should they? If a grower is going to treat the consumer with contempt he will slay the goose that lays the golden egg, and I say "goose" advisedly because, after all, it is the consumer who determines the future of the industry. I have already indicated that the problem is not one of production—it is one of consumption—and unless we present fruit to the consumer or the general public of a quality which is acceptable and which they will buy readily we will destroy the industry ourselves.

So, in the last analysis, I say the effect of putting inferior fruit on the market is a greater cost to the producer than would be the case if he eliminated this fruit in the first place. The grower has to realise that when there is a large increase in production he will have to indulge in selective picking and selective presentation of his product on the market and to the people. Otherwise we will just turn our faces away from inferior fruit.

After all, you know, Mr. Speaker, that most good growers thin their crops out and they do not allow this would-be inferior fruit to come to full fruition. The fruit is picked at an immature stage to give the remainder of the crop a reasonable chance to set and reach maturity. So the grower who presents inferior fruit in a mature condition is not a good husbandman and should not be considered at all, because he is an incubus to his own industry.

Last year I noticed that certain firms in Perth were buying bulk fruit of any quality at all from the packing shed. As a matter of fact, in former years, it was possible to go to the packing sheds and

buy cases of fruit at quite reasonable prices because that fruit was not up to the grade required for export. I do not know what happens to such fruit, but I have been told—I do not know if the authority is a good one—that it is being pulped and the juice is flavoured and is being sold as lemon juice, or any other juice, with a certain flavour added. Be that as it may, this is something that perhaps the committee will investigate and make recommendations upon.

When speaking on the Minister's estimates I tried to impress upon him the necessity for a good standard of fruit being available on our home market as well as on the export market. I do not see why we in Australia should have to bear the burden of sending our fruit overseas in order to practically give it away. For instance, butter is sold in this State at 6s. per lb. while on the London market it is sold at 2s. 2d. or 2s. 6d. That is too silly for words.

I have no doubt these problems will be investigated and that we will have a very orderly marketing scheme for this industry in the future. That the industry is important to this State there can be no doubt whatsoever, but it will have to bear the cost of some of its improvements. The member for Merredin-Yilgarn said that the cost of the committee will be borne by the apple industry. I do not see anything wrong with that. The cost of the apple industry at the present time is already being borne by the industry through the medium of the Fruit Growing Industry Trust Fund which, I think, was inaugurated in 1947. That fund provides a big income for the purposes of investigation, research, and other matters. So I do not think we need worry about the fact that the committee will cause additional expense to the industry. After all, we can consider that further expense to the industry as an investment in the future—an investment which will bring advances to the industry and better returns to the grower.

The question of who shall be nominated the representative of the consumers appears to be exercising the minds of some members. Well, who are consumers? Probably the Minister will give us some indication in regard to this matter because I notice he is going to appoint that representative. What exactly constitutes a consumer?

Would he be a representative of the trade union movement—a representative of the wage earners or industrial section of the community? Would a representative from any class of society be classified as a consumer? Would it be necessary to have someone above or below a certain income? Personally, I would think the most appropriate person to be this representative would be someone from the industrial section of the community.

I hope the Minister will not think we are indulging in or playing at party politics in saying this. After all, the object of this Bill and the object of the producers of apples is to find a suitable market. In order that the objects of the Bill may be successful, I suggest we require co-operation throughout the whole of our society. So I would leave this matter with the Minister in the hope that the Government will give serious consideration to the person who shall be nominated as the consumers' representative. I support the Bill.

MR. HAWKE (Northam—Leader of the Opposition) [12.30 p.m.]: I want to say a few words on this Bill. At the time the Royal Commission was set up by the Government to inquire into the apple industry, various people made guesses as to why it was necessary to have a Royal Commission into the industry. They realised most of the industry's difficulties were well known and considered the setting up of the commission a waste of public money. I think it might be safely said the commission was set up more for political reasons than for any other reason.

However, the commission did make its investigations and presumably the Bill now before us owes its origin, at least to some extent, to the activities of the commission. I think it should be said it was obvious, even before the commission was set up, that the industry—and particularly the selling side of it—was not, from the consumers' point of view, as well organised, and certainly not as well conducted as it should have been.

At present most of the apples available to consumers are of poor quality at high prices. I have heard of instances in recent days where as high as 2s. 6d. per lb. has been paid for apples which would have made quite good pig feed but which were hardly fit for human consumption.

Mr. Nalder: It would be doubtful, too, whether some of the apples would be good pig feed.

Mr. HAWKE: I am very pleased to have an admission from the Minister that it is very doubtful whether some of the apples now on sale would be even good pig feed. It is surely a shocking advertisement for the industry to have apples of that kind being freely sold in the city and country areas, because the reactions of housewives who buy such apples are very strong and therefore very unfavourable to the purchase of apples in future.

It is true to say every product put upon the market, whether it be apples or anything else, depends for a continuing good market upon the reactions of consumers. Where the quality is good and acceptable and the price reasonable, whatever the product might be, it has an assured future. On the other hand, where the quality of the product is poor, as now applies to apples generally, and the price is high, as

also applies to apples generally, the reaction is detrimental and the housewives concerned are not likely to be keen to buy any more apples until the new season's apples are on the market and apples can, in that situation, be obtained with reasonable confidence.

My experience at present is that only the Granny Smith apple can be obtained with any confidence. There may be some other varieties which may be safely bought at this time, but I know of no other variety which can be safely bought now on the basis of getting some reasonable value for the price paid and of being confident the apple obtained can be eaten with some degree of enjoyment. So it is an unfortunate situation which we have at present; and that situation has not arisen only this week. It has been in existence for many weeks, which seems to prove some varieties of apples are not capable of being stored for any length of time.

I do not know how much deliberate exploitation goes on in this matter. It may be some shrewd heads store apples which should not be stored for any length of time. They may buy them up at comparatively low prices and then late in the season, when apples are comparatively scarce and prices are high, they could unload at high prices these apples which have been stored for months, and thereby make a very great profit from their operations. They stand to lose nothing, because they are not in the retail business. They do not get the grizzles and growls from consumers who complain, because the retailers have to take all that. I suppose when a retailer did complain to the wholesaler from whom he had purchased the fruit, he would not get very much satisfaction and, presumably, no compensation. So I intend to accept this Bill favourably in the hope of effective action being taken by the proposed committee to bring about a much more satisfactory set of conditions in the marketing in Western Australia of that portion of the apple crop which is not exported.

I notice, in the Bill, that the functions of the committee are to be very extensive. I am particularly interested in the part of the functions which is expressed as follows:—

> (d) to exercise and perform such other powers and duties as the Minister may consider necessary or advisable relating to the better marketing of apples.

That part of the Bill appears to be almost without limit. I am wondering whether it would empower the Minister to authorise the committee to take action in regard to the prices which are being charged to the consumers finally for the apples they purchase. I am more concerned about this in relation to apples which come out of storage after many weeks or even months than I am in relation to the apples which are sold in their fresh condition without having been in cold storage at all. I am sure no consumer minds paying a good price, or even a somewhat excessive price, for really good quality apples.

However, every consumer is very hostile when he or she is called upon to pay an altogether unreasonable price for apples which are below even fair average quality. I know the main objective of the Bill in that regard is to keep such apples off the market altogether. However, I am not sure as to how effective the Committee will find its powers, when it is operating, to exclude less than good quality apples from the local market. I imagine that if some of the growers are a bit shrewd—and they could be a bit shrewd in this matter—they will try to find retailers, if not wholesalers, who will be prepared to handle less than good quality apples; and we might easily find consumers are having poorer quality apples unloaded upon them at the prices which are ruling for top quality apples.

So I am hopeful the Minister may be able to tell us something on that point when he is replying to the debate. I agree with the member for Warren about this being another instance of an industry moving from the field of free enterprise, as members of the Liberal Party section of the Government are pleased to describe it, into a field of State control. I think the member for Warren made the point very well when he said an increasing number of productive industries have from time to time in more recent years sought escape from the complete field of free enterprise into the field of controlled activity by Parliament in respect of the marketing of the goods which the particular industries produce, and in respect of their production, too, in some fields.

The fact that it is proposed to set up a control committee in relation to the marketing of apples in the local market in Western Australia is not, I agree, necessarily a guarantee of only good and better quality apples being put upon the market in the future. We have a Potato Marketing Board. We have still, I think, an Onion Marketing Board; and, according to remarks which I hear at home now and then, the potatoes which are sold are not of a quality which should merit approval by the Potato Marketing Board; and the onions which are sometimes sold retail are not of a quality which should meet with the approval of an Onion Marketing Board, where those boards are really alive to the consumers' best interests.

I know there could be a conflict of opinion as to the growers' interests and the consumers' interests; but I think that in the long run, and trying to do the very best possible for the growers as well as the consumers, it is essential to ensure the highest quality possible consistent with a reasonable price to hold the support of the

consumers and even to increase the support of the consumers for these various products. Only by consumers in Western Australia purchasing more and consuming more potatoes, onions, and apples, and so on, will it be possible for the growers of those products in this State to have more of the best market which it is possible for them to have—and that is the local market, because the local market is an assured market, an expanding market, and one which the growers and those associated with the marketing of their products should always try to encourage and build up to the greatest possible extent. I support the Bill.

MR. I. W. MANNING (Wellington) [12.35 p.m.]: I very briefly want to make a few comments on this measure and to indicate my support. I am very pleased it is being introduced on a trial basis because I believe we might find, as time progresses, that there are quite a few difficulties facing this committee which may have to be ironed out. I cannot feel that the size of the fruit would be any real problem in determining its quality in this case, because most of the fruit passes over a mechanical grader and is sized accordingly. But on this question of quality we may find a point of difference, particularly as much of the fruit is put away in cool storage and this factor may affect its keeping qualities. Some fruit is picked while it is too green, and quite frequently we see, on the tables at Parliament House, fruit which is not palatable because it has been picked too green. There would possibly be instances of fruit which has been damaged.

I think, too, the disposal of the rejected fruit will present some problems, because —as has been mentioned by other speakers —apples, like every other primary product, are affected by seasons—the good years and the bad years. In the good years there would be no difficulty in a producer getting a reasonable return for his fruit, because he would have a great quantity of good quality fruit brought about by the good seasons. But in a bad year the size of his fruit and the general quality of his fruit would be affected by adverse weather conditions, just the same as happens to potatoes. In the milk industry there is a market for particular quality milk and a ready market at a lesser price for all surplus milk. The same applies to eggs. There is a base price for the good quality product and also a ready market for the small or misshapen eggs at a lesser price; but there is a ready disposal for it.

With regard to the potato industry, there is a ready market for the right quality product, but there is no market for reject quality; and I should imagine, as a result of experiences in the potato industry, that we may run into the same type of problem with regard to apples. Although a great deal of consideration has been given to finding some outlet and some means of disposal for rejected potatoes, we have not come to light with one which is satisfactory. It has been suggested that the lesser quality apples will find a market in fruit juices, or something like that.

One of the problems which will arise is when a producer has insufficient good quality fruit to provide himself with a reasonable income. That is what happens with potatoes. Because of adverse weather conditions the grower has a lot of potatoes which do not measure up to the marketable size and quality. They become reject potatoes and the producer gets nothing whatsoever. If that situation arises in the apple industry we may have to face up to some real problems in that direction. Therefore this committee, when it is dealing with the industry, will have to have a very close look at that problem. It may be that because of seasonal conditions the committee will adjust the grades of quality to permit a good flow of fruit on to the market.

I notice there is a provision in the Bill relating to the sections which will be represented on the committee, and I ask the Minister to have a look at the personnel who are appointed, to make sure that someone with conflicting interests is not appointed. I understand it is possible for growers to have other interests in the industry as well, and therefore it is possible for a representative of one section to have other interests which may conflict with those which he is supposed to represent on the committee. I hope the Minister will watch that aspect.

I also noticed that there is provision for a person to be nominated by a body known as the Western Australian Fruit Shippers Committee. In the subclause which sets out the functions of the committee there is no mention of export or shipping and I think that, in the past, there has been some feeling of hostility by the producers towards the shipping interests. If this is to be as nearly as possible a producer-influenced committee, I would be interested to know why it is proposed to appoint to the committee a representative of the shipping interests. I would like the Minister to comment on that particular point when he replies.

During his speech the member for Merredin-Yilgarn suggested that the consumers' representative should be selected from a panel of names submitted by the A.L.P. I hope the Minister will not be tempted to select a representative along those lines, because political views should not come into this question.

Mr. Kelly: But you want to socialise the industry. You like to socialise it.

Mr. I. W. MANNING: I do not accept that.

Mr. Kelly: But that is the effect of the measure.

Mr. I. W. MANNING: I still do not accept it. I strongly recommend to the Minister that he have nothing to do with that suggestion, because the political views of a particular group should not be represented on a committee such as this. There are plenty of people in this community who would be qualified to talk about the quality of apples, and to know and understand the product, without the Minister having to go to a political organisation for a recommendation.

I view this measure as being one in the interests of the industry as a whole. It is certainly in the interests of the consumer that the quality of the fruit coming on to the market should be such that one can have confidence when buying it. It is surely in the interests of the industry as a whole that people should be able to buy fruit knowing that it measures up to a standard, and that they are getting a quality in proportion to the price they are paying. I think the Bill has a good deal of merit from that point of view and on those grounds I propose to support it.

MR. NALDER (Katanning—Minister for Agriculture) [12.44 p.m.]: The debate has been most interesting and constructive, and I am pleased to note that members who have taken part in it have indicated their support for the Bill. I should like to emphasise the importance of this industry and the fact that those engaged in it have recognised the necessity to embark very soon on some orderly marketing scheme for their product. That is an accepted principle which has been adopted by most other sections of primary industry, and it is most encouraging to see that this particular section has realised the importance and value of a scheme of this nature.

The growers have supported the proposals in the Bill because, from the experience gained over the next 12 months while this measure is in operation, we will be able to set about preparing legislation to put the industry on a sound basis.

During his speech the member for Merredin-Yilgarn covered the whole field of the industry over the last few years, and indicated that the opinions expressed by witnesses who gave evidence before the Royal Commission were that it was necessary to establish some type of marketing scheme.

I think the Royal Commissioner had a difficult task in sorting out all the evidence, and we must realise that the evidence tendered came from various people interested in the industry, including the presentation of the product, the grading of the fruit, as well as marketing, and so on. Shippers' agents also came into the picture as did the agents who are interested in the disposal of the product on the local market. Of course the shippers were interested in finding overseas markets, and disposing of the product through those markets.

With all these conflicting interests it was not an easy job to try to iron out all the difficulties; and in my opinion the Royal Commissioner has done a reasonably good job and indicated in his report the requirements of the growers in the first instance, and in the second instance the desires of all others interested in the marketing of the product.

It is true the commissioner did suggest that perhaps a marketing scheme was necessary, but this measure is not intended to introduce a marketing scheme. I think the member for Merredin-Yilgarn suggested a name for it.

Mr. Kelly: I said it was an alternative.

Mr. NALDER: It is an attempt to take one step further towards achieving the desired ultimate result. This Bill will help to have a good quality fruit provided for the local market. As the Leader of the Opposition said—and I quite agree with him—the home market is the best market of all, and the idea of this measure is to ensure that a good quality product is sold on the local market and thereby to encourage greater local consumption. That is what this Bill seeks to do.

The member for Merredin-Yilgarn also wanted to know exactly how much money the Government intended to contribute towards this fund. I cannot give that answer at the moment but I will endeavour to get the information and let the honourable member know.

Mr. Kelly: Are you going to give us any indication in regard to wastage? I said 20 to 25 per cent. would be lost.

Mr. NALDER: I am coming to that point. The member for Merredin-Yilgarn and the member for Stirling both referred to this question. But I think the percentage of wastage must rise or fall as the seasons vary. It would be difficult to state a percentage in this instance because in some years the wastage would be much less than in other years. In some years it might be only about 10 per cent., whereas in other years it would be much higher. Seasonal conditions would play a big part in this factor. If a number of hailstorms occur in one year the percentage of the crop coming on to the market must obviously be reduced—that is, the quality must be lowered.

Rejected apples have been causing the Government some concern, and the officers of the department have been endeavouring to find a market for them. Perhaps some subsidiary industry could enter the apple market and use the defective fruit

for juice or process it in some way to produce a dried product which could be marketed for use in pies or some other foodstuff. These are points which are being closely considered.

A similar position exists in the potato marketing industry. Only a good quality product is permitted on the market, the rest being either sold for pig feed or destroyed.

Mr. Kelly: Many poor quality potatoes find their way on to the market.

Mr. NALDER: I know the Leader of the Opposition referred to that, but I would like to hear some specific instances where the quality of the potato has been poor. The recent introduction to the retail stores of washed potatoes in plastic bags has been a great move towards giving the housewife a better product. She can see at a glance whether the potatoes she is buying are of good quality. That applies not only in the metropolitan area but also in country districts, although there may be some difficulty in buying potatoes in plastic bags in the country. However, the sales of potatoes, since this new method of selling has been adopted, have increased considerably. Also, I think that this method of marketing has helped to produce a better quality product.

Mr. Rowberry: Perhaps many potatoes are being sold through the black market and not through the Potato Marketing Board.

Mr. NALDER: The honourable member may have the correct explanation why some poor quality potatoes are being sold to the people. I received reports myself of certain quantities of undersized potatoes being sold. Such potatoes would certainly not have been passed by the Potato Marketing Board, because that board is watching the position very closely.

Mr. Hawke: Are old-season potatoes sold in plastic bags?

Mr. NALDER: What does the Leader of the Opposition mean by old-season potatoes? Potatoes come on to the market at regular intervals.

Mr. Hawke: Potatoes that have been dug for some considerable time.

Mr. NALDER: The board would consider it necessary to feed those potatoes on to the market only if new potatoes were not available. I do not think potatoes over six months old are brought on to the market.

Mr. Oldfield: I can assure you they have been sold on the market, Mr. Minister.

Mr. NALDER: I think we are getting away from the field covered by the Bill, so I will try to return to the points that were raised by various members. The remarks of all members who have spoken on the Bill have been noted. The experience that will be gained after the passing of this legislation, and the appointment of a committee, will help to implement a scheme that will assist the industry. Those are the principal matters contained in the Bill which are aimed at improving conditions in the industry.

The Bill will highlight the necessity to attract a high quality product on to the market. That is the most important point. The same applies to growers of other products in primary industry; they are all endeavouring to improve the quality of their products. We should aim at creating a situation whereby Western Australia is held in high esteem and therefore we should highlight the fact that whatever is produced in this State is a quality product.

*Sitting suspended from 12.55 to 2.15 p.m.*

Mr. NALDER: I do not think it is necessary for me to go very much further, because most of the points made have been answered. The member for Wellington mentioned the personnel of the committee, and wanted to know whether or not representation of export and shipping interests thereon was necessary. I would say that representation is very important because the information such a representative could give to the committee would no doubt assist it considerably, especially in regard to the quantity of export fruit available, and the markets to which that fruit could be sent.

That information would be vitally necessary, and that is why the appointment of such a representative was considered advisable. Other members referred to the consumers' representative. Here again I think it is important that the consumers be represented on the committee; and the House can rest assured that the Government will see that the representative—whoever he or she may be—on the committee is one who has a full knowledge of the requirements of the consuming public.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

**MR. NALDER** (Katanning—Minister for Agriculture) [2.18 p.m.]: I move—

> That the Bill be now read a third time.

Before the Bill is read a third time, there is one point which I would like to explain to the House. The member for Merredin-Yilgarn asked what contribution the Government was making to the Fruit Growing Industry Trust Fund. I would inform the House that no contribution is made by the Government to this fund; all contributions

are made by the fruit industry itself. I thought members would like to have that information.

**Question put and passed.**

**Bill read a third time and transmitted to the Council.**

## QUESTIONS ON NOTICE

### KINDERGARTEN UNION

*Financial Circumstances*

1. Mr. GRAHAM asked the Premier:

(1) Is he aware that on account of the increased salaries and other commitments confronting the Kindergarten Union it has been obliged to recommend increased fees on the basis of two shillings a week per child?

(2) Is he yet able to report in respect of obtaining more information concerning the financial circumstances of the kindergarten movement as undertaken (*vide Parliamentary Debates*, 1962, page 1695)?

Mr. BRAND replied:

(1) It is understood that some increase in fees is being considered by the Kindergarten Union.

(2) The submission by the Kindergarten Union has been examined by the Education Department. In 1953 a Royal Commission was appointed to inquire into kindergarten education. Its findings and recommendations were accepted by the Government of the day and the Kindergarten Union. The commission laid down a formula to provide the basis of Government assistance to the Kindergarten Union. This formula was revised in 1960 to ensure that the grants were adjusted to take into account increased levels of costs. This revised basis was accepted as completely satisfactory by the Kindergarten Union.

During the time the formula has operated the number of children enrolled in kindergartens has doubled and the number of students undergoing training in the Kindergarten Teachers' College at present is at a record level.

In the light of the difficulties which the Government is experiencing in providing sufficient finance to expand facilities in the areas of primary, secondary, and technical education the amount of financial assistance provided for the Kindergarten Union is the maximum possible under present circumstances.

### HARVEY IRRIGATION DISTRICT

*Adequacy of Storage Dams*

2. Mr. I. W. MANNING asked the Minister for Water Supplies:

(1) What was the total quantity of water held in the storage dams supplying the Harvey irrigation district at the commencement of the irrigation season of each of the past 10 years inclusive of the current season?

(2) From the records of the past, on how many occasions during the next 10-year period is it anticipated that the storage held will be adequate to supply the full requirements of the Harvey irrigation district?

Mr. WILD replied:

(1)

| Year. | Acre Feet. |
|---|---|
| 1953-54 | 47,900 |
| 1954-55 | 36,200 |
| 1955-56 | 48,300 |
| 1956-57 | 49,500 |
| 1957-58 | 51,200 |
| 1958-59 | 51,350 |
| 1959-60 | 28,850 |
| 1960-61 | 38,900 |
| 1961-62 | 46,400 |
| 1962-63 | 41,000 |

(2) (a) For full requirements of pegged district—seven times.

(b) For full requirements of entire district—five times.

This takes into account water in Logue Brook Dam when completed.

### BRIDGES IN SWAN ELECTORATE

*Renewal and Construction*

3. Mr. BRADY asked the Minister for Works:

(1) Have arrangements been made to renew the bridge to Hazelmere at East Guildford, via Swan Street?

(2) Can he state the approximate date (if any) that residents of Hazelmere can expect the new bridge to be completed?

(3) Are any plans being prepared to build a bridge over Helena River, via Chatham Street, West Midland, to allow peak traffic an alternative route to Hazelmere and Perth?

Mr. WILD replied:

(1) Investigations are proceeding with a view to considering reconstruction of the bridges during 1962-63.

(2) Towards the end of 1963.

(3) No.

## SUPERPHOSPHATE

*Price*

4. Mr. HART asked the Minister for Agriculture:

(1) Has he seen the statement in the last issue of the *Farmers' Weekly* in which it is claimed the price of superphosphate has been reduced, and is £2 per ton below the Albany price?

(2) Would he obtain the price per ton for 23 per cent. superphosphate for January delivery ex the works in Western Australia, Victoria, and New South Wales?

Mr. NALDER replied:

(1) Yes.

(2)

| | Per ton. New bags | | | Per ton. Bulk | | |
|---|---|---|---|---|---|---|
| | £ | s. | d. | £ | s. | d. |
| W.A. 25 per cent. .... | 12 | 3 | 6 | 10 | 3 | 6 |
| Victoria 22 per cent. | 10 | 13 | 6 | 8 | 19 | 6 |
| N.S.W. 22 per cent. .... | 12 | 11 | 0 | 10 | 11 | 0 |

## KULIN TOWN DAM

*Clarification Treatment Plant*

5. Mr. HART asked the Minister for Water Supplies:

(1) What progress is being made towards the installation of a treatment plant for the clarification of water in the Kulin town dam, as arranged?

(2) Can he assure the Kulin town residents that a plant will be in operation before Christmas?

Mr. WILD replied:

(1) A treatment plant is being designed.

(2) No; construction and installation will not be complete until early in the New Year.

## WITTENOOM

*Incidence of T.B., etc.*

6. Mr. BICKERTON asked the Minister representing the Minister for Mines:

(1) How many cases of pneumoconiosis and T.B. including suspected T.B. have been reported from Wittenoom since 1957?

(2) How many cases were reported prior to this date?

(3) How do the Wittenoom figures compare, proportionately, with other areas of the State where metalliferous mining is carried out?

Mr. BOVELL replied:

(1) There is no dissection of statistical data for Wittenoom prior to 1959.

The figures for the years 1959, 1960, and 1961 are shown in the table attached.

(2) There is no dissection of statistical data for Wittenoom prior to 1959.

(3) Comparison of the Wittenoom figures is made with those of Kalgoorlie in the following table:—

| | KALGOORLIE | | | | | WITTENOOM | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Estimate number of men Employed | New cases of Silicosis | New cases of Tuberculosis | New cases of Tuberculosis plus Silicosis | Percentage of men Employed | Estimate number of men Employed | New cases of Asbestosis | New cases of Tuberculosis | New cases of Tuberculosis plus Asbestosis | Percentage of men Employed |
| 1959 | 3,109 | 53 | 3 | 7 | 2·03 | 352 | 6 | .... | .... | 1·70 |
| 1960 | 2,972 | 37 | 2 | 11 | 1·68 | 345 | 2 | .... | 1 | ·87 |
| 1961 | 2,973 | 46 | 3 | 5 | 1·82 | 404 | 5 | .... | .... | 1·24 |

## PILBARA AREA

*Iron Ore Tested and Results*

7. Mr. BICKERTON asked the Minister representing the Minister for Mines:

(1) What quantity of iron ore has been tested for quality in the Pilbara area, and what are the results of the testing?

*Iron Ore Exported*

(2) How much iron ore has been sold from this area since the export ban was lifted?

Mr. BOVELL replied:

(1) and (2) No production of iron ore in these areas has yet taken place, nor has any ore yet been sold. Temporary reserves were granted for two years for the purpose of enabling holders to assess existence, quantity, type, and grade of any iron ore bodies. After completion of investigations, should holders of reserves desire leases for production of ore, they then have to negotiate with the Government for same. Reports to date show the

existence of very large tonnages of limonite ores assaying between 48 and 60 per cent. iron and hematite-goethite ores assaying between 55 and 68 per cent. iron. The hematite ores appear to be good direct shipping ores, suitable for blast-furnace purposes.

*Mineral Production*

8. Mr. BICKERTON asked the Minister representing the Minister for Mines:

(1) What were the production figures of manganese from the Pilbara area for the years 1958, 1959, 1960, 1961 and 1962?

(2) For the same years, what was the production of—

(a) asbestos;
(b) copper;
(c) tin;
(d) tantalite;
(e) other minerals?

Mr. BOVELL replied:

(1) *Realised Manganese Production—Pilbara Goldfield.*

| Year | Tons | Value £ |
|---|---|---|
| 1958 | 22,372·52 | 389,482·50 |
| 1959 | 39,266·84 | 662,219·10 |
| 1960 | 42,411·09 | 616,898·20 |
| 1961 | 57,928·08 | 760,614·35 |
| 1960 (to June) | 42,653·33 | 564,361·75 |

(2) *Other Mineral Production—Pilbara Goldfield.*

| Mineral | 1958 | | 1959 | | 1960 | | 1961 | | 1962 (to June) | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Tons | £ | Tons | £ | Tons | £ | Tons | £ | Tons | £ |
| Asbestos | 170·02 | 3,743 | 34·35 | 721 | *Nil* | *Nil* | 48·89 | 1,029 | *Nil* | *Nil* |
| Cupreous Ore | 1,713·98 | 37,892 | 4,902·72 | 96,086 | 2,573·86 | 71,763 | 1,738·89 | 77,210 | 286·36 | 12,847 |
| Tin | 123·96 | 70,886 | 226·75 | 141,911 | 260·68 | 157,364 | 321·07 | 224,261 | 163·53 | 122,949 |
| Tantalite | 4·03 | 6,923 | 3·10 | 4,343 | 6·03 | 12,848 | 6·85 | 13,130 | 1·40 | 3,071 |
| Beryl | 130·40 | 23,942 | 199·09 | 35,636 | 73·75 | 13,142 | 78·68 | 11,144 | 20·56 | 3,552 |
| Silver/Lead Concentrate | 70·06 | 715 | 420·87 | 17,059 | *Nil* | *Nil* | *Nil* | *Nil* | *Nil* | *Nil* |
| *Blue Asbestos—West Pilbara Goldfield* | | | | | | | | | | |
| Blue Asbestos | 11,887·10 | 1,304,724 | 14,680·17 | 1,611,293 | 12,921·59 | 1,418,767 | 14,086·59 | 1,532,540 | 6,424·41 | 696,005 |

*Main Roads: Total Mileage*

9. Mr. BICKERTON asked the Minister for Works:

What was the total mileage of main roads in the Pilbara in 1958 and 1962?

Mr. WILD replied:

There are no declared main roads in the Pilbara Electorate.

*Wool Production Figures*

10. Mr. BICKERTON asked the Minister for Agriculture:

What were the wool production figures of the Pilbara area for the years 1958, 1959, 1960, 1961, and 1962?

Mr. NALDER replied:

| Year. | Wool produced. | Cut per head. |
|---|---|---|
| 1957-58 | 4,444,641 lb. | 8.2 lb. |
| 1958-59 | 3,925,471 lb. | 8.1 lb. |
| 1959-60 | 3,522,501 lb. | 7.1 lb. |
| 1960-61 | 3,643,955 lb. | 8.3 lb. |
| 1961-62 | 3,407,163 lb. | 7.7 lb. |

## ALBANY SUPERPHOSPHATE COMPANY

*Construction and Operation of Works at Esperance*

11. Mr. MOIR asked the Minister for Industrial Development:

(1) Has the agreement with Albany Superphosphate Works to construct a works at Esperance been concluded?

(2) If so, when will the construction work commence?

(3) When will the works be in operation?

(4) If the answer to No. (1) is in the negative, what is the reason for the delay?

Mr. COURT replied:

(1) Most of the details of the project have been agreed to but a written agreement has not been signed.

(2) and (3) The company's construction timetable has not beeen finalised.

(4) Mainly legal formalities.

## SCHOOLS

*Provision of Drinking Water*

12. Mr. MOIR asked the Minister for Education:

(1) What number of schools are equipped with cold or cool drinking water facilities—

(a) in the metropolitan area;
(b) in country areas?

(2) Which country schools are so equipped?

(3) Is it proposed to provide these facilities for the Boulder Central School? If so, when; and, if not, why not?

Mr. LEWIS replied:

(1) (a) It is not departmental policy to provide cold or cool drinking water facilities to metropolitan schools.

(b) Twenty-eight at the present time.

(2) Wyndham, Wundowie, Merredin, Merredin High, Kellerberrin, Carnarvon, Kimberley Research, Derby, Onslow, Halls Creek, Avonvale, Port Hedland, Meekatharra, Cockatoo Island, Broome, Wittenoom Gorge, Southern Cross, Roebourne, Toodyay, Wongan Hills, Eastern Goldfields Technical, Mullewa, Moora, Eastern Goldfields High, Bluff Point, Cue, Bullfinch, and Marble Bar.

(3) Boulder Central School will be provided for in early 1963 if finance is available.

13. *This question was postponed.*

## GOLDFIELDS WATER SUPPLY

*Re-laying of Pipeline East of Dedari*

14. Mr. MOIR asked the Minister for Water Supplies:

(1) What is the length of the goldfields pipeline currently being relaid east of Dedari?

(2) Will this improve the supply position? If so, by what quantity?

(3) When is the re-laying expected to be completed?

Mr. WILD replied:

(1) 1m. 45c. steel pipe replacing wood stave pipe.

(2) No.

(3) Complete and linked in.

## FIREARMS AND GUNS ACT

*Areas Exempt from Licensing Provisions*

15. Mr. MOIR asked the Minister for Police:

(1) What areas of the State are exempt from the licensing provisions of the Firearms and Guns Act?

(2) Will he agree that firearms, particularly high power rifles, in the hands of irresponsible people, can be highly dangerous to the public in closely settled areas at present exempt from these provisions?

(3) Will he give consideration to having amendments made to the Act to cover the areas now exempt?

Mr. CRAIG replied:

(1) As regards concealable weapons, the licensing provisions of the Firearms and Guns Act apply throughout the whole State.

As regards non-concealable firearms, the licensing provisions apply within the following areas—

(a) All that area comprised within the boundaries of the South-West Division of the State as described in part 2, section 38 of the Land Act Amendment Act, 1917.

(b) All that area comprised within the boundaries of the Eucla Division of the State as described in part 2, section 38 of the Land Act Amendment Act, 1917, except that portion which lies east of the 123rd meridian of east longitude.

(c) Portions of the North-West and Eastern Divisions as follows:—Starting from the junction of the 26th parallel of latitude and the sea coast; thence east along said parallel of latitude to the 121st meridian of longitude; thence south along said meridian of longitude to the 28th parallel of latitude; thence east along said parallel of latitude to the 123rd meridian of longitude; thence south along the said meridian of longitude to the sea coast; thence west and northerly along the sea coast to the starting point.

(d) Also the areas contained within the gazetted boundaries of the following towns situated within the boundaries of the North-West Division; viz., Cossack, Nullagine, Onslow, Port Hedland, Peak Hill, Roebourne, Marble Bar, Denham, and Wittenoom Gorge.

