

have not the privilege of speaking, in this House. On behalf of the Chairman of of Committees and the deputy chairmen, the Clerks and the officers of the House, the *Hansard* staff, the Press, the Controller and his staff, and all others, including particularly the constable, who have been incorporated in the good wishes of the Premier, the Leader of the Opposition, and the Deputy Premier, I say a very sincere thank you. I am sure that all members wish me to respond on behalf of those people I have mentioned.

I wish all members a very happy and enjoyable Christmas and a very prosperous new year. I would also like to express my personal thanks to all members for their courtesy and assistance during what has perhaps been a quiet session, but a very long year.

I think that all of us have been tried, a little, during the year. We seem to have been in this House for most of the year. I would particularly like to thank the Chairman of Committees and the various deputies who have occupied the Chair, either as Acting Speaker or as Deputy Chairman, for their assistance.

I would like to pay my compliments to both Whips for their co-operation and assistance during the session. It is an advantage to have some idea of who is to speak next, and the Whips have endeavoured to assist the running of the House by providing me with that information. In conclusion, I join with those who have spoken before me in wishing everybody—members and staff—a very happy and merry Christmas.

ADJOURNMENT OF THE HOUSE:

SPECIAL

SIR DAVID BRAND (Greenough—Premier) [2.24 a.m.]: I move—

That the House at its rising adjourn until a date and hour to be fixed by the Speaker.

Question put and passed.

House adjourned at 2.25 a.m. (Thursday).

Legislative Council

Tuesday, the 17th March, 1970

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

BILLS (34): ASSENT

Messages from the Governor received and read notifying assent to the following Bills:—

1. Local Government Act Amendment Bill (No. 4).

2. District Court of Western Australia Bill.
3. Child Welfare Act Amendment Bill.
4. Manjimup Canned Fruits and Vegetables Industry Agreement Bill.
5. Licensing Act Amendment Bill (No. 2).
6. Transfer of Land Act Amendment Bill (No. 3).
7. Hospitals Act Amendment Bill.
8. Museum Bill.
9. Education Act Amendment Bill.
10. Forests Act Amendment Bill.
11. Land Act Amendment Bill (No. 3).
12. Road Closure Bill.
13. Land Tax Assessment Act Amendment Bill.
14. Land Tax Act Amendment Bill.
15. Northern Developments Pty. Limited Agreement Act Amendment Bill.
16. Companies Act Amendment Bill.
17. Fauna Conservation Act Amendment Bill.
18. Mines Regulation Act Amendment Bill.
19. Bush Fires Act Amendment Bill.
20. State Housing Act Amendment Bill (No. 2).
21. Rural and Industries Bank Act Amendment Bill.
22. Metropolitan Region Town Planning Scheme Act Amendment Bill.
23. Reserves Bill.
24. Wheat Industry Stabilization Act Amendment Bill.
25. Local Government Act Amendment Bill (No. 5).
26. Taxation (Staff Arrangements) Bill.
27. Loan Bill.
28. Marketing of Eggs Act Amendment Bill.
29. Petroleum Pipelines Bill.
30. Stamp Act Amendment Bill.
31. Wheat Delivery Quotas Bill.
32. Marketing of Linseed Bill.
33. Appropriation Bill (Consolidated Revenue Fund).
34. Appropriation Bill (General Loan Fund).

CONSTITUTION ACTS AMENDMENT BILL

Message: Royal Assent

Message from the Governor received and read notifying that he had reserved the Bill for the signification of Her Majesty's pleasure.

QUESTIONS (2): WITHOUT NOTICE**1. SITTINGS OF THE HOUSE***Easter Adjournment*

The Hon. W. F. WILLESEE, to the Minister for Mines:

Could the Minister advise what holidays are contemplated over the Easter period? Members would appreciate knowing in advance which days the House will be sitting.

The Hon. A. F. GRIFFITH replied:

Subject to the notice paper, we will sit and adjourn on Thursday, the 26th March. It will be realised that sometimes, in the early part of a session, because of the state of the notice paper, we do not have occasion to sit on Thursdays.

Following the adjournment, we will resume sitting on Tuesday, the 7th April.

The Hon. W. F. Willesee: Thank you.

2. FISHING*Foreign Fishing Boats*

The Hon. R. THOMPSON, to the Minister for Fisheries and Fauna:

(1) In view of the encroachment by foreign fishing boats on our traditional rock lobster fishing grounds, will bunkering and victualling facilities be provided for those vessels at any Western Australian port?

(2) Will a statement be made denying the provision of such facilities in the future?

The Hon. G. C. MacKINNON replied:

(1) In answering the honourable member I would mention that just 15 minutes ago I received a telephone call which has changed the answer I would previously have given to the question.

Before receiving the telephone call I would have answered that this matter comes under the jurisdiction of the Commonwealth Government which has made it clear that bunkering facilities will be offered only to Japanese tuna boats at certain ports in Australia. The reason for that decision is that the Japanese have traditionally fished for tuna off our coast. We in this State do not fish tuna to any great extent yet; it is a growing industry.

I would also have stated that a decision with regard to the two facilities about which we are

currently concerned would have been made in conjunction with the Western Australian Department of Fisheries and Fauna.

The phone call which I received was to inform me that to the best of our knowledge in Western Australia, at the present time, bunkering facilities will, in fact, be offered to the two boats. This decision has been made unilaterally by the Federal Government, probably in conjunction with the South African Embassy.

The whole matter with regard to the South African fishing boats, and their recall, has been settled—and I think members will agree with me—on a most amicable basis with the authorities in South Africa.

(2) I hope—and I am sure this is the point behind the question asked—that the situation will be made clear that at no future time will such facilities be so readily available to boats which encroach on the rock lobster fishing grounds. My reason for that statement is that there is general agreement among the nations that a resource which is fully exploited and very rigidly managed is generally observed by foreign nations to the extent that they obey the conservation measures laid down. As members know, one of our conservation measures is that no further boats will be allowed into the industry. This provision has been transgressed by the foreign boats.

