

in this State on the 2nd August, 1922, and its good standing as a local business entity is, I believe, favourably known.

The effect of the adoption of this Bill will be to take the scheme of deposit and investment operated by the Perpetual Company through the medium of its "common trust fund" out of the ambit of division 5 of part IV of the company's Act. This means that the company will be enabled to operate its common trust fund under the authority of its private Act and on a scale that will provide substantial accretions of capital for property and other development from small and large investments made with the company.

The Government sees no objection to the passage of the Bill and accordingly supports it.

Question put and passed

Bill read a second time.

In Committee, etc.

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

**THE WEST AUSTRALIAN TRUSTEE
EXECUTOR AND AGENCY COMPANY
LIMITED ACT AMENDMENT BILL
(No. 2)**

Second Reading

Debate resumed from the 10th September.

MR. COURT (Nedlands—Minister for Industrial Development) [10.34 p.m.]: The West Australian Trustee Executor and Agency Company Limited, one of the State's oldest and most respected companies, was incorporated on the 8th November, 1892.

The effect of the adoption of this Bill will be to take the scheme of deposit and investment operated by the West Australian Trustee Company through the medium of its "common trust fund" out of the ambit of division 5 of part IV of the company's Act. This means that the company will be enabled to operate its common trust fund under the authority of its private Act and on a scale that will provide substantial accretions of capital for property and other development from small and large investments made with the company.

The Government sees no objection to the passage of the Bill and accordingly supports it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 10.36 p.m.

Legislative Council

Thursday, the 2nd October, 1969

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (8): ON NOTICE

ELECTRICITY

1.

Accounts of Strata Title Holders

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

- (1) Is it a fact that tenement owners at Elanora Flats, Ventnor Street, Scarborough, are not issued with separate accounts by the State Electricity Commission even though separate titles to property are held under the Strata Titles Act?
- (2) Is the Minister aware that owners of the above properties employ a secretary to issue individual accounts?
- (3) Does the Minister consider the action of the State Electricity Commission in issuing a combined account is justified when a separate title to property is held under the Strata Titles Act?
- (4) If not, will he take steps to ensure that individual accounts are rendered in future?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) No.
- (3) Yes.
- (4) See (3).

2.

WOOL SALES

Payment of Proceeds

The Hon. G. W. BERRY (for The Hon. I. G. Medcalf) asked the Minister for Mines:

- (1) Is the Minister aware that the prompt date for payment of wool sale proceeds at Albany Sale No. 1 which took place on the 3rd and 4th September has had to be extended from the 22nd September to the 6th October due to the non-availability of shipping, thereby depriving growers who sold their wool at that sale of the proceeds on the due date?
- (2) Is he aware that the prompt date for payment of proceeds at Albany Sale No. 2 being held on the 1st and 2nd October, is likely to have to be also extended for the same reason?
- (3) Will representations be made by the Government to the Overseas Shipping Representatives' Association to endeavour to have a more

satisfactory allocation of vessels catering for wool sales to the Port of Albany?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) Yes.
- (3) Yes.

3. PERTH CULTURAL CENTRE

Planning

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

- (1) What aspects of the Perth Cultural Centre are at present the subject of planning?
- (2) Will overall planning for the centre be affected by whatever decision is made on the sinking of the railway?

The Hon. A. F. GRIFFITH replied:

- (1) Privately-owned properties within the centre are being acquired by the Public Works Department with Treasury-allocated funds, according to the comprehensive 16 years development programme for the centre approved by the Government. The Principal Architect is continuing extensive layout studies for the centre in line with known user requirements.
- (2) The cultural centre is being planned on the basis of agreed design criteria which include a pedestrian and visual link between the centre and Forrest Place, across railway land. It is expected that these criteria will be ultimately adhered to whether the railway is lowered or not at this time.

4. BETTING CONTROL ACT

Facilities at Kambalda

The Hon. J. J. GARRIGAN asked the Minister for Mines:

- (1) Do provisions exist under the Betting Control Act for licensing a "Starting Price" bookmaker in areas where, for some reason, it is deemed inadvisable to conduct a Totalisator Agency Board agency?
- (2) If so, will early consideration be given to implementing such provisions in the case of Kambalda?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) No. Approval has been given for the establishment of a totalisator agency at Kambalda and the board is pressing for the erection of the necessary premises.

5. IRRIGATION AND DRAINAGE

Advisory Officers

The Hon. V. J. FERRY asked the Minister for Mines:

- (1) In view of an apparently increasing demand for technical advice on irrigation and drainage matters on agricultural land in the lower south-west, is consideration being given to the stationing of a professional advisory officer, technicians and field officers, at—

- (a) Busselton; and
- (b) Manjimup?

- (2) If appointments cannot be made at these towns, how is it proposed to service these regions?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) A new position has been provided on the 1969-70 staff budget for the appointment of an adviser to provide additional advisory services on irrigation and drainage in the lower south-west. Consideration will be given to location when an appointment is made.

6. *This question was postponed.*

7. IRRIGATION

Trickle or Drip Methods

The Hon. F. D. WILLMOTT asked the Minister for Mines:

- (1) In view of the spectacular results obtained in other parts of the world by the use of trickle or drip irrigation methods, does the Agriculture Department intend to conduct experiments to test the suitability of the waters of the Blackwood River for this type of irrigation on orchards in the Bridgetown area?
- (2) If the answer to (1) is "Yes"—
 - (a) where will the experiments be carried out;
 - (b) what is the area of the proposed experimental plot;
 - (c) what types of fruit trees are to be contained in the experimental plot; and
 - (d) when will experimental work commence?
- (3) Is the department aware that, owing to the extremely dry season—
 - (a) the salt content of the Blackwood will be higher than normal, thus making experimental work this summer highly desirable; and
 - (b) it will be most necessary to commence irrigation many weeks earlier than in a normal season?

- (4) If the department has no plans for the type of experimental work mentioned, will it immediately investigate the desirability of conducting such experiments?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
 (2) (a) Bridgetown.
 (b) One acre.
 (c) Apples.
 (d) As soon as equipment, which is on order, is supplied.
 (3) (a) Yes.
 (b) Yes.
 (4) Answered by (1) and (2).

8.

WATER SUPPLIES

Areas Adjacent to Albany

The Hon. J. M. THOMSON asked the Minister for Mines:

- (1) What are the present sources of water supply to the town of Albany?
 (2) What is the daily flow of supply per thousand gallons?
 (3) What other possible sources of supply, both present and future, may be available for areas to the—
 (a) north;
 (b) west; and
 (c) east of Albany?
 (4) Have gauge tests been made to any of the sources referred to in (3), and if so, what are the indications of flow from the respective sources?
 (5) Would the potential supply from these sources, if harnessed, be sufficient to provide a comprehensive water supply scheme—
 (a) east to Gairdner River and Jerramungup area;
 (b) north-east to South Stirling and Chillenup area; and
 (c) north to Tambellup?
 (6) (a) When is it envisaged that the present comprehensive scheme will be completed;
 (b) what is the estimated cost as from the 30th June, 1969, to complete this work;
 (c) what is the estimated portions of cost that—
 (i) the State; and
 (ii) the Commonwealth is expected to provide?

The Hon. A. F. GRIFFITH replied:

- (1) The present sources of supply are:—
 (a) The South Coast Scheme comprising bores in the Sand Patch Snake Hill area supplemented by flow from Limeburners Creek.

- (b) The Two People Bay Scheme based on Angove Creek.

- (2) Available daily output is 2.5 million gallons.
 (3) (a), (b) and (c)—
 Denmark River.
 Kent River.
 Waychinicup Creek.
 King Creek.
 Goodga River.
 Underground water in some areas between Princess Royal Harbour and Wilson Inlet.

- (4) Yes.
 Denmark River—average annual flow 7,800 million gallons—fresh.
 Kent River—average annual flow 22,000 million gallons—fresh.
 Waychinicup Creek—average annual flow 1,500 million gallons (water quality marginal).
 King River—average annual flow 550 million gallons—fresh.
 Goodga River—average annual flow 700 million gallons—fresh.
 Underground water—not evaluated.

- (5) (a) to (c) Yes.
 (6) (a) June 30th, 1972, subject to the availability of finance.
 (b) \$14,900,000.
 (c) (i) State—\$10,450,000.
 (ii) Commonwealth—\$4,450,000.

CHILD WELFARE ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and transmitted to the Assembly.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Report

Report of Committee adopted.

SUITORS' FUND ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [2.41 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the suitors' fund was introduced in another place by the Minister for Industrial Development on my behalf, has been passed by the Legislative Assembly, and, as the accompanying message indicates, has been referred to this House for its concurrence.

Members may recall my having introduced the parent Act into this Chamber in 1964 as a step forward in assisting litigants

in particular circumstances, and its introduction was applauded by the Opposition benches of both Houses as a step in the direction of achieving a measure of social justice and as one which would fill a long required want.