(e) Also the areas contained within the gazetted boundaries of the following towns in the Kimberley division; viz., Broome, Derby, and Wyndham.

Outside these areas the licensing provisions do not apply as regards non-concealable firearms.

(2) Yes.

(3) Section 4, subsection (4) of the Firearms and Guns Act empowers the Governor, by proclamation, to extend the licensing provisions to other portions of the State.

## ALBANY SUPERPHOSPHATE COMPANY

*Delivery of Raw Materials to Esperance Works: Concessions*

16. Mr. MOIR asked the Minister for Industrial Development:

(1) Will he indicate if concessions have been offered to the Albany

Superphosphate Company in respect of the delivery of phosphatic rock and sulphur supplies from the ship's side to works site at Esperance?

(2) If so, what is the nature of these concessions?

*Water Supply Rates at Esperance Works*

(3) What rate will the company be charged for water supplied to the works site?

(4) What will be the estimated expenditure by the Government on the pipeline supplying water to the works site?

Mr. COURT replied:

(1) and (2) The only concession proposed in respect of delivery of phosphatic rock and sulphur supplies from the ship's side to the works site at Esperance is during the period pending completion of the land-backed wharf. This concession will be assessed in the light of actual experience as compared with Albany costs but is not to exceed 10s. per ton in any case. When the land-backed wharf is in operation there will be no concession.

(3) It is proposed that the agreement will provide for fresh water supply to the works site at the same rate as that supplied for industrial purposes to consumers carrying on business in Kalgoorlie. Unless otherwise determined the rate will be 7s. per thousand gallons.

(4) The estimated expenditure by the Government on the pipeline supplying water to the works site is £1,000.

## APPLE STOCKS

*Susceptibility to Woolly Aphis*

17. Mr. DUNN asked the Minister for Agriculture:

(1) Is it a fact that since the embargo on the importation of apple stocks into this State planting of apples has been on stocks highly susceptible to woolly aphis?

(2) Is it a fact that at present no woolly aphis resistant stocks such as the Malling Merton type are available to commercial growers in Western Australia?

(3) Is he aware that the Queensland Government acquired in 1934 stocks that are immune to this disease, and in 1943 stocks of the new Malling Merton type, and that nursery concerns in that State are selling about 30,000 trees on these stocks a year?

(4) In what year were the Malling Merton and Merton stocks first introduced by the department concerned in Western Australia, and what were the quantities of each variety?

(5) Why were the growers in this State not given the opportunity of planting the new post-war areas on these stocks which are proving their worth in other countries?

Mr. NALDER replied:

(1) Since the embargo on importations of apple stocks into this State plantings of apples have been made on various stocks including Northern Spy, Pomme de Neige, and Seedlings. Northern Spy is regarded as being highly resistant to woolly aphis. Pomme de Neige is not highly susceptible to woolly aphis. With regard to Seedlings rootstocks, which are widely planted in other States in Australia, there have been odd instances of severe root infestations of woolly aphis.

(2) Answered by No. (1).

(3) The department is aware that the C.S.I.R.O. introduced Merton rootstocks into Queensland in 1934 and that nurseries are now selling trees on two selected stocks, 778 and 793. The Malling Merton stocks were introduced in 1943 but as yet there has been no commercial propagation by nurserymen.

(4) Introduction of Malling Merton and Merton stocks into this State are as follows:—

1954—Merton 778 and 793—approximately six of each released in 1955.

1955—Malling Merton: 104, six stocks.

1956—Malling Merton: 103, ten stocks of each.
105, ten stocks of each.
106, three stocks of each.
109, ten stocks of each.
111, ten stocks of each.
113, ten stocks of each.
114, ten stocks of each.
115, ten stocks of each.
Merton: 779, ten stocks of each.

(5) It is only comparatively recently—1955—that the Malling Merton stocks were released in the United Kingdom. Their suitability under Western Australian conditions has yet to be determined.

## SEPTIC TANKS

*Installation in Greenmount-Boya Area*

18. Mr. BRADY asked the Minister representing the Minister for Local Government:

Is it a fact that residents of Greenmount-Boya area have been directed to install septic tanks?

Mr. NALDER replied:

Yes. The Mundaring Shire Council has directed the installation of septic tanks throughout the shire. This was ordered some three years ago and all landowners were given until the end of 1961 to comply.

## ROADS IN SWAN ELECTORATE

*Main Roads Department Programme*

19. Mr. BRADY asked the Minister for Works:

(1) What programme of work is planned for the Main Roads Department in the Bassendean, Guildford, and Midland areas in the current year, apart from work now in progress?

(2) Has any decision been made to improve East Street, East Guildford?

(3) Will Walter Road, Bassendean, be widened to cope with increased traffic?

Mr. WILD replied:

(1) (a) Bassendean.
Pearson Street-Fisher Street: Drag re-seal.
Kenny Street-Briggs Street: Drag re-seal.

(b) Guildford.
Swan Street Guildford: Construct bridge and approaches at Helena River.
West Swan Road: Construct and seal 1.5 miles.
Great Eastern Highway: Complete kerbing and drainage in Swan Street and Terrace Drive.

(c) Midland.
Great Eastern Highway: Viveash Street to Bushby Street, widen to 42 feet, kerb and drain (work started).
West Midland: Reconstruct 2,000 feet x 20 feet.
Works to be carried out by Midland Town Council: Elgee Street: Construction Morrison Road: Construction Helena Street: Railway crossing.

(2) No.

(3) A reply is awaited to correspondence with the local authority.

## NORTH-WEST

*Cargo Shipped*

20. Mr. BICKERTON asked the Minister for the North-West:

What were the tonnages of cargo shipped from the following ports for the years 1958, 1959, 1960, 1961, and 1962—
(a) Port Hedland;
(b) Point Samson;
(c) Onslow?

Mr. COURT replied:

This information was given in a statement tabled on Wednesday, the 10th October, 1962, in answer to a question asked by the member for Kimberley. I should add that if it does not provide all the information wanted by the honourable member, if he lets me know what is missing, I shall endeavour to supply it.

*Water Rates*

21. Mr. BICKERTON asked the Minister for Water Supplies:

What was the average cost of water rates in 1958 and what is it at the present time in the following towns:—
(a) Port Hedland;
(b) Roebourne;
(c) Wittenoom;
(d) Onslow;
(e) Marble Bar?

Mr. WILD replied:

The average cost of water rates on improved properties in 1958 and 1962 in the towns of Port Hedland, Roebourne, Wittenoom, Onslow, and Marble Bar is:—

| | 1958 | 1962 |
|---|---|---|
| | £ s. d. | £ s. d. |
| Port Hedland .. | 12 2 8 | 21 19 1 |
| Roebourne .... | 9 17 8 | 18 1 0 |
| Wittenoom .... | 13 1 9 | 16 12 2 |
| Onslow .... | 10 15 10 | 13 13 1 |
| Marble Bar .... | 17 6 8 | 18 0 0 |

The above figures do not include rates on vacant lots or charges raised in lieu of rates on properties exempt from rating under the Country Water Supply Act, 1947-1960.

*Electricity Charges*

22. Mr. BICKERTON asked the Minister for Electricity:

What was the average cost of electricity in 1958 and what is it at the present time in the following towns:—
(a) Port Hedland;
(b) Roebourne;
(c) Wittenoom;
(d) Onslow;
(e) Marble Bar?

Mr. NALDER replied:

Returns submitted by the supply authority indicate the average cost of electricity for the years ending the 30th June, 1958, and the 30th June, 1962, to be as follows:—

(a) Port Hedland—1958: 13s. 7d.; 1962: 10s. 5d.

(c) Wittenoom—1958: 7s. 5d.; 1962: 4s. 9d.

(d) Onslow—1958: 18s. 3d.; 1962: 14s.

(e) Marble Bar—1958: 22s. 8d.; 1962: 22s. 9d.

(b) Roebourne—The electricity undertaking was established in February, 1962. The charges are as follows:—

Domestic:

First 25 units per month—1s. 9d. per unit.

Next 25 units per month—1s. 3d. per unit.

Balance—9d. per unit.

Commercial:

First 100 units per month—1s. 9d. per unit.

Next 900 units per month—1s. 3d. per unit.

Balance—9d. per unit.

*State Housing Commission Rents*

23. Mr. BICKERTON asked the Minister representing the Minister for Housing:

What was the average cost of State Housing rents in 1958 and what is it at present in the following towns:—

(a) Port Hedland;
(b) Roebourne;
(c) Wittenoom;
(d) Onslow;
(e) Marble Bar?

Mr. ROSS HUTCHINSON replied:

| | 1958 | | | 1962 | | |
|---|---|---|---|---|---|---|
| | £ | s. | d. | £ | s. | d. |
| (a) Port Hedland | 4 | 15 | 0 | 5 | 5 | 0 |
| (b) Roebourne .. | 4 | 2 | 0 | 4 | 12 | 0 |
| (c) Wittenoom .. | 2 | 16 | 6 | 3 | 7 | 0 |
| (d) Onslow .. .. .. | 4 | 10 | 0 | 4 | 18 | 0 |
| (e) Marble Bar .. | 3 | 7 | 6 | 3 | 18 | 0 |

## TIMBER INDUSTRY INSPECTORS

*Visits to Metropolitan Area*

24. Mr. HEAL asked the Minister for Forests:

(1) Is it a fact that the inspectors under the timber industries regulations only visit the metropolitan area once in every three months?

*Provision for Workmen's Inspector*

(2) Is there a provision under the Act for an appointment for a workmen's inspector in the metropolitan area?

(3) If the answer to No. (2) is in the affirmative, has an inspector been appointed? If not, why not?

Mr. BOVELL replied:

(1) No. Inspections carried out in the metropolitan area about every two months have been found to be adequate.

(2) No.

(3) Answered by No. (2).

## PIGEONS

*Transport in Railway Vans*

25. Mr. HALL asked the Minister for Railways:

(1) Is he aware of the regulation in the W.A.G.R. *Weekly Notice* of the 27th October, 1962, as issued by the Chief Traffic Manager, which places a ban on the transporting of pigeons in guards' vans or vans containing foodstuffs?

(2) Does he realise that such a regulation will eliminate country pigeon clubs, which cannot group together to arrange alternative road transport?

(3) As there are pigeon clubs in nearly every country town, plus eight in the metropolitan area, will he, in view of the fact that pigeon flying is a clean sport, with a defence qualification, take steps to have the matter rectified?

Mr. COURT replied:

(1) This was only the renewal of an instruction to the staff. The ban on transport of pigeons in guards' vans and vehicles containing foodstuffs has been in force for a number of years.

(2) No. Pigeons may still be railed on recognised poultry transits as laid down in the working time table and on special transits per passenger and fast goods services for six-weeks-old chickens, as per list issued from the Railways Commissioner's office each year for a period from early May to the end of November. In addition, on the receipt of a special application, arrangements are made to give passenger transit to birds being railed to points on the eastern goldfields railways main line. This has been done on several occasions during recent months.

(3) Answered by Nos. (1) and (2).

## MULTI-STOREYED BUILDINGS

*Protective Measures*

26. Mr. HALL asked the Minister representing the Minister for Local Government:

With the increasing number of tall buildings, such as offices and multi-storeyed flats, being erected in this State, have protective measures been invoked for the safeguarding of the personnel and the buildings?

Mr. NALDER replied:

It is considered that uniform building by-laws provide adequate protection for the construction of tall buildings and also for the safety of the persons working in those buildings.

## WHEAT

*Rail Cartage Losses*

27. Mr. HALL asked the Minister for Railways:

As the wastage of wheat is considerable when carted by rail, what measures have been taken to build suitable style trucks to combat the losses?

Mr. COURT replied:

It is not agreed that any considerable wastage of wheat occurs in the transport of the commodity by rail. However, included in the wagon replacement programme of the department are wagons which should eliminate soon the limited losses which are at present occurring.

## WATER SUPPLIES: GREENMOUNT AND BOYA

*Septic Tank Requirements*

28. Mr. BRADY asked the Minister for Water Supplies:

(1) In view of the instruction by the local authorities in the Greenmount-Boya area that septic tanks must be installed, is he aware that water pressures are at times very low, or non-existent, in this area?

(2) Are any arrangements being made for more adequate water supplies to Boya and Greenmount?

Mr. WILD replied:

(1) The only area of intermittent supply is between Scott Street and Coulston Road, south of Greenmount reservoir. Non-rated services in this area were only permitted on the condition that supplies could not be guaranteed.

(2) There are no present proposals.

## RED CROSS BLOOD TRANSFUSION SERVICE

*Advertising Space on M.T.T. Buses*

29. Dr. HENN asked the Minister for Transport:

Would he give sympathetic consideration to allocating advertising space on six M.T.T. buses for 12 months, free of charge, so that the Red Cross Blood Transfusion Service can advertise through this medium, and thereby assist in increasing the number of blood donors in the metropolitan area?

Mr. CRAIG replied:

The trust is not in a position to offer this space as all advertising rights on buses have been let by contract.

## RAIL TRANSPORT

*Comparison of Freights on Bulk Ore and Bulk Wheat*

30. Mr. CORNELL asked the Minister for Railways:

(1) Has any freight rate been determined for the carriage of bulk ore from Koolyanobbing to Kwinana?

(2) If so, what is that rate?

(3) How does the rate compare with the carriage of bulk wheat from Moorine Rock to Fremantle?

*Freight on Grains Carried on Standard Gauge Line*

(4) Is it intended at the appropriate time to adjust freight rates for the carriage of grain in bulk from points along the standard gauge railway to Fremantle?

Mr. COURT replied:

(1) and (2) This is provided in the Broken Hill Proprietary Company Limited Agreement ratified by Broken Hill Proprietary Company's Integrated Steel Works Agreement Act No. 67 of 1960.

Railway freight charges are provided for in clauses 13, 14, and 15 of the agreement.

The schedule as set out in clause 13 is as follows:—

| In tons per financial year: Up to but not exceeding | Rates per ton mile expressed in pence. |
|---|---|
| 1,000,000 | 1.43 |
| 1,500,000 | 1.28 |
| 2,000,000 | 1.23 |
| 2,500,000 | 1.19 |
| 3,000,000 | 1.15 |

The rate to apply to the aggregate tonnage actually transported shall be the rate appearing in

column 2 opposite the tonnage in column 1 which is nearest above the actual tons transported.

The over-all rate to be reduced by .04d. per ton mile for each increase of 500,000 tons per financial year over 3,000,000 tons per financial year and this shall apply to the total tonnage.

These rates are subject to variation as provided in the agreement.

(3) and (4). It is not practicable to compare the freight rates in respect of bulk wheat with iron ore because of the different physical properties of the respective commodities and the methods of transportation that will be practicable in each case.

No decision can be made at this juncture regarding the effect of standardisation on the carriage of grain in bulk from points along the standard gauge railway to Fremantle.

The matter will be the subject of discussion between the Railways Department and Co-operative Bulk Handling as much will depend on the receival facilities and the size and type of trains that can be marshalled.

## POWER MAINS: NORTHAM-TOODYAY

*Relocation and Cost*

31. Mr. CORNELL asked the Minister for Electricity:

(1) What is the approximate length of power mains between Northam and Toodyay which require relocation because of the construction of the standard gauge railway line in that area?

(2) What is the estimated cost of the work of relocating these transmission lines?

(3) Who will bear the cost?

Mr. NALDER replied:

(1) Approximate length of relocation known at present 3½ miles.

(2) Approximately £4,000.

(3) W.A.G.R. Commission.

32. *This question was postponed.*

## RAILWAYS DEPARTMENT

*Forklifts*

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

(1) Will he advise—

(a) the number and respective costs to the W.A.G.R. of all forklifts acquired during the past two years;

(b) details of their respective lifting capacities;

(c) depots and stations where located; and

(d) details of any further contemplated purchases?

(2) Have any employees been retrenched or transferred because of the acquirement of these machines?

(3) If not, how are the displaced staff employed?

Mr. COURT replied:

(1) (a) and (b). A total of 12 forklifts have been acquired, costing as follows:—

1 x 6,000 lb. forklift—£3,443.
9 x 2,000 lb. forklift—£19,323.
2 x 20,000 lb. forklift—£17,740.

(c) Perth Goods.
Fremantle Goods.
Albany Goods.
Bunbury Goods.
Geraldton Goods.

(d) 1 x 45,000 lb. forklift.
3 x 2,000 lb. forklift.

(2) No. The displaced staff are utilised on the clearance of leave at the depots concerned and are absorbed into vacancies brought about by normal resignations and retirements.

(3) Answered by No. (2).

## HOUSING AT MANIANA

*Commission Homes Vacated*

34. Mr. JAMIESON asked the Minister representing the Minister for Housing:

(1) How many houses in Maniana proper (Maniana type cottages) have been vacated during the last financial year?

(2) What number of these vacations were because of transfer to other State Housing Commission accommodation?

(3) How many of these moves were due to eviction action taken by the State Housing Commission?

*Turnover of Tenants*

(4) Has the turnover of tenants increased or decreased during the last five years?

Mr. ROSS HUTCHINSON replied:

(1) 67.

(2) 5.

(3) 1.

(4) Decreasing.

## SUPERPHOSPHATE

*Price*

35. Mr. NALDER (Minister for Agriculture): I would like to make a correction, if you would permit me to

do so, Mr. Speaker. Question 4 (1) on today's notice paper reads—

> Has he seen the statement in the last issue of the *Farmers' Weekly* in which it is claimed the price of superphosphate has been reduced, and is £2 per ton below Albany price?

The actual statement in the *Farmers' Weekly* was that superphosphate is £2 per ton ex Melbourne cheaper than Albany. I would like to make that correction because as the question is worded it would indicate that the price in the metropolitan area and other works is £2 below the Albany price.

### RAILWAYS COMMISSION

*Availability of 1962 Report*

36. Mr. COURT (Minister for Railways):

Yesterday I promised the member for Canning that I would ascertain the position regarding the W.A.G.R. annual report for 1962. I find that the report is in the printed proof stage. The actual checking has not yet been undertaken. I am told that it will be impossible to have the report printed and ready for tabling before this session ends, assuming it runs to schedule. The report is not in any sort of form that could be made available. However, as soon as it is printed it will be made available to members.

## QUESTIONS WITHOUT NOTICE

### DEATH PENALTY ABOLITION BILL

*Resumption of Debate*

1. Mr. GRAHAM asked the Premier:

(1) Is he aware that order of the day No. 12 relates to a private member's Bill which has not been debated for a period of four weeks?

(2) Will he give an opportunity for the fate of the Bill contained in that Order of the Day to be resolved before this session concludes?

(3) If the answer to No. (2) is "Yes," is it possible for him to indicate approximately when?

Mr. BRAND replied:

(1) to (3) An opportunity will be given; but, as is known, it is very difficult for me to say when, at this stage.

### PILBARA AREA

*Main Roads: Total Mileage*

2. Mr. BICKERTON asked the Minister for Works:

Arising from question No. 9 in which I asked the Minister the total mileage of main roads in the Pilbara area, and he replied that there were no main roads in the Pilbara area, would he indicate what name is given to the gravel strips which are laid down throughout the area and which are used for transport; and how many miles of these things there are in the area for the years indicated in question No. 9?

Mr. WILD replied:

I do not think I should be expected to reply to such a sarcastic question.

Mr. Bickerton: It is not sarcastic. I want to know.

Mr. WILD: The honourable member should know that there are no declared main roads in that district. There are main roads under the authority of the local authority, and it is with funds provided by the Main Roads Department that the work is done.

Mr. Bickerton: Can't you give the answer just the same?

### RED CROSS BLOOD TRANSFUSION SERVICE

*Advertising Space on M.T.T. Buses*

3. Dr. HENN asked the Minister for Transport:

With reference to the answer supplied to question No. 29, for which I thank the Minister, I understand that it is the policy of the M.T.T. only to allow advertisements on the sides of trolleybuses, but not on the sides of diesel buses. Therefore, would he be good enough to grant the Red Cross Blood Transfusion Service space on the sides of the diesel buses for the same purpose as indicated in question No. 29?

Mr. CRAIG replied:

If the position is as stated by the honourable member, I think the trust will give sympathetic consideration to his request.

### MULTI-STOREYED BUILDINGS

*Protective Measures*

4. Mr. HALL asked the Minister for Agriculture:

With reference to question No. 26 and the Minister's reply, which indicated that it was considered

the uniform building by-laws provide adequate protection in the construction of multi-storeyed buildings, is the Minister aware that at a conference of the local governing authorities it was strongly advocated that the laws were inadequate to meet the demand?

Mr. NALDER replied:

The question asked by the honourable member has been answered on behalf of the Minister concerned. If the honourable member is not satisfied with the answer, I will undertake to acquaint the Minister with his question and obtain an answer from him.

**PILBARA AREA**

*Main Roads: Total Mileage*

5. Mr. BICKERTON asked the Minister for Works:

(1) Arising from his answer a few moments ago, what terminology does the Main Roads Department adopt to distinguish the more important roads from those of lesser importance in the Pilbara?

(2) What was the total mileage of the more important roads in the Pilbara in 1958 and 1962 respectively?

(3) What terminology does he adopt to distinguish from ancillary roads the roads taking the major amount of traffic between towns?

(4) Is Western Australia unique in having no main roads other than main roads which are gazetted as such?

Mr. WILD replied:

(1) to (4) Although I understand your ruling, Mr. Speaker, was that no more questions would be taken for tomorrow after 12 o'clock today, in view of the uncertainty of the honourable member as to what the position is, I will obtain the answers and furnish them tomorrow.

Mr. Bickerton: Why didn't you say that in the first place?

## LICENSING ACT AMENDMENT BILL (No. 3)

*In Committee*

Resumed from the 13th November. The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

**Clause 51: Section 184 amended—**

The CHAIRMAN: Progress was reported on the clause, to which Mr. Fletcher had moved the following amendment:—

Page 20, line 23—Delete the words "two guineas" with a view to substituting the words "one pound."

Mr. COURT: Last evening when this amendment was before the House I opposed it and gave my reasons for doing so. However, in view of the comments made by various members, I had the Crown Law Department examine the possibility of the present wording having an effect which was never intended; namely, that the reference to two guineas would apply to other than ordinary members.

The draftsman is of the opinion that it would not. However, in order that there might be no doubt I propose moving the following amendments:—

Page 20, line 24—Insert after the word "by", the word, "ordinary".

Page 20, line 25—Add after the word "advance", the passage ", and such fees (if any) in respect of other members as the club may prescribe".

In order that I may be able to move my amendments, it will be necessary for the amendment at present before the Chair to be defeated. Under my amendment the question of what was payable in respect of the whole of the members other than ordinary members would be left entirely to the clubs, as was intended originally. I therefore oppose the amendment moved by the member for Fremantle.

Mr. FLETCHER: I was pleased to hear the Minister say he had endeavoured to meet our objections; but I regret that I still do not find his amendment satisfactory. It may be quite satisfactory under conditions mentioned by the member for Subiaco. It could apply to clubs in, say, St. George's Terrace, where people come from remote areas and pay a substantial fee. However, there are elderly people and others who would have difficulty in finding the two guineas. The type of club to which I refer is the one where the membership consists mainly of aged people, invalid pensioners, war service pensioners, and others. I submit to the Minister that there are a number of those clubs in existence catering for that type of membership. The membership of bowling clubs, for example, does not consist exclusively of those people in higher income brackets. After their paying for the necessary sporting equipment, uniforms, and so on, two guineas would be an added burden. I hope members will support my amendment that the words "two guineas" be struck out with a view to inserting a lesser amount.

Mr. GRAHAM: I feel that the main point is being missed. When the legislation was first drawn up Parliament decided that in order for one to become a member of a club a fee should be payable. That fee or subscription happened to be the figure of £1. I do not think it is the business of Parliament to make it mandatory for clubs to charge certain figures. If we set a figure of two guineas for an ordinary member, somebody could say that we should

set a minimum fee of five guineas for membership of a bowling club, ten guineas for an aquatic club, and 20 guineas for a golf club, and so on.

I do not think that is the function of Parliament. We should insist upon a subscription being paid as a condition of membership, but we should then leave it to the clubs to decide upon the figure. It is the private and domestic business of a club to decide whether to make a minimum charge of £1 or to go as high as the sky. I think the details should be left for clubs and organisations to work out. Whilst I appreciate the gesture made by the Minister, his amendment still departs from what I think should be the principle, and the less we meddle in this matter the better.

With regard to the partaking of particular types of beverages in Western Australia, we have here a Statute containing 150 pages. The thing is cluttered up with all sorts of details to meet all sorts of exceptional circumstances. Let it be as simple as we can make it. Having established the principle, which has existed for some 50 years, let it go at that and let us leave it to individual clubs to exercise their judgment in accordance with their requirements, having regard for the nature of their members, their ability to pay, and so on. In my opinion we should support the move of the member for Fremantle who seeks to retain in the legislation what has worked, I think, quite satisfactorily over the years.

Mr. ROWBERRY: Whilst I, too, appreciate the effort of the Minister to meet our objections to this imposition, I am still in favour of the amendment moved by the member for Fremantle. The Minister said, when introducing this Bill last night, that the Government had made intensive inquiries into the subject of clubs. But he omitted to make inquiries in my electorate. He was asked whether there were any clubs composed mainly of working people, old-age-pensioners, and so on. There are eight clubs in my electorate and they are all in timber-milling towns. Those clubs are still charging their members only £1 as a membership fee. What would happen if the fee were raised to two guineas? It would mean taking something out of one pocket and putting it in another. There is no need for this increase at the present time, because the clubs are quite financial and they are providing necessary amenities in those towns.

The timber owners and millers were so mean that they would not provide amenities for the people in those towns, and they suggested that the clubs should be established to provide amenities for the workers. An effort is now being made to make it more difficult for the workers to participate in those amenities. I think the members of those clubs could participate in the distribution of the income of the clubs. Membership is determined on the basis of equality, and no section of the membership can have more than another; and no individual can have more than any other. We are now making it more difficult for those people who have been members of clubs for so long to continue their membership.

A large number of those members are old-age pensioners and others who will find it particularly difficult to continue their membership in view of this imposition. What is the point in increasing the fees? The clubs have ample opportunities of earning income in other ways, such as from the sale of various commodities. There is no point whatever in taking another guinea from members just to add to the clubs' funds. It would be possible, by a manipulation of the books, for a club committee to decide that it would declare a bonus of £1 per annum for each member, and that would destroy the effect of raising the fees.

I am still convinced that pressure to increase the fees to two guineas came from the Licensed Victuallers' Association in an effort to drive members of clubs to the hotels. I still support the amendment, and my decision to do so has not been altered by the information which the Minister has given to us.

Mr. GUTHRIE: The amendment foreshadowed by the Minister will overcome all the objections raised by the member for Fremantle and the member for Warren. The amendment of the member for Fremantle will not overcome the serious objections to this clause, inasmuch as whatever figure we put in, if the clause stands as it is printed members of all types must pay the minimum subscription prescribed.

Later in the clause there is a reference to honorary life members, and the way the clause is worded a man elected as an honorary life member would be charged the annual subscription as prescribed. That difficulty would not be overcome by the amendment moved by the member for Fremantle. I would also point out that there have been occasions in the past where people have attempted to form clubs in which no subscription was charged and, in fact, an under-the-lap method was adopted to pay dividends to members at the end of the year. That sort of thing is undesirable and consequently in principle I must support the necessity for a minimum subscription.

The Minister's proposed amendment will overcome the difficulties mentioned because a minimum subscription of two guineas will be prescribed for ordinary members and a club will be able to charge whatever subscription it likes for any other class of member. It could have a class of veteran member, or an over-20 member, or some other type of member, and the subscription charged could be 2s. 6d. per

annum. The Minister's amendment will allow greater flexibility than the amendment of the member for Fremantle and therefore I shall support it when the time comes for him to move it.

Mr. H. MAY: I think we should take a long view in regard to this matter and realise that all clubs throughout the State are not of the same standard as those in the metropolitan area. There are some clubs in the smaller country towns which are scratching for daylight because, in the main, the people living in those districts are receiving only the basic wage. That fact should be taken into consideration; and if a club can manage on a membership fee of £1 there is no earthly reason why we should want to change it.

It is nothing to do with the Government what a club charges in the way of subscriptions, and I do not know why this matter has been introduced. If the idea is to enable clubs to be more selective in their choice of members, and the minimum fee of £2 2s. is to keep out a certain class of people, then I am very much opposed to it. I think we should do the right thing and vote against the clause in its entirety so that the position as it is at the moment will continue.

Mr. BRADY: I did not want to buy into this matter.

Mr. H. May: It won't cost you two guineas to buy into it.

Mr. BRADY: I know that; but to some people it would be a hardship to be charged two guineas for a club fee. A few moments ago the member for Balcatta said he thought the main principle was being overlooked. Within the last week or so the Treasurer introduced legislation dealing with the Licensing Act under which the Government will obtain another £200,000 a year from the people who frequent hotels and clubs in Western Australia. To add another impost on the people who are members of clubs is not fair.

What the Minister has failed to realise is that the social habits of Western Australians have changed considerably in the last 10 years. Ten years ago most clubs had only male members but now bowling clubs, and most other clubs, have associate members. Whether that is a good thing or a bad thing does not alter the fact that it is the position at the moment. By legislation which the Treasurer recently introduced club members and their wives who drink alcohol will be the means of the Government raising another £200,000 each year. And now the Government wants to increase club membership fees. I think members of all parties can see the injustice of that approach by the Government.

There is one other provision about which I am most concerned, and I refer to the provision for junior membership of clubs. If I had my way I would stop juniors from becoming members of clubs, whether they be athletic or any other sporting club, where they could obtain liquor. The fact remains that there is provision in the legislation for juniors to become members of a club and they will now be forced to pay two guineas instead of one guinea. The Committee should know all the facts when considering this matter. There is no difference between a club and a co-operative. If people so desire they form a co-operative; and, at the end of the year, they share any dividends that are paid. Because people call an organisation a club instead of a co-operative apparently they are to be singled out for special treatment. The people have had enough of the Australian Hotels' Association or any other concern operating in this State whereby the hotel interests can make the public pay increased prices so that a certain profit is returned to them, and to the brewery by way of rentals, and the sale of its product.

The Government should be assisting members of the community to form clubs rather than helping these private organisations to make unfair profits through a monopoly. Whilst the hotels continue to abuse that monopoly the clubs should be entitled to grow in number as they are doing. The Government, in trying to increase the membership fees of various clubs is only playing into the hands of the licensed hotels, the brewery interests, and the licensees of wine saloons. Members of the Committee should not stand for that. I am not a drinking man and I think those people who are so inclined should be able to continue their club activities without the Government interfering with their internal or domestic affairs by seeking to increase the membership fees, as well as increasing the taxes that are to be paid by these people.

Mr. HALL: The nigger in the woodpile is the move to increase the fees. This seems to be designed to prevent the formation of new clubs. That is the whole crux of the matter. As the member for Balcatta said, we are introducing legislation which we have no right to introduce because it is interfering with the rights and privileges of the people. Yesterday the member for Subiaco expressed his thoughts on the clause and I was quite prepared to accept his remarks, but today he seems to have turned a complete somersault.

A few years ago it was very simple for a group of people to get together and form a club. After establishing that organisation it was generally found that their commitments exceeded their subscription fees and so they applied for a license in order to keep themselves solvent. As their profits grew through their liquor sales they were not only able to expand their activities but also improve and increase the amenities of the club by ploughing the profits back into their organisation.

For many years the hotels neglected the people they are now trying to get back into their premises. They lost trade through neglect in not giving a proper service to the public. Hotels eventually became swill houses and nothing was done to improve them. However, in the last few years, as a result of the competition from clubs and other organisations they have had to renovate their premises and improve the service they render to their patrons. Now the Government is trying to increase the club membership fees to prevent other clubs from being formed and probably putting those now operating out of existence.

Even pensioners today are forming themselves into organised bodies and clubs and they have to have finance to conduct these organisations. It will be found that such clubs also will be applying for licenses to raise funds. The money that is earned from their trading within the club is not merely to provide for extra drinking facilities but to provide as many amenities as possible for their members.

Another factor we have to consider is that we will be increasing the cost of liquor if we agree to this clause. Neither this Government nor any other Government should introduce a Bill to increase the cost of living. We should look fairly at the amendment before the Committee and support it, because it will assist in the formation of new clubs and help those in existence to carry on.

Mr. D. G. MAY: Yesterday, in Committee, the Minister said that the increase in membership fee to two guineas was necessary because of the change in the value of money, and an attempt to encourage a club to adhere to a reasonable standard. It is quite obvious from the amendment the Minister proposes to move that this proposal will do nothing to improve the standard of any club; because, by his amendment, he is seeking to prescribe membership fees for seven or eight different types of members. One person can become a member of a club for 5s. Another person can become a member for 7s. 6d., and so on. How can the standard of any club be raised in those circumstances? It is difficult for a club to continue its activities with the small profit it is making now without trying to impose a greater burden on its members by increasing the subscription fee when there is no reason for it.

