As I said last year when I spoke on this matter, the Minister should be giving serious consideration to introducing compulsory schemes throughout the metropolitan area. He should not take a referendum on the matter; the Act should be amended to provide for the introduction of compulsory baiting schemes. If people who are allowing their fruit to become infested with fruit fly are not prepared to do anything about it, they should be ordered to destroy the trees, or the departmental officers should have the power to enter their properties, strip the fruit from the trees, and then chop the trees down.

Mr. Norton: That is the law in South Australia.

Mr. MOIR: Yes; that has been the law in South Australia for many years past. The people in that State are not allowed to encourage fruit fly to breed around their trees. If a person owns a tree that is fruiting and he is not prepared to bait it against fruit fly, evidently he has no regard for the tree and so there can be no reason advanced against destroying it.

If members keep their eyes open whilst travelling around the metropolitan area they will see many examples of trees that are infested with fruit fly and which are completely neglected by the owners. Many people are of the opinion that only fruit trees can breed fruit fly, but that is not so. Fruit fly can be found in many types of shrubs such as the one I have already mentioned, in the hips of roses—

Mr. Jamieson: In deadly night shade.

Mr. MOIR: Yes, fruit fly can breed in any tree such as that. Even tomato plants are hosts for fruit fly. Many people think that if any fruit is juicy fruit fly cannot live in it, but that is a fallacy, because it is well known that fruit fly can breed in such fruit.

It is useless for right-thinking citizens in country areas or in various parts of the metropolitan area conscientiously to take measures to combat fruit fly when the Department of Agriculture allows its incidence to go unrestricted in many other parts. Only recently I read in the Press where approximately 20 people who reside in the metropolitan area were fined in the police court for neglecting to bait their trees against fruit fly. But probably thousands could be charged for committing the same breach of the Act. The Minister should not be sceptical about this matter, and if he has any doubts I can, tomorrow, take him to many places in the vicinity of Parliament House and show him many trees that are infested with fruit fly.

Mr. Nalder: I do not say that there is not a fruit-fly problem.

Mr. MOIR: Undoubtedly there are insufficient inspectors to carry out the job properly, because in some areas an agricultural inspector who performs this type of work has never been seen. Many people are offenders against the Act quite innocently, because they do not know what fruit fly is. This is a problem to which the Minister should give some immediate attention, because the damage that is caused to fruit by this pest must amount to thousands of pounds. On occasions I have seen exposed in shops fruit which quite clearly was infested with fruit fly, but the shopkeeper was not aware of it until I drew his attention to it. The fruit fly pierces the fruit and within a day or two there is a grub or maggot inside the fruit, which means that any child or adult could ingest the fruit with the maggot inside quite unsuspectingly. Therefore, I ask the Minister to give special attention to this problem. I made a similar request last year, but apparently nothing has been done and so I appeal again to the Minister to do something about it.

Progress

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier) [11.35 p.m.]: Before moving the adjournment of the House, I remind members of the possibility of sitting on Friday the 19th and Friday the 26th November. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 11.36 p.m.

Legislative Council

Tuesday, the 9th November, 1965

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CONTENTS—*continued*

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

BILLS (15): ASSENT

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

1. Agricultural Products Act Amendment Bill.
2. Cattle Industry Compensation Bill.
3. The City Club (Private) Bill.
4. Constitution Acts Amendment Bill (No. 2).
5. Electoral Districts Act Amendment Bill.
6. Fruit Cases Act Amendment Bill.
7. Marketing of Onions Act Amendment Bill.
8. Mental Health Act Amendment Bill.
9. Milk Act Amendment Bill.
10. State Tender Board Bill.
11. Street Photographers Act Amendment Bill.
12. Supply Bill (No. 2), £23,000,000.
13. Traffic Act Amendment Bill.
14. Vermin Act Amendment Bill.
15. Western Australian Coastal Shipping Commission Bill.

AUDITOR-GENERAL'S REPORT

Tabling

THE PRESIDENT (The Hon. L. C. Diver): The Auditor-General has furnished his report for the financial year ended the 30th June, 1965. I wish this report to be laid on the Table of the House.

QUESTION WITHOUT NOTICE

DENTAL CLINIC AT ALBANY

Vacation of Premises: Reasons and Date

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

(1) For what reasons were the Albany Dental Clinic premises vacated?

(2) When were they vacated?

Temporary Premises: Plans for Future and Calling of Tenders

(3) When did the clinic commence to operate from the temporary accommodation now provided in premises previously known as the nurses' quarters in Grey Street west?

(4) Is it the intention of the Western Australian Dental Hospital Board, in conjunction with the Government, to convert the present clinic into a two-dentist practice surgery?

(5) If so, have plans been prepared, and tenders called, for the necessary alterations and additions?

(6) If the answer to (5) is "Yes," when were tenders called and received, and what was the range of tendering?

(7) Why the long delay in accepting a tender and proceeding to do the necessary work?

(8) Is the Dental Hospital Board, and the department, aware of the inaccessibility of the temporary clinic, and the inconvenience caused thereby to pensioners and patients?

(9) In an effort to overcome this inconvenience, can the Minister advise the House of what is proposed to be done, and when, in relation to the present clinic building, and when it can be anticipated these premises will be open to resume normal practice?

The Hon. G. C. MacKINNON replied:

(1) To permit alterations.

(2) The 4th June, 1965.

(3) The 7th June, 1965.

(4) Yes.

(5) Yes.

(6) June, 1965—£6,950 to £8,600.

(7) It was considered that tenders were too high so tenders were recalled in August. Those received then ranged from £7,111 to £7,465. These were also considered too high. As the high tenders made the cost prohibitive and uneconomical, it was decided to consider other ways of altering the clinic with a view to minimising the work and thus reducing the cost to a more economical figure.

(8) Any inconvenience is regretted, but it is pointed out that the temporary clinic is in the same street as the permanent clinic. No complaints have been received by the Dental Hospital Board or the department.

(9) The revised plans and estimates have been considered by the board of management of the Perth Dental Hospital and specifications are now being prepared so that tenders can be re-called by the 1st December, 1965. It is anticipated that the work will be completed and the clinic occupied by the end of March, 1966.

BILLS (2): INTRODUCTION AND FIRST READING

1. Criminal Code Amendment Bill.
2. Offenders Probation and Parole Act Amendment Bill.

Bills introduced, on motions by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

QUESTIONS (2): ON NOTICE

CRAYFISHING LICENSES

Issue since 1963

1. The Hon. R. THOMPSON asked the Minister for Fisheries and Fauna:

(1) Have any additional crayfishing licenses been granted to persons or companies since the "Pot and Boat" restrictions came into force in 1963?

(2) If the answer is "Yes", what is the number, and to whom were these licenses granted?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) Authorisations were issued to firms as follows:—

Norwest Whaling Co.—4 vessels.
Ross International Fisheries—4 vessels.

In the case of the former, authority was granted for crayfishing by reason of the fact that the vessels concerned had the right to engage in crayfishing at the 1st March, 1963, when the new restrictions were brought into operation.

In the case of Ross International, orders had been placed for the building of these vessels, and engines in fact were on the water en route from the U.S.A. to Western Australia. The boats were not all built immediately on receipt of the engines, but in accordance with company policy and programming.

Several privately-owned vessels were also authorised to engage in crayfishing. Discretion had been given to licensing officers to issue authorities for crayfishing on proof that the vessels so authorised were either under construction on the 1st March, 1963, or firm contracts had been let before that day for building them. In such cases the licensing officers had not been required to report the matter to head office, hence there is no record of the names of the persons to whom authority was granted.

BRICKS

Cost of Manufacture, Cartage, and Laying

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

With reference to the manufacture and supply of bricks in—

(a) Metropolitan area;

(b) Northam;

(c) Narrogin;

(d) Albany;
(e) Bunbury; and
(f) Geraldton;

will the Minister inform the House—

(i) the cost per thousand at each of the centres;
(ii) the average cartage cost per thousand to building sites in the areas mentioned; and
(iii) the estimated cost to the State Housing Commission per thousand laid in the wall?

The Hon. A. F. GRIFFITH replied:

I realise I have already asked for one postponement, but in order to give the honourable member an effective answer it is necessary to undertake a considerable amount of research, bearing in mind the various places in respect of which the question is directed. I am as yet unable to give an effective answer, and therefore I ask for a postonement of this question for a further week.

The question was further postponed until Tuesday, the 16th November.

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Child Welfare) [4.47 p.m.]: I move—

That the Bill be now read a second time.

It is the Government's intention to transfer all child maintenance, affiliation proceedings, and matters relating to the custody of children from children's courts to summary relief courts; and, in order to accomplish this, two amendments to the Guardianship of Infants Act, 1926-62, are required.

Prior to 1926, guardianship and custody of infants were the concern of the Supreme Court only, in accordance with the provisions of the Guardianship of Infants Act, 1920. In 1926 a further Guardianship of Infants Act was enacted, which did not amend the earlier Act but was supplementary to it. This later Act permitted courts of summary jurisdiction to deal with applications for custody of infants, provided they were under 16 years of age. An amendment to the Child Welfare Act in 1941 appointed children's courts to be the appropriate courts of summary jurisdiction for such matters.

It is considered that the Supreme Court is the proper court to deal with guardianship of infants and all matters concerning their property. Custody applications will continue to be dealt with in courts of summary jurisdiction and the court chosen for this purpose is the summary relief court which is to be established under the Married Persons and Children (Summary Relief) Act.

Clause 3: This will amend section 2 of the Guardianship of Infants Act, 1926-62. It is proposed to delete the words "any court (whether or not a court within the meaning of the Guardianship of Infants Act, 1920)" and substitute the words "the court." This is necessary, because the court dealing with the matters set out in this section should be the Supreme Court only. In the 1920 Act, the expression "the court" means "the Supreme Court or any judge thereof."

Clause 4, subclause (1): This repeals and re-enacts section 8 of the 1926 Act. The new section provides the machinery for registering maintenance orders already made under the 1920 Act in the summary relief court to be established under the Married Persons and Children (Summary Relief) Act. Provision is also made for the enforcement of those orders as if they had been made by the summary relief court; that is to say, in the manner provided in the Justices Act, 1902.

Subclause (2): Following the registration of existing orders in the summary relief court, such orders are then deemed to be orders of that court. This subclause also makes it clear that an existing order for guardianship includes an order for custody of the infant, and an existing maintenance order made under the Guardianship of Infants Act has the same meaning as an order for the maintenance of an infant made under the Married Persons and Children (Summary Relief) Act. This gives the parties to the order the right to approach the court for a variation of the order in accordance with changing circumstances.

Debate adjourned, on motion by The Hon. W. F. Willesee.

CRIMINAL CODE AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [4.52 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that in May last there was a Press announcement to the effect that the Government had appointed a special committee to examine the Criminal Code, the Offenders Probation and Parole Act, and the Child Welfare Act with a view to recommending legislative amendments on certain specific matters of capital and corporal punishment, and the conviction and imprisonment of juveniles, and also on any other apparent anomalies in the Criminal Code which may need urgent amendment.

