The Hon. A. F. GRIFFITH: I simply said that in the course of negotiations for the construction of the line I feel sure there will be some points of disagreement. If one looks at the proposed route for the pipeline—and there was a drawing of it in the paper some time ago—one will find that it crosses areas of privately owned country and the owners and the company have made satisfactory arrangements in regard to the matter. Where the line cuts a shire boundary there may be a difficulty.

The Hon. L. A. Logan: Or where it leaves it.

The Hon. A. F. GRIFFITH: That is very important, bearing in mind the reason for the construction of the pipeline. It has to be brought to the point where, if the S.E.C. is to use the gas, it can pick it up at the most economic point so far as the commission is concerned.

The Hon. W. F. Willesee: I think if the shires in general terms are considered a number of the apparent difficulties will be obviated.

The Hon. A. F. GRIFFITH: I am anxious to have the co-operation of the shires and to the extent that I have anything to do with the matter I will talk to them and see that they are given every co-operation possible. However, at some point somebody has to be responsible for giving an answer. We have to try to arrive at the best and most practical route because a considerable sum of money is involved—according to Press statements something like $19,000,000—bearing in mind the people whose land the pipeline will traverse, whether it be land belonging to individuals or to shires.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 8.57 p.m.

Legislative Assembly

Tuesday, the 8th September, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (21): ON NOTICE

1. RAILWAY CROSSING

Pinjarra

Mr. RUNCIMAN, to the Minister for Railways:

(1) Is it intended to close the railway crossing at Pinjarra on the South-Western Highway?

(2) If so, what are the reasons?

(3) What access will be provided for nearby residents on the Perth side of the crossing?

(4) If the crossing is to be closed when will this happen?

Mr. COURT (for Mr. O'Connor) replied:

(1) to (4) The Railway Crossing Protection Committee does not have any proposal to close the railway crossing at Pinjarra. However, it is known that a town planning scheme prepared by the Murray Shire Council deals with this matter.

I understand the town planning scheme is now open for public inspection, and objections to the scheme may be lodged until the 6th November, 1970.

2. FORESTRY DEVELOPMENT

Commonwealth Grant

Mr. RUNCIMAN, to the Minister for Forests:

(1) Is he aware that the Governor-General in his Speech at the opening of the Commonwealth Parliament said that $4,800,000 would be made available to the States for forestry development?

(2) What was Western Australia's share of this allocation?

(3) What are the specific projects for which this finance will be used?

Mr. BOVELL replied:

(1) Yes.

(2) $555,000 (estimated).

(3) This amount covers approximately half the costs of establishment and maintenance of the State pine planting programme of 6,000 acres per annum.

3. EXPORTS

Beef and Mutton: Russia

Mr. RUNCIMAN, to the Minister for Agriculture:

(1) What was Western Australia's share in the recent export order of 30,000 tons of beef and mutton to Russia?

(2) Has there been any indication that an export trade in these items could be developed with Russia?

Mr. NALDER replied:

(1) To the end of August this year, 807 tons of beef and 1,031 tons of mutton had been exported to U.S.S.R. from Western Australia. As the Russian order was increased from 30,000 to 36,000 tons —almost all of which has now

been exported—Western Australia's contribution was approximately 5.1 per cent. of the total order.

(2) The recent contract for 36,000 tons of beef and mutton from Australia is a significant amount; in addition, the U.S.S.R. placed sizeable orders with other suppliers. The Australian Meat Board is hopeful that the recent sale is indicative of a new outlet for Australian meat. The current scarcity of meat in U.S.S.R. is due, to some extent, to seasonal factors. Owing to the lack of information made available about production and consumption trends in the U.S.S.R. and eastern European countries, it is too early to assess whether the U.S.S.R. will become a regular purchaser of substantial amounts of Australian meat. A recent order for 4,000 tons of beef and mutton, which was additional to the order for 36,000 tons, was subsequently cancelled by the U.S.S.R.

4. EXPORTS

Primary Produce: Indonesia

Mr. RUNCIMAN, to the Minister for Industrial Development:

(1) How successful was the recent trade mission to Indonesia?

(2) What is the likelihood of developing an export trade in primary produce, meat, dairy products, etc., to that country?

Mr. COURT replied:

(1) The recent trade mission to Indonesia, sponsored by the Department of Industrial Development, consisted of 17 members and was the largest ever sent overseas by Western Australia.

The mission was broadly divided into two sections, one concerned with the promotion of a long-term development project at the port of Tjilatjap in central Java, the other engaged in straight out trade promotion.

The members engaged in trade promotion secured orders for windmills, steel castings and mining machinery. Quotations on tenders for plant for the palm oil industry are being considered by the Indonesian Government. One company alone has already secured orders for over $100,000 worth of capital equipment as a result of this mission.

The project for the rehabilitation of the port of Tjilatjap and the establishment of an industrial estate in the area has received general approval from the Indonesian Government, and a decision is expected in the near future on the possibility of the incorporation of the port development work into the Commonwealth aid programme.

This project has great potential as a base for major Australian manufacturing development in Indonesia, and was initiated and promoted by Western Australian businessmen during several recent trade missions sponsored by the Department of Industrial Development. It is now being followed up by a local Western Australian group but the Government will continue to take a keen interest.

(2) An export trade in primary products is being developed with Indonesia, mainly in the area of livestock.

A shipment of live pigs was made recently, an inquiry for dairy cows is being processed at the moment, and there is interest in the sale of day-old chicks.

Meat production in Indonesia is claimed to be adequate for current needs; no significant quantities are being imported into that country.

The Australian Dairy Board has established a joint venture producing condensed and reconstituted milk in Indonesia from Australian ingredients, and Western Australian companies are investigating other possibilities in this area.

5. WET FISH INDUSTRY

Scott Report

Mr. RUNCIMAN, to the Minister representing the Minister for Fisheries and Fauna:

(1) Is he satisfied with the Scott report on the economic future of the wet fish industry in Western Australia?

(2) Is it intended to take any action on the recommendations of that report?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Yes, the Scott report provides guidelines for the action to be taken in the wet fish industry at the appropriate time.

6. EDUCATION

Mundijong Primary School

Mr. RUNCIMAN, to the Minister for Education:

(1) In what year was the Mundijong Primary School built?

(2) What is the planning for a new school?

(3) Are there any plans to maintain and renovate the present school?

(4) What are the latest reports on the state of the building?

Mr. LEWIS replied:

(1) The original school was built in approximately 1897 and extended to four rooms in 1927.

(2) The department is endeavouring to obtain a suitable site for a new school.

(3) No.

(4) The building is in poor condition and will be replaced as soon as a new site is available.

7. NATIVES

Pinjarra, Mandurah, and Ravenswood

Mr. RUNCIMAN, to the Minister for Native Welfare:

(1) Is he aware that the native reserve in Pinjarra has been zoned under the new planning scheme as a residential area?

(2) Does this mean that there will be no native reserve in the Pinjarra district?

(3) If so, how will local native families be accommodated?

(4) Is he also aware that there are two native camps, one within the Mandurah townsite and the other near Ravenswood?

(5) As both of these camps are developing into shanty slum areas, what action can be expected by the Native Welfare Department to resolve this problem?

Mr. LEWIS replied:

(1) to (3) The reserve is in an area which the local authority intends to zone for residential purposes. This does not affect the use and purpose of the reserve.

(4) Yes.

(5) The Department of Native Welfare has no jurisdiction over property which it does not own. The Aboriginal occupants are free to make use of facilities provided by the department, including those on the Pinjarra Native Reserve.

8. HOSPITAL

Bunbury Regional

Mr. WILLIAMS, to the Minister representing the Minister for Health:

(1) What has been the average bed occupancy rate at the Bunbury Regional Hospital for each quarter during the past 18 months?

(2) Apart from the long term nursing care centre, are any extensions proposed for the Bunbury Regional Hospital?

(3) What Government assistance is being given within the town to other medical services?

Mr. ROSS HUTCHINSON replied:

(1) Quarter ended 31/3/69—83.0.
Quarter ended 30/6/69—88.7.
Quarter ended 30/9/69—95.7.
Quarter ended 31/12/69—92.9.
Quarter ended 31/3/70—91.0.
Quarter ended 30/6/70—93.4.

(2) Not yet.

(3) Payment of 6 per cent. interest on borrowings by the St. Vincent's Hospital for construction of hospital buildings.

Payment of 6½ per cent. interest on borrowings by St. John of God Hospital for new hospital buildings currently being erected.

Annual deficit on operation of Bunbury Dental Clinic.

Wattle Hill Lodge: Grant towards furnishings over past 18 months—$2,261.11. Frail Aged Subsidy on weekly basis.

Bunbury and Districts Senior Citizens' Association—Social Centre—Allocation of building and grant towards capital cost over past 18 months—$2,069.73.

9. BAUXITE RESERVES

Boddington-Collie Area

Mr. WILLIAMS, to the Minister for Industrial Development:

(1) What is the estimated quality and tonnage of bauxite in the reserves held and currently being investigated by News Ltd. and Broken Hill Proprietary Co. Ltd. in the Boddington-Collie area?

(2) What stage have negotiations reached between the companies and the Government?

(3) Should an agreement be reached between the companies and the Government, what conditions will be applied to assist and promote regional development?

(4) Will Bunbury be the port of import and export for the companies' products?

(5) Are the companies likely to be requested to contribute towards port development and installations?

(6) Is it anticipated that a new town will be developed; if not, on which present town would development be centred?

Mr COURT replied:

(1) In its exploration programme up to the 30th June, 1969, Alwest had proved reserves of 85 million tons of bauxite in the 30 per cent. to 35 per cent. available Al203 range.

Considerable ore development work has taken place since and it is expected that a recalculation of the ore reserves which will be completed by October this year will show a marked increase on the above figure.

Investigations by B.H.P. of its areas have not yet advanced to the stage where an estimate of quality and tonnage of available bauxite can be made.

(2) Negotiations with Alwest have reached an advanced stage and there have also been a number of discussions with B.H.P. I cannot be precise as to when finality will be reached.

(3) The Government will not permit an alumina refinery to be located at Kwinana—I should add, a further alumina refinery because one already exists there and will ensure as far as practicable that regional development outside the metropolitan region is promoted —as we did with the Alcoa Pinjarra project.

(4) At this stage of the negotiations it is not practicable to be certain that Bunbury will be used by the company. Our normal policy is to favour outports, such as Bunbury. I could add that this will be no exception.

(5) Yes, but this will depend on a number of considerations.

(6) The location of the alumina refinery has not yet been decided. Therefore it is not possible to give a meaningful answer to this question.

10. EDUCATION

Institute of Technology: Course in Conservation

Mr. CASH, to the Minister for Education:

(1) Can he give details regarding the field of study covered by the course in conservation now available at the Canberra College of Advanced Education?

(2) Can it be anticipated that a similar course will be offered by the Western Australian Institute of Technology sometime in the future and, if so, what requirements would need to be met before a course in conservation could be introduced?

Mr. LEWIS replied:

(1) (a) The course in conservation at the Canberra College of Advanced Education is a full-time course of three years, commencing from the completion of secondary education and is provided within the School of Applied Science.

(b) After the study of some basic subjects common with other courses in the school, the students specialise in conservation mainly in the final year.

(c) Most of the specialised subjects are in the field of the biological sciences.

(d) More detail concerning the course can be obtained from the Western Australian Institute of Technology if the honourable member so desires.

(2) (a) There is no proposal at present for such a course in conservation at the Western Australian Institute of Technology.

(b) Conservation issues are being introduced as topics in various relevant courses at the institute.

(c) There is in the institute a Committee on Environmental Science which is drawn from a variety of departments and which is fostering both interest and student projects in this field.

(d) There are constantly more proposals for new courses in the institute than can be met from the available resources. The commencement of any particular course therefore depends on sufficient priority for it to be established, based on a variety of considerations including evidence of demand both from students and from prospective employers.

11. HOSPITAL

Northam: Reserve No. 215310

Mr. McIVER, to the Minister representing the Minister for Health:

(1) Is he aware that reserve No. 215310 at Northam has been approved for future hospital purposes?

(2) If so, will he advise what type of hospital or similar institution is to be established on this site?

(3) When is it anticipated that the proposed project will commence?

Mr. ROSS HUTCHINSON replied:

(1) Yes. This was originally purchased as the site for the regional hospital. However, this was built on the present site following insistent demands of the honourable member's predecessor supported by the local people.

(2) Whatever facilities are necessary to cater for the district's future needs.

(3) It is not possible to indicate at this stage.

12. FARMERS

Debts: Relief

Mr. H. D. EVANS, to the Minister for Agriculture:

(1) In view of his reply to question 31 of the 2nd September, does he intend—

(a) to reactivate the Rural Relief Fund Act and the Farmers' Debts Adjustment Act;

(b) to introduce relief measures for farmers with pressing interest or hire purchase commitments;

(c) to rewrite rural debts in some way?

(2) If "No" to the above, what measures does he intend to take to meet the present situation in which the farmers referred to have been placed?

Mr. NALDER replied:

(1) (a) The Farmers' Debts Adjustment Act and the associated Rural Relief Fund Act provide, in addition to other restrictions, that the finances of qualifying farms be placed in the hands of receivers. Because of these disabilities, the Government is reluctant to apply the Acts at present.

(b) and (c) Representations have been made to the Commonwealth Government emphasising the need for funds for restructuring of farmers' debts.

(2) Answered by (1).

13. MILK BOARD

Chairman: Appointment

Mr. FLETCHER, to the Minister for Agriculture:

(1) Would he advise the method of appointment of the present chairman of the Milk Board?

(2) Was it a ministerial appointment?

(3) Was it advertised?

(4) If so, in what manner?

(5) Was the vacancy advertised—

(a) within the Public Service;

(b) within the Department of Agriculture?