Everybody has been quite satisfied with the fee of £1, and the police have been happy with the licensing arrangements. No complaint has been made by the Licensing Court because very few clubs breach the provisions of the Licensing Act; and, if they do, they are soon brought to book. I cannot see any reason for altering the membership fee of £1. The amendment proposed by the Minister will prescribe fees for five or six different categories of members, all of which will be below £1. So I cannot see anything in the Minister's argument that the standard of clubs must be maintained or raised by having an increase in membership fees, and I do not think he has a valid argument in saying that the amendment should be agreed to because the value of money has changed. I have pleasure in supporting the amendment moved by the member for Fremantle.

Mr. TOMS: Yesterday I stated it was my belief that it was not the prerogative of the Government to prescribe the membership fee for sporting bodies or clubs. I can understand the Minister attempting to increase the membership fee if a return to the Government would result, but no return will be coming to the Government under this provision. It is merely an additional charge to be imposed upon members, so surely it is the prerogative of a club committee to decide what fee shall be paid. Every club must charge a fee so that it can be economically administered. Who are we to decide what fee shall be charged?

I believe that the Minister, overnight, has made an honest attempt to overcome the difficulty with which he was faced yesterday as a result of the opposition from members on this side of the Chamber, but I still believe the amendment moved by the member for Fremantle is the more suitable one. The Minister's proposal will affect one particular member: an ordinary member. Who is going to define "ordinary member"? The phraseology is very weak. I think that should refer to a full benefit member.

Mr. Court: It is defined in the Bill.

Mr. TOMS: I could not find the definition of "ordinary member".

Mr. Court: It is in the same clause.

Mr. TOMS: Parliament should not dictate to the clubs what their fees should be. As the Minister knows, when a club makes application, the Licensing Court assesses the anticipated number of members—there is a fixed minimum—and studies the set-up and the rules to see whether the club can function economically. That is where it should start and finish. Parliament should not fix these fees. I hope the Minister will accept the proposed amendment by the member for Fremantle. There will be no hardship created, and the time of the Committee will possibly be saved.

Mr. COURT: I would like to make some comment on the observations of members on that side of the Chamber on the amendment moved by the member for Fremantle. We are getting right away from the whole concept and purpose of clubs. The emphasis in this debate has been on liquor, and nobody seems to be the least interested as to what should be the true function of a club—that a number of men and

women are able to get together in the spirit of friendship, as distinct from the atmosphere of an ordinary licensed hotel.

Mr. Cornell: Can't they do that now, without any legislation at all?

Mr. COURT: They can, under the present law, have a club and a license—if they get one under this Act—and of course they can have an unlicensed club if they desire. In the case of an unlicensed club it is still intended that it should be different from just a drinking place. We are placing too much emphasis on the liquor side of the club.

Mr. Graham: Half the members never mentioned liquor.

Mr. COURT: Had members listened to the comments made last night and today they would have gathered the impression that the be-all and end-all of these places is liquor. That is not the case. It was originally anticipated in Parliament in 1911 that there would be some statutory minimum; and this has been accepted ever since. That was not criticised as an interference with the liberties of the club and its members.

In the administration of these things the Licensing Court must have some regard for the various forms of licensing, and the various conditions under which liquor can be consumed. Like many other people, the Licensing Court is concerned about the position that is developing, and which will continue to develop at an accelerated rate, in respect of the hotels. It is not fair or right; in fact, it is impracticable to expect hotels to increase their standards of accommodation and amenities if we do not give them the wherewithal to do it.

Mr. Oldfield: Motels are doing very well without a liquor license.

Mr. COURT: The club position has been allowed to get out of hand; and the Licensing Court is trying to achieve a degree of sanity in the administration of the licensing law. It is up to the Legislature to lay down the minimum or maximum conditions that will prevail in relation to any licensing matter. We have a responsibility to declare ourselves in respect of this question as to what will be the minimum subscription to be paid by ordinary members of the club.

Surely two guineas it little enough! The amendment foreshadowed by me gives the club all the power it wants to deal with compassionate cases, if they are as real as has been made out by members opposite. In fact, they can deal with them more generously than at present.

The question of junior members was raised by the member for Swan. Junior members are only mentioned in this Bill as a matter of formality, because they have been provided for in the Act for many years. Section 184 (k) of the Act covers the situation in respect of juniors, and makes ample provision, which is carefully policed by the Licensing Court, to ensure that junior members of athletic clubs do not have access to premises where liquor is served.

If there were no provision for junior members it would become completely impracticable; it could not function because many of the sporting bodies start with junior members who graduate to senior status, after which there is a mixture of junior and senior members. This gives the club membership continuity.

Mr. J. Hegney: Where does the request for the increased fee come from?

Mr. COURT: The Licensing Court in its administration made recommendations in this direction, because it has an overriding responsibility to administer the licensing laws. Parliament would be the first to criticise the Licensing Court if it allowed the administration of the licensing laws to get out of hand, or if it failed to invite the attention of the Government of the day to the making of provisions to tighten up the situation.

Mr. D. G. May: Would the Licensing Court be prepared to accept your foreshadowed amendment?

Mr. COURT: It is up to Parliament. This only interprets what appears to be the situation. I do not think any member here expected "honorary members" to be paying a fee; even a nominal fee. I am trying to remove any doubt, in view of the doubt raised last night. The draftsman said it was not necessary, but this amendment has been foreshadowed by me so that the clubs would have control over the subscription of their members, with the exception of ordinary members. The Government's intention was that the ordinary member—the member with full status in the club—should be subject to a minimum fee.

Mr. Tonkin: What is the purpose of that?

Mr. COURT: I can only reiterate what I have already said.

Mr. Tonkin: It must have a purpose.

Mr. COURT: The concept of a club is at the root of all this. If a man did not want club life, he could go and drink in the ordinary way at a hotel if that was what he desired. That would be his own decision, whether he was a member of a small club, sporting body, or anything else. Generally such a club member wants to have a semi-private group with which he can mix. It is only right there should be some charge made for people who want to drink under these conditions and be provided with club amenities, as distinct from the man who patronises a hotel.

Mr. Tonkin: Then you are really aiming at excluding some people who are now members of clubs.

Mr. COURT: Not at all. If the Government were trying to exclude members on a financial ground, it would not have decided on two guineas.

Mr. Tonkin: As the money goes to the clubs how could it work to the advantage you seek to derive?

Mr. COURT: It is not a question of trying to advantage the Government in any way. The member for Swan by inference has tried to make out this has something to do with the liquor licensing tax. It has nothing to do with it at all, so we can leave that out of the argument. It is not designed to help the Government in any way at all, but we feel it would be in the interests of the better administration of the licensing laws of this State that some cognisance should be taken of the change in money values since 1911.

I oppose the amendment and hope it will be defeated. Even if the honourable member is successful in having this amendment passed by the Committee I feel his objectives will be defeated. I have gone as far as I humanly could to make sure that real objections are met and to provide for a subscription that will apply only to ordinary members and not to special members, who will be entirely at the discretion of the clubs themselves.

Mr. OLDFIELD: The Minister is struggling. He tried to repeat himself, but he still has not given us the reason or an answer to the question asked by way of interjection. Just what is the purpose in raising the minimum fee from £1 to two guineas? Let us look at the facts as they exist. The Licensing Court—I dispute it has the right to do so but it is exercising it—has been laying down minimum fees for all new registrations. In fact, in recent cases I have read where certain clubs have made application for registration, and the rules have provided for a three, four, or five guinea subscription fee for members; and the Licensing Court has made those clubs amend their rules and increase the fee to seven, eight, nine, or ten guineas.

It is only in respect of clubs already registered that the Licensing Court has no power; and the majority of clubs are possibly charging in excess of the £1 minimum fee for ordinary members. When we have regard for the number of golf clubs, sailing clubs, football clubs, and so on, it is not hard to realise that with a £1 minimum subscription those clubs could not possibly provide the amenities which are enjoyed by their members. Therefore, the only clubs at issue are those that are now charging £1; and I think they would be social clubs. They would not be sporting clubs providing sporting amenities such as bowling greens and fairways, or boatsheds at a sailing club, because the commitments would be too high.

These social clubs are already established and are operating quite successfully with a minimum membership fee of £1 in the Act; and they do not require an increase. If they needed an increase this would be made on the recommendation of the committee at the annual general meeting, or by the committee where it had the power to impose this increase.

All we are going to do is compel certain clubs to take more revenue from their members than those clubs require. This could mean only one thing: A reduction in the price of liquor for the members of those clubs. Those clubs would not be able to reduce their fees and all they could do would be to give the increase back to their members by way of reduced liquor prices.

What good is this going to be? I cannot find an answer to that. I am in agreement with the member for Balcatta that this is an unwarranted intrusion into club affairs by Parliament itself, and that it is at the instigation of the Licensing Court according to what the Minister said this afternoon. It ill behoves Parliament, purely to satisfy the whim of the Licensing Court, to interfere with what should be an administrative matter of the club, particularly when the court already has power to increase registration, although I dispute that it really has that power. I support the amendment.

Mr. TONKIN: In legislation nothing is ever done without purpose except that which is done inadvertently; and there must be a deliberate purpose behind this proposed amendment. The Minister did not satisfy me with his explanation because the result of this amendment will be that if no-one drops out from membership because of this increase the clubs will obtain twice as much in membership fees as they now receive. What good will that be to anybody?

Mr. Court: That is only those clubs that have less than a two guinea membership fee now.

Mr. TONKIN: That is so.

Mr. Court: There are very few.

Mr. TONKIN: It seems to me the deliberate intent behind the amendment is in some way to advantage the hotels because it is believed that some members who now pay one guinea for club membership will drop out from membership if they have to pay two guineas. That being so, if they desire to drink, they will be obliged to go to a hotel. It looks to me as if that can be the only possible reason. I cannot find any other logical reason for what is proposed to be done; and if that be the reason I do not agree with it.

If, when the legislation was originally brought forward, it was intended at the establishment of clubs that the membership fee should be nominal to enable persons to become members of clubs, there

is no need to change that idea now. So the end result of the proposal will be—as I see it—to exclude from membership the less fortunate members of the community who will find it much more difficult to be members of the club if they have to pay two guineas instead of £1.

The only people who are likely to gain any advantage from that situation will be the hotelkeepers; and I cannot see there is any call on us to take positive steps in that direction in connection with license fees to clubs. If there were some legitimate reason for the change I would be prepared to vote for it, because I consider that two guineas is not a high fee to pay for membership of a club. But obviously the Government must believe that if it imposes two guineas it will result in a reduction in the membership of clubs.

Mr. Court: Not necessarily.

Mr. TONKIN: There is no other justification for the step.

Mr. Court: There is a two-year transition period, in any case.

Mr. TONKIN: There is no other justification for the step, because whom does it advantage if the same people remain members of the clubs but they have to pay two guineas instead of one guinea in order to do so? Whom does that advantage? It confers no advantage upon the Government. It confers no advantage upon the hotelkeepers. So there would appear to be no reason for such a step if there is to be no reduction in the membership of the clubs as a result of this increase. But if there is to be a reduction in membership as a result of this increase—and I anticipate that is the aim—then, of course, it means we are taking a step which is going to result in the exclusion from membership of people less able to pay for membership, but who, nevertheless, desire to have the advantages of membership of a club.

We have to recognise that this does not necessarily mean the consumption of liquor, because persons could desire to become members of clubs, especially in country districts, in order to receive the advantage of the social life which is available in those clubs without necessarily consuming liquor in the process. Therefore we are not, in my view, taking a satisfactory step if we do something which may result in depriving persons, who now get some enjoyment from club membership, of that enjoyment because they can no longer pay the fee which is imposed. So far as the clubs benefiting from the revenue is involved, surely if they want to get this extra money there are ways of doing so. I am opposed to the proposal in the Bill and I support the amendment.

Mr. FLETCHER: In view of the debate which has taken place, I have had some further thoughts on the issue. Earlier I was prepared to be conciliatory in regard to the amendments suggested by the Minister; but in view of the remarks of other members I have had second thoughts in that respect. I had suggested that ordinary members should not have to pay a fee in excess of £1. The member for Canning mentioned the confusion which might arise from having varying grades of members. I sincerely believe that the Minister has made a conscientious effort to meet our objections; but if he listened to the member for Canning I am sure he would have been impressed by the points he made in connection with having varying grades of membership and varying scales of fees. That could create confusion for part-time secretaries from the point of view of their bookkeeping systems. There could be a feeling of lesser status on the part of the various types of membership envisaged by the Minister. He used the word "compassionate".

Mr. Court: I said "compassionate cases".

Mr. FLETCHER: Yes; and, frankly, I know of people who would take exception to compassionate consideration being given. After all, the Australian race is a very proud one, and I am proud that it is so. It could give people a feeling of inferiority in their own clubs. I put that point forward in all sincerity. There is another aspect which, I think, will appeal to the Minister. The Minister has suggested a 100 per cent. increase from £1 to £2. This Committee has indulged in something to which that side of the House takes exception—that is, price control.

*Sitting suspended from 3.45 to 4.9 p.m.*

Mr. J. HEGNEY: I move—

That the Committee do now divide.

**Motion put and passed.**

The CHAIRMAN (Mr. I. W. Manning): The question is, "That the words proposed to be deleted be deleted".

**Amendment put and negatived.**

*Point of Order*

Mr. FLETCHER: I would like to know what the position is. I heard the motion that the Committee divide, and you, Mr. Chairman, gave a decision in favour of the Ayes. What is now before the Chair?

The CHAIRMAN (Mr. I. W. Manning): I put the motion moved by the member for Belmont, "That the Committee do now divide", and this was agreed to. I then put the question on which a decision was made.

Mr. Graham: No; you never put a second question.

The CHAIRMAN (Mr. I. W. Manning): I put the question, "That the words proposed to be deleted be deleted," on which a decision was taken.

Mr. OLDFIELD: I heard you put the question, Mr. Chairman, that the words proposed to be deleted be deleted. Members on that side of the Chamber said "No," and we said "Aye"; and you, Sir, gave it to the Noes. At the same time, however, I called "Divide".

The CHAIRMAN (Mr. I. W. Manning): I did not hear that.

Mr. TONKIN: The position is as the member for Maylands has explained. The motion that the Committee divide was put —though personally I do not think that the motion should have been moved—and when the member for Maylands called "Divide", subsequently, I was under the impression he was doing so on the motion "That the Committee do now divide", which I thought you, Sir, had put the second time. There is no doubt that the member for Maylands called "Divide"; and there is no Standing Order which permits anybody on the other side to do otherwise than accept the decision of the Chair. I am sure a division was called for, and under Standing Orders it should be granted.

Mr. COURT: My understanding of the position is that the member for Maylands moved, "That the Committee do now divide," and members on that side of the Chamber supported the motion. I opposed it and you, Sir, gave the decision in favour of the Ayes.

Mr. J. Hegney: You were the only "No."

Mr. COURT: There were others. You, Sir, then put the motion for the deletion of the words which had to follow, because the previous motion had been carried. You had given the decision in favour of the Ayes. However, when it was heard on the voices, you gave it in favour of the Noes. Could you, Mr. Chairman, clarify the position as to whether or not a division was called for?

The CHAIRMAN (Mr. I. W. Manning): I can only reiterate what took place. A motion was moved by the member for Belmont, "That the Committee do now divide." I gave the decision in favour of the Ayes. No division was called for, so I put the question before the House—that the words proposed to be deleted be deleted—and I gave a decision in favour of the Noes.

Mr. J. HEGNEY: The member for Maylands called "Divide". There is a lot of noise in the Chamber. Your voice is very low and that makes it very difficult for members to hear.

The CHAIRMAN (Mr. I. W. Manning): I will permit a division to be taken on the question as to whether the words proposed to be deleted be deleted.

*Committee Resumed*

**Amendment (to delete words) again put and a division taken with the following result:—**

| Ayes—24 | |
|---|---|
| Mr. Bickerton | Mr. Jamieson |
| Mr. Brady | Mr. Kelly |
| Mr. Cornell | Mr. D. G. May |
| Mr. Curran | Mr. Moir |
| Mr. Davies | Mr. Norton |
| Mr. Fletcher | Mr. Oldfield |
| Mr. Graham | Mr. Rhatigan |
| Mr. Hall | Mr. Rowberry |
| Mr. Hawke | Mr. Sewell |
| Mr. Heal | Mr. Toms |
| Mr. J. Hegney | Mr. Tonkin |
| Mr. W. Hegney | Mr. H. May |
| | *(Teller.)* |

| Noes—22 | |
|---|---|
| Mr. Bovell | Mr. Hutchinson |
| Mr. Brand | Mr. Lewis |
| Mr. Court | Mr. W. A. Manning |
| Mr. Craig | Mr. Mitchell |
| Mr. Crommelin | Mr. Nalder |
| Mr. Dunn | Mr. Nimmo |
| Mr. Gayfer | Mr. O'Connor |
| Mr. Grayden | Mr. Runciman |
| Mr. Guthrie | Mr Wild |
| Mr. Hart | Mr. William- |
| Dr. Henn | Mr. O'Neil |
| | *(Teller.)* |

**Majority for—2.**

**Amendment thus passed.**

Mr. FLETCHER: I assume I am now in order in moving for the insertion of other words, in lieu of the words deleted. I move an amendment—

> Page 20, line 23—Substitute the words "one pound" for the words deleted.

*Progress*

**Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr. O'Neil.**

## FRUIT CASES ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 13th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

> That the Bill be now read a second time.

**MR. KELLY** (Merredin-Yilgarn) [4.21 p.m.]: I shall be brief in my comments on the Bill before us. This is a small complementary measure which makes provision for the registration of direct buyers of apples from all sources. That is practically the only effect of the Bill, although it contains a number of clauses relating to the registration of buyers.

Under the parent Act the method of effecting supervision at the Metropolitan Markets by inspectors has proved to be quite satisfactory. In recent times the trend has developed for direct sales to be made at the orchard to retailers and wholesalers, and this method has superseded, to some extent, sales through the markets. This Bill seeks to make the necessary adjustment to the Act, to bring it into conformity with the provisions in the Agricultural Products Act Amendment Bill which was dealt with earlier. The

Bill provides for registration of direct buyers under certain conditions. I support the second reading.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

**Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture) and transmitted to the Council.**

## PARLIAMENTARY ALLOWANCES ACT AMENDMENT BILL

*Second Reading*

**MR. BRAND** (Greenough—Treasurer) [4.31 p.m.]: I move—

That the Bill be now read a second time.

In submitting this Bill I realise that I am introducing legislation which at the best of times creates a lot of public interest and I am very conscious of that fact. I am aware of certain protests being made even at this juncture. But I think that if there is a case, and the highest executives in this State feel they are justified in taking this course as the only course by which to increase salaries and allowances of members of Parliament, then it should be taken and taken with a clear conscience.

I would remind the House that since 1955, which was the last time the base salaries of members of Parliament in Western Australia were adjusted, there have been very substantial increases in salaries, allowances, and wages of people in Western Australia. Quite recently increases were approved by this Parliament in respect of the salaries of judges. Everyone knows that there have been increased salary levels for senior civil servants, for professional men, and, indeed, margins in respect of certain awards; and generally improved conditions all round.

Whilst members of the public are mindful of the fact that we attend this House during the sittings of Parliament and that we represent our electorate in the ordinary course, I do not think they are mindful of the heavy responsibilities of a private member if he really does represent his electorate, particularly when it is a country electorate, in which he has some very heavy travelling.

I hope that under the legislation placed before members, in the form of this Bill and another on reimbursements, we shall be able to bring about a reasonable salary and allowances and reimbursement of expenses of private members and those who are officers of Parliament and form the Ministry.

Although the Government has not followed the popular practice of referring the question of parliamentary allowances to a committee, it has had the benefit of the judgments given by the several bodies appointed in recent years to consider this matter.

The latest report was made in 1961 by a committee appointed by the Queensland Government to consider salaries of members of Parliament in that State. The Hon. Sir William Webb was the chairman of this committee. In submitting its recommendations the committee made the following observation with respect to members' salaries:—

> The occupation of member of Parliament is as much a full-time occupation as is any other salaried occupation in this State. That is not contested.

As already stated, the salary of a member of Parliament in Queensland—and this is of interest to members—

> —was tied for about 4½ years—from May, 1953, till November, 1957—to a specified public service classification under an industrial award. But subsequent movements upwards in the salaries of the particular public servants made it unrealistic to retain, and now make it unrealistic to restore that standard, having regard to the salaries of Members of Parliament in other States, which must necessarily be a major, if not, indeed, the dominant, consideration under existing or any foreseeable circumstances. After all, they do give the best indication of the consensus of Australian opinion, expressed as it is in legislation, and which no responsible person could feel at liberty to disregard, except in unusual circumstances which are neither present nor anticipated.

That is one of the reasons—I should say the main reason really—why the Government did not accept the decision that had been put forward by the committee representing all parties in this House that such an arrangement for automatic adjustments should be included in legislation.

The Government finds itself in agreement with the opinion expressed by the Queensland committee and accordingly does not agree that members' allowances in Western Australia should be tied with the Public Service or that increases granted to public servants should automatically apply to members of Parliament.

The Public Service as an occupation is no more comparable with that of a member of Parliament than, say, that of a teacher, or a university professor, or a judge; and in this respect it is important

to note that the salaries for each of these occupations are determined quite separately from each other and are certainly not tied to any Public Service.

The salaries paid to each of the groups I have referred to are fixed in Western Australia having regard to the salaries of similar groups in other States and it therefore seems to the Government that this is the most appropriate course to follow with members' allowances.

The present salary of a member of Parliament in Queensland is £2,501 10s. which is the highest rate of all States. That is the basic rate. Notwithstanding this fact, the Government is of the opinion that an allowance of this order should be paid in Western Australia for the reason that this is the latest assessment made by an independent tribunal set up in Australia.

Clause 3 of the Bill therefore provides for each member of the Legislative Council and the Legislative Assembly to receive an allowance at the rate of £2,380 per annum which, together with the existing basic wage allowance of £120, will bring the total to £2,500 from the 1st January next as compared with the existing rate of £2,220.

It is proposed that the new rate should apply equally to all members, both metropolitan and country; and accordingly the allowance of £50 a year which is now paid, where any part of an electoral province or district is further than 50 miles from Parliament House, is to be discontinued. It is considered that this allowance where applicable should be incorporated in the electorate allowance payable in accordance with the rates set out in the first schedule of the Members of Parliament, Reimbursement of Expenses Act.

The increase which will be granted under the proposed amendment to the Parliamentary Allowances Act will therefore be £280 per annum in the case of metropolitan members and £230 for country members.

Now in case any country member should get the impression that he will not fare as well as his metropolitan colleague, I hasten to refer to the proposed amendments to the Members of Parliament, Reimbursement of Expenses Act. In the Bill to amend that Act, provision is made to increase the maximum rates of reimbursement—

- by £150 for the metropolitan, suburban, and west provinces and also for the 22 metropolitan districts;
- by £250 for the north province and the Gascoyne, Kimberley, Murchison, and Pilbara districts;
- and by £200 for all other provinces and districts.

Therefore members for metropolitan electorates will receive an increase of £280 in Parliamentary allowance and £150 in the reimbursement of expenses which is a total of £430 per annum.

On the other hand, country members, except those representing the North Province and the Gascoyne, Kimberley, Murchison, and Pilbara districts, will receive an increase of £230 in parliamentary allowance and £200 in reimbursement of expenses which is also a total of £430 per annum.

The total increase for the seven members representing the North Province and the Gascoyne, Kimberley, Murchison, and Pilbara districts will be £480 per annum of which £230 will come by way of parliamentary allowance and £250 from reimbursement of expenses.

Whilst on the subject of reimbursement of expenses I should mention the fact that the intended new range from £600 per annum to £950 per annum is a fair average of the other mainland States and I will give further detail when dealing with the appropriate Bill.

The opportunity has also been taken to review other allowances payable under the provisions of the Parliamentary Allowances Act, in the light of payments made in other States. This review indicated that the allowance paid to the Leader of the Opposition in this Assembly was on the low side compared with the standard States in particular and accordingly provision has been made in the Bill to increase this allowance by £250 per annum.

I want to say at this stage that the Government is of the opinion—and I have always been of the opinion—that the task of the Leader of the Opposition, whether he co-operates with the Government or not, is a very responsible one. In Victoria, it ranks with that of a Minister in respect of salary and conditions; in New South Wales just a little less; and as far as the other States are concerned he has been recognised as a very important and responsible leader in the political life of the State.

The Bill also provides for the allowance payable to the President of the Legislative Council, the Speaker of the Legislative Assembly, and the Chairman of Committees in each House to be increased by £280 per annum to conform with the general increase to be granted to other members. The only other amendment contained in the Bill is the repeal of section 6C of the principal Act, this section being redundant. It would serve no purpose if it were allowed to remain in the Bill. It refers to the adjustment of the £50.

In commending this Bill to the House I want to say that I believe I have the support of all members in the decision that has been made purely from the angle

that the members of Parliament in Western Australia have, over the years, lagged in respect of their actual base salary and also in respect of the allowances which have been provided for them to meet their responsibilities as members of Parliament. If there is any criticism of the fact that we have taken the highest State basic salary of £2,500, I would reply that this is simply because it must be obvious to everyone that in the other States of South Australia, Victoria, and Queensland itself, there will be some upward movement in the not-far-distant future. My information is that approaches have been made to some of the Governments and it can be justifiably anticipated that adjustments upwards will be made in the basic salaries of members of Parliament. Therefore, in view of the difficulty which always surrounds a decision of this nature, we have taken the highest level paid by a State as the basic amount to be paid in Western Australia.

**MR. HAWKE** (Northam—Leader of the Opposition) [4.45 p.m.]: I am sure members of Parliament in Western Australia, generally speaking, are at least equal to the members of Parliament in Queensland in the service which they give in their respective electorates and in the Parliament when considering legislation and other matters which come before Parliament from time to time. Therefore it is not possible, logically, to quarrel with the basis which the Government has used in an endeavour to make what might be regarded as a reasonable adjustment to the basic salaries of members of Parliament, and to the reimbursement of expenses allowances, which is to be dealt with in a Bill shortly to be introduced.

It is very true, as the Treasurer has said, that difficulties arise in regard to adjustments to parliamentary salaries, no matter who makes the decision. The Treasurer told us what had happened in Queensland in relation to a system of tying parliamentary salaries to those of the under-secretaries of the major Government departments. The system was used for some years, but was finally abandoned because it was considered it was not a satisfactory basis upon which, from time to time, to make adjustments to members' salaries.

I remember very well when we were in Government the same proposal was before us for consideration. It was quite strongly argued by some Ministers that the system would be satisfactory; would be fair and reasonable; and would overcome the criticism and protests which were made when members of Parliament, on the recommendation of the Government of the day, voted to adjust their own salaries. I think the feeling in the Labour Cabinet of that year was fairly evenly divided, with a slight majority against the proposal to tie the salaries of members of Parliament to the salaries of major under-secretaries.

Had the Government of that day accepted the proposal, introduced legislation into Parliament to adopt the proposal, and obtained approval from Parliament for it, then the salaries of members of Parliament today in this State would be ever so much higher than they will be when the legislation before us becomes law.

I am speaking from memory now and would not like to be quoted as being completely authoritative on this point, but I do think that since that date the salaries of under-secretaries of major governmental departments have risen by some £1,500 to £1,800 per year. So it can be seen the proposal in question, had it been adopted, would have given to members of Parliament far greater increases in remuneration than will be received as a result of the legislation we are now considering. Had that situation been established, the adjustments to parliamentary salaries would have been automatic; there would have been no legislation required; there would have been no publicity; there would have been no criticism; the situation would have been accepted as fair and reasonable in the circumstances, and consequently the outburst of criticisms which have since taken place when Parliament has, of its own initiative, made an adjustment, would not have occurred.

However, as I have said, members' salaries today, under that system, would have been far higher than they will be when these latest adjustments have been made. So clearly there could be substantial criticism of a system of that kind as being inappropriate and not having that direct relationship to the duties of under-secretaries as compared with the duties of members of Parliament which it would be desirable to have existing and operating.

The major suggestion put forward when parliamentary salary increases take place is for such salary adjustments to be determined by some independent tribunal. I think we can all take our minds back to two years or so ago when the Federal Government set up an independent tribunal headed by Sir Frank Richardson. When that independent tribunal made its recommendations and those recommendations were published and introduced into the Federal Parliament we read and heard of, perhaps, the greatest outburst in Australia's history against the recommendations and the subsequent action of Parliament in adopting most of them. There we had the example of action taken through an independent tribunal.

So it seems to me there would be criticism and protests from some quarters irrespective of what method or system was adopted and used to adjust the salaries of members. In those circumstances we have

to accept the situation as best we can, and make such decisions as we think fair and reasonable.

There is ill-informed criticism, of course, from some people in the community who consider members of Parliament of no account. I think there was a letter in one of the newspapers during the last three or four days which claimed members of Parliament did not need to know anything; did not require to have any qualifications; and consequently were not worth even the salaries they now receive, let alone any upward adjustment of their present remuneration. I think all that need be said in regard to criticism of such a type is that members of Parliament have, first of all, to become members of Parliament; and, to become a member of Parliament, an aspirant for Parliament has to persuade and convince a majority of people in the district in which he offers his services that he is acceptable.

It could be true that a person might be able to mislead a majority of the electors in a particular district on one occasion. We can all, perhaps, give instances of where that has in fact occurred. However, after the people in such an electorate have had three years' experience of the person concerned, it is necessary for him to have made the grade; it is necessary for him to have proved himself capable of doing the work which he is required to do; and it is also necessary for him to prove his ability to hold the confidence of the people which he might, on the first occasion, have obtained under somewhat doubtful conditions.

Therefore, in my judgment, it is foolish in the extreme for any person to criticise upward salary adjustments on the ground that members of Parliament do not require any qualifications and do not require any particular ability or capacity to get into Parliament and to stay in Parliament. After all is said and done, members of Parliament are elected by the people and they represent the people, and every three years the majority of the people in every electorate have an opportunity to sack their member if, in the opinion of those electors, the member has not made the grade, and has not carried out the job faithfully and satisfactorily.

In any event we are not making adjustments to the salary of Mr. Brand—if you will let me use names, Mr. Speaker, to illustrate the point—of Mr. Hawke; of Mr. Moir; of Mr. O'Neil; or of Mr. Hearman. We are setting in this Bill a basic salary applicable to the position of a member of Parliament irrespective of whom he might be.

In my view the position of a member of Parliament in the affairs of the State and in the community is a tremendously important one, and one which should not, in respect of reward or remuneration, be on any poverty-stricken basis. There are very few positions in the community of equal importance or equal responsibility. So the salary for the position should be commensurate with its importance and with the great responsibilities which are attached to it.

It is a strange thing about public opinion in regard to members of Parliament, but I do not know whether any of us here, no matter how much experience in public life we might have had, could accurately define what public opinion is on this issue or on other issues. I think we know from experience that public opinion, as it is interpreted, is quite often made up by two or three persons in the community. In other situations it is interpreted from what the talkative section in the community thinks, not including members of Parliament—from what we might call the noisy minority. That becomes public opinion in some circumstances.

However, it is true that politicians as a class have a fairly poor rating among the people who do express opinions, just the same as lawyers, generally, have a fairly poor rating among those who express opinions, and, to some extent, even doctors,—

Mr. Graham: And mothers-in-law.

Mr. HAWKE: —and yet the individual member of Parliament has a good rating in his own electorate: a very high rating in the great majority of instances. Who is better able, than the people he represents, to judge the member of Parliament? So in the situation in which we find ourselves, where experience in Queensland seems to have wiped out the system which tied paraliamentary salaries to those paid to undersecretaries of major Government departments, and, in the Commonwealth sphere, where the recommendations of an independent tribunal appear to be unsatisfactory and unacceptable, it seems to me the only other alternative is the one which is now being used in this Parliament and the one which, as far as I am aware, has always been used to deal with this matter in Western Australia through the years.

**Debate adjourned until a later stage of the sitting, on motion by Mr. O'Neil.**

*(Continued on page 2821)*

## MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES, ACT AMENDMENT BILL

*Second Reading*

**MR. BRAND** (Greenough—Treasurer) [5.3 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the one to which I referred when introducing the Parliamentary Allowances Act Amendment Bill and entitled the Members of Parliament, Reimbursement of Expenses Act of 1953-59. This Act

is comparatively new in Western Australia. The purpose of the Bill is to increase the maximum rates of reimbursement set out in the first and second schedules to the principal Act. The first schedule sets out the province or district for which the member of Parliament is elected and the maximum rate of reimbursement to which the member is entitled. The new rates of reimbursement range from £600 to £950 per annum.

Increases provided for in the Bill are—

| | £ |
|---|---|
| For provinces and districts appearing in the first schedule under the heading of item 1 .. | 150 |
| For the province and districts under item 2 .... .... .... | 250 |
| For the provinces and districts under items 3 and 4 .... .... | 200 |

The comparable amounts allowed in other mainland States are as follows:—

| | £ |
|---|---|
| New South Wales (4 zones) .... .... .... .... | 650- 950 |
| Victoria (4 zones) .... | 550- 950 |
| Queensland (many zones) | 325-1,175 |
| South Australia (3 zones) | 550- 800 |

I would point out that the lesser amounts would be those that are paid to metropolitan members and therefore the average which we have decided upon and drawn from these figures—that is, £650-£900—seems to me to be a fair average of the rates applying in other States because, as the Leader of the Opposition has pointed out, it costs just as much to represent a metropolitan district or country district in Western Australia as it would in Queensland, New South Wales, or Victoria. Therefore, there is a strong argument for members of Parliament to receive this amount of money which, after all is said and done, was recommended following a number of inquiries held in recent times. There was the one in Queensland which was referred to, the "Martin" report in Victoria; and, of course, the report by Sir Frank Richardson who recommended even greater amounts for allowances for districts represented by Commonwealth members.