The committee consisted of Mr. R. D. Wilson, Q.C., LL.M. (Crown Counsel); Professor E. K. Braybrooke, LL.M. (Professor of Jurisprudence at the University of Western Australia); and Miss Shirley Offer, B.A., LL.B. (officer of the Crown Law Department engaged in Statute law revision).

The terms of reference to the committee were limited, largely because our Criminal Code is modelled on the Queensland code, and for about two years now an expert committee has been working in Queensland on new model uniform codes for those States which now have a Criminal Code, and also for the Territories of the Commonwealth. It was desired to await the results of this committee's work before dealing with matters other than those included in the terms of reference to the local committee.

The local committee devoted much time to its terms of reference and submitted its report on the 10th September. I have three copies of the report here which I would like to lay on the Table of the House.

The Government regarded the report as well-considered and soundly based, and the present Bill adopts practically all the recommendations made by the committee for amendments to the Criminal Code except one which the committee itself made with hesitancy. I will refer to this matter in a moment.

The first item considered by the committee was the sentencing of prisoners liable to capital punishment. Section 657 of the code, in its present form, first requires that the sentence to be pronounced upon a person who is convicted of a crime punishable with death is that he be returned to his former custody and that at a time and place to be appointed by the Governor, he be hanged by the neck until he is dead.

The committee, at page three of its report, regards the detailed pronouncement of the sentence as unnecessary, since section 678 of the code prescribes the manner in which a sentence of death is to be carried out. Clause 5 of the Bill adopts the committee's suggestion that the sentence to be pronounced should be to "suffer death in the manner prescribed by law."

I should perhaps mention here that the rest of section 657 consists of a proviso which relates to the recording of a sentence of death, in lieu of pronouncing that sentence on conviction for a crime punishable with death except treason and wilful murder. The committee has pointed out that since 1961 the only crimes punishable with death are treason and wilful murder, and that, in consequence, the proviso to the section is inoperative. However, the proviso is not repealed by this Bill since a policy decision is involved as to whether or not the recording of a sentence of death should be allowed in the case of a conviction for either treason or wilful murder. The committee made no specific recommendation in this regard, and it has been thought better to leave the matter of tidying up the provision to a later stage after receipt of the report of the Queensland committee.

Further, in regard to the question of the sentencing of prisoners liable to capital punishment, the committee points out that in some cases of convictions for wilful murder the circumstances are such that it is obviously a case for the exercise of mercy. Although at page 10 of the report the committee formally recommends the appointment of a new tribunal to pronounce sentence in capital cases, it is apparent from page four of the report that the committee prefers the present system of a mandatory sentence by the presiding judge and the leaving of discretion as to commutation with the Governor-in-Council. The only reason for the committee's recommendation at page 10 is that assigned at page four; namely, that the committee interpreted its task as one of proposing some amendment to the law.

However, at page eight of the report, the committee recommends that the flexibility which the justice of a particular case may require is best introduced at the level of the Parole Board established under the Offenders Probation and Parole Act. The committee therefore thought that every prisoner convicted of wilful murder who is not sentenced to death will be sentenced uniformly to imprisonment for life, but thereafter should be subject to classification and assessment from time to time by the Parole Board, which should submit reports for consideration by the Governor.

The Bill adopts these recommendations, but even with the passing of the Bill it would still be competent for the ordinary royal prerogative of mercy to be exercised at any time in any particular case.

The second matter dealt with by the committee in its report is the present anomaly in punishment as between murder and wilful murder. At pages 11 to 14 of the report the committee points out that since the amendments made in 1961 a person convicted of wilful murder may have his sentence commuted to imprisonment for a term less than 15 years, while a person convicted of the lesser offence of murder must be sentenced to imprisonment for life and must serve at least 15 years of the sentence, except in certain stated circumstances. Sections 282, 679, and 706A are examined in this regard.

In order to remove the anomalies and to permit of flexibility in the treatment and reformation of prisoners, the committee recommended the repeal of section 706A

and the amendment of section 679 so as to empower the Governor to extend mercy on condition of the offender being imprisoned for life. These recommendations are followed in the Bill.

The third matter dealt with by the committee is the parole of prisoners under life sentences (pages 14 to 20 of the report). As the law stands at present, there is no way in which a prisoner undergoing a sentence of life imprisonment commuted from a sentence of death, or a prisoner sentenced to life imprisonment following his conviction for murder, can be released on parole. At present he can be released, but not, I repeat, on parole.

At page 16 of the report the committee refers to the advantages of the parole system which have already become apparent in regard to the supervision and guidance that the system provides to a prisoner upon his release and also the preparation for his release. The committee recommends the extension of the system to prisoners serving a sentence of life imprisonment commuted from a sentence of death and to prisoners sentenced to life imprisonment following conviction for murder. This would follow the system in three other States. The Bill adopts the recommendations of the committee in this regard and also its recommendation that the decision to release on such parole should be made by the Governor-in-Council and not by the Parole Board.

The only departure from the recommendations of the committee, at pages 19 and 20 of its report, is that in the case of a prisoner convicted of wilful murder whose sentence is commuted to one of life, the Government considered that the first report of the Parole Board should not be made after five years, as suggested by the committee, but only after the first ten years of the sentence has been served. This aspect, however, is not the subject of the present Bill, but of a Bill to amend the Offenders Probation and Parole Act.

The fourth matter dealt with is the instrument of corporal punishment. Section 659 of the Criminal Code requires that the instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called a cat, which shall be made of leather or cane without any metallic substance interwoven therewith.

The committee states that the cat would now be universally regarded as archaic and outmoded, and that the birch rod is an instrument which is not readily available under Australian conditions. The Bill adopts the recommendation that section 659 should be amended to provide that the instrument shall be either a cane or a leather strap. The Bill further takes advantage of the opportunity to repeal the one remaining section of the Regulation of Whipping Act, 1884, which deals with a matter which should more appropriately be dealt with by the prison regulations.

Under the heading of "Any other apparent anomalies in need of urgent amendment"—which was one of the terms of reference referred to the committee—the committee makes only one recommendation, namely, that section 328 of the code, which relates to indecent assaults on females, should be amended to increase the sentence from two years to four years. The Bill adopts this recommendation. I understand this will bring us more into line with the other States of Australia in respect of this particular crime.

At pages 24 to 38 of its report the committee carefully examines the subject matter of juvenile detention, and the main amendments recommended under this heading relate to the Child Welfare Act, amendments to which, as recommended by the committee, are at present before this House in a Bill to amend the Child Welfare Act. My colleague, the Minister for Child Welfare, has already introduced that Bill. However, consequential amendments are necessary to the Criminal Code, namely, the repeal of chapters LXX and LXXI of the code, relating to the trial of children and young persons, and amendments to sections 18, 19, and 679.

They have the effect of allowing the Supreme Court or a court of session, in lieu of sentencing a child to imprisonment, to commit him to the care of the Child Welfare Department; or, alternatively, to require detention during the Governor's pleasure with power to release under parole supervision for any period not exceeding five years. Complementary provisions are included in a Bill to amend the Offenders Probation and Parole Act.

The final matter dealt with by the committee at pages 38 to 48 of its report relates to the Child Welfare Act and is outside the scope of the present Bill. As I said a moment ago, the Minister for Child Welfare has already dealt with this matter in the introduction of his Bill. I commend the measure to the House.

The report was tabled.

Debate adjourned, on motion by The Hon. W. F. Willesee.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.6 p.m.]: I move—

That the Bill be now read a second time.

Before proceeding to outline the provisions contained in this Bill, I think it would be appropriate to mention that part III of the Offenders Probation and Parole Act dealing with the parole of prisoners came into operation on the 1st October, 1964.

The other part, under which convicted persons may be placed on probation, commenced to operate on the 1st January this year.

The Parole Board, with Mr. Justice Negus as chairman, had as its first task the fixing of minimum terms in respect of almost all eligible prisoners undergoing sentences of imprisonment for finite terms. Thereafter the board exercised its discretion and directed the release of a substantial number of prisoners in respect of whom it or the courts had fixed minimum terms, and some who were being detained in the reformatory sections of prisons during the Governor's pleasure.

The first report of the Parole Board for the period of nine months ended on the 30th June, 1965, is now being printed, and the report will be laid on the Tables of both Houses. Members will have the opportunity of perusing the report. Therefore I do not propose at this point of time to refer to the matters contained in the report. But I would like to take this opportunity of saying that the Parole Board and the members of the board's staff are performing their duties most conscientiously and efficiently.

It was not an easy task to bring this very important and necessary social service into operation. At the commencement, the board and the staff were called upon to devote a great amount of time in the preparation and consideration of case histories of prisoners and the subsequent release of 144 prisoners on parole up to the 30th June this year. The chairman and members of the board, the Chief Parole Officer, and the members of his staff are to be commended for the manner in which they have performed the duties entrusted to them by the Act.

Concurrently with the issue of the first report of the Parole Board, the Chief Probation Officer (Mr. C. W. Webster) submitted his report for the period the 1st January, 1965, to the 30th June, 1965. This report is also being printed and will be tabled for perusal by members.

The operation of this part of the Act was deferred for three months after the commencement of the paroling of prisoners. This was necessary to enable the heavy load placed on the staff in the preparation of case histories of prisoners to be completed before the staff would be able to undertake the supervision of probationers and the preparation of presentence reports for the courts. Here again I will not refer to what is contained in the report, except to mention that this part of the service is operating smoothly, and judges and magistrates have commented very favourably on the valuable reports which are being prepared by probation officers to assist them in deciding appropriate penalties to be imposed.

My personal thanks go to His Honour Mr. Justice Negus and the members of his board for the job they are doing. I said, I think, when I introduced the Act some two years ago, that the board would no doubt have its problems and it might even make some mistakes. Problems it has had, and mistakes it might in the future make, but it is performing its task most objectively and conscientiously, and this has been a great move forward in prison reform in Western Australia.

This Bill is, in part, complementary to the Bill to amend the Criminal Code in that it further implements some of the recommendations of the special committee appointed in May last to consider certain amendments to the code, to the Offenders Probation and Parole Act, and to the Child Welfare Act. The Bill, however, also includes other amendments which have been incorporated with the approval of His Honour Mr. Justice Negus as Chairman of the Parole Board.

The Bill amends section 6 of the Act in two respects. It first amends subsection (3), which at present requires that an honorary probation officer must be a clerk of petty sessions or an officer appointed under the Child Welfare Act. It is felt that the present provision is too restrictive. In time it is likely that we will need a considerable number of honorary probation officers (if not honorary parole officers) as is the case in Victoria and in the Child Welfare Department of this State. The amendment proposed is to allow the widest possible field for selection.

