EDUCATION ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Council without amendment.

House adjourned at 11.15 p.m.

Legislative Council

Thursday, the 16th November, 1967

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

QUESTIONS (6): ON NOTICE

MARVEL LOCH SCHOOL

Closure

1. The Hon. J. J. GARRIGAN asked the Minister for Mines:
   (1) Is it the intention of the Government to close the Marvel Loch State School?
   (2) If the reply to (1) is "Yes," what alternative arrangements will be made for the education of children in the area?
   (3) Does the Minister agree that the closure of this school will adversely affect this small town?

The Hon. A. F. GRIFFITH replied:

(1) The matter will come under review during 1968, in response to local requests.

No action will be taken until all parents concerned have been contacted and their opinions sought.

(2) and (3) See answer to (1).

KALAMUNDA HIGH SCHOOL

Draining of Oval

2. The Hon. F. R. WHITE asked the Minister for Mines:
   (1) What action is proposed in regard to the draining of the new oval at the Kalamunda High School?
   (2) When will this drainage be completed?

The Hon. A. F. GRIFFITH replied:

(1) The proposal includes the provision of new channels and deepening of existing channels to divert the stormwater which at the present time flows on to the oval from surrounding higher land.

(2) Funds are available and the work will be carried out in the near future.

WOOL EXPORTERS LIMITED

Availability of Report

3. The Hon. S. T. J. THOMPSON asked the Minister for Mines:
   (1) Is the Minister aware that farmers involved in the Wool Exporters case are having some problems regarding taxation liability?
   (2) As the result of this inquiry could have some influence on the position, could the Minister give any indication as to when the report of the Wool Exporters case is likely to be available?

The Hon. A. F. GRIFFITH replied:

(1) I have no knowledge of the matter but I imagine that this could well be so.

(2) It is expected that the report will be received about the first week in December.

KALAMUNDA HIGH SCHOOL

Upgrading

4. The Hon. F. R. WHITE asked the Minister for Mines:
   (1) Is there any proposal to upgrade the Kalamunda High School from a three year to a senior high school?
   (2) If the reply to (1) is "Yes"—
      (a) when is it anticipated that construction will commence; and
      (b) when will fourth year students be admitted?

The Hon. A. F. GRIFFITH replied:

(1) and (2) Not at present. The upgrading of the Kalamunda High School has been given full consideration. The number of post-junior students is not sufficient to permit the introduction of the full range of upper school courses. Unless these courses are available the students will be at a disadvantage compared with the opportunities they now enjoy at the Governor Stirling Senior High School.

HOUSING

Albany: Suspension of Building Programme

5. The Hon. J. M. THOMSON asked the Minister for Mines:
   (1) Has the attention of the Minister for Housing been drawn to a statement appearing in an issue of *The Albany Advertiser* dated Monday, the 13th November, 1967, wherein a builder states that—
      (a) the State Housing Commission has halted its Albany building programme because it claims construction tenders are too high; and

(b) the calling of fresh tenders could not be arranged again for six months?

(2) (a) Are these statements correct; and

(b) if not, what are the full facts regarding the various allegations?

The Hon. A. F. GRIFFITH replied:

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

(2) (a) No.

(b) These are the facts:

(i) The commission called: Tender 628/67 — for construction of two timber-framed houses and five timber-framed duplex dwellings. Tenders were received from: G. Jorritsma & Co., $88,640; T. Knight & Co., $92,757; P. & K. Lisovski, $94,057. Tender 629/67 — for construction of four timber-framed houses, one duplex (cottage flats), and one building of four cottage flats. Tenders were received from: G. Jorritsma & Co., $59,428; R. B. Mitchell, $61,163; Mouchemore & Co., $62,793; P. & K. Lisovski, $63,146; T. Knight & Co., $68,331.

(ii) T. Knight & Co.'s quote for tender 628/67 was the second lowest of three tenders received, not the lowest of seven as stated in the article referred to.

(iii) The article states—

> Mr. Knight said tenders submitted by Perth builders for last week's group were up to $1,000 higher per house.

R. B. Mitchell was the only Perth builder to tender for tender 629/67. His quote was the second lowest and was $7,168 lower than that of T. Knight & Co., whose tender was the highest at $68,331. R. B. Mitchell's tender was $717 per unit of accommodation lower than that of T. Knight and Co.

(iv) G. Jorritsma & Co. withdrew from tender 628/67. T. Knight & Co.'s tender was substantially in excess of the commission's estimate.

At a meeting on the 2nd November, 1967, the commissioners decided to recall both tenders as it was considered by regrouping the types of dwelling in each tender more favourable prices could be obtained.

KALAMUNDA HIGH SCHOOL

Additional Classrooms

6. The Hon. F. R. WHITE asked the Minister for Mines:

(1) Have tenders been called for the construction of additional classrooms at Kalamunda High School?

(2) Will these classrooms be available for occupation at the commencement of the 1968 school year?

(3) How many additional classrooms are proposed and do these include a technical drawing room?

(4) If the reply to (2) is "No," what provision will be made for alternative temporary accommodation?

(5) Is the Minister aware that two small rooms, at present being used as classrooms, will not be available as such next year?

The Hon. A. F. GRIFFITH replied:

(1) The work will be undertaken by the Public Works Department day labour organisation and hence tenders will not be called. Construction is due to commence.

(2) There is every indication that the work will be completed.

(3) Two rooms will be erected. These will consist of one classroom and a large general purpose classroom available for technical drawing.

(4) Answered by (2).

(5) These rooms will be available next year for tutorial purposes and small class groups.

DRIED FRUITS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th November.

THE HON. N. E. BAXTER (Central) [2.44 p.m.]: As the Minister explained when introducing the Bill, its purpose is to improve the method of conducting elections for members of the Dried Fruits Board. There are a couple of matters to which I would like to refer. A query was raised in another place in regard to clause 3 of the Bill which prescribes the method of election. I understand the query related to the inclusion of the words, "by regulation," in the Bill.

I would explain here that this is not necessary in the case of the Bill before us, as there is provision in the regulation-making powers of the Governor contained in the Dried Fruits Act to cover this point

which, however, is not contained in the Marketing of Eggs Act. The query arose because it was felt the matter should be covered by regulation.

In connection with the election of two members the provision seeks to follow out the purpose of the regulations under the method of election contained in regulations relating to the Marketing of Eggs Act. There is a simple process involved in the election of one member; it is that used in elections in the State and Federal sphere, where two representatives are elected. I will read the regulation in question so that members will appreciate what is implied. It reads as follows:—

> When two candidates are to be elected the count of the votes will proceed until one candidate has received an absolute majority, when he shall be declared elected. The first elected candidate shall then be eliminated from the count, and to proceed with the election of the second candidate, all the ballot papers, including those which have been set aside as exhausted, shall be brought into operation and again sorted into first preference votes. The first preference votes of the eliminated successful candidate shall be distributed according to the second preference markings shown thereon to the remainder of the candidates, and when added to their respective first preference votes shall constitute the first count for the second candidate. The procedure from then on shall be the same as in the counting of votes for the election of one candidate.

That is the simple procedure adopted under the Marketing of Eggs Act when two candidates are to be elected. This will also apply in the case of elections under the Dried Fruits Act when the regulations are promulgated and published in the *Government Gazette*.

This is a good move forward because, as the Minister told us, there has been no election in the past to the Dried Fruits Board. I do not know the reason, but with the system of polling places in operation at the moment it can be imagined that if there was a voluntary vote quite a number of people would not bother to vote. In the case of the new method of election, however, as provided in this legislation, more people will vote and the result will be far more satisfactory.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

BRANDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th November.