I think I should point out, too, that in this difficult matter of making a decision to bring legislation to this House to increase the allowances and salaries of members of Parliament, there is a problem of Ministers, and other members holding an office in Parliament to receive an amount which is somewhat above that of the private member. From time to time private members, I think, consider that we in this position do not have a full regard for their problems and the growing costs of representing an elecorate. That is not so, and the move to provide £430 extra was, I think, the least that could be done in the circumstances.

I would like also to mention that in Queensland accommodation is provided in a disused cottage of some kind in Parliamentary grounds for country members of Parliament who wish to stay overnight. In Victoria, for country members other than Ministers, I believe a daily allowance of £3 3s. a day is provided for each sittting of Parliament. In South Australia, Sir Thomas Playford has a number of statutory committees, and the members of these committees are paid a fee for each sitting, thus giving those private members who are appointed to them—and there are a number of such committees—extra money, and so their salaries and allowances are at least increased in that way.

We in Western Australia are not paid any daily allowance for each parliamentary sitting, nor do we have accommodation available for country members who stay overnight. I think it must be recognised, even in the consideration of telephone expenses alone, that the cost of representing a country electorate is very much greater than the cost of representing a metropolitan electorate.

The Bill details the proposed rates which are to operate from the 1st January next. The increases which have been allowed for are—

| | £ |
|---|---|
| Premier .... .... .... .... | 300 |
| Deputy Premier .... .... .... | 100 |
| Leader of the Government in Legislative Council .... .... | 100 |
| Minister of the Crown (other than the Premier, Deputy Premier and the Leader of the Government in the Legislative Council) .... .... | 30 |
| Leader of the Opposition in the Legislative Assembly .... .... | 50 |
| Deputy Leader of the Opposition in the Legislative Assembly .... | 10 |
| Deputy Leader of the Opposition in the Legislative Assembly (when there is a recognised third party in the Legislative Assembly) .... .... .... | 5 |
| Leader of any third party in the Legislative Assembly when that party is a recognised party under the Parliamentary Allowances Act, 1911 | 10 |
| President of the Legislative Council .... .... .... .... | 30 |
| Speaker of the Legislative Assembly .... .... .... .... | 30 |

Whilst some of those sums are very small, I want to emphasise that these figures were arrived at by drawing an average from the amounts which are paid to members holding similar offices in the Parliaments of other States. As the Leader of the Opposition has said, whilst it is embarrassing for the persons concerned to receive a more substantial increase than a private member, it must be borne in mind

that it is the offices of Parliament and the important duties performed by the members occupying them, and not the individuals that are recognised.

I have no other information to offer, other than to compare, perhaps, some of the allowances that are paid to the holders of these offices in the Eastern States. In New South Wales and Victoria the Premiers receive an allowance of £1,500 per annum. In South Australia, the allowance is £600, which is the rate now proposed for Western Australia. Ministers in New South Wales receive an allowance of £500 per annum, whilst in Victoria the rate is £600 per annum. In South Australia it is £400 per annum. The new rate proposed for Western Australia is £200 per annum.

I have not quoted any figures for Queensland as these allowances are merged with salaries and cannot be separated from other payments. I think it is a fair statement to say that the Government has had due regard for the heavier responsibilities of office in the two major States of New South Wales and Victoria in fixing the allowances now proposed in the Bill. The increases which this measure and the Bill to amend the Parliamentary Allowances Act seek to provide are to apply from the 1st January next, and they may be brought together and summarised as follows:—

| | £ |
|---|---|
| Premier .... .... .... .... | 730 |
| Deputy Premier and Leader of the Government in the Legislative Council .... .... .... | 530 |
| Ministers, the Speaker, and the President .... .... .... | 460 |
| Leader of the Opposition in the Legislative Assembly .... .... | 730 |
| Deputy Leader of the Opposition in the Legislative Assembly .... | 440 |
| Leader of the Opposition in the Legislative Council .... .... | 490 |

Members representing the North Province and the Gascoyne, Kimberley, Murchison, and Pilbara districts will receive a total increase of £480 per annum and other members £430 per annum. Perhaps there will be some dispute that these increases will not apply as from the 1st December. I would point out that in Bills introduced here recently to increase superannuation payments and pensions, together with those Bills which are taxing measures, the date of operation will be from the 1st January and I think it is fair and reasonable that this legislation should apply as from the 1st January also. That explains all the details of this Bill.

**MR. HAWKE** (Northam—Leader of the Opposition) [5.14 p.m.]: I support this Bill. I think I am rather fortunate in representing a country electorate which is not very far from Perth and which, in itself, is quite compact. Even so, I can imagine the problems which would be faced by a person representing that electorate in these days as a private member with no other source of income than his parliamentary salary and his reimbursement of expenses allowance.

We know Western Australia is a very big State and some of the electorates are widespread and consequently entail a great amount of travelling on the part of members. In these days unless a member of Parliament has a motorcar he might as well resign and get right out of public life, because he would have no hope at all of continuing as a member of Parliament for his district unless he had a motorcar freely at his disposal which he could use whenever the necessity arose. The further one lives from the metropolitan area the greater the cost of petrol and other services, and consequently it is essential the expenses reimbursement allowance be assisted to some extent, as it is in this Bill.

There was a time when the task of being a member of Parliament was extremely light in character. I remember when I was a lad of 12 or 14 years of age I took a very keen interest in politics. I lived in the major town of the electorate—the town of Kapunda—and the electorate was called Wooroora, of all names. We never saw our member of Parliament except at election times. There were practically no duties for a member of Parliament to carry out in those days except his duty of attending Parliament and perhaps going to an afternoon-tea party or something of that kind, perhaps a sports meeting.

In those days Governments did not play such a wide part in the lives of people as they do now. There were no social services worth talking about; there was little or no workers' compensation; and there was little legislation which required attention from members of Parliament. Today members have a lot to do when people in their electorates want something done in relation to this department or some other department; and the position is very different as compared with the situation 40, 50, or 60 years ago.

In these days members of Parliament are expected—and quite rightly expected in my view—to take a practical interest in the welfare of all the people in their electorates. It is true that not everyone in the electorate needs the services of a member of Parliament at any time. Some of them go through the whole three years without requiring any services from their member. On the other hand, an increasing number of electors in each district require the services of a member; and they are entitled to receive this service at all reasonable times and to obtain from their respective members the best service which it is humanly possible for the members to give.

So the special expenses are very heavy these days, and they are increasing all the time. In that situation it is reasonable that members should receive a reasonable remuneration of expenses payment and this Bill is not, in my opinion, in any way extravagant.

I feel a bit embarrassed personally, regarding the rather substantial adjustment which is being made to the position of Leader of the Opposition. The Treasurer's reasoning could have made a more ambitious man than myself wonder why the adjustments for the Leader of the Opposition are not being pre-dated 10 years or 20 years!

Mr. Brand: I will give some consideration to that now.

Mr. HAWKE: However, speaking seriously on that point I again say what I said in connection with the other Bill: These allowances, apart from those being made to private members, are being made on the basis of the positions which members of Parliament hold and not at all on the basis of any individual who may happen to be a member of Parliament, or Premier, or Leader of the Opposition, or whatever the position might be.

**Debate adjourned until a later stage of the sitting, on motion by Mr. O'Neil.**

*(Continued on page 2822)*

## BILLS (2): MESSAGES

*Appropriation*

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

1. Parliamentary Allowances Act Amendment Bill.
2. Members of Parliament, Reimbursement of Expenses, Act Amendment Bill.

## METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 13th November, on the following motion by Mr. Wild (Minister for Water Supplies):—

That the Bill be now read a second time.

**MR. TONKIN** (Melville—Deputy Leader of the Opposition) [5.22 p.m.]: The proposal in this Bill is a very simple one actually; and that is, to bring into the rating which is advantageous those persons who own and occupy a flat. I can understand the desire of the Government in wishing to extend this beneficial rating to the people who are in these flats, but, in my opinion, the Government should have gone the full distance.

Why should the benefit be given only to the owners of flats who live in them, but no benefit be given to the tenants who occupy them? It must be generally recognised that when people have flats erected for the purpose of letting them to tenants the rental which they charge will include the rates which they will be obliged to pay upon the property.

Therefore, if such buildings are subject to a higher rate than would otherwise be the case, it is the tenants who pay that water rate. So why take the benefit away from the tenants and make it available only to the owners? That does not apply with regard to other dwellings.

The definition in section 90 of the Act says—

> For the purposes of this section the expression ratable land used for residential purposes means any ratable land which is used wholly or primarily for the purpose of providing the owner or occupier of the land with a residence for himself, his family, or servants or any of them.

So if it is an ordinary dwelling, the benefit of the lower rating is obtained, irrespective of whether the dwelling is occupied by the owner or let to a tenant.

Now, why should a distinction be made if it is a flat unit? Why should not a tenant get the same advantage if he occupies a flat unit as a tenant gets in occupying a dwelling? I cannot understand the Government only going half way in this measure. I agree one hundred per cent. with the desire to extend the benefit of this rating in connection with flats which are used as dwellings, because the distinction already in the Act is that business premises shall be at a higher rate than residential premises.

That is the decision of the Government. That is the policy of the Government; and that is the rating which applies. There is a distinction between residences and business premises. Now it was found, as the Minister explained, that certain flat dwellers who believed they were entitled to this lower rating, and appealed upon that basis, lost their appeal because it was decided upon an interpretation of the law that they were not covered by the definition of "ratable land" or the term "residence".

So it is understandable the Government would want to include these flat units because they are not businesses any more than houses which are erected by owners and let to tenants are businesses. Why the distinction? I propose to move, when we get into Committee, to delete the words which make this distinction, so that the lower rating will apply to these home units or flats, irrespective of whether the owner or a tenant lives in them because no

distinction is made with regard to ordinary residences, and I can see no justifiable reason for making a distinction with regard to home units or flats.

Surely the criterion is whether the building or the land being rated is being used for residential purposes or is being used for business purposes. If it is being used for residential purposes, what difference does it make whether it is a flat unit or a separate dwelling house? Surely it is the purpose for which it is being used which enables us to make the distinction; and for the life of me I cannot see why the benefit of this lower rating should be extended to the owner of premises if he lives in the premises himself, but that the tenant should pay a higher rent if he does not happen to own the premises.

If we had a law which said that the water rates should not be passed on to the tenant, the situation might be different; but we have not got any such law and the Government must know that if the water rates are increased then the rent of the premises occupied by the tenant will be increased to cover the increased rates.

So the tenants are paying the water rates—let us make no mistake about that. Why should a tenant of a home unit or flat pay more for water rates than a tenant of an ordinary dwelling house? That is what it boils down to; because landlords invariably fix their rents, when they are allowed to do so without outside interference, in order to give them a certain percentage of return on their capital investment after they meet rates and taxes; and if rates and taxes are increased, the rents to their tenants will be increased to cover.

That being so, why should we have two classes; namely, the tenants who live in ordinary dwelling houses paying less for water rates than the tenants who live in home units or flats? As I can see no justification for that, I propose to move in the direction indicated. I support the Bill because I think it is desirable that a home unit or flat should be on the same basis as a residence for rating purposes; but I do not approve of the distinction that if it is a dwelling it makes no difference if it is occupied by the occupier or tenant, but that in the case of a home unit or flat it does. I want to remove that distinction, and I shall ask the committee to agree to an amendment which will effect that purpose. With that reservation I support the Bill.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Water Supplies) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Section 90 amended—**

Mr. TONKIN: I move an amendment—

Page 2, lines 6 and 7—Delete the words "that is occupied by the owner of the home unit or flat".

If the amendment is agreed to the clause will read "and includes a home unit or flat" with no other qualification. As I pointed out during the second reading debate, the clause makes a distinction which I think is hard to justify. I consider the amendment is a reasonable one, and I see no reason for making a distinction.

Mr. WILD: I cannot accept this amendment. I recognise there is an anomaly. But it is one which it is difficult to overcome. The present trend is to build large blocks of flats. Let us consider the following situation: A man may own two or three homes. He lives in one of them, and he is able to receive a lower rate. However, the other two homes which he owns are assessed at a commercial rate. In a block of flats there may be 60 or 80 flats. The owner-occupier, who lives in one of those flats, may be assessed at a lower rate, and the remainder of the flats are assessed at the commercial rate. If that applied, the loss to the department would be fantastic.

I appreciate the fact that an anomaly exists, but I do not know how we can overcome it. Apart from any other reason, I must oppose the amendment because of the loss which would be experienced by the department if the situation to which I have referred applied. Surely it must be recognised that the blocks of flats which are being erected represent commercial propositions—an investment.

Mr. TONKIN: What is meant by a flat "that is occupied by the owner"? How long must a person live in it to be regarded as the occupier? And how is the department to know when such a person is the occupier or when he is not? Suppose a man has three or four flats and he decides to let them; and before doing so he occupies each one in turn for two or three days. Which flat is to be rated as having been occupied by the owner? Does that mean that the owner can live in a flat for a few weeks before the rate notices are issued, and he can then put a tenant in the flat? What is the department going to do about that? When does the department determine that a flat is being occupied by the owner? On which date? I say it is unworkable.

Mr. Wild: That is a hypothetical case. The odd fellow may gerrymander like that, but by and large a man who has a capital investment in such a building will not do anything like that.

Mr. TONKIN: There is no indication as to how long the owner has got to live in a flat. Suppose he is living in a flat when

the rate notices are issued, and a week later he lets the flat to a tenant. Would there be any difference in the rates?

Mr. Wild: I would say not until the next time.

Mr. TONKIN: All the owner has to do is to occupy the flat for a short time after each tenant has gone out, and he would be rated on the basis of occupying the flat himself. There is a very real difficulty there if the position is to be fairly administered. Surely the Minister would agree that when a landlord builds flats to be let to tenants, he should make provision for recovering his rates and taxes.

Mr. Wild: In some cases the tenancies are subject to rates and taxes.

Mr. TONKIN: All this provision does is to impose on tenants of home units or flats a higher water rate than tenants in ordinary dwellings are required to pay.

Mr. Wild: I would refer the honourable member to London Court. The tenants there pay water rates and city rates.

Mr. TONKIN: But those premises are being used for business purposes.

Mr. Wild: But surely some of these blocks of flats are used for commercial purposes!

Mr. TONKIN: How can a block of flats which has been erected solely for the purpose of providing accommodation for tenants be a different proposition from half a dozen houses which have been erected for the same purpose? A man who has £20,000 may build five residences which he lets to tenants. Another man may spend £20,000 on erecting a block of flats which he lets to tenants. What is the essential difference? In the first instance, the man who has spent £20,000 on building five residences receives a lower water rate, whether or not he lives in any one of them; but the man who has spent £20,000 on erecting a block of flats pays a higher rate which, of course, he will recover from his tenants. We therefore have the situation that the tenants who are living in the residences are paying a lower rental for the same class of accommodation as those who are living in the flats. I cannot justify that.

Mr. Wild: I concede you that point.

Mr. TONKIN: What is the point of that? Sympathy without relief is like mustard without beef. I can appreciate the Minister's sympathetic thoughts in regard to the matter, but that will not make any difference to the pockets of the tenants. I can see no justification for loading this additional impost on the tenants of home units or flats, as compared with tenants of ordinary residences.

Mr. Wild: Do you think that tenants of ordinary residences should pay at the higher rate?

Mr. TONKIN: No; I do not; and the Minister knows that I do not. He should not try to get away with that red herring.

Mr. Wild: You cannot have it both ways.

Mr. TONKIN: I want it only one way; I want it to be in the interests of the tenants. We are dealing with residences as compared with business premises. I would refer the Minister to the wording of section 90 in the Act. He cannot tell me that land upon which flats have been erected and let to tenants is not used for residential purposes. It is no more a business proposition than the ordinary dwelling house which has been erected and let to a tenant for renting purposes.

Mr. Wild: How many private residential houses have been built for that purpose post-war?

Mr. TONKIN: Quite a lot.

Mr. Wild: You must know a lot more than I do. They have not been built as an investment. That used to be the case but not now.

Mr. TONKIN: I will agree that more flats than residences of that kind are being erected.

Mr. Dunn: You could not get 5 per cent. on them.

Mr. TONKIN: Suppose we get 3 per cent.

Mr. Dunn: Nobody would invest at 3 per cent.

Mr. TONKIN: I mean suppose that 3 per cent. of the number of buildings being erected are houses. What difference does that make to the argument?

Mr. Wild: I will concede there is that anomaly.

Mr. TONKIN: Then let us do something about it.

Mr. Wild: How can we?

Mr. TONKIN: By agreeing to my amendment.

Mr. Wild: No. You could not do that. You would have to give them a lower rate and there are thousands of them today. It would not work. They are a commercial proposition.

Mr. TONKIN: Is the Minister saying that landlords will charge on to the rent more than the rates they pay if the Government gives the advantage of a lower rate?

Mr. Wild : You don't know what the landlords do; they do all sorts of things.

Mr. TONKIN: I know that landlords, if they have any sense, and some of them obviously do have, will charge a rental figure which will enable them to recover their rates and taxes and give them, as the member for Darling Range said, a percentage on their investment.

Mr. Wild: But they don't all do that.

Mr. TONKIN: But most of them do.

Mr. Wild: But they don't all do it.

Mr. TONKIN: I have yet to meet a landlord who is not concerned about the percentage on his investment.

Mr. Wild: Of course he is concerned about a percentage on his investment. But he cannot turn around and say, "You can pay so much a year for that property and then you pay the rates and taxes." It is still a commercial investment.

Mr. TONKIN: He knows beforehand how much he will pay for rates and taxes, and if the rates and taxes go up he knocks on the tenant's door the following Monday morning and says, "I am sorry, but I have to put your rent up because the Water Supply Department has put up my rates." And the tenant has to pay. All the Minister's legislation does is to include home units and flats for the benefit of those who own them, and it excludes all the tenants who have not enough money to own places themselves. Because they have not the money to do that they have to pay higher rates. That is the proposition I am asked to agree to, and I do not intend to do so.

Mr. Dunn: There are plenty of people who are not satisfied to tie their money up in flats but who have money to live in them.

Mr. TONKIN: Money to do what with?

Mr. Dunn: They don't want to tie their money up in houses; they are content to pay rent.

Mr. TONKIN: What has that to do with tying their money up in flats? A person cannot build a block of flats for the same sum of money as he can build a residence. I know many people who live in flats because they cannot afford to build houses.

Mr. Dunn: But there are—

The CHAIRMAN (Mr. I. W. Manning): Order! I think the Deputy Leader of the Opposition had better address the Chair.

Mr. TONKIN: I think so, too, Mr. Chairman, and that is what I am endeavouring to do. The Government is making a distinction between tenants and owners so far as flats are concerned, but makes no such distinction as far as dwelling houses are concerned. The Minister and the member for Darling Range would be pretty hard put to it to find an argument to justify that. It means to say that if a person is a tenant living in a dwelling house he can have the benefit of a lower rent because the water rates are lower, but if he is living in a flat as a tenant he is expected to pay a higher water rate.

As a matter of fact, it should be the other way round, because a tenant in a flat would use a lot less water than a tenant in a dwelling house. In a dwelling house the tenant has the gardens and so on to maintain. The department is prepared to forgo revenue in other directions, and in justice to the tenants in the places I mentioned it should be prepared to do the same thing in this instance. What particular virtue is there in the fact that the owner of a block of flats lives in one of them? If a person builds a block of flats and lives in one of the flats he pays a lower rate for water than the tenants in the building pay!

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

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

**Ayes—22**

| | |
|---|---|
| Mr. Bickerton | Mr. Jamieson |
| Mr. Brady | Mr. Kelly |
| Mr. Curran | Mr. D. G. May |
| Mr. Davies | Mr. Moir |
| Mr. Fletcher | Mr. Norton |
| Mr. Graham | Mr. Oldfield |
| Mr. Hall | Mr. Rowberry |
| Mr. Hawke | Mr. Sewell |
| Mr. Heal | Mr. Toms |
| Mr. J. Hegney | Mr. Tonkin |
| Mr. W. Hegney | Mr. H. May |
| | *(Teller.)* |

**Noes—23**

| | |
|---|---|
| Mr. Bovell | Mr. Hutchinson |
| Mr. Brand | Mr. Lewis |
| Mr. Cornell | Mr. W. A. Manning |
| Mr. Court | Mr. Mitchell |
| Mr. Craig | Mr. Nalder |
| Mr. Crommelin | Mr. Nimmo |
| Mr. Dunn | Mr. O'Connor |
| Mr. Gayfer | Mr. Runciman |
| Mr. Grayden | Mr. Wild |
| Mr. Guthrie | Mr. Williams |
| Mr. Hart | Mr. O'Neil |
| Mr. Hearman | *(Teller.)* |

**Pairs**

| Ayes | Noes |
|---|---|
| Mr. Evans | Mr. Burt |
| Mr. Rhatigan | Dr. Henn |

**Majority against—1.**

**Amendment thus negatived.**

**Clause put and passed.**

**Title put and passed.**

*Report*

**Bill reported, without amendment, and the report adopted.**

*Third Reading*

**MR. WILD** (Dale—Minister for Water Supplies) [5.57 p.m.]: I move—

That the Bill be now read a third time.

**MR. HAWKE** (Northam—Leader of the Opposition) [5.58 p.m.]: I was going to make a suggestion when the Bill was in Committee regarding the wording of part of clause 2. However, the amendment moved by the Deputy Leader of the Opposition precluded me from moving along the lines I had in mind. If the Minister will look at line 6 of clause 2 on page 2, he will find the word "that"; and if he will go back to line 5 he will see the wording is "and includes a home unit or flat, that is occupied by the owner of the home unit or flat".

The word "that" appears to me to be very ugly and not as suitable as the word "which" would be; in fact, I think both the word "that" and the word "is" could come out. If the Minister agreed to that, the amendment could be made in the Legislative Council, and in that event the clause would read "and includes a home unit or flat, occupied by the owner of the

home unit or flat". However, my present opposition is to the retention of the word "that".

Mr. Wild: I will get the Parliamentary Draftsman to have a look at it.

Mr. HAWKE: Thank you.

**Question put and passed.**

**Bill read a third time and transmitted to the Council.**

## LAW REFORM (PROPERTY, PERPETUITIES, AND SUCCESSION) BILL

*Second Reading*

Debate resumed, from the 18th October, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

**MR. HAWKE** (Northam—Leader of the Opposition) [6 p.m.]: As I had no intimation of the intention of the Minister to bring this matter on at this stage, I suppose I would not be in order in asking you, Mr. Speaker, to suspend the sitting of the House until 7.30 p.m.

The SPEAKER (Mr. Hearman): No, I do not think so.

Mr. HAWKE: I did not think so either. This Bill deals with law reform as it affects certain properties, and perpetuities related to such properties. I understand the main purpose of the measure is to remove what has been described rather graphically by the Minister as control by the dead hand of the past, in relation to property which has been left by one person to another.

Under the existing law a property so left can remain in the one set of hands for an extraordinarily long period of time, should the person to whom it is so left wish that to occur. The provision in the Bill, as I understand it, is to establish a rule which will limit control which a testator can exercise over his property in the future. As I interpret it, the rule will enable such control to operate for the remaining period of the life, or lives of the people concerned; or the measure of the likely duration of their lives, plus a further period of 21 years.

As far as I am able to understand it, that would fairly reasonably meet the situation; but whether it would in every instance be fair and reasonable is something which, I think, only the practice of the proposed new law would demonstrate. It could be that after the proposed new rule had operated for a fairly lengthy period, Parliament might have to be again consulted on the point for the purpose, possibly, of making some other adjustment. The proposed new rule, however, appears to have some merit as compared with the existing situation.

A further provision in the Bill deals with the making of wills by unmarried persons in expectation of marriage. Under the existing law a will made by such a person before marriage is invalidated when the marriage takes place. The provision in the measure aims to lay down that a will made in expectation of marriage, and in the knowledge that marriage is to take place, will not be liable to be revoked, because of the act of marriage and will, in the normal course of events, survive and remain as the will of the person who has made it, until such time as he or she might wish to make changes to the will as a result of circumstances which have developed after marriage has actually taken place.

There are two or three other very small amendments, and they are not, I think, likely to be controversial in any way. I support the second reading of the Bill.

**MR. GUTHRIE** (Subiaco) [6.5 p.m.]: As we have been told, this Bill is one of a series of eight Bills; but as I indicated previously, it is not correct to say that all eight Bills are closely interwoven. We dealt firstly with four Bills which were all part of one scheme in connection with the law of trustees. Then we dealt with another Bill—the Charitable Trusts Bill—which we passed. We might say that this Bill is the apex of yet another scheme to reform the law in regard to succession property.

I must emphasise that whereas the law relating to trustees does not affect the substantive law to the extent that it can alter the destination of a property in any way, this measure does do just that. Consequently it stands in a different category from the measures which we have already passed.

As members know, I have placed certain amendments on the notice paper with which I will deal shortly. I will make the observation, however, that the two Bills following—the adoption of Children Act Amendment Bill, and the Simultaneous Deaths Act Amendment Bill—are only necessary if this measure becomes law. If, by any chance, this measure did not become law, then of course those other Bills should not be passed at all. I think everybody connected with the matter is in entire agreement on that.

In view of what could be said to be somewhat revolutionary principles, I took the time and trouble to give a great deal of thought to this measure; and I consulted a senior counsel who is certainly the most experienced lawyer in this State in this branch of the law; and, in the opinion of some experts, the most experienced lawyer in Australia in this branch of the law; a man who has practised for some 50 years in this particular field, and who has acted as consulting counsel to two

of the three large corporate trusts in the State. He is a man whose knowledge I greatly respect in this field. As a result of my discussions with him I have brought forward these proposals which I have on the notice paper and which, as I have already said, I will explain shortly.

I must say that the type of trust, or will, that this Bill—if it becomes an Act—affects, is a rarity in Australia. It is true that it is not a rarity in the United Kingdom. That reason alone—the fact that the United Kingdom Parliament has seen fit to alter the law—is not in itself sufficient that we in this State should necessarily alter the law; because we do not have a great number of people in this State with large wealth in landed property who have a great desire to tie it up for time immemorial.

That has been the practice in England ever since England was England. It has been of great concern there—the great desire that Englishmen have to create what is known as an estate entail to control the destiny of their property within the family; from father to eldest son, and from eldest son to eldest son, and so on, down the line—and it has proved necessary there to put on the statute book legislation which is not as pressing, and as urgent, in this State.

I can say without boasting that during the course of my professional career I have drawn not fewer than 3,000 wills; and maybe as many as 5,000. I have never once in that field of 3,000 to 5,000 wills been asked to prepare a will which could possibly offend against the rule of perpetuities. That gives one some idea as to how often one runs up against this sort of thing. Only once have I been asked to draw a will for a contemplation of marriage, and I overcame that by the testator approving of the will before his marriage; and in between the time of his leaving the church and attending the reception he came to my house and signed the will.

Members will appreciate it was the case of a man marrying for the second time, and his children were concerned as to what was likely to happen. However it is not a matter that one comes up against very often. Twice in my professional career I have been asked to insert a clause known as restraint on anticipation by a married woman; and in each case it was for a very sound reason—the unfortunate woman had married a man who could best be described as a complete waster.

I certainly have been asked on many occasions to prepare wills where people have sought to accumulate income for a period greater than 21 years, which was opposed to the provisions of the Thelusson Act, or the Accumulations Act. I mention those things because I will come back to them as I develop my speech. I have come up against the Accumulations Act myself, in practice, and the situation is produced chiefly in the circumstances where a father wishes to provide for his children if, and when, they attain the age of, say, 45 years; and desires to accumulate income during the whole of that period of 45 years. To accumulate for a greater period of 21 years after the death of the testator is void under the Accumulations Act. It will now be possible to do just that. In the year 1800 the proposal of Mr. Thelusson produced the Thelusson Act.

The first matter that is dealt with in this Bill is the rule against perpetuities. I think it is important that members should understand what the rule against perpetuities is. The report of the Law Reform Sub-committee of the Law Society of W.A. which I referred to in the previous debates, states on page 36—

> It provides that any disposition of property which a person purports to make is valid only if it will vest an interest within a period assured by the duration of a life or lives in being at the date of creation of the interest plus a further 21 years.

In other words, it must vest—and that means legally vesting; deprived or divorced from any contingencies—within a life which is in existence at the date of the death of the testator, and a period of 21 years thereafter and no longer.

If by any chance it vests for a period which is longer than that period the bequest is entirely void *ab initio;* and that is the great difficulty. Once it becomes apparent at the beginning that it is going to offend the rule, the whole thing becomes void. Let me say at once that the leading counsel and myself who considered this matter, entirely applaud this provision, because it will enable some flexibility.

There are two major changes proposed in the measure. One is that if there is a possibility of an estate not vesting within the allowable period it does not necessarily become void *ab initio;* but the court is empowered to wait and see what the result is, and if it offends the rule then it is void as from that stage; otherwise it can turn out to be good.

The second provision in the Bill is to give a rule of thumb period—an alternative period—of 80 years. Those provisions are to be commended. It is worthy of note that the rule dates back to the year 1285. It has as its genesis the desire in those days for what is known as the free alienability of land; and Statutes and judges since that date have frowned on attempts to tie up land for long and indefinite periods.

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

Mr. GUTHRIE: I was explaining about the effect of this rule, and its history. I mentioned its derivation from as early as 1285. It was not until 1682, in what is known as the Duke of Norfolk's case, that

the courts gave any great consideration to the matter, and the modern rule dates from that point of time.

In 1941 this Parliament gave some attention to this rule, and section 5 of the Law Reform (Miscellaneous Provisions) Act of 1941 was introduced in this Parliament by Sir Ross McDonald. It provided that where a vesting takes place within existing lives and a period of more than 21 years—if it was only because the period was more than 21 years beyond the existing lives—the period was written back to 21 years. That was the only legislative attention given to this rule in the history of Western Australia, until the Bill before us was introduced. Apart from that, I emphasise once again that if the vesting, gift, or disposition of the property has a possibility of infringing the law it is wholly void *ab initio*.

It is interesting to read what the Law Reform Subcommittee had to say about this wait-and-see rule. On page 38 of its report the following is stated:—

> It is commonly said that the advantage of this rule is the convenience and certainty which it produces in that it is possible to say, for example, at the moment of death of a testator, whether the interests granted by his will are valid or invalid. We agree that this certainty does exist, and the convenience is not lightly to be ignored. However we agree with the English Law Reform Committee that convenience and certainty can be purchased too dearly, and we would not retain a rule under which an interest which in fact has vested in due time might be declared to be void merely because, in the light of events which did not happen, it might not have done so.

The subcommittee proposed to wait and see whether or not the vesting would infringe the rule.

There has grown up in recent years a method of tying up properties for long periods within this rule, in what is known as the Royal Lives clause, and the trust endures for the period of the last life of any descendant of His Majesty King Edward VII, born in the lifetime of the testator, and for 21 years thereafter. The reason for selecting the Royal lives is that they are fairly well known personages and it is possible to find out with great ease when they die; whereas if it is provided the trust shall exist during the lives of the existing descendants of Bill Bowyang it might be difficult to find out how many descendants Bill Bowyang had.

That produced a type of trust which goes on for a very long time, and we have one such trust in Western Australia where the assets total more than £2,000,000. This is one of the reasons why clause 5 has been introduced into the Bill, instead of having the undesirable feature of tying the trust to the Royal Lives clause. If a man wishes to set up a trust for a long period he will have the opportunity to decide that it will endure for 80 years from a particular date, and that will be legal and effective. This method is more satisfactory than the uncertain method whereby the period depended on what happened to the descendants of King Edward VII.

The next provision in the Bill deals with the succession of estates, under what is known as the class gifts provision. The comments of the Law Reform Subcommittee, on page 41 of its report, are as follows:—

> Under the Rule against Perpetuities where there is a disposition in favour of a class of persons that disposition is void in its entirety if any member of the class might qualify outside the perpetuity period. Certain rules of construction, known as the class-closing rules, already operate artificially to close the class at an early date, but these rules are directed more at discovering a date for distribution than at avoiding the perpetuity rule. Accordingly we recommend that greater justice would be done if a gift to a class were treated as valid in respect of all members of the class who qualify within the permitted period. Clause 10 achieves this result.

The situation is that if one member passes outside the class, the whole lot goes down the drain; the purpose of clause 10 is to enable people whose interests vest within the period allowed by the rule to take, and only those whose interests vest after the closing of the period will lose their interest.

I now turn to clause 17 of the Bill which deals with the Accumulations Act provision. I must concede this is one of the points on which learned counsel, whom I consulted, and myself have seen fit to disagree with the view of the Law Reform Subcommittee. We doubt to some extent the wisdom of repealing the Accumulations Act, and we consider it is a virtue by not allowing people to accumulate for periods longer than 21 years. We have compromised our viewpoint on the understanding that the repeal of the Accumulations Act certainly cannot be made retrospective; in other words, cannot be made to apply to existing trusts.

I happen to know of one very large estate in Western Australia where already the Accumulations Act has been held to apply by order of the Chief Justice. If the Accumulations Act were repealed from the coming into operation of the provisions in the Bill before us, the effect on that particular trust could result in very great hardship.