The second amendment to subsection (6) is to repeal subsection (4) so as to allow honorary probation officers to operate anywhere within the State. Already there has been felt the need to appoint female officers of the Child Welfare Department to be honorary probation officers.

Clause 4 amends section 9, firstly, by allowing a court to adjourn a hearing on terms as to bail pending receipt of a report from the Chief Probation Officer before sentencing; and, secondly, to give some flexibility in the matter of a probation order requiring the probationer to report himself in person where directed in the order within 24 hours after his release pursuant to the order. In some of the remote areas of the State it would not be reasonable to require probationers to travel long distances to report in person. The presiding justices might consider that a report by some other means, such as by letter or by telephone, may be sufficient. During vacation periods it may not be possible for a probationer to report in person within 24 hours after release.

Clause 5 inserts a new section, modelled on a Victorian provision, giving power to make certain averments in a complaint alleging breach of a probation order, and facilitating proof where the person charged with a breach of probation

admits convictions. The court is given express powers relating to adjournment, and either the custody or the release on bail of the person charged.

Clause 6 amends section 34 of the principal Act in several respects. The first amendment is to rectify a possible weakness in that the Criminal Code distinguishes between strict custody and safe custody. In the case of a person who becomes subject to a verdict of acquittal on account of insanity, the court is required to order that the person be kept in strict custody until Her Majesty's pleasure is known, and thereafter in safe custody during the please of the Governor.

The second amendment to section 34 arises from the report of the special committee appointed by the Government in May of this year, which report, at page 19, recommends that the Offenders Probation and Parole Act be amended to provide that the board shall report on each life prisoner once at least in every five years, as well as whenever so requested by the Minister. The Bill adopts this recommendation except that, in the case of a person undergoing a sentence of life imprisonment commuted from a sentence of death, the first report of the Parole Board will not be made until the prisoner has served 10 years' imprisonment and thereafter every five years if not earlier released.

This preserves the distinction made in the 1961 amendments to the Criminal Code between the seriousness of a conviction for wilful murder and that of a conviction for murder. Except in such a case of a commuted sentence of death, the amendment requires the board to report every five years.

The third amendment to section 34 merely requires the board to report to the Minister whenever the board orders a return to custody of a person released by the Governor under the section.

Clause 7 will add a new section relating to persons who have been found by a jury or by the Court of Criminal Appeal to be not guilty on account of insanity. These cases can be difficult ones, particularly where the patient has killed someone. After a period of years, the psychiatrists report that the patient has recovered his sanity, but they say that if the patient is released he may suffer a relapse if subjected to any abnormal strain, or even through the normal stresses and strains of modern life, unless given preparation for release and adequate supervision afterwards.

A relative or employer may say that he is prepared to look after the patient on release but, of course, he is under no obligation to do so, and he may change his mind, or may himself become incapable of supervising the patient after release. In these cases there is a natural reluctance to continue to detain the patient indefinitely or for the rest of his life, but there is also a duty not to expose the community to undue risk.

The purpose of the new section 34A introduced by clause 7 of the Bill is to effect a compromise with safeguards to minimise the risk to the community. The new section will give to the Governor power to release patients such as those just mentioned, subject to conditions which may include a condition requiring the supervision of a parole officer. The amendment will also enable the board, in respect of a person so released, to order the return to custody of that person at any time.

At the present time, where a person in this category is regarded by the psychiatrists as sane, and he is released, I repeat, there is no basis of supervision for such a man. It could well be that he desires the assistance that the parole system would offer him. In this case it is much easier. But in any case no restriction can be placed upon him and there could be involved some risk to the community by releasing him; but the risk could be lessened to some degree if he were released on the conditions of a parole order and supervised by a parole officer. I think this is an improvement to the Act in his favour rather than his disfavour in respect of giving consideration to releasing him.

Clause 8 amends section 35 of the Act, first to provide for the appointment of a deputy chief probation officer to accord with section 6 (1) (b) of the Act; and, secondly, to accord with amendments made to section 6 by clause 3 of the Bill.

Clause 9 adds a new subsection to section 37 of the principal Act to require that where a person is before a court to be sentenced to imprisonment upon conviction of two or more offences, the court shall fix a minimum term in respect of the aggregate period of imprisonment instead of a separate minimum term for each sentence. There has been some doubt in the past as to whether one minimum term can be set in respect of a number of sentences ordered to be served cumulatively and the manner in which warrants should be endorsed. A similar amendment has been recommended by the Victorian Parole Board.

A man might go before the court on half a dozen charges, and receive a sentence of six months to be served cumulatively. That could mean three years. But there is doubt at the moment whether the judge may say that he sentences the prisoner to six months to be served cumulatively on each charge, or to serve a minimum term of one year or two years in relation to the six. This again, I think, will react in favour of the prisoner.

Clauses 10 and 12 of the Bill merely enable orders of the board to be evidenced by the signature of any two members instead of by the chairman and two other

members, as at present. This is desirable, particularly when the chairman is out of the State or otherwise not available.

The remaining clause 11 of the Bill follows the recommendations at pages 19 and 20 of the report of the special committe appointed in May last. It is to extend the provisions of section 42 of the principal Act—relating to the release on parole of certain life prisoners—to all life prisoners, and to enable the Governor to exercise his powers under the section otherwise than only on the recommendations of the board. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. Thompson.

BILLS (2): RECEIPT AND FIRST READING

1. Stamp Act Amendment Bill.

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

2. Clackline-Bolgart and Bellevue-East Northam Railway Discontinuance and Land Revestment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

LAND ACT AMENDMENT BILL (No. 2)

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

STRATA TITLES BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.25 p.m.]: I move—

That the Bill be now read a second time.

Unit ownership was introduced into this State mainly by people making joint purchase of old and, in some cases, substandard buildings on a single stratum, arranging amongst themselves that each would own a separate room or rooms. The system has since been extended to people owning their own flats on different strata levels. This has been in operation for several years and appears to be growing.

Two methods have commonly been used in this State to achieve unit ownership. The first of these, tenancy in common, gives in law an undivided interest in the whole land but, by agreement with co-owners, results in each tenant having the right to the free and exclusive use and possession of portion of the building on the land, but also in obligations to other owners and in regard to rates, repairs, and contingencies, while permitting enjoyment of certain portion of the land and buildings thereon in common with other occupiers.

The second method comprises ownership as the owner of certain specified shares in a home unit company. This ownership carries with it the right to exclusively occupy particular parts of the building while enjoying other parts in common with other occupiers.

The disadvantages of each of the aforementioned methods are as follows: Firstly, in regard to tenancy in common, the scheme can be frustrated should one of the owners sell his share to a purchaser without extracting from him an agreement in terms similar to those of the agreement originally executed with the other owners. The agreement cannot be registered nor—unless it provides for a lease—can it be protected by caveat and, therefore, there is no practical method of ensuring that incoming co-proprietors will adhere to the terms of the agreement. This is particularly so where the share is transmitted under a will or on intestacy. Banks and other leading bodies do not regard the interest of a tenant in common as an attractive security.

Secondly, in regard to home unit companies, courts will not recognise the shareholder as owner of his flat or unit. He cannot, therefore, pursue the normal legal remedies of a landowner such as trespass, ejectment, etc. His rights to his flat or unit are contractual and not proprietary and may be varied against his will by alteration to the articles of association. Lending bodies will not lend money on the security offered. It is an expensive way of achieving ownership of a flat or unit and, furthermore, the owner cannot claim tax deductions for rates and taxes in respect thereof.

As previously stated, legislative action has been taken in other States with a view to overcoming these disabilities. We regard the New South Wales legislation as providing the most acceptable scheme for operation in this State. Time has shown that the New South Wales scheme is working with reasonable satisfaction. Numerous strata titles have been issued and huge amounts of money have been advanced by banks and finance houses thereon. This Bill remedies the few defects that time has disclosed in the New South Wales legislation.

Last September, State Cabinet appointed a committee consisting of the Commissioner of Titles, the Town Planning Commissioner, the Secretary of the Local Government Department, and a Crown Law officer to make recommendations on the subject. The committee agreed to oppose the introduction of strata

titles legislation in this State but disagreed on some aspects and, therefore, each member of the committee submitted a separate report.

Several responsible bodies, namely, the City of Fremantle, the Law Society of W.A., and the R.S.L. have urged the introduction of legislation in this State. Arguments in support of the demand are—

(a) That high land values in city and inner suburban areas require the maximum utilisation of a site therein;

(b) There is a demand for higher density living in such areas.

(c) There is a demand for separate and exclusive occupation of flats or homes on an ownership basis which facilitates acquisition of interest, the securing of finance, and the disposal of the interest, and also gives security of tenure.

(d) The present law is unsatisfactory for reasons above indicated and also because agreement with purchasers and subpurchasers are often not executed at all or are lost and section 20 of the Town Planning Act is a stumbling block. It has occurred that people, particularly elderly folk, buy home units in ignorance of all the liabilities and frustrations which they are likely to or may encounter. Often the scheme as prepared is unsatisfactory and does not provide for important contingencies or the building may have major defects which become apparent before long.

(e) The system of unit ownership has come to stay but is at present most defective and should be improved and regulated by law as soon as possible.

The Government has decided to introduce this legislation bearing in mind the foregoing, and having regard to the fact that the New South Wales pattern is regarded by the committee as the best pattern, if any at all is to be followed.

Nevertheless, the subject matter of this type of legislation is not easy of solution. The members of the committee and most local authorities are, as I have stated, opposed to the new legislation. Lack of trained staff to implement it is a major consideration. Defects in and difficulties under the legislation will surely arise, but the system of unit ownership, nevertheless, is recognised by legislation overseas and in most other States. The present position in this State is quite unsatisfactory to buyers, though in the lack of any alternative, it is actually growing in popularity. This situation should not be allowed to continue unchecked.

The Government has accordingly had this Bill prepared and modelled on the New South Wales Act, but incorporating such amendments as appear desirable as a consequence of legislative experience in other States. As its title implies, the Bill has as its basis the registration of a "Strata Plan." The strata plan is defined in clause 3; and in following clauses it will be seen it makes provision for defining the land contained in the parcel of which it is comprised. The plan must set out the separate lots contained in the building and define the boundaries of each lot by reference to floor, walls, and ceilings, and the approximate floor area of each lot.

The strata plan will also have annexed to it a schedule specifying the "unit entitlement" of each lot. "Unit entitlement" is defined in respect of a lot as meaning the unit entitlement of that lot specified or apportioned in accordance with the provisions of clause 18 of the Bill.

Under this clause, every plan lodged for registration as a strata plan will have an endorsement on it specifying in whole numbers the unit entitlement of each lot and a number equal to the aggregate unit entitlements of all the lots. The endorsed entitlement determines firstly the voting rights of a proprietor; secondly, the *quantum* of the undivided share of each proprietor in the common property; and, thirdly, the proportion payable by each proprietor of contributions levied for the establishment of a fund to meet administrative expenses as outlined in subclause (6) of clause 13.