THE HON. J. HEITMAN (Upper West) [2.51 p.m.]: I will not take up very much time of the House in speaking to this Bill. I feel that one of the amendments to the Brands Act contained in this measure hinges on the type of brand that can be used for branding sheep.

The Hon. F. J. S. Wise: It has nothing to do with George Brand?

The Hon. J. HEITMAN: No; and it has nothing to do with Dave Brand, either. Last year we amended this Act in regard to the size of the brand that could be used. If I remember correctly, we decided the brand should be three inches by seven inches. The size of a cattle brand this year is optional; it can be any size between six inches by two inches and nine inches by three inches. I do not think the size of the brand matters two hoots; it is the portion of the brand that fits the cattle which matters, as this decides whether it will be a clear or a muddled brand.

Most of the objection to the size of the brand is coming from the inspectors who police the Act. They go to a saleyard and find that brands are not legible. That being so, they go straightaway to the vendor and tell him he must brand his sheep with a more legible brand.

If we looked at this matter from the thickness of the bottom of the brand there would be some sense in it. If something the size of a person's finger were placed in branding ink and pressed on to a piece of wool the result would be a smudgy type of mark; but if something the size of a book cover were dipped in the branding fluid and placed on a sheep's back, the result would be a decent, legible line that could be traced for some time to come.

Every time we have amended the Act, the amendment has dealt with the length, height, and width of the brand; but we have done nothing about the size of the brand at the bottom, and that is the important part. In my experience I have seen many types of brands. Some stock agents recommended a brand with a container that holds perhaps a pint or a quart of branding fluid. There are a few holes in the bottom of the container which has underneath it a piece of felt, the size of the brand. The idea was to brand 100 sheep or more, so long as branding fluid remained in the container. All of those brands were smudgy, and no stock inspector could read them.

If one went to a saleyard one could see evidence of farmers having bought these containers, because of the speed with which they could brand, but the containers were not of much use. Another form of brand became available. It was one with a half inch bottom, three inches

high, and with three quarters of an inch between each letter or numeral. After branding a few sheep wool stuck to the bottom of the brand which became three quarters of an inch wide instead of half an inch and when it was pressed on to an animal it produced a smudgy type of brand. It was not possible to tell whether it was Mr. Wise's brand or my brand.

All along the line we have been tackling this matter in the wrong manner. I asked the Minister this morning if there was any chance of moving an amendment at this stage. I do not know whether it is possible for the amendment I have in mind to fit in with the measure. Last year it was possible to use a brand seven inches by three inches with three quarters of an inch between each letter or numeral, but this year one can use any size of brand one likes between six inches by three inches and nine inches by three inches, so long as the letters and numerals are three quarters of an inch apart.

If the requirement was scrapped and a new regulation promulgated to cover type, size, thickness, and everything else, we would get somewhere.

The Hon. F. J. S. Wise: Can it be done by regulation?

The Hon. J. HEITMAN: I cannot see anything to stop its being done that way. There is little else in this Bill which will improve the Brands Act. I will now turn to earmarks. Here again, there is a certain size for cattle. At one time it was one inch in height and five-eighths of an inch wide. Now it can be three inches high and five-eighths of an inch wide. Of course, for sheep, it can be half an inch high and half an inch wide.

In my time I have branded both sheep and cattle and have always used the one earmark for both. It was three-quarters of an inch high and half an inch wide. In cattle it was quite legible for up to 20 yards. After that distance it was impossible to pick out one's own earmarks from one's neighbours. Therefore, after all the bother to which we have gone to try to make these brands fit the bill, we have not made much progress. Each time a farmer is required to make a new brand in order to comply with the regulations; and this is not cheap. It costs money to make a brand. In addition, it takes up quite a lot of time.

I feel the time is not far distant when the only brand recognised will be an earmark or an ear tattoo—which this Bill handles in some way—because branding fluid is very expensive. It takes a tremendous amount of time to get the right type of brand with which to brand sheep; and inspectors and policemen state that brands have very little effect as far as the stealing and identification of sheep are concerned. If people want to steal sheep they do not mind cutting the brand off, or even stealing sheep with the brand on them. These people have a method of disposing of stolen sheep and they do not care whether the brand is on the sheep or not.

It will not be very long before the branding of sheep will be dispensed with altogether. Last year we amended the Act to provide that sheep that were shorn had to bear a legible brand; and we stipulated the size of seven inches by three inches.

I think it was pointed out last year, when we were discussing this matter, that if one had to brand a lamb which was very small the brand would reach from the head to the tail or, from "sneezer to breezer." I do feel we will improve the Act by the introduction of this Bill because we do not have to brand lambs at all, as long as they are kept with their mothers. The provision goes even further and says that if a lamb has strayed from its mother it does not have to be branded as long as it is not shorn.

All in all, I think this is a good Bill. It does improve the position with regard to earmarking and also provides for branding by a tattoo-mark, or any other identifying device approved for use as a brand by the registrar. I think we have always been able to do this. I know that one can use a tattoo-mark on the ear, or a fire-brand on the horn. By being able to tattoo the ear, we are not being able to do anything new. I think that next year the Minister will come up with something different altogether, and I hope he will follow my suggestions to ensure that the brand is of the right width, instead of that which is provided for today.

I will support the Bill on this occasion, but I feel it does not cover everything that it should do. A lot more could be done to improve the set-up, and perhaps it could be done by regulation instead of bringing a Bill before the House.

THE HON. S. T. J. THOMPSON (Lower Central) [3.3 p.m.]: I am afraid I will have to differ to some extent with the previous speaker. This amending Bill sets out to do four things. It will alter the definition of brands and it does away with the necessity to brand sheep on one's own property at any time. The Bill also allows for the identification of Friesian cattle by photograph instead of by brand or earmark. Also, in future it will be necessary to brand pigs.

This is something new, and I should imagine that at first glance the majority of pigbreeders will show some hostility. However, I think the benefits contained in this Bill will be shared by all. When the amendment is incorporated, the section of the Act will read as follows:—

> The permanent impression of any letter, sign, or character branded upon any stock, including any ear-mark, fire-brand, and tattoo-mark, the im-

pression of a wool brand, or any other identifying device approved for use by the Registrar . . .

I think the crux of the amendment is those few words "device approved for use." I am hoping that one of the approved devices will be an eartag showing the owner's registered brand. If this is accepted, it can be incorporated by regulation.

I feel it will not be long before woolbranding of sheep will be done away with altogether. We have to do something towards abolishing woolbranding.

The Hon. F. J. S. Wise: Do you think the present method of branding has prevented any sheep stealing?

The Hon. S. T. J. THOMPSON: I do not think it has prevented any sheep stealing at all. The brands are of some help to the police in catching the sheep stealers, but are mainly used to identify sheep from neighbouring flocks. Another matter which concerns me is connected with the sale of wool. I have a translation of a letter from Kammgarnspinnerei Kaiserslautern, dated the 14th September, 1967. It was addressed to a firm in Western Australia, and reads as follows:—

> When sorting this shipment of which you already received the yield account, we had to take out 1 kilo of tar-tips. Our analysis of these tips proved that the dye-stuff used is not soluble in water and cannot respectively be washed out under normal conditions. As a proof enclosed please find a small sample.
>
> Much to our regret we cannot ascertain which bales contained marking-dyes being soluble in water and which bales contained such dyes not being soluble in water or not completely to be washed out. To find out the bales affected, and subsequently the innumerable, necessary tests in our chemical laboratory would require an amount of work that we cannot master. As is well known since years in accordance with the regulations of the International Wool Association farmers in Australia are only allowed to use dyes for marking the sheep which may easily be washed out. Our continuous tests, however, proved that not all the breeders comply with these regulations using the old marking-dyes now as before. Therefore we have no alternative but to sort out the pieces covered with dye-stuff in the usual way and to cut off the tar-tips by laborious handwork. If at this work in spite of every care a piece occasionally was overlooked this had no great significance with regard to the subdued colours. The present light fashion colours, however, require such a high standard of the purity of the top that even a small amount of coloured fibres as far as they are perceived reduces the possibilities of using the material.