(6) If not within the Department of Agriculture, does he not agree that this would be a logical place to look for a suitably qualified person?

Mr. NALDER replied:

(1) and (2) The matter was considered by Cabinet and the appointment was made by the Governor on the recommendation of the Minister in accordance with the requirements of the Milk Act.

(3) No.

(4) and (5) Answered by (3).

(6) No.

14. MILK BOARD

Inspectors: Qualifications

Mr. FLETCHER, to the Minister for Agriculture:

(1) What level of qualifications is required of inspectors by the Milk Board?

(2) Are all the present staff properly qualified?

(3) Is it a fact that the level of qualifications of senior staff in the Department of Agriculture is higher than that of inspectors of the Milk Board?

(4) With a view to satisfying varied interests and allaying criticism of the board's personnel and administration, will he—

(a) appoint additional representation on behalf of distributors; and

(b) give preference to qualified Agricultural Department personnel in appointments as inspectors?

Mr. NALDER replied:

(1) Diploma of dairy technology or agriculture, qualified health surveyor, or similar type qualifications.

(2) Yes.

(3) No. The qualifications of Department of Agriculture officers on a similar level to Milk Board supervisors are comparable.

(4) No.

15. HOSPITAL

Royal Perth

Mr. DAVIES, to the Minister representing the Minister for Health:

(1) What are the current "all inclusive" charges for patients in Royal Perth Hospital?

(2) What recompense is received from the Commonwealth for pensioner patients?

(3) Who is responsible for any amounts by which Commonwealth payments fall short of actual cost?

Mr. ROSS HUTCHINSON replied:

(1) $13.50 per day for all cases except patients in private patient's wing, who are charged $20 per day.

(2) The Commonwealth contributes only $5 per day for inpatient treatment. Actual gross cost in 1969-70 was $29.87 per day, leaving a deficit of $24.87 per day. There is no Commonwealth contribution for outpatient treatment.

(3) The State Government.

16. HEALTH

Drugs: Safety Containers

Mr. JAMIESON, to the Minister representing the Minister for Health:

(1) Has consideration been given to requiring chemists to supply drugs dangerous to children to be placed in "palm and turn" type containers?

(2) Is it a fact that this type of container is cheaper than the types generally used by chemists?

(3) Is it a fact that children under five years of age find this container almost impossible to open?

(4) If no regulations have been proclaimed would he examine the possibility of having such regulations proclaimed in the interests of safety?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No information available.

(3) Young children could be expected to find some difficulty in opening it at least on the first occasion.

(4) This matter has been under consideration for some time and is due for consideration by the State Poisons Advisory Committee.

17. BERNARD KENNETH GOULDHAM

Compensation: Investigation

Mr. BERTRAM, to the Premier:

(1) Is it so that on the 19th May, 1970, the solicitor for Kenneth Gouldham by a letter to the Minister for Justice—

(a) inquired as to who would investigate his case;

(b) expressed his wish to be given the opportunity to be heard by the investigator;

(c) advised that he had a number of submissions to make and a good deal of material to be put to the investigator?

(2) Is it so that the Minister for Justice replied to the said letter of the 19th May, 1970, by letter dated the 26th June, 1970, saying, *inter alia*, "that it is thought to be inappropriate to the re-examination of the circumstances of the case that there should be an investigation in which Mr. Gouldham should be heard"?

(3) If "Yes" is this still the view of the Government?

(4) Was it not against the spirit of the intimations given by the Minister for Industrial Development on the 14th May, 1970, at page 4039 of *Hansard*, that Mr. Gouldham should be denied a hearing?

(5) Is it fair that a person directly concerned in a case or a re-examination of it should not be heard therein and allowed to make submission at very least by letter?

Sir DAVID BRAND replied:

(1) (a), (b) and (c) Yes.

(2) Yes.

(3) Yes.

(4) No. The Government undertook to re-examine its decision by seeking independent advice.

(5) There was no question of a fresh investigation or inquiry. It was a question of the review of a decision previously made by the Government. For this purpose all the necessary material was already available.

18. RAILWAY EMPLOYEES

Officers: Accrued Leave

Mr. DAVIES, to the Minister for Railways:

What was the total—

(a) annual leave;

(b) long service leave,

due to officers employed by the Railways Commission under the Railway Officers Union Award, as at the 30th June, 1970?

Mr. COURT (for Mr. O'Connor) replied:

(a) Annual leave—3,474 weeks.

(b) Long service leave—847 terms.

19. ABATTOIRS

Slaughtering Capacity

Mr. McPHARLIN, to the Minister for Agriculture:

(1) In view of the recurring strikes by workers at the Midland abattoir which are causing a great deal of distress to farmers wishing to dispose of surplus sheep, will he give reasons for the strikes?

(2) What is the present killing capacity of the Midland and Robb Jetty abattoirs?

(3) Is there more than one private company interested in establishing abattoirs in Western Australia?

(4) Is it anticipated that the stock being offered for slaughter can be handled by the abattoirs operating in this State during the next few weeks?

Mr. NALDER replied:

(1) There have been no recurring strikes at the Midland abattoir this year. The recent strike was caused by the rejection of demands by several unions to the Department of Labour for variations to their awards.

(2) Subject to availability of labour and of meat inspectors—

Midland: 8,000 sheep and lambs per day.

West Australian Meat Export Works (Robb Jetty): 6,000 sheep and lambs per day.

(3) Yes.

(4) Unless abnormal numbers of sheep are presented for sale, it is anticipated that offerings can be handled.

20. TOURIST BUREAU

Accounts

Mr. TONKIN, to the Treasurer:

Will he advise what has been done to correct the very unsatisfactory situation in relation to the keeping of accounts of the Tourist Bureau which according to the Auditor-General's report for the financial year 1968-69 "were not kept in a satisfactory manner and precluded a complete and proper audit"?

Sir DAVID BRAND replied:

Following the receipt of the Auditor-General's report meetings were held between senior officers of the Audit and Treasury Departments, the Tourist Bureau and the Public Service Commissioner's Office, with a view to rectifying the situation.

Since that time inspectors of the Public Service Commissioner's Office have maintained close contact with the management of the Tourist Bureau, the staff of the bureau has been strengthened and the accommodation layout of the accounts section improved.

An O. & M. survey of the complete accounting system is at present in progress.

21. EDUCATION

Assistance to Non-Government Schools

Mr. CASH, to the Treasurer:

(1) In what form is State Government assistance to non-Government schools and pupils now given?

(2) What was the total cost to the State Government of this assistance in the financial years 1965-66, 1968-69 and 1969-70?

Sir DAVID BRAND replied:

(1) Assistance to non-governmental schools and pupils is provided in the following ways—

A subsidy of $20 per primary pupil paid direct to schools.

Tuition fee subsidy paid in reduction of accounts to parents for secondary school fees amounting to $36 per pupil in fourth and fifth year and $30 for students in first, second and third year.

Text book subsidies paid direct to parents amounting to $5 per pupil in first, second and third year and $10 per pupil in fourth and fifth year.

Matriculation issues of reference books required for matriculation students up to a maximum of $250 in larger schools.

Scholarships are available to children attending non-governmental schools, subject to a means test.

Boarding allowances paid to parents of children attending boarding schools who are domiciled more than five miles from a recognised school or more than four miles from a regular school bus route.

Interest subsidy of up to 5 per cent on loans raised for the purpose of providing residential accommodation for students.

School stocks of exercise books, pads, paper, and other material are provided free on the same basis as for Government schools.

Subsidies are paid on purchases of library books and a wide range of equipment, generally on a dollar for dollar basis.

Concession fares for bus and train travel to and from school.

(2) 1965-66—$714,341 including an estimated figure of $150,000 for school stocks.

1968-69—$2,186,500.

1969-70—$2,475,000. This is a preliminary figure and is subject to revision when the department's report is prepared.

I might say that the Government's policy of assisting private schools is the same and continues as before.

QUESTIONS (2): WITHOUT NOTICE

1. NARROWS INTERCHANGE

Cost

Mr. ROSS HUTCHINSON (Minister for Works):

With your permission, Mr. Speaker, I wish to add to an interim reply I gave to question 21 on the 11th August, the following:—

A review of the estimated costs of the Narrows Interchange has been carried out. Based on present plans and today's rates, the overall estimated cost of the interchange is $20,500,000, of which approximately $8,000,000 has already been expended.

2. BARRY McKENZIE

Publicity: Protection by Department of Native Welfare

Mr. DAVIES, to the Minister for Native Welfare:

I would like to ask the Minister whether his department is able to offer any protection to the young lad Barry McKenzie from the rather distressing treatment he has received from the mass media. I would point out that even in tonight's paper the child is described as "confused and bewildered."

Mr. LEWIS replied:

I find it difficult to say whether or not it is possible to give protection. I doubt very much that it is possible, under the Native Welfare Act, for the youngster to be protected from publicity. I might say that before the lad arrived back in Western Australia I was approached by one of the publicity media and I advised that this was a subject to which, in the interests of the child, we felt it would not be advisable to give overmuch publicity. It appears to me that this matter has been developed to a point where it is not in the best interests of the child and, in short, the sooner we end the publicity the better it will be for the child himself.

WORKERS' COMPENSATION ACT AMENDMENT BILL (No. 2)

Report

Report of Committee adopted.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Acting Minister for Transport) [4.56 p.m.]: I move—

That the Bill be now read a second time.

To explain the Bill now before the House, I will revert to the reasons which led up to the principal Act which was passed in 1961.

In 1959 the Commonwealth Parliament enacted a measure determining the liability of an airline operator for damages as a result of death or injury to a passenger, or loss or damage to baggage. This was in conformity with two international agreements to which Australia was a signatory—the Warsaw Convention of 1929 and the Hague Protocol of 1955. Their purpose is to foster international air transport by making it an acceptable investment and insurance risk and by providing a uniform contractual liability in lieu of one springing from a multiplicity of different legal systems.

The methods adopted by the agreement are—

(a) the limitation of the liability which might confront an airline operator as the result of a disaster;

(b) the prescription of uniform passenger tickets, baggage checks, and way-bills;

(c) the prescription of conditions under which liability to make compensation will be determined.

The constitutional power of the Commonwealth to legislate in these matters is limited to interstate operations and its own territories; and, of course, it can exercise a directive control over the Australian National Airways Commission. The relevant provisions are contained in part IV of the Commonwealth Act entitled the "Civil Aviation (Carriers' Liability) Act, 1959."

To implement the international agreements in relation to intrastate air transport, State legislation was necessary. In Western Australia the Statute concerned is the Civil Aviation (Carriers' Liability) Act, 1961. Section 6 achieves the objective by validating part IV of the Commonwealth Act in relation to its application to intrastate air transport. It states, *inter alia:* "The provisions of Part IV of the Commonwealth Act . . . and the provisions of the Commonwealth Regulations apply . . . as if those provisions were incorporated in this Act."

Since the limits of liability were fixed in 1955, values have changed substantially and it has been estimated that the average earnings of males in Australia has doubled

in the meantime. Therefore the Commonwealth has now amended its legislation to increase the limits of liability of airline operators.

For death or injury to a passenger the maximum is increased from $15,000 to $30,000. For loss or damage to baggage the increase is from $200 to $300, and for hand luggage from $20 to $30.

The legislation originally related to airline operations only, but in the recent amendment the Commonwealth Act has been extended to cover charter aircraft operations also. Members will appreciate that charter operations have stepped up considerably throughout Australia and they are interstate in character in many cases. The purpose of the Bill now before the House is to adopt the same amendments in regard to intrastate air transport in Western Australia.

The Commonwealth legislation does not relate to flights such as "joyrides" which commence from and terminate at the same landing ground. This is unnecessary, because the Commnwealth jurisdiction is concerned mainly with interstate flights. The present Bill seeks to extend the liability provisions to include "joyrides" as well as charter flights. My latest information is that "joyrides" or other flights commencing from and terminating at the same landing ground are included in proposed legislation being put forward in New South Wales, Queensland, and Tasmania. Advice is still awaited from Victoria and South Australia.

I will not detail the provisions of the individual clauses, because they are self-apparent and are covered by the explanations I have given.

Debate adjourned, on motion by Mr. Jamieson.

AERIAL SPRAYING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

MR. NORTON (Gascoyne) [5.01 p.m.]: In 1966, or perhaps before then, it was found necessary to introduce a Bill to protect people and their property from aerial spraying. With the ever-increasing use of aircraft for the spraying of chemicals and fertilisers, and with the rapid development of the use of toxic weedicides of the volatile type of hormones, it became evident that damage could be done not only to the crops adjacent to the property being sprayed, but also to crops in areas many miles away.

As the Minister for Lands told us the other evening, the parent Act was introduced on the recommendations of the Attorneys-General and the Australian Agricultural Council. In fact the three or four recommendations which were made were embodied in the Bill. After this Bill became an Act it was amended in 1968, and further amendments are now sought by the Bill that is before us. The principal amendment in the 1968 amending legislation affected section 10 of the Act. That section deals with security for the purpose of insurance against damage caused to other property while aerial spraying is in progress.

The Act sets out very clearly the responsibilities of the aircraft operator or owner. I think it is as well to look back to see just what was provided in the parent Act, because section 10 was repealed *in toto*, and re-enacted, in 1968. In my opinion the original Act, in its provision to protect the person who owned an adjacent or distant property, was very clear and concise. It called for a guarantee, or a security, of $30,000 which had to be put up by way of a bond and approved by the Director of Agriculture, as is the case now. In subsection (1) of section 10 of the Act we find these words—

> . . security for the purpose of protecting any person who suffers material loss or damage (including loss of life and personal injury) to his personal property, caused by or arising out of or in connection with the aerial spraying.

I think the intention there is very clear, and personally I cannot see much reason for altering it.

As members are aware—particularly the member for Geraldton—when released from an aircraft, volatile sprays have a tendency to travel long distances, and I think it could be proved that these sprays have travelled as far as 40 miles. So it can be seen that adequate precautions must be taken to provide a safeguard when they are being used.