I am sorry I do not have any further details. The law is fairly involved, but I have explained the situation to the best of my knowledge. It may be that in some of the finer aspects I might be in error, but I have stated the situation as I know it.

QUESTIONS (11): ON NOTICE**1. EDUCATION***Supply of Indian-Pacific Souvenir Booklet to Schools*

The Hon. J. DOLAN, to the Minister for Mines:

Because of the historical, economic and educational significance of the completion of the Indian-Pacific Standard Gauge link, will the Government supply every school in the State—both Government and private—with one of the special souvenir booklets produced to mark this momentous occasion?

The Hon. A. F. GRIFFITH replied:

The Commissioner of Railways has already been asked to do this and I am advised that 800 of these booklets were delivered on the 6th March to the Education Department's Teaching Aids Centre. A further 800 "Railways of Australia" souvenir booklets also are being supplied to this Centre which will despatch these, with other publications, to all Government and private schools this week.

2. NORTH-WEST

Revenue from Industrial Concerns

The Hon. F. J. S. WISE, for The Hon. H. C. Strickland, to the Minister for Mines:

- (1) What number of shipments were made and what was the tonnage of iron ore despatched, and the royalty collected by the State during 1969, from—
 - (a) Hamersley Iron Company;
 - (b) Mt. Goldsworthy Iron Company; and
 - (c) Mt. Newman Company?
- (2) What amount of oil was shipped from Barrow Island during 1969, and what royalty did the Government collect on such oil?
- (3) What amount of salt was shipped from the North Province during 1969, and what was the amount of royalty received by the Government?
- (4) What are the details of money borrowed by the State Government from industrial concerns located in the North-West in recent years?
- (5) Will the Minister explain in detail the Government's proposals for the Town of Karratha?
- (6) Where will residents of Karratha be employed?

The Hon. A. F. GRIFFITH replied:

(1)

| | Shipments | Tonnage | Royalty Collected |
|-----|-----------|---------------|-------------------|
| (a) | 227 | 12,746,755.51 | \$6,263,377.49 |
| (b) | 101 | 4,808,694.00 | \$2,253,220.40 |
| (c) | 75 | 3,908,021.04 | \$1,003,995.29* |

* Does not include royalty payable on tonnage shipped in the last quarter of 1969 and not collected until early 1970.

- (2) 13,140,280 barrels; royalty collected \$1,657,633.03.
- (3) 141,912.00 tons; royalty received \$14,400.40.
- (4) The State has not borrowed any money from industrial concerns in the North West.
- (5) The town of Karratha will be developed by the Government, Roebourne Shire and Hamersley Iron Pty. Ltd.

It will be an open town and will come to life with the first forty homes ready for occupation in April this year and grow over the years to an expected 25,000 to 30,000 people.

From the outset, Karratha will be a model development. When the first 40 company homes mentioned earlier are ready, 80 blocks for private sale will be made available; these will be fully serviced with sewerage, drainage, roads, power and telephone.

In the meantime, Hamersley Iron has let a further contract for the construction of 381 houses. Under the terms of this contract, they must all be completed within two years.

Construction has already begun on the district's first High School, the first stage of which will consist of six specialised class rooms. Over the years it will graduate to full junior and then senior status.

Hamersley Iron is meeting a substantial proportion of the cost of servicing and developing Karratha and will continue to do so as its needs for staff accommodation increase.

Karratha will have its own light industrial area 1½ miles south, separated from the town by a range of hills.

- (6) On present indications, the residents of Karratha will be employed mainly in that town and Dampier. A final decision on the town for Cape Lambert employees has yet to be made. This matter is the subject of some current detailed studies.

3. WHEAT

Quotas

The Hon. J. DOLAN, to the Minister for Mines:

- (1) Is the Western Australian quota for wheat delivery for the 1970-71 harvest, 83 million bushels?
- (2) If so—
 - (a) how much of this quantity was allotted as quota from the agreed Australian figure for next harvest of 318 million bushels; and
 - (b) how much was allotted as shortfall from the 1969-70 harvest?
- (3) Was any thought given to providing an incentive for Western Australian growers to grow special hard wheat by seeking for Western Australia, for this type of wheat,

a quota which, at present, appears to be divided between Queensland and New South Wales?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) (a) 69 million bushels.
(b) 14 million bushels.
- (3) Yes, thought has been given to this matter by the industry. However, the high protein hard wheats of Northern New South Wales and Queensland, which are in special demand, cannot be grown in Western Australia in significant quantities in a normal season.

4. MAIN ROADS

Manjimup-Pemberton Programme

The Hon. V. J. FERRY, to the Minister for Mines:

- (1) What road works are currently being undertaken by the Main Roads Department in respect of the Manjimup/Pemberton road and at what estimated cost?
- (2) What further works are being programmed for this road?

The Hon. A. F. GRIFFITH replied:

- (1) In the current programme of works the Main Roads Department provided \$163,500 for the reconstruction and priming of 6.9 miles of the Manjimup-Pemberton Road on the section north of the turn-off to Pemberton.
- (2) Consideration will be given in the 1970-71 programme to a further allocation of funds for reconstruction and widening work.

5. *This question was postponed.*

6. COTTON

Kununurra

The Hon. F. J. S. WISE, to the Minister for Mines:

- (1) How many cotton farmers at Kununurra who have planted cotton in previous years, are not now farming their properties in person?
- (2) What are the reasons for the non planting of cotton by some owners this season?
- (3) What is the estimated initial capital expenditure required to cover the purchase of the complete plant necessary to prepare a 600 acre property for progressive planting, including the cost of planting machines, cultivating machinery, harvesting machinery, tractors and containers for hauling cotton to ginnery?

- (4) What would be the estimate of the Department of Agriculture of the net income of an individual cotton farmer, after allowing for all costs of farm operations, water, spraying, ginning costs and plant depreciation?