It continues on that line, and closes with the following paragraph:—

> Perhaps these lines will give rise to some action on farmers in Australia through your firm to the effect that at last the existing regulations will be observed, and that in future only such dye-stuff for marking sheep will be used which may easily be washed out. Moreover the dye-stuff may not be laid on so thickly that this leads to crusts which under normal washing conditions cannot be solved.

It is quite apparent that our branding fluids do create a problem in the wool trade. If we can devise a substitute for branding, we will have gone a long way. Possibly, the necessary framework is contained in this Bill.

Regarding Mr. Heitman's remarks on firebranding, such branding was not accepted on stud sheep previously. However, this form of branding is now accepted. I think it was at Northam last year that all the sheep were to be put out of one sale because they did not have registered earmarks. Earmarking is still compulsory. We have progressed by removing the necessity for stud breeders to use the earmark.

The Hon. J. Heitman: The sheep have to be earmarked.

The Hon. S. T. J. THOMPSON: But that was not the case previously. Some confusion was caused by the amendment to section 28 of the Act to repeal the subsection which makes it necessary to earmark sheep. Section 28, as it existed, stated that the owner shall earmark his sheep with his registered brand before they are six months old. That provision has been deleted from the Act and a provision that the owner shall earmark the sheep with his registered brand has been substituted. This is quite O.K. because the definition of an earmark is found within the definition of brands. However, it does not clarify the position dealing with all matters. We have a registered brand, and a registered earmark.

It is necessary that we retain the registered earmark, because that is the only real identification. If we accept the principle of having a tag without the registered brand it will be simple to remove the tag from the sheep's ear. One need only have a pocketful of one's own tags and the ownership of many sheep could soon be changed.

Possibly there will be some general acceptance of the Bill. The fact that we do not have to brand sheep on the property will appeal to many farmers. All lambs have to be branded after they have been shorn. There is an amendment on the notice paper to provide that unshorn lambs do not have to be branded until they

are six months old. Apparently that provision was omitted when the Bill was printed.

I agree with the remarks made by Mr. Heitman on the alteration of the size of the brand. Only last year it was seven inches by three inches, but now the brand can be changed to any size between six inches by two inches and nine inches by three inches. I cannot understand why the change has been made.

I think the branding of pigs will be accepted generally by pig breeders. It is a step along the way towards abolishing the disease which has created many problems. At present there is no way of tracing the origin of the disease. It is impossible to trace the ownership of pigs when they are rejected at the place of killing. However, when pigs are branded it will be possible, if they are diseased, to trace the previous owner. This will only apply to pigs over ten weeks old. Although some pig breeders will be a little diffident about branding initially, I feel sure that, generally, the principle will be accepted.

Like Mr. Heitman I have been using the sheep's earmark for earmarking cattle. I have found, on inquiry, that the size mentioned in the Bill is the usual size of the earmark adopted by those engaged in the cattle industry. Of course, when an earmark is placed on a calf it is not very large, but by the time the beast has become fully grown it has become a fair-sized mark. These are the general standards accepted by those in the cattle industry. I have made a check with cattle breeders in the south-west and I have found that the earmark to which I have referred is standard at present. With those few remarks I support the measure.

THE HON. E. C. HOUSE (South) [3.13 p.m.]: The Bill is at least a start in the right direction towards effecting improvement in the branding of sheep. Much has been said about the size of the particular brands. This is brought about mainly because we have two letters and one number making up the brands used in this State, which makes three marks in all. There is only one simple brand used in South Australia, and this brand is no larger than one of the letters or figures used in our brands. Despite this it seems to be as satisfactory as our three-unit brand. In the Eastern States sheep stealing is more rife than it is in Western Australia, and if sheep breeders in those States were of the opinion that the size of the brand would reduce the incidence of sheep stealing, I am sure they would increase the size of their brands. Sheep stealing is a highly-organised and lucrative business in parts of the Eastern States and this has resulted in special squads of police being appointed to counter sheep stealing.

The cost of branding fluid is quite considerable and under the present regulations if sheep arrive at the Midland saleyards after travelling 200 or 300 miles with a sufficient percentage not legibly branded they may not be sold that day and they may have to be agisted for at least a week until the next sale. This means the farmer is faced with added expense. One would think that a simple method could be evolved to identify the sheep as belonging to the owner who forwarded them. The rejection of sheep because of unsatisfactory branding occurs quite often, and it seems to be unreasonable that, because the Brands Act makes certain provisions, this should be so.

The whole point about making it compulsory to have a stain brand is that it is completely ineffective. One is forced to brand a sheep on completion of shearing and within a few weeks the brand has almost disappeared. As mentioned by Mr. Syd Thompson, due to the difficulty of securing a particular brand, the C.S.I.R.O. has devised the lanolin-based brand which is soluble in water. Therefore the brand serves little purpose in preventing sheep stealing. It only creates more expense and it could be proved, I think, that it has no value in minimising the degree of sheep stealing that takes place. I would hope that we would move towards discarding all stain branding throughout Western Australia.

As I have already mentioned, as a brand it serves no useful purpose, but it is having a detrimental effect on our wool sales throughout the Commonwealth, on account of people adding their own ingredients to the branding fluid because of the knowledge that it will not last for more than a month in its natural state. They do not have to rebrand, and this, of course, has an unfavourable reaction among the manufacturers. So if we could put the whole of the Western Australian wool clip on the market with the assurance that stain branding had not been used, I feel sure we could command a premium price for our wool.

In this legislation it should be made compulsory to eartag sheep, having in mind the idea of outlawing the practice of stain branding, because I am quite sure it will eventually be discarded. In the meantime, it will make it easier for farmers to have some of their sheep eartagged. I am prepared to issue a challenge to any inspector who is anxious to ascertain the owner of sheep without much trouble, whether they be in a saleyard or in a truck, to identify the owner by examining the eartag in conjunction with the registered brand. If the eartag has been removed and replaced it will not correspond with the registered earmark.

If we keep in mind the thought that we should make eartagging compulsory, a better tag than that now on the market would be devised. Shearers' combs clip the tags quite easily, and many of them are lost, but I am sure this problem could be overcome.

It is much handier to have eartags than to have brands. It is possible to have eartags in different colours to denote the different years the animals were dropped. A farmer going into his paddock or yard would be able to distinguish the age of the animal by the colour of the eartag.

Every possible effort should be made to assist the wool industry to obtain the highest possible prices and some help could be given if we attempt to solve the problem of branding throughout the State. We hear many reports of sheep thefts, but very rarely do we hear of people being convicted of these crimes.

It is pretty evident that those who are engaged in sheap stealing are very well organised. Generally they have a good knowledge of the district; and if they have not they send others into the district to examine the lay-out. When they take the sheep they make sure they are not caught. Whether or not the sheep are branded makes little difference.