Mr. Nalder: Is that according to the information that has been given to you officially or is that your opinion?

Mr. NORTON: The information I have given was passed to me by the member for Geraldton. I believe this information was gleaned after inquiries were made about spraying in the Dongara area, and after it was known that only one aircraft was operating for the spraying of 2,4-D ester. It was found that the crops in the area adjacent to Geraldton had been affected. No doubt the member for Geraldton will have something to say about this incident. It was also mentioned in this House in previous speeches. Subsection (3) of section 10 also contains these words—

> . . . is liable to pay to any person who suffers such material loss or damage as is referred to in subsection (1) of this section.

We then find that subsection (4) of the same section provides that the person who has engaged an aircraft operator to spray

his property is not entitled to compensation for any loss or damage to his property It is only the person adjacent to or outside the property being sprayed who is entitled to compensation for any damage suffered.

In the amending Bill of 1968 section 10 of the principal Act was repealed and rewritten more or less in the same context, but the wording in relation to the payment of compensation is slightly different. A bond of $30,000 is still required in the new section and the compensaton is paid to persons, other than the owner, who have suffered any loss or damage to their property as a result of the use of any agricultural chemical which has affected the property either by aerial spraying or by spray drift. I think that is a very sure and certain cover and sets out quite definitely who is to be compensated.

Section 10(5), which relates to the owner, reads as follows:—

> This section shall not be construed as requiring any contract of insurance that is lodged in accordance with this section to cover loss or damage to property on any land on which aerial spraying is carried out at the request of the owner or occupier of the land.

In that subsection we find that the aircraft company is not liable for any damage under the contract of spraying carried out on the property that is being sprayed, but it is liable for any damage that may be caused to adjacent or other properties.

The Bill introduced by the Minister for Lands does not seem to be very explicit and to me it appears that it covers principally the person who has contracted to have the spraying done. If the Minister will have a further look at the Bill he will notice that the main requirements for the payment of compensation are contained in lines 26 to 33 on page 2, which read—

> . . . against liability up to the insured amount in the aggregate of the owner,—

As he was defined in the 1968 amending legislation, I take it that here again the owner is the person who owns the aircraft. I continue to quote—

> —in respect of loss or damage to the property, including livestock, of any other person caused by any agricultural chemical released from the aircraft in respect of which the contract of insurance exists, whether in the course of the aerial spraying or by spray drift.

In my opinion the whole of subparagraph (ii) of paragraph (b) of proposed new section 10 (1) is very badly worded and needs a good deal of explanation. I do not think it will provide the cover intended by the original Act, or by the amending Act of 1968, which has been the law up until now. It is very difficult to understand the meaning of this new provision.

There is another aspect that concerns me when there is a drift of volatile hormones. In the Greenough and Geraldton areas, in particular, the prevailing wind is a southerly or south-westerly, but in the morning there can be a perfect calm The spraying of a property could commence in the morning, but before it is completed the southerly wind could begin to blow and a volatile hormone spray could drift many miles into an area where tomatoes and peas were being grown, and those crops are highly susceptible to hormone sprays.

Coming to the point I wish to make it is quite possible that two aircraft could be operating in the one area. In such circumstances, who is responsible for any damage that may be caused on the leeward side of the aircraft? It would be difficult to define which person was responsible for any damage caused, and I can find nothing in the Bill which would facilitate the making of such a decision

In the past quite a good cover has been provided by the provisions in the Act, but from the final paragraph of the Minister's speech which he made when introducing the Bill, it is evident that pressure has been brought to bear to have section 10 amended. I quote that paragraph as follows:—

> The proposed amendments to section 10 are intended primarily—
>
> (a) to enable a pool of companies to underwrite policies;
>
> (b) to give authority to the Director of Agriculture to approve conditions, warranties and exclusions in the contract.

From those words I feel that pressure has come from the insurance companies and the aerial spraying contractors to have section 10 amended so that the burden of their indemnity policies will be lighter on them and the provision will not afford the same protection that was provided in the original Act.

Let us consider the position in the metropolitan area where people might not be affected by hormone sprays to the same extent as those residing in other parts. It is quite logical, however, that 2,4-D ester could be sprayed outside the Swan or Wanneroo areas. If this spray drifted into the vineyards situated in those districts, the loss suffered by the vigneron could be extremely great, and I do not believe the $30,000 insurance policy would be sufficient to cover the damage that could occur. I intend to support the second reading of the Bill and will listen to the Minister's explanation in reply but until then I shall reserve my decision on whether I will support the Bill in the later stages.

MR. McIVER (Northam) [5.14 p.m.]: Although perhaps small and insignificant, the amending Bill that is before the Chamber is of paramount importance. Since the inauguration of aerial spraying in Western Australia it has certainly contributed to the advance of agriculture, and most certainly has added to the fertility of the Avon Valley in my electorate. In fact, in the town of Cunderdin, the industry of aerial spraying has become quite intensive.

Like the member for Gascoyne I, too, feel that the provisions contained in lines 26 to 33 on page 2 of the Bill are rather ambiguous and I am keen to hear the Minister give some tangible explanation; something that would help us to understand what the position is.

Over the years, and since the previous legislation was introduced, aerial sprayers have been most concerned about this matter and, as a consequence, discussions have taken place over the last two years in connection with it. The concern that is expressed deals chiefly with ground operators.

The member for Gascoyne referred to spraying that might be carried out by aircraft, and I would like to draw the attention of the House to the matter as it relates to the farmer who himself uses fogging machines. In such cases how can we be certain that damage is not caused to crops as a result of spray drift; how can we be certain who might be responsible for the damage—whether it is the aerial sprayer or the inexperienced ground operator, particularly when such lethal sprays as 2,4-D ester are used?

Members in this House have from time to time made reference to the question of aerial spraying whenever amending legislation has been introduced. I am reminded of the comment made by the member for Geraldton when he informed the House that on one occasion a train to Geraldton was carrying a leaking drum of 2,4-D ester, which wiped out an entire tomato crop.

I think the public should be made aware of the dangers inherent in such a spray. I know that by means of pamphlets and instruction, generally, the Department of Agriculture is doing everything possible to educate people in connection with these sprays. The department is trying to educate those who use them.

I feel that the amendment before us does not go quite far enough, particularly in connection with the training of the ground operator. I am sure we would all appreciate what could happen to a grape crop in the Upper Swan if, through incompetence in the use of 2,4-D ester, the spray were allowed to drift into the particular locality. I do not think I need emphasise the possible dangers that would exist. There is no doubt that a rigid training programme is laid down for the training of spray pilots; their training is very extensive.

Before these men become qualified spray pilots they must complete 200 hours of training, apart from which they must also study the extensive chemical rating manual and pass very rigid tests in connection with this subject. I have with me a copy of the manual in question, which covers all aspects of spraying. There is no necessity for me to elaborate on this point, because the House is fully aware of the position.

As I have said, the pilots in question are very extensively trained not only in the use and care of the aircraft but also in the use of hormone sprays and of lethal sprays such as 2,4-D ester.

When the Minister replies to the debate I would like him to tell us what is envisaged both in regard to the training programme, as it applies to ground operators, and in regard to the question of providing protection for farmers; of giving them the right to claim compensation when their properties are affected by such sprays.

I do not wish to speak at any great length on this matter, because it has already been adequately covered and the salient points have been raised by the previous speaker. Like the member for Gascoyne, however, I am anxious to hear the Minister's explanation of the provisions contained in the proposed new section 10 on page 2 of the Bill. With those remarks I support the second reading.

MR. SEWELL (Geraldton) [5.21 p.m.]: When the original Aerial Spraying Control Act came before the House in 1966, and when it was amended in 1968, the view was expressed by members from both sides of the House that the legislation did not go far enough; that it did not provide enough safeguards for orchardists, gardeners, and similar people. This has been borne out, particularly in the Geraldton district.

From the records of the Department of Agriculture it will be found that a garden of peas consisting of several acres in the Waggrakine area was completely wiped out. To appreciate the position fully one would need to have seen the garden in question both before and after the disaster. Only then would one be able to realise the danger that there is in these volatile sprays.

When the matter was taken up with the departmental officers the only cause they could find for the burning out of these several acres of peas was the spray being used by farmers for the control of weeds in the Dongara area. The layman could be excused for wondering why this spray had missed other gardens while landing on this particular spot.

According to the departmental officers —and I understand this is the correct explanation—the spray was held in suspense for several days and then, as was mentioned by the member for Gascoyne, the prevailing southerly wind caused it to drift towards the Waggrakine area from the Dongara wheatfields and it eventually landed on these several acres of peas which were destroyed.

There are other incidents which could be quoted in connection with this type of spraying. The member for Northam has quoted one—it probably came to his notice as a railwayman—which referred to a leaking drum of 2,4-D ester which was being carried by a train that had stopped to carry out the shunting of stock. Not very much of the spray leaked out of the drum, but it was enough to destroy an entire field of tomatoes at the Utakarra siding.

This constitutes a warning to the people who are in control of spraying operations and it indicates the dangers that exist, particularly when highly volatile aerial sprays are being used. As has been pointed out, 2,4-D ester and some of the other sprays are really quite lethal; a view with which I entirely agree.

It would appear that the legislation before us seeks to tighten up these aspects of spraying. There have been arguments back and forth from the Eastern States and, of course, we all appreciate that there must be uniformity in legislation.

I would like the Minister also to bear in mind that the tomato industry in the Geraldton district was very nearly ruined by outside competion in the first place and subsequently by aerial spraying. This disheartened the growers to such an extent that they almost gave the game away. There is a 12-mile radius from Mt. Scott, which is in the centre of the town of Geraldton, in which people are not allowed to spray. Members will appreciate, however, that 12 miles is no distance at all, particularly when we consider that in the case of the pea garden the spray could have drifted 30 miles from the Dongara wheatfields.

As the member for Northam pointed out it is necessary to have these sprays under our present conditions of farming, but we must be very careful as to who controls the spraying; as to who issues the orders for the spraying to be carried out. We must know when such spraying is carried out and where it is carried out.

A great deal has been mentioned recently in connection with conservation, which is another aspect that must be given a great deal of consideration. I hope the Department of Agriculture has given the matter careful thought, because I am one of those who have been very disappointed over the years with the ordinary burn spraying that has been carried out by the Department of Agriculture for the control of certain weeds.

For many years the area between Yandanooka and Three Springs was considered to have the best show of double red everlasting flowers that could be seen anywhere. These were growing in great profusion along the railway line. I regret to say, however, that now it is not possible to find one everlasting flower in that area. This is all due to the fact that spraying has been carried out for the control of different types of weeds.

The same thing has happened on the Mullewa-Geraldton railway line. The crop of everlastings along that railway line was the pride of the district, but the flowers in this area have also been wiped out.

If a lot of spraying is to be carried out, the Minister and his department should be warned and should ensure that no more of our wildflowers are destroyed.

The Bill goes a long way towards further tightening up the Act, and this is a step in the right direction. However, I do not think the measure goes far enough in providing protection for our wildflowers in places such as Geraldton and the others I have mentioned.

Mr. Nalder: Before you sit down, what was the area of the paddock of peas that was destroyed?

Mr. SEWELL: I think it was about two to three acres. It was in the middle of the gardens in the Waggrakine area.

MR. JAMIESON (Belmont) [5.28 p.m.]: Members will recall that when similar legislation was before the House on previous occasions I crossed swords with the Minister and wondered how he could differentiate between ground fogging machines with the resultant spray drift and the effect of aerial spraying.

The Minister promised that action would be taken to introduce amendments to control fogging machines which were using dangerous chemicals. At the same time we have to bear in mind that spray pilots who use dangerous chemicals must first pass an examination after having studied the requisite manuals. They are then in a position to determine what is likely to be a dangerous or a lethal soray.

People with fogging machines can set themselves up as contractors and move all over the countryside blowing clouds of dangerous chemicals about with little regard to the fact that the aerial sprayer might have to bear the resultant consequences.

To my knowledge no action has been taken in connection with this matter and I hope that before we get very far the Minister will give us an assurance that legislation will be brought down—as this relates to the various agricultural Acts under his control—in order that the situation might be covered.

If it is deemed necessary to license these people to ensure they have a certain knowledge of chemicals, then the same should apply to everyone. It should not be left to the whims and desires of those concerned. Anyone can go into a chemical firm and buy a drum of 2,4-D ester and do untold damage, and this is very unreasonable. It seems to me as if the Administration is guilty of criminal negligence if it is unable to police this situation.

As far as I know, no redress other than action at civil law is available to an individual affected as a result of someone leaving a drum of any of these dangerous chemicals around. Therefore I would suggest it is very urgent that legislation be introduced to give the Administration control over dangerous herbicides, the same as it has control over dangerous drugs which are available in the community.

It is not possible for just anyone to go to a chemist and buy a dangerous drug to administer to animals or human beings unless a prescription is presented, this giving some indication that an authorised person who knows the strength and effects of various preparations has stipulated that the person requesting the drug is entitled to have it supplied to him. It is my view that it is just as important that the same restrictions should apply in respect of the supply of herbicides to people who are not fully trained in their operation. Any medico can, of course, have a supply of drugs for use in his practice, and this should also apply to a trained spraying operator so that he might use the preparations for aerial spraying or fogging.

However, I believe that the untrained operators are still with us in great numbers and they can cause untold damage. These include individual farmers who do not realise the damage which can be created by the use of more chemical than is recommended. The common practice is to add a few more drops just to make sure it does a good job. Everyone is apt to do this, even in their own homes.

We all know the general practice is to use more than advised when dealing with any preparation; but in the case of herbicides this can result in future problems some of which involve pollution about which we have heard a great deal. Enough has already been discovered about herbicides to indicate that some of them can be a danger to the environment and although we may, by their use, kill the bugs, wogs, rust, and other pests and diseases for the time being, we may in the future come to regret the use of them.