The fund, which was established under the Act and which is administered by the Appeal Costs Board, consists of fees collected on the issue of any writ or summons in the Supreme Court, the entry of plaints in local courts, and the issue of any summons to a defendant upon complaint under the Justices Act. The present fee is 10c, but provision is available to increase the amount to not exceeding 20c. Payment from the fund is restricted to those matters set out in the Act.

I would point out that the assistance provided from the fund must not be confused with legal aid provided by the Law Society.

I would explain that at present, moneys available in the fund may be used when the Supreme Court grants an indemnity certificate, where an appeal against the decision of a court in civil proceedings—

- (a) to the Supreme Court;
- (b) to the High Court of Australia from a decision of the Supreme Court;
- (c) to the Queen in Council, from a decision of the High Court of Australia given in an appeal from a decision of the Supreme Court;
- (d) to the Queen in Council, from a decision of the Supreme Court,

on a question of law succeeds.

Assistance may be given also where—

- (a) Civil or criminal proceedings are rendered abortive by the death or protracted illness of the presiding judge, magistrate, or justice, or by disagreement on the part of a jury.
- (b) An appeal on a question of law against the conviction of a person convicted on indictment is upheld and a new trial ordered.
- (c) When the hearing of any civil or criminal proceedings is discontinued and a new trial is ordered by the presiding judge, magistrate or justice, for a reason not attributable in any way to the act, neglect, or default in the case of civil proceedings, or all or any one or more of the parties, their counsel or solicitors. In these circumstances, the presiding judge, magistrate or justice is empowered to grant a certificate. A certificate may be granted in the case of civil proceedings, to any party to it. The certificate would state the reason why the proceedings were discontinued and a new trial ordered with reference made that the new trial was not attributable

in any way to any of the parties or their legal representatives. In the case of criminal proceedings, the certificate may be granted to the accused. It will state the reason why the proceedings were discontinued and a new trial ordered, and make reference to the fact that this reason was not attributable in any way to him or his legal representatives.

It must be mentioned that only additional costs incurred by reason of the new trials are recouped from the fund.

It is with some little satisfaction that I am able to advise members that since the fund was established in 1965, an amount of \$47,029 has been received, consisting of \$44,545 fees and \$2,484 interest on moneys invested. After allowing for payments from the fund there was a balance of \$40,128 at the 11th August, 1969.

Members may be interested in the disbursement of funds since inception. Fifteen applications for payment of costs have been received and approved by the board. Six of these were in respect of successful appeals on matters of law in civil matters, and nine additional costs incurred by reason of proceedings being rendered abortive by the deaths of presiding judges or by disagreement on the part of juries and new trials ordered, or by proceedings being discontinued and new trials ordered for reasons not attributable to the default or neglect of the parties or the accused or their solicitors.

The Act in its present form precludes relief being given to litigants on appeals from courts of petty sessions. When the fund was established it was thought that if relief was extended to parties to appeals from courts of petty sessions, the number of claims on the fund, as the result of such appeals, would make it difficult to keep the funds solvent.

However, the present satisfactory financial position justifies an enlargement of the area in which relief may be provided to litigants and this Bill proposes to extend the scope of the assistance given to litigants towards payment of legal costs from moneys available in the suitors' fund.

Contributing factors also are the amendments to the Justices Act passed since the Suitors' Fund Act was passed, as these amendments have made it possible for aggrieved parties in some circumstances to have decisions of courts of petty sessions corrected without the necessity of appeal to the Supreme Court for orders to review.

Dealing with the specific amendments—

- (a) The amendment contained in clause 2 to the interpretation of "appeal" in section 3 of the parent Act will make it clear that there is included in the term "appeal" an order to review under the Justices Act.

- (b) Clause 3 amends section 10, which is the main section providing relief for litigants on appeals. At present that section is limited to appeals against the decision of a court in civil proceedings. The proposed amendment will extend the ambit of the section to cover appeals against the decision of a court in any proceedings.
- (c) At present section 10 allows an indemnity certificate to be granted only on the application of the respondents to the appeal. It may often happen however, that an undeserving respondent does not appear at the proceedings and ask for the indemnity certificate and cannot be found or induced to apply for such certificate. The proposed amendment will allow a successful appellant to make the application on the respondents behalf and so recover the costs of his successful appeal.
- (d) Clause 4 amends paragraph (b) of subsection (1) of section 14. Under existing provisions, relief is available to a party where an appeal on a question of law against the conviction of a person convicted on indictment is upheld and a new trial is ordered. The board may direct payment from the fund to the party concerned of the costs or part thereof incurred by the party in the proceedings, before the conviction was quashed. There is no provision however, for directing payment of costs where an appeal on a question of law against the conviction of a person on a mere complaint in a court of petty sessions is upheld and a new trial is ordered by the appeal court, either by the magistrate who originally heard the complaint, or by some other magistrate. The amendment proposed will cover this latter requirement.
- (e) Clause 5 amends subsection (1) of section 15 of the principal Act. At present, section 15(1), in dealing with new trials ordered in an action on the grounds that damages awarded in the action are excessive or inadequate, refers only to motions for a new trial. This is not apt to cover an appeal against a judge sitting without a jury and the proposed amendment is to ensure that relief from the fund is available where the amount of the damages is questioned, whether from a judge sitting alone or with a jury.

The amendments which I have explained to members have been recommended by the Law Reform Committee of the Law Society and are considered reasonable and consistent with the Government's policy of extending legal assistance wherever possible. I commend the Bill to members.

Debate adjourned, on motion by The Hon. J. Dolan.

MARKETING OF CYPRUS BARREL MEDIC SEED BILL

Second Reading

THE HON. L. A. LOGAN (Upper West
—Minister for Local Government) [2.50
p.m.]: I move—

That the Bill be now read a second time.

Mr. President, you and other members of Parliament representing pastoral and agricultural areas in particular would be aware that a move has been afoot for some few years past to seek legislation for the orderly marketing of small seeds.

As a result of a public meeting convened by the Farmers' Union of W.A. in 1964, a committee was formed to investigate ways and means of introducing an orderly marketing scheme. In the following year, a delegation from the committee discussed its proposals with the Minister for Agriculture. Then there was a further public meeting and another deputation to Mr. Nalder, at which he agreed, in principle, to the holding of a referendum for ascertaining the views of producers regarding a marketing scheme which was mooted. That referendum was never held.

Yet a further deputation waited on the Minister in 1966, representative of clover seed producers in the Boyup Brook and Tambellup districts, when opposition to the proposed scheme was expressed. The Minister was also informed later that the small seeds section of the Farmers' Union could not reach agreement regarding legislation for the orderly marketing of small seeds and consequently decided not to proceed with the referendum as previously agreed to in principle.

However, the Minister was advised in July, 1967, by a member of the small seeds marketing committee of the union that a review of information gained from questionnaires distributed in an informal poll to ascertain the attitude of producers towards organised marketing of barrel medic, serradella, cupped clover, rose clover, and rye grass, indicated that most producers of barrel medic seed were in favour of a compulsory pool being established.

Because the results of the informal poll did not appear to represent a large proportion of the *bona fide* growers of small seeds, to whom the questionnaire was sent, but considering the favourable attitude displayed by barrel medic producers, the Government agreed to a formal poll being conducted by the Chief Electoral Officer

to ascertain whether there should be compulsory marketing of cyprus barrel medic seed. Members will appreciate that to this point the talks and negotiations that took place up to 1967 were directed in broad terms to the marketing of small seeds generally, and not specifically to the marketing of cyprus barrel medic seed, which is the subject of this Bill.

In the referendum which was subsequently conducted and closed on the 16th October, 1968, a producer was, for the purposes of the poll, defined as follows:—

One who produces cyprus barrel medic seed for sale, whether as a grower or a share farmer or a harvester of that seed. Provided that no producer shall be eligible to be enrolled as an elector or to vote at this referendum unless he has produced and sold cyprus barrel medic seed to the value of at least \$1,000 in any 12 month period in the three years immediately preceding the 30th day of June, 1968.

In this text "12 month period" and "year" mean a period commencing on the 1st day of July in one year and terminating on the 30th day of June in the next following year.

The result of the poll, for which 36 ballot papers were issued, was—

No. of votes recorded in favour of the proposals—28.

No. of votes recorded not in favour of the proposals—Nil.

Total valid votes—28.

No. of informal votes—2.

Total votes—30.

Having given members a brief explanation of the background to the introduction of this measure, I shall now deal more specifically with the provisions contained in the Bill.

The measure is modelled on the Marketing of Barley Act, which has succeeded in stabilising and bringing order into barley marketing. By its title, members will readily appreciate that it is restricted to the marketing of cyprus barrel medic seed and is not intended to embrace any other types of pasture seed. The referendum conducted by the Chief Electoral Officer made clear reference to the cyprus barrel medic cultivar and accordingly the legislation deals with that seed alone.