The proposal in respect of the tattooing of pigs is very commendable. Very often with pig dealing there is the need to buy new stock, as a result of which diseases could be introduced into the soil of the runs. On many occasions it becomes necessary to sell out the whole run of pigs in order that the soil can be rested to eradicate a disease. By so doing the germs which have entered the soil will be destroyed. The whole pig industry will be greatly assisted if the source of diseases can be traced.

I believe that in New South Wales the farmers are not allowed to sell store pigs at the markets, for fear of the transmission of disease throughout the pig runs of that State. With those remarks I support the Bill in the hope that it is to be just the start of the improvements in the whole matter of branding of stock in Western Australia.

THE HON. C. R. ABBEY (West) [3.23 p.m.]: Some doubts have been expressed on the effectiveness of the amendments in the Bill, and Mr. Heitman damned it with faint praise. Other members said there were other means of improving the situation, and that is quite correct. No doubt we can always improve the situation. I should point out that the Bill is a genuine attempt to improve the identification of stock, particularly of sheep.

Doubts were expressed by Mr. House as to whether brands were a help in the identification of stolen sheep. In the past this has been the means of identifying some stolen sheep, as I will illustrate from two cases which arose in my district.

In one case a farmer on the eastern side of Beverley was notified that the whole of his flock was infested with foot rot, and his flock was quarantined. In fact there was no foot rot on the property. It turned out that some sheep had been stolen from him and had been sent down to the Midland sales. The stock inspectors found they had foot rot, and identified the brand on the animals. The farmer had not, at the time, sold any sheep. The infected sheep had been stolen from him, had been taken onto a property where they picked up foot rot, and then had been sent to Midland.

In another case the Shire of Northam had occasion to prosecute a farmer in my district, because it was alleged he had thrown dead sheep into the rubbish tip. It turned out that someone had stolen a number of sheep from him, and subsequently the sheep were smothered and were of no further use. The carcases were thrown onto the rubbish tip and from the brands they were identified as the property of the farmer. It was not the fault of the farmer that the sheep were thrown onto the rubbish tip. All this points to the fact that brands have a use in identifying stock.

The Hon. J. Heitman: I should also point out there is the case of stolen brands as well as stolen sheep.

The Hon. C. R. ABBEY: I am aware of that. The most favourable feature of this Bill is the provision which permits the use of a tattoo plus an eartag for identifying stock, and in particular sheep, while they remain on the property. I realise they have to be branded when they are moved.

From my experience of tattooing stock, cattle, or sheep I have found that when tattooing is undertaken carefully it becomes a permanent mark on the animal. Although the dye may not have been applied properly in some cases, it is possible to identify the mark by holding the ear of the animal up to the light. This means of identification has been requested by the police for a long time, because it is found that wool brands can be easily removed.

Practical farmers know that an earmark is sometimes very difficult to pick up, Many earmarks are somewhat similar, and very often they are badly applied. For that reason the earmarking of sheep has not been of very great assistance for the purpose of identification. If all stock owners adopted the practice of eartagging their sheep with their brand or name, for the purpose of identifying the age of the animals, and if they also adopted the system of tattooing then a ready solution to some of the problems would be found.

I would point out to members that it would be wise for anyone tattooing a sheep to use a good quality dye. One that is readily obtainable is ordinary stove black. It can be purchased in block form; it can be crushed very easily and then mixed with water or methylated spirit. Once impregnated into the skin it becomes a permanent mark. Carelessness in the use

of this method of identification could lead to considerable doubts being raised as to the ownership of the sheep.

We can support this Bill with confidence, because it is a genuine step in the right direction. It is a measure which I am sure will improve the situation.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.30 p.m.]: I appreciate the tenor of the debate on this Bill, and I am sure the Minister for Agriculture feels the same. I would remind members that no alteration is proposed in the Bill to the branding of sheep. The only alteration is to the branding of cattle.

The Hon. R. Thompson: I did not think the previous speakers knew what they were talking about.

The Hon. L. A. LOGAN: The cattle brand is to be changed. The size of the brand is to be changed from 9 in. x 3 in. x 1½ in. to a choice of 6 in. x 2 in. x 2 in. or 9 in. x 3 in. x 2 in. The sheep brand is not to be altered.

The Hon. J. Heitman: We all realise that.

The Hon. L. A. LOGAN: Two or three spoke about the alteration of the sheep brand. I appreciate the points raised, but if my memory serves me aright, the representations made over the years to the police and to the political parties in regard to sheep stealing and the need for sheep to be branded as a means of identification to assist the police, came from the farmers themselves. Yet today we have farmers in this House saying they do not want it.

I think Mr. Abbey gave two instances at least of where sheep with brands had been traced. I am not quite so confident as Mr. House is that by not branding our wool we would get a better price for it. My mind goes back only a few years to the time when we used to brand with tar. We had the same manufacturers then complaining because the tar could not be removed from the wool. So the C.S.I.R.O. got to work in an endeavour to find some dye that could be easily washed out. Now there are complaints that this one cannot be washed out either.

I recall the time when it was stated that the buyers could not get the burrs out of the wool and so the price was dropped. But look at the price of wool today. Despite all the improvements which have been made—a lot of the trouble with burr has disappeared and the tar has gone except in the case of those individuals who put something else in with it, but they are only a small minority—the price of wool is lower than it has been for a long time.

The Hon. S. T. J. Thompson: It requires only one bale to affect the whole consignment.

The Hon. L. A. LOGAN: I am not convinced of that. Despite all the improvements, the price of wool is lower than it was 10 years ago. I am not convinced that if the woolbrand were dispensed with there would be an increase in the price of wool. Some other excuse would be found to reduce the price. This sort of thing has been going on for years.

There is no need for me to add anything to the remarks I have already made. The point raised by Mr. Heitman in regard to the width of the brand where it touches the animal is possibly one we could study. I think the firebrand, which was used on stock, would cover the situation because it has only a fairly narrow point. I used the firebrand on my sheep. I did not have two brands, so I used the one to cover the lot. Those who want to brand without a firebrand in order to get a more distinguishable mark use something thicker.

The Hon. J. Heitman: That does not comply with the seven inch by three inch brand which is the regulation today.

The Hon. L. A. LOGAN: It all depends. It could do. The sheep brand is required to be not less than seven by three by three. There is no maximum. However the new cattle brand has a minimum and a maximum. Therefore anyone who had a firebrand which complied with the seven by three by three would be able to use it. I am quite satisfied mine would have complied.

However, that point can be investigated by the Minister. If he finds any merit in the suggestion I am sure he will endeavour to implement it. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 29 amended—

The Hon. L. A. LOGAN: I move an amendment—

> Page 5, line 6—Add after the word "mothers" the passage "or sucker lambs that have not attained the age of six months, that have not been shorn and that are being removed from the run for the purpose of slaughter,".

This was a point which was picked up in another place, where the Minister promised to have it adjusted here.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 14 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with an amendment.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th November.

THE HON. F. J. S. WISE (North) [3.39 p.m.]: As is usual, I followed closely while the Minister was introducing the Bill, and I could not understand the absence of the usual verve and enthusiasm of the Minister when introducing a taxing Bill. As he proceeded, it was easy to understand. This Bill does not increase taxation, except in one respect, but it proposes to reduce it in some respects.

The Hon. A. F. Griffith: Doubtless the honourable member is referring to the assertion he has previously made that I am always delighted when introducing taxing Bills.

The Hon. F. J. S. WISE: I have always said the Minister appears to enjoy introducing a taxing measure, but this time I noticed a marked change in his demeanour. This Bill will correct many anomalies. Some of these anomalies were anticipated and forecast by some of us who are humble lay members of the back benches. No notice was taken of our forecast at the time. Indeed, the last time a similar measure was before Parliament, it went through by pressurised tactics. I will have something to say a little later in connection with our attempts to rectify certain wrongs which existed in the Stamp Act amending legislation of last year.