The success of a home unit proposition in its management and administration depends so much upon clearly defined unit entitlement that it is considered this important factor in the holding of a satisfactory certificate of title should be endorsed directly on the title itself.

Also, the schedule of the strata plan will specify the aggregate unit entitlement of all lots and this unit entitlement will determine the voting rights of proprietors, the *quantum* of the proprietors' share in the common property, and the proportion payable by each proprietor of contributions towards the maintenance of the building.

"Common property" for the purposes of this Bill means so much of the land for the time being comprised in a strata plan as is not comprised in a lot shown in the plan and covers such facilities as stairways, garden plots, and many appurtenances specifically referred to in paragraph 2 of part I of the schedule.

It is required that before the strata plan may be registered it must have a certificate by a registered surveyor that the building shown on the plan is within the external boundaries of the parcel and a certificate of compliance under the Local

Government Act of 1960, together with a certificate under the hand of the Chairman of the Town Planning Board that the proposed subdivision of the parcel shown in the plan has been approved by the board.

There is a right of appeal contained in clause 20 upon refusal by the local authority or the Town Planning Board to direct the issue of a certificate under subclause (6) of clause 5 of the Bill.

When the strata plan is registered under this measure, a memorial shall be entered on the certificate of title relating to the parcel and this will enable the Registrar of Titles to issue a separate certificate of title for each lot, together with the share of the common property appurtenant to it, but no share in the common property may be disposed of except as an appurtenant to the lot of the proprietor.

Upon the registration of a strata plan, the proprietors become a body corporate known as the company, but not subject to the Companies Act of 1961.

The company may make by-laws for its corporate affairs and for the control, management, use, and enjoyment of the lots, the common property, and the parcel. Until such by-laws are made, the by-laws set out in the schedule to the Bill regulate the rights between the company and the proprietors, and between the proprietors themselves.

The powers and duties of the body corporate are exercised and performed by a council of the body corporate. The council will consist of not less than three nor more than seven proprietors of lots elected at each annual general meeting of the body corporate. The body corporate has defined powers including that of establishing a fund for administrative expenses sufficient for the control, management, and administration of the common property, for the payment of any premiums of insurance, and the discharge of any other obligations of the body corporate. For this purpose, the body corporate is empowered to determine, from time to time, the amounts to be raised from the lot owners and the contributions to be levied on individual lot owners to meet these expenses.

It will be appreciated, therefore, that the provisions in this measure effect the taking of normal procedures adopted in existing home unit undertakings and based on what has been called the "company method" without any of the initial expense involved in forming a company.

To protect minority voters, the Bill permits application to the Supreme Court for the appointment of an administrator to safeguard against irregularities or neglect on the part of the body corporate.

There is provision for the court, when satisfied that there is no person able to vote in respect of a particular lot, to appoint the Public Trustee or some other person for the purpose of exercising such powers of voting. The necessity for this could, of course, occur with a unit being vacant in a block when its owner had died and his affairs were being wound up.

The position of mortgagees has also been closely considered to ensure that the security afforded by the home unit title is adequate for its purposes. Thus, special provisions are directed to the destruction or partial destruction of the building, and it will be readily appreciated that the question of insurance is of much consequence in these regards.

Members will notice that valuation and rating aspects form an important part of this measure. And it will be apparent that the proprietor of each lot comprised in the parcel is deemed to be the owner in fee simple in possession of the lot as if it were a separate parcel of land having a value equal to that apportioned to it in proportion to the unit entitlement.

Similar provisions exist as regards the apportionment of land tax, for, under this Bill, a reference in the Land Tax Assessment Act of 1907 to an owner includes a proprietor of a lot.

As it is my intention not to proceed with this measure during the present sitting of Parliament, I believe that at this point of time I have provided sufficient outline of the provisions contained in this measure to evoke the interest of the sections of the community who are directly concerned in obtaining clear titles or being able to offer clear titles to home units.

Having made that statement I would add this: Bearing in mind the stage of the session, if I find the Bill has some form of acceptance by those who are most interested in this type of legislation, it will be the Government's desire that progress be made, because I am seriously of the opinion there is some demand, and a growing demand, for this type of legislation.

However, I move the second reading with the knowledge that some considerable time must be given for a close scrutiny of legislation of this nature which, to our State, is entirely new. The number of inquiries made of me personally for this type of legislation to be introduced into Western Australia has been so many that the Government decided to make some progress.

The Hon. F. J. S. Wise: There must be a lot of transactions that have taken place.

The Hon. A. F. GRIFFITH: Yes, there are; and transactions that are taking place within the descriptions I related when moving the second reading.

I would like to make the position of officers of various departments quite clear. The officers of various departments—the Commissioner of Titles, the Town Planning Commissioner, and others who examined this matter did so conscientiously and told us in a forthright manner what they thought of the situation. As I said before

in this speech, the Government is also conscious that local authorities generally are not prepared to accept the measure at present because of certain fears they have in their minds in relation to difficulties that may occur.

I think that experience and an opportunity to examine the legislation might allay some of those fears, and we may well find ourselves with a piece of legislation which is acceptable. However, I repeat: It is not the desire of the Government to make undue haste with this matter; and I will be prepared to leave the measure in such a position on the notice paper that it need not be proceeded with until I obtain some indication from members of this Chamber that they are ready to go on with it.

Furthermore, I appreciate the fact that outside bodies and people who are interested will want to obtain a copy of the Bill to examine it closely. We are anxious that opportunity be given for this to be done; and we do not want to place this piece of legislation on to the Statute book until we are reasonably sure it has a chance of working.

No doubt difficulties will be encountered; and this is always so. When, two years ago, I introduced another Bill, I foreshadowed we would have to make amendments to that piece of legislation. Experience might well show that this Bill in its present form could be improved before it becomes law, or even after it becomes law. Whatever the case, the Government is desirous of meeting a situation for which it believes there is a demand, but wants to meet it in a manner which will be acceptable, particularly to those who will have dealings with this type of title.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution:—

> That the proposal for the partial revocation of State Forests Nos. 14, 27, 33, 37, 42, 52, and 58 laid on the Table of the Legislative Assembly by Command of His Excellency the Governor on the 2nd November, 1965, be carried out.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Assembly's Further Message

Message from the Assembly received and read notifying that it had agreed to the Council's request for a conference, and had appointed Mr. Nalder (Minister for Agriculture), Mr. Toms, and Mr. Rushton as managers for the Assembly; the conference room as the place of meeting; and the time 6.45 p.m., Thursday, the 11th November.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.48 p.m.]: I would like to make sure, Mr. President, that there is nothing we should say as a result of this message.

The **PRESIDENT** (The Hon. L. C. Diver): I would point out to the Minister for Mines that the message is a reply to our request for a conference.

The Hon. A. F. GRIFFITH: It is better to be sure than sorry.

CLACKLINE-BOLGART AND BELLEVUE-EAST NORTHAM RAILWAY DISCONTINUANCE AND LAND REVESTMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [5.51 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is a small railway machinery measure introduced in another place. With the introduction of rail services between East Northam and Bellevue via the new Avon River Valley route, it is intended that the existing train services between Bellevue and Spencers Brook will cease to operate.

The purpose of this Bill is to provide for the closure of this section of line, and also two further short sections will also become redundant. They are between Clackline and Toodyay and between Northam and East Northam. It has been planned for services to commence operation via the new route in January next.

Haulage of the remaining narrow gauge traffic via the Avon Valley route will, because of the easier grading, effect a saving of more than £500,000 per annum as against operating the Spencers Brook-Bellevue route. The point has been reached also where extensive works would be required on this section for rehabilitation of the permanent way. This would involve expenditure of £1,500,000.

The amount of goods rail traffic handled to and from stations between Northam and Perth approximates 10 tons per day and the provision of an alternative road service to cater for this traffic is being negotiated with the Transport Department.

It will be noted that the Bill provides for land comprising the railway to be revested in Her Majesty, as of Her former estate. Should it be decided that the Railways Department operates an alternative road service, a small area would be necessary at some intermediate stations to provide loading facilities, etc. It is proposed that use of these areas be arranged by reservation after services have commenced to operate and land requirements

have been established. Similar procedures have been adopted on other closed sections of line in country districts.

It had originally been proposed, with regard to passenger traffic between Midland and Chidlow, that the new road-rail passenger terminal would be completed prior to the cessation of rail services between Spencers Brook and Bellevue and that co-ordinated "feeder" road services would be in operation between the hills and the new terminal. As work on the terminal has been delayed, arrangements are being made to provide an alternative passenger service for the present users of the Koongamia and Chidlow rail services.

The Clackline-Toodyay section will be redundant as services for the Miling branch line will be operated via the Avon Valley route through Toodyay. Goods traffic on the Clackline-Toodyay section has virtually ceased so no inconvenience will be created by closure of this section.

The section between Northam and East Northam will not be required for operation of railway services and closure of it will remove a number of level crossings in the Northam townsite. The balance of this section will be retained to provide access to the flour mill and oil companies' sidings.

Section 8 of the Bill empowers the commission, with the approval of the Minister for Railways, to use portion of the existing railway between Northam and Wundowie for the carriage of iron ore to Wundowie to continue until the standard gauge railway is completed to Koolyanobbing.

Under the present arrangement, the ore is road-hauled from the mine at Koolyanobbing to Southern Cross and loaded into narrow gauge wagons. It is then conveyed by tabled trains to Wundowie. During the transitional period when the Avon River Valley route is opened for traffic, similar loading and transport arrangements for the ore will operate.

On completion of the standard gauge line to Koolyanobbing, it is intended that the ore be loaded in standard gauge wagons at Koolyanobbing and transported by tabled trains to Northam. At this depot the ore will be transhipped into specially constructed road vehicles for transport to Wundowie.

I have a plan covering the descriptions given in the schedule, if any member should desire to see it.

Debate adjourned, on motion by The Hon. H. C. Strickland.

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 4th November, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (Lower North) [5.55 p.m.]: Members will recall that in 1963 we passed the Foreign Judgments (Reciprocal Enforcement) Act. The object of the Act was to provide for the enforcement in this State of judgments given in the United Kingdom or other countries that accord reciprocal treatment to judgments given in this State, and to facilitate the enforcement in other countries of judgments given in this State, and for incidental and other purposes.

That Act has not yet been proclaimed and this Bill which is now before us is to correct a small omission which was overlooked and which has now made itself apparent. I have very little to add to what the Minister said. The 1963 Act repealed part VIII of the Supreme Court Act, but it did not preserve the Order-in-Council made under the Reciprocal Enforcement of Judgments Act of 1921.

That creates a weakness in the Act which we passed in 1963, and once this Bill is passed it will correct that omission and I gather that the Government will probably take early steps to proclaim the Act we passed in 1963.

The Bill consists almost entirely of one clause, and in my opinion is worthy of support.

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. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

FISHERIES ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Assembly without amendment.