The marketing board proposed to be established under this measure would be composed of six members, of which two persons would be producers elected by producers, and one person a producer nominated by the Minister. Another person nominated by the Minister would represent consumers of cyprus barrel medic seed for other than seed production, and another would represent pasture seed merchants and pasture seed selling agents. It is proposed that the remaining nominee

member shall be a person not commercially involved in the pasture seed industry as a producer, consumer, merchant, or agent, and he will be the chairman of the board.

The Bill requires that the two elective members will hold office for a period of three years and the nominee members—that is, the four nominated by the Minister—will hold office during the pleasure of the Governor, who is empowered to appoint all members of the board.

Unlike the Marketing of Barley Act, there is no provision in this Bill for control of production.

The usual provisions for the appointment by the board of licensed receivers, in this case to receive and deal with cyprus barrel medic seed on behalf of the board, and the establishment and maintenance by the board of a pool or separate pools for the marketing of the seed, are included in the Bill.

Provision is made for the legislation to come into operation on a date fixed by proclamation and, when proclaimed, for it to remain in force for a period of three years from proclamation date.

This Bill might be regarded to some extent as pilot legislation and, depending on the results achieved in respect of barrel medic seed, organised marketing of other seeds could perhaps eventuate. At present, however, the producers of other small seeds are known to be not wholly in support of a system involving a compulsory pool of their produce and, therefore, it is considered the wiser course to take is to obtain the benefit of experience with barrel medic before giving consideration to the framing of similar legislation for the marketing of other small seeds.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

PLANT DISEASES ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [2.57 p.m.]: I move—

That the Bill be now read a second time.

This Bill was introduced by the Minister for Agriculture in the Legislative Assembly and its purpose is to remove any doubt that the Department of Agriculture may police the "sending" of plants, fruits, etc., into unauthorised areas.

The regulations pertaining to this have always required that any person bringing or sending plants and fruits must comply with certain prescribed conditions, failing which an offence has been committed.

However, in section 5 of the parent Act, which is the section involved, while the Governor may, by proclamation, regulate the bringing into any specified portion of

the State from the rest of the State generally, or from any specified portion of it, all or any plants, fruits, etc., there is no mention in that section of "sending" such items into certain parts of the State.

The Minister, when explaining the Bill in another place, commented that with a current trend of consigning goods through a second or third party, there was a very real need to maintain the regulations pertaining to sending in order to have some control over the consignment of such fruit or plants.

It is with this object in view that the appropriate Bill is now before members for, unless the present provisions of the Act are amended in the manner proposed, a doubt would continue that the relevant clause in the regulations could be legally enforced.

The matter was raised in discussion with Crown Law officers when reframing of the fruit movement regulations was receiving attention, and I am sure it is hardly necessary to emphasise the potential danger to our fruit-growing industry if a situation were allowed to exist which could cause serious consequences to the industry.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

TIMBER INDUSTRY REGULATION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [3 p.m.]: I move—

That the Bill be now read a second time.

When introducing this Bill in another place, the Minister for Forests referred to the passing last session of an amending Bill which was introduced for the purpose of bringing the Timber Industry Regulation Act up to date to accommodate in the main, the introduction of modern machinery and techniques into the industry.

The Bill then presented to members comprised amendments proposed by a committee which was constituted to examine and redraft the Act and the relevant regulations. That committee consisted of officers of the Forests Department and representatives of the sawmilling industry. The amendments to the Act were made last session, but when the relevant regulations were submitted to the Crown Law Department it was realised that in the absence of ministerial delegation of powers in the Act, the proposed regulations could not be approved.

Just to quote one example, it is considered essential, on account of the varying types of machinery now in use in the sawmilling industry, that inspectors have discretionary powers to enable them to

direct that certain work be carried out to ensure safe-working conditions. However, in these circumstances, though an inspector becomes aware of a danger in the operation of a machine, the Act requires that ministerial authority be first obtained before the inspector can take action to rectify or take steps to make working conditions safe for the personnel engaged in such operation. Members will readily appreciate that a delay of this nature occasioned by the requirements of the Act could result in an unnecessary accident occurring—an accident which might have been avoided had the inspector discretionary power to direct that certain work be carried out to make working conditions safe. Other Acts, such as the Stock Diseases Act, contain such discretionary power delegated by the Minister, and this Bill proposes to amend the Timber Industry Regulation Act accordingly.

Members will see that this measure includes a provision for the Minister for Forests to delegate his authority by regulation, thus enabling inspectors to use their discretion under appropriate regulations and to avoid the quite unnecessary delay in seeking ministerial approval for carrying out the day-to-day exercise of their inspectional appointment.

The Bill also contains another amendment, proposing that where certain types of machinery are in use, the owner shall provide first aid materials of an approved nature. The amendments are considered most desirable and I commend the Bill to the House.

Debate adjourned, on motion by The Hon. J. Dolan.

BILLS (2): RECEIPT AND FIRST READING

1. The Perpetual Executors Trustees and Agency Company (W.A.) Limited Act Amendment Bill.
2. The West Australian Trustee Executor and Agency Company Limited Act Amendment Bill (No. 2).

Bills received from the Assembly; and, on motions by The Hon. W. F. Willesee (Leader of the Opposition), read a first time.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.5 p.m.]: I move—

That the Bill be now read a second time.

This is a short Bill which proposes to remove problems experienced by associations when some of the persons authorised to affix the common seal of an association are absent from the State, and

restrictive requirements when presenting documents for registration in the Land Titles Office.

At present, when an association changes its name, alters its objects, or amends its constitution, it is requisite, under the terms of the Act, for it to file a memorial of the new objects and the new constitution and another memorial regarding the new name. All memorials must be verified by affidavit sworn by all sealholders.

It is proposed to permit the affidavit to be sworn by those persons present in the State and verifying the name or names of those absent at that time.

Associations presenting documents for registration in the Land Titles Office are presently required to affix certified copies of the memorials. This necessitates copies being obtained from the Companies Office on each occasion. In one instance, an association disposing of some parcels of land has been required to obtain 12 memorials.

The Bill proposes to dispense with the necessity to affix a memorial to each document and in lieu to require a statutory declaration from the persons affixing the seal that they were authorised at that time to do so.

The new provisions follow the basis adopted in the Companies Act when companies are engaged in similar matters.

The Bill is submitted for consideration.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

PRISONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [3.8 p.m.]: I do not intend to delay the House on this Bill because I wholeheartedly support it. I have several amendments on the notice paper, but they are merely incidental to the more efficient implementation of the measure itself.

There are many angles from which one could support this legislation. To use the words of an economist, it is a good bet to do something for \$200 a year which would normally cost one \$2,000 a year.

The Hon. A. F. Griffith: All things being equal.

The Hon. W. F. WILLESEE: Surely it is laudable legislation if one can elevate a person who is an encumbrance to the State to the extent of the latter figure and by so doing reduce the cost to the State to one-tenth of the amount and while in the process assist in the delicate machinery of rehabilitating the individual.

It is also a good thing from the humanitarian angle that a person who is in the course of paying a debt to society should be given an opportunity to accept a transitional stage within the terms imposed upon him thus assisting him to enter into a functional society. Such a move must surely be supported.

So this Bill is designed to give specified prisoners, who were enumerated in the Minister's speech—the better type of prisoner, to use a simple term—the opportunity to rehabilitate themselves in the community some time before the expiration of the prison term imposed upon them. The benefits of such a scheme are manifest to any person anxious to lift himself from the environment of a prison and to rehabilitate himself among his associates. In addition, if he is a married man, he will have the opportunity to return to his wife and be the person she thought he was on the day they entered into the contract of marriage. It also will give him the opportunity to be reunited with the children of that union because, after all, without a father children are without half of the ship.

I support all the laudable, well-meaning amendments in this legislation; I am pleased to have the opportunity to scrutinise it and to support it. It would be idle to say that difficulties will not be experienced in the practical application of the provisions in this Bill. Those concerned will possibly face some disappointments, but that matters little if the overall scheme is a success. In his speech the Minister quoted the success achieved in other parts of Australia, and therefore it would appear we are taking a fairly good insurable risk by passing this measure.

I wish to refer briefly to the amendments which appear on the notice paper. Without going into any detail, I want to ensure that in our enthusiasm we do not go too far and, unconsciously—and possibly this was not even thought of when the Bill was being drafted—establish a preference for the prisoners released under the provisions of the Bill. I feel we should put some brake on the situation so that a civilian will not lose the right of preference if he, and a prisoner released under this Bill, both apply for a position and everything else is equal.

I think I have indicated that I support the Bill completely, but I believe that if a conflict regarding employment occurs between a person who is suffering the penalty of having broken the law and a person who has trod the way within the law throughout a lifetime, society demands that the law-abiding citizen should be given preference. This is the purpose of one of my amendments. With that qualification, I support the Bill wholeheartedly.