The Hon. A. F. GRIFFITH replied:

- (1) Eleven.
- (2) The reasons are variable. The operations of some were unprofitable.
- (3) \$50,000 to \$60,000.
- (4) In 1969, the estimated average net return on the basis submitted in the question, and which excludes interest and operators allowance, was \$13,000.

7.

TRAFFIC

Pedestrian Overways on Albany Highway

The Hon. J. DOLAN, to the Minister for Mines:

- (1) Is there a priority for the construction of pedestrian overways on Albany Highway between the Causeway and Armadale?
- (2) Is so, will the House be advised of this priority?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) No. but the Hon. Minister for Works recently announced a policy aimed at increasing the number of pedestrian overways being constructed in the metropolitan area.

Although these facilities are primarily the responsibility of local authorities, the Main Roads Department will finance two-thirds of the cost near schools on declared main roads.

No approach for assistance has been made by any Council on Albany Highway.

8.

MAIN ROADS

Bridgetown-Manjimup Programme

The Hon. V. J. FERRY, to the Minister for Mines:

- (1) What road works are being programmed by the Main Roads Department for the Bridgetown/Manjimup road?
- (2) What is the estimated cost of the proposed works?

The Hon. A. F. GRIFFITH replied:

- (1) Other than an allocation for maintenance, no funds were programmed by the Main Roads Department in 1969-70 for the Bridgetown-Manjimup Road.

Consideration will be given in the 1970-71 programme to an allocation of funds for re-construction work.

- (2) No decision has been reached regarding a firm allocation of funds.

9. ARTIFICIAL BREEDING BOARD

Provision of Government Funds

The Hon. J. DOLAN, to the Minister for Mines:

- (1) Does the Government intend to provide funds this year to the Artificial Breeding Board to assist its activities in the field of artificial breeding?
- (2) If so, will rebates continue to be given to farmers whose cows receive first inseminations through the Board's operations?
- (3) Will consideration be given to providing rebates to farmers whose cows receive first inseminations from private artificial stock breeding services?

The Hon. A. F. GRIFFITH replied:

- (1), (2) and (3) No decision will be made until the Government has received and examined the Board's Annual Report and Financial Statement.

10. *This question was postponed until Tuesday, 24th March, 1970.*

11. HOSPITAL

Denmark

The Hon. V. J. FERRY, to the Minister for Health:

- (1) What progress is being made in the planning of additions and improvements to the Denmark Hospital?
- (2) When may it be anticipated that the proposed work will be carried out?

The Hon. G. C. MacKINNON replied:

- (1) and (2) It is intended to improve facilities at the Denmark Hospital by converting the staff quarters building into an operating, x-ray and outpatient suite. Before this can be done alternative staff accommodation will be needed and the State Housing Commission has been asked to arrange erection of a new house on the hospital site. Meantime, plans will be prepared of the hospital additions.

STANDING ORDERS

Reprint

THE PRESIDENT (The Hon. L. C. Diver) [5 p.m.]: Prior to proceeding with the business of the day as appearing on the notice paper, I feel that I should make

a short statement regarding the new reprint of the Standing Orders which are now contained in two volumes.

Members will appreciate that a lot of thought and work has been directed towards the production of the volumes by the officers of the House, acting in accordance with the various reports by the Standing Orders Committee.

The first volume contains the Standing Orders of the Legislative Council and the Joint Standing Rules and Orders of the Legislative Council and the Legislative Assembly. The other volume contains information such as the Constitution Acts, Electoral Act extracts, Interpretation Act, and other matters which it is considered are most useful to members.

As members will recall, the Standing Orders have been rearranged numerically through the volume to conform with the routine of the House: The chapter dealing with Rules of Debate is now located early in the volume in lieu of the former position at the end of the Standing Orders.

The volume of Acts and other information has been enlarged, and some additional extracts from the Electoral Act have been included—information relative to qualification of electors and nominations procedure has been included.

A further innovation is that each volume contains an individual index embracing the contents of the volume.

I am sure that members will join me in expressing the appreciation of the House to our officers.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.8 p.m.]: As leader for the time being in this House, I think members would like me to rise and join with you, Mr. President, in expressing our appreciation to the officers of the House for the work that they have done in connection with the two volumes referred to. I have had a look at them and the first thing that strikes one on an examination of the volumes, particularly that pertaining to the Standing Orders, is the order in which the various Standing Orders have been rearranged. I think that now they will be much easier to follow and reference to both books will be much easier when members are dealing with Standing Orders or the other matters required by the Acts relating to Parliament.

I join with you, Sir, in expressing our thanks to the officers. It is the sort of thing that we have come to expect from them—that they will do this without being asked, to help members in the conduct of their work in this House, and we are frequently indebted to them for the manner in which they do help us. On behalf of members I express appreciation of this.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.10 p.m.]: I take this opportunity to endorse the remarks that you have made, Sir, and also the statement by the Leader of the House. The work is greatly appreciated by all members and great use will be made of the volumes.

WILLS BILL

Second Reading

Debate resumed from the 11th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.11 p.m.]: The title of the Bill has no connection with me, I can assure you, Sir. The measure is a most important one because no matter how brief it might be it deals with something which everyone in the course of his life is called upon to do; that is, to make a will. At present we are operating under legislation which had its inception in 1837 and was based mainly on English Statutes. The legislation now before us is a modern Bill introducing modern language but, of course, there cannot be very much variation in the method of making a will. What can be done, I am sure, is covered by this legislation.

In introducing the Bill the Minister referred to the work of Mr. Adams, Q.C., and said that the measure in its original form had been considered by the Law Society and the Law Reform Committee and by the Public Trustee; and any suggestions that had been made by those bodies had been incorporated in the current legislation. This is a document which only those who are well versed in law could comprehend in detail. A study of Halsbury's *The Laws of England* on the subject of wills is a most comprehensive study indeed.