BETTING INVESTMENT TAX ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 4th November, on the following motion by The Hon A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. J. J. GARRIGAN (South-East) [6.1 p.m.]: I rise to oppose the Bill I shall not weary the House with a long speech as my health will not permit it, and my breath is very short; but I took the adjournment on Thursday last so that I could support Mr. Dolan's opposition to the Bill. He gave some figures to the House and presented a very good case as to why the Bill should be opposed. Once again

this is one of those sneaky little Bills that is presented to Parliament under which the working class, or the middleclass people of this State have to pay for something from which they receive no benefit.

Without elaborating on what Mr. Dolan had to say, I believe that some of the money obtained from this taxing legislation could be used to provide more amenities or facilities for the T.A.B. punters in Western Australia. This Government gave the officers of the T.A.B. tremendous power—more power than I think the Government itself possesses. These officers apparently have the right to override the provisions of the Health Act, the Police Act, and the Fire Brigades Act; and, in a few words, I would like to tell members of the deplorable and disgusting conditions of T.A.B. premises, which punters using those premises have to suffer.

Firstly, no T.A.B. premises are ventilated. If one walks into a T.A.B. shop all one will find is a pall of dirty, filthy blue smoke, and at the end of the day it is hard to make out who is a smoker and who is a non-smoker. Everybody is coughing out his lungs because of this filthy dirty smoke; and it would not cost much to install some form of ventilation to make the premises more pleasant for the many people who use them and so pay into the fund from which the Government is reaping the benefit.

Secondly, there are no sanitary convenience provided. When the legislation providing for the establishment of the T.A.B. was passed, facilities of this kind were provided in the shops already in existence. However, for some reason or other, the board has said that there is no necessity to provide conveniences in T.A.B. premises. The only alternative the people who use these premises have is to make use of some private toilet facilities, such as those at hotels or other premises on which the owners have to pay rates.

Mr. Stubbs asked a question as to who was the most powerful, the T.A.B., or the Health Department administering the Health Act. The reply was to the effect that the provisions of the Health Act overrode T.A.B. regulations, but the excuse for not providing toilet facilities was that their provision enabled loitering on the premises. I think it would be an education if members were to have a look at some T.A.B. premises, especially those in the metropolitan area.

I would say they harbour undesirable characters of every kind. Many of these characters are not permitted on a racecourse or on any trotting track in Western Australia, but they frequent these T.A.B. shops from mid morning until late at night. These premises are infested with undesirable characters of every kind and if these people were loitering on the street the police would have the right to charge them, or else they could be moved on. However, while they have four walls around them they are permitted to stay in those premises all day, eating their lunch while they are there. Therefore, I do not think the excuse given by the Government in answer to the question asked about sanitary conveniences was a very good one.

The question of a fire hazard also arises. I have not seen a side or a back exit provided in these premises. There is only one exit and one entrance, and that is the front door of the premises. In the event of a fire I think it would be a real catastrophe. Who would take the blame for it, I do not know.

To get back to the betting tax, if the Government were really sincere in its desire for decentralisation. this is a point where it could start. It could provide amenities for people outside, say, 200 miles of the G.P.O., Perth, and allow their bets to be tax free. People in these areas cannot go to the race course every week and enjoy the amenities which are provided by the race clubs in Perth. Yet the race clubs can only provide those amenities because of the money they receive through the payment of an investment tax. As a result the people at Marble Bar, Wiluna, Esperance, Kalgoorlie, and other outlying centres get a very raw deal. Only two wireless stations broadcast the races and very often one is lucky if one gets any reception at all. Therefore people in those areas should be exempt from tax; and I hope that some Country Party members in this Chamber are listening to what I am saying and will support me. I am finding it difficult to breathe and I shall close by saying that I oppose the measure.

Sitting suspended from 6.8 to 7.30 p.m.

THE HON. H. C. STRICKLAND (North) [7.30 p.m.]: I must be consistent and oppose this Bill on the principle that it is increasing taxes on those who can least afford to pay. We know that as the Act stands today, the person who bets with a sum of money less than £1 pays 3d. for each bet and those who bet in sums of £1 and over pay 6d. for each bet. A person who bets in half-crowns at the moment pays 2s. in the pound, and the person who bets in amounts of 5s. pays 1s. in the pound, and so on until a bet of £1 is made, when the tax of 6d. is imposed.

Under the Bill it is proposed to convert the tax to cents, and on the half-crown bettor the tax is increased to 3c on each bet, but the tax that will be paid by the £100 bettor will be decreased, because he will be paying only 3c for his bet instead of 6d. The difference in money values under the Bill is that, whereas the man who bets £100, £50 or £10 in one bet pays 6d. tax, in future he will pay only 3c, which is the equivalent of 4d. tax for each bet. The small bettor who invests only 2s. 6d.

in each bet and who now pays 2s. tax on each £1, will pay the tax equivalent of 2s. 8d. in the pound. The 5s. bettor will be paying at the rate of 1s. 4d. in the pound, and the 10s. bettor at the rate of 8d. in the pound.

So, as I have said, I have always been opposed to any tax that discriminates and which places an imposition on those who can least afford to pay. I do not know why the Government does not think of a better way to impose this tax. It is, of course, making a great deal of revenue from it, and in the last financial year, according to the figures shown in the Auditor-General's report tabled this evening by you, Mr. President, it is found there has been a steady increase in receipts from this tax.

In 1962-63 the betting investment tax raised £209,289; in 1963-64 the amount was £219,857, and in 1964-65 an amount of £257,153 was raised, thus showing an increase in revenue over the previous year of £37,296.

As the Treasurer in another place has advised us, it is expected that, this year, the betting investment tax will bring in no less than it did last year; but, of course, it will bring in more revenue. There is no doubt about that, because the number of people who follow racing of some kind is increasing every year and, as statistics show, there will be more bets made, more turnover, and more revenue as each year passes. When one looks at all the figures, betting has been a very profitable transaction for the Government. The total revenue obtained from T.A.B. license fees, betting tax, and betting investment tax is something like £1,031,000. Therefore, betting proves to be a nice source of revenue for any Government.

One cannot complain too much about taxing those who bet extensively and who make a living from betting, but I have always said, and I still believe, the Government should exempt from this tax those people who live in remote areas. I am thinking of those who reside on stations, and so on. The only interesting pastime in which they can indulge is to have a bet on the races. As Mr. Garrigan pointed out, because they reside in areas where it is impossible for them to leave their place of work and attend a race meeting, they are penalised by having to pay this tax. Here again, the small bettor who, for a pastime, bets for some sort of interest is going to be penalised. The boss, who bets in amounts of £10 or over, is to have his tax reduced, but his employee who puts 5s. on a horse will have his tax increased. For those reasons I must be consistent and oppose the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.39 p.m.]: From time to time Governments have to make decisions on the taxes they impose upon the people. I am sure Mr. Strickland, who has addressed himself to the Bill and who has just sat down, will appreciate, as an ex-Minister of the Crown, the remarks I am about to make. I am sure he has had the experience of sitting around the Cabinet table, as a member of the Government, to decide what type of tax shall be imposed on the people of the State, bearing in mind the relative avenues of taxation that are available to the State, and those which are available to the Commonwealth Government.

At the moment legislative changes are being made as a result of the proposed change in the currency of the country. On the 14th February, 1966, the whole of Australia will change its currency from pounds, shillings, and pence to dollars and cents. In relation to this change the Government has given consideration not to one factor but to all relevant factors in the legislative changes that will follow.

With the greatest respect, it is no use Mr. Dolan pointing out—although it is a worthy argument—that as a result of the legislation before the House the Government will make some profit. He cannot say that without having regard for the fact that following some other legislative changes the Government is likely to show a loss.

The Hon. J. Dolan: We do not know that.

The Hon. A. F. GRIFFITH: No, except that members have been told that the objective of the Government is not to make any radical change, one way or the other, following the currency changeover. There will be other Bills introduced to amend our legislation that affects taxation because of the proposed change to decimal currency, and we will hear a great deal about those Bills as they pass through their various stages in Parliament, and therefore we cannot consider this measure as an isolated one. If we are asked to consider it in isolation, and if we are asked to say to ourselves, "Which of the two alternatives will we take? Will we pass this Bill or will we defeat it?", we must come to one of two decisions. We are either prepared to accept the proposition contained in this Bill which seeks to simplify the betting investment tax by imposing one single rate of 3c per bet as against the two rates of tax that were imposed formerly; or, we will throw the Bill out.

If we reject the Bill we will be back where we started. We will be left with the legislation we have now and we will have to carry out the conversion to decimal currency according to the rate that is contained in the Act at present. If this were done the Government would be on the debit side with its revenue instead of on the credit side.

Mr. Dolan apparently made a great deal of research into the effect this Bill would have, and he gave us an interesting resume of what he thought would happen. He said he thought the Government would be

£17,000 or £18,000 better off as a result of this change in tax at the end of one year than it would be under the existing system of taxation. This could be so, but I repeat that we cannot consider this Bill as an isolated measure, because experience will show us, I feel sure, that when we make changes in other legislation we may show a small loss. In saying that he must be consistent and oppose this tax, I point out to Mr. Strickland—

The Hon. H. C. Strickland: I am opposing it for one reason only.

The Hon. A. F. GRIFFITH: Yes; because it imposes a tax on those who cannot afford to pay.

The Hon. H. C. Strickland: On those who can least afford to pay.

The Hon. A. F. GRIFFITH: For my part, I wish to say that no-one is forced to go to the races and make a bet. Nobody forces any member of the community to make bets.

The Hon. F. J. S. Wise: Or to toss a coin.

The Hon. A. F. GRIFFITH: Or even to toss a coin, with or without success.

The Hon. R. Thompson: The person tossing a coin does not have to pay a tax.

The Hon. W. F. Willesee: It would be only a matter of time.

The Hon. A. F. GRIFFITH: Let us keep to the Bill. In this particular case the Government feels that a tax of 3c will be an easier means of conversion, and that one flat rate of tax is better than two rates.

The Hon. H. C. Strickland: Why not retain the tax at 3c and 6c?

The Hon. A. F. GRIFFITH: There would not be a satisfactory means of conversion, and two rates would still be retained. The Government considers that one rate should be applicable to all bets. It is for the Government of the day to take into consideration all the financial aspects from year to year, having regard for the amount required to be raised and the amount to be spent.

This tax is now returning in the vicinity of £250,000 a year. This is very helpful to the Government in the overall programme of providing schools, houses, hospitals, and all the other requirements of the various electorates. It is a fine point of judgment to decide whether there should be one rate or two rates of taxes imposed on bets.

Initially when this tax was introduced it was bitterly opposed as being an unfair tax upon a certain section of the community. I am glad to see that the principle of retaining this tax has not been opposed on this occasion. The only opposition to the Bill is that we should not change from one method of taxing bets to another. I am glad the principle is agreed to.