These were the circumstances of that case: A man who died in 1923 left his estate in seven parts, one part being held for each of his daughters, to give her an income during her lifetime of an amount

with a maximum limit of £8 per week, and on her death her share was to go to her children. The testator then provided that any income over and above £8 per week on each daughter's share was to be accumulated for the benefit of her children. When the man died in 1923 the estate did not produce anything like £56 per week, which was the amount needed to pay each daughter £8 per week.

During the depression and war years that position continued, but after the war the income from the estate increased, and the arrears below the amount of £8, which had not been paid in former years, were paid up. Some seven or eight years ago the situation was reached when, for the first time, there was a surplus in income of over £8 per week to each daughter. With the cost of living increasing rapidly, the daughters badly needed increased income. The time had long passed when they could apply under the Testator's Family Maintenance Act for an increase in the amount. The Chief Justice ruled on an originating summons that the direction to accumulate this income was void under the Accumulations Act, and as a consequence the daughters got that surplus income.

If this Bill were to apply retrospectively to that trust the daughters would lose the surplus income, because the accumulations would be valid. It is for that reason I am at great pains to make certain there is no suggestion of retrospectivity, because retrospectivity will have the effect of upsetting the existing state of affairs without justification.

The next provision in the Bill deals with the rule in the case of Whitby and Mitchell, which is a very old case and which is known in some textbooks as the older perpetuity rule. It was a rule which prohibited the granting of any interest in land to the unborn issue of an unborn beneficiary. This rule is being abolished, and in any event it is not used very much in this State at the present time.

At this point I leave completely the question of succession of estates and turn to other principles of law which are not directly concerned with the succession of estates. In clause 20 there is a very interesting provision which enables a person, in contemplation of marriage, to make a will with the knowledge that the subsequent solemnisation of the marriage does not automatically revoke that will. To my mind there is a weakness in this provision; if a testator decides not to take legal advice and makes a will in contemplation of marriage, he might find that unwittingly—if the marriage is not solemnised—he has left his estate in a direction which he does not intend. It is to be presumed that if a testator takes legal advice in preparing such a will it will be provided that the gift which is to pass to his fiancee is conditional on her becoming his wife.

I can visualise the situation of a layman reading in the Press that people can make wills, in contemplation of marriage, by merely buying a will form and filling in the particulars. Such will would generally contain this provision, "In contemplation of marriage I leave all my real and personal estate to my fiancee." If the fiancee jilted that person and he died before he could alter the will, he would unwittingly have left his estate away from his family, to the benefit of the fiancee who had jilted him. In consequence I have proposed that a will made in contemplation of marriage, unless it provides to the contrary, shall not be effective unless, in fact, that marriage is solemnised.

I think that covers every angle. It enables the man to make his will and it protects the person who might make one in favour of his fiancee and subsequently die unmarried.

We now come to what is known as section 33 of the Wills Act which is covered by clause 21 in the Bill. The Wills Act, I would explain, is a measure which the Imperial Parliament passed in 1937 and adopted in this State. I can do no better than read to the House the particular paragraph in the Law Reform Subcommittee's report as to what this section provides. Paragraph 2 on page 48 of the report reads—

> Section 33 of the Wills Act of 1837 provides that where under the will of any person property is left to the child or other issue of a testator, and that child or issue dies before the testator, but leaving issue of his own living at the date of death of the testator, then the gift in the will does not lapse by reason of the death of the child (as it would normally do) but takes effect as if the child had survived the testator and died immediately thereafter. We make two criticisms of this rule:—
>
> (a) The property comprised in the gift does not necessarily enure for the benefit of the issue whose existence kept the gift alive, but will pass under the will or on the intestacy of the deceased child.
>
> (b) The property passes through two estates—the original testator's and the deceased child's.
>
> To avoid these disadvantages we would recommend that section 33 should cease to apply to any will made after the commencement of this Bill and that instead such wills should take effect as if there had been a direct substitutional gift to the issue whose existence preserved the gift. We think this is a much more just and equitable solution. It has already been adopted in New Zealand, and we recommend its adoption here.

In other words the situation is that a gift to "A" is only good if "A" is alive at the death of the testator for the simple reason that a will is only construed as from the date of death. It is considered by the courts as if it were made by the testator at the moment of death and if a beneficiary predeceases the testator—the courts create this artificial situation—it is presumed that the testator could not have known that he was going to die. Therefore it lapses. If a testator made a will on the date of his death he obviously would not leave something to "A" if "A" had, in fact, died. So the gift lapses.

To preserve the interests of grandchildren, in effect, the Wills Act of 1837 provided that if there was property left to the child or other issue—in other words, grandchildren or remoter issue—and they predeceased the testator and left children of their own, the situation is preserved in this way: The person who has died and whose gift has lapsed is deemed to have survived the testator and it passes to his estate. If he left the whole of his property to the dogs' home, the whole of it would go to the dogs' home. But the purpose of this is that the issue which lives and keeps the gift alive should have the benefit of it.

I have joined issue on the fact that in this clause are the words, "and who attain the age of twenty-one years." If a testator dies leaving everything to his son and his son dies leaving a son aged five, under the existing Act, the existence of that son aged five is sufficient to preserve the trust. But we then find that if the grandson is to receive it, he has to attain the age of 21. That is a bit foreign to the provision and our submission is that that particular grandchild could have married and left children of his own and they would have no benefit at all. Therefore I propose to move for the deletion of the words to which I have referred.

There are one or two other minor amendments to that clause and there is one of some moment in regard to specific chattels which I will leave until we are in Committee.

The next particular major clause—and this is a somewhat interesting one—is in connection with payments in mistake of law. Clause 23 provides that henceforth under certain circumstances money paid in mistake of law can, in fact, be recovered. At present it is a basic principle of British law that money paid in mistake of law is not recoverable. This is based on the principle about which we have heard so much: that no man is entitled to plead his ignorance of the law.

That fact was made very clear in 1950 when the then Lord Chancellor of the United Kingdom, Lord Simonds, in delivering the unanimous judgment of the House of Lords in a very famous case known as the Diplock case, said this—

> The man who makes a wrong payment because he has mistaken the law may not plead his own ignorance of the law and so cannot recover what he has wrongly paid.

So in consequence the House should understand that by legislating as we are in clause 23 we are driving the first nail into the principle that the ignorance of the law is no excuse. From now on, under certain circumstances, it is going to be an excuse. I have certain amendments on the notice paper in regard to that clause, but they are merely intended to clear up the language and I will deal with them when the Bill is in Committee.

The last clause of moment in the Bill—and again dealing with the basic principles—is clause 25 which reads—

> 25. (1) A restriction upon anticipation or alienation attached to the enjoyment of any property by a woman that could not have been attached to the enjoyment of that property by a man is of no effect after the commencement of this Act.

Again I think the quickest way to express my thoughts is to read the very short paragraph 4, which appears on page 49 of the report to which I have referred. It reads as follows:—

> Clause 25 is designed to remove one of the last disabilities in respect of property that apply to married women. At present it is possible to transfer an interest in property to a married woman so that she is unable to deal with the corpus or capital of that property in any way. Such a restriction is known as a restraint upon anticipation. In our view these restraints are a relic of the 18th Century without any justification today, and we would follow the lead of the United Kingdom in abolishing them.

I might say that the learned counsel whom I consulted on this matter does not agree with that, but I am prepared to accept it provided it is made very clear that it does not apply to any existing document. It is true that in England the legislation did have a retrospective effect. It is important to know the circumstances under which that legislation found its way on to the statute book. It found its way on to the statute book because a very important personage (Countess Mountbatten) found herself the beneficiary of a trust of £1,500,000. It was subject to such a restraint of anticipation. She petitioned to Parliament for the removal of this restraint. Parliament refused her request but decided, a couple of years later, to introduce retrospective legislation to remove the restraint on all such trusts, having investigated the circumstances of them all.

However, in this case we have no evidence before us of any existing settlements such as in the case of Countess Mountbatten and I feel that it is most unwise and unsafe to legislate for a retrospective effect when we do not know who would be affected. No-one has made out a case for retrospective provision.

With those observations, I have much pleasure in supporting the second reading.

**MR. COURT** (Nedlands—Minister for Industrial Development) [7.56 p.m.]: I thank the Leader of the Opposition and the member for Subiaco for their contribution to this debate. First of all I must apologise to the Leader of the Opposition. I thought he knew we were going on to order of the day No. 7 and I am sorry if I jumped ahead of his preparation. However, without notice he gave a very good exposition of what was intended by the legislation.

I want to explain that so far as this measure is concerned it is hoped to take it through in its amended form to the third reading so that the amendments can be sent to another place. It is desired that the next two items be taken through Committee but not through the third reading. As has been explained by the member for Subiaco, Orders of the Day Nos. 8 and 9 would be futile unless amendments are incorporated in the Bill at present before the House and it is finally passed by both Houses.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

**Clauses 1 to 13 put and passed.**

**Clause 14: Options—**

Mr. GUTHRIE: I have an amendment on the notice paper, but at the request of the Parliamentary Draftsman and the subcommittee I desire to insert after the word "units" in the second last line of my amendment the words "of accommodation". It was pointed out to me that someone might think they were units of electricity and not units of accommodation. I move an amendment—

> Page 8, lines 23 and 24—Delete the words "rights of first refusal in a unit ownership agreement" and substitute the words "a pre-emptive right to acquire an individual unit or individual units of accommodation in a building containing several units."

The words to be taken out are to be removed for the purpose of clarity. On examination it was found that the words "rights of first refusal" have been given differing viewpoints by the courts. The Court of Appeal in England said they mean either one thing or another; we do not know which; and we do not have to decide it. Subsequently there has been a third meaning given to the phrase; and, in consequence, by using those words we would be legislating without there being any clear meaning. In addition, home unit flats are a new development and to my mind it is unsafe to say that "unit ownership agreement" is a clear expression like, say, mortgage or a bill of sale. In consequence I propose to substitute, for the words to be struck out, the words appearing on the notice paper. The reason for these words is that the clause affects options, and the provisions regarding options are not to apply to options arising out of leases.

Mr. COURT: Perhaps if I make one explanation now it might save time later. These amendments have been arrived at as a result of consultations between the Law Reform Subcommittee, the Crown Law Department, and the member for Subiaco. When the other Bills making up the set of eight were before the House, I explained that because of a technical query that had arisen in respect of this measure we were not going to proceed with the Bills numbered 6 to 8 in the group until further research had been carried out. That research has been diligently carried out by the member for Subiaco, the Law Reform Subcommittee, and the Crown Law Department, and these amendments have been put through the test before being accepted for inclusion. I support the amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 15 and 16 put and passed.**

**Clause 17: Accumulations of income—**

Mr. GUTHRIE: The purpose of the amendment must be obvious to the Committee; it is to clear up a doubt as to whether the repeal of the Accumulations Act can be said to apply to existing trusts. The phrase in subclause (1) "ceases to apply" means, in natural English, that it ceases to apply *ab initio;* but in construing these words one must have regard for the overriding provisions in clause 3 of the Bill. There has been a difference of legal opinion as to whether it applies retrospectively or not by reason of that clause and by reason of other words in the Act, and we have agreed that the safest thing to do is to insert a new subclause (4) to clear up the doubt. Accordingly I move an amendment—

> Page 9—Insert after subclause (3) in lines 37 to 42 the following new subclause:—
>
> > (4) For the avoidance of doubt, it is hereby declared that this section has effect only as provided by section three of this Act.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 18 and 19 put and passed.**

**Clause 20: Wills in contemplation of marriage—**

Mr. GUTHRIE: I dealt with this matter at some length in my second reading speech and I do not think I need repeat what I said then. I move an amendment—

> Page 11—Insert after subclause (1), in lines 10 to 16, the following new subclause to stand as subclause (2):—
>
> (2) Without limiting the provisions of subsection (1) of this section, a will expressed to be made in contemplation of marriage is, unless the testator expressly provides to the contrary, not valid in the event of the contemplated marriage not being solemnised.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 21: Statutory substitutional gift—**

Mr. GUTHRIE: Again, I dealt with this matter at some length on the second reading. Accordingly I move an amendment—

> Page 11, lines 35 and 36—Delete the words "and who attain the age of twenty-one years."

**Amendment put and passed.**

Mr. GUTHRIE: I move an amendment—

> Page 12, line 20—Delete the word "bequest" and substitute the word "legacy".

The Parliamentary Draftsman agrees that the phrase "specific bequest" should read "specific legacy".

**Amendment put and passed.**

Mr. GUTHRIE: I did not deal with the next matter in my second reading speech. The clause states that it does not apply to bequests of specific chattels. The Wills Act did apply to bequests of specific chattels, and it has been agreed that by completely taking out section 33 of the Wills Act and not making any provision in this clause to deal with a specific legacy, or a specific appointment of chattels, we leave a gap. In consequence I propose to move an amendment; and the effect of it will be that section 33 of the Wills Act will still stand as the law in such circumstances. I move an amendment—

> Page 13, line 23—Insert after the word "Act" the words ", except in relation to a specific legacy or a specific appointment of any chattels".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 22 and 23 put and passed.**

**Clause 24: Recovery of payments made under mistake of law—**

Mr. BRADY: Before the member for Subiaco speaks on this clause, Mr. Chairman, I was wondering whether you could advise me whether the report by the Law Reform Subcommittee has been tabled, or whether members of this committee have access to the report which has been quoted so extensively by the member for Subiaco during the debate.

The CHAIRMAN (Mr. I. W. Manning): I have no knowledge in my possession with which I can answer the member for Swan.

Mr. Court: I can answer the honourable member, Mr. Chairman.

The CHAIRMAN (Mr. I. W. Manning): Very well.

Mr. COURT: This report was distributed on a fairly wide basis when the Bill was before the Legislative Council. The measure was introduced early in the session to allow it to be freely circulated and to be studied by those who are dealing with this type of legislation. It was as a result of the deliberations made by those people that amendments were made by the Legislative Council. If I remember rightly a copy of the report was made available to the Leader of the Opposition in the Legislative Council and the Leader of the Opposition in the Legislative Assembly. If the honourable member would like to see a copy of the report I would be pleased to make one available to him.

Mr. GUTHRIE: Members will recall that in my second reading speech I explained that in certain instances payments made under mistakes of law could be recovered.

Clause 24 sets out the principles relating to how the application for relief is to work. To my mind and the mind of senior counsel the words "to the payment and of other persons" should be deleted, in lines 5 and 6, with a view to inserting the words and symbols proposed because when we referred to a similar section in the trustees legislation we found similar words there. We could not see, why, for the first time, the plaintiff should be given special privileges, and, at all times, the implications he made be taken into account. These people to whom it applies should be taken into consideration, and, in consequence, I move an amendment—

> Page 15, lines 5 and 6—Delete the words "to the payment and of other persons" and substitute the words "(other than the plaintiff or claimant) to the payment and of other persons acquiring rights or interests through them".

This will make it quite clear that the persons whose interests are to be defended are the dependants and the beneficiaries.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 25: Abolition of restraint upon anticipation—**

Mr. GUTHRIE: I dealt with this clause at great length in my second reading speech, and the purpose of the amendment to this clause is to make certain that the

legislation has effect only on prospective or future trusts. In consequence, I move an amendment—

Page 15, line 19—Delete the words "after the commencement of this Act".

**Amendment put and passed.**

Mr. GUTHRIE: I move an amendment—

Page 15, lines 20 to 24—Delete subclause (2) and substitute the following:—

(2) For the avoidance of doubt, it is hereby declared that this section has effect only as provided by section three of this Act.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Title—**

Mr. GUTHRIE: I move an amendment—

Add after the word "succession" the words "and for incidental and other purposes".

Members will recollect that there is a clause in the Bill dealing with many payments made under mistake of law which has nothing to do with the law of perpetuities and nothing to do with matters relating to properties in succession.

**Amendment put and passed.**

**Title, as amended, put and passed.**

*Report*

**Bill reported, with amendments and an amendment to the Title, and the report adopted.**

*Third Reading*

**Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and returned to the Council with amendments.**

## ADOPTION OF CHILDREN ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 18th October, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

**MR. HAWKE** (Northam—Leader of the Opposition) [8.27 p.m.]: This small Bill is related to some of the measures with which we have dealt previously. It proposes to make two small amendments to the Adoption of Children Act, and I support the second reading.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

## SIMULTANEOUS DEATHS ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 18th October, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

**MR. HAWKE** (Northam—Leader of the Opposition) [8.30 p.m.]: This Bill more or less makes a consequential amendment to the Simultaneous Deaths Act following the amendments which have been made this evening to the law reform legislation. I support the Bill.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

## BREAD ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from an earlier stage of the sitting, on the following motion by Mr. Wild (Minister for Labour):—

That the Bill be now read a second time.

**MR. W. HEGNEY** (Mt. Hawthorn) [8.34 p.m.]: The necessity for a Bill of this nature arises as a result of an impending decision of the Arbitration Court in connection with working hours for bakers within the metropolitan area as prescribed in the Bread Act, which is described as an area within a radius of 25 miles of the General Post Office at Perth, or eight miles of the principal post office at Kalgoorlie.

I have examined this Bill closely and I have no objection to it as far as it goes, but to my mind it certainly does not meet the position which is likely to arise as a result of the approaching decision of the Arbitration Court. I am informed that the minutes of the award will be spoken to by the parties about the end of this month, and that it is most likely the award will be delivered in the first week of December. That award will provide for a five-day working week for bakers within the metropolitan area as prescribed by the Bread Act.

Consequent upon that impending decision, both the Master Bakers' Association and the Bakers' Union are somewhat perturbed—and I should say justly so—at the position which might arise in connection with the baking industry outside the metropolitan area. Members may have read already that there are suggestions that some business concerns in Perth will make arrangements to obtain supplies of

bread for the week-end—that is, on Saturday morning—from bakers outside the metropolitan area; and I suggest that the attempt of the Minister for Labour, as visualised in this Bill, does not actually meet the position.

The Minister when introducing the Bill stated that there were two bakers in Rockingham and one in Safety Bay—two towns within a few miles of one another. He said the two bakers in the former place are subject to the provisions of what I would call the metropolitan award, and the baker at Safety Bay is just outside the radius of 25 miles, and would be subject to the country award. I might say in passing that the Bread Act provides for the two areas; and the country provisions are that bakers can bake on Saturday, at certain times on Sunday, and on holidays.

The Arbitration Court will most likely make some decision; and that decision will be made as a result of evidence submitted by the parties interested. The Arbitration Court has been set up under the provisions of the Industrial Arbitration Act, and I suggest that is a competent authority to determine the question; and I should say that the position will be resolved, so far as that court is concerned, by the 3rd or 4th December.

Consequently, under this Bill it is provided—incidentally there will be no baking in the metropolitan area after 12 noon on Friday until Monday—that the metropolitan area will be extended by a three-mile radius—extended from a radius of 25 miles to 28 miles. Anyone who knows the geography of the area concerned will appreciate that Safety Bay will come under the jurisdiction of the metropolitan area. Going north, Bullsbrook is also within the 25-mile radius and will not be affected. Going east, places like Sawyers Valley are only 23 or 25 miles away; and the closest place would be Wundowie. Going south—I am open to correction—I think places like Serpentine and Jarrahdale would be outside the metropolitan area, even under this amendment.

If the Arbitration Court, after hearing all the requisite evidence by the parties concerned, makes a decision, then I suggest this Parliament should do everything possible to ensure that the decision of the court will be fully implemented. However, to my mind this Bill will not do it. If arrangements are made between a firm in Perth and a baker in business outside the 28-mile radius for the latter to provide bread, it can be done on Saturday morning without breaking the law.

It will be immediately apparent that the interests of the master bakers, and indeed the union members in the metropolis will be considerably jeopardised; and any attempt between the baker outside the 28-mile radius and firms in Perth to sidestep the provisions in regard to the metropolitan area will be unjust to both the master bakers and union members in the metropolitan area.

To overcome this difficulty I suggest it is necessary to introduce legislation to ensure it will be illegal or unlawful for any person to transport or deliver bread from any place outside the 28-mile radius to any place within the 28-mile radius. If this is not done it will be to the detriment of bakers within the 28-mile radius. I suggest both employers and employees will be at one on this and will be obliged to make immediate approaches to the Arbitration Court for the purpose of trying to make the baking hours uniform throughout the State.

I have an amendment which I propose to move in the Committee stage and I think it will meet the wishes of both the master bakers and the employees. The amendment deals with the prohibition in regard to the transporting of bread from a place outside the 28-mile radius to any place within the 28-mile radius. I know there are certain sections of the Bread Act involved. The amendment to section 12 proposes to extend the radius of the metropolitan area from 25 miles to 28 miles; and the amendments to sections 14 and 15 all have reference to that 25-mile radius.

The only other amendment I wish to move is a machinery one which deletes any reference to road boards, which have been eliminated from the Statutes. This is a very important matter from the viewpoint of not only the unions but the employers as well. Very often when legislation is introduced the interests of employers are enhanced and the interests of employees possibly jeopardised, or *vice versa*; but on this occasion it is quite evident that the interests of the master bakers and the employees are 100 per cent. in agreement.

Previously I mentioned Wundowie. I think the 40-mile peg is just near the turn-off to Wundowie. There is a baker in that town, but I am given to understand that he is not interested in supplying bread to the metropolitan area. The next major town in Western Australia, ably represented by the Leader of the Opposition, enjoys a five-day baking week. Northam is a big centre and is 61 miles from Perth. It can be seen that this is an involved question.

It is not my intention to say that even if the amendment I propose is agreed to in conjunction with the measure introduced by the Minister all the problems of the baking industry will be met, because when one looks at the historical background of that industry one will find it has been complicated and involved; and both the master bakers and the unions, at various times, have seen fit and been obliged to approach the Governments of the day for the purpose of having the legislation tightened up with respect to the baking of bread.

Mr. Ross Hutchinson: Your amendment would prevent the possibility of people getting fresh bread?

Mr. W. HEGNEY: I am very pleased that the Minister made that interjection.

Mr. Ross Hutchinson: I am pleased you are pleased.

Mr. W. HEGNEY: It is one of the few occasions on which the Minister has made an intelligent interjection; and I propose to take cognisance of that fact. During the Committee stage I propose to move the following amendment:—

> Clause 4: Add the following at the end of subsection (1):—
>
> Provided that subject to the provisions of section 12A of this Act, bread or vienna bread shall be delivered or transported for sale only during the hours and on the days specified in any industrial Award or agreement for the time being in force under the provisions of the Industrial Arbitration Act 1912-1961 and applying to the delivery of bread within a radius of 28 miles from the General Post Office, Perth.

The Minister for Health interjected to the effect that my amendment would deprive people from obtaining fresh bread over the week-end.

Mr. Ross Hutchinson: I asked whether that would be so under your amendment.

Mr. W. HEGNEY: No. My amendment will merely implement the impending decisions of the Arbitration Court in regard to the working week in the metropolitan area. In effect, the award will restrict the baking of bread in the metropolitan area after 12 noon on Fridays.

A few people may say they will not be able to get fresh bread on Saturdays or Sundays. I mentioned earlier in my remarks that on the Arbitration Court there is an independent judge and representatives of the industrial unions and of the employers. That decision was arrived at after hearing all the relevant evidence in regard to the sale of fresh bread, and so on. I am not a qualified medical practitioner, like the member for Wembley, and neither is the Minister; but I am prepared to say that the health of no person in Western Australia will suffer by eating that bread on Sunday evening which was baked on Friday. In passing, I would be inclined to say, as a layman, that the health of the nation would improve if there were less fresh bread and less hot bread eaten.

The position is that both parties concerned are very perturbed at the position. I am not going to criticise the Government unduly, although it is entitled to mild criticism. This matter has been under consideration for some time, and it looks as though the Government is handling it like a hot potato.

Mr. Ross Hutchinson: Like hot bread.

Mr. W. HEGNEY: That contains carbohydrates just the same. This matter is introduced in the dying hours of Parliament, and I suggest it could have been introduced a little earlier to give members more opportunity of studying the position. I discussed this matter with the secretary of the union to obtain its views. I have a document emanating from the master bakers and I have a document from the union. Both documents are in conformity with each other and they both suggest the amendment which I have just read.

Mr. Williams: We can chalk that up—both of them being of the same opinion.

Mr. W. HEGNEY: Their interests are the same. Self-preservation is the first law of human nature; and, naturally, the interests of master bakers will be jeopardised if an appropriate amendment is not accepted by the House; and the working conditions of the union members are likely to be jeopardised if the amendment is not accepted. That is why I am appealing to the House to accept an amendment when this Bill goes into Committee.

MR. WILD (Dale—Minister for Labour) [9.50 p.m.]: I want to thank the honourable member for his observations. I will tell him now that I am not going to agree with his amendment.

Mr. W. Hegney: I knew that.

Mr. WILD: This is something which obviously has been exercising my mind for some considerable time. It is factual that we shall have the position where no bread can be baked after midday within a radius of 28 miles; and the fellow at 28 miles and 10 yards can put up a bakery and can bring bread into the city for sale. On the same basis, a bakery at Wundowie, or Serpentine, or at Mundijong, can be enlarged and bread can be brought into the city. The Government will not deny anybody the right to bring bread into the city on Saturdays if people have the courage to bring it into the city in order to sell it. The Government accepts the fact that the Arbitration Court has given a decision that no bread shall be baked within 25 miles of the General Post Office after 12 o'clock on Fridays.

The reason for the amendment is to iron out an anomaly. Beyond that I can assure the House the Government is not going to budge. If at some future time the Arbitration Court grants a five-day week for the delivery of bread, we shall have to bow to that decision. But at this stage of the game the Government is prepared to await developments. I doubt whether there will be the developments which some people envisage. We are told that in Victoria

there is chaos. Perhaps that is so; but for the purpose of this exercise, we are going to await developments—not deprive people of the metropolitan area of fresh bread if it is brought into the city.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Labour) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4: Section 12 amended—**

Mr. W. HEGNEY: I apologise to the Committee for not being able to place my amendment on the notice paper. However, I have had a number of copies distributed. The proposed amendment is as follows:—

> Page 2: Add the following at the end of subsection (1) of section 12 of the principal Act:—
>
> > Provided that subject to the provisions of section 12A of this Act, bread or vienna bread shall be delivered or transported for sale only during the hours and on the days specified in any industrial Award or agreement for the time being in force under the provisions of the Industrial Arbitration Act, 1912-1961, and applying to the delivery of bread within a radius of 28 miles from the General Post Office, Perth.

Suffice it to say that both organisations concerned believe that they would, in a large measure, overcome an approaching difficulty which both organisations can foresee. I did not expect the Minister to agree to my amendment because his performance throughout the session in regard to amendments has been one of frustration. I recently introduced an amendment to the Inspection of Scaffolding Act. It was a simple amendment, but the Minister was not disposed to accept the responsibility of allowing it to be written into the Bill. I have no confidence in the Minister so far as amendments are concerned.

However, I appeal to private members, who have probably been approached by interested parties and who know what the dangers will be, to exercise their personal responsibility and to support my amendment.

The Minister put his cards on the table when he replied to my remarks during the second reading. He said that if any person outside the 28-mile radius had the courage to provide bread on Saturdays, then the Government was not going to be responsible for depriving people of that bread. That, I suggest, is a direct slap in the face and an insult to the Arbitration Court.

The Minister has a sickly grin on his face; but I can tell him now that he is a champion of arbitration. He recently condemned a section of the workers for breaking the arbitration laws. The Arbitration Court did not decide wildly to do something in regard to this matter. It did not put its hand in the hat and pull something out of it. It heard all the evidence which it was possible to adduce, as a result of which it has decided to introduce a five-day week for the baking industry in the metropolitan area. As a result of that decision, both parties can foresee some dangers to their interests. The danger to bakers on or near the perimeter of the specified radius is such that some protection should be provided for them; and those bakers who are outside the 28-mile radius should not be able to cash in on any decision of the Arbitration Court and thereby help to frustrate the decision of that tribunal. I appeal to members to support the amendment.

The CHAIRMAN: (Mr. I. W. Manning): I advise the member for Mt. Hawthorn that to make the amendment fit into the clause we have had to alter one or two words at the commencement of the amendment. It will read as follows:—

> Clause 4: Add to the end of the clause the following words:—
>
> > and by adding at the end of the subsection the following words:—"Provided that subject to the provisions of section 12A of this Act, bread or Vienna bread shall be delivered or transported for sale only during the hours and on the days specified in any industrial award or agreement for the time being in force under the provisions of the Industrial Arbitration Act 1912-1961 and applying to the delivery of bread within a radius of twenty-eight miles from the General Post Office, Perth.

Mr. FLETCHER: I support the amendment because I think it is a desirable one. The Minister for Health gave the impression that members on this side wished to deny people in the metropolitan area the privilege of getting fresh bread. I know he did it in a half jocular manner, but the implied criticism was there. The Bill already does just that; so how can we be accused of doing something for which the Government is already responsible?

A person can now buy partially cooked bread in the form of buns and ordinary bread which can be put in the oven and heated up. It is as good as any fresh bread, and no hardship is caused by anybody having to do that.

Transport Board inspectors pounce with enthusiasm on anybody who is transporting vegetables to the country by road, and

yet by this legislation they will be ignoring the transport of bread to the metropolitan area from beyond the 28-mile limit.

Mr. Craig: A storekeeper can cart his own vegetables in his own vehicle anywhere he likes.

Mr. FLETCHER: I know somebody who was unfortunate enough to be carting a small quantity of vegetables which he could not get into cases without damaging them. The inspector pounced on him with enthusiasm and denied him the right to cart that limited quantity of vegetables to the country.

I can visualise a situation where vested interests will create bakeries just outside the 28-mile limit for the purpose of baking bread to be carted to the metropolitan area. In the future I think most of the bread for the metropolitan area will be baked outside the 28-mile limit.

Mr. Lewis: Do you know of any instances where that will be done?

Mr. FLETCHER: The mover of the amendment has already instanced areas where it could be done.

Mr. Lewis: Where it could be done.

MR. FLETCHER: If people find it economic to bake bread beyond the 28-mile limit they will do so, and no doubt many members on the other side would indulge in the practice themselves if they found it to be profitable.

Mr. W. Hegney: The Minister implied that.

Mr. FLETCHER: If they thought they could build up a remunerative business by erecting a bakery 100 yards or a quarter of a mile beyond the statutory limit members opposite would certainly indulge in the practice themselves.

Just imagine the disruption this sort of thing could cause to men who had served their time in the industry and had raised their families in the areas where the bakeries are established! Their children who go to school in the metropolitan area would be faced with the prospect of trying to obtain employment in the more remote parts of the State, and that is completely wrong. I support the amendment for the reasons I have stated and I ask the Minister, and all members opposite, to give consideration to it and to support it.

Mr. WILD: I do not think there is any necessity for me to go over the ground again. I have already stated the Government's views fairly clearly. The Arbitration Court in its wisdom has given a judgment and there will be a speaking to the minutes in a few days. The judgment provides for a five-day week for bakers in the metropolitan area and people in Perth will not be able to buy fresh bread after 12 o'clock on Fridays. This Government has nothing whatever to do with what the Arbitration Court may or may not do in regard to the delivery of bread.

As regards the delivery of bread to the metropolitan area from beyond the 28-mile limit, I would point out that the Transport Act has some effect, and that position would have to be ironed out. I can only say at this stage of the game that the Government is not going to do any thinking for the Arbitration Court. We abide by its decision and I do not intend to agree to the amendment.

Mr. J. HEGNEY: I support the amendment because in the circumstances I think it is a reasonable one. Some years ago the High Court issued a judgment wherein it stated that Arbitration Court awards had the force of law. Therefore I suggest the obligation is upon the Government to protect that law, and it has an opportunity in this instance by agreeing to the amendment.

This award of the Arbitration Court is a reform, and it may inconvenience certain people for a time. The Minister for Health said we would deny people the right to have fresh bread. I have been in some country towns in this State and I would suggest to the Minister that the Health Department could have a closer look at some of these baking establishments.

Mr. Rowberry: Which ones?

Mr. J. HEGNEY: In certain towns.

Mr. Ross Hutchinson: There are health inspectors in those places.

Mr. J. HEGNEY: Whilst they have wire doors on the shops I have seen millions of flies crawling around on the dough before it has been put into the ovens.

Mr. Brand: Where have you seen this?

Mr. J. HEGNEY: The Minister suggested that we were trying to deny the people of the metropolitan area the opportunity of getting fresh bread. If that is the type of fresh bread we are going to get we would be better off without it. Why people are hungry for fresh bread I do not know. Generally speaking housewives prefer to cut stale bread for lunches, and it is certainly better from a health point of view than the hot dough that comes out of the ovens and is served up as bread at the present time.

Mr. Brand: Have you talked to the Women's Service Guild about this?

Mr. J. HEGNEY: Since I was a young man I have never eaten fresh bread and I think, although I am just past 60 now, I am as fit physically as anybody in this Chamber. I think even the member for Wembley would agree that there is a good deal of substance in what I am saying.

Mr. Lewis: Have you talked to the Housewives' Associations?

Mr. J. HEGNEY: There is no doubt that this Government is the most conservative crowd I have seen since I have been in this Chamber. Labor Governments and most Liberal Governments in the past have accepted propositions put up to them where they considered them to be reasonable, and to have some merit; but this Government will accept nothing. I could refer to the five-day week for banks. Legislation in that regard was introduced for five years in a row.