So, Mr. President, I would accept this Bill very much on trust on the basis of its introduction and on the basis of the fact that it has been referred to so many people who are handling the law in this State.

If I were to criticise any aspect of the Bill it would be that among the definitions there is not one of a person who makes a will—no definition of a testator or a testatrix. It seems to me that it would have been elementary to define a person who makes a will. It may be that this is unnecessary but I could not see why this simple definition should not have been included in the Bill.

Clause 7 on page 3 of the measure deals with the "age of capacity to make a will" and states that a person must be of the age of 21—not under the age of 21.

My thoughts are that the valid age to make a will could conveniently be 18 years, particularly as the document before us

proposes to introduce the modern concept of wills. In addition, there is a tendency today to give much greater responsibility to people at a younger age than ever before. If the making of a will is to ensure that there shall be an orderly disposition of one's assets upon death, then I do not think we can provide for too early an age for that purpose.

Many people at 21 may not have much in the way of assets. On the other hand, there are some who are quite wealthy at a young and tender age. With that thought in mind I propose, in the Committee stage, to endeavour to have the age limit lowered from 21 to 18 years.

I was also disappointed that in the schedule there is no provision for a simple form of will to enable the printing of a mere form which would require only the signatures of the parties concerned, with a few additional words. This simple form of will, made out by the husband to his wife, or the wife to her husband, would merely contain the words, "I give, devise, and bequeath everything I possess." If this form of will were written into the Bill itself it would prove to be very economical for any person who wished to draft a simple will.

It is appreciated that when a will involves trusts and other associated problems it is most necessary to engage the services of a lawyer. I was extremely surprised recently to learn that a widow had been charged \$20 for the drafting of a simple form of will in which she intended to leave all she possessed to her next of kin. I think that such a form could be provided in the schedule in a way similar to the forms that are printed at the back of the Companies Act.

Those are the only comments I feel competent to make on the Bill. The legal aspects of the measure have been carefully explained in the explanatory memorandum the Minister made available when the measure was circulated among us. The purpose of each of the clauses is explained in some detail and I think they are completely in keeping with what is required. So basically I support the Bill, contingent on the remarks I have made.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

SALES BY AUCTION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th November.

THE HON. R. THOMPSON (South Metropolitan) [5.18 p.m.]: When introducing these amendments to the Sales by Auction Act, the Minister correctly explained that their purpose was to increase the penalties that are imposed and also to tidy up certain sections of the legislation,

because it had been considered necessary to try to restrict acts of roguery committed against farmers and pastoralists who are engaged in selling stock. Unfortunately such acts were committed last year.

Nevertheless I do not think the amendments that are now before us will have the desired effect. If I may, I will make reference to the introduction of the parent Act which, in the main, was copied from the Victorian Statute. The Bill was introduced by Mr. Watts in 1937. At that time he was a private member and he introduced the Bill with a view to bringing about some regularity of and control over the auction system.

When the Act was originally introduced in Victoria it covered the sale of stock only, but subsequently it was amended to embrace the sale of wool, hides, sheep, garden produce, potatoes, onions, and a never ending string of other commodities. When the legislation was introduced in this State honey was added to the list of commodities set out in the Victorian Act.

It remains to be seen whether the proposed amendments in this Bill will have the desired effect, because I think it would be correct to say that it is impossible to prevent thieves from conducting their operations. When moving the second reading of his Bill, Mr. Watts made the following comment:—

Although these measures may not be entirely successful, and although they may require for their full observance more policing than is possible should the Bill become law, nevertheless I submit that we do not say that stealing should be made legal because, for 2,000 years or possibly longer, stealing has been illegal, yet there is some stealing going on still. We retain the illegality of the business of stealing because we realise that that illegality has the effect of minimising the evil.

When he made that statement he was referring to the practices that were then in existence—prior to the introduction of this Act; namely, lot splitting or tossing which occurred when a person would sit on the rails and buy stock and then, at a later stage, split up the stock among his mates or associates which, in effect, was robbing the producer of his just return.

The Act on the Statute book has stood the test of time since 1937 with no amendments whatsoever and with very few prosecutions. I certainly have not been able to ascertain whether any prosecutions have been laid in respect of other than stock sales. However, this Bill proposes to go a little further and deal with sales of other goods and commodities.

When I had a mixed business I had some years' experience of attending auction sales at least three times a week at both the Perth and Fremantle markets. This

law applies also to the sale of vegetables, fruit, potatoes, onions, and so on, and it is found that, on the auction floor, the law is broken every day. I feel sure, even under the amendments when passed, that the law will continue to be broken. Therefore, I consider it is time we took steps to draft a consolidated auctioneers Act. At the present time we have the Sales by Auction Act, the Government Stock Salesyards Act—which deals with stock sales in and around abattoirs—and the Auctioneers Act. I believe there must also be a separate Act for the sale of pigs, because the definition of "cattle" in the Sales by Auction Act includes everything but a pig. That definition reads as follows:—

"Cattle" means horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, ewes, wethers, rams, lambs and swine.

The point is: Does the word "swine" cover a pig? Because some of the definitions of "swine" I have read do not, in the true sense of the word, cover pigs. However, that is only by the way.

In my opinion, the amended legislation will not be policed. In fact, it cannot be policed effectively under the present set-up in Western Australia because a policeman is the only person who has the right to inspect the books of an auctioneer, and already he is subject to very severe penalties.