The Hon. R. Thompson: The main objection is that the big punter will pay less under the proposal in the Bill.

The Hon. A. F. GRIFFITH: I do not know who is regarded as a big punter, because I am not a betting man. This Bill has been introduced by the Government after consideration of the amount of money that is required to be raised, and the amount that is required to be spent by the State. It is not an unreasonable proposition to suggest one rate of tax on all bets; that is, a tax of 3c on every bet. This is a measure which we can readily support, despite the opposition that has been raised.

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. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 repealed and re-enacted—

The Hon. J. DOLAN: I do not agree with the comments of the Minister. I consider it is wrong to impose a flat rate of 3c on all bets. The Minister has suggested that such a method would simplify the procedure. I have been on racecourses, and I know that one can obtain as many tickets as one likes on the totalisator. With an income of £250,000 a year the T.A.B. should be able to afford to obtain a machine to record any number of bets.

The Hon. A. F. Griffith: Who said that?

The Hon. J. DOLAN: The Minister said it would be simpler to have one rate of tax.

The Hon. A. F. Griffith: I did not say the T.A.B. could not afford it.

The Hon. J. DOLAN: In the conversion to decimal currency there will not be a 3c coin. The coins are 1c, 2c, 5c, and so on. When a person tenders the equivalent of a 5s. bet, he will also have to tender either a 5c coin for the tax—for which he will receive 2c in change—or a 1c and a 2c coin. That is not a simplified method. It would be a simple method to have separate windows for bets equivalent to £1 and under, and for bets equivalent to over £1. I cannot see why such a system could not be introduced in the betting shops. For that reason I propose to move an amendment to delete the word "three" and to insert in lieu the word "two".

The Minister said that although the tax proposed in the Bill before us would bring in an increased amount to the Government, the next tax, as a result of conversion to decimal currency, might bring about a decrease in the amount. We do

not know whether that will be the case, because this is the first Bill involving decimal currency to be introduced. I have looked at another Bill which involves an identical principle, in which it is proposed to impose a rate of $2.50 on 100 betting tickets, equivalent to a tax of 2½c on every ticket, instead of the existing tax of 3d.

The Hon. A. F. GRIFFITH: There is only one question involved in the proposed amendment: If the Committee agreed to the reduction of the proposed tax to 2c would the Treasury sustain a loss?

The Hon. J. Dolan: Of course it would.

The Hon. A. F. GRIFFITH: The effect would be to reduce the amount going into the Treasury. The Government has made a decision after taking into consideration all factors. It considers that one rate of tax applicable to all bets is preferable to two rates. If we were to amend the figure to "two" the Treasury would be in the red, in comparison with the revenue which it now derives from this tax.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I would point out that this is a Bill which the Council cannot amend. It can only request that an amendment be made by the Legislative Assembly, so Mr. Dolan will need to move in that manner.

The Hon. J. DOLAN: I move—

> That the Assembly be requested to make the following amendment:—
>
> Page 2, line 10—Delete the word "three" and substitute the word "two."

It is obvious that with a flat rate of tax of 2c on all bets, less revenue would be obtained by the Treasury; but the overall amount which will be derived in the next 12 months from this tax, compared with the amount that was derived in the preceding 12 months, will be greater, because the turnover on betting is increasing continually. Two years ago the revenue from this tax rose by 6 per cent. and last year by 17 per cent.; and if it keeps on rising it might be 20 per cent. next year.

The Hon. A. F. GRIFFITH: This is a taxation measure which the Council cannot amend. It can only request the Legislative Assembly to agree to an amendment. I have already stated the Government's case.

The Hon. W. F. WILLESEE: Governments are not always right.

The Hon. A. F. Griffith: Neither are Oppositions.

The Hon. W. F. WILLESEE: Governments might be earnest in their intentions, but might not be always right.

The Hon. A. F. Griffith: The same with Oppositions.

The Hon. W. F. WILLESEE: The Minister sounds like a parrot repeating itself.

The Hon. A. F. Griffith: Don't be rude.

The Hon. W. F. WILLESEE: The last thing I want to do is to be rude to the Minister. Nevertheless he repeated himself twice on the two occasions.

The Hon. A. F. Griffith: I could not repeat myself twice on one occasion.

The Hon. W. F. WILLESEE: The Minister will really be at the top of the class if he keeps on persevering. Although the revenue from this tax is urgently required by the Government, nevertheless it is a burden unfairly imposed on a section of the community which can least afford to pay the tax. It is within the right of the Government to introduce this measure, and it is equally within the right of the Opposition to put forward a proposition to alleviate the position of those who have to suffer the consequences of the tax.

I agree with the requested amendment, because it will reduce the severity of the tax on those who have to pay it. In the course of time the amount which might be lost by fixing the tax at 2c would be recouped by the Government through the increased turnover at the betting shops. Therefore I hope the Committee will agree to the amendment because it will impose upon the people in general a tax which they could bear more easily than the tax under the Bill.

The Hon. H. C. STRICKLAND: I support the amendment also, but I feel it could have gone further. If the Government's reason for introducing this Bill were genuine—merely because of the conversion to decimal currency—it would have imposed 2c for the 3d. tax and 5c for the 6d. tax. In that way the Government would have achieved its objective, which, the Treasurer stated publicly, was to receive the same amount of money as at present.

The Hon. A. F. GRIFFITH: I only want to say the Government is quite genuine in the matter and it is improper to suggest the Government is not genuine. However, it desires to impose the tax simply and to cut out the two taxes imposed at present. It is not a matter of reducing the tax on bets of over £1. The Government could have, had it so desired, imposed the 2c and 5c, but it decided it would be easier to apply a single tax of 3c.

This amendment goes beyond the point which deserves consideration. After all, the improvement to be achieved is something in the order of £17,000 or £18,000, but the amount that would be lost by adopting the other system would be just as obvious. Surely the present tax under the Bill is not unreasonable! I think I would be wasting the time of the Committee if I were to labour the point any further.

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

Ayes—10

Hon. J. J. Garrigan	Hon. R. H. C. Stubbs
Hon. E. M. Heenan	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. Dolan
	(Teller.)

Noes—16

Hon. C. R. Abbey	Hon. A. R. Jones
Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. E. D. Brand	Hon. G. C. MacKinnon
Hon. V. J. Ferry	Hon. N. McNeill
Hon. A. F. Griffith	Hon. T. O. Perry
Hon. C. E. Griffiths	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. E. C. House	Hon. H. R. Robinson
	(Teller.)

Majority against—8.

Amendment thus negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

[*The Deputy President (The Hon. N. E. Baxter) took the Chair.*]

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

ROAD MAINTENANCE (CONTRIBUTION) BILL

Second Reading

Order of the Day read for the resumption of the debate, from the 4th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

Point of Order

The Hon. F. J. S. WISE: On a point of order, I seek a ruling.

[*The President (The Hon. L. C. Diver) resumed the Chair.*]

The Hon. F. J. S. WISE: Portion of clause 4 reads—

> "commercial goods vehicle" means any motor vehicle (together with any trailer or trailers for the time being attached thereto) that is used or intended to be used for carrying goods for hire or reward or for any consideration or in the course of any trade or business whatsoever, and includes any such motor vehicle together with any such trailer or trailers that is or are so used or intended to be so used by or on behalf of the Crown and whether in connection with a railway or otherwise;

That presupposes Crown involvement under the Statute when this Bill is passed. The first schedule of this Bill reads—

> The rate of the charge to be paid in respect of every commercial goods vehicle shall be one-third of a penny per ton of the sum of—
>
> (a) the tare weight of the commercial goods vehicle; and
>
> (b) two-fifths of the load capacity of the commercial goods vehicle,
>
> per mile of road along which the commercial goods vehicle travels in this State.

I pass now to section 46 of the Constitution Acts Amendment Act.

The Hon. A. F. GRIFFITH: May I interrupt the honourable member for a moment? I do not want to stop him, but I wonder at what point he is in a position to take a point of order. We concluded Order of the Day No. 4, and before you had an opportunity of calling Order of the Day No. 5—

The Hon. F. J. S. Wise: It was called.

The Hon. L. A. Logan: It was called.

The Hon. A. F. GRIFFITH: Did the Deputy President (Mr. Baxter) call it?

The Hon. F. J. S. Wise: Yes.

The Hon. A. F. GRIFFITH: I beg your pardon.

The Hon. F. J. S. WISE: I rose quite properly on a Bill which had been called. I draw attention to section 46 of the Constitution Acts Amendment Act, subsection (8) of which reads—

> A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by Message of the Governor to the Legislative Assembly.

Several parts of that section may apply. This Bill was introduced in the Legislative Assembly—it could only be introduced there because it imposes a tax—without a Message. It imposes a charge on revenue. It imposes under the schedule of the Bill a charge specified as a charge of one-third of a penny per ton mile, that charge to be paid from revenue and to be placed, not back in revenue, but, under clause 12, into a special account for a special purpose, that purpose being, according to the Minister, the maintenance of roads. The moneys so collected cannot be used for any other purpose. Therefore it is not a case of a return to revenue. Subclause (2) of clause 12 reads—

> Money standing to the credit of that Fund shall be applied only on the maintenance of roads in the State including grants to the Councils of Municipalities constituted under the Local Government Act, 1960.

Erskine May's *Parliamentary Practice*, 17th Edition, page 814, *inter alia*, says—

> In view of this ruling a ways and means resolution has been regarded as necessary in any case where the charge for a fee or license has been unduly high or without a defined limit.

This charge is without a defined limit, for the reason that we have no knowledge whatever of the mileage for which it is to be made. It is for that purpose and in that sense limitless. There is no maximum amount; it is not within a defined limit.

As this Bill appears to me to impose a charge on revenue and a charge upon the people, and as it has been introduced without a Message, I ask, Mr. Persident, for your ruling: Is this Bill in order?

The PRESIDENT (The Hon. L. C. Diver): Mr. Wise has asked me for a ruling as to whether the Bill is in order under the Constitution. As, in my opinion, this matter does not require my urgent attention, I will give a ruling at the next sitting of the House. In the meantime we will pass on to the next item on the notice paper.

GASCOYNE RIVER: DAMMING

Motion, as Amended

Debate resumed, from the 27th October, on the following motion by The Hon. E. M. Heenan, as amended:—

> That the damming of the Gascoyne River for the stabilisation, development, and expansion of intensive agriculture on the Gascoyne delta, and other suitable land along the Gascoyne River, may be feasible and the State Government is requested to continue the research into both the engineering and agricultural problems and potential in conjunction with the Northern Division of the Commonwealth Department of National Development; and make further approaches to the Commonwealth Government for any proposal proved desirable to be accepted as a Commonwealth-State northern development project.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [8.18 p.m.]: The motion as amended simply means a change of verbiage to enable the Government to take some of the credit for the proposal contained in the original motion.