The CHAIRMAN (Mr. I. W. Manning): Order! This amendment appears to deal with bread or Vienna bread.

Mr. J. HEGNEY: Only appears to do so?

Mr. Tonkin: It deals with dough and so do banks.

Mr. J. HEGNEY: It is supposed to deal with Vienna bread and not appear to deal with it. I think the obligation is upon the Government, and particularly the Minister for Labour, to uphold decisions of the Arbitration Court. This Government praises the court's decisions when the court takes action in regard to workers who refuse to sell their labour; but it takes a different view in other instances.

The amendment has been moved to ensure that the Arbitration Court award is adhered to, whereas the Minister for Labour wants to do everything possible to see that the judgment is not adhered to. This amendment of the Arbitration Court is some kind of reform, and I can only say that this State is making progress in spite of the present Government. The Premier was an industrial worker many years ago, and why he is not on the Labor side I do not know. He should be supporting a proposition of this type. As I said, I support the amendment because I think it is a worth-while one and will protect the decision of the Arbitration Court. We have an obligation to protect such a decision from inroads from outside.

Mr. DAVIES: Like the member for Belmont, I, too, support the Bill, because I believe there is a responsibility on the Government to protect the decision of the Arbitration Court. This Government's record of social legislation is appalling; in fact it is non-existent.

Now we have a measure that could provide some relief both for the master bakers, and for the men employed in the industry; but yet the Government quite adamantly will not consider the amendment. In the case of amendments to other Bills, the Minister generally says he will give the matter consideration, or have it dealt with in another place; but on this measure he just refuses to entertain it at all, merely because it constitutes a reform.

Previous speakers have set out the position clearly, and I do not think it is a case of whether Parliament should say whether or not the eating of fresh bread is good for a person. If one desires fresh bread, or bread which is not inedible, one can always purchase wrapped bread and other types of bread which remain fresh for a week at a time.

The Government should try to improve its record of social legislation; and here is an opportunity for it to do so.

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

| | |
|---|---|
| **Ayes—23** | |
| Mr. Bickerton | Mr. Kelly |
| Mr. Brady | Mr. D. G. May |
| Mr. Curran | Mr. Moir |
| Mr. Davies | Mr. Norton |
| Mr. Fletcher | Mr. Oldfield |
| Mr. Graham | Mr. Rhatigan |
| Mr. Hall | Mr. Rowberry |
| Mr. Hawke | Mr. Sewell |
| Mr. Heal | Mr. Toms |
| Mr. J. Hegney | Mr. Tonkin |
| Mr. W. Hegney | Mr. H. May |
| Mr. Jamieson | *(Teller.)* |
| **Noes—24** | |
| Mr. Bovell | Dr. Henn |
| Mr. Brand | Mr. Hutchinson |
| Mr. Cornell | Mr. Lewis |
| Mr. Court | Mr. W. A. Manning |
| Mr. Craig | Mr. Mitchell |
| Mr. Crommelin | Mr. Nalder |
| Mr. Dunn | Mr. Nimmo |
| Mr. Gayfer | Mr. O'Connor |
| Mr. Grayden | Mr. Runciman |
| Mr. Guthrie | Mr. Wild |
| Mr. Hart | Mr. Williams |
| Mr. Hearman | Mr. O'Neil |
| | *(Teller.)* |
| **Pair** | |
| **Aye** | **No** |
| Mr. Evans | Mr. Burt |

**Majority against—1.**

**Amendment thus negatived.**

**Clause put and passed.**

**Clauses 5 to 7 put and passed.**

**Title put and passed.**

*Report*

**Bill reported, without amendment, and the report adopted.**

*Third Reading*

**Bill read a third time, on motion by Mr. Wild (Minister for Labour), and transmitted to the Council.**

## MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL (No. 2)

*Second Reading*

MR. NALDER (Katanning—Minister for Agriculture) [9.25 p.m.]: I move—

That the Bill be now read a second time.

This is quite a short Bill but it contains two important changes which it is felt should be brought to the notice of this Chamber. I commend the Bill for the careful consideration of all members.

The first amendment contained in the Bill is a change in the definition of motor vehicle, for the purposes of the Act. A perusal of the new definition will reveal that it is now confined to motor vehicles which require to be licensed, and because

they comply with the requirements necessary for licensing are capable of being licensed under the Traffic Act.

Provision has, however, been made in section 4(9a) for the trust to grant a policy of insurance in respect of vehicles, which, although capable of being licensed under the Traffic Act, do not require to be licensed. The examples to which this could apply are cases where, for instance, a vehicle is being used under permit from a farm to a repair shop, or back to the farm; or is being driven from the place of purchase in one district to the place of licensing in another district; or is a farm vehicle which is not used on roads at all, but which the farmer would like to cover against third party risks in case visitors passing through his farm should stray off the road, and become involved in an accident with the vehicle.

Other cases are where one vehicle is substituted for another whilst that one is under repair as authorised by section 51 of the Traffic Act; and generally to any unlicensed vehicle being driven under a permit authorised by traffic regulation 10A. Vehicles which do not comply with the Traffic Act, and therefore cannot be licensed under that Act, will be excluded from the definition and will not be subject to the operation of the Act.

Examples which come to mind are large items of industrial plant such as hoist transporters, etc. which, because of their size or weight, or details of their construction, cannot be licensed for general use, but must be operated only under a permit which imposes rigid conditions on their use; or industrial plant which is used in gravel pits, quarries etc., to which the public have access, and in respect of which an accident could occur, and for which permits can be given under traffic regulation No. 10B. Another example is the so called "hot rod" racing car or the go-kart, which has not the necessary fittings to enable it to be licensed.

This means that as these vehicles are permitted on roads and public places only under a permit issued under traffic regulation No. 10B, they will not be covered by a policy of third party insurance issued under this Act, but the Minister for Transport, in granting such permits, is in a position to insist that the operator has a comprehensive policy, or some other policy, which will ensure that there is adequate protection for persons who might be injured by the operation of these off-road vehicles.

The reason for this change is that it is considered that the trust should be required to insure only licensed motor vehicles, and that vehicles which cannot be licensed under the Traffic Act should be insured by their owners or operators, and no risk covered by the fund set up under the Third Party Insurance Act.

The second and third amendments are to provide for cases where one of the participating insurance companies is wound up or dissolved. Provision has been made in the amendment to deal with these cases, and it has been found necessary to make this provision because, in fact, one of the participating insurance companies is now in liquidation. The provisions are being made in section 3L and 3P respectively in their appropriate places, and ensure that where a participating insurer is in liquidation, the trust is able to have the share of that insurer calculated and properly dealt with.

The next amendment is to section 4 (9a), as I have already mentioned, to bring that section into line so that a policy issued for an unlicensed vehicle will be issued only if the vehicle complies with the Traffic Act requirements.

The next amendment is the most important and will provide that, in future, the liability of the trust in respect of passengers is unlimited in the case of vehicles licensed for the carriage of passsengers for hire or reward, but is £6,000 for an individual passenger in a private vehicle, with a maximum of £60,000 for all the passengers carried in the vehicle.

There has been considerable discussion on the question of limits. The Act previously provided a limit of £2,000 for an individual passenger and £20,000 in all, and it is considered that by increasing this to the present suggested limit of £6,000 and £60,000, justice will be done, in that the change in the value of money will be recognised. The limits have not been abolished, because it must be remembered that all the funds required for third party insurance are contributed by the owners of motor vehicles who are compelled to take out third party cover under the Act. If unlimited claims are permitted in respect of passengers carried in private vehicles, this means that the great mass of the owners of vehicles must pay additional premiums to provide unlimited cover in respect of those persons carrying passengers who are injured while in their vehicles.

It is considered reasonable that passengers being carried in the vehicles of their friends should be prepared to bear some part of the risk involved to hold to a limit of £6,000. As an example, take the case of friends who are at a party together and who decide to travel home in the car of one of them, taking the risk which may have arisen because they have been dining too well, when perhaps they would have been better off to have hired a taxi. If they should be involved in an accident there is no reason why the friends, as between themselves, should not accept some of the financial risk as well as the physical risk, and there is no good

reason why the motoring fraternity generally should be forced to pay higher premiums so that passengers of this type should be able to recover from their friends, through the trust, larger sums than the limit of £6,000 now proposed.

I stress again that when a passenger is carried in a vehicle licensed for the carriage of passengers for hire or reward, there is unlimited cover, and it is only in respect of passengers carried in private vehicles that there is any limitation.

The next amendment is twofold, the first simply bringing the terminology in section 7 subsection (2) into line with the text used in other parts of the Act, and that is done simply for the sake of consistency. The second part of that amendment is consequential upon the amendment to section 6 increasing the limitations. The next amendment again is to bring the language used into consistency with that in other parts of the Act by using the words "as soon as practicable".

The next amendment deletes a proviso to subsection (1) of section 29, and this is followed by a further amendment in clause 10 to insert a new section to be numbered "29A". The reason for this amendment is that the proviso in its present position in section 29 refers only to that subsection, and it is considered that an injured person should have as full protection and as great a civil right for taking action as is reasonable and fair.

The insertion of the new section, therefore, will ensure that failure to give a notice or to make the inquiries—which are duties cast upon the person injured—will not absolutely debar him from proceeding with his claim. If he can satisfy the court that his failure to give the notice, or to make the inquiries, was due to a mistake, to inadvertence, or to any other reasonable excuse, or to the fact that the trust, in any case, is not materially prejudiced in its defence by the failure or defect, the court may allow the case to proceed.

This provision brings the enactment into line with the general provisions of the Limitation Act and it is considered that, so far as is practical, there should be consistency between the various Acts in regard to the making of claims. This is a measure on which I feel sure that both sides of the Chamber will be in agreement, and I therefore commend it for the earnest consideration of members.

**Debate adjourned, on motion by Mr. Brady.**

## STAMP ACT AMENDMENT BILL (No. 3)

*Second Reading*

Order of the Day read for the resumption, from the 13th November, of the debate on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

*Point of Order*

MR. TONKIN: I rise on a point of order. This Bill originated in the Legislative Council. The Constitution provides that Bills which appropriate revenue cannot originate in that Chamber, so the only point at issue is whether the Bill appropriates revenue. I submit it does.

The Stamp Act can impose certain duty to be paid, particularly *ad valorem* duty; and if it were not for this Bill then in certain circumstances that duty would have to be paid. If this Bill is passed and becomes law a discretion will be given to the Treasurer to waive the duty under certain circumstances. Parliament is therefore appropriating in advance the money which would otherwise go into Consolidated Revenue.

Without this Bill, if the Treasurer considered it desirable to waive the duty he would be able to do so, but he would be obliged subsequently to seek the approval of Parliament for the appropriation. The Bill will obviate the necessity for the Treasurer to seek the approval of Parliament for such appropriation; therefore, in my opinion, the Bill appropriates revenue.

I would point out that if the House gave a wrong decision on this question that would not make the Act valid, if indeed the Act is invalid. I have little doubt that someone will take advantage of the situation subsequently to the discomfiture and disadvantage of the Government. It is perfectly clear in the Constitution Acts Amendment Act that if Bills appropriate revenue they must not originate in the Legislative Council. We all know this Bill did originate in the Council, so I repeat the only point at issue is whether it appropriates revenue.

If the Bill obviates the necessity of having to seek the approval of Parliament subsequently for the appropriation of revenue, then it does appropriate revenue, because in effect it is providing that revenue in advance for the purpose to which the Treasurer will put it. In other words, such money as the Treasurer will require in his discretion out of Consolidated Revenue, to enable him to waive the *ad valorem* stamp duty, is by this Bill being appropriated by Parliament. That is the question involved. If that be the position, and I assert it is, then this Bill is not properly before Parliament, because it has been introduced in the Legislative Council, and the Constitution forbids that to be done.

I refer to section 46 (1) of the Constitution Acts Amendment Act which provides that Bills appropriating revenue or moneys or imposing taxation, shall not originate in the Legislative Council. This Bill did originate there. I remind the House that if we make a wrong decision on this point

that does not make the Bill valid, because the provision in the Constitution Acts Amendment Act is mandatory. I therefore submit this point of order for your ruling, Mr. Speaker, because it is not only necessary but desirable that we proceed according to the law.

*Speaker's Ruling*

The SPEAKER (Mr. Hearman): I thank the honourable member for giving me some indication of his intention to take this point of order. I have examined the Bill and I consider it to be in order, because it does not impose any taxation. It merely exempts certain people, at the discretion of the Treasurer, from the payment of stamp duty, in the case of companies which are being reconstructed.

It is not an appropriation Bill. I refer to *May's Parliamentary Practice*, page 761. The following is provided:—

> It is yet necessary, since confusion has arisen about amendments on this point, to say that the proposal of an alleviation of taxation, such as a drawback, does not involve a charge and does not require the special procedure appropriate to charges.

My point is that this Bill does not involve a charge. It is not a taxing measure. It merely gives the Treasurer a discretion to alleviate some tax. I therefore rule the Bill in order.

*Debate Resumed on Motion*

**MR. HAWKE** (Northam—Leader of the Opposition) [9.42 p.m.]: This Bill, which seeks to amend the Stamp Act, appears to be desirable and necessary as a result of the amendments made in recent years to the Companies Act. The provision in the Bill proposes to confer on the Treasurer a discretionary right to exempt from stamp duty, either wholly or in part, the transfer of a reconstructed company from the company which first existed to the company which comes into existence following the reconstruction.

I have no objection to the discretionary authority proposed, and I therefore support the second reading.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

**Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.**

## ALSATIAN DOG BILL

*Second Reading*

Debate resumed, from the 13th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

**MR. GRAHAM** (Balcatta) [9.48 p.m.]: I trust I am wrong in my assumption, but to me the Bill somehow suggests that it is an act of retaliation against the Alsatian dog owners because of the frustration experienced by the Minister or his department in respect of the Vermin Bill. I say that because in my view many of the terms of this Bill are unnecessarily harsh and I will endeavour to substantiate that assertion as I proceed.

I am also wondering whether perhaps the Minister is not to some extent committing a breach of faith; because when we were discussing the vermin Bill, under which it was sought as an ultimate purpose to declare Alsatian dogs vermin, I asked the Minister several questions and he replied by way of interjection. On page 2135 of the current *Hansard*, is the following:—

> Mr. GRAHAM: . . . If the Minister is prepared to restate, in unambiguous terms, that it is not his intention to take any action in respect of Alsatian dogs already in Western Australia, or to interfere with further sterilised Alsatian dogs coming into Western Australia, I will be content.
>
> Mr. Nalder: I have already stated that, but I will restate it for the benefit of the member for Balcatta.
>
> Mr. GRAHAM: The Minister will give an unqualified assurance to that effect?
>
> Mr. Nalder: That is correct.

Now nothing could be more definite and final than those statements of the Minister. I think he will agree with me that under this Bill he is taking action against dogs already in Western Australia; and will also be interfering with other sterilised Alsatian dogs which are coming into the State.

Naturally enough, the organisations composed of owners of this type of dog are a little upset because this Bill is in contravention of the undertakings and assurances given by the Minister previously. I indicated when the previous measure was before us that whilst there was in existence an Alsatian dog Statute which made it compulsory for all dogs of either sex of that particular breed to be sterilised, if there were breaches being committed then I—and I felt the Opposition as a whole—would be prepared to back the Government in the matter of tightening up the legislation; but more particularly of inflicting penalties that would have a salutary effect.

Let me be perfectly frank. I think the same criticism can be made of the operations of the existing legislation as I made in connection with the native flora legislation. That, put shortly, is that the authorities charged with the responsibility of enforcing law in a particular respect have been—and I put it as kindly as I can—most remiss in the performance of their duties. I refer to the Statute we

discussed about a fortnight ago. Over a long period of years not one prosecution had been made notwithstanding the fact that there had been blatant breaches of the law.

The Minister now tells us that it is well known that persons are breeding Alsatian dogs in Western Australia. If it is known—and frankly I am not prepared to believe the statement—why has not the Minister brought the full force of the existing law into operation in respect of those people? The Minister said that it is known that 336 dogs have been brought into this State in the 16 months to the 9th November of this year. Apparently the Minister and his department are aware of these dogs coming in, otherwise they would not be able to give the precise number. They have said 336 is the number and have not made an approximation.

What has been going on if any of those 336 dogs which have come in have not been sterilised? Surely it is elementary that each one of those animals—the majority of them no doubt in the puppy stage—should have been examined to ensure that they conformed with the law. I suggest that it would be exceedingly difficult, so far as public transport is concerned anyhow, for unsterilised dogs to be brought into Western Australia without being detected, if there was some degre of vigilance on the part of those who were charged with the responsibility.

The Minister has not, in my view, made out a case to demonstrate what is wrong with the present legislation. I would like to know how many unsterilised Alsatian dogs have been found in Western Australia and how many prosecutions have been made for that breach of the law. It is an easy matter to imagine something; to build something up in one's mind until it assumes tremendous proportions, when it is not real at all and is not in accordance with facts. There have been very few prosecutions for breaches. I will be perfectly frank: I do not know one; but I am not averring for a moment that there has not been one in recent times.

After scratching his head and after delving into the records, the Minister was able to quote a few instances where Alsatian dogs had been known to attack livestock. There is nothing new or novel about that. No doubt the Minister and other members read the following article which appeared in this morning's *The West Australian*:—

> Dogs Savage Dairy Cattle
>
> BROOME, Tues.: The Broome Shire Council has laid poison baits around the town and warned that any dog caught savaging cattle will be destroyed.
>
> The moves follow a number of recent attacks on dairy cattle by dog packs.
>
> For many years, the Broome area has been infested with wild dogs. Nearly 400 have been destroyed in the past two years.

There is no suggestion whatever in that article that Alsatian dogs were involved. Those dogs no doubt are bits and pieces of crossbreeds and the rest of it. That sort of thing is likely to happen anywhere with any type of animal; indeed, with the human animal an odd one goes to excesses and perpetrates violence of one degree or another against a person or an animal. I hope and trust that the Government is giving no thought to the sterilisation of or declaring as vermin all the animals, including humans, who might in a minority engage in some of the excesses which I have outlined.

So I continue in my belief that there is something unreal and exaggerated in the mind of the Minister responsible for this type of legislation. Under the existing legislation, local authorities are responsible for policing its provisions and I suggest that the Minister would be better advised to stir the local authorities into action rather than to bring in repressive legislation—legislation directed against people who have pets which are doing no harm and of which persons are proud. These persons are anxious to conform to the letter of the law. Why, therefore, persecute those who have committed no sin whilst at the same time leave the offenders untouched?

The energies of the Minister and his department are directed against the wrong people. I venture to suggest that those who own Alsatian dogs—and more particularly those who are members of the clubs—whilst the present legislation is in existence would be behind the Government in any steps it desired to take to ensure that there are no unsterilised Alsatian dogs in this State.

The Minister gave some outline of the position in other parts of the Commonwealth. Nowhere else is this wholesale order in force, by way of Statute, that all dogs should be sterilised. Why is the behaviour of dogs in Western Australia considered different—more violent or more vicious—than in the other States? It is because, I repeat, the Minister and his department have become obsessed; they have exaggerated the situation, and unfortunately the Minister is going along with his department.

The Alsatian dog clubs, or the association, in Western Australia, desires to be given the authority—or the individual owners do—to be permitted to breed Alsatians under license and under conditions to be laid down by the department. If that were done there could be a complete ban placed upon the importation of Alsatians into Western Australia, with the exception perhaps of a few animals for breeding purposes.

These stud farms—if I may use the term—would operate under conditions laid down by the Minister and his department. He could call for a bond to be provided which would be forfeitable if at any time there was evidence of even one puppy or one dog leaving the place without first having been sterilised.

There is nothing radical or impossible in that suggestion; and it would, I feel, to a great extent overcome the Minister's objection where he apparently considers that because dogs of this breed are coming into the State in some numbers it is impossible to police the provisions of the Act. Notwithstanding that 336 dogs came into Western Australia in the short period of 16 months, the Minister did not give us one example of a dog coming in without having first been sterilised. So we have to listen—if I might be rude for a moment—to a whole lot of poppycock.

It is all right to make a general assertion, but I think members of this House and of this Parliament are entitled to something a little more authoritative and responsible than has been put forward to date. I am aware that correspondence has passed between certain bodies and the Minister, correspondence including a letter addressed to him on the 6th of this month from the Chairman of the Shepherd Dog League of New South Wales. In this communication the league states in part—

> It would appear that the reasons for this proposed legislation—

Here let me interpolate this was to declare Alsatian dogs as vermin To continue—

> —are completely erroneous in that Alsatians are not savage; they are not a menace to sheep, and they will not cross with a dingo. For many years now we have collected evidence to prove the statement made above and we are prepared to forward a portfolio to you should you desire it.
>
> We understand that another reason for the proposed legislation is that there is a reported breeding of Alsatians in your State. If this is so, then the people breeding should be penalised and not those who abide by the regulations in existence.

With the latter portion of the extract I have read, surely nobody could disagree. In respect of the earlier portion, here is an organisation which has many members who are keen; who have made a study of the matter; who have world-wide reports and records; and who are making these claims.

Surely the Minister ought to display sufficient interest to defer his legislation whilst he and his officers study these submissions. But no; the Minister is apparently relying upon the loyal and faithful supporters who, irrespective of what he introduces—whether it is right or wrong, fair or unfair—will automatically follow him from one side of the Chamber to the other and do his bidding. But this is supposed to be a deliberative and responsible Chamber where matters should be determined on their merits. So I say the Minister is adopting a could-not-care-less attitude. He is not doing the proper thing of fully informing his own mind.

This league in New South Wales may not be able to substantiate its claims—I do not know—but I think it is entitled to a hearing; and the Minister would be well advised to hasten slowly—in other words, lay the Bill aside, I would suggest, while further examination is made of the whole case. Surely the whole of the Commonwealth of Australia cannot be wrong, and the Minister in Western Australia right. Surely he cannot justify prosecuting decent conscientious people whilst he and his department are doing nothing, or virtually nothing, in respect of the offenders of whom he, the Minister, speaks, but in connection with whose alleged offences it is impossible, it would appear, for him to produce any concrete evidence.

The Minister no doubt has concluded that I am by no means enthusiastic with regard to this piece of legislation. Among other things in the Bill it is proposed that apart from the normal registration fee payable for male and female dogs by persons who might want to own one or more of them, there shall be an additional fee of £5 payable in order to register an Alsatian which has been sterilised. If, a month later, it is transferred to another person, a £5 fee is payable by that person, and so it goes on for the entire 12 months, and then £2 per annum additional has to be paid for registration beyond the normal registration fee. In addition, under the existing Act a penalty of £20 can be imposed on anyone who has in his possession an unsterilised Alsatian dog; and there can be a daily penalty of 10s. for anyone who has such a dog in his possession, and in addition the court can order the destruction of the animal.

These penalties are reasonably severe, but if the Minister agreed to double them, I do not think he would experience any obstruction or difficulty in getting the consent of Parliament. Incidentally, in the legislation the onus of proof is placed upon the owner to show that his dog has, in fact, been sterilised. Action under the Act can be taken by local authorities, but any individual in the community can initiate action if he so desires.

That is the law. It is complete, or reasonably complete, except that perhaps the penalties are not sufficiently strong; but we do not know the answer to that one because no genuine attempt has been made by the Minister or his department to run to earth those people who, according to the Minister, are flagrantly breaching the law.

I am certain that if the alternative is some vicious legislation, the Shepherd Dog Association and the various clubs would be willing to co-operate in order to ensure that the guilty persons were made to face up to the law instead of the innocent ones, being persecuted.

The Bill itself contains a number of features which, to my mind, are objectionable. It states the protection board shall not issue a permit for the keeping of an Alsatian dog unless it is satisfied that the dog is sterilised, or until the dog has been marked for identification in the prescribed manner.

What is marking for identification in the prescribed manner? It might be the chopping off of one ear; it might be anything. It might be painting the dog in rainbow stripes. What the Minister has in mind should be written into the Statute. I think, too, there is probably something offensive in asking the owner of a pet for which, in many cases, a pretty considerable sum has been paid, but which enjoys the affection of the family, to be marked in such a manner as to be a bit of a curiosity, perchance; but in any event, this smacks a little of Nazi Germany where humans had certain brands and marks upon them.

I pass on to the next clause in the Bill which states that every person who owns one of these dogs and who is going away shall not allow the dog to be in the possession of anybody except it be his servant, his employee, or a member of his household. I can think of many circumstances under which a person is suddenly called away: for business reasons, sickness, hospitalisation, and so on; and there are certain things around the home, including pets such as a dog, which require attention. The obvious thing is to get a kind-hearted neighbour to look after the dog during the temporary absence of the owner.

There are not many dog owners, I should say, who have a servant or an employee; and if the family is going away for a holiday the dog cannot be left with any of them. So if it happens to be a single person, or a couple who have just been married, the difficulties in going to the board to get a permit for the dog to be transferred to some other person for the temporary period will indeed be great. To my mind, the Bill presents a totally unreal approach to the problem. I would suggest that its provisions have been made deliberately irksome to discourage people from owning a type of dog which obviously the Department of Agriculture and the Agriculture Protection Board hate.

The Bill goes on to provide that if the dog is left under the control of an employee, a servant, or a member of the family, it cannot be permitted to wander at large. In other words, it must be locked up or be on a leash all the time. Other dogs can romp or frolic with their masters and enjoy running up and down hills and jumping logs as animals are wont to do and enjoy, but these dogs, which the law insists shall be sterilised, in the instances I have outlined shall be locked up or exercised only on a leash. Anyone would think that they were young lions or tigers and not dogs of which there are many hundreds in Western Australia, and I venture to suggest tens of thousands in the Commonwealth; and where, no doubt, there would not be the broad sweeping restrictions such as those which exist in Western Australia at the moment, without taking into consideration this added restriction in the Bill.

It is also found in the Bill that the authorities can class any dog as being an Alsatian dog if it has some of the characteristics set out in the second schedule. I intend now to be a little facetious in order to make my point. I am certain I can make out a case to prove that the Minister for Agriculture is an Alsatian dog. I am about to quote from the second schedule which members will find on pages 8 and 9 of the Bill.

Mr. Hall: I have not heard the Minister bark yet.

Mr. GRAHAM: This second schedule reads as follows:—

> General Appearance—Well proportioned with great suppleness of limb, neither massive nor heavy, but free from any suggestion of weediness.
>
> Head—Proportionate to size of body, long, lean and clean cut.

Mr. Court: The Minister missed out there.

Mr. GRAHAM: Perhaps I may be flattering the Minister but I think that description aptly fits him. Continuing—

> Eyes—Almond shaped.
>
> Ears—Moderate sized.
>
> Teeth—Sound and strong.
>
> Neck—Strong, fairly long and muscular, fitting gracefully into the body, free from throatiness and joining the head without sharp angles.
>
> Shoulders—Clean boned and muscular.
>
> Body—Muscular, back broadish, straight and strongly boned. Belly shows waist, without being tucked up. Brisket of good depth but not too broad.
>
> Hindquarters—Broad and strong loins, the rump being rather long and sloping. Legs straight when viewed from behind.

Mr. Oldfield: Is that the member for South Perth you are describing?

Mr. GRAHAM: Continuing—

> Feet—Toes strong, slightly arched and held close together.

I think we will have to leave out the reference to the tail, but the other characteristics continue—

Coat—Smooth but doubled.

The height that is described would be inappropriate and the colour would not matter.

I think members will agree with me that in many respects the Minister for Agriculture could be classified an Alsatian dog, yet this Bill states that a dog having some or all of the characteristics set out in the second schedule, and for which a permit has not been issued, is an Alsatian dog for the purposes of this Act. So it would appear that the Minister for Agriculture could be classified as an Alsatian dog and, accordingly, be subject to the treatment which is inflicted upon our canine friends of a certain species. This illustrates the type of legislation we are considering at the moment.

So I hark back to my original words; namely, that I think there is a hate session in progress in the Department of Agriculture because it is somewhat frustrated that it was not successful with its original intentions, and so it has tried again with another piece of legislation which is irresponsible to a certain extent, hoping that the owners of Alsatian dogs will give up the ghost; in other words, hoping that the owners will decide that it is not worth while owning one of these animals; animals which through the years, have not done any harm to anyone.

I have quoted the case of the two children of Dr. Creed of North Beach. His two little girls, together with other school children, signed the petition which I have here. Those two girls have an Alsatian dog each. What responsible person would give a dog of this particular breed and type to his child if there were any possible chance that the child's limbs, or even its life, would be in danger? This is more particularly so in view of the fact that young children in the company of dogs generally scamper about with their friends of both sexes who would be, of course, children of all types and temperaments, and among whom would be some who do not like animals.

So, if these animals were dangerous there would be the biting of and snapping at schoolchildren every day; that is, if there were any essence or element of substance in what the Minister is suggesting to us in a general way, but in respect of which his department finds it impossible to produce any worth-while tangible evidence.

As I said earlier, there are cases of Alsatian dogs having offended, but that sort of thing is going on every day of the week.

Mr. Fletcher: And with other breeds of dogs, too.

Mr. GRAHAM: That is so, and a reference to the P.M.G.'s Department will confirm that.

Mr. Fletcher: Hear, hear!

Mr. GRAHAM: The Bill goes on to say that if these persons who are charged with the responsibility of enforcing the provisions of the legislation find an Alsatian dog, not identified as being one for which a permit has been issued, wandering at large, they may forthwith destroy that dog or take steps to ensure that it is destroyed. It is obvious that this is a license to be given to those people to shoot every Alsatian dog on sight. How would it be possible for those people to identify a female Alsatian dog as being one for which a permit has been issued? In other words, how could they identify a female dog that has been desexed?

Then, to add insult to injury, the next clause states—

> A person is not entitled to compensation in respect of a dog destroyed under the provisions of this Act.

Any of these inspectors who apparently have been most remiss in the execution of their duties and responsibilities in the past, spurred into action by the Minister, could have a picnic roaming around with their guns destroying these dogs because it is impossible, at first glance, or even after reasonable inspection, to identify a dog as being one in respect of which a certificate has been issued.

At the end of the Bill, excluding the schedules, there is the usual provision that the Governor may make regulations for the purpose of giving effect to the provisions of this Act. Then it goes on to say—

> Any fee not prescribed by this Act may be prescribed by regulation.

I say quite frankly that I am not prepared to trust the Minister or his departmental officers with that wide power, because I repeat that it should be obvious to everyone that the purpose of the Bill is not to control Alsatian dogs; they can be controlled under the existing legislation if somebody carries out his duties satisfactorily. The purpose of the Bill is to irritate, restrict, and generally upset Alsatian dog owners.

So if we give this blank cheque to the Minister it means that the departmental officers can prescribe any fee. The sky is the limit! I hope that if the Minister does not agree with me some of those members sitting behind him will. I still remember —and some of those sitting on this side of the Chamber will remember this, too— that a colleague of mine who became a Minister for Police shortly after the Labor Government assumed office, wanted authority in a Bill which he introduced, to prescribe the fee for the licensing of firearms. The members of the Labor Party occupying the back benches joined with the members of the Opposition in stating, "We are

prepared to allow you to prescribe charges, but there must be a maximum. Give us some idea of the amount you want to charge and we are prepared to write it into the Bill." The Minister, for reasons of his own, was unrelenting and so the vote, by a considerable number went against him. It was probably one of the first Bills he introduced in this Parliament as a Minister.

So, to be consistent, I feel we should impose some limitation, not only on the ground of consistency, but also because of the whole pattern of the Bill which is most obvious in practically every second clause. Here again, without repeating earlier references, I would point out that practically every member who is a member of this Government today has raised the strongest objection against the right of departmental officers to stop vehicles, to enter them, and to search them. Yet we have had four or five Bills introduced this session granting that power to departmental officers. Members can inform their minds by perusing clause 14 of the Bill. In this clause it is proposed that departmental officers shall be given the right to enter premises and make a search, to stop vehicles and enter them to find out all sorts of things.

What I am doing in the process of criticising the measure is appealing to the Minister not to press for the passing of this legislation this session. Let the Minister carry out further research and ask searching questions of his departmental officers as to how ferocious the Alsatian breed is, and as to whether they cross with dingoes.

Mr. Dunn: Of course they do!

Mr. GRAHAM: The honourable member says they do, but I say they do not. We will not get anywhere by making mere statements without proof. A responsible organisation has written to the Minister and stated it has evidence and proof; therefore such proof should be examined. I do not know what form of proof it has, but it may be biological proof. Merely because a dingo has pups which possess the characteristics of the Alsatian, it does not necessarily follow that the father is an Alsatian.

Who are the people in this State who possess unsterilised Alsatian dogs? The Minister has referred to fantastic prices being paid for Alsatians imported into Western Australia. If that is the case I am at a loss to understand why people should let loose such valuable dogs. From the Minister's remarks it appears they are worth from £20 upwards; if that is so they would be treasured by their owners.

The statements made by the Minister do not satisfy me, and he has not made out a case. This is unnecessary, irritating, and repressive legislation. I do not consider there is any urgency in the matter, and it appears that neither the Minister nor his department has been properly informed. I therefore appeal to him that before an injustice is inflicted on the owners of unsterilised Alsatians the position should be re-examined. If over 300 of these dogs have come into this State in recent months the Minister should have every opportunity to find the extent of the breaches of the law. He should do that before introducing legislation in this House. I oppose the measure, with the exception of my support for any move to increase the penalties, if such action is warranted.