Let me explain what happens on the auction floor. When any buyer attends a vegetable sale, it is usual for him to have a friend on the auction floor. During the time I attended the Perth Metropolitan Markets members will recall that in those years there were various firms such as the W.A. Producers' Market; Lantzke & Sons Pty. Ltd.; Producers Markets Co-op. Ltd.; Berryman & Langley Pty. Ltd.; and Glendenning & Coy. Sometimes three auctions would be held simultaneously on the one floor. This could mean that tomatoes were being sold at one end of the floor, cabbages at the other end, and possibly root vegetables on another part of the floor. Therefore, it was necessary for a buyer to have a representative at each sale. That representative would buy in lots and subsequently split the lots among the various buyers. That practice has been going on since 1937, and it will continue. I am not saying that there is any collusion in this practice; it becomes necessary because it is impossible for a buyer to attend two or three sales conducted on the auction floor at the one time. Therefore, I think this feature of the legislation should be tidied up. Although one section of the Act provides that an auctioneer is not permitted to make a bid, it is well known that auctioneers have been making bids ever since they commenced to hold a hammer in their hands to sell produce.

On page 4 of the Bill, subsection (2) of proposed new section 4A provides—

An auctioneer shall not, whether directly or indirectly or by himself or any partner or other person, make a purchase, or be in any way concerned or interested in a purchase, of any cattle or farm produce, other than perishable farm produce, placed in his hands for sale by auction by any principal without having previously obtained the consent in writing of the principal to the purchase.

In that provision perishable farm produce is excepted, but the definition does not indicate what is meant by perishable farm produce, or who shall determine it. Does it mean anything that goes on to the floor of the Metropolitan Markets in Perth or the markets in Fremantle? If it does I would point out that some of the produce sold on those floors is not perishable because it is sent to all parts of the world.

The Hon. J. M. Thomson: There is a definition of "farm produce" in the Act.

The Hon. R. THOMPSON: Yes, that is so. That definition reads as follows:—

"Farm produce" means wool, skins, hides, tallow, cereals, grain, vegetables, potatoes, onions, other edible roots and tubers, tobacco leaf, fruit, hay, chaff, dairy produce, honey, live or dead poultry and game and eggs.

I would point out that that is only a definition of "farm produce." It does not define what "perishable" means, although the word "perishable" is specifically mentioned in subsection (2) of proposed new section 4A. However, when we come to subsection (4) of proposed new section 4A we find that it reads—

An employee of an auctioneer shall not make a purchase, or be in any way concerned or interested in a purchase, of any cattle or farm produce placed in the auctioneer's hands for sale by auction by any owner thereof without having previously obtained the consent in writing of the owner to the purchase.

If it is good enough for the auctioneer to have a right under one section of the Act, why should he not have an equal right with regard to farm produce other than perishables? I honestly cannot go along with this embargo being placed on auctioneers who are selling fruit and vegetables. I do not think they should rightly come within the definitions in this Act, or under its jurisdiction. There should be some consolidation of Acts dealing with these matters, because the provisions of the Government Stock Saleyards Act and the Auctioneers Act tend to make the situation cumbersome and many people

could commit a crime without knowing they were doing so, and they could thus be liable to a severe penalty.

This morning I rang an auctioneer whom I do not know and asked him whether these practices still continue in the markets; that is, whether the small shopkeepers still phone in to the market their orders for a certain quantity of goods. The man I rang, who, I understand, is the manager of his particular firm, informed me that this is the case. The quantities requested by phone are placed on a list and the auctioneer concerned buys for these lists. I have seen this done myself on numerous occasions. Under the provisions of the legislation this is possible only in the case of perishable goods.

However, the Bill then stipulates that if a servant of an auctioneer makes purchases without first having obtained a document signed by his principal, he is liable to a severe penalty—something like \$500. To me this is just ridiculous.

The Hon. E. C. House: What about fish? Are they auctioned?

The Hon. R. THOMPSON: I have been there only once and I am still trying to get the smell off my hands. I was not very happy with the Western Australian fish markets when I was there last.

The Hon. G. C. MacKinnon: It is a straight auction system and the premises are being rebuilt. I believe they are just about finished.

The Hon. R. THOMPSON: They should be, too. The situation there was rather putrid. However, to get back to the small shopkeepers, it would be rather uneconomical for them to have to spend the time on an auction floor. This could involve five or six hours at times and only a small supply of goods would be necessary to fulfil their requirements.

The present system is a good one and has proved itself over the years. There has been no question of unfair tactics by auctioneers. I have not heard of a single instance of this during my years of experience. The auctioneers were always scrupulously honest. Sometimes an auctioneer would give a list to one of his employees, or to another buyer. However, under the provisions of this Bill this practice would be illegal. Any goods must be knocked down to the auctioneer himself although he could be buying for 40 different people.

I therefore say in all seriousness, and in justice to people who control our fruit-selling markets, that this provision should be deleted. If it were to relate only to cattle, stock, wool, and general farm produce, I would agree, but when perishable items are involved, I think they should come within the normal course of auctioneering.

I give my limited support to the Bill because I believe the Minister and the Government are trying to overcome a situation which took place in and around Albany.

The Hon. A. F. Griffith: I cannot overcome that situation but I was, as a result of requests, trying to make it a little harder for the same thing to occur again, or at least to make the penalty greater if it did occur again.

The Hon. R. THOMPSON: I appreciate the point made by the Minister. I also realise that no matter how hard he tries we all know, including the Minister, that there will always be someone cunning enough to find a way to break the law.

The Hon. A. F. Griffith: I know that no matter how hard I try I cannot please everyone.

The Hon. R. THOMPSON: I support the provisions to which I have already referred, but not the provisions involving perishables, particularly when I take the schedule into consideration. Under the schedule, and in respect of farm produce, we find the particulars which are necessary, and those are the date of sale, the pen number, the name and address of seller, the number, the description, the stock brand, the marks, the price, the name and address of the purchaser, and the signature or initials of the auctioneer verifying the entries not made by himself. If this schedule is passed, those concerned will have my sincere sympathy.

The Hon. A. F. Griffith: Can you suggest some amendments which might improve the Bill?

The Hon. R. THOMPSON: The only amendments I could suggest are the ones about which I have already spoken. I would merely retain those items requested initially by the farmers; that is, their stock, wool, and wheat. However, when it comes to perishables—that is, vegetables, fruit, etc.—I do not believe this restriction is necessary. It is making the situation cumbersome. Also I doubt whether the provisions would ever be policed, but there is the possibility that someone could make use of them and could make difficulties.