We may in the long run regret that we have not been more vigilant and careful in order to preserve our environment, instead of allowing the haphazard use of synthetic and sophisticated preparations without proper regard to the reasonable strengths which would be sufficient for spraying. After all, those who recommend the amounts to be used have a complete knowledge of the subject and know the danger of using any of the preparations to excess.

The Minister owes Parliament an explanation as to his intentions in this regard. I believe that such legislation should be tied in with the legislation concerning aerial spraying and that Parliament should have a say as to what can and cannot be done to the environment as a result of the use of various preparations available.

MR. COOK (Albany) [5.35 p.m.]: The member for Geraldton and the member for Belmont referred to the subject of conservation, and I would like to deal a little more specifically with that aspect.

There appears to be a serious omission from this Bill; that is, to provide the State with the same facilities to claim compensation from insurance companies for damage done to State property such as reserves, road verges, and Crown land, by aerial spraying operators, as are provided for private property owners. Adequate protection seems to be provided in the Act and this Bill for private property owners.

Proposed new section 10 makes provision "in respect of loss of or damage to the property, including livestock, of any other person caused by any agricultural chemical released from the aircraft." Section 14(1)(b) covers the situation of absentee ownership, as it gives a manager, employed by a farmer, or a person perhaps living in Perth, the power to set the wheels in motion to make claims for damage caused by aerial spraying operations. Likewise, section 9(3) allows the Minister to declare hazardous areas and makes it an offence for an aerial spraying operator to fly in or over certain areas.

However, there is no provision in the Act or this Bill for compensation to be paid to the State for any damage done to State property. There is no argument that many of the chemicals sprayed from aircraft today are of a dangerous nature. Therefore I intend, in Committee, to move the following amendment:—

> Page 2, line 29—Add after the words "of any other person" the words "or the State".

This will allow the Minister to declare certain reserves as hazardous areas, and the provisions of section 14 will also apply and allow a ranger of a national park, for instance, to set the wheels in motion for a claim for damage caused by aerial spraying operations. If a reserve, or road verges for that matter, is declared a hazardous area, it will be an offence for aerial spraying operations to take place in or over that particular area. This

amendment will also allow for the cost of restoration of damaged areas to be recovered.

Imagine a situation at, for example, the Stirling Range National Park. If damage were done to the national park by aircraft spraying properties alongside, the ranger in the area would see the damage and be able to call on the director, or a person authorised by him, to make an investigation into the damage. It could be that the damage would be of such a nature that restoration work would be necessary and this, of course, would involve the expenditure of public funds. It seems to me only right that the State should be able to make a claim against the insurance company for the money expended to repair such damage.

I do not know of any instance where damage to State property has occurred as a result of accidental spraying or of spray drift. However, I do not believe that this is any argument against making provision in this Bill to cover some future circumstance. It would be foolish to wait until perhaps irreparable damage was done before making amendments in an effort to try to remedy the situation.

I believe, too, that the principle of expending public funds to make good damage done by private enterprise without there being any opportunity to recover such money, is not a good one. After all, if the State damages private property, the owner has the right to make a claim against the State for the cost of repairing that damage. I believe that the State should have the same opportunity. Also, if the Government is sincere in its desire to protect reserves, road verges, and environment, generally, it will welcome my foreshadowed amendment.

MR. NALDER (Katanning—Minister for Agriculture) [5.40 p.m.]: I seek your advice, Mr. Speaker. I desire to know what responsibility I have in regard to this debate. As you know, the Minister for Lands introduced the Bill during my absence at a conference in Canberra. I understand that although I may speak now, the Minister for Lands would then have to reply to the debate. I want you, Sir, to indicate what authority I have in regard to replying to the points raised by various members. I understand that the situation is made fairly clear under Standing Orders, but I would like your advice as to how far I can go in answering the points raised.

Speaker's Ruling

The SPEAKER: The Minister can reply to any points raised. He can comment or reply as he so wishes; but his speech will not close the debate. The only person who can close the debate is the Minister for Lands. Any other member may follow the Minister for Agriculture, but nothing prevents him from replying to any point made up to this point of time.

Debate Resumed

Mr. NALDER: Thank you, Mr. Speaker. The debate has been quite interesting and has followed almost the same lines as the discussion which took place on the original legislation introduced in 1966, and on the amending Bill in 1968.

The legislation was first introduced in an endeavour to effect some control over aerial spraying, as such spraying was becoming a very important feature in our agricultural development. It was also designed to assist farmers in the efficient control of weeds and vermin—I mean, grubs and other types of insects—which were affecting their crops.

I recall quite clearly the concern expressed regarding areas in which were planted vines, tomatoes, and some of the vegetable crops mentioned by the member for Geraldton.

Mr. Sewell: Passionfruit is another.

Mr. NALDER: Yes. These crops and vines are very susceptible to some weedicides, and it was considered necessary that legislation should be introduced to control the movement of aircraft and also to stipulate who would be responsible for the aircraft and for the use of the various weedicides and pesticides. Another purpose was to ensure that compensation was available to those whose properties were affected by the use of those sprays.

Mr. Lapham: What about prevention as well as compensation?

Mr. NALDER: I have already covered that. I have said that one of the objects of the legislation was to control the movement of aircraft. I do not know whether the member for Karrinyup knows, but no aircraft used for spraying is allowed to fly in the vicinity of the Swan Valley area where grapes are grown.

Mr. Norton: Buffer areas are declared.

Mr. NALDER: That is correct. So the object of the legislation is to control the movement of aircraft used for spraying.

Mr. Lapham: Is there any right to control spraying over "A"-class reserves?

Mr. NALDER: This was not the object of the legislation; and that aspect, which was also covered by the member for Albany, is, in my view, outside this legislation. However, that point can be discussed at a later stage.

The object of this legislation is to try to effect uniformity between the States. Those members who were here in 1966 will appreciate that at that time an attempt was made to get this uniformity between the States.

This matter was discussed and debated at length at the Agricultural Council with the object of enabling the States to bring down legislation as nearly uniform as possible. I explained to the House on another occasion that this type of uniformity is very difficult to achieve. The reason is that the responsible Minister in each State may bring down exactly the same legislation but it is the prerogative of members to move amendments, which perhaps one or more States may carry. Therefore, difficulties arose in passing exactly the same legislation. Nevertheless, the object of the discussion was to make the legislation as nearly uniform as possible.

As everyone knows, pilots come from the Eastern States to Western Australia and go from west to east. Frequently they take on contracts which last for a few weeks. If uniform legislation exists, it is much easier for pilots, wherever they come from, to appreciate the regulations and the law which exists in the States. That is why every endeavour has been made to make the legislation as uniform as possible in every State.

The Attorneys-General from each State discussed this matter at some of their conferences in an effort to bring about uniformity. Discussions took place and eventually Victoria, Western Australia, and then Queensland introduced legislation. Associated difficulties were found and the Minister for Lands indicated this when he introduced the Bill.

The object of this amending Bill is exactly what I have said; namely, to bring uniformity into the legislation. The Victorian Attorney-General has indicated that difficulties are associated with the legislation, and the same situation applies in Western Australia. Officers went to the Eastern States from Western Australia, discussions were held, and it was agreed that the legislation is necessary. Its object is to bring about this very point, and I do not want to go over the same ground again. It has been mentioned repeatedly on previous amendments to the Act and has already been stated this evening.

There is no catch in the legislation. It has been brought down with the purpose of trying to give the Director of Agriculture in each State control of the movement of aerial sprayers and of the various sprays used. As members appreciate, a different spray material is used to kill radish from that used to kill red mite. The object is to allow the Director of Agriculture to have full authority to govern and direct spraying; he will be able to indicate the types of sprays to be used and the areas where the sprayers can go. In addition, sprayers have to obtain permission to use the machines in certain weather. The Department of Meteorology has to give the O.K., as it were. The sprayers must find out which way the wind is blowing and whether spraying will represent a hazard to any section of the farming community.

We want to try to bring about a perfect system, or one as nearly perfect as possible. I think all members will agree that a perfect system is an impossible objective, but we are trying to get as close to it as we can.

Mr. Jamieson: What insurance do ordinary spray contractors have? I refer to contractors other than aerial spray contractors; namely, the foggers and the ordinary sprayers.

Mr. NALDER: I had intended to mention the point which has been raised; namely, the question of some measure of control of those who use ground equipment. Tremendous difficulty has been encountered in trying to organise legislation between the States and this is the reason for the delay. Up to date, agreement has not been reached by all States.

Mr. Jamieson: Fogging machines are not like aeroplanes. We could develop our own legislation.

Mr. NALDER: The member for Belmont refers to fogging machines, but other types of machines are also used for the control of ground spraying.

Mr. Sewell: Boom spraying.

Mr. NALDER: This matter has been debated at Agricultural Council level, but a number of almost insurmountable difficulties have been encountered. This is the reason for the delay in bringing down legislation to control spraying from machinery and implements on the ground. The problem has not been cast aside just because it is so difficult. Although it has been almost impossible to reach agreement to this point of time, further consideration is being given to the question.

I would like the member for Belmont to appreciate that the matter has not been pushed aside, but the delay has been caused by the difficulties. As a matter of fact, some States believe it is impossible to legislate to control the movement of ground sprayers in their respective States. I refer particularly to Queensland, which faces an extremely difficult problem in this connection. That State feels it will be impossible to legislate to control this type of spraying in the same way that, say, we might require in Western Australia. However, the situation is progressing.

Mr. Jamieson: Queensland could control the distribution of the spray.

Mr. NALDER: I want to assure the House that the matter has not been pushed aside; that further consideration is still being given to the problem.

Mr. Lapham: Has the question ever been looked at from the conservation angle?

Mr. NALDER: Perhaps.

Mr. Lapham: Has the Minister dealt with it at all?

Mr. NALDER: No, I have not been responsible for this. I can definitely assure the House that if it were truly and correctly proved that a hazard existed to any of our natural species of trees, shrubs, grasses, or flowers, every action would be taken.

The control of the movement of aircraft is for one purpose and one purpose only; spraying must be confined to areas for which permission has been given to spray. It will not be possible to spray anywhere in a haphazard manner. For example, if a person is spraying at Northam, he would not be able to fly in the buffer zone in the Swan district where grapevines are grown. He would have to fly in another direction to reach his destination.

Mr. Cook: Which Act covers that?

Mr. NALDER: This legislation.

Mr. Cook: The measure has not been proclaimed.

Mr. NALDER: The parent Act has been proclaimed; this is amending legislation. The Bill seeks to make the existing legislation more effective. I pointed out quite clearly that the objective is to allow our legislation to work in conformity with legislation which exists in other States. In other words, we are trying to achieve uniformity, as nearly as possible, in the control of aerial spraying. I support the legislation and I trust the House will support it too.

Mr. Norton: Before the Minister sits down, would he please explain what is meant by lines 26 to 33 on page 2 of the Bill?

Mr. NALDER: Perhaps it would be better if I take the opportunity to speak on this matter in Committee. I would like to glance at the lines to which the honourable member refers before commenting. I support the legislation.

Question put and passed.

Bill read a second time.

Committee Stage

MR. BOVELL (Vasse—Minister for Lands) [5.55 p.m.]: I move—

> That the Speaker do now leave the Chair and the House resolve itself into a Committee of the whole for the purpose of considering the Bill.

Under Standing Orders I understand that the Minister for Agriculture could carry on and move you, Sir, out of the Chair and ask you to go back into the Chair again. However, with your permission, and with the permission of the House, I would like the Minister for Agriculture to carry on if there are any replies to be made.

The SPEAKER: What the Minister for Lands has said is substantially correct. The second reading has now been disposed of and I see no reason why the Minister for Agriculture cannot move any future formal motions which are required and which would give him the right of reply.

Question put and passed.

In Committee

The Chairman of Committees (Mr. W. A Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 10 repealed and re-enacted—

Mr. NORTON: At the second reading stage I asked exactly what was meant by lines 26 to 33. This is the part which sets out the people to be compensated. At least, I understand this is what it intends to set out.

The parent Act states quite clearly the persons who are to be compensated and those who are not. In subsection (1) of section 10 of the parent Act it reads—

> ...security for the purpose of protecting any person who suffers material loss or damage (including loss of life and personal injury) to his person or property, caused by or arising out of or in connection with the aerial spraying.

In actual fact, it is referring to the bond of $30,000 which contractors are supposed to put up.

We find that the person who is contracting with the aerial sprayer cannot hold the sprayer liable for any damage. Subsection (4) reads—

> Subsection (1) of this section does not apply with respect to material loss or damage (including loss of life or personal injury) suffered by the person at whose request the aerial spraying is being carried out or to any material loss or damage caused to any property on the land on which the aerial spraying is being carried out at the request of the owner or occupier thereof.

That is very clear and precise. The point was also set out clearly, although with less verbiage, in the amending legislation of 1968.

Reference is made to this matter in clause 3 of the Bill before us. A guarantee or bond of $30,000 is referred to. This amount is as stated in the Bill—

> against liability up to the insured amount in the aggregate of the owner in respect of loss of or damage to the

property, including livestock, of any other person caused by any agricultural chemical released from the aircraft in respect of which the contract of insurance exists, whether in the course of the aerial spraying or by spray drift.

From the wording, it would appear that the person who is contracting with the aerial spraying contractor could make a claim against him. However, to my way of thinking it is not very clear as to who are the other persons who could claim damages. I think the Minister should postpone this clause to have a look at it. Perhaps he could give us a clear indication of what is intended, or else have a clearer amendment drafted so that the provision would be in the same terms as it was originally.