On this occasion it is proposed that there should be a reduction in a small percentage of tax in avenues where the cancelling out of taxation does not matter very much and does not amount to very much in any event. The exemptions are clearly set out in the Bill. On the other hand the legislation presents the need for the taxation of the receipts of the State Electricity Commission. Ultimately, I suppose this will mean an increase in the price charged for electricity. The end result will be that the public will suffer in any case. The Premier will receive not only an added stamp duty by the medium of the State Electricity Commission, but the consumer will be paying more for his electricity. In addition, another variation in the Bill is that mining shares will attract stamp duty from the 1st December of this year. It has been said that only a very small sum will be affected and that the increase in the tax over the full period will be very slight. To that I would simply say *cum grano salis*.

I think it is as well to look back over the last five or six years to appreciate the burden of stamp duty in this State since the Stamp Act has been used as a taxing measure. This is something which, for generations, did not happen, but it has been amply used in recent times. I would like to quote the Premier's own figures which illustrate the position. They are as follows:—

Revenue from Stamp Duty—

1962-63	$5,345,012
1963-64	$7,123,298
1964-65	$8,368,432
1965-66	$9,687,559

In 1966-67 an addition of $750,000 was forecast by the Government. Together with a number of other members, I could not agree to this at all, because I could see that the figure could easily run into several million. The result was that the revenue received from stamp duty in 1966-67 was $13,004,320. This means that the amount has grown since 1963 from $5,000,000-odd to $13,000,000-odd. It is anticipated in the Budget this year that the collections from stamp duty will be $15,750,000.

This really is a remarkable happening for something where the normal collection was a few hundred thousand dollars before the Stamp Act was used for taxing purposes. The end result on the total revenue is, of course, a kind of mushroom effect.

Sitting suspended from 3.45 to 4.4 p.m.

The Hon. F. J. S. WISE: I was mentioning that in introducing this legislation this year it was stated the anticipated reduction from revenue collections because of this Bill would be $430,000. My forecast would be that there will be a very great increase and no overall reduction at all. I think my forecast will be as near as the forecast I made last year, and certainly it will be much nearer than the Treasurer's.

In commenting on the Stamp Act Amendment Bill last year it was clearly stated that it was no half-hearted measure; it even got down to the kids' Christmas stockings, and the wide ambit of its coverage has been proven. In some instances two substantial collections have been made where one would suffice; this is particularly so in the motor vehicle trade, which has been heavily burdened.

Last year it was anticipated that the tax would bring in an additional $750,000, although we forecast it would be nearer $2,000,000. The Stamp duty for 1965-66 was $9,687,000, and for the financial year ended the 30th June last, the collections from this source totalled $13,004,000. For the current financial year it is anticipated it will be $15,750,000—a remarkably easy media for a very sharp and steep increase in taxation.

Members who wish to refresh their memories by an analysis of this tax, and allied matters, should have a look at last year's *Hansard* from page 2576 onwards.

There they will find in concise form a handy reference as a background not only for this tax, and how much it has been increased, but also in regard to all of the reasons which have brought it about. It has not been a 5 per cent., a 10 per cent., or a 50 per cent. increase. In a few short years there has been a few hundred per cent. increase; and how easy it is for the Treasurer to obtain funds in such a large volume. He has done this without being nudged by the Grants Commission; he has not even been pressed by it. The suggestion that the State might lift its stamp duty revenue to that of the non-claimant States has never been made.

My opinions as to how much the Grants Commission is influencing the thinking, and has influenced the thinking of this Government, in regard to looking for avenues of taxation in case—not because of, but in case—the Grants Commission may make an adverse correction, are well known. That can be seen in the Grants Commission report which I have with me, or in any reports for previous years. Members will find that the Government has been so sensitive that it has run towards the easy way of extracting money from the people, even before it was necessary; and now that we have the highest *per capita* stamp duty in the Commonwealth I am wondering whether the Premier has studied, or has someone studying other avenues that are left to him in this field. I hope he has not; but there is a fruitful avenue for him to follow—

The Hon. R. F. Hutchison: Don't remind him!

The Hon. F. J. S. WISE: I notice Mr. Watson is frowning at me—

The Hon. H. K. Watson: I would say that for once I join with Mrs. Hutchison and also say, "Don't remind him."

The Hon. F. J. S. WISE: As one who has been a student of these matters, I could speak further on this point but perhaps I had better not. It is idle in matters of stamp duty to make a comparison and say that in this State we must do something because the other States are doing it.

The Hon. J. Heitman: Maybe we are leading the field.

The Hon. F. J. S. WISE: Unfortunately we are in the case of the burden on the people in this connection.

The Hon. A. F. Griffith: Do you think it is idle to suggest this?

The Hon. F. J. S. WISE: I cannot gather the import of the Minister's question.

The Hon. A. F. Griffith: Then I won't ask it.

The Hon. F. J. S. WISE: However, I do know it is easy, irrespective of what we might think of Commonwealth-State relations in a financial sense, to avoid responsibility in some connections and accept the easy way out, if it is there for us. I well know how different the position is today from what it was when the States had to levy their own taxation, including income taxation. It was particularly difficult in the days following the depression, and on Budget speech day the galleries of this Parliament would be full.

The Hon. H. K. Watson: And this House would adjourn for the afternoon so members could hear the Budget speech.

The Hon. F. J. S. WISE: The galleries were packed because people wanted to know the burden the State Treasurer was placing upon them in every avenue of taxation. But how easy it is today, when not millions, or tens of millions, but hundreds of millions—and some of it largesse—are falling into the lap of the Government. Yet we, in common with all the States, are in a position where the Commonwealth has, year by year, filched from the States their original revenue—not in millions of dollars but hundreds of millions of dollars per annum. The Commonwealth then lends the States back their own money and charges them interest for it. It forces the States to match money which they contribute—their own money.

The debate which I engaged in rather vehemently when on the other side, on a subject upon which I hold very strong opinions, and do not for one moment support, concerns the question of matching money.

The Hon. E. C. House: By world standards are we a very heavily taxed people?

The Hon. F. J. S. WISE: By Australian standards.

The Hon. E. C. House: By world standards?

The Hon. F. J. S. WISE: I would not answer that on the spur of the moment because world standards are so variable and one has no basis of comparison unless one selects a continent or a group of nations.

The Hon. A. F. Griffith: And you also look at particular fields of taxation.

The Hon. F. J. S. WISE: Exactly. The different ways of raising taxes, quite apart from the rates in similar taxes, have no common application, unfortunately.

I commend to members, as I have always done since I have been here, and in other places, that they continue to think about ways and means of this Chamber entering into a debate on the finances of the State simultaneously with the Budget and Estimates debates in another place. As I instanced last year, it is very important that one of us should move a motion similar to the one moved in the Senate to give us the opportunity not only to present the difficulties associated with State finances but also, I believe, to

assist in a better understanding of the intricacies of the work of the Treasury that obtain today. I am not going to ask you, Mr. President, whether this is a taxing Bill, but is it? Is it a money Bill?

The Hon. H. K. Watson: Does it come within section 46?

The Hon. F. J. S. WISE: Is it a Bill we can amend? Is it a Bill in connection with which we can only make requested amendments and, if our requests are ignored, and we press for them, and we are then ignored do we have to annul a previous decision?