If auctioneers had behaved unscrupulously on our market floors we would have heard of this over the years; but this has not occurred. Many times, because some fruitgrowers have topped up boxes of fruit-fly infested fruit with good fruit, the auctioneers have sent for inspectors and such produce has been withdrawn from sale. However, no-one has ever heard of an auctioneer knowingly doing anything wrong.

I would make a suggestion to the Minister: There is no need for any haste with this Bill, and I would suggest, therefore, that because it is beyond my ability to redraft the amendment in the correct way,

the measure should be sent back to those concerned to be redrafted and confine its provisions to those matters in which the farming and pastoral communities have a vested interest. The vegetable-growing and fruit-growing sections should be deleted from this Act, and perhaps incorporated in the Auctioneers Act. I support the Bill at this stage.

Debate adjourned, on motion by The Hon. J. M. Thomson.

MARKETING OF CYPRUS BARREL MEDIC SEED BILL

Assembly's Request for Conference

Message from the Assembly received and read requesting a conference on amendments Nos. 4 and 5 insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.40 p.m.]: I move—

That the Assembly's request for a conference be agreed to.

At this stage I must ask your indulgence Sir, because I am unable to set a time for this conference. I would suggest we accept the request for the conference, and advise the Legislative Assembly that we will, at a later stage, fix a date suitable to both Houses.

The PRESIDENT: Under these extraordinary circumstances, I take it this request by the Minister will meet with the approval of the House.

The Hon. L. A. LOGAN: I would refer members to Standing Order 392 which reads—

In respect of any Conference requested by the Assembly, the time and place for holding the same shall be appointed by the Council. . . .

On a couple of occasions this afternoon I have tried to fix a time, but up to date I have not been successful. It is not my fault, but I am in your hands. I could nominate a time, but it might not meet with the approval of the Assembly.

The PRESIDENT: I suggest to the Minister that he frames his motion in order to suggest the time be agreed upon at the mutual convenience of both Houses.

The Hon. L. A. LOGAN: I agree with you, Sir, that the time decided should be a mutually convenient one.

Question put and passed.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.42 p.m.]: I move—

That the managers for the Council be The Hon. N. McNeill, The Hon. F. J. S. Wise, and the mover.

Question put and passed.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.43 p.m.]: I do not want to interfere, but, as Leader of the House, I feel that I ought to suggest, Mr. President, that you read Standing Order 392 which sets out clearly that when a conference is requested by the Legislative Assembly, we set the time and place. If a conference is requested by the Legislative Council, the Legislative Assembly sets the time and place. Whether the time is convenient does not come into the question. We simply set the time and we inform the Legislative Assembly that we are prepared to meet its managers at such and such a time and at such and such a place. It sounds like no guns at dawn!

THE HON. F. J. S. WISE (North) [5.44 p.m.]: This appears still to be a nation-rocking Bill. May I suggest to the Minister in charge of the Bill in this House that an appropriate time to members of this Chamber be named by him. If I might make the suggestion, I would say that an appropriate time for the Minister would be 11 a.m. on the 18th March.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [5.45 p.m.]: I move—

That the conference take place in the Select Committee room at 12 o'clock noon on Wednesday, the 18th March, 1970.

Question put and passed and a message accordingly returned to the Assembly.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed from the 11th November.

THE HON. J. DOLAN (South-East Metropolitan) [5.46 p.m.]: The Bill before the House results from the work of the Statute Law Revision Section of the Crown Law Department and is similar to other Bills of this nature which have come before us.

The final purpose of the committee is to establish a complete list of Statutes which are still in force. This has necessitated the compilation of an index containing every repeal effected since the colony was established and an examination of all Acts and Ordinances since they were enacted.

The Bill under discussion consists of three schedules which deal with various types of enactments. For example, the first schedule sets out for repeal certain enactments which are divided into seven parts. Part I deals with Acts of supply and appropriation. After supply has been granted and money appropriated and used for certain purposes, such an Act is no longer of any particular value, because

anything contained in the Act can be referred to almost at any time by reference to reports and so on.

Part II deals with Loan Acts. In other words, the Acts deal with loans which have been raised and appropriated for various public services. The Treasury now feels that none of these Acts has any particular purpose and, consequently, it has no objection to their repeal.

Part III deals with Railways Acts. I thought I would do at least some research into some of the Acts which are mentioned. I decided to go back through *Hansard* to find out the purpose of discontinuing certain lines and, perhaps, to find out the purpose of the lines being constructed in the first place. In this way, I thought I would build up a little story for my own benefit and perhaps for the benefit of some members of the House.

Reference is made to five Acts in all under the part that concerns railways. The first four relate to railways which have been discontinued through the introduction of specific Acts and the fifth relates to the purchase by the Government of a line which belonged to a private company.

The first reference is to "Cue-Big Bell and other Railways." For my own information I thought I would look at some of the other railways to see what was involved. The Cue-Big Bell line was only 19 miles long, and I think the total length of railway concerned in the "other railways" was 681 miles. The railways concerned were of various lengths and some were more than 100 miles long. For example, the line from Meekatharra to Wiluna was over 100 miles long and others were as short as nine miles long. Consequently, I was a little interested to know why the title specifically mentioned, "Cue-Big Bell." Why was this line selected and mentioned out of 16 or 17 possible lines?

It occurred to me that the reason might have been to preserve alphabetical sequence. However, I found that four or five of the railways concerned started with the letter "B"; for example, Brookton to Corrigin, and others. I concluded that it could not have been for alphabetical reasons and also that it could not have been because of the length of the Cue-Big Bell line, which is one of the smallest. I thought it might be because of its importance.

The Cue-Big Bell line was built to accommodate the operations of the Big Bell Mine. However, I could not see that the Big Bell Mine was any more important than the mines at Wiluna.