The damming of the Gascoyne River has been acknowledged as a vital necessity for more than a generation. As a counter to the damming of the Gascoyne, certain administrative acts were made by Governments, some of which I was a member, to ensure that no more land should be developed, or alienated, than the normal flow of the river could carry as irrigable land.

It is pertinent to observe that not many people realise—because of the very great success that has attended the growing of bananas and other crops on the Gascoyne—that the development in that area has not been made under natural conditions. I emphasise this very important point, namely, that bananas at Carnarvon are grown entirely out of their natural habitat. They are being grown in an arid country, in an arid climate with an average annual rainfall of under 10 in., whereas the opulence of the crop in its natural state requires a rainfall of 60 in. to 100 in.

One of the difficulties is associated with the overcoming of soil dryness and, indeed, atmospheric aridity, because the evaporation rate in that 10 in. rainfall area is feet per annum. But because of the determination of the people engaged in the industry and because of the prospective importance of it to this State in countering a very large import at the time of the initiation of the industry, it has been safely established.

I recall very clearly when the first banana suckers — 1,000 of them — were brought to Carnarvon by the Department of Agriculture on the advice of one of its officers to test an opinion that in spite of the disabilities, and in spite of the area being out of the natural habitat of bananas, banana growing could succeed with certain protection and with the adoption of certain production methods. The availability of water was the limit naturally imposed in respect of the acreage on which they could be grown. That is how the control was arranged; and until there was a change of Government in 1947, no extension of land for the growing of bananas was permissible on the Gascoyne. Indeed, I say, I saw to that. But as soon as the lid was off, because people were making lots of money in the growing of bananas, pressure was brought to bear to extend the areas, and more land was resumed from Brickhouse Station, and more plantations were established; and that has been the principal circumstance in the serious disability, season by season, of not having enough water.

The Hon. H. C. Strickland: They pulled the salt in.

The Hon. F. J. S. WISE: The salt was pulled in from a very big salt area on the coast side, particularly. The motion as introduced by Mr. Heenan gave a point of view which was valid in its consideration and quite proper in its intention. But in case Mr. Heenan, or the party he represents, should get any kudos from the motion, it was amended in the form in which it is now presented to this Chamber; and, instead of immediate attention and immediate action to ensure the continuance of this industry on a sound basis, we are now going into an airy-fairy circumstance in the dim and distant future.

The motion as it now reads suggests that the Northern Division of the Commonwealth Department of National Development must come into this matter. We have

heard a bit about that department in connection with the man who was the director of it and who has lately ceased to be in that position. The motion now suggests that we make further approaches to the Commonwealth Government for any proposal proved desirable to be accepted as a Commonwealth-State northern development project.

The contention of those who represent the district—people who know all the circumstances—is clear and definite that this is something that should not be postponed. This area, situated on a small delta of the Gascoyne, returns close on £1,000,000 a year to the State from produce, and it is very important and urgent that it be attended to.

Since we could not defeat the inclusion of the new words we, as a party, must support the motion in the way it is now framed; we have no alternative; but I point out that it has been altered and amended purely for political purposes.

THE HON. N. McNEILL (Lower West) [8.26 p.m.]: In rising to support the amendment, I wish first of all to make a passing reference to what Mr. Wise has just said in relation to the original motion moved by Mr. Heenan in regard to building this dam now. I think Mr. Wise claimed that the purpose of the amendment is simply to pass this motion into the nebulous and, at the same time, for the Government to take whatever kudos may have accrued to Mr. Heenan, or his party, for initiating the motion.

I do not believe that is necessarily true, for the reason that in actual fact this is not procrastination on the part of the Government. I believe the Minister in his speech referred to the fact that this was an attempt to proceed immediately with the construction of the dam, but that the ground was not ready yet for the establishment of the dam. The Minister's amendment is simply a practical means to ensure that all the required background will be assembled before the dam is constructed. There is no question regarding the potential of this area; there is no reflection by the Government on what it is anticipated the area will produce; and, I might say, there is no reflection on what the area has already produced either during the years when this Government has been in office, or during the years referred to by Mr. Wise when another Government was in office.

Having said that, I wish to remind members of some of the statements made in this debate and in other debates on the same question. We should analyse the basis of the conflict of opinion on this amendment. The conflict arises because, in the words of the orginal motion moved by Mr. Heenan, the dam should be proceeded with immediately; but, in the opinion as expressed by the Minister on behalf of the Government, the necessary research work should be continued and carried out to completion, and then the construction work should commence.

This being so it appears to me that the two parties involved do agree on three considerations—

1. The Gascoyne area has a great potential for production.
2. A dam should at some time be built.
3. The Commonwealth be requested to give immediate assistance and the project should be regarded as one of national development.

In respect of the third consideration, I point out that the amendment requires that the Northern Division of the Commonwealth Department of National Development should be invited or requested to assist the State in bringing the terms of the motion to fruition. I do not believe there is any conflict on these three points; and this is borne out by the words of Mr. Heenan, when moving his motion, when he actually asked that the Government seek the assistance of the Commonwealth in getting the very form of assistance that is suggested in the amendment.

Since then we have heard Mr. Strickland and Mr. Wise criticise the Government for doing just this, and for incorporating this particular requirement in the amendment. This is so, and I think Mr. Heenan would confirm that he did in actual fact ask that the State Government take this very step.

The fact that there is agreement on these three questions surely is a sign of real progress on this project. I am one who wants to see progress being made in development not only in that area, but in all the other areas of the State where there is such a great responsiblity on the part of the Government and on the people of this country, and where there is also a great potential in future production, not only for Western Australia but for Australia as a whole.

Having said that I want to refer again to some of the comments made during the debate which, I think, have some relevance. I think members will recall the remarks of Mr. Strickland when he made a rather sweeping generalisation that this Government has done very little towards the development of the north. Those were his words. I suppose the words, "very little" in themselves are a relative term. There is a limit, however, as to what can be achieved in six years of government; and I am sure Mr. Strickland would be one of the first to agree that this is so, because he was a former Minister of the Crown.

Mr. Strickland did, however, make an acknowledgment, which I believe to be complimentary, that the Commonwealth Government has done far more for northern development than has the State Government of Western Australia. I am the last one to dispute the role that the Commonwealth has played in assisting State

finance. Members will recall that my very first speech in this House was on this subject.

When Mr. Strickland was making what I regard as a complimentary acknowledgment of the Commonwealth, perhaps he was only drawing a comparison between what private enterprise has done in the north, and what has been done by the Government. He did make some reference to the work of private enterprise and to investment. I heard a figure recently, though I cannot vouch for its accuracy except to say that it came from a very well-informed source, that private enterprise in the north currently has invested £70,000,000. That represents a fairly sizeable proportion of the State Budget in the current year. This compares more than favourably with the total budget of Western Australia. I take it that the £70,000,000 was put into operation in the form of investment on actual project work.

Seeing that Mr. Strickland has made this reference I would like to remark that perhaps it is not just mere coincidence that this type of investment has been made in the north by private enterprise; it might well be that this is the result of the activities of this Government—and I would suggest there would be few Governments, if any, previously in office in this State that have done anywhere near as much—to provide the facilities, the encouragement, and the incentive necessary to allow private enterprise to work in this field.

The Hon. R. Thompson: We could not get an export license.

The Hon. N. McNEILL: We will see the truth of this in due time, if the honourable member will be patient.

The Hon. R. Thompson: Do not make sweeping statements.

The Hon. N. McNEILL: These would appear to be the order of the day in this debate; but that is not a sweeping statement. I could issue a challenge on the fact that there would be few Governments, if any, which have provided the facilities and encouragement that this Government has provided for the investment of this type of finance in the development of the north-west.

The Hon. R. Thompson: It is like asking whether you still beat your wife.

The Hon. N. McNEILL: The honourable member will have an opportunity to make his speech. I am aware that my reference to private enterprise, and the part that this Government has played in encouraging private enterprise, somewhat ruffles the equanimity of the members of the Opposition.

Let me return to what Mr. Strickland said. The honourable member drew certain comparisons between the Commonwealth Government and the activities of private enterprise. Perhaps he was comparing this Government's efforts with the efforts of the Government of which he was a member. I now approach the point made by Mr. Thompson. I readily appreciate that circumstances can be very different, and one can quote facts and figures and equate them to certain circumstances, even though they might not always be applicable.

Let us, however, compare some forms of expenditure by the Government of which Mr. Strickland was a senior Minister, with expenditure by the present Government. During the last three-year period of the Labor Government, Mr. Strickland was the Government leader in this House. He was also Minister for Railways, and Minister for Supply and Shipping.

The Hon. J. Dolan: He was a very capable Minister.

The Hon. N. McNEILL: He was a most capable Minister.

The Hon. R. Thompson: You would not know; you weren't here.

The Hon. N. McNEILL: I accept the word of the honourable gentlemen on this side of the House. We must rely on the ability of those who placed him in that position. I mentioned the portfolios held by Mr. Strickland, but there is one which has a particular significance. He was Minister for the North-West in the last Labor Government. I do not hold this against the honourable member, but in his speech I think he said that the last Labor Government had a Budget of £40,000,000 compared with £100,000,000 which was available to the present Government. I do not necessarily hold Mr. Strickland to that. During the three-year term, from 1956 to 1959, of the Labor Government in which the honourable member was a Minister, the Consolidated Revenue Fund expenditure rose from £56,000,000 to £60,000,000.

Of that £56,000,000 in 1956-57 the amount expended on the north-west was 3.7 per cent. In 1957-58 an amount of 3.09 per cent. was expended; in 1958-59 the figure was 3.63 per cent. of the total of the £60,400,000 of the Consolidated Revenue Fund expenditure.

Let us compare those figures with the expenditure of the present Government. In 1962-63, out of a total fund of £79,000,000 an amount of 4.19 per cent. was expended by this Government. In 1963-64 it was 4.58 per cent.; in 1964-65, of the £91,700,000 the amount spent was 4.76 per cent. While this does not appear to be a very great increase as compared with the 3.63 per cent. in 1958-59, when Mr. Strickland was Minister for the North-West, the figure rose in 1964-65 to 4.76 per cent., representing an increase of £2,170,000 out of the Consolidated Revenue Fund expenditure. If that represents very little that this Government has done, I wonder what interpretation might

be placed on the little that was done by the Government of which the honourable member was a senior Minister. So I cannot understand the force of the honourable member's argument.

Let me go a step further and turn to the loan fund expenditure. This will prove equally favourable and advantageous to the present Government. In 1957-58, when the total loan fund expenditure was £16,000,000, an amount of 7.66 per cent., or £1,200,000 was expended in the north-west and the Kimberley. It dropped in 1958-59—and let us not forget that the honourable member was Minister for the North-West—to a figure of 4.67 per cent., or £831,140, out of a total of £17,700,000.

The Hon. A. F. Griffith: Have you any main road figures? They are very interesting.

The Hon. F. J. S. Wise: You made sure he got them.