Is it one of those Bills? Of course it must be; because it was a Bill of this nature which brought about that situation last year. If members who were not here then would have a look at the debates on the Stamp Act Amendment Bill last year they will see and read remarkable happenings in connection with the relationship of the two Houses of this State when dealing with money Bills.

It is very pertinent for me to refer to this on the Bill before us. It is nothing new. It is something which has not been resolved, when it may have been resolved. Standing Orders Committees have met and discussed these problems; and last night, in another place, members studied the Standing Orders which had been revised, and they went as far as No. 222.

I listened to some of the discussion after we adjourned, but I am afraid that a large portion of the Standing Orders which dealt with the relationship between the two Houses required a very close scrutiny; as was advanced in this Chamber. Subsequently the Clerk of this Chamber advised members of the position, after Parliament adjourned last session. May I go back a few years—to 1915—not very many years after responsible Government was established in this State, when a Select Committee from each House was appointed to inquire into the procedure on money Bills. Following this, a Joint Select Committee was chaired by Sir Walter Kingsmill.

In the report—which I hope I have your permission, Sir, to read in part, because it has an affinity with this Bill—some very striking references and recommendations are made under date the 26th October, 1915. Both committees of the Legislative Council and the Legislative Assembly agreed that the present position as regards money Bills had resulted in constant friction between the two Houses, and that it urgently required a remedy. This was recommended 52 years ago. The second point on which the committee agreed is as follows:—

> The cause of this friction is to be found in the wording of Section 46 of "The Constitution Acts Amendment Act."

Members have access to this section, so I will not read it. The third point on which the committee agreed reads—

> The faults in this section are two—
> (i) It leaves uncertain whether requests made by the Council can be repeated.
> (ii) It applies the same to all clauses in all Bills in which any financial provisions are found.

If members will look at subsections (2) and (7) of section 46 they will find a media for the sharply differing opinions. With this object in view—that of trying to find a solution—the committee recommended a Bill, a draft of which is attached to the report which I hold in my hand. The report of the Select Committee continues—

> It will be seen that the Bill enumerates the measures which the Council have no power to amend, viz., Taxation Bills, Loan Bills, and Bills appropriating revenue for the ordinary services of the year. In the case of these Bills, the Council will have the right to request amendments, but not to repeat or insist on their requests.

That is a point which has remained unclarified by this committee. You will recall, Sir, that you, as the guiding councillor of all of us in this House, were placed in a most unfair and unfortunate position last year, when we were almost told to mind our own business; that we had no authority to proceed in the matter in question.

That was the essence of the message. What did we have to do? It was necessary for us to annul a number of decisions of this House, to enable us to get to the point where we could again take action to amend the Bill. That happened in the last 12 months. The very unsatisfactory state of affairs which was examined in this excellent report to which I have referred—in which all the points at variance were resolved in 1915—was never given effect to.

Following on this report—and I will not weary the House by reading it, because it is available to members—we had that excellent report submitted to all members by the Clerk of this House (Mr. John Roberts) after Parliament adjourned last year. The report is dated the 17th January, 1967. We all received a copy, but not many of us took much interest in it. It was a vital document which attempted to find a solution to the problem; and great credit is due to the man who put it together.

After reviewing all the differences of opinion and the disagreements between the two Houses through the years—and particularly referring to the differences last year—the clerk came to the conclusion that the disagreements will undoub-

tedly continue to occur between the two Houses until section 46 of the Constitution Acts Amendment Act is further clarified. With that object in view the clerk made four recommendations; none of which has been attempted, even though they appear to be quite simple to give effect to. I suggest this matter should be revived. If there is any necessity to alter this report—which I doubt—or bring it up to date, let it be attended to under your authority, Sir, when Parliament adjourns, and when the members of both Houses are able to consider the findings of the Standing Orders Committee of this Chamber. We should meet first for a preliminary discussion, and after a study of our committee's report let us request a meeting with the other Chamber of the Joint Standing Orders Committee. A resolution could then be made to amend section 46 of the Constitution Acts Amendment Act in the required detail.

There are many members in this Chamber who will be here a long time after I cease to be a memory. I hope that there are many here who will take this matter up and follow it through to a fruitful conclusion, so that we can alleviate or avoid all the differences, misunderstandings, and misinterpretations of section 46 of that Act.

To get back to the Bill; I support it. I hope the Minister did not suggest I was speaking away from the Bill.

The Hon. A. F. Griffith: I did not say a word, though I thought one or two things.

The Hon. F. J. S. WISE: I had a very noticeable nod from the President when I asked him for permission to proceed.

The Hon. A. F. Griffith: He might not have been right either.

The PRESIDENT: Order!

The Hon. F. J. S. WISE: I support the Bill. I regret the necessity for increasing taxation for the reasons I mentioned, but I am glad that some alleviation is suggested.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.25 p.m.]: I am very pleased to see that Mr. Wise can finish his remarks with a smile, because so far as I am concerned there is no satisfying some people. I am told that I smile when I am introducing a Bill which imposes taxation; and I am also told that I do not smile when I introduce one which seeks to reduce taxation.

The truth of the matter is that I smile on neither occasion, because I realise the importance of taxation. Not only is it a very serious matter, but it is necessary to consider all that taxation does—the various projects on which it must be used; the demands made by various members of Parliament which we must try to satisfy, with particular reference to the building of schools and the construction of roads.

The Hon. F. R. H. Lavery: That has been going on from time immemorial.

The Hon. A. F. GRIFFITH: That is right. When I asked Mr. Wise whether he thought this would be the situation for all time, I meant to imply that I thought it would be. Taxation has always had to be imposed.

I will go so far as to say that as a private member sitting on the other side of the House I had occasion to ask questions when the previous Government was in power and to inquire whether the imposition of taxation would ever cease; and just how great a burden we would be able to stand.

Now I am being asked similar questions. I repeat that taxation is a very important matter; it is important to all of us—to the State particularly—because without taxation we would not have the means to carry out the everyday functions of Government.

This Bill seeks to reduce taxation, and it is the result of an undertaking given last year that the various fields of taxation in relation to the Stamp Act would be looked at. The undertaking has now been fulfilled. Various inquiries have been made, and the result is the adjustments provided in the Bill before the Hosue.

May I say with the greatest respect that I do not propose to enter the field of debate in relation to the document mentioned by Mr. Wise—a copy of which I have in my hand—which was prepared by the Clerk of the House. I will not enter into such a debate because, quite frankly, it does not belong in this place. If the question before the House were one concerning the validity of the Bill, or a message, or an amendment, then it would be all right.

The Hon. H. K. Watson: There is room for a difference of opinion on that.

The Hon. A. F. GRIFFITH: I merely said I will not enter into a debate from that point of view. I do not intend to have any difference of opinion with anybody on that matter, and I simply state that fact.

I will complete my remarks by thanking Mr. Wise for his support of the Bill I assure him it never causes me any glee when it is necessary for me to introduce a measure which imposes taxation on the people. But whatever the people are called upon to pay, and from whatever source the taxation comes, the Government uses the money in the service of the State. It is not as though the Government uses it for its own requirements. The money is spent by the Government in servicing the State and in meeting the demands from the various electorates. As members know, innumerable demands are made throughout the State. If the Government of the day finds a suitable source of taxation in stamp duty—and I still consider this quite a reasonable tax, because any tax which

is distributed fairly evenly over the population is surely equitable—then that is where the Government of the day must look.

Already some other State Governments have followed the lead which we gave last year. We have had regard for what the Grants Commission has said; and it is not only just now that we have had regard for its views. I have often heard Mr. Wise speak of the great value the Grants Commission has been to Western Australia, so I do not make any excuses for this.