I leave it at that. The more one examines Bills the more confused one becomes. In the end a member's frame of mind is simply that he does not know why certain titles have been selected specifically.

Big Bell and Wiluna were very similar in that they were mining towns operating low-grade ore propositions. Eventually it became uneconomic for them to continue their operations. However, I must mention that today perhaps one of the biggest operators, the Mount Charlotte Mine, is operating on a lower grade of ore than that mined at Big Bell or Wiluna. This makes me wonder whether, with better methods of treatment, there is a possibility of these places opening for mining in the future—whether it is the far-distant or not so distant future. Perhaps this is a possibility.

The Hon. A. F. Griffith: I think the price of gold would be a very important influence.

The Hon. J. DOLAN: It could be. My mention of Wiluna reminds me that only yesterday two containers with honey-dew melons grown at Wiluna were loaded on board a container ship in Fremantle Harbour. An enterprising grower of melons of various kinds has been very successful in growing this variety and has established a market in England. Strangely enough the people in England find these melons to their taste whereas Australians do not.

The Hon. F. R. H. Lavery: I do.

The Hon. J. DOLAN: The grower has found it necessary to send these melons overseas and, as I have said, two containers were loaded only yesterday. It looks as though it might be possible to establish an industry of this type although, of course, Wiluna is restricted by the quantity of water available.

The next line mentioned in this part is the Bellevue-Mount Helena railway. Perhaps we do not realise in thinking of the position of that line that it was very busy when it was opened over 100 years ago. Every year approximately 75,000 tons of firewood were brought down to the metropolitan area. In addition, large supplies of gravel were brought from the quarries to make our roads. Consequently the railway performed a very useful service.

As time went on this sort of operation ceased and eventually the line was kept open for passenger traffic only. With the use of modern transport, such as buses, the line became uneconomic to run and a bus service was established in its place. I think the first bus service to cater for the people who had been served by the railway was operated by the Beam buses, but today an excellent service is provided for this region to the terminal at Midland. Passengers can obtain a combined bus and rail ticket and come into the city in that way.

The third line mentioned is one I crossed over a few days ago; namely, the Bibra Lake-Armadale line. This line has become unnecessary through the building of the new line to serve the bauxite deposits in Jarrahdale. The new line comes

down from Mundijong, through Kwinana, and continues on through Fremantle. The building of the new line, which has stronger rails and better grading, made the continuance of the Bibra Lake-Armadale line unnecessary. It was very useful in the old days when it acted as a link between the port of Fremantle and the south-west railway; that is, the line going through to Bunbury. It was a useful link for bringing coal from Collie to Fremantle. However, with the completion of the new line the old line is completely unnecessary, as I have said.

The other line referred to is the Midland-Walkaway railway. This does not mean that the whole of that railway is concerned because, in fact, only the sections which have become unnecessary through the building of the standard gauge railway are affected.

Finally there is the Flinders Bay-Margaret River railway which originally belonged to the Millars' Timber and Trading Company. It was purchased by the Government and operated as a Government line.

Members will see that the railways concerned—and, more particularly those which are not actually mentioned in the Bill—cover all sections of the community. In other words, the pastoral, agricultural, mining, and dairying industries used these railways for certain purposes.

I come now to part IV of the Bill. I shall express views which are not critical but to which I would like the Minister to make particular reference later on. When the Minister moved the second reading, he said that the officers of the Statute Law Revision Section of the Crown Law Department had embarked on a prolonged programme of research into our Statutes. A number of Bills have come before us for the repeal of certain Acts and the Chamber accepted them, as it should, with the utmost trust.

The Hon. F. J. S. Wise: But after due examination.

The Hon. J. DOLAN: That is correct. At this stage I would like to pay a tribute to the excellent work performed by these officers.

The Hon. F. J. S. Wise: Hear, hear!

The Hon. J. DOLAN: Mr. Clarkson, Miss Offer, and others associated with them have been meticulous in their examination. However, when I look at the Bill, and more particularly at the developments since the Minister moved the second reading last year, I have the feeling that perhaps something must have gone wrong. I always appreciate, of course, that if one looks at something for a second or third time one can find something which is perhaps not as it should be.

However, it is an accepted principle when dealing with the repeal of Acts that

there must not be one spark of life left in the Act. It has to be as dead as a dodo. The principle is that if there is anything in the Act which might possibly become effective the Act must be retained. This is why I was very surprised yesterday when I received the notice paper to see a considerable number of amendments to part IV of the first schedule. Sixteen Acts were to have been repealed in this part. However, in the Committee stage the Minister intends to move that the whole of part IV be deleted and then to move that six of the 16 Acts should be substituted.

The 16 Acts were subjected to very careful research and examination and it was decided they should be repealed. In keeping with the principle which applies to the repeal of Acts, I think members would take it for granted that it was quite in order for Parliament to repeal those Acts. As I say, something must have happened and I know the Minister will explain to our satisfaction what has happened to necessitate the deletion of the whole of part IV and the substitution of only six of the Acts mentioned.

I know that certain legislation is intended and it may be found that sections of the Acts deleted from the Bill are necessary. However, this is not in line with our thinking in connection with the repeal of Acts. Our thinking on previous occasions has been that everything proposed to be repealed was at the stage where it could be repealed, as nothing contained in the Acts could ever be of use. It appears that this is evidently not the position in this case. I do not know whether the officers concerned had a third look at the relevant Acts and decided that the provisions in 10 of the 16 Acts may be necessary for retention. I would ask the Minister to confirm that, because I would not like to have left in my mind the slightest suspicion that the other Bills we passed—

The Hon. F. J. S. Wise: Doubt rather than suspicion.

The Hon. J. DOLAN: —could possibly have had included in them mistakes that may have been discovered had there been a third or a fourth look at the legislation. However, I have sufficient trust, faith, and belief in the members of this special Statute revision committee to feel that on this occasion there was something unusual, and whatever it was the Minister will explain it to us in his reply and we will be quite happy about it.