Mr. NALDER: I think I should explain the position to the Committee. As I understand it, this paragraph provides that a person who is not the person involved in contracting with the owner of the aircraft to spray the property may claim damages. He could be an adjoining farmer who is affected as a result of the spraying. He is the person who could claim damage in regard to property, including livestock and so on, as a result of the spray drifting. That is how I understand it.

However, let me assure the honourable member that I will satisfy myself as to whether the provision can be interpreted in any other way, and I will make an explanation at the third reading stage. If the honourable member is not satisfied, I am prepared to get the information and make it available to him at the third reading.

Mr. NORTON: I am quite satisfied with what the Minister has said and that he will have it examined. However, I wish to point out that the phraseology in this clause is not very clear to the average person. I would also point out that the parent Act and the 1968 amendment both make it clear that the person who owns the property being sprayed has no claim whatsoever, and that is not referred to in this amendment.

Mr. Nalder: That is correct.

Mr. COOK: To digress briefly, I point out to the Minister that I have before me the index to the latest copy of *The Statutes of Western Australia* which states that the Aerial Spraying Control Act is yet to be proclaimed. Further, I contacted the Department of Agriculture and I was told that no regulations have been gazetted to cover the hazards arising from aerial spraying, because the Act itself has not yet been proclaimed. So I would be glad if the Minister would tell me when it was, or when it will be, proclaimed. I move an amendment—

Page 2, line 29—Insert after the word "person" the words "or the State".

This will have the effect of allowing the State to claim against insurance companies for damage caused to State property by aerial spraying operations. I feel this amendment is not outside the ambit of the Bill, and I feel it is a wise move. None of us expect to have our houses burned down, but we all take out fire insurance. Likewise, we sincerely hope no damage will be done to reserves and road verges, etc. However, provision should be made to cover the situation so that the State, representing the public of Western Australia, could make a claim for money spent in restoring any damage done to State property by aerial spraying. That is essentially the purpose of the amendment, and I think it is reasonable.

Mr. NALDER: I think this amendment is out of order. I think the amendment suggested by the member for Albany should be catered for under other legislation. I do not know whether we have legislation which affords protection to the Minister dealing with flora and fauna and, maybe, the Minister for Forests. However, there must be protection provided somewhere to guard against the effect on State property of any activities carried out by any person.

Mr. Jamieson: I doubt very much whether that protection is provided for, because these are innovations.

Mr. NALDER: This Act was designed for one purpose: to control the use of aircraft for the spraying of agricultural products. In other words, it was designed to control the use of sprays for the purpose of controlling weeds and insects and to control the effect they have on crops.

Mr. Jamieson: But if another person's property is affected, he is covered by insurance. Does that insurance cover State property?

Mr. NALDER: I think that matter should be dealt with under other legislation.

Mr. Jamieson: Would the insurance cover the crop of everlastings referred to?

Mr. NALDER: That is outside the purpose of this Act. As I said, the Act was designed to control the use of aerial sprays for the purpose of controlling weeds, vermin, and insects. I feel the amendment proposed by the member for Albany should be inserted in other legislation. I oppose the amendment.

Mr. JAMIESON: I have not a copy of the Bill in front of me, so I do not know whether the amendment can be incorporated. However, I do see much danger

in agreeing to the explanation of the Minister. I recall the legislation fairly vividly and to my mind it set out to do more than merely provide for the spraying of pests; it was designed also to protect people who might be adversely affected as a result of spraying. If we find that by an omission Government land is not protected, then I really think the Minister should give more than just cursory consideration to the amendment. There should be an inquiry made as to whether or not it is desirable to incorporate the amendment in this legislation.

If a large drift of aerial spray occurred in a district and a national reserve stood in its path, the reserve could be denuded of its natural flora with little recompense to the State whilst, on the other hand, a farmer could claim considerable damages. If that is the situation, we are not protecting our environmental conditions. If a drift occurred which denuded a national reserve, the person responsible for the drift could say, "Well, what does it matter; it doesn't cost me anything because it is only a national reserve." So I feel consideration should be given to whether Parliament should deal with this.

The chemicals that are used in aerial spraying have come into vogue during the time that I have been a member of this Chamber; prior to that less sophisticated chemicals such as DDT were used. We now find herbicides and other sprays finding favour. These sprays generally work on the principle of generating excess plant leaf growth which cannot be sustained by the root growth. As a result, the plants affected by this genetical inducement die, and the problem is overcome. This could also apply, for example, to the grass which bears the everlasting flower referred to and any other plants growing in the vicinity, so consideration must also be given to those plants. The spray could have disastrous effects on flora reserves whilst not having a great effect on wheat farms, because it could be such that it would have no effect on wheat.

I think we had better be very careful at this juncture and not let the matter go so that it may be included in some other legislation at a later time. The Minister should give us an assurance that it will be investigated. When he replies to the member for Gascoyne on another aspect at the third reading he could inform the Chamber just where the State stands in regard to the protection of its reserves under the provisions of this Act.

Mr. LAPHAM: I feel there is still an opportunity for the Minister to insert a provision. Perhaps a new paragraph "(c)" could be included in the proposed new section which would become section 10 (1) (c) of the Act. I suggest to the Minister that if he defers the Committee stage he could look at the question of inserting a paragraph which would give protection to "A"-class reserves and road verges which contain endemic plants.

I think this matter is vital. For some time the Parliament has given a lot of lip service to the question of conservation, and this is one time when we could go a little further and protect the plant life of our "A"-class reserves from the possible ill-effects of aerial spraying. The amendment I suggest would read something like this—

> 10 (1) No aerial spraying shall be commenced unless the owner of the aircraft from which the aerial spraying is to be carried out has in respect of that aircraft—
>
> (c) received from the Director where the area to be sprayed adjoins an "A"-class reserve a certificate of operation setting out the procedures to be followed for the protection of the flora or fauna of such reserve.

I think we would then have some degree of control. I would not like to see this Bill pass in its present state. The Bill is purely a compensation measure and even if the amendment of the member for Albany is passed, I cannot see how we could be compensated for something that has been utterly destroyed. How could the public be compensated if wildflowers of this State—not found in any other part of the world—were utterly destroyed? If that flora can be protected, it should be done under this Bill. I suggest that the Minister examine the proposition of including a precautionary clause in the measure.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NALDER: During the tea suspension I made inquiries about the suggested move by the member for Albany in the amendment before us. The main point about which he was concerned was the conservation of our flora. As I said earlier, this legislation was introduced for one purpose and one purpose only—that is, to control weeds on agricultural land. In this regard only selective material is used to control various types of weeds, in the main weeds such as wild radish and wild turnip. The spray used will affect only the broad-leaf type of plants and it does not matter how much of the spray is poured onto wheat crops. It will have no detrimental effect on wheat. Also, from the information given to me by the director this evening, it does not matter how much selective spray of this type is poured onto eucalypts, native shrubs, or flowers on our flora reserves. It will have no effect on such plants.

As I said, this legislation is designed for that one purpose only, and the director assures me that there is sufficient power under the Forests Act for the Minister for Forests to take action against anybody

who desecrates, by spray from the air or spray from the ground, any part of our forest reserves. The same applies to our flora reserves. As a result, there is no value whatever in agreeing to an amendment such as the one before us.

Also, the member for Albany mentioned that he had asked a question about whether this legislation had been proclaimed. I was of the opinion that it had been, but I wish to make the point that the legislation has not been proclaimed. The control that has been exercised has been done under regulations made under the Noxious Weeds Act. Under those regulations the Department of Agriculture was given authority to control the movement of aircraft for the purpose of spraying. I want to correct the statement I made previously in this regard.

I do not think it is necessary or desirable to agree to the amendment moved, because it does not cover the situation for which the legislation was introduced.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

MR. FLETCHER (Fremantle) [7.37 p.m.]: This is a simple Bill with a simple purpose. Consequently, I do not anticipate requiring an extension of time to discuss it, or any divisions to be called for in regard to it. The measure is merely to provide authority within the Government Railways Act for the commissioner to supply liquor to passengers travelling on trains on the W.A.G.R. system.

Section 46 of the old Licensing Act empowered the commissioner to serve liquor on trains operating within the State; but the Liquor Act of 1970 expressly excludes from the provisions of that most recent legislation control of the sale or supply of liquor by the Commissioner of Railways. However, as I said, the purpose of this Bill is to grant the Commissioner of Railways control of the sale or supply of liquor on trains operating within the State, or in railway refreshment rooms. This makes me wonder whether the sale of liquor on W.A.G.R. trains has been illegal since the 1st July, 1970.

Mr. Bickerton: Which Minister is handling this Bill?

Mr. FLETCHER: The Minister for Industrial Development.

Mr. Bickerton: By remote control?

Mr. Craig: There are many capable Ministers on this side who can handle it.

Mr. Harman: Where?

Mr. FLETCHER: The member for Belmont raised this question with the Minister for Industrial Development when the Bill was being introduced. The Minister sent a memo to the member for Belmont —and I might mention he was kind enough to send me a copy of it—in which he said that at the time he knew the matter had been queried and the position was covered, but he was not quite sure of the exact legal position. However, the Minister went on to say, in explanation to the member for Belmont, that the position is that the license issued by the Commissioner of Railways under the powers conferred on him by the old Licensing Act will continue in force until the period for which it was granted expires.

Prior to the query by the member for Belmont, and the Minister's explanation, I thought it conceivable that the department was not covered. As a result I rang the Railways Department and was told that the superintendent of refreshment rooms had been issued with authority, as from the 13th June, 1969, for a period of 12 months, and again on the 12th June, 1970, for a further period of 12 months, to serve liquor in the places referred to.

Despite the assurance given by the Minister it seems strange that such a situation can prevail. It would appear to me that once an Act had been superseded any regulations and undertakings associated with that Act would be superseded also. How can a superseded Act project authority to a future date? How can a superseded Act permit something to be done when that Act is no longer in existence? I would assume that authority would cease once the Act ceased to exist. However, I will take the Minister's word for the fact that that is not so and the railways, therefore, in fact still have legal authority to sell liquor.

Mr. Bickerton: I think the Government has been "court."

Mr. Brady: It is the bloke who buys the drink who has been caught.

Mr. FLETCHER: The main objective of the Bill is to consolidate hitherto separate powers under the Government Railways Act—that is, in regard to the sale of liquor in restaurants and on trains.

Mr. Craig: You are not opposing it, are you?

Mr. FLETCHER: No, I am not. I am simply raising several points in regard to it.

Mr. Craig: We only wanted an indication from you.

Mr. Bickerton: It will be interesting to see how the Minister replies.

Mr. Craig: That is why I asked the question.

Mr. FLETCHER: There are a couple of queries I wish to raise. As I said, I would have liked some reply in relation to the legal, or illegal, situation that prevails at the moment.

Clause 3 amends section 23 of the Government Railways Act—that is the section which empowers the commissioner to make by-laws, and this is another part of the Bill that concerns me. When I looked at the Act I noticed there were 29 subsections of section 23. Also, in introducing the Bill, the Minister made reference to the fact that by-laws 90 and 91 were to be tidied up. I would like members to hear some of the different parts of by-law 91 as it stands. Some members may find the provisions a little alarming. Part 2 of the by-law reads—

> A person shall not, except in a place set aside by the Commission for the consumption of liquor, consume liquor in or on any railway carriage, omnibus, land . . .

and so it goes on. I am not interested in the reference to an omnibus or land, but the by-law distinctly states that a person can drink liquor only in a place set aside by the commission for the consumption of liquor. Further on, part 3 reads—

> A person shall not consume liquor on a train unless he is an authorised passenger on that train.

How often have members gone to the railway station to farewell a friend who was travelling by train to the Eastern States and partaken of what is commonly known as a stirrup cup in the friend's compartment? Yet, according to the part of the by-law I read out, that is definitely out of order.

I hope in his tidying up the Minister will tidy up the regulations to which I am referring, which make common practices illegal. Further down, part 4 reads—

> An authorised passenger on a train shall not consume liquor on the train other than liquor sold on that train pursuant to a license held under subsection (5) of section 46 of the Licensing Act, 1911.

In effect, it means that a person who is on his way to a train cannot go into a hotel and buy a bottle of whisky to take onto the train, even though he is able to purchase it at the hotel at about half the price charged on the train. The by-law says distinctly that a person has to buy the liquor on the train. As the by-law stands, a person cannot take liquor onto a train.

It is interesting to ask whether or not the conductor of a train is empowered to frisk a person boarding a train or to ask him whether he has any liquor on his person.

Mr. Bickerton: That by-law does not say a person cannot take liquor onto a train. It says he cannot consume this liquor on the train.

Mr. FLETCHER: In one place it says that a person cannot consume liquor on a train unless he is an authorised passenger; and in another place it says that an authorised passenger shall not consume liquor on a train other than liquor sold on the train.

Mr. Bickerton: What the passenger does is to buy the liquor and sell it to his friend.

Mr. FLETCHER: The honourable member is confusing the situation. Any liquor that is to be consumed on the train must be purchased on the train. I suggest the only purpose of this restriction is to retain the right to sell liquor on trains at exorbitant prices. There seems to be collusion between the Minister for Police and the Minister for Railways in this regard, with a view to reducing the $10,500,000 deficit of the Railways Department. These are aspects which I would ask the Minister to clarify in his reply. I would also seek clarification from him on by-laws 90 and 91, which were mentioned in his speech.

The following, which appears in clause 3 of the Bill, is also to be found in the by-laws:—

> Regulating the sale, supply, and consumption of liquor in railway refreshment rooms, and on trains, that are under the management or control of the Commission and restricting, to the extent specified in the by-laws, the taking of liquor onto, or the possession of liquor on, any train, or a train specified in the by-laws, that is under such management or control.

In clause 4 provision is made to enable the commission to call tenders, from time to time, to lease for any period not exceeding three years, and on such terms and conditions as it thinks fit, any part of the land or buildings of a railway for the sale of refreshments subject to the Liquor Act. It merely provides that the commission may, from time to time, do that; it is not mandatory for the commission to call tenders. This is another aspect on which I seek clarification.