Question put and passed.

Bill read a second time.

LEGAL CONTRIBUTION TRUST BILL

Report

Report of Committee adopted.

LEGAL PRACTITIONERS ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 14th November. The Deputy Chairman of Committees (The Hon. F. R. H. Lavery) in the Chair; The Hon. A F. Griffith (Minister for Justice) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 5 had been agreed to.

Clause 6: Part V repealed and re-enacted—

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 3, line 19—Insert after the word "account" the passage, ", whether a general account or an account maintained for one or other of those persons, specifically,".

A trust account is not defined in the Act, but it is in this Bill. This simply means that a practitioner can maintain more than one trust account. If the account is maintained specifically for a person, then it will not be caught up by the Legal Contribution Trust Bill. It will have been opened for a specific purpose. I think the amendment Mr. Watson has on the notice paper will deal with the same principle.

The Hon. H. K. WATSON: If I understood the Minister aright, the amendment which he has moved is designed to achieve the same purpose as the amendment of which I have given notice.

The Hon. A. F. Griffith: Yes.

The Hon. H. K. WATSON: If the Minister feels the amendment he has moved will give full effect to the amendment of which I have given notice. I would be prepared to support his amendment and not move mine.

The Legal Contribution Trust Bill expressly contemplates that a solicitor may have a trust account maintained for the exclusive benefit of a specified person or persons. It also contemplates that a solicitor may have one general trust account or more than one general trust account. It was to give effect to this clear assumption on which rests the basis for the operation of the Legal Contribution Trust Bill that I drew up my amendment to this Bill.

It is a general practice for a trustee, be he a solicitor or not, to have a trust account in bank A, another in bank B, and perhaps one in bank C. That is done for general commercial advantage and convenience.

The Hon. A. F. Griffith: That is normal business practice which does not have to be spelt out in law.

The Hon. H. K. WATSON: If we use the word "account," it may be restrictive; and that is my fear at the moment.

The Hon. A. F. GRIFFITH: I am told that what the honourable member proposes in his amendment is common practice now. There is nothing in the law which says a solicitor cannot have half a dozen trust accounts. The Committee will recall that special trust accounts are not caught up by the provisions of the Legal Contribution Trust Bill. A client could say to a solicitor, "Hold this money for me for six months" and the practitioner would put the money in a trust account with the name of that person against it. It is money that can be identified. Without exaggerating, he might have 100 such accounts; and in that case they would not get caught up by the Legal Contribution Trust Bill, because the money is in the account for a special purpose.

The Hon. E. M. HEENAN: I do not think there is any ambiguity about this. I have actual experience of this sort of thing and my office has two trust accounts. one in one bank. and one in another. On occasions we wind up an estate and money becomes available perhaps to children when they reach the age of 21 years and that money is deposited in separate trust accounts in one or other of the banks.

Mr. Watson seemed a little concerned about the phrase "a general account." I know that my office has a general trust account in one bank, and also a general trust account in another bank, in which accounts all trust moneys are placed. I agree entirely with the Minister.

The Hon. V. J. FERRY: I wish briefly to support the amendment. To my limited knowledge and practical experience, it is quite clear.

Amendment put and passed.

The Hon. H. K. WATSON: I will not now move my first proposed amendment. However, referring to the second amendment which appears in my name on the notice paper. I move an amendment—

> Page 3—Insert after proposed new subsection (3) the following new subsection to stand as subsection (4):—
>
> (4) Every practitioner shall within fourteen days of demand in writing made by the person on

whose behalf the service or transaction was carried out, and in any event unless the person otherwise agrees in writing, within sixty days of receipt of the trust money in respect of the service or transaction, pay the balance of that money, if any, to the person on whose behalf the service or transaction was carried out, or as he may direct in writing.

This subsection has been copied from the Debt Collectors Licensing Act with the exception that the Debt Collectors Licensing Act provides that the debt collector shall, within 14 days of the payment and, in any event, not later than 45 days—I think it is—pay the money to the person to whom it rightfully belongs. In other words, the person who has collected the money for his client shall not unduly delay the paying of that money to the client.

The other evening Mr. Heenan gave us an illustration of a doctor passing on some accounts to a solicitor for collection. When the money was collected it was paid into a trust account, and in due course—at the solicitor's pleasure—was paid to the client. If the doctor had handed those accounts to the Trade Protection Association, or some other debt collecting agency, the person collecting on behalf of the doctor would, under the Debt Collectors Licensing Act, have to pay that money to the doctor within 14 days upon demand, and in any event, not later than 45 days, unless the client otherwise agreed.

It does seem to me there is an incentive—as it were—in this contribution Bill to dally with the trust funds and to keep them high. There should be some express provision in the Act referring to the payment of trust moneys collected by the solicitor on behalf of a client.

The Hon. A. F. GRIFFITH: I hope the Committee will not agree to this amendment. It is a peculiar proposal to say the least and I think the objective which Mr. Watson has in his mind is that which he stated. Mr. Watson thinks there will be an incentive, on the part of the practitioner, to dally in order that the money can be fed into the income-earning trust fund so that it will earn interest for the purpose of the Legal Contribution Trust Bill.

In the first place, money held by a practitioner is payable on demand. Perhaps I might exaggerate in order to illustrate the point. A man might have consulted a solicitor and asked him to transact some business and a sum of money could be involved. The man might require his money straightaway, and he would not want the lawyer to say that according to the Act, he does not have to pay the money over until 14 days have elapsed. The debt collector is in a different field. He is not a professional man and he performs one single function in collecting debts for creditors. When we dealt with the debt collectors' Bill we felt it was reasonable to protect the client and it was stated that unless some other arrangement was made between the client and the debt collector, the debt collector shall pay the money within a certain time. The debt collector is in a different category altogether.

The legal practitioner is a professional man with a professional body constantly observing his behaviour. There is no comparison at all. The amendment would have the effect of negating the procedure. In other words, the proposal is in direct conflict with what Mr. Watson had in his first amendment. If someone has to give an instruction before the money is placed in an interest-bearing account the result would be, more often than not, that nothing would be done until the practitioner was obliged, after 60 days had elapsed, to find someone to whom he has to pay the money. In the case of an infant, this could present real legal difficulties.

Trust accounts are working satisfactorily at the moment without restrictive legislation of the kind proposed. I cannot see any reason to meddle in this area. I have to say that I cannot help thinking that the underlying significance of this amendment is to interfere in some way with the interest-earning rate from the invested money. We know what happens with the invested money. The practitioner strikes his balance at a certain time of the year. Half of that balance will be transferred into an income-earning account for the purpose of the legal trust. That money is payable on demand if the client wants it. In fact, 50 per cent. of the trust money will stay in a general account and if a client wants it, he simply demands it. That is provided for in the Bill with which we have already dealt. The client does not have to wait 14 days. I hope the Committee will not agree to the amendment.

The Hon. E. M. HEENAN: I agree entirely with the remarks made by the Minister. I can, perhaps, appreciate the motive behind the amendment moved by Mr. Watson. My fundamental objection to it lies in the fact that the amendment applies the requirements of the Debt Collectors Licensing Act to the Legal Practitioners Act. I do not want anyone to misunderstand me because from my experience the people engaged in the business of debt collecting are licensed and they have to pass very rigid tests. They are reputable people and they carry out a useful service to the community.

The legal profession renders a different service to the community but it is vital that the two fields are worlds apart. Likewise, to apply some of the stringent provisions of the Legal Practitioners Act to the Debt Collectors Licensing Act would not be good reasoning.