THE HON. F. R. H. LAVERY (South Metropolitan) [3.15 p.m.]: I, too, would like to support the Bill and make a few short comments on it. I wish to advise that a committee of visitors to the Fremantle Prison, including the Mayor of Fremantle who is the leader, has for three or four years been planning and working on a scheme such as that envisaged in the Bill. It is well known that the sentences imposed on many of those in the various prisons throughout the State have been for what could perhaps be regarded as stupid offences. I am referring to those who have misappropriated small sums of money, and not the belligerent types.

It is felt by those on the committee, with which I was associated for some time, that some scheme could be devised to help a number of these prisoners and, at the same time, as Mr. Willesee said, instead of their cost to the State being \$2,000 a year, it would be about \$200 a year.

One group of people should be mentioned at this time, because I believe they take advantage of the fact that a prison life, to a certain extent, to those who have let themselves down as far as society is concerned, is not unenjoyable. Mr. Willesee referred to married men and it is the married men who are in gaol for non-payment of maintenance orders to whom I am referring.

I went to Fremantle this morning to discuss this matter with some of those involved so that I would not give the wrong impression when I spoke this afternoon. A number of these men find themselves continually back in prison because they believe it is an easy way out of meeting their obligations to their deserted wives and children. There are not many of this type, I admit, but some do believe that they are out of the way in prison; they are getting three meals a day without working hard, and they do not have to stand up to their responsibilities. I believe that some of these men could be released under this legislation and made to work and pay their just debt to society.

Although I support the remarks of my leader, I think I should refer to another point which is of vital interest. It is most important that a prisoner released under the terms of this Bill should be accepted by his co-workers. A seminar on epilepsy was held recently in this State, and the same matter was emphasised there. So often epileptics find they are not accepted by those with whom they work. The same situation could arise with the prisoners released under this legislation.

Therefore I was very pleased to hear the Minister tell us that the Trades and Labour Council has agreed to co-operate in this proposed scheme. My union friends—the secretaries and others—could certainly assist in this project by ensuring that the prisoners are accepted by all those with whom they work.

For a number of years a man with a big motor business in Fremantle used to employ boys of 17, 18, and 19 years of age when they had been released from prison. He would tell his other employees that Tom Jones—or whatever his name was—had just been released from prison where he had been sent for six months for stealing a car; that he was a good lad with good parents; and that he wanted the released prisoner to be given a chance to rehabilitate himself. He used to appeal to the others to see that he did the same work as they did, but at the same time he wanted him treated as one of their own sons or brothers.

This was a most successful arrangement. I have often thought that if ever a man has earned some honour for civic work it is this gentleman in Fremantle. Over a period he has handled 70 young men and only once has he been let down. This kind of thing is, I believe, possible under this legislation.

The matter of workers' compensation would, I should think, be covered by the regulations that will apply.

I do want to make the point that I believe a worker has to accept such a person as a mate and not as somebody to be despised. I know the Fremantle Chamber of Commerce is quite happy to go along with the legislation and assist in any way. With those remarks, I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.21 p.m.]: I would like to thank Mr. Willesee and Mr. Lavery for their support of the Bill.

It is not my purpose to ask the House to go into the Committee stage this afternoon; we can do that next Tuesday. I wish to have a look at the amendments which Mr. Willesee has placed on the notice paper in relation to the correspondence which I read last night.

I am of the opinion, at this point of time, that the Bill is sufficient for the purpose and that the question raised by Mr. Willesee may really defeat the whole objective of the scheme—I am referring to the question of preference being given.

However, I would like an opportunity to consider more closely the amendments suggested by Mr. Willesee and, for that reason the Committee stage can be taken on another day.

Question put and passed.

Bill read a second time.

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st October.

THE HON. F. R. H. LAVERY (South Metropolitan) [3.23 p.m.]: In rising to support the Bill I should like to make one or two comments. When the Minister introduced the measure he went into great detail to ensure that few doubts, if any, as to the intention of the legislation would be left in the minds of members. His notes were very well prepared.

Perhaps it would shorten my speech if I were to say that the Bill before the House represents a tightening up of already existing regulations which apply to the control of fauna. Added to that, some further controls are intended. Coupling these factors, one could almost call this a machinery measure. It is not necessary to dissect the Bill to any extent.

Thoughts on fauna protection and conservation have advanced in Western Australia over the past four or five years to such an extent that we expect a Bill of this nature to come before the House only because of some essential need for further control of situations which arise from time to time which may, in fact, cause legal difficulties.

In his speech the Minister went to great pains to enable members to have a clear idea of what is proposed by the measure. There are two or three matters upon which I could touch; but, when I read the Minister's speech again this morning, I came to the conclusion that not a great deal could be said to enlarge on what has already been said.

I do think, however, that the time has come to publicise more widely the good work which the authority is doing. I have one or two Press cuttings here which I do not intend to quote fully. However, one is a leading article which appeared in *The West Australian* on the 4th August. On the 5th August, the C.S.I.R.O. warned of the threat to the wildlife under Australian conditions. On the 7th August the Minister replied to the leading article which had appeared in *The West Australian* a few days before. On the 14th August the well-known conservationist, Vincent Serventy, made some very poignant remarks.

The vast development that is taking place in Western Australia at the moment, and the vast development that is expected to take place in the next 30 or 40 years, must be appreciated. The C.S.I.R.O. has said that the population may increase to 30,000,000 people in the next 20 years. The clearing of land, the taking up of water courses, and so on, are dissipating our wildlife to such an extent that, unless the controls now asked for by the Minister are given to the authority, we could, in a very short space of time, find ourselves faced with the prospect of legislation which would be much more restrictive than that currently proposed. Although I do not oppose the legislation which is suggested, I would not like to see it made much stricter. A few factors exercise my

mind on this point. As far as wildlife is concerned, some people in the community see it as something saintly, while others treat it as something that flies or runs, and they do not give a continental about animals, birds, or whatever it may be. I am chairman of a committee which comprises a number of rather prominent people in the community. They agree with statements made in the Press that the greater the publicity given to the actions and the proposals of the authority the better will be the opportunity to protect the animals and birds which are covered by this measure.

The Minister made a good point when he took members of Parliament down to Tutanning last year where we learnt from the very efficient and authoritative people there what land is required to feed a particular type of bird or animal. The amount of land is greater than I ever expected it to be. When we realise what is being done to our waterways for both industrial and agricultural development, we can see that it is necessary to support the authority which is set up under this Act.

In *The West Australian* of the 5th August, 1969, the following extract from a C.S.I.R.O. rural research bulletin appeared:—

Many small mammals are now critically rare, though they have suffered little or no deliberate persecution.

They have declined before more subtle changes in their own environment.

Properly selected and managed reserves are useful, and in many cases essential to ensure survival. It should not be assumed, however, that they will solve the whole problem, or even most of it.

I quoted that article to show that it is not necessary for somebody to shoot or trap these animals; the decline is already taking place.

The leading article in *The West Australian* of the 4th August, 1969, referred to a uniform national policy. However, the Minister wrote to that paper and asked what the editor meant by a uniform national policy. The Minister went on to explain what is happening in this State. I commend *The West Australian* for bringing this matter to the notice of the public; and I also commend the Minister for advising the newspaper authorities what is actually happening in Western Australia.

I think our conservation authorities can be proud of the fact that we in this State are advancing much more quickly than, perhaps, some of the other States. I hope that the remarks made by the C.S.I.R.O. will bring to the attention of the Federal

authorities the fact that conservation work cannot be done without finance, and that when this State does seek further aid from the Commonwealth we will not be let down.

Mr. Serventy wrote to *The West Australian* regarding the letter written by the Minister. He said that the Minister was entitled to claim credit for recent moves in the field, but that we still had a very long way to go. He also referred to the crocodile situation, and said—

There are very few conservationists who would claim that the State position with regard to national park and nature reserve management is satisfactory. There are none who would say the area and spread of these reserves are adequate. For example, the recent report by the Australian Academy of Science gives the percentage of W.A. set aside as parks and reserves as 0.5.

I know the Minister for Forests and the conservation authority are at present in close consultation to ensure while there is still time that further reserves are set aside.

Another matter to which I wish to refer is the destruction of possums and other animals that become pests. I was a patient at the Royal Perth Hospital some years ago, and a gentleman used to come around every Sunday morning to shoot pigeons. I noticed that he never shot any doves, and I asked him why. He told me—and, perhaps, this is something that the general public might not know; I did not know at the time—that pigeons create filth and dirt, and block up drains, etc.; whereas the dove eats flies and so on but does not create filth and dirt. So that gentleman was instructed to shoot pigeons but not to shoot doves.

Another tragic happening which we read about in the paper recently—and I notice there is no mention of this in the Bill—is that people are debeaking emus and then allowing them to live. I think this is a shocking state of affairs, and if it is necessary to have additional administration to cover such a situation, I would certainly support any move made in that direction.

I wish to relate a story about magpies. I had a home in Fremantle which was like an oasis in the desert. I had 70-odd trees in that area and my place was alive with birds. Magpies nested in the trees, the same as they do near the Cottesloe school, and they created a disturbance because the kiddies coming home from school used to throw stones at them. Of course, the magpies came swooping down onto the children; but they never actually hit them. However, my two sons, who used to feed the magpies, were not attacked.