The next part of the first schedule refers to superseded enactments, and the titles of some of them make most peculiar reading today. For instance, in 1851, which is almost 120 years ago, an Ordinance was passed for "the better apprehension of offenders who shall have escaped to parts within the Territory of Western Australia from any other of the Australian

colonies." In this respect I have a recollection of a question that was asked this afternoon about criminals coming to this State from the other States of Australia; so apparently all down the years Western Australia must have been a place that appealed to criminals who wanted to escape from something or someone—even if it was only a wife. Apparently it was thought that Western Australia was a good place to go to, and even 120 years ago a law was needed to provide for the better apprehension of certain offenders.

The Hon. A. F. Griffith: No matter where criminals live they always think that some other place will offer them greener pastures.

The Hon. J. DOLAN: I believe that that is so. They think it is better to go to some other place where perhaps the people are more friendly and where they will not get into so much trouble.

Part VI deals with enactments not in operation, and one which interested me particularly goes back as far as 1840, which is 130 years ago. It constituted Rottnest Island as a legal prison and anybody who visits the island today can still see signs which indicate that the island was once a prison, and the prisoners were mainly Aborigines who, for various reasons, were in trouble and were imprisoned. Apparently history repeats itself for today, when these people do something that does not conform with our laws, we have to put them in prison.

In the same year—1840—an Act was passed to allow the Aboriginal natives of Western Australia to give information and evidence in criminal cases. That Act has been on the Statute book for some considerable time but apparently it is believed that it is no longer necessary because it is listed under enactments not in operation.

Another Ordinance passed in 1845 authorised the Governor of Western Australia to raise the sum of £2,000 on loan for the erection of a gaol, or for other public services of the colony. In these days, when we hear about erecting new gaols and providing services for the people, I am sure the Government would like to be able to introduce an Ordinance which would authorise the Governor to borrow £2,000, or \$4,000, to enable the Government to build a new gaol and provide everything else that it believes may be necessary for the people of the State. It is difficult to imagine how the Government in those days was able to provide so many facilities at such a small cost.

Part VII of the first schedule deals with general Acts which cover a multitude of subjects, most of which would not be of any interest at this stage.

In the second schedule we find something a little different. This schedule confers short titles on 21 enactments that at present do not have short titles. If they

are to be repealed at a later date I suppose it would be desirable for these Acts to have short titles.

The Hon. A. F. Griffith: It makes it easier to find them.

The Hon. J. DOLAN: I understand that the purpose of a long title is to enable people to know what a Bill deals with, generally speaking, without having to go through the whole of the measure. The short title merely condenses what is in the long title. I shall read only one long title for the information of members to show how thorough the draftsmen were in days gone by and how easy they made it for the ordinary member of the public to know what an Act dealt with. The Act to which I shall refer was passed in 1836, which is 134 years ago, and the long title reads as follows:—

An Act for adopting, and applying certain Acts of Parliament, passed in the first, the first and second, the second, and the second and third, and the third and fourth years of the reign of His present Majesty, respectively, in the Administration of Justice in the Colony of Western Australia, in like manner as other laws of England are applied therein.

Our early laws, of course, were based on English law—in other words, what laws they had in England were given to us, we borrowed them, or we copied them in some form or other; and, in regard to the Act to which I have just referred, the following paragraph is added at the end:—

This Act may be cited as the Imperial Acts Adopting Act, 1836.

That is the short title but it has nothing to do with the adoption of children. It deals with the adoption of British laws and some of the long titles shown in the second schedule are very long indeed.

The purpose of the third schedule is to make indexing more reliable and easier by removing from the short title the article "The." It is most confusing when one is confronted with a large number of Acts the short titles of which all start with the article "The." One has to go through all of them to find out their correct place in the index.

For instance, in the list in the third schedule there is The Aboriginal Offenders Act, 1883; The Bank Holidays Act, 1884; The Constitution Act, 1889; and The Arbitration Act, 1895. With the elimination of the article "The" each Act can be put in its correct place in the index which makes it much easier for all concerned. One can see the advantage of doing this.

I give the Bill my support but I do ask the Minister to explain why it was necessary, in part IV of the first schedule, to remove 10 of the Acts mentioned—this is done by an amendment to delete all of

the 16 Acts referred to and then reintroducing six of them for inclusion under part IV.

The Hon. A. F. Griffith: I can do that.

The Hon. J. DOLAN: I will be delighted to hear the Minister's explanation. I would hate any doubt to remain in my mind that there might possibly have been a mistake in one of the other Bills we passed to deal with Statute law revision. In my own mind I know mistakes have not been made because I am appreciative of the meticulous care that is exercised in the examination of these old Statutes and the considerable amount of research that is done. However, I ask the Minister for that information. I support the measure.

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

House adjourned at 6.9 p.m.

Legislative Assembly

Tuesday, the 17th March, 1970

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

ASSEMBLY CHAMBER

Improvements

THE SPEAKER (Mr. Guthrie): With the indulgence of the House, before we proceed, I would like to draw the attention of members to improvements that have been made in the Chamber and I would emphasise that, largely, these are experimental. During the recess it was not possible to have a dress rehearsal in the House with all members present with their papers lying on the benches, but it is hoped that the fans that have been installed in the ceiling will make conditions more comfortable for members.

However, if any honourable member thinks that further improvements can be made I would be glad if he would let me know. We are conscious of the fact that there is a fan in one corner of the Chamber but not in the other and I would like members, particularly the two in the back row on the opposition side, to advise me whether they consider another fan is necessary.

On conducting experiments we noticed that flimsy papers, particularly those that were lying on the front benches, had a tendency to take off. With a view to preventing papers being blown off the benches, it is proposed to supply all members with a board to which they can attach papers they may require when making speeches in the House. Unfortunately the sample board I have before me