The Minister should talk to his departmental officers and find out about the position. All of us would be impressed if in the near future prosecutions were launched against people for being in possession of unsterilised Alsatian dogs. Should that take place it would be established that the matter had assumed considerable proportions and strong action was needed; but that has not been shown. This is no time in the present session of Parliament to deal with legislation such as this which impinges on the rights of worthy citizens, young and old, within the community. It would be better for the Minister to hasten slowly; to await information on the position, and then if circumstances warrant it the introduction of legislation could take place next year. There is no urgency for this Bill and I hope the Government will allow it to slide from the notice paper.

**MR. HALL** (Albany) [10.33 p.m.]: Having heard the speech of the Minister on the Vermin Act Amendment Bill which was dealt with recently, it would appear that he has taken the vermin out of the Bill, as he has taken the rabbits out of a hat, while he retained the dogs in the pen. He hopes to keep them there, and there is no doubt about that intention. I cannot follow the attempt made to outlaw the Alsatian dog.

The intention of the Minister as indicated by the comments he made during the debate on the Vermin Act Amendment Bill is quite clear. During his introductory speech on that occasion the Minister said—

> Experience over the last year or two has shown that, following a big increase in the number of Alsatian dogs being brought into Western Australia, implementation of the present laws requiring sterilisation is not possible without considerable changes,—

It is obvious that a change is to be effected, and what the Minister could not achieve under the Vermin Act Amendment Bill is sought to be achieved in the Bill before us. That was his reason for deleting the

portion of the Vermin Act Amendment Bill which related to Alsatian dogs. The Minister continued—

> —including the setting up of a permanent and costly registration and checking system along with additional staff, etc. Such a system would have to include a means of identifying individual dogs, together with the employment of at least one man full-time. This, in turn, would mean that a registration fee of at least £5 would be necessary to cover identification, marking of dogs and issue of special tags, etc.

The Minister proposes to employ more than one full-time officer and he seeks to clothe them with all the powers in the world. Further, the Minister proposes to dispense with the system of issuing special tags, and to replace that system by a system of tattooing. The Minister continued—

> However, even then it is felt that such a system would not be completely watertight. More recently, people have been openly defying the present restrictions and as a result there is considerable alarm on the part of vermin authorities and stock owners throughout the State. It is known that these dogs are cross-breeding and that others have already escaped, so that the Agriculture Protection Board is facing costly and time-consuming destruction operations. In order to simplify the whole procedure and ban the entry of Alsatian dogs into Western Australia, it is proposed to repeal the Alsatian Dog Act and at the same time declare Alsatians as "vermin" under the Vermin Act.

It appears that the proposed authority under the vermin measure was striving to outlaw the Alsatian breed of dog. I want to point out there are other species of dogs found in Western Australia which are as dangerous or ferocious as the Alsatian, and that counters what the Minister has said about the Alsatian.

The SPEAKER (Mr. Hearman): The remarks of the honourable member do not relate to the Bill before us. He is talking about the Vermin Act Amendment Bill.

Mr. HALL: That was what the Minister did. He made reference in another Bill to the Alsatian, but the particular section was deleted. The Minister is attempting to reintroduce the deleted portion of that Bill in a different guise. The Minister went on to say—

> At the same time the Bill will enable the Agriculture Protection Board to issue permits for any breeds declared "vermin" to be kept subject to such conditions as sterilisation and in safe enclosure, or other requirements determined by the protection board. It is emphasised that the declaration of the Alsatian breed of dogs as "vermin" means that a permit will be required to keep them under conditions laid down by the Agriculture Protection Board.

The general public dislike to hear the Alsatian being regarded as vermin. That objection was also raised by the Minister for Police when an Alsatian dog found a woman who had been lost. On that occasion he took objection to the reference to Alsatian and other breeds of guide dog as being vermin. I do not think the Alsatian can be regarded as vermin, any more than the bull terrier or similar breeds. Other breeds have attacked people, but they have not been classified as vermin. The Minister continued—

> Although it is known that some unsterilised Alsatians have been brought into this State, the relatively few being kept in the past have made it possible for reasonable control to be maintained.

It is proposed that all Alsatian dogs entering Western Australia will be sterilised.

The member for Balcatta referred to other features in the schedule to the Bill, but I do not think he went far enough. There are other breeds of dogs which mix with the dingo to produce the characteristics referred to in the schedule. I draw attention to a report which appeared in *The West Australian* recently relating to a condemned fox terrier. It is as follows:—

> Patches, the condemned black and white fox terrier, was still alive and at the Shenton Park dogs' refuge home yesterday.

The SPEAKER (Mr. Hearman): Has that anything to do with the Bill?

Mr. HALL: I think it has. This dog attacked a child and has been held in custody. The Minister made a comparison in the debate, and I am making a similar comparison to a fox terrier which is being held in custody. In one case the dog which has been outlawed is a fox terrier, and in another case the dog to be outlawed is the Alsatian.

In the north-west of this State a pack of dogs attacked a number of cattle, and that incident probably led to much concern. However, the report does not say that it was a pack of Alsatian dogs. We have to be fair and reasonable in our assessment. From reports, from research, and from history, it has been proved that many other breeds of dog have bred with the dingo. We have heard reports of the Alsatian breeding with the dingo, but that has not been proved by research. I do not think the Alsatian has bred with the dingo. One person has made a statement about a particular breed of dog breeding with the dingo, but there is

no proof that such cross-breeding took place. Until that can be proved we have no right to condemn the Alsatian.

This Bill seeks to outlaw the German shepherd dog and the Alsatian, but until proof can be produced that the Alsatian cross-bred with the dingo we should oppose the measure.

**MR. NALDER** (Katanning—Minister for Agriculture) [10.42 p.m.]: The member for Balcatta and the member for Albany took the opportunity to discuss a matter which the Government sought to cover in the interests of a valuable section of the primary producers in Western Australia. The member for Balcatta said the introduction of the Bill was an act of retaliation by the Minister and the Agriculture Protection Board, arising from the rejection of a section of the Vermin Act Amendment Bill. The Government considers it has a responsibility to take some action in this matter, but it is not retaliatory action. It is an attempt to make the present legislation workable.

I did inform the House that under the present set-up it is very difficult to police the existing legislation. Over the years there has been no reason for the Government to take action, because very few Alsatian dogs were in this State. The position was regarded as being covered adequately, provided a careful watch was kept.

In recent months, as a result of telecasts highlighting the activities of the Alsatian breed, there has been a definite increase in the demand for this breed. Under the existing Act it is not possible to effectively police and control the activities of people who import Alsatian dogs into Western Australia.

The member for Balcatta said that no evidence was available. I would like to refer him to two incidents which have occurred recently. One case was before the court here in Perth when action was taken against a person who brought in an unsterilised female Alsatian which had eight pups. The court heard the case and imposed a fine of £2. I understand that four of the puppies were sold for £30 each. That sort of incident highlights the weakness in the present legislation and makes it obvious that we cannot allow the present situation to continue.

With regard to half-breeds, there was an incident recently on the goldfields where a part-Alsatian female dog was breeding but no action could be taken by the Agriculture Protection Board to have it destroyed because it was contended by the magistrate before whom the case was heard that no evidence could be submitted to indicate that the dog was part-Alsatian. This was despite the fact that the local authority and the inspectors of the board had no doubt that the dog was part-Alsatian. It is for this reason that provision has to be made for this type of case.

As members know, a half-breed dog is very vicious, which I indicated last night when introducing the measure. It was proved that a dingo had given birth to a number of half-breed Alsatian puppies, and it took all the cunning and shrewdness of the board inspector to trap about three of those pups.

The member for Balcatta said he had no evidence, but I am informing him that we have. We consider it necessary to protect the interests of stockowners in Western Australia and ensure that there is reasonable control over the entry of these dogs into Western Australia.

There will be no interference whatever if anyone wants to bring a sterilised Alsatian into Western Australia. I repeat: There will be no restrictions whatever.

As to the provisions to have a dog tattooed, I have never heard such rubbish as I heard from the member for Balcatta. Animals are being tattooed every day. As you know, Mr. Speaker, every stud dairy cow has to be tattooed as well as every stud pig, and every breed of British stud sheep. This tattooing is done in the ear for the purpose of identification and is not a painful operation. It is evident from his remarks that the member for Balcatta knows absolutely nothing about this matter.

Mr. Graham: How are you going to tattoo them?

Mr. NALDER: There are instruments available for tattooing in any of the recognised shops.

Mr. Graham: You mean by clipping their ears?

Mr. NALDER: No. That is not what I said. The member for Balcatta does not know anything about it.

Mr. Graham: I am asking you. The Bill does not say anything about it. It doesn't even mention tattooing.

Mr. NALDER: I said last night that tattooing would be introduced as a means of identification.

Mr. Graham: I am not debating what you said. I am debating what is contained in the Bill.

Mr. NALDER: I mentioned it last night. I said that for the purposes of identification tattooing would be used.

Mr. Graham: The Bill does not say so.

Mr. NALDER: This is nothing new. I believe the provision will be welcomed by dog owners because their dogs will be identified beyond any doubt. I mentioned a moment ago the case of the half-breed on the goldfields. We have to give some information about characteristics, and that is provided in the schedule.

There is nothing whatever to fear as far as the Alsatian German Shepherd Dog Association is concerned. This matter is brought before the House in a very sincere effort to control the breeding of dogs. As a matter of fact, the evidence in the communication I have from the association suggests that it wants to be able to breed dogs in Western Australia. I say that we could not agree to such a scheme.

Mr. Graham: Why?

Mr. NALDER: I indicated that in other States action is being taken to prevent the breeding of dogs in particular areas. I mentioned last night when introducing the Bill that in parts of Queensland the Alsatian dog is not allowed at all even if it is sterilised. The same situation applies in the territories under the control of Australia. The Alsatian dog, whether sterilised or not, is not permitted in Papua or New Guinea. In Victoria any person owning an Alsatian dog has to pay an initial fee of £5. Therefore, we are not introducing anything new. The same provisions are already in existence in other States.

Mr. Graham: You are taking the worst features of every State.

Mr. NALDER: I hope the House will accept this legislation. It is a reasonable attempt to try to make the legislation workable. As I said before, the 1929 legislation is out of date and is not workable; and this measure is an honest attempt to see whether or not this problem, which is growing in this State, can be controlled in a fair and reasonable manner.

I state here again that the owners of the dogs need have no fear if they are prepared to abide by this legislation. I hope the House will support the measure.

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

Ayes—24

| | |
|---|---|
| Mr. Bovell | Mr. Hutchinson |
| Mr. Brand | Mr. Lewis |
| Mr. Cornell | Mr. I. W. Manning |
| Mr. Court | Mr. W. A. Manning |
| Mr. Craig | Mr. Mitchell |
| Mr. Crommelin | Mr. Nalder |
| Mr. Dunn | Mr. Nimmo |
| Mr. Gayfer | Mr. O'Connor |
| Mr. Grayden | Mr. Runciman |
| Mr. Guthrie | Mr. Wild |
| Mr. Hart | Mr. Williams |
| Dr. Henn | Mr. O'Neil |
| | *(Teller)* |

Noes—22

| | |
|---|---|
| Mr. Bickerton | Mr. Jamieson |
| Mr. Brady | Mr. Kelly |
| Mr. Curran | Mr. D. G. May |
| Mr. Davies | Mr. Moir |
| Mr. Fletcher | Mr. Norton |
| Mr. Graham | Mr. Oldfield |
| Mr. Hall | Mr. Rhatigan |
| Mr. Hawke | Mr. Rowberry |
| Mr. Heal | Mr. Toms |
| Mr. J. Hegney | Mr. Tonkin |
| Mr. W. Hegney | Mr. H. May |
| | *(Teller)* |

Pair

| Aye | No |
|---|---|
| Mr. Burt | Mr. Evans |

**Majority for—2.**

**Question thus passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

**Clauses 1 to 6 put and passed.**

**Clause 7: Alsatian dogs to be sterilised—**

Mr. GRAHAM: This is the clause under which the Agriculture Protection Board shall not issue a permit for the keeping of an Alsatian dog unless it is satisfied that the dog has been sterilised; and so far so good. However, the provision goes on to state that the permit shall not be issued until the dog has been marked for identification in the manner prescribed. I am not prepared, without protest, to trust this authority to prescribe the method of identification. That is the responsibility of Parliament. If the Minister is adamant, might I suggest that instead of the words "in the prescribed manner" we substitute the words, "by the device known as tattooing." I am not necessarily suggesting that I am in favour of tattooing.

Mr. Nalder: That is the accepted manner in which to deal with this matter.

Mr. GRAHAM: I think it should be specified instead of leaving it to the discretion of the authority, which I am not prepared to trust. I wonder if the Minister would agree with me if I moved to delete the words "in the prescribed manner" with a view to inserting the words "by the system known as tattooing"?

Mr. Nalder: I would have no objection to that.

Mr. GRAHAM: I want to emphasise that I am not in favour of tattooing; but as the Minister has the numbers behind him, I think the form used should be written into the Act so that the protection board will not be able to change its mind. I move an amendment—

> Page 4, lines 38 and 39—Delete the words "in the prescribed manner" and substitute the words "by the method known as tattooing".

Mr. NALDER: Would the desires of the honourable member be met if, instead of deleting the words "in the prescribed manner", we added at the end of the clause the words "by tattooing" It would then read "in the prescribed manner by tattooing."

Mr. GRAHAM: When we refer to something being done in the prescribed manner it is usually followed by a regulation prescribing the manner in which it shall be done. I think, in those circumstances, it would be out of order.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 8: Alsatian dogs to be kept by permit holder only and not to wander at large—**

Mr. GRAHAM: I ask members to vote against this clause. A person might be hurriedly called away for business, personal, or other reasons, and it is unreal to expect him to go along to the authority for a permit to cover his dog while he is away. A person might be going away for a holiday. What would happen in those circumstances? Also, if a man leaves his dog with Smith, Jones, or anybody else, and he gets a permit to do it, who is to say that he is a responsible person?

To emphasise the point, an owner might be a plain ordinary person, decent in every respect, but without a great deal of responsibility. If he wanted to go away he would have to get a permit to leave his dog even though the person with whom he was leaving the dog was a model citizen. If I had a dog, and I were going away, I would leave it with a friend or a neighbour. That is the usual sort of procedure. In these cases the dogs will be registered; and if they are not, action can be taken and the animals can be destroyed and the owner fined. There is a proposal that the fines be stepped up, and I am not objecting to that. However, to ask owners to go through this irksome and tedious business is completely wrong and I ask the Committee to vote against the clause.

Mr. NALDER: I hope the Committee will agree to the clause. It has been inserted only so that the protection board can keep track of the dogs. One of the difficulties of the present legislation is that it is not possible for the board to trace many of the dogs. They go from one place to another without the board knowing where they are. If a person is going away it is only fair and reasonable that he should notify the board of his actions. A person who is going away on holidays, and who has any other type of dog, has to make provision for it. This is not an unreasonable request and it is one that I do not think will cause undue inconvenience. It will not be inconvenient for a person who owns a valuable dog to notify the board of its movements.

Mr. GRAHAM: There are other valuable dogs, and indeed dogs which are more valuable than Alsatians from a monetary point of view. Could I suggest to the Minister a reasonable compromise, seeing that he appears to be quite adamant about it?

Mr. Brand: What is it?

Mr. GRAHAM: That we allow a period not exceeding 14 days in which a person can entrust a dog to the care of another individual without having to go through the procedure of getting a permit in writing, and so on. I think that would cover emergencies and ordinary annual leave. If somebody is going away for a day or two I do not think it is fair and reasonable that he should have to go along to a Government department and get a permit in writing.

Mr. Norton: What if he is in the country?

Mr. GRAHAM: That is a point. I do not know how a person in some isolated part of the State would go about getting a permit. Would the Minister allow a period such as I have mentioned?

Mr. NALDER: I do not think it is necessary because the provision in the measure is quite clear and is certainly not unreasonable. It is inserted so that if a person goes away and takes his dog with him, or leaves it with somebody else, the Agriculture Protection Board knows where the dog is. All an owner needs to do is to ring the protection board, say that he is going away, and that the dog is going to such-and-such a place. As long as the board knows, that is all that is necessary.

Mr. GRAHAM: I do not think the Minister understands the clause, because it says that permission in writing must be obtained.

Mr. Nalder: That's all right.

Mr. GRAHAM: Therefore a telephone call to the department does not meet the position. What happens over the Easter period when the department is closed down for five days? The Minister pretends that this is a means of keeping track of the dogs. An owner could be living in South Fremantle today and he could move to Morawa tomorrow and he need not notify anybody.

Mr. Cornell: If he wants to leave the dog with his next-door neighbour he has to get permission in writing?

Mr. GRAHAM: Yes.

Mr. Cornell: How silly can they get!

Mr. GRAHAM: He has to do that unless his next-door neighbour happens to be a servant, or an employee, or a member of the owner's household. I think a fortnight's grace would be a reasonable period. If that is allowed, and the owner wants to stay away for more than 14 days, he has ample time to make application for permission in writing. I do not like the clause at all; but as the Minister seems adamant about it, will he agree to that compromise?

Mr. NALDER: I would be prepared to insert after the word "household" in line 9 on page 5 the words "or any other responsible person." That would overcome the difficulties to which the honourable member has referred.

Mr. Graham: If that is the most I can wrest from the Minister I thank him for it, and if he moves along those lines I will not oppose it.

**Mr. NALDER:** I move an amendment—

Page 5, line 9—Insert after the word "household" the words "or any other responsible person."

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 9: Determination of whether a dog is an Alsatian dog—**

Mr. GRAHAM: Under this clause if the Chief Veterinary Officer, or somebody else, discovers that a dog has some of the characteristics of an Alsatian, and could be regarded as an Alsatian for the purposes of the Act, then, under subclause (2), after such determination has been made, notice is served for its destruction. I have a dog of some description and one of these officers comes along and decides it has certain attributes of an Alsatian; so he destroys it. That is quite wrong and unreal. Surely there should be some right of appeal! Surely if it is a young animal I should be given the opportunity to have it treated, so that it will conform with the requirements, if overnight it has become an Alsatian.

I would say there are many owners at the moment who feel their dogs have no strain of Alsatian in them; then somebody decides they have, and they are condemned to death. I have no idea how the clause could be treated to make it workable.

Mr. Cornell: It should be treated like the dog.

Mr. GRAHAM: That is a worthy suggestion and I will leave it to the committee.

**Clause put and a division taken with the following result:—**

| | |
|---|---|
| **Ayes—24** | |
| Mr. Bovell | Dr. Henn |
| Mr. Brand | Mr. Hutchinson |
| Mr. Cornell | Mr. Lewis |
| Mr. Court | Mr. W. A. Manning |
| Mr. Craig | Mr. Mitchell |
| Mr. Crommelin | Mr. Nalder |
| Mr. Dunn | Mr. Nimmo |
| Mr. Gayfer | Mr. O'Connor |
| Mr. Grayden | Mr. Runciman |
| Mr. Guthrie | Mr. Wild |
| Mr. Hart | Mr. Williams |
| Mr. Hearman | Mr. O'Neil |
| | *(Teller)* |
| **Noes—23** | |
| Mr. Bickerton | Mr. Kelly |
| Mr. Brady | Mr. D. G. May |
| Mr. Curran | Mr. Moir |
| Mr. Davies | Mr. Norton |
| Mr. Fletcher | Mr. Oldfield |
| Mr. Graham | Mr. Rhatigan |
| Mr. Hall | Mr. Rowberry |
| Mr. Hawke | Mr. Sewell |
| Mr. Heal | Mr. Toms |
| Mr. J. Hegney | Mr. Tonkin |
| Mr. W. Hegney | Mr. H. May |
| Mr. Jamieson | *(Teller)* |
| **Pair** | |
| **Aye** | **No** |
| Mr. Burt | Mr. Evans |

**Majority for—1.**

**Clause thus passed.**

**Clause 10 put and passed.**

**Clause 11: No compensation for, and costs of, destruction of dogs—**

Mr. GRAHAM: In the preceding clause to which we have just agreed, if one of the officers sees an Alsatian which he is unable to identify as being sterilised, he can take action forthwith to destroy that dog. A person is not entitled to compensation in respect of the dog that is destroyed. That is fantastic. Perhaps the Minister would agree to re-writing the clause to read, that a person is entitled to compensation in respect of a dog destroyed under the provisions of this Act, where such dog has been wrongfully destroyed, but not otherwise.

I have a female dog that looks like an Alsatian. It cannot be identified by the inspectors as being sterilised, so they have the authority to destroy that dog. I then subsequently prove that that dog conforms with the law in every respect; it is sterilised, and has the appropriate markings on it. In such circumstances I should be entitled to compensation. But where a dog is destroyed, and it is impossible to produce a certificate to establish it has been sterilised, then no claim would lie for a breach of the law. Before I move an amendment perhaps the Minister would like to say a few words on the matter.

Mr. NALDER: Subclause (4) of the preceding clause is the reason for the present clause. Where an officer is in doubt about a dog he can put it in safe custody until the matter of its registration can be cleared up. This would be evident in the case of a male, but in the case of a female, if there were doubt as to whether it was sterilised, the dog would have to be kept in custody until that was determined. I do not think there would be any wrongful destruction, and I cannot see the reason for the suggestion made by the member for Balcatta. I will not oppose it however. If a dog is wrongfully destroyed, compensation will be paid.

Mr. GRAHAM: The subclause to which the Minister referred would operate where an inspector found a dog, and had some doubt as to whether it was sterilised. He would then have power to place it in custody until it was determined that the dog had been sterilised. But subclause (3) of the preceding clause states that if there is a dog wandering about that is not identified, it can be destroyed forthwith. One provision refers to the taking of a dog from a home because there is some doubt about it, and the other because the dog is at large, where the inspector can take action to kill it on the spot. If my dog has been destroyed because of a genuine mistake then I should be entitled to compensation; then and only then.

Mr. Guthrie: Wouldn't it achieve your purpose to insert the word "wrongfully"?

Mr. GRAHAM: No, because the law says the officer has the right to destroy the dog forthwith if there is any doubt. I move an amendment—

> Page 6, line 17—Delete the word "not".

If this amendment is carried I will then move to insert "where such dog has been wrongfully destroyed but not otherwise." The clause would then read—

> A person is entitled to compensation in respect to the dog destroyed under the provisions of this Act where such dog has been wrongfully destroyed but not otherwise.

Mr. TONKIN: I was hoping that the Minister would accept this proposition because there is—

Mr. Nalder: I said I would.

Mr. TONKIN: Very well, then.

**Amendment put and passed.**

Mr. GRAHAM: I move an amendment—

> Page 6, line 19—Insert after the word "Act" the words "where such dog has been wrongfully destroyed but not otherwise."

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 12 and 13 put and passed.**

**Clause 14: Power to enter and search—**

Mr. CORNELL: I might be wrong, but it occurs to me that this clause gives an inspector more power than the police have to enter premises on the mere surmise that an Alsatian dog may be there. I understand that before a policeman can do that he has to obtain a search warrant. If that is the position this clause goes beyond my desires.

**Clause put and passed.**

**Clauses 15 and 16 put and passed.**

**Clause 17: Regulations—**

Mr. GRAHAM: Subclause (2) reads as follows:—

> Any fees not provided by this Act may be prescribed by regulation.

I have no idea what fees the Minister has in mind; and again I am a little suspicious that the board may charge some ridiculous fee for the issue of a certificate, permit, or something of that nature. I do not want to impede the Minister in giving effect to this legislation on a reasonable basis, if it be the wish of Parliament, but here again is a case of a blank cheque. There is no limiting factor as there is in most of our Statutes. I would like the Minister to give some idea of the fee, because I would like to add the following words at the end of the clause:—"but any such fees shall not exceed the sum of £x." It might be £2, £5, or 10s.

Mr. NALDER: This is a provision that does appear in other Acts, and it allows the Governor to make regulations. For argument's sake, a fee may be necessary in connection with the sterilisation of a dog under these provisions. I am only using that as an illustration; but if the cost had to be recouped, then a fee would have to be charged. I do not think members of the Committee need have any fears, because the regulation is recommended to the Minister; the Minister then approves; and after that the regulation is laid on the Table of the House when Parliament is in session; and it is then possible to have the regulation disallowed if it is considered unreasonable.

I do not think this clause is unreasonable, because the penalties have already been provided for and the amounts stated. This is only to make provision where it might be necessary from time to time to prescribe a fee. I cannot see its being abused; but if that did occur Parliament would have an opportunity of debating the matter and disallowing the regulation.

Mr. GRAHAM: I think it is much easier to avoid a wrong being done than it is to attempt to correct the wrong after it has been perpetrated. I have indicated to the Minister that if we are going to pass this piece of legislation as a workable document there may be a necessity for some fees. I feel strongly that Parliament should provide for a ceiling; but I venture to suggest that at this stage the Minister has no idea as to what it should be. I asked the Minister to give consideration to inserting a ceiling figure of £2. The Minister can confer with his officers; and if it is felt the amount should be £5 or 10s., it could be amended in another place.

Mr. Nalder: I would be prepared to agree to that.

Mr. GRAHAM: Then it is my intention to move to add the words, "but any such fee shall not exceed the sum of £2."

Mr. NALDER: I have promised the honourable member to have this matter investigated; and if he is agreeable I will see that a fee—not necessarily £2, but a figure acceptable to the department—is inserted in another place. Will the honourable member accept my assurance that I will give the matter consideration tomorrow and have it referred to in another place?

Mr. GRAHAM: If the Minister will have written in some limitation I will not proceed with my amendment.

**Clause put and passed.**

**Clause 18 put and passed.**

**First and second schedules put and passed.**

**Title put and passed.**

*Report*

**Bill reported, with amendments, and the report adopted.**

*As to Third Reading*

**MR. NALDER** (Katanning—Minister for Agriculture) [11.40 p.m.]: I move:—

That the third reading be made an order of the day for the next sitting of the House.

Mr. CORNELL: I would like to put on record my views on this Bill, which I supported reluctantly.

The SPEAKER (Mr. Hearman): This is a formal motion and I cannot allow a debate on the Bill. The motion is not for the third reading.

Mr. CORNELL: I am sorry, Mr. Speaker; I thought you were putting the third reading.

**Question put and passed.**

## STATE FOREST No. 61

*Revocation of Dedication: Council's Message*

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

## BILLS (2): RETURNED

1. Chamberlain Industries Pty. Ltd. (Release of Debt) Bill.
2. Loan Bill, £21,980,000.

Bills returned from the Council without amendment.

## DEATH PENALTY ABOLITION BILL

*Second Reading: Defeated*

Debate resumed, from the 17th October, on the following motion by Mr. Graham:—

That the Bill be now read a second time.

**MR. DAVIES** (Victoria Park) [11.43 p.m.]: This is a matter that has been before the House on many occasions; and I hope it is one that will continue to come before the House. Perhaps I should have said I hope this will be the last time it comes before the House and that members, in their wisdom, will see fit to pass it. If the intention of the Government can be taken from what the Minister for Industrial Development had to say the other night—it was not the other night; it was Wednesday, the 17th October, 1962—no doubt this Bill will come before the House again.

If this measure is not passed, I hope it will come before Parliament every session until we get sufficient members to join with us who will indicate that, like myself, they do not agree that they have the right to legalise murder in any shape or form. There have been reams written about this subject, as the Minister pointed out when he was speaking on the second reading. Incidentally, the Bill introduced by the member for Balcatta did not receive a great deal of consideration, because the Minister replied immediately.

When the Minister was replying, he indicated—as I have just said—that a great amount has been written throughout the free world on capital punishment during the last century or so. He said he felt a question like this could not be dealt with on statistics. I think this is possibly the main basis of argument which could be used. I do not know what other kind of argument could be employed other than statistics because as yet, to my knowledge, no-one has survived a hanging or has been able to come back and report from personal experience. The best we can do under the circumstances is to rely on records of the various cases of capital punishment which have been collated from time to time.

The Minister also said this was not a thing about which to get emotional. I agree with him wholeheartedly. I think that by cold, hard reasoning we can come to only one conclusion; which is, that no-one legally has the right to take a life. He said that relics of the dark ages were brought in; but all of our social reforms have been introduced by forward-thinking people and the humanitarians of the free world. We have now arrived at the time when we can consider the problem in the atmosphere of today; which is, whether anyone who commits a murder does so wilfully; and if, under the laws of the land, it is judged to be wilful murder, are we to say what is the state of mind of any person who commits a murder at any one time? My opinion is that any person who commits a murder must have been unbalanced at the time, even though it was only temporarily.

The Minister also stated that Governments are always extremely careful before they allow the law to take its course. Naturally, as the Minister well knows, mistakes have been made in the past. There was one made as late as the early 1950's. I think a man named Christie had committed a number of murders, but somebody else was hanged in his place. Of course, the tragic thing about hanging is that it is so permanent, as we have been reminded from time to time in connection with deaths resulting from road accidents. Death is so permanent, and there is nothing we can do about it once a hanging has been carried out. Even if it is only one mistake, no-one has the right to put the seal of permanency on anyone's life.

The Minister said this was not the type of thing over which we should get emotional. He said he did not want to get into a discussion of single cases, and he then proceeeded to discuss two or three individual cases. He proceeded to argue about a case which received public attention in Victoria; and whilst discussing those cases and whilst imploring the House not to become emotional, he used such

terms as heinous, which showed that he himself had great feelings on these matters, and that he was quite prepared to be emotional when it suited him.

It has always taken a good deal of time for this type of social reform to be accepted by the public. In a publication to which I will refer in greater detail shortly it is pointed out that a Bill was brought down in the House of Commons to abolish the penalty for shoplifting of goods valued at 5s. and over. That Bill was passed by the House of Commons, but it was defeated by the House of Lords on no fewer than six occasions. This was way back in the early 19th century. The fact remains that even in those days one would have to pursue a measure before one was able to convince the public it was a type of social reform which was needed.

Other legislation was in regard to the establishment of a court of criminal appeal. This was looked upon as something which could not possibly work and that people who had been convicted would go to any lengths to waste the time of Governments and public money to take advantage of all the avenues which were provided by a court of criminal appeal. The result was that it took something like 70 years before Parliament finally accepted the legislation.

So I do not despair over a Bill like this. I think it is a matter which we have to keep bringing to the attention of the public, until we can bring them around to my way of thinking and to the way of thinking of the majority of members in this House. I do believe that it is not only on this side of the House that this type of thinking occurs. I am sure that on the other side there are enough humanitarians in the Government who believe that the infliction of the death penalty is wrong in all its forms and that it should be abolished.

But, of course, the member for Subiaco, when speaking on the night of Wednesday, the 17th October, made some criticism of the Labor Party for proceeding with this kind of legislation. He said he could never support it until we changed our policy and unshackled ourselves and were given a free vote on the matter. If he believes that to be true he is indicating that members on that side of the House are also shackled and do not have a free vote.

I cannot believe that he himself—with his experience in law—believes that is the ultimate punishment which must be inflicted for certain types of crimes. I would recommend to the House two books which have recently been published. They are very cheap. Each book is a companion to the other. One is called "Hanged in Error." It is by Leslie Hale, and deals with a number of instances where mistakes were made in the carrying out of the law. The other one is called "Hanged by the Neck," and is by Arthur Koestler and C. H. Rolfe. It deals, I think, with every possible argument which can be put up opposing the abolition of capital punishment. They are very light books and very easily read.

Although it may sound a very gruesome type of subject, I can recommend those books to members. I think they would find them more enjoyable than sitting before a TV set. If they have not the time to read the books, they might like to study the picture on the front page of one of the books showing an execution about to take place. I think the picture reflects every reaction which it is possible to obtain on this question of capital punishment. It shows a bishop or a priest comforting a man who has a rope around his neck, as much as to say, "Try to be a good boy; it will not hurt very much, and mother loves you just the same." This is the type of attitude which, I think, is sometimes adopted by the church.

On the other side of the picture we have a Government official, with hand extended, who seems to be saying, "Goodbye; have a good trip." Once again I feel that this is very often the attitude which is adopted by officialdom; namely, one which is cold, hard, and often quite unrealistic. Down below there is a member of the public who is turning away in abject horror of the proceedings. I believe the look of disgust on his face reflects the disgust felt by a great many members of the public at this type of execution. Above all, of course, the main figure in the picture is the poor chap with the rope about his neck; his nerves are shot to pieces, and he does not know what is happening to him.

In the book there is reference to the reactions of some persons due to be hanged, and one can understand some of the feelings of such people. I would recommend anyone who has any feelings about this subject to read the book; but if he does not have the time to do so, then he should study the pictures.

As I said at the outset, I do not think anyone has the right to take the life of another person; and, as I explained in the House last year, I could not vote for any measure that would make murder legal. There are many side aspects that could be brought into this question, but to me the question is: Have I the right to say that a person's life shall be taken? I am not concerned with the feelings of the victim; I am not concerned with the feelings of the relatives; and I am not concerned with the feelings of the relatives of the person who is executed. It boils down to one simple fact: whether I as a member of Parliament have the right to say that anyone's life should be taken under any circumstances.

I shall vote for the measure on this occasion, as I did on the last occasion when similar legislation was introduced. I hope

that if the honourable member who introduced it is unsuccessful tonight it will be brought before the House again and again until there is sufficient publicity, thought, and reaction on the part of the public to force the Government to abolish for all time the death penalty by execution, whether it is by hanging, gassing, electrocution, or any other method. I support the measure.