Coming closer to home, where I live now at the corner of Beaufort Street and Edward Street, I have a few trees on the property and there are two large trees across the road. Those trees have not yet been pulled down because the block has not been developed. Magpies nest in the trees and they come to my place to be fed. They do not attack the children around the area. So I suggest that we should not shoo these birds away. It is for only a few weeks whilst they are nesting that the birds are likely to attack children, and I suggest the parents see that their children have their heads covered during this time. I have known of one instance only where a magpie actually touched the skin of a person; but they fly very close!

Clause 14 of the Bill deals with research. I mentioned before, when talking about the C.S.I.R.O., that money should be made available for research. I believe that money spent for this purpose would be money well spent. If we make funds available now, years after I am dead and gone the people of this State will have something to be proud of.

Take that young man who appears on Channel 2 every night and who has recently won a scholarship to go to Canada—

The Hon. G. C. MacKinnon: Tom Riggert.

The Hon. F. R. H. LAVERY: Yes. Imagine what joy he brings to hundreds of young people who watch TV. I think I may have got a little off the beam, but I wanted to mention those facts because I think every member of this House knows that I am wrapped up in this type of work. I commend the Minister for introducing the Bill.

THE HON. C. R. ABBEY (West) [3.39 p.m.]: I rise to support the Bill. I would observe that a wide-ranging measure such as the one before us at present would need to be administered with a great deal of understanding to be effective. I am sure it would be the intention of the Minister that this would be so. In my view, when steps have been taken in the past in regard to the conservation of fauna, they have been regarded as being possibly detrimental to agriculture. A good public relations campaign will be required to overcome this idea.

I would point out that this year, in particular, with the duck season being closed, the situation could be aggravated. At this point I might say that as far as I know there has been little objection to the duck season being closed this year, because I feel sure that everyone realises the Minister has good intent in taking such action and beneficial results will be achieved by adopting this long-term view.

Contamination of low level water supplies around the lake areas east of Beverley, and of the dams on farms which, in the main, are only half full, could cause a great deal of irritation to the people concerned. I know it would be almost impossible to prevent such contamination, and a great deal of co-operation and understanding will have to be shown by those departmental officers who are in charge of conservation, because they will be called upon to do something constructive to overcome any such problems that may arise.

Possibly some members will make mention, also, of the effects of maned geese. As is well known, maned geese breed throughout the agricultural areas because adequate water is available on farms. They tend to congregate in large numbers, around December, particularly, when the young ducks reach the stage where they can fly. They usually congregate in large numbers on some dams. Around Christmas it is their custom to follow their normal habit of moving further south where green pastures are available. On many farms throughout the farming areas the ducks are a fairly static population, and this year they could become a menace.

It is well known that contaminated water can, perhaps, be more dangerous than rotting carcasses. I have known of situations where rotting carcasses, either of birds or animals, have constituted a real danger to stock. You would know, Mr. President, that toxic paralysis is a disease that can be introduced to stock through contaminated water on farms.

This year, with very low water supplies, toxic paralysis could break out. No doubt there are other diseases which ducks may carry and which could create a similar problem. However, I know the Minister will not bury his head in the sand. The problem will be faced, and even if some of the ducks have to be shot the steps taken will be to ensure that the limited water supplies will remain usable. I mention this merely because I feel sure the Minister will take some action in regard to it.

I suppose it is fair enough to say that the principal reason for the introduction of the Bill is the considerable increase in the State's population. It is easy to recall that 10 years ago many fauna conservation problems with which we are confronted now had not arisen. With the large increase in our population, and especially with people coming from overseas who are not conversant with local conditions and the need for conservation, it is obvious that we should take the steps outlined in the Bill.

I am not suggesting that migrants act irresponsibly when there is plenty of game available in certain areas; they would probably consider that it was quite legitimate to shoot such game. Probably the department has been fortunate with the Tuttaning reserve which a number of

members took the opportunity to visit following an invitation by the Minister. We are extremely fortunate, I think, because of the attitude adopted by at least one farmer who lives adjacent to the reserve. He is most interested in the conservation of fauna and he is prepared to put up with some of the depredations of kangaroos. I observed, as no doubt other members did, large holes in the rabbit-proof fence in the vicinity of this reserve.

Sitting suspended from 3.46 to 4.3 p.m.

The Hon. C. R. ABBEY: Before the afternoon tea suspension I was referring to the fact that at the Tuttaning reserve near Pingelly I had observed large holes in the rabbit-proof fences made by kangaroos to gain access to adjoining farmland. I am not unduly critical about this, but I wish to point out that where such reserves exist the adjoining landholders will have to be tolerant about the depredations from this type of fauna. I have been told authoritatively that the owner of the land adjoining the Tuttaning reserve has a rather light crop this year—no doubt caused by the drought. He is somewhat worried about the 50 acres or so of crop which the kangaroos are eating. It would appear that the population of kangaroos on this reserve is increasing quite rapidly and I hope the Minister and his department will do something about cropping these kangaroos.

Previously I have made a reference to ducks and to the fact that they were encroaching on dams which are adjacent to the areas in which ducks are found. This is very evident on the lakes east of Beverley, including Lake Mears and the lake used for water ski-ing. Where in previous years large numbers of ducks bred, this year very little breeding is taking place. An experiment was carried out by some interested local people, and by departmental officers, by placing duck breeding boxes or breeding tins in this area. These were placed well above the water level to induce the ducks to use them for nesting.

I have been told, and I understand this is correct, that in Victoria and other States this method of duck breeding has proved to be very successful. I have been told by one of the parties which set those nests in Beverley that often it is quite comical to see the ducks sleeping in them, because they are not breeding there. Where we would expect a duck to bring out a clutch of eggs in the nesting box, some of them are using the nesting boxes as sleeping places at night. This is amusing, but I am sure it is disheartening to those who have made the endeavour to induce the ducks to breed.

Mention has been made of the intention of the department to take measures to control possums. Under the provisions of the Bill this will be permissible. It would appear from the Minister's comments that

the departmental officers will be the ones to take these measures. I know from personal experience, as well as from the experience of my neighbours and of other people, that possums are rather prevalent; and I doubt whether a small scale control measure will prove to be very effective.

There are still a few old-timers left who have had considerable experience with the catching of possums. I wonder whether it would not be advisable to license reputable people who can be trusted to do the right thing so that they are permitted to take a limited number of possums where these animals are becoming a nuisance.

The Hon. G. C. MacKinnon: We are considering this matter, and with the use of the tags to which reference has been made it is a feasible proposition.

The Hon. C. R. ABBEY: I am glad to hear that. When possums get into the roof of a house they cause staining of the ceiling; and it is very difficult to paint over the stains. The irate householder can hardly be blamed for getting into the ceiling and destroying the possums.

In past years I recall seeing beautiful possum skin rugs. These were made many years ago, and some are still in use today. These were made at a time when possums were more prevalent than they are now. These furs are usually lined, and if the fur is taken from the possum at the right time of the season it is very thick. I am sure this fur will be much sought after by the trade, if it is available.

The Minister's intentions in this regard could perhaps lead to the establishment of a small possum-fur industry, but such an industry would need to be controlled strictly. Anyone who has had experience of possums will know that they have a beautiful skin which can be turned into fur coats, and these are much sought after by the women of the community.

A person who has been patrolling the forest areas for dingo control, and so on, has observed that in the last couple of years the kangaroos tended to move from the inner forest areas to the edges of the agricultural land. They will do this to a greater extent in bad seasons than in good seasons. That appears to be the tendency of the kangaroos. I think they are developing a fairly sophisticated appetite; the plants on which they have fed in the forests have become scarcer, and the feeding habits of the kangaroos are changing. This does cause some problems, all of which no doubt the Minister is aware.

The measure is a good one. It will lead to a better understanding of these matters by the community if they make a study of the steps which have been taken, particularly those introduced a year or so ago. As the Minister mentioned in his

second reading speech, there is the possibility of landowners being prepared to make available land which is unproductive or too hilly for the purpose of creating an oasis within a cleared area. This is a constructive suggestion, and the Minister should consider the possibility of the exchange of potential agricultural land which could be developed for rough country which might be more suitable for fauna.

The Hon. G. C. MacKinnon: Would not this contradict what you said a moment ago? These pockets would provide more sophisticated feed for kangaroos, because they like fairly good land.

The Hon. C. R. ABBEY: To a degree I agree. Much of this rough country is very suitable.

The Hon. G. C. MacKinnon: You have to bear in mind that the authorities in America are putting more land back into nature conservation than this State is putting into agricultural development each year.

The Hon. C. R. ABBEY: Perhaps with the position of wheat as it is at the present time it may not be a bad principle to adopt in the State. I appreciate the endeavours the Minister is making in this regard, and I assure him of my interest in the matter and of my support of the Bill. Where we take an active interest we become more aware of the situation. I have much pleasure in supporting the measure.