I will give a small illustration of the way a solicitor handles trust moneys. Within the next day or two I am expecting to receive, in my office, about $3,000 on behalf of a man who was injured in a motorcar accident. The doctors have done as much as they can for him and a settlement has been made. A cheque will come to my office probably tomorrow, and it will be paid over as soon as possible. In the meantime, it is placed in the trust account.

I know of another case of a man who died a few weeks ago at Norseman. He is a friend of Mr. Stubbs. This man has left quite a sum of money and a good deal of property to his sister in America. He has appointed a local executor who will have the duty of selling the property, proving the will, and withdrawing the money from the bank. He will do that from our office which has had instructions to place the money into a trust account. However, a provision such as this could not be applied in those circumstances, and similar cases are occurring all the time.

As the Minister has pointed out, trust moneys are sacrosanct and subject to strict rules. I can envisage instances of hardship if solicitors withhold money even for 14 days. I appreciate Mr. Watson's desire to ensure there are no loopholes and no harm will be done to anyone, but the application of his reasoning to solicitors' trust accounts is not very apt.

The Hon. H. K. WATSON: As Mr. Heenan mentioned, trust funds are sacrosanct, but we know that defalcations have been made in grand style with trust funds in the Eastern States, and I would be sorry to see similar occurrences in this State.

The Hon. A. F. Griffith: Your amendment will not prevent that.

The Hon. H. K. WATSON: In reply to the vigorous opposition of the Minister to the amendment, I would point out that he draws a clear distinction between a moneylender and a solicitor, but I recall one firm of solicitors which, by far, regarded debt collecting as the largest part of its business, and in a case such as that I cannot see any difference between a debt collector who is a solicitor and a debt collector who is not a solicitor. However, in view of the circumstances, I will not press the amendment.

Amendment put and negatived.

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 7—Insert after new section 41 the following new section to stand as section 42:—
>
> Practitioners to make payments towards Solicitors' Guarantee Fund.
>
> 42. (1) Subject to subsection (3) of this section, every practitioner who, on the thirtieth day of June in any year following the commencement of this section, has held a practice certificate for not less than two years shall, if and when paying the fee for his next annual practice certificate, pay to the Board, for application to the Solicitors' Guarantee Fund established under the Legal Contribution Trust Act, 1967, such amount not exceeding twenty dollars, as may from time to time be prescribed.
>
> (2) The Board shall not issue a practice certificate to a practitioner obliged to make a payment provided by subsection (1) of this section, until the payment is made; and shall pay to the Legal Contribution Trust established under the Legal Contribution Trust Act, 1967, all moneys received by it pursuant to that subsection.
>
> (3) A practitioner who has made five annual payments, or has paid an amount equal to five annual payments as then prescribed, under subsection (1) of this section, is exempt from the requirement of making any further payment under that subsection.

The Hon. J. M. THOMSON: Mr. Deputy Chairman (The Hon. F. R. H. Lavery), is the Minister aware we have not a copy of this amendment before us?

The Hon. A. F. Griffith: Yes, I am aware.

The Hon. J. M. THOMSON: Thanks to Mr. Dolan I have just been handed a copy of the amendment, without which it would be rather difficult to follow the debate. I was wondering why apparently only two or three members in the Chamber have been supplied with copies of the amendment.

The Hon. A. F. GRIFFITH: I apologise that there were not sufficient copies of the amendment to circulate among all members, but I now intend to explain the amendment in detail. After having done that, if members are still not satisfied, I realise the position in which they are placed and I would be prepared to report progress to enable them to make a closer study of the amendment. However, I have discussed the amendment with some members, and the Chamber has also discussed the principle of it.

The opinion was strongly expressed that the legal practitioner should make a contribution to the scheme of things, because he would get many benefits for nothing. Also, as there is already a provision in the Act for him to make a contribution, it was suggested that a similar provision should be inserted in this legislation. Members who raised this question will recall that I promised them I would give the matter my consideration, and when we were dealing with the Legal Contribution

Trust Bill I said I would ask the Committee to insert this new section 42 in the Legal Practitioners Act Amendment Bill (No. 2). Do you remember that, Mr. Thomson?

The Hon. J. M. Thomson: Yes.

The Hon. A. F. GRIFFITH: This amendment seeks to insert a new section 42 in the Act. Part V of the Legal Practitioners Act was never proclaimed and so it did not become operative. However, it provided that there would be a payment of £10 for a certain time, and on retirement the legal practitioner would be refunded that amount. I do not think we should meddle with a situation such as that. The practitioner should make a contribution and that will be the end of it. This amendment will provide that each practitioner who has held a practice certificate for two years shall, when applying to the Barristers' Board for his next annual practice certificate, pay $20 annually for five years or he can pay this amount in a lump sum.

This provision will not apply to a judge, a magistrate, or a retired lawyer who is not practising, because there is no need for them to hold a practice certificate. When the practitioner has paid this sum of money he will not be required to contribute any more, because he has fulfilled his obligation, but the money will not be returned to him when he retires. This responsibility will also fall upon a practitioner who is training to become a solicitor.

The only difference between the amendment and the subject of the discussion I had with some members is that the amendment provides that the amount of $20 shall be prescribed; it is not a set amount. When the Act becomes law, it is my intention to prescribe the sum of $20, because this will give fulfilment to the intent of the amendment. Once again I apologise for not having circulated sufficient copies of the amendment among members.

The Hon. H. K. WATSON: The Minister has told us of his intention, but the fact remains that the amount which has to be paid is not fixed in the legislation. It is to be an amount not exceeding $20, as may from time to time be prescribed. It is conceivable—just as it was in 1942 or thereabouts—the provision contemplates a payment of a certain amount a year by legal practitioners, but in fact it may not be proclaimed.

The Hon. A. F. Griffith: Do you doubt my word?

The Hon. H. K. WATSON: I am only explaining the position. I turn to the point made by Mr. Dolan the other evening when he spoke of the supremacy of Parliament, and of leaving matters such as this in the hands of the Executive. We have exactly the same circumstances before us. Mr. Dolan read an extract from a learned Q.C., and pointed out it should be the right of Parliament to decide what name should go into the schedule. I submit it is also the right of Parliament to decide what amount should be paid.

The Hon. A. F. GRIFFITH: When the honourable member stretches the bow he certainly goes the whole hog. Parliament has the right to determine the amount, and in this instance Parliament can decide that it shall not exceed $20. I repeat, it is my intention to prescribe an amount of $20. As time passes it might be competent to prescribe some other amount, but that is a matter in which Parliament will at the time have a say. If $20 is prescribed now, in 20 years' time the Minister might prescribe less than $20; but Parliament might disagree with that decision and could disallow the regulation.

The Hon. H. K. WATSON: I will not have the Minister twisting my words.

The Hon. A. F. Griffith: I am not. You are doing your best to defeat this Bill.

The Hon. H. K. WATSON: I am pointing out that if this matter is left to the Government then Parliament will lose control, and the Government will be able to prescribe any amount. That is factual.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

PUBLIC WORKS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

House adjourned at 5.21 p.m.

Legislative Assembly

Thursday, the 16th November, 1967

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

TAPE RECORDING OF PROCEEDINGS

Request from A.B.C.

THE SPEAKER: I would like to explain to members that I have received a request from the A.B.C. to make some tape recordings of the proceedings in this House. The A.B.C. requires the tapes for school broadcasts, and I have agreed to its request. There will not be a recording of any one speech, and the recordings are to be used purely for the purpose of educating school children in the procedures of Parliament.