**MR. FLETCHER** (Fremantle) [11.58 p.m.]: I do not feel like discussing this tragic subject at this time of the night; as a matter of fact I regret the opposition that makes it necessary for us to deal with it at this late hour. However, I debated it when the matter was previously before the House and, to be consistent, I shall do so again.

I am strongly opposed to the taking of life by the State, either by murder or on a legal basis. When I previously spoke on the matter I said that heredity or environment was responsible for our temperament. One Minister of the present Government said that was nonsense. The Minister concerned will remember saying that by interjection. I said, in effect, that we could be no more responsible for the temperament that we inherit than for the colour of the hair or eyes we inherit. The Minister interjected and said "Nonsense."

However, there are greater authorities than the humble member for Fremantle who think likewise, and I find myself in distinguished company, the distinguished company being the Nobel Prize winners who probed the mystery of heredity. Even at this late hour, and to support my contentions, I think I should read an article which appeared in the Press. I do not want to weary the House but I think this will be a valuable contribution to the debate. I quote from a report in *The West Australian* of the 20th October, 1962—

> STOCKHOLM, Fri.—The three-man Anglo-American team which shares the 1962 Nobel Prize for medicine has opened up new vistas in research on heredity and on disease stemming from genetic disorders.
>
> "It might even provide an explanation for the deformities of thalidomide babies," said Professor Ulf von Euler, chairman of the Stockholm committee which selects the medicine prize winners.
>
> The 1962 winners are:
>
> Dr. Maurice Wilkins, (46), deputy director of the British Medical Research Council's biophysics research unit at King's College, London.
>
> Dr. Francis Crick (46), a molecular biologist at the Cavendish Laboratory at Cambridge University.
>
> Dr. James Watson (34), professor of biology at Harvard University, Cambridge, Massachusetts.
>
> These three share the £A21,250 prize.
>
> FUNDAMENTAL
>
> Swedish scientists say this research team is on the track of answering the fundamental question: Why and how do human beings become what they are?

Let me interpolate here to say that this is the portion I should like particularly to refer to members opposite, especially the medical member. The report goes on—

> They have mapped out the structure of the nucleic acid molecules which dictates the growth and development of the body cells.
>
> They have made it possible to answer the question why human beings are alike in some things and very different in others.
>
> Their work has opened the way for research workers who for years have been trying to solve the genetic code in all its varieties.
>
> They have shown how the building stones of life—sugars, organic bases and phosphoric acid—are strung together to form the large nucleic-acid molecules.
>
> This means, in effect that scientists have entered into some of the most fundamental questions of life:
>
> Why are some people tall and others short?
>
> Why do some people have brown eyes and others blue?
>
> Many diseases are known to stem from genetic disorders, and for the first time it will now be possible to study them all the way back to the molecular level.

That bears out what I said in regard to this matter on a previous occasion. It seems strange that I should have touched on this question, but I felt it instinctively. In this report it is put into a much better form than I would have been able to put it.

It is not our prerogative to judge people who have been born with the type of temperament for which they are not responsible. A child cannot choose its parents; and, so that child has no say in the type of parents he or she inherits; nor is it responsible for the environment in which it is born nor the type of temperament which it inherits. Therefore, if murder flows from either condition I have mentioned then it is not the fault of the child. It is not for us to sit in judgment on such a child, whether he has reached the age of maturity, or even old age. It is not our prerogative if it is heredity or environment which is responsible.

Today, we see it expressed in the form of juvenile delinquency. Parents can disregard and neglect a child because they are occupied, in many cases, with frivolous activities. Often, parents give a child a pound to spend on various things that will please him and keep him occupied. Is it the fault of the child that he is neglected in such circumstances to the point where his moral, physical, and mental states deteriorate, and he finally reaches the stage where he commits murder? Yet we sit in judgment upon a person who is not really responsible for the crime.

People often say that a person could not become so bad as to commit murder. I submit that it is some form of mental derangement that causes a person to commit murder. To hang anyone in these modern days, and in a highly-civilised community, is a reflection on our alleged civilisation. We place ourselves on the same plane as those who practise feudalism in the Middle East, today, where heads, hands, and ears are chopped off and other mutilations are practised. We condemn those practices; so why do we condone the hanging of a person in this State?

In my opinion, hanging can be compared to the chopping off of heads, hands, ears, and other mutilations. The member for Victoria Park mentioned church association with killing by hanging. I submit that it debases a church to be so associated. I have no doubt that the clergy who are present at a hanging either by law or by choice should not have this obligation inflicted on them. No doubt they feel it is their duty to be present. However, they must feel uncomfortable in having to be associated with such a brutal disposal of our problems.

I consider that society is embarrassed as a consequence of hanging for murder. We do not understand it as these Nobel Prize winners do. We find the situation embarrassing and so we extricate ourselves from it by disposing of the murderer by hanging, and in that manner push it out of sight; just like sweeping dirt under the carpet, as I pointed out before.

We should face up to the problem in a civilized way. The Government does not want to face up to it so it hangs, and we then have not one victim but many more, including relatives of the person hanged Even the children in the schools know when the hanging is to take place and watch the clock with fearful expectancy, not because of some morbid trait in their characters, but simply because they are ashamed that modern adult society could perform such a shameful act. Are we to continue to dispose of the problem by hanging? I ask the House to be sufficiently civilized to support the Bill now before us.

**MR. JAMIESON** (Beeloo) [12.10 a.m.]: I think the House will be well aware of my opinion on this issue. However, I consider it would be unjust to allow the Bill to go to a vote at this stage without passing a few remarks on what the member for Subiaco had to say a few weeks ago when debating this measure. Nevertheless, I will leave that until later because there are a couple of instances of public reaction which I would like to cite and to which I would draw the attention of the House.

I do not suppose that in recent years more publicity has been given to any case than to that of the murderer Tait who murdered a minister of religion's mother in a vicarage outside of Melbourne. We know that, after considerable pressure and agitation from all types of oganisations. the final decision of the Bolte Government to hang the murderer was commuted eventually to life imprisonment. We are fully aware of all the unsavoury aspects of that case, and how for weeks this person was awaiting his fate, and then, practically within hours of the time set for the hanging, a reprieve was granted while legal action was taken to alter the sentence.

We also know that as a result of the placing on the statute book of Victoria of the recently-proclaimed Mental Health Act, it would appear, from a legal point of view, doubtful whether, ever again, legal forces in Victoria could establish that a person is guilty of murder without expressing some doubt as to what is meant by the act, and whether, in fact, that would appear to overcome the problem of whether capital punishment will be administered in Victoria in the future.

I draw the attention of the House to the Tait case because of the unsavoury features associated with it. There were parades and marches conducted through the streets not only in Melbourne itself, but also in other capital cities, which caused considerable upset among the populace, much disquiet among Tait's relatives and his associates, and also among the relatives and friends of the victim. I recall that even the minister of religion, whose mother had been the victim of the murder, was of the opinion that her murderer should not hang; and, in fact, he stated that publicly.

If anyone should be emotionally strained to the extent that he would demand the utmost retribution for a crime committed against his kith and kin, it should be he. It is a normal human trait to seek retribution for any action against oneself, and to try to hit as hard in return for the hit that one has received. So if we carry that to its logical conclusion lawlessness would become the order of the day and legal orders and Acts of Parliament would go by the board.

The Tait case can be compared with a crime no less hideous; namely, the Thorne case. That concerned the murder of a

young lad in New South Wales several years ago—which received considerable prominence in the Press—after his parents had won a huge lottery prize. The lad was held to ransom, but eventually his dead body was discovered.

All members are cognisant of the details of that case. Its chief feature, when considering the Bill that is now before us, was that when the murderer of the Thorne boy had been sentenced and committed to life imprisonment there was no outcry that he should have been hanged. He had been sentenced to repay his debt to society for the crime he had committed by being incarcerated behind bars, never to be released again. That is fair enough. The public of New South Wales is not up in arms about that. The public of Victoria was not up in arms, because the murderer Tait was not done away with.

On the other side of the scales, there are so many bodies in the community which activate sections of such a community when hangings are to be carried out. It seems to have a most unsavoury effect on the minds of the public; and if it is possible to avoid that state of affairs, surely it is desirable to get away from the present position in relation to capital punishment!

Now let me come to the real reason why I rose to speak; namely, to reply to the statements made by the member for Subiaco. To my mind the member for Subiaco displayed, in his final statement, the highest degree of hypocrisy that I am likely to meet anywhere. The honourable member maintained he would not be able to vote for this provision because it was part of the platform of the Labor Party, and as such the members of the Labor Party were committed to it. If we have ever heard tripe in this House, then surely that statement must be it.

There are many items in the platform of the Labor Party—for example, the uniform control of the north-west under an administrator—which surely the member for Subiaco must favour. His Government certainly favours this. There are many things to which we would normally be committed; but the planks of the platform to which we are committed have been decided at conferences of the party. Indeed, this caused me to do a little research into the matter, and I found that that particular plank has been in the platform of the Western Australian Branch of the Labor Party since 1931, which, of course, was the year that Snowy Rowles was hanged for the murder he committed in the Kimberley area, I think.

The Perth labor women's organisation on that occasion saw fit to place an item on the agenda to include in our platform the abolition of capital punishment and flogging. After this item of the agenda was duly debated, as should be the case in any democratic society, a majority vote decided that it should become part and parcel of the platform of the Australian Labor Party. Since that decision was reached there have been ten triennial conferences, and no move has ever been made to vary that decision. It is obvious therefore that the people who came to that decision were quite satisfied that it was right and proper to include it in our platform.

Mr. Bovell: When was that?

Mr. JAMIESON: This was adopted in 1931, and has been in existence ever since. There are many things that can be selected from the platform of the Australian Labor Party—whereas one does not really know what the policy of other parties is at all—and these are readily available to the public; they know clearly where we stand on all matters. The same, however, cannot be said for the Liberal Party or the Country Party; it is difficult to obtain any indication as to where they stand on such a matter.

They change their views overnight at the whim and will of people who determine whether certain actions or items that come before them are expedient. To my mind that is a most undesirable feature of these parties. In connection with this matter, however, the attitude adopted, and the view expressed by the member for Subiaco typifies the honourable member; it is an example of the attitude of a person who would sponsor totalitarian Government in any part of the world. A person who would adopt an attitude which is completely opposed to democracy is one who would sponsor communism, fascism, or any other "ism", which we consider to be so obnoxious to our way of life.

While the honourable member continues to adopt such an attitude, we will never get very far in any move such as that before us. It is to his great discredit that he should, as a legal man, get to his feet and be prepared to make such a silly statement. I am sure the honourable member, upon reflection, must regret having done so. However, the hand of time has moved on, and his remarks are clearly recorded in *Hansard;* the gross hyprocrisy of the honourable member is there for all to see.

The member for Subiaco agrees it is right and desirable to abolish capital punishment, but he says he will not vote for it, because we on this side of the House are committed to vote for it. If there is any principle in such an action I have yet to find where it lies. We will, I am sure, sooner or later have to come to some decision on this matter. It is farcical that a man's life should depend on the Government of the day, and on whether or not

it decides that he should receive the full penalty of capital punishment, no matter how heinous or hideous the crime.

We must take notice of the voice of the people, and of the bodies in our midst. I am not sure of this, but I believe that of all the Christian denominations there is probably only one that still maintains a requirement for capital punishment; and certain sections of that denomination do not always consider it desirable. We have the Government members practising Christianity to a great extent. In certain circumstances they are even prepared to preach Christianity, but they are not prepared to accept the views of their church in this matter. Not one of the Ministers belongs to the sect I have mentioned; but yet they are not prepared to carry out the ethics of their church in giving consideration to such a matter as this. In the circumstances, I feel that the hypocrisy displayed by the members of the Government is so great, and so self-evident, that it requires no further comment from me.

**MR. GRAHAM** (Balcatta) [12.24 a.m.]: This Bill was introduced four weeks ago; and members might recall that as soon as I had concluded my speech the Minister for Railways rose to his feet and spoke in opposition. To me that was a demonstration of intolerance and contempt.

Mr. Court: It was nothing of the sort.

Mr. GRAHAM: It displayed an arrogance for which the Minister is becoming very well known.

Mr. Court: Do not be childish!

Mr. GRAHAM: The Minister commenced taking notes for the purpose of rebuttal of my argument. In other words, he made up his mind, and defined his attitude before he had heard the case, or the evidence produced in the matter.

Mr. Court: You told us nothing different from what you had told us on previous occasions.

Mr. GRAHAM: When I commenced my address the Minister had no idea of the evidence I would adduce. It is typical of the Government that it should adopt such an attitude. It appears there is a sadistic satisfaction on the part of the Government in opposing anything emanating from the Opposition. The Government regards it as a bounden duty to deal a death blow to any such move. We saw that attitude exhibited by the Minister.

To show its contempt, the Government held over the debate on this Bill for four weeks, while it extended priority to debate on matters affecting drinking facilities. A matter which involves the deliberate taking of human life by the State appears to be of secondary importance to the Government, and pales into insignificance when compared with matters affecting the extension of trading hours for hotels on Sundays. The Government should be ashamed of its attitude to the Bill before us.

Mr. Court: A similar Bill was before the House on a previous occasion. You have not brought up a single thing which you did not bring up before.

Mr. GRAHAM: The Minister made up his mind the moment the item was called. He was not interested in what was said in respect of the measure, unless he could put his finger on some weakness in the argument to counter the points I raised.

I have read the address of the Minister to refresh my memory, but there is not one tittle of evidence to support the attitude of the Minister or that of the Government. This was what he said—

> I do not think we will worry about the niceties of the interjections. As I said before, it would not matter if one spoke here quoting statistics for the next two or three hours. It would not change the position one iota. This matter has to be contemplated on the basis of what is considered best for the Government of the State.

There is evidence from other parts of the world to demonstrate, not in a doubtful form but beyond question, that the taking of life by the State is not a deterrent. I gave an illustration to show that in Western Australia, following the hangings which this Government permitted to take place during its term of office, there was actually an increase in the number of murders, as compared with the period when the Hawke Labor Government was in office and when everyone knew that a murderer would not be hanged.

The British Royal Commission which laboured for years all over the world came to a very definite conclusion, and similar Royal Commissions held in Ceylon and other countries have demonstrated the same thing. It is not a question of the opinion of one person versus the opinion of another; it is a question of an established fact. Notwithstanding that capital punishment does not serve a useful purpose, this Government continues to do what it pleases. There is nothing to support the attitude of the Government. Its attitude is based on its belief in the taking of human life.

I only wish that in Western Australia there were independent units of the Press, instead of a monopoly Press. Because of the existence of several newspapers in Victoria, that State has adopted a different attitude on this matter. Leading articles and special features on the front pages in those newspapers had the effect of creating a public outcry from people all over Victoria against a hanging which was to have taken place on half a dozen occasions. That hanging did not take place. As the member for Beeloo suggested, that resulted from the attitude of the Press and

the response of the public. I have before me some Press cuttings sent to me by a member of Parliament in Victoria, and from them I have gained the impression that it is likely that the last hanging has occurred in Victoria. There is therefore another community in the world which has dispensed with this diabolical form of State vengeance on a wrongdoer.

For the time being Western Australia has the inglorious distinction of being one of the few places where this outmoded and heinous procedure is continued, with no credit being reflected on those who are in a position to make a decision. The purpose of this Bill is to cater for members who are nervous and doubtful, and who have not gone to the trouble of making a research into the question of capital punishment.

I am sure that in the minds of even those members opposite with whom I disagree violently on other issues, capital punishment is distasteful, notwithstanding the nature of the crime. If those members think there is some substance in my submissions—they are not merely my own views or the views of the Australian Labor Party, but also views gained from experience in other parts of the world—they may be prepared to give this Bill a trial for a period of five years. If subsequently it were found that a mistake had been made, then the older order could be restored. But I am confident from the experiences in other parts of the world and from the history of this question that after the five-year trial period members would be convinced from their own experience in Western Australia that this reform should remain for all time.

I refer to the attitude of the member for Subiaco. It is beyond my comprehension that in respect of a matter pertaining to the taking of a human life responsible members of Parliament, who are supposed to be in favour of the abolition of capital punishment, worked for the retention of the very practice which is abhorrent to them. The honourable member told us that was precisely what he would do.

There was also the experience of the then Attorney-General (Mr. Watts) two years previous to that. On the occasion when Dame Cardell-Oliver introduced a Bill to abolish capital punishment he spoke most strongly in support of it; yet when I introduced the measure which was couched in terms, word for word, similar to those contained in the measure introduced by Dame Cardell-Oliver, the then Attorney-General (Mr. Watts) led the attack upon that measure.

In a matter of conscience and principle, particularly pertaining to Christian principles, it is beyond my understanding how any member of Parliament, in a serious and far-reaching matter such as this, can play the game of politics.

Mr. Brand: Why did you not do something about this in the six years when your party was in office?

Mr. GRAHAM: That point has been thrown up on every occasion.

Mr. Brand: It is a fair question to ask. If you think that capital punishment should be abolished and you feel so strongly about the matter why did you not take a lead to abolish capital punishment when you were in office?

Mr. GRAHAM: A Bill should be determined on its merits. If I were on the opposite side of the House introducing a Bill I would contend that it should be passed if it was worthy to be passed. Surely the measure which we are debating should not be determined this evening merely because I am speaking on this side of the House instead of the other!

Mr. Brand: You are talking about the ex-Attorney General.

Dr. Henn: You have not answered the interjection of the Premier.

Mr. GRAHAM: If the member for Wembley will cease interjecting I will conclude my remarks on that point, something which I have done on every occasion. I have said unashamedly that if there be any fault in that omission, I am prepared to accept my share of the responsibility with other members of the Labor Cabinet as I feel so keenly about it. Let me go further and say that perhaps I was the most remiss of them all. But because I did not move in the year 1954 or 1958, but moved subsequently, surely the only criticism that can be made of me is that I should be getting support for this measure in 1962 instead of 1955!

Dr. Henn: It has been in your platform since 1931.

Mr. GRAHAM: Of course it has; but this is not the first time a Bill has been introduced; and it is introduced now on a changed basis, being for a limited period of five years. That was done by way of a concession to the doubters on the Government side of the House; those who have not bothered to study the matter and carry out research, and those who might be a little nervous of taking a new move, irrespective of what is going on in other parts of the world.

Anyhow, I leave the member for Subiaco with his conscience as to why on the matter of the taking of human life he agrees that this is something that should be done away with in the State of Western Australia yet he is prepared to vote to retain it.

Mr. Guthrie: What do you say about the necessity of having the public satisfied? That is something which is stressed in the Royal Commission report you referred to.

Mr. GRAHAM: I could mention quite a number of Bills with which we have dealt this session and about which the public is not satisfied.

Mr. Guthrie: This is on the question of the Criminal Code and it was said by some of the highest authorities before the Royal Commission and confirmed by the Royal Commission.

Mr. GRAHAM: Surely Parliament is not going to trail along at the heels of the public! Parliament is here to set a lead.

Mr. Guthrie: In your estimation it does not matter two hoots whether the public has safeguards in the Criminal Code at all.

Mr. GRAHAM: I hope I am more responsible in this matter than the member for Subiaco. It has been demonstrated everywhere that this is not a deterrent and therefore serves no purpose in satisfying the public.

Mr. Guthrie: You do not understand the point. You talk so much you do not remember the point the Royal Commission made.

The SPEAKER (Mr. Hearman): Order!

Mr. GRAHAM: I think the answer—not my opinion—of the public to the point of view of the member for Subiaco is this: That when a Government resolves that a hanging is to take place in Western Australia, Victoria, or anywhere else, there is an outcry—

Mr. Guthrie: From a small percentage, as there was in regard to the pool in the park.

The SPEAKER (Mr. Hearman): Order!

Mr. GRAHAM: —from a section of the community. Let us not go into the question at this moment as to whether it is large or small. However, it is usually headed by some of the most responsible citizens in the community.

Mr. Guthrie: Impractical ones like Professor Murdoch.

Mr. Court: Are those the ones leading the band on parliamentary salaries.

Mr. GRAHAM: When this Government has seen fit to commute the death penalty to one of a term of imprisonment, have there been protests and demonstrations? No. In other words, the evidence again is that where there is a hanging—

Mr. Guthrie interjected.

The SPEAKER (Mr. Hearman): Order! I have called the member for Subiaco to order about four times and I do not propose to do so again. The honourable member has made his speech.

Mr. GRAHAM: Thank you, Mr. Speaker. The point is—I repeat, before continuing—that when there is a hanging there is a public outcry whether it be by a large or small percentage, but there is no public outcry when a death sentence is commuted.

Mr. Bovell: There was no public outcry when Fallowes was hanged.

Mr. GRAHAM: When a sentence is commuted there is no excitement or concern amongst the public, or in the circles in which we mix. The atmosphere is perfectly calm. If we commuted these sentences, as was done during the term of the Hawke Labor Government, there would be no public unrest in connection with it as there has been no public unrest on those occasions when this Goverment has commuted the death sentence—not on one, but on many occasions since it has been the Government of the State.

Mr. Bovell: There was no public outcry when Fallowes was hanged.

Mr. Jamieson: Oh yes there was!

The SPEAKER (Mr. Hearman): Order!

Mr. GRAHAM: I do not know what constitutes a public outcry; but there were objections and protests in regard to somebody who suffered a birching. There is a public conscience; and it is against brutality on the part of the State. Unfortunately there is brutality when there is conflict between nations—man versus man, shooting, stabbing, bombing, exploding, and all the rest of it—but at least it is a case of man versus man or men versus men. But we have the State coldly and deliberately binding a man, together with the rest of the gruesome procedure and witnessed by those who represent the State; and it is clothed with the respectability of the law. In my view it is something that should not take place in a civilised community.

Mr. H. May: What about the effect on the men who are at the hanging?

Mr. GRAHAM: We could look at that aspect. What purpose is served? There is this talk of a deterrent, but nowhere in the world—and this is a challenge to members on the other side of the House who are apparently going to vote against me—has there been any evidence to show it is.

Mr. Ross Hutchinson: It is difficult to bring forward evidence on such a matter.

Mr. GRAHAM: It is not.

Mr. Ross Hutchinson: It is indeed.

Mr. GRAHAM: I have already said there have been Royal Commissions, including the exhaustive British Royal Commission which investigated in every part of the world and from nowhere could it get evidence to show that the taking of life was any more a deterrent than a life sentence or a term of imprisonment.

Mr. Ross Hutchinson: How can you take evidence from people who are deterred from capital punishment?

Mr. GRAHAM: It appears I will have to go over and over it again. I do not know whether the Minister for Health was in

the Chamber, but I repeated what I said when introducing the Bill that the experience in Western Australia has been that in the period when there were two hangings in this State there were more murders than during the period of office of a non-hanging Government—the Hawke Labor Government.

Mr. Ross Hutchinson: That proves nothing.

Mr. GRAHAM: It proves to me that the hanging of persons is not having a salutary effect, because one would expect that when hangings were taking place there would be a dearth of murders for a period; but such is not the case. Anyhow, members can read for themselves.

Just one other point: What good purpose is served so far as the wrongdoer is concerned? He is a wrongdoer who has been found guilty and he has to be punished. But by hanging him, what is achieved? Then we must have some regard for his relatives, his family, his friends—regard for what they suffer because of this gruesome business which is about to take place or which has taken place. How is the situation of the victim of the murder aided or assisted in any direction whatsoever because some months later a person is hanged? It does not bring the victim back to life. It does not repair any damage. It does not in any way compose or compensate the family of the murdered person. We have found in many cases, including the recent Tait case, that the close relatives of the murdered person are the leaders of those petitioning for clemency or an alteration in the form of punishment from death to one of imprisonment.

There are officials at the prison and others who are required to be in attendance; and apropos of that point there is a statement made by a clerical gentleman who witnessed the last hanging—and I trust that it will be the last—in Victoria. He said—

> I was closely linked with the whole horrible experience.
>
> Unless our plea for mercy is sustained the hideous formalities of preparing to hang a man will soon begin.
>
> For those involved time will never erase the sickening procedures that cloud the last few days.
>
> The conception of the gallows and all its sub-human and sadistic associations is too much for anyone to be called to bear.

Members will recall how the late Comptroller of Prisons, because of the effect on his mind of having to witness one of the hangings in Fremantle, met an earlier death than he would have otherwise.

What might interest the member for Wembley who was concerned a few moments ago is an article which appeared in *The West Australian* on the 3rd of this month. A prominent Victorian psychologist questioned whether it was proper for a doctor to be present at a hanging, which is the taking of a life, when the career of the medical practitioner is supposed to be dedicated to the saving of human life.

I have mentioned those who are directly affected and earlier I indicated the attitude of the public. There is a stirring when a hanging is about to take place. However, there is no stir when the Government of the day commutes the sentence to one of imprisonment.

Because of the world-wide trend I am certain that capital punishment will be abolished in Western Australia, if not in 1962, at some other date. It may be 1963 or it may be 1970, but as sure as night follows day it will be abolished. There are only four countries in Europe which retain capital punishment. That is the trend in the matter of social reform. But this Government seems to be trailing behind the rest of the countries. So capital punishment will be abolished.

I do not know whether members of the Government derive satisfaction from defeating my Bill. They are not defeating me; they are delaying implementation of a reform. Meanwhile, of course, the State continues with this inhuman and un-Christian procedure of taking a man's life, a man—as the member for Victoria Park has already pointed out—whose mind is deranged whether for a short time or for a long period. The deliberate taking of the life of a fellow human being is not the action of a person who is possessed of all his faculties and all his senses.

As a Bill for the abolition of capital punishment will not meet the consciences or the outlook of members on the Government side of the House, I have tried the next best thing in proposing a trial period of five years, which is the purpose of this Bill. I only hope and trust that members, none of whom is bound by his party platform or any pledge he might have entered into to vote against this measure, will support it.

It is galling to know that a majority of members of this Chamber are in favour of the abolition of capital punishment but because of party politics or personalities or something of that nature this hideous business of hanging is to continue. It is on the conscience of those who act accordingly. However, I can only hope that if not tonight, then on some other occasion their consciences will catch up with them and they will support a Bill of this kind on its merits and not vote against it because of prejudice of one sort or another.

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

| Ayes—23 | |
|---|---|
| Mr. Bickerton | Mr. Kelly |
| Mr. Brady | Mr. D. G. May |
| Mr. Curran | Mr. Moir |
| Mr. Davies | Mr. Norton |
| Mr. Fletcher | Mr. Oldfield |
| Mr. Graham | Mr. Rhatigan |
| Mr. Hall | Mr. Rowberry |
| Mr. Hawke | Mr. Sewell |
| Mr. Heal | Mr. Toms |
| Mr. J. Hegney | Mr. Tonkin |
| Mr. W. Hegney | Mr. H. May |
| Mr. Jamieson | *(Teller)* |

| Noes—24 | |
|---|---|
| Mr. Bovell | Mr. Hutchinson |
| Mr. Brand | Mr. Lewis |
| Mr. Cornell | Mr. I. W. Manning |
| Mr. Court | Mr. W. A. Manning |
| Mr. Craig | Mr. Mitchell |
| Mr. Crommelin | Mr. Nalder |
| Mr. Dunn | Mr. Nimmo |
| Mr. Gayfer | Mr. O'Connor |
| Mr. Grayden | Mr. Runciman |
| Mr. Guthrie | Mr. Wild |
| Mr. Hart | Mr. Williams |
| Dr. Henn | Mr. O'Neil |
| | *(Teller)* |

| Pair | |
|---|---|
| Aye | No |
| Mr. Evans | Mr. Burt |

**Majority against—1.**

**Question thus negatived.**

**Bill defeated.**

## IRON ORE (TALLERING PEAK) AGREEMENT ACT AMENDMENT BILL

*Returned*

Bill returned from the Council without amendment.

## MONEY LENDERS ACT AMENDMENT BILL

*Council's Message*

Message from the Council received and read notifying that it had agreed to the amendment made by the Assembly.

## PARLIAMENTARY ALLOWANCES ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from an earlier stage of the sitting, on the following motion by Mr. Brand (Treasurer):—

That the Bill be now read a second time.

**MR. GRAHAM** (Balcatta) [12.55 a.m.]: I desire to say just a very few words in respect of this Bill. First of all, I wish to express appreciation to the Premier and to the Government for introducing this measure. Because of the reactions which are generated and encouraged, all Governments, State and Federal—irrespective of political complexion—hesitate and demur before proceeding—usually belatedly—to extend anything approaching reasonable justice to members of Parliament. All the old dodges and catchcries are dragged out, such as "Salary Grabs". The time, of course, is never opportune. If there is an independent authority to assess the salaries, then there is an outcry if there is a large increase. If the Government approaches this matter as honestly and as conscientiously as it does other matters which come before Parliament, there is something wrong with that.

There is an unfairness repeated on this occasion: that the Press is lumping the salaries and the expenses into one sum. You, Mr. Speaker, I, and all of us, are aware, from answers given to questions asked only this session, that certain sections of the Public Service have received the best part of £1,500 in expenses in a year; but there is no thought of adding together their salaries and allowances, or references being made that such an officer is in receipt of £6,000 when his salary is, of course, £4,500.

I notice that *The West Australian* in this morning's edition says that this Bill is treating members generously and, it suggests, too generously. In order to put the record straight, I think we should remind ourselves that apart from the basic wage adjustment the salaries of members of Parliament have been fixed since 1955. I venture to suggest there are no salary earners or wage earners in the Commonwealth of Australia, including members of other Parliaments, who have not received some adjustment of their salaries and of their margins in that period of seven years. Indeed, many of them, including Pressmen, have received substantial increases.

I intend now to give half a dozen illustrations with regard to the Public Service; not that I am critical and not that I am jealous of them. They would not have had their salaries classified at the higher range unless they were entitled to it. But we know that since 1955 the salaries of judges have been increased by £2,100. Were there leading articles in the Press? Were letters to the Editor published? Were there protest meetings? Of course there were not! Since 1955 the salaries of under-secretaries have increased by £1,488. The chief engineer of the water supply has had his salary increased by £1,478. The salary of the Director of Works has increased by £1,428. The salary of the Deputy Director of Works has increased by £1,408. The salary of the Under-Treasurer has increased by £1,858 since 1955; and the salary of the Surveyor-General has increased by £1,328.

That has been the trend not only in the Public Service but in the trades and in the professions. Increases have affected salaried people and wage earners generally. Of all the people in the Commonwealth of Australia, it is the members of Parliament who have remained at the static figure of £2,100, plus some minor basic wage adjustments.

Therefore, I say it is grossly unfair that the Press should adopt the attitude which it has and which it invariably does; and that, of course, comes back to my first point, that all Governments, irrespective of political colour, hesitate in the matter of making adjustments; and so injustice is allowed to continue year after year; and inevitably when some decision is made, only after a case has been established and only after consultation between the parties and after agreement has been arrived at, does legislation see the light of day.

It is perhaps unfortunate that it is laid down in a Statute that it can only be altered by a decision of Parliament; so the convenient term is that we increase our own pay. In point of fact we do that very thing; but we all know the difficulty there is in persuading a Government where additional expenditure of any sort is required, and because of the unpleasantness and the unsavouriness which is engendered a Government is understandably all the more reticent in the matter of making a move respecting members' salaries.

So I say that none of us has anything to apologise for. We have done nothing of which to be ashamed. This is a modicum of that which every other section of the community has been receiving—very many of them in a much larger degree over a period of years. Such being the case, members of Parliament are entitled, with an absolutely clear conscience, to support this measure; and again I pay a tribute to the Government, which inevitably stands the brunt of the attack, for its action in bringing this legislation before Parliament.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

**Bill read a third time, on motion by Mr. Brand (Treasurer), and transmitted to the Council.**

## MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES, ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from an earlier stage of the sitting, on the following motion by Mr. Brand (Treasurer):—

That the Bill be now read a second time.

**MR. BRAND** (Greenough—Treasurer) [1.6 a.m.]: I would like to thank the Leader of the Opposition and the member for Balcatta for their expressions of opinion, and I want to take this opportunity of saying that I am satisfied there is nothing generous—if that is the right term to use—about the decisions that have been made by the Government in respect of members' salaries and reimbursement of expenses. The hard cold facts are, as I pointed out earlier in the sitting, that there was no need for a tribunal as we already had the benefit of a number of findings in respect of this matter, and it would merely have been a question of going over the same thing again.

Having taken the average, and having regard for the level of salaries in other States, I repeat that I believe the decision which we made today in respect of our own salaries is a reasonable one. It was indeed timely, and in fact was not in any way generous having regard for increasing costs since the last base salary increase in 1955.

I would also like to agree with the member for Balcatta when he points out that the publicity given to these matters is quite misleading because it combines the base salary and allowance when in fact the allowance is given because of the expenses involved in running the electorate and is quite a separate payment. I think the public should bear that in mind.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

**Bill read a third time, on motion by Mr. Brand (Treasurer), and transmitted to the Council.**

## ADJOURNMENT OF THE HOUSE: SPECIAL

**MR. BRAND** (Greenough—Premier) [1.10 a.m.]: I move—

That the House at its rising adjourn until 11 a.m. today (Thursday).

**Question put and passed.**

*House adjourned at 1.11 a.m. (Thursday)*