THE HON. G. W. BERRY (Lower North) [4.14 p.m.]: I rise to support the Bill. The section in which I am particularly interested deals with kangaroo carcasses and the use of kangaroo meat as pet food. In years gone by the kangaroos were hunted for their skins, and their carcasses were disposed of. Today, however, we find the pet-food industry, which uses kangaroo carcasses, has developed into a big business. At the present time the parts of the kangaroo which are not used are the bottom parts of the legs, the head, and the tail. The rest of the carcass is used; the skin is treated; and the meat is processed. The thigh bones and the bones in the lower part of the carcass are not used.

This industry is becoming fairly well organised now that there is such a demand for pet food and I think the Bill is certainly a step in the right direction with a view to maintaining the industry.

In the areas I represent, of course, kangaroos are treated as vermin and they compete with the stock for the pastures. The kangaroo hunters—those who supply carcasses to the processors—are certainly rendering a great service to the pastoralists by keeping the kangaroos under some measure of control in some areas. They

do not control all areas because, naturally, the shooters operate where it suits them. Once the kangaroos go back into the more hilly country it becomes uneconomic for the shooters to chase them.

I am sure that anyone who is concerned with the pet-food industry, and the processing of kangaroos, must welcome this measure whereby research will be carried out and facts collated. Instead of the kangaroo being cursed it will be very much sought after.

In the Carnarvon district this particular operation is carried out by one person who supplies carcasses to the processors in Perth. He employs shooters to kill the kangaroos in selected areas. The shooters head and tail the kangaroos, gut them, and cut off the bottom part of the legs. The carcasses are then placed in the freezers which are provided by the supplier who is employing the shooters. The freezers are not mobile and when they are full the carcasses are taken to Carnarvon and transported by road to Perth.

Shooting kangaroos for a living is not an enviable job. The shooting is done at night by means of a spotlight mounted on a Landrover. The carcasses have to be in the freezer by daylight, or shortly after, I should say, so that they are maintained in fairly good condition. As I have said, the kangaroo shooter lives a fairly rough life.

Some shooters bring truckloads of carcasses to the city area, and this has been the cause of complaint. The kangaroos could be seen hanging from vehicles which were proceeding to the metropolitan area. However, in the more remote areas of the State, such as at Carnarvon, the shooters live on the job, and they would be in the bush for considerable stretches at a time shooting the kangaroos and placing the carcasses into the freezers.

One operator in the Carnarvon area supplies some 30 tons of kangaroo carcasses to the metropolitan area each week. At the rate of 55 carcasses to the ton this one operator is responsible for killing approximately 85,000 kangaroos per annum. He covers an area which stretches about 200 miles from Carnarvon.

On that man's earnings the royalty which has been suggested would amount to some \$17,000. The matter of the royalty concerns me. Will it be collected at the source, from the supplier, or will the processor be responsible?

I think tagging will be quite a simple matter and it will not present any difficulty at all. It will be in the interests of the suppliers and shooters and I have no doubt that they will co-operate to see that the carcasses are correctly tagged. As I have said, I am concerned as to where the royalty will be collected.

The supplier pays his shooters a sum of 3c a pound for the carcasses. He is then responsible for transporting the carcasses to the metropolitan area where the processor pays him, I understand, 6c a pound. The processor gets the skin which, apparently, has an average value of \$2.50. The heavy bones have to be thrown out but the processed meat—including the ribs and part of the backbone which can be minced—return to the processor approximately 12c a pound.

We should avoid placing the responsibility for the 20c royalty on the people who are in the northern areas. I think the charge should be against the processor but perhaps the amount of the royalty may be excessive when we look at the total sum involved.

The industry supports a number of people in the Carnarvon area. It is one in which not everyone cares to indulge. Good money can be earned but, as I have said, it is a pretty rough life and there are not many amenities in the area.

The Hon. G. C. MacKinnon: I think the worry is not the price of the kangaroo meat; it is the price of the next nearest source of protein for pet food. The 20c a carcass applies there. The industry can be in jeopardy, but that is the real worry.

The Hon. G. W. BERRY: I am concerned that the 20c royalty is not charged to the people who are supplying the kangaroos. The margin for the supplier is not very great. He has to supply freezer units and he has to maintain them in the station country. He is responsible for bringing in the carcasses and loading them for transport to the city area.

The Hon. G. C. MacKinnon: For that reason there is no firm determination as yet.

The Hon. G. W. BERRY: I am very pleased to hear that because the man to whom I have referred would have to pay \$17,000.

The Hon. G. C. MacKinnon: On the figures you have worked out that fellow is grossing \$340,000 worth of carcasses. We claim that the charge of 20c will net us between \$30,000 and \$40,000. The gross value of the kangaroos shot by the person to whom you referred amounted to \$340,000.

The Hon. G. W. BERRY: That would be the price at the processors.

The Hon. G. C. MacKinnon: Yes, the gross.

The Hon. G. W. BERRY: That is quite so. I am not disputing the fact that a great deal of money is involved. What I am trying to get at is that the charge must be equitable wherever it is collected. I do not want it to be at the source of supply

because the suppliers are suffering privations and are entitled to the most consideration.

The Hon. G. C. MacKinnon: That is fair enough.

The Hon. G. W. BERRY: As I said before, this move can only benefit the districts that I represent. There are a great many kangaroos in those areas. It has been mentioned that people do not see too many kangaroos, but I suppose we could liken the situation to that of whaling. When the whaling station was set up the whales were caught within sight of the station, but eventually the catchers had to go further out for approximately 200 miles. The same applies to the kangaroos; they move back to where there is more protection.

It is certainly very good to see that research will be undertaken. At one time it was thought that the kangaroos in New South Wales were almost becoming extinct. However, subsequent C.S.I.R.O. investigation found that was not so and the kangaroos were more plentiful than at first thought.

The Hon. W. F. Willesee: Do you think there are more kangaroos in the Gascoyne now than there were 20 years ago?

The Hon. G. W. BERRY: Judging by the number shot there must be a large number of kangaroos in the area. I understand that on one station about 26,000 kangaroos were shot in six months. When the shooters left the property the station owner requested that they return because the kangaroos were still not cleaned out. I do not know whether anyone can estimate the number of kangaroos in the north but I agree there are a great many of them.

The Hon. F. J. S. Wise: People do not realise just how many there are.

The Hon. G. W. BERRY: That is so; people do not realise the number.

THE HON. G. E. D. BRAND (Lower North) [4.29 p.m.]: I would like to support the Bill because my feelings are similar to those of Mr. Berry. I would like to see the royalty paid by those who get the most money out of the industry.

I do not think that the kangaroos will ever be shot out. Just before Parliament met for this session I travelled through the Murchison and when returning from Laverton to Leonora I counted 150 kangaroos in 30 miles.

Because of the effects of the drought the kangaroos are moving in closer to the towns. I would have thought that kangaroos might be confined to reserves but such reserves would need very high fences because I have seen kangaroos jumping over four-foot and five-foot fences and continuing on their way. I could not believe it until I actually saw it.

I hope the shooter out in the bush who suffers such great privations will not be called upon to pay the amount of money referred to. As a matter of fact, before Christmas I was asked by shooters around the Gascoyne Junction area to try to secure from the Federal Treasurer a reduction in sales tax on four-wheel drive vehicles. There is great wear and tear on these vehicles because it is necessary for them to traverse all sorts of terrain while the kangaroos are being hunted.

When the M.M.A. subsidy for the area was abolished commuter airlines supplied services to shooters who required spare parts to be flown out to them. However, the shooters had to pay a double minimum freight charge—one for each airline. Although this did not make their lot much easier, they still went on shooting kangaroos. Mr. Berry has given a good outline of the whole business and I support the Bill.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.32 p.m.]: The provisions of this Bill are highly commendable. The Minister has informed us of several new developments in fauna conservation in this State and there is only one question I would like to raise specifically in connection with the provisions of the Bill.

The amendment to section 12 of the Act, which is in clause 4 of the Bill, states that the authority shall carry out or cause to be carried out such research relating to the conservation and protection of fauna as the Minister may direct.

I cannot see a great deal of difference between that and the wording of section 11 of the Act, which, in effect, states that the authority shall inquire into and report to the Minister on matters referred by him.

The Hon. G. C. MacKinnon: The Minister cannot initiate legislation under the Act, but he can under the Bill.

The Hon. R. F. CLAUGHTON: With all due respect, I would say that the wording is very close.

The Hon. G. C. MacKinnon: You can be as rude as you like. It is not my idea, but that of the Parliamentary Draftsman which permits the Minister to initiate legislation.

The Hon. R. F. CLAUGHTON: It is a small point and I do not wish to labour it, although it does not seem altogether necessary.