There seems to be a contradiction between subsections (1) and (2) of proposed section 64. One authorises the sale of liquor in railway refreshment rooms or on trains on the basis of a three-year lease. There is no mention in subsection (2) as to whether or not the sale of liquor on trains will be conducted by a person who has leased the right for this purpose for a period of three years. I assume that departmental employees would be responsible for the sale of liquor on trains. However, there is no mention of this aspect, and for that reason I would seek clarification from the Minister.

The aspects which I have raised are of concern to me. I can envisage an elderly passenger who likes a nightcap taking liquor on board a train. He might be occupying the top bunk, and it is conceivable that in consuming the liquor he might spill some of it over the passenger in the lower bunk. In my opinion he should not have to indulge in a nightcap illegally. Under the Bill if a passenger consumes liquor other than that purchased on the train he is acting illegally.

Let me assure the House that I do not find sufficient reason to oppose the Bill as it stands. I might have something to say on its provisions in the Committee stage, but in the meantime I support the second reading.

MR. BICKERTON (Pilbara) [7.51 p.m.]: In order to give the Minister for Industrial Development, who is acting for the Minister for Railways in handling this measure, an opportunity to listen to some of the debate and to enable him to reply to the comments, I move that the debate be adjourned.

The SPEAKER: The honourable member cannot do that. He has already made a speech.

Debate adjourned, on motion by Mr. Ross Hutchinson (Minister for Works).

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

MR. JAMIESON (Belmont) [7.52 p.m.]: I am sure that we are all appalled that many people in the community treat animals, to say the least, most unkindly. To this end we must have legislation to protect these creatures from the wrongdoings of man, in whatever form they be. In introducing the second reading of the Bill the Minister made reference to cats and dogs being beaten to death. A number of these instances are frequently reported in the Press and, indeed, they are usually sensational items of news. These instances are generally recorded rather fully on the front page. In this regard perhaps the Press is rendering a service to the community by featuring how cruel some people are to various animals.

Possibly there are a number of reasons for these acts of cruelty, and they bear some examination. Some owners of animals do not take adequate precautions to ensure that their animals do not create a nuisance to others; and they are inclined to allow their dogs to run wild. This is evident in various localities, particularly in the metropolitan area. These owners allow their dogs to roam at will without any regard to the welfare of other people.

Some people who are adversely affected by the nuisance caused by these animals find themselves in a frustrated situation. They cannot take legal action, so they take the law into their own hands by setting traps, laying poison baits, or adopting similar means to prevent what they consider to be a nuisance. However, the law does not protect people who take the law into their own hands. The only point I want to make is that sometimes people are forced into the situation where they commit acts of cruelty. In my view the owners of the animals concerned also have a responsibility to ensure that the animals do not cause a nuisance to others.

The scattering of poison baits creates a danger to children, although when poison is placed in meat baits it is doubtful whether children will eat the baits. However, we find instances where baits have been mixed into confectionery and scattered around. Such baits are, indeed, dangerous to the children.

The increase in penalties has been the only major amendment to the Prevention of Cruelty to Animals Act since it was first passed in 1920. On the representation of the R.S.P.C.A. it would appear that in 1958 the Government of the day saw fit to delete minimum penalties. The prescribing of minimum penalties is bad in law, as they do not allow the magistrates or courts any discretion, especially in cases where people in extenuating circumstances are cruel to animals. I say this advisedly. The owner of a dog might lock it up at his home to prevent it from roaming and go off on a short journey; he might not be able to get back until several days later than he intended, due to a breakdown in his transport. This is an extenuating circumstance, but the owner is still culpable in that he has deprived the dog of its freedom. If the circumstances are extenuating the magistrate should be empowered to impose a reasonable penalty.

At the other end of the scale I do not think that the provisions in the Bill go far enough. The amendment to section 4 seeks to increase to $200 the maximum fine for being guilty of cruelty to an animal. This penalty is to be double the amount of the existing penalty, and about four times the amount of the penalty when the Act was first proclaimed. I think that money has decreased in value by more than four times since 1920 when the Act came into force.

The other part of the penalty which provides for a term of imprisonment of a maximum of six months has been retained right through. However, the monetary loss has varied greatly since 1920. When a person is deprived of three months' salary, the loss at the present time in monetary value is six to eight times the

loss in 1920. I would suggest that the term of imprisonment be retained at the maximum of six months, although I have some doubts, because if imprisonment is to be a deterrent then the magistrate should be given greater scope than he is. However, I contend that the maximum fine of $200 seems to be very low, especially when one takes into consideration recent occurrences.

In a recent case one person on the goldfields had 6,000 head of poultry which he progressively allowed to die from starvation. In this instance the person concerned should be penalised to a much greater extent than is provided for under the Act. I might be prejudging this case, but in my view he should be hit harder than is provided. This was a businessman who contended that his business was not worth anything more to him, so he decided to allow the poultry to starve to death. If this is to be the callous attitude of business people then they should be made to pay for their actions. In the case I have just mentioned a fine of $1,000 would not be an exorbitant penalty to impose; but we should bear in mind that in prescribing a maximum penalty the magistrate is not compelled to impose the maximum. The fine is related to the degree of severity of cruelty in any particular case.

The penalties could range from $1 right through to $1,000 if thought necessary. I suggest the Government ought to give more thought to this matter. I agree that this amendment has been requested by the R.S.P.C.A., as was the previous increase in penalties. The imposing of higher penalties might be a deterrent, and make people think twice before inflicting cruelty upon an animal.

As for the other provisions, the doubling of the penalty is probably sufficient. How to discourage people without imposing higher penalties, I do not know. It is a matter of education, but it seems that as we become more educated we become more heinous in our ways. The more sophisticated we become the more ways we seem to find to cause cruelty to animals. This is envisaged by the Act. In the past we hardly ever heard of cats being crucified or dogs being belted to death.

Probably there should be some provision made to allow people to have redress against others whose animals cause a nuisance. The worry caused by an animal which is a nuisance probably causes some people to lose sight of what is right and what is wrong, and that causes them to take action and injure the animal which is causing the nuisance. That is about all I wish to say on the aspect of penalties.

I have discussed the matter of veterinary surgeons with a veterinary surgeon associated with the R.S.P.C.A. hospital situated in my electorate. Of course, he is much in favour of the provision which will allow a veterinary surgeon to put an animal to death if he considers it is merciful to do so. The veterinary surgeons do not want to be placed in the position of having action taken against them for their action of mercy. I am sure this provision was an omission from the earlier legislation when consideration was given only to inspectors of the R.S.P.C.A. and police constables, who were the most readily available when an animal had to be destroyed.

The number of veterinary surgeons in this State has increased and, of course, a person who has a pet which requires attention after being injured in an accident invariably goes to a veterinary surgeon. They are the people best able to determine whether it would be more humane to put the animal to sleep.

I commend the Bill with its various provisions, except for my criticism and comments on the maximum penalty which will apply to cruelty to animals. I consider that action should be taken to further increase that penalty.

MR. BRADY (Swan) [8.05 p.m.]: I have a few words to say in connection with this Bill because a number of people in my electorate have asked me to make representations to the Minister in regard to certain aspects of R.S.P.C.A. activity. The point of view of the people who have approached me is that they do not think the R.S.P.C.A. is as active as it should be in the community.

We all know, of course, that this Act was introduced originally to protect horses. When the Act was introduced horses were used for the transport and carting of goods all over Western Australia. Some of the owners of those horses were ruthless and there was a hue and cry for something to be done to protect the horses. Anybody reading the Act would recognise that its main purpose, originally, was for the protection of horses.

Over the years other aspects of cruelty have been covered by this Act. There is no questioning the fact that in recent years there have been some diabolical acts of cruelty in the eastern goldfields, in the metropolitan area, and on the perimeter of the metropolitan area.

It is the viewpoint of those who follow these things closely that the police could probably be more active in regard to enforcing the law. It appears that a policeman can do almost anything to enforce the law when it comes to cruelty to animals, but it also seems that very often the law is not carried out. I refer to the recent case of chickens alleged to be starving. The Act provides that those

birds could have been given reasonable foodstuffs immediately and the person who was the owner could have been made responsible. However, for about a week the drama of about 6,000 chickens being on the verge of starvation was reported in the Press. In my opinion there should have been no necessity for the chickens to be starving after the first day the matter was brought to the notice of whoever was responsible, whether it was the R.S.P.C.A., the police, or the local governing body.

This could be an indication of what has happened in at least half a dozen other cases. Another instance occurred at Mt. Lawley where a man was alleged to have gone away for three or four days and left animals locked in a shop. Surely it was the responsibility of somebody in the area to take action before the passing of three or four days.

There is another angle to this particular subject of cruelty. Many people are now making a good living out of selling birds of various kinds. I think we have some responsibility as a Parliament to see that those birds are protected, and that is why I am on my feet. I urge the Minister to get somebody in his department to have a look at the Act with a view to putting some teeth into it. There is nothing in the Act at the moment; it is as docile as a kitten, and about as tame.

Throughout Western Australia thousands of birds and animals are being held in cages. More notice should be taken of this aspect of the handling of pets and I suggest that the Police Department could probably become more active. Perhaps more honorary inspectors could be appointed, and perhaps the R.S.P.C.A. could be asked to do a bit more.

Veterinary surgeons, and their assistants, are now being covered by the Act. However, I think that any person working for a veterinary surgeon in a hospital should have a certain amount of power, and I think that we, as a Parliament, are obliged to provide that power.

I would like to see the Minister do something. I suppose that every week thousands of birds are sold throughout the State, and yet we seldom hear of people being prosecuted for cruelty. Many of the birds which are sold are kept in cages which are not satisfactory, and are kept under conditions which are not a credit to the community as a whole.

I again ask the Minister if he will try to get somebody from his department to have another look at the Act covering cruelty to animals to see if we can get more virile provisions. I would like to see the Act provide for an annual report to be produced and tabled in this Parliament. Members would then know what is being done.

Like the member for Belmont I am in favour of increased penalties for acts of cruelty; and I would like to see the penalties imposed as often as possible. Another matter is that some people in the community dispose of unwanted cats. They seem to have a habit of taking their unwanted cats into the cul-de-sacs around the city, or dumping them at rubbish tips. It is not uncommon to see half-starved cats creating a nuisance at the rubbish tips, and something should be done in regard to that aspect. I think the R.S.P.C.A. should place a notice in the Press, or on television, advising people where they can dispose of their unwanted animals at a very nominal cost.

About 18 months or two years ago I, myself, had a cat which had outlived its usefulness. It was 15 or 16 years old and although it was a heart-rending effort I took the cat to the veterinary hospital at Belmont where it was disposed of for $2 or $2.50. However, it is not everybody who can afford to pay $2 or $2.50, and I feel there should be a cheaper way of disposing of unwanted animals.

As I have said, I would like the Minister to try to do more to prevent cruelty in the handling of animals. I know that about 18 months ago, in an area very close to my electorate, a man kept a number of horses in a paddock for a considerable time without feed. A number of people were alleged to have seen those animals, day after day, without reporting the matter to the Police Department. The Police Department should have provided feed for the horses and the person who was responsible for them should have been made to pay for the feed.

It might not be generally known that a police constable, under certain circumstances, can destroy an animal and not be liable for prosecution. In recent years there have been cases of cattle trucks and sheep trucks running off the road and a number of animals having to be destroyed by the police in the execution of their duties. In those cases no liability could be attached to the police officers. With the passing of this Bill it appears that veterinary surgeons will be able to carry out the same task.

The last point I wish to mention was also raised by the member for Belmont. Some people have animals which seem to delight in creating a nuisance in the suburbs. When travelling around certain parts of the metropolitan area I have been appalled to see the verges and the footpaths fouled from one end to the other by scores of dogs—stray dogs and those being taken out by their owners. One also sees animals entering private properties and creating a nuisance. I have seen this happen in my own area in recent weeks.

It is about time someone did something about this problem. It is no use the Lord Mayor of Perth and the Perth City Council

asking us to keep the City of Perth clean if we continue to allow animals and so-called pets to foul the verges and the footpaths. To me it is a sickening experience and I do not want it to continue.

This is probably one of the few opportunities one has to ventilate these matters and draw them to the attention of the people handling the legislation in the hope that something worth while can be done. It could be 5, 10, 15, or 20 years before this Act is dealt with again. Under the Act the R.S.P.C.A. has certain responsibilities and unless it carries them out it is badly failing the community.

I recall that several years ago regular appeals were made by the R.S.P.C.A. and collectors called on private residents in the metropolitan area, but I have not seen that happen in recent years. Perhaps the R.S.P.C.A. depends upon a few people ringing up to have cats or dogs destroyed or doctored; but it may be that the R.S.P.C.A. requires greater financial assistance in order to be able to do a worthwhile job.

If we encourage people to have pets, and if we sell pets by the thousand, we have some obligation to see that the pets are properly treated. One way of doing that is to see that animals are not treated cruelly, and for this purpose there should be an organisation responsible for looking after them.

I support the legislation and hope the Minister will draw the attention of the powers that be to the necessity for putting some teeth into the R.S.P.C.A. in order that something worth while can be done.

MR. CRAIG (Toodyay—Minister for Police) [8.18 p.m.]: I would like to thank the member for Belmont and the member for Swan for their support of the Bill. Apparently there are only two matters on which they feel more definite action could be taken. The member for Belmont considers the penalty should be stiffer than that proposed in the Bill, and the member for Swan thought we should have "more virile control in the sale of pets," to quote his own words.

There has been some mild criticism of the R.S.P.C.A. I admit that some of the criticism is probably justified in a limited way, but we must not overlook the fact that that organisation is dependent upon public and Government support. Perhaps the remarks of the member for Swan are pertinent at this particular time. If the R.S.P.C.A. could obtain more support it could extend its activities.