On the whole, the provisions in the Bill are to be welcomed, particularly those which relate to the carrying out of research into fauna conservation. Very little progress can be made in this direction unless a great deal of research is undertaken. The type of programme that has been carried out at Tutanning, for instance, indicates the problems that can be encountered. It demonstrates the area required

because of the interdependence of the animals with the vegetation on which they live.

If any criticism is to be levelled it is not against the measures contained in the Bill; it is in connection with the setting aside of reserves for fauna protection. It is doubtful whether effective management can be made of a greatly increased area of land. It is much easier, though, to release land than to try to return animals to areas where they have become extinct.

As the extract read out by Mr. Lavery indicates, conservationists have quite recently urged that selected areas be set aside throughout the State. I urge that this action be speeded up, particularly in view of the tremendous amount of mining development that has taken place in the outback and also because of the large areas of farming land which have been released over recent years.

It is interesting to hear of the way in which the indigenous fauna adapt themselves to changing environments as a result of human habitation. It has been demonstrated that the black cockatoo now feeds on the wild geraniums growing among the crops. When it migrates south in the winter, it also moves into the pine plantations and feeds on the cones rather than on the heath.

The Hon. G. C. MacKinnon: It causes a problem in regard to the selection of special cones.

The Hon. R. F. CLAUGHTON: As an example of the difficulties associated with fauna conservation, it was pointed out that cockatoos confine their nesting places chiefly to the trees on the verges of the road where they breed in hollow trees of a diameter of 12 to 15 inches.

It is difficult to ensure that this facility is maintained because I do not think the fauna conservation authority has control over these road verges. I think they come within the scope of the local shire councils which decide whether a verge should be cleared or not. Apart from this, occasionally trees are torn down as a result of the operations of the various Government departments.

This again demonstrates that there should be some overall control so that consideration might be given to this aspect of environment, quite apart from the material needs. I admit it is not an easy problem to solve, but it is one to which we should direct our attention.

There are other smaller forms of wildlife which also live on the road verges, and which are of course also in danger of extinction because of clearing which might take place.

The matter of royalties seems a worthwhile step and even if royalties do not reach a figure of \$60,000 or \$70,000 a year they will at least bring in some revenue.

Any money that is obtained from this source, however, should be directed to research. If this is done, and if we do not lose sight of the real need for fauna conservation, then some greater rate of progress should be possible.

I would not like to see any money obtained from royalties being allocated to general revenue and used for other purposes. This money will be collected from the cropping of kangaroos—I suppose we can call it that—and this ensures some form of control in their numbers. Any money obtained from royalties should be directed towards a further study of the need for fauna conservation. With those few words I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Fisheries and Fauna) [4.41 p.m.]: I would like to thank members for their obvious enthusiasm and the manner in which they have accepted this measure. Not too many queries were raised during the debate. There are, however, one or two matters which I feel should be given some attention.

As those matters which are raised last are generally freshest in one's mind, perhaps I should mention that there are technical reasons why the royalty as such should go through the Consolidated Revenue Fund Account. This, however, does not matter a great deal. The money from the sale of the cropping of kangaroos on fauna reserves will go through the Conservation Trust Fund, but the royalty will go through consolidated revenue. I have no doubt that successive Governments with sympathetic Treasurers will pass this money back. This, however, is the procedure under which money such as this is generally handled.

The wording of the particular provision which gives the Minister the right to initiate legislation has been phrased on the advice of the best technical experts we can get. This is a matter of some debate. As I have said, the position has never arisen and, if it were legally arguable, the Minister could approach the authority and initiate legislation, because it would be difficult to foresee a situation where a Minister was at such loggerheads with his wildlife authority that he could not get legislation initiated if he wanted it. The Parliamentary Draftsman has suggested this wording and I hope the House will agree to it.

I would like to refer to the question of there being a danger to various species as a result of hunting. Strangely enough, with the exception of rare animals, it is doubtful whether hunting has ever had a very marked effect on the diminution of fauna. It might have been responsible for reducing their numbers to a certain degree, but it is doubtful whether it has ever caused the complete elimination of a species.

What leads to the elimination of a species is the destruction of its habitat. Certain creatures need a particular environment in which to live, and many of our creatures are territory holders. Mr. Lavery mentioned the fact that they need big territories. I feel sure the honourable member will not mind my correcting him by saying that such creatures do not need very large areas on which to feed because they could secure enough food if grain were thrown out to them in a small area.

Psychologically, however, certain creatures do need a large area for their natural existence. If we destroy the habitat of the creatures in question things get really difficult. As Mr. Lavery said, even though many small species have not been harassed and hunted they are likely to become extinct because of a change in their habitat.

Although no royalty has been prescribed, power has been extant in the Act for some time for a royalty to the charged in respect of skins. One reason it has not been put into operation is that we have no means of marking the carcasses or skins. This will now be overcome by the use of tags. The reason we have not yet determined what the cost will be is that we have still to go into the economics of the matter a little more carefully.

It is not really a matter of what the kangaroo fetches per pound now; the economics of the proposition must surely be associated with the price of kangaroos at the processing works in comparison with the price of any other protein source available. After all, if kangaroo meat went up to a price above, say, buffalo meat, then processors would stop using kangaroo and start using buffalo. This is where the balance has to be kept. I must admit that I always tend to get a little upset when I think of kangaroos, of which I am very fond—as are most Australians—being shot at to feed dogs which are frequently allowed to run around the streets, becoming a menace and causing a nuisance to the general public. However, that is another argument.

Mr. Abbey raised the matter of geese and ducks contaminating dams, and some trouble adjacent to Tuttaning reserve from kangaroos getting into the paddocks. I did publicise the fact, in the announcement concerning the closure of the duck season, that if farmers who had this difficulty applied to the department licenses would be issued or permission would be given to overcome it. Indeed, our wardens will be on call in order to take even firmer steps than this. I understand permission has been given already to one or two farmers adjacent to Tuttaning to destroy some of the larger kangaroos coming out into the paddocks. Naturally when this Bill becomes law we will move in and crop them and so reduce the number to the holding of Tuttaning.

A lesson is to be learnt from this, of course. Tuttaning is an immensely valuable reserve. It is on a fault line—a break in the soil—and is quite a magnificent reserve from a flora point of view; also it has some very interesting specimens of animals. However, it is too small. For our sort of animals 3,000 acres is quite a fiddling little reserve.

This reserve has been used as a research base, particularly for controlled burning; and in this field I have no doubt that we lead Australia. It is important to ascertain the periods when these reserves ought to be burned for the benefit of flora on the one hand, and for the benefit of fauna on the other; and these are quite different and distinct. The time between burns for flora can be as little as three years, but with fauna it looks like 11 or 12 years should elapse between burns, and even then it should be done very carefully.

For the conservation of creatures in our sort of country we must think in terms of very large areas in order that the whole habitat is covered.

The Hon. F. J. S. Wise: Getting back to the question of royalty, at what point has the Minister in mind that the physical collection will take place?

The Hon. G. C. MacKINNON: I would think back here at the processing plant. I agree with what these gentlemen are saying and that the processing plant would be a far more reasonable place. This is where it could be more easily controlled.

The Hon. F. R. H. Lavery: This is the only point where you could actually count them.

The Hon. G. C. MacKINNON: Yes. Otherwise too many collection centres would have to be established.

The Hon. F. J. S. Wise: It will be necessary for forms or returns to be submitted.

The Hon. G. C. MacKINNON: Yes. That is already covered in the Bill as provision is made for a penalty if the forms are not completed. A combination of this and the tags at the base areas will reduce wages quite markedly. I have covered the matters raised by Mr. Abbey.

Quite a number of members mentioned research. It is not just the lack of money which is a problem in this regard. We also have a difficulty in getting the particular specialists in this field. We are offering certain bursaries and cadetships now but the type of man we want, who is prepared to work away from home for long periods, is not easy to get. We are very fortunate indeed to have Dr. Morrissey and Mr. Burbridge, and some other officers. Mr. Lavery also mentioned Mr. Riggert, but it certainly is not easy always to get men of this calibre.

Mr. Lavery referred to publicity, as did several other members. They wanted to know what we could do about informing the public in regard to what can be done and what cannot be done. Fortunately—and this was also mentioned by a number of members—in recent years a great interest has been displayed in fauna conservation and the like. Through all news media I have been able to inform the public. In my experience I have had no trouble at all in obtaining co-operation from the Press when it has been necessary to publicise information.

An example of this would be that tomorrow I hope the paper will publicise an announcement made recently in the *Government Gazette* that the open season for marron will henceforth switch from the 31st December to the 16th December. This will be a permanent change bringing the marron open season back half a month in order that the enthusiasts might have a marron or two for Christmas dinner, and also the water conditions will be better. The 16th was selected in order that there will be at least one clear weekend before Christmas. I have received a number of requests in this regard and I do not expect to have the slightest trouble in making the facts known through the papers and other news media. I must admit I have trouble in persuading the public to read the papers and listen to the news very carefully so that they know precisely what is happening.

I have already pointed out to Mr. Lavery what has been done in Western Australia and that we could give permission to farmers to shoot ducks on their dams if this is necessary.

The Hon. C. R. Abbey: It does not hurt to reiterate this information.

The Hon. G. C. MacKINNON: That is so, and the honourable member gave me the opportunity to do that.

Mention was made of policing different matters, and I think it must be accepted that in a State such as this the department, through the Government, can only lay down guidelines with regard to fauna conservation and, more particularly, in the amateur field—duck shooting, fishing, and so on. Strangely enough, this system works much better than people realise.

Despite the fact that we have a number of fauna wardens, they cannot watch all the waterfowl areas in this State with any degree of success. Yet not many duck shooters would take in excess of their bag limit of 14; admittedly a few would, but generally they get caught up with in the long run. Not many duck shooters would operate out of season. Again, I know some do, but the flagrant lawbreakers generally get caught. Many of the regulations made are merely guidelines for the behaviour of the concerned citizen, and I am delighted to say—and this has been

evident from the speeches made this afternoon—that more and more of our population are becoming concerned about fauna, flora, and so on.

The Hon. F. R. H. Lavery: The City of Melville has a new playground and the ducks are coming there in their hundreds.

The Hon. G. C. MacKINNON: That area was carefully designed. It has an island in the middle which gives the birds the necessary protection. A number of shires have approached the department about this type of facility.

The Hon. F. R. H. Lavery: It is a good way of educating the public.

The Hon. G. C. MacKINNON: Yes. As Mr. Lavery mentioned, our greater development poses problems we must guard against. He mentioned magpies, but do not start me on that one!

Mr. Willesee mentioned the publicity. I have covered this to a certain extent. The *Government Gazette* is used for our local requirements, and, as I said a moment ago, the Press is extremely co-operative with regard to announcements. Therefore the coverage is fairly good.

The Hon. F. R. H. Lavery: Has the department had any complaints concerning the flexibility of administration?

The Hon. G. C. MacKINNON: Mr. Willesee and one or two other members raised this point. So much has to be left to the intelligent work of fauna wardens who are chosen and trained carefully. Because they are out in the field, the administration must be extremely flexible.

It is all a matter of conflict. We have the conflict between the farmer and the pure nature lover; the conflict between the person who wants nothing to die, which is completely against nature of course, and the hunter who wants to shoot. Man is a hunter. It is a perfectly normal activity for man. He has done it since he first came down out of the trees, and will probably do it for all time.

The Hon. F. J. S. Wise: All sorts of fauna!

The Hon. G. C. MacKINNON: Yes; all sorts of birds!

The Hon. W. F. Willesee: I find that some are better than others.

The Hon. G. C. MacKINNON: That is right; they are more successful. There is conflict between all these different people so we have to keep administration flexible and understanding.

The Hon. F. R. H. Lavery: Would de-beaking be covered?

The Hon. G. C. MacKINNON: Yes. This is palpably inhuman and a cruel thing to do. If the shooters shoot the birds, okay. When Mr. Lavery first mentioned this

matter I thought he was talking about the habit of removing beaks in order to get a bounty, but then I realised he was not. These people must catch the birds first and I do not see why they do not kill them straightaway and be done with it. However, debanking would be an act of cruelty and would be actionable at law.

I trust I have answered all the questions raised by members and thank them again for their co-operation and acceptance of the Bill, which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 6—

The Hon. J. HEITMAN: I thank the Minister for including a provision concerning wild horses which are found on the coastal section of the plain in the Upper West Province. For many years now the other portion of the Minister's portfolio has been responsible for the killing of these horses, as they were being shot for cray bait. It was a pity to realise that eventually they would have been exterminated if something was not done.

Many people have written and asked me to try to have incorporated in legislation some provisions which would preserve these animals, because they do not do a great deal of damage. The coastal plain is tremendously large in area and is useless for farmlands, although it is quite good as a reserve for kangaroos, wild horses, and even a few wild bullocks.

Over the past five or six years people have been going into the plain and destroying animals, and leaving the carcasses on the side of the road. It is not a very nice sight to come along and see on the side of the road carcasses, or offal from the carcasses of animals which were galloping and frisking about a day or two previously.

For my part I am very pleased the Minister has seen fit to include this provision in the Fauna Conservation Act. We hope the honorary wardens in these areas will now be able to stop the wholesale slaughtering of horses and other animals which have gone wild and which are spending their last days on the coastal strip.

Clause put and passed.

Clause 4: Amendment to section 12—

The Hon. R. F. CLAUGHTON: The Minister has said a great deal about the need to include clause 4 in the legislation, but I am still not satisfied that it is necessary. I have already stated that I am prepared to accept what the Minister has said.

However, perhaps suspicion might be aroused that the clause is designed to circumvent subsection (3) of section 11 of the Act. I refer members to the wording of that subsection.

The Hon. G. C. MacKinnon: What section?

The Hon. R. F. CLAUGHTON: I am referring to subsection (3) of section 11 of the Act. I do not see that any real difference will be effected by the addition of the proposed new subsection. The difference is very slight; one refers to the "Authority" and the other to the "Minister." As the Minister has indicated, it is most unlikely that the authority would not agree to do anything which the Minister has directed.

The Hon. G. C. MacKinnon: The effect of the inclusion of clause 4 will be that section 12 would then read—

- (1) The Authority may with the approval of the Minister carry out or cause to be carried out such research into the conservation and protection of fauna as it thinks fit.
- (2) The Authority shall carry out or cause to be carried out such research relating to the conservation and protection of fauna as the Minister may direct.

When it is considered totally, I think members will realise the need for this clause in the Bill. As I said earlier, this is something which could be got around, and it is difficult to think that the authority and the Minister would ever be at such loggerheads that the authority would not do a piece of research which the Minister may request.

It must be remembered, however, that some reserves are vested directly in the authority, which has this power under the parent Act. If members bear this in mind and carefully read what is proposed they will see it is desirable to include the clause.

I will branch off for a moment to another matter. I refer to subsection (1) of section 11 which reads, in part—

The Authority shall inquire into and report to the Minister on any matters referred to it

Also, that part of subsection (3) of section 11 which relates to the local authority reads—

... the Authority shall refer the subject matter of the inquiry to the local authority in whose district the matter may have effect for any information and advice . . .

This means that the authority shall go to the local authority whenever directed by the Minister.

Clause 4 does not cut across those provisions and I still think it is desirable. It is a small point but if the Minister wants a particular line of research to be undertaken he should be able to say that the authority shall carry this out, even if it is on land vested in the authority.

I point out that quite a deal of detailed research is undertaken for State authorities right throughout Australia by university students who are aiming to do a Ph.D. One is currently working on prawns and another on blue manna crabs. These are two I know of. Sometimes the Government gives some financial help and sometimes private companies assist. Gulf Fisheries is helping one young fellow at the moment. Students may concentrate on a specific area of research for a Ph.D. in, say, marine biology, or biology. The effect of the inclusion of this clause will mean that if the opportunity exists to get this work done the Minister may direct it and the authority shall authorise it.

Clause put and passed.

Clauses 5 to 16 put and passed.

New clause 14—

The Hon. G. C. MacKINNON: I move—

Page 8—Insert after clause 13 the following new clause to stand as clause 14:—

14. Subsection (1) of section 24 of the principal Act is amended by substituting for the word, "Committee" in line two, the word, "Authority".

This is self-explanatory. After the Bill was written, this mistake was found. The word "Committee" had been left in section 24 of the principal Act when the word "Authority" should have been substituted. I ask the Committee's permission to change the wording to bring the section into line with modern practice.

New clause put and passed.

Title put and passed.

Bill reported with an amendment.

House adjourned at 5.12 p.m.

Legislative Assembly

Thursday, the 2nd October, 1969

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

QUESTIONS (20): ON NOTICE

1. TOTALISATOR AGENCY BOARD

Thornlie

Mr. BATEMAN asked the Minister for Police:

(1) Has the Totalisator Agency Board acquired land in Thornlie for the purpose of building an agency?

(2) If not, has the Totalisator Agency Board approached the people concerned with a view to leasing a shop in the new Thornlie shopping complex?

Mr. CRAIG replied:

(1) No.

(2) No; but arrangements in this direction are in hand.

2. POLICE STATION

Thornlie

Mr. BATEMAN asked the Minister for Police:

In view of the rapid development taking place in Thornlie has he considered the necessity to build a police station in this area to cater for the needs of the people?

Mr. CRAIG replied:

The rapidly expanding sections of the metropolitan area are under constant review as to requirements of police protection.

However, the modern method of effective policing is to have large stations from which mobile cars and police equipped with radios carry out patrols.

3. CRIME AND ROAD SAFETY

Public Education

Mr. BATEMAN asked the Minister for Police:

(1) What education authority was consulted or used in the attempt to educate the public concerning crime and road safety at the Royal Show?

(2) Has he drawn the attention of his officers to the volume of technical literature which indicates clearly that attempts to change behaviour by arousing fear or disgust have the reverse effect of that which is intended?