Many people seem to think that if they have a problem with a domestic animal—perhaps a cat or a dog that they want to have destroyed—it is only a matter of ringing the R.S.P.C.A. and it will be attended to. That is not so. The R.S.P.C.A. is limited with the staff it has, and it must be borne in mind that many volunteers work with the organisation. It must also be borne in mind that there are veterinary clinics, and the like, which function for this purpose. When people cannot get immediate attention from the R.S.P.C.A., they are inclined to criticise or condemn the organisation.

Several years ago I had the same attitude when I had a dog that needed to be destroyed. I rang the R.S.P.C.A. and considered, at the time, that it was most uncooperative. I had to take the animal to the veterinary hospital which was mentioned by the member for Belmont. I have the highest praise for the people who run that hospital; they are very considerate and humane in their approach. I later realised, on reflection, that it was not the responsibility of the R.S.P.C.A. to destroy my dog. Let us not condemn the R.S.P.C.A. for its apparent lack of interest at times. After all, it depends upon public support for the performance of its function, and if it could get more support perhaps it could be more active in the way that the member for Swan suggests.

These matters are not actually the function of the police. There have not been many cases, if any, where action has been taken in regard to cruelty to animals at the instigation of the police; it usually emanates from the R.S.P.C.A. The association informs the police of cases of cruelty in which action should be taken. There are cases where the evidence suggests that a certain person is involved, and in such cases the police can take action without conferring with the R.S.P.C.A. However, due cognisance is taken of the remarks of the member for Swan in this regard.

The member for Belmont suggests that the penalties should be further increased. Bearing in mind that this is the first increase for something like 50 years, the question arises whether a maximum penalty of $200 is sufficient. According to one school of thought, a person who is sadistic in regard to the destruction of animals does not give a thought to what the penalty will be if he is caught. However, I feel that it must be some consolation to the owner of an animal that has been destroyed in these circumstances to know that a magistrate has the power to inflict a maximum penalty of $200 if he thinks fit.

I thank members for their support of this legislation.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 4—

Mr. JAMIESON: To test the Committee, I propose an amendment. First of all, I have some slight criticism of the Parliamentary Draftsman in regard to identification of the position of the amendment. It would be far simpler if instead of saying "in line seventy-two" he had said "the last paragraph of the subsection." By saying "in line seventy-two" it is necessary to cover two or three pages in order to identify it. I move an amendment—

> Page 2, line 5—Delete the word "two" and substitute the word "four".

The penalty would then be $400 instead of $200.

Mr. CRAIG: I appreciate the views expressed by the member for Belmont. I made brief reference to them in replying to the debate on the second reading. This is the first time for 50 years that the penalty has been increased. We have taken the opportunity to double it to the amount proposed in the Bill. The honourable member considers that the penalty should be further increased to $400.

I think $200 is sufficient to meet the situation. The R.S.P.C.A. requested that the penalty be increased, and I do not think that organisation would object to the amount proposed in the Bill. We have to bear in mind the effectiveness or otherwise of an increase in the penalty. The person who would sadistically injure or destroy a domestic animal could not care less what the penalty is. On the other hand, it would be some consolation to the owner of the animal to know that a magistrate could inflict a penalty of $400, as suggested by the member for Belmont.

I suggest that the penalty remain as proposed in the Bill so that we may see whether or not it has any effect. It is interesting to note that not a week goes by that some case of cruelty to animals is not reported in the Press. If the penalty does not prove effective over the years to come, let us then increase it to $400, or more if necessary.

Mr. JAMIESON: I wish to make the point that this penalty does not have to apply. This is a maximum penalty and, being of a high order, it might discourage people from being cruel to animals, particularly those who do so for commercial reasons.

It is interesting to note that the alteration that will be made by the Bill is greater than it appears at first glance, because in the principal Act the maximum penalty is £50 or six months imprisonment, whereas in the proposal it is $200 and/or six months imprisonment. It therefore allows a magistrate to inflict the maximum fine and a term of imprisonment.

Other sections of the Act deal with more individual aspects and the relevant penalties, but in regard to the situation we are discussing, if we insert the penalty of $400 people will realise that we regard the offence of cruelty to animals as being one that is to be greatly discouraged. In this day and age a penalty of $200 is not very much and if we are to make any amendment to the Act at this stage we should prescribe a penalty that is sufficient to discourage any act of cruelty to animals.

Amendment put and negatived.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Amendment to section 13—

Mr. FLETCHER: This provision relates to veterinary surgeons and the part they play in easing the suffering of animals. I rise in the hope that some veterinary surgeon will read or hear of my comments in respect of the time I took two animals to a veterinary surgeon to have them destroyed. Neither of the animals belonged to me. Fortunately I was in a position to pay for the services of the veterinary surgeon to have them destroyed. One of the animals was a cat which had wandered into my yard. It had been hit on the back of the head with a stick and had wandered into my place. It cost me $2 to have it destroyed by the veterinary surgeon.

The other animal was only a puppy and had not been inoculated against distemper and I also had to pay to have that animal destroyed. It is conceivable that either of those animals could have suffered if people who were not in a position to pay for the services of a veterinary surgeon to have them destroyed had found them. So I hope that, in future, veterinary surgeons will render the same service that is rendered by the R.S.P.C.A. in destroying animals when people cannot afford to pay to have them destroyed. Veterinary surgeons should make their services available in such circumstances on a voluntary basis to avoid the unnecessary suffering of animals.

Mr. Gayfer: What would the veterinary surgeon have done if you had left the animals in the waiting room of the veterinary surgeon's premises and walked out?

Mr. FLETCHER: I do not know, but I stayed behind because I felt the onus was on me to ensure that the suffering of the animals was not prolonged.

Mr. Grayden: The police would have come out and shot them.

Mr. FLETCHER: I heard the Minister say this evening that policemen are very busy people, and to ask a policeman to carry out this duty when his services may

have been required more urgently somewhere else would, I think, be rather unnecessary. As a consequence I took the responsibility upon myself and had the animals destroyed. Veterinary surgeons are making fortunes at the present time and they could quite easily afford to make their services available in a voluntary capacity in situations such as those which I have outlined.

The clause we are discussing afforded me an opportunity to say these few words and I hope that some veterinary surgeon will eventually read them in *Hansard*.

Clause put and passed.

Clauses 5 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 27th August.

MR. DAVIES (Victoria Park) [8.37 p.m.]: This Bill contains only two minor amendments. If I appear a little garbled in my address to the House, it is only that I did not expect the Bill to be brought on this evening and did not complete my homework on it and for this I apologise to the Minister. As I have said, the two clauses are only minor, but one comes to the House under rather unusual circumstances. Section 9 of the Act was last amended in 1960. The then Chief Secretary (Mr. Ross Hutchinson), when he introduced a Bill on the 27th October, 1960, is reported to have said the following, which appears on page 2211 of *Hansard* of that year:—

> This is quite a small Bill and one which should have an easy passage through this Chamber and through another place. The sole amendment is to substitute for the words "in Commonwealth Inscribed Stock in its name" the words "in its name in Commonwealth Inscribed Stock or in any security if the repayment of the moneys thereby secured is guaranteed by the Crown in right of the State."

That looks as if it is just a reversal of the words which are being amended, but the important part is—

The SPEAKER: There is far too much talking in the Chamber. If members want to talk they will have to go out into the corridor.

Mr. DAVIES: If the amendment made on that occasion is closely examined it will be seen that the important words are "the moneys thereby secured is guaranteed by the Crown in right of the State." That is what we should keep in mind, because the provision has operated successfully from 1960 until now.

When introducing the Bill, the Minister in his second reading speech said there had been some dispute about the manner in which the money should be invested. It appears that up until September, 1969, the Lotteries Commission was investing this money with the Rural and Industries Bank at something like 2 per cent. interest, and this investment represented the 20 per cent. of the gross takings which the Lotteries Commission was required to present to the Government at intervals determined by the Treasurer. I think it was about three years ago that the Government decided it wanted a greater share of the Lotteries Commission takings.

The 20 per cent. of the gross takings was put aside in the Rural and Industries Bank and the moneys were drawn by the Treasurer every three months and paid into the hospital account. This practice operated for some time until just recently when it was decided that instead of having four drawings every year the Government would draw the amount that was to be paid to the hospital account only once a year and would leave the total amount with the Lotteries Commission until such time as the Government required it—that is, at the end of the financial year—and the Lotteries Commission could invest it in any manner it so desired.

The returns made by the Lotteries Commission are tabled in this House from time to time in accordance with the provisions of the Act. The returns sometimes cover one or two charities consultations, and certain requirements and certificates must be met and given by the Auditor-General. From these returns and auditors' statements it is found that over the years the Lotteries Commission has been investing mainly with the State Electricity Commission and the R. & I. Bank. It has had an interest-bearing deposit, and it has had a fixed deposit with the R. & I. Bank. In 1967 the investments with the State Electricity Commission totalled $300,000; the interest-bearing deposit amounted to $4,449.44, and the fixed deposit with the R. & I. Bank was $200,000.

The moneys which were to be paid by the Treasury into the hospital account were apparently paid into a special account at the R. & I. Bank because, as I said previously, the moneys were drawn quarterly to be paid into the Treasury. The moneys which I have just quoted as being invested in 1967 remained the same for quite a considerable time. Indeed, it was not until August, 1969, that the amount of $200,000 invested in the State Electricity Commission was reduced to $100,000. Apparently some of the bonds held had matured and at that time the interest-bearing deposit was increased by some $2,200 to $6,649.85. The fixed deposit with the R. & I. Bank was then $110,000.

It was in the next month that a major alteration in the form of investments took place. In September, 1969, the figures I have just quoted remained the same but there was a new entry on the returns submitted by the Lotteries Commission and audited by the Auditor-General. The returns that were placed on the Table of this House showed that there had been a short-term investment of $100,000. Whether that amount came from some of the moneys which had been obtained from the S.E.C., or whether they came directly from the moneys representing 20 per cent. of the gross takings paid into the hospital account, I do not know.

However, the next month the figures showed that this amount had grown to $210,000. In the following month the amount increased to $305,000 and then to $385,000; to $535,000 in the next month, $595,000 the month after, and $695,000 by March, 1970. The amount stayed at $695,000 until April, 1970. By May, 1970, the amount had increased to $815,000 invested short term.

That is quite a considerable sum to have invested. I understand the Auditor-General took this up—and I have spoken to him about the matter—and he was not happy at the manner in which the money had been invested. He did not particularly decry the form of the investment, but he did indicate that the investment short term was *ultra vires* the Act as it then stood—and I refer to section 9 of the Act which we are amending.

Mr. Craig: That was his only objection.

Mr. DAVIES: That is so. The Lotteries Commission did not agree with the Auditor-General but, apparently after Crown Law advice was received, the Auditor-General was found to be correct. Because the Auditor-General made an adverse report on the way the money was invested —not on the form of the investment—and because the Crown Law Department said the Lotteries Commission was going beyond the manner in which it could invest under section 9 of the Act, this amendment has been brought to Parliament.

As the Minister interjected, there was nothing wrong with the form of the investment. What I object to is the fact that after the Auditor-General made an adverse report, and after the Crown Law Department said the Lotteries Commission was acting incorrectly, the Lotteries Commission continued to invest in the manner in which it had been since September, 1969. Whether the Lotteries Commission thought it was acting in the best interests of the commission, or in the best interests of the State as a whole, I do not know, but having once received an adverse report from the Auditor-General, and having had that report substantiated by the Crown Law Department, the Lotteries Commission should have ceased investing in this manner until the report had been brought to Parliament.

Although the amendment is before Parliament, had I not had an opportunity to research the matter out of the Minister's second reading speech, I do not think we would have known that the Auditor-General held this opinion, because we all know that the Auditor-General's report is brought down only once a year, and it is not likely to be tabled till the end of this month.

I think it is only fair that the House should know that the Lotteries Commission was doing this and that the Auditor-General was not too happy about it; although, as I said before, there was no complaint about the manner in which the investment was made or the security protected.

I am told that of this $815,000 which was invested in May, $380,000 was invested with Capel Court Securities Ltd. This information was given to me on Tuesday, the 25th August, in reply to a question I asked.

In connection with that $380,000 which was invested with Capel Court Securities Ltd., I was told that that company was an official short term money market operator at interest rates varying from 4.5 per cent. to 6 per cent.—secured by the Reserve Bank of Australia Safe Custody Certificates against Commonwealth Treasury Bonds.

The remaining amount of $435,000 was invested with Martin Discounts Ltd., an unofficial short term money market operator at 5.25 per cent.—secured by marked transfers over State Electricity Commission of W.A. Inscribed Stock.

Capel Court Securities Ltd., has offices in each of the States but it is, in the main, a Victorian company. It is an offshoot of the stockbroking firm of J. B. Were and Son. It is possible that most members were aware of this fact, though I was not. J. B. Were and Son is a very well known and well respected company operating as stockbrokers.

The other firm—Martin Discounts Ltd., —is an overseas company and I have been able to check out that it is part of the Martin Corporation, which is a world-wide organisation and one which is highly respected by all the banks in Perth. Indeed I think our own Treasury invests in short term rates both with Martin Discounts Ltd. and Capel Court Securities Ltd.

I do not want the House to think that Martin Discounts Ltd. is in any way associated with Archie Martin and Son—which sells better home appliances—although that, too, is a well-respected firm. Martin Discounts Ltd. has world-wide ramifications and quotes as its bankers, institutions throughout the United

States of America, Australia, Great Britain, and Europe. So it is really a world-wide organisation. But it is only a short term money market operator in this State.

However, both Capel Court Securities Ltd., and Martin Discounts Ltd., have been able to guarantee money against Government bonds. This matter goes back to the original amendment made in 1960 whereby—as I said before—the main requirement was that the money should be secured by the Crown in right of the State.

I do not think the amendment to section 9, perhaps, gives this security, because the intention now is to delete the words, "Commonwealth Inscribed Stock or in any security if the repayment of the moneys thereby secured is guaranteed by the Crown in right of the State", and to substitute the words "any investments authorised by law as those in which trust funds may be invested."

This appears to give a security which, I believe, is non-existent, because in September of last year I asked the Premier a question as to what was meant by "authorised trustee investments." I had seen this advertised in the newspapers and on the television and it seemed to indicate to me that an authorised trustee investment was indeed a Government guaranteed investment. It is, however, no such thing. In a detailed answer the Premier was good enough to give me the meaning of the words "authorised trustee investment."

I do not propose to read the two-page answer for which I think the House is eternally grateful, but if anyone is interested and has a look at the question he must agree that there is no binding guarantee with authorised trustee investments.

There are certain conditions applying under which building societies may be declared to be authorised trustee investments and these conditions are fairly long and complicated. If we are to amend section 9 of the Lotteries (Control) Act to say that any investments authorised by law are those in which trust funds may be invested then, I should imagine, this comes within the ambit of authorised trustee investment.

I indicated that the Premier when replying to my question spoke throughout his answer of building societies. He spoke of no other authorised trustee investments and I can only imagine that such conditions apply to building societies. There may be other conditions under which the Government is prepared to proclaim in the *Government Gazette* that such-and-such is an authorised trustee investment, but, I repeat, in the whole of his answer the Premier refers always to building societies.

If the Lotteries Commission has $815,000 to invest and it can invest in what are described as authorised trustee investments it means it can invest short term in building societies. I am sure that building societies, in these days particularly, are a fairly sound investment. But $815,000 is a huge amount of money to be invested short term, and we must appreciate that other investments will be made short term and many other people are investing short term in the building societies which are lending their money out on long term loans.

Accordingly if there is a run on the building societies they may be in trouble and find it difficult to meet the demands. Even if the amount of $815,000 was spread over a number of building societies, it must have some effect on their operations if it were all suddenly drawn out; and it must be drawn out once a year.

So while it may be acceptable to invest in organisations like Capel Court Securities Ltd., and Martin Discounts Ltd., because of their accepted solidarity, we must try to amend the Act to ensure that if money is invested short term it must, indeed, be invested under conditions such as these: where the money invested is secured by the Reserve Bank of Australia Safe Custody Certificates against Commonwealth Treasury Bonds or by marked transfers over State Electricity Commission of W.A. Inscribed Stock; or where similar conditions apply.

This would possibly help investment within Western Australia; and, if it is at all possible, I would like to see the money remain in Western Australia. At the present time there is no guarantee this will happen, and, indeed, with Capel Court Securities Ltd., there is no guarantee that the money will stay in Western Australia. It is only with Martin Discounts that we can get some security over Western Australian inscribed stock.

I understand that when reference is made to marked transfers, the stock is in effect marked so that it cannot be disposed of by the holders within a certain period, and during that time it is, in effect, held by the Lotteries Commission.

There is nothing wrong with that. But there is something wrong with the Lotteries Commission continuing to invest money after it had been told by the Auditor-General and by the Crown Law Department that such investments were illegal. I feel that for it to have continued to do so was completely wrong and in my opinion it is a reflection on the commission that it should have done so.

Surely we are not so money hungry that it could not get the matter righted within a short time—as is being done now—rather than continue to break the law when it knew it was breaking the law as,

of course, it did. That is my only reservation to the suggested amendment to section 9 of the Act.

I do not believe the amendment gives sufficient security for short term investments. I believe the words should be amended, though I frankly do not know how they should be amended. They should, however, be amended to ensure that in every short term investment there is some guarantee such as that given in regard to the $815,000 that was invested.

I find that although the amount was the figure mentioned in May, by June and July the amounts invested on short term had been reduced to $120,000. I do not know whether all the original investment was redeemed and a further amount invested, but in any case it is just not good enough.

Civil servants are there to do as they are told by the people in charge. In this case the person responsible did not do as he was told and he deserves censure. We must abide by the law. If it is broken unintentionally it is a different matter. But, having broken it unintentionally, once it was pointed out that an error had been made there was no excuse for the action that was taken by the commission in continuing to invest under conditions not acceptable to the Crown Law Department or the Auditor-General. To his credit the Minister has taken the first possible opportunity to put the matter right.

My last comment in connection with section 9 is that some greater security should be given to the form of investment than the words it is proposed to substitute. I believe there are many kinds of investment to which this money could be directed, but none of them would give the guarantee provided by Capel Court Securities Ltd., or Martin Discounts Ltd.

No doubt other firms are in the same category and could give this security. I do not like large amounts of money invested in organisations like building societies which invest on a short term basis but lend on a long term basis. I believe that such organisations could be in trouble if there was a considerable run on their resources.

The last minor amendment in this Bill proposes that the commission shall be able to give lottery tickets as prizes instead of money. I should imagine that this deals only with minor prizes and those which are called near-miss prizes. I do not know what is proposed, because the Minister did not give any indication.

Mr. Craig: I will explain.

Mr. DAVIES: The Minister gave us no particular explanation, but he has just indicated he will do so.

If the amendment will be a means of attracting greater custom to our Western Australian lotteries consultations, then I will wholeheartedly support it. I would hate to believe that someone would be forced to take the value in tickets of what are normally money prizes; but I am quite certain there is no intention along those lines.

Of course, as we expected, we have been affected by the operations of the South Australian commission. When I was in that State recently I had a word with our ex-secretary (Mr. Gordon Minchin), who was very pleased at the manner in which the South Australian lottery is operating, and the returns from it. I believe that our present secretary could perhaps visit some of the Eastern States. I do not know whether he has done so; but there are some forms of consultations over there which have particularly attractive features. I refer to the jackpot lotteries, which have quite a big following, and some of the others which attract greater custom than do our present lotteries in this State.

We like the Lotteries Commission to prosper because it does a splendid job in helping all manner of organisations. It is generous in the extreme when we can prove a case to it, but it certainly wants a case well and truly proved before it will offer any assistance. Having once been won over, the commission, I have always found, is very generous indeed.

It has a tremendous number of demands on its resources and, of course, with the rising cost of living and so forth, these demands are increasing. Those organisations which looked to the commission for perhaps $1,000 a year are now looking for $2,000; and I am quite certain that since the Government took the 20 per cent. of gross taking from the commission—for which I do not forgive it—the commission has been up against it in regard to the amount of money it has had available for disposal. Therefore, if the amendment to section 10 will attract greater custom to the commission, then I will be very pleased to support it.

I hope that the Minister can tell us that the form of lottery is continually under review and that the commission has been able to send one of its officers to the Eastern States to have a look at operations over there. What impressed me mainly in Victoria, South Australia, and New South Wales, was the limited number of points at which tickets could be purchased. I would have thought this would have a bad effect on the sales, but apparently it has just the reverse. Something which is a little difficult to obtain is always more welcome than something which is easy to get, and there did not seem to be any trouble or lack of interest in sales because of the limited outlets. Indeed, the commission was able to effect greater control because of this.

I also found in South Australia that if I bought a ticket away from the main centre, I had to pay the agent the commission myself. I did not think this was a very good idea. It reminded me of the 3d. betting tax—now 3c—and I do not think it would be too popular in Western Australia.

As I have indicated at considerable length, I am concerned about the proposal to give an almost open go to the commission to invest surplus funds on a short term basis, as proposed under the Bill, and I would like some more concise form of amendment to provide greater security for lottery funds than is proposed.

MR. CRAIG (Toodyay—Chief Secretary) [9.06 p.m.]: I thank the honourable member for his support of the Bill, subject to certain explanations expected of me. In his preamble he said that he did not have time to study the contents of the Bill and what was involved, but I think members will agree he did an excellent job in taking up the debate on the legislation.

The honourable member's main concern is the wording of the amendment so far as the short term investments are concerned. Might I explain beforehand, though, that under the present provisions in the Act, the commission is required to make available for hospitals—and this is mainly on capital works—20 per cent. of its receipts. In other words, if it conducts a lottery of, say, 100,000 tickets at $1 each, the commission is required to make available $20,000 to hospitals. I do not think anyone can object to this function of the commission because, after all—and this was before my time, anyhow—the primary function of the commission when it was established many years ago was to support hospitals.

After making this 20 per cent. commitment to this particular fund, which of course is through the Treasury, the commission then meets the needs of the various requests which are made from charities; and, might I say here, that according to what I have been told—and this is as a result of an inquiry I made of the commission recently—the commission has not refused any request for assistance by a charitable organisation; and this is despite the fact that it is required to make the 20 per cent. payment.

On this particular score it is rather interesting to note that in 1960 the gross revenue of the Lotteries Commission was $2,525,000, and of this amount 13 per cent. was allocated to hospitals. In 1962 the revenue increased to $3,250,000 and the percentage of the gross proceeds to hospitals increased to 20.87 per cent.

So the revenue over the years has increased until for the year ended the 30th June, 1970, the revenue was $6,200,000, and the amount available to hospitals was 20 per cent.

Also whilst I am quoting statistics, it is interesting to note that since the inception of the commission, which was in 1933, no less a sum than $21,295,873 has been made available to hospitals and to charity; and I think this is a very creditable performance by the commission and, might I say, indicates the support that has been given by the public over the years.

The member for Victoria Park suggested that we could examine other ways of attracting public support to our lotteries by introducing new forms of investments. Of course, the Lotteries Commission is ever alive to this possibility, and it has often introduced new forms of consultations. There is no need for me to refer to them at this stage. The commission is fully aware of the demands of the public, and of the competition that is coming from the other States, particularly from South Australia which now has the services of the ex-secretary of the W.A. Lotteries Commission.

The main point of concern to the member for Victoria Park is in regard to investments on short term. This is not a case of the commission flouting the Act in regard to its investments. The attention of the commission was drawn to this aspect by the Auditor-General, although the commission was not castigated in any way. As a matter of fact, some doubt arose in the minds of all concerned, including the officers of the Crown Law Department, and it took some time for a conclusion to be arrived at. In order to remove any doubt that might exist it was felt the Act should be amended in the terms proposed in the Bill.

Of course, the commission is ever alive to making available the greatest amount possible to charities, after meeting its commitments to the Treasury in regard to capital expenditure on hospitals. That is one of the main reasons why the commission has invested in the short term market. I am given to understand that over a period of 12 months an additional amount of $30,000 has been made available to charities as a result of the commission taking advantage of the short term investment market.

The honourable member feels that the field for this type of investment is not secure enough, but I must disagree with him. The amendment in the Bill has been drawn up by the Crown Law Department, which was fully cognisant of the requirements and of the protection that is necessary as a result of any change to the Act in relation to investing the commission's surplus finance. If we refer to clause 2 of the Bill we will find that in the last part the following words appear:—

> any investments authorised by law as those in which trust funds may be invested.

On that score there is the Trustees Act, under which the requirements for the investment of funds are fully laid down. This is the law to which the Bill refers. I do not think we can go further than that to make the investments secure. I trust that the honourable member will accept my brief explanation, because this was the advice that was given to me by the Crown Law Department when the Bill was drawn up. As a matter of fact at the time I raised exactly the same query as the member for Victoria Park has raised.

On the question of near-miss prizes, this form of lottery has been introduced to provide an added attraction by offering more prizes in the form of free tickets. That is the reason the Act has to be amended, because at the present time it states that all prizes shall be distributed in cash.

We could take as an example the series known as the Zodiac series, in which there were 50,000, tickets of $3 each. The first prize was $50,000, the second $10,000, and the third $5,000. I pause there, because under the proposals of having near-miss prizes the three major prizes will remain as they are at present.

Mr. Burke: The Zodiac series has been discontinued.

Mr. CRAIG: I do not know. I am merely referring to the Zodiac series as an illustration of a lottery with 50,000 tickets of $3 each. The three major prizes would remain the same. There were five prizes of $1,000 each, and it was proposed that there be 10 prizes of $500 each. This would mean the same total disbursement of money in these prizes.

There were also five prizes of $500 each, and it was proposed that there be five prizes of $250 each. In this case there would be a reduction of $250 in each of these five prizes. There were 1,500 prizes of $10, and it was also proposed that there be 1,500 prizes of $10.

The total prizes in the Zodiac lottery numbered 1,514 or one chance in 33. Under the proposals of the near-miss system the changes I have mentioned will apply only to the minor group of cash prizes. It was proposed that there be two consolation prizes of $200 for a ticket which was one number off the first prize, plus 100 lottery tickets of $1 each. It was also proposed that there be two prizes of 50 lottery tickets of $1 each for a ticket which was one number off the second prize. So we can go down the list of the major prizes in respect of which the near-miss principle would apply. Under this system there would be, overall, 4,554 prizes or a ratio of one chance in 11. It was felt that this would be an attraction to the investors in lottery tickets, because there was one chance in 11 of winning a prize of some sort—whether it be a free ticket or a cash prize. This compares with one chance in 33 under the old system. That is the general principle which would be applied under the near-miss system.

In any case, before any lottery is conducted the commission has to obtain the approval of the Minister to conduct the lottery, and it has to set out the prize disbursements. So on every occasion the Minister can agree or disagree with any recommendation of the commission. I thank the member for Victoria Park for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Craig (Chief Secretary) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 9—

Mr. DAVIES: I can appreciate in greater detail the forms of investment which can be made under the Trustees Act. The Speaker, with his legal knowledge, was able to refer me to the relevant section. It looks as though the Treasurer, when replying to my question last year, apparently read into my query a question regarding building societies.

I find that under section 16 of the Trustees Act there is considerable detail and quite a list of ways in which trustees can invest money on behalf of clients. The Minister did say that the Crown Law Department was happy with this wording, but he did not tell us whether or not the Auditor-General was happy. Was there no need to consult him?

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.22 p.m.