The Hon. N. McNEILL: Yes, I have some figures here. When the present Government came into office following the 1958-59 experience we see that in the first year the expenditure in the loan fund rose from 5.25 per cent. in 1959-60 to a maximum of 10.12 per cent. in 1961-62.

In the recently-completed year—that is in 1965—the figure was 7.9 per cent., or £2,200,000 compared with 4.67 per cent. or £831,000 in 1958-59. The Minister for Mines asked me whether I had any Main Roads Fund figures I am sorry I have not the latest figures. A good deal of reference has been made to roadworks and the like, and to expenditure on the roads and I relate this to the Gascoyne, because reference was made in the debate to development in the north-western region as such.

These figures are equally illustrative of the situation as I will show. In 1958-59 the departmental figures show a percentage of 12.4 per cent. allocated to the north-west compared with the figure of 23.4 per cent. under the present Government in 1962-63. I use this figure simply to destroy the argument that has been put forward, and I do so intentionally, because the true situation has not been put forward.

What applies in respect of the northern areas applies also in the Gascoyne, because at the present time, according to the honourable member, the Government has done nothing in the Gascoyne region other than establish and maintain the research station. Those were the words used by the honourable member.

The Hon. F. J. S. Wise: What nonsense. When was the research station established?

The Hon. N. McNEILL: I cannot tell the honourable member.

The Hon. F. J. S. Wise: That is very obvious, because it was not established by this Government.

The Hon. R. F. Hutchison: A little learning is a dangerous thing.

The Hon. N. McNEILL: I refer to the words in *Hansard* where it was said by the honourable gentleman that this Government had done virtually nothing in the Gascoyne area other than establish and maintain the research station. At no stage did I claim it was this Government; I suggested it was Mr. Strickland.

The Hon. H. C. Strickland: I suggest you looked in the wrong book.

The Hon. N. McNEILL: This reference was made to the research station on the Gascoyne. If I do not offend Standing Orders I will quote what Mr. Strickland had to say at page 1829 of *Hansard*. It is as follows:—

> The area has cost the Crown nothing except for the research station.

The Hon. F. R. H. Lavery: Are you reading from *Hansard*?

The Hon. N. McNEILL: Yes; and I think I am in order in doing that.

Departmental figures in regard to river development indicate that levee works, irrigation plant, booster pumps and the like, and the pilot scheme, cost in the vicinity of £284,000 since 1958-59 from general loan funds. The figures for current expenditure—and investigations are going on at the dam site—are not at the moment available to me, but in the last two years in the vicinity of £25,000 has been spent from Consolidated Revenue funds on borings, gaugings, and the like on the river itself.

This brings me back to the point that this work has been going on. This considerable amount of money has been spent by the Government in respect of this area for the very purpose for which this motion was originally moved—the establishment of a dam and the development of these irrigation areas. So I say it is not strictly true to say this Government has done very little or nothing, whatever the case may be.

The Hon. R. F. Hutchison: It has done very little.

The Hon. N. McNEILL: It was not my intention to enter into a serious discussion in regard to what has been said and what might have been said during this debate. I just come back to the point that in so far as the Gascoyne is concerned this Government, as the Minister has explained, has spent continuously. Here I would acknowledge that previous Governments may have commenced work during the period of office; and all credit to them.

It has been mentioned there is a salinity problem. A salt problem does exist, but it is not only within the river bed itself and in the ground water supplies. This is borne out by departmental investigations in which reference was made to water storage in the dam and evaporation from the dam. Mr. Wise made reference to evaporation. It is a total salinity problem in respect of water used as such, and does not arise only in the aquifers in the river bed.

What would be the point of spending a considerable amount of money in building a dam unless there was a continuous record given as to the possibilities of salinity? This exists in respect of our own Wellington Dam near Collie, which provides water for the comprehensive water supply scheme. It is not a case of salinity in the ground itself.

There is a further facet that must be thoroughly explored and an answer obtained before large sums of money are spent to build a dam. For argument's sake, if the original motion had been carried and the dam proceeded with and water was supplied in considerable quantities to farmers for irrigation and cash cropping purposes, what would be the outcome if the salinity problem were not solved? I do not believe Mr. Heenan, or anyone else, would suggest this sort of opportunity should be provided, because these people would not be in a position to know of the salinity problem of this water.

There is an exercise in soil chemistry involved in what is described in technical terms, as the sodium ion cat-ion exchange. It is bound up with salinity and is a problem which must be solved. It has had a considerable effect on cash cropping in the Gascoyne area; and for the last few years this sort of work has been continued, and it must be brought to some satisfactory conclusion before a firm decision can be made.

Little or no reference has been made by members of the Opposition to other work of an investigational nature that is being carried on; in other words, investigations to prove all of the area which may be suitable for watering. If this Government had no intention of proceeding with the possibility of building the dam and—if I may use this as a type of inference—if the Government was using this amendment simply to pass the buck to the Commonwealth, why has it continued to carry out work on such a large scale; and why has the soils division of C.S.I.R.O. carried out a survey of 30,000 to 40,000 acres in the Gascoyne River area? Why has hydrology continued? It is obvious the Government is genuine in what it is doing; but it simply must be assured that the information it requires will be available before this work proceeds.

I believe that in a case like this more is involved than straightout politics. Mr. Wise claimed that this amendment was political. If so, I do not think that is so surprising. After all, in this place, I think political emphasis is the rule rather than the exception. Perhaps it is not just a mere coincidence, but similar remarks have been said and similar arguments have been made in another place.

The Hon. A. F. Griffith: This is a practical amendment.

The Hon. N. McNEILL: I also believe certain comments have been made in Canberra by members representing this area. So we can expect that there are politics in this matter. That is why we are here.

To bring this debate to another plane and look at it quite objectively, let me refer to the subject of northern development and this regional development. First of all I would refer to a report entitled "The Development of Northern Australia" which is a symposium of the University of New South Wales in 1961, and I quote Professor C. H. Munro—I think Mr. Wise will probably know this gentleman—he being a professor of civil engineering of the University of New South Wales, and an honorary director of research of the Water Research Institute, California. In this report he makes reference to the necessity of a breakdown of information of the rivers of northern Australia. I have done a tour with Professor Munro and have discussed these things with him. From page 26 of this report I quote as follows:—

> For planning river regulation and dam storages, a 50-years' record is all too short. The cost of such data collection is a mere trifle compared with the cost of a single dam, and the availability of such data enables dams and similar works to be built more cheaply and water development schemes to operate with maximum economic efficiency.

Already we have certain records of the Gascoyne River—as Mr. Wise has said—going back more than 50 years, but I think he would agree that they are not precise enough or in sufficient detail, particularly in the early years of recording, to allow of the large construction or the large development that could be involved.

I now wish to quote from the conclusions of Professor Munro when he was referring to the need for the collection of data. He said—

> It is too much to expect the State little governments and Northern Territory administration to remedy this situation with their available resources, and major participation in this task by the Federal Government is essential.

I now turn to another reference on this particular subject from a publication entitled, *The Development of Australia*. This report was prepared for the Australian Development Research Foundation, by the

Stanford Research Institute, California. In this report there is reference to this type of development and I quote from page 23, which states—

> Too many development projects are put forward solely on grounds of technical feasibility without adequate analysis, either of capital and maintenance costs or of economic benefits and marketing possibilities.

I close on that note and say once again that I support this amendment and submit those quotations as a backing in support of the argument put forward by the Government and contrary to the motion and argument put forward by the Opposition in respect of the fact that this dam should be built now.

Like Mr. Heenan, I do not claim to be an expert on the Gascoyne. I have been to the Gascoyne and I have been to Carnarvon, but I am no expert on it. I am not alone in this as Mr. Heenan made this same acknowledgment. He said he had not been in this territory. It is my firm belief that it could be disastrous for overall northern development to develop an area such as this unless full investigations had been carried out and completed when, possibly, the Commonwealth Government could be persuaded that it is worthy of its interest and thus ensure that its support would be forthcoming.

THE HON. W. F. WILLESEE (North-East Metropolitan) [8.59 p.m.]: This amendment deals in part with intensive agriculture on the Gascoyne delta, something which has been established for 30 years; and, up to the year 1964, some 1,500 acres were under intense cultivation. That area is nearly 60 per cent. of the present accepted area which could be put under cultivation. We merely seek to give practical effect to a 100 per cent. development of that area, and that is possible at not a grandiose cost. The Nelson Parker report stated that it is possible to erect a dam at Rocky Pool, 24 miles from the site of this production area at a cost of £2,500,000; and that would stabilise this industry for the rest of time.

The income of the Government today is £60,000,000, as quoted by the previous speaker; and £2,500,000 spread over a period of time is the amount required for the stabilisation of this industry, and for this industry to take cognisance of the growth of the State and go forward with its natural growth. I do not intend to deal with the economics of the situation which will apply on the Gascoyne if we continue to let this industry languish and struggle and battle in an endeavour to compete with competition.

It is inevitable that if we cannot get maximum production from the land which the people own, the cost of production will engulf them and they will not be able to sell at a profit because of competition from the other States. Indeed, the banana industry alone in the Gascoyne is operating on a marginal basis, and it cannot go on unless there is a continuity of the water supply and a continuity of growth so that the markets of Western Australian can be controlled.

So, it seems to me that we are begging the question. We are developing it right out of the realms of the task at stake. The issue is that an industry which has survived with very little help up to now can be stabilised by the implementation of a dam within 24 miles of its site. Who has heard of it? Who has heard of that project? Who has heard of the Nelson Parker report? How much consideration has ever been given to it?

The Hon. A. F. Griffith: You tell us.

The Hon. W. F. WILLESEE: I am endeavouring to. We know that at this moment we could solve the problems of that particular community and place 100 per cent. more people in similar occupations if we give them a continuity of water supply. It is the irregularity of the water supply which causes all the disadvantages of husbandry on the Gascoyne. In brief, it seems almost silly to enlarge the great aspect of what is to be done. The simple issue is to consolidate something which has been achieved by private enterprise, by sweat, and by toil and by the money the people have invested—all that they have. They believe in the area in which they work and they hope that some day they will get a just reward for what they are doing.

All that would be possible by the simple expenditure of this money at this level, to create a reservoir which would be six times the capacity of the present requirements of the area under cultivation—just six times as large. The immediate advantage would be that we would remove all the strictures on the water supply. I have no doubt that the previous speaker, who was laudable on the effects of the present strictures on water, would not himself like to be subject to restrictions on his water supply if he were in the same place.

Even the most learned people with regard to the capacity of the soil structure within the 10 miles that the plantations operate, cannot knowledgeably state how much water one acre of land might need at the 10-mile point, as against one acre of land at the one-mile point. I suggest that in the areas in the 10 miles developed, only by practical experience of the planter himself is it known just how much water the land might need at a given time for a set number of plants.

The Hon. N. McNeill: There is a research station carrying out experiments.

The Hon. W. F. WILLESEE: The research station is situated in the centre of the area and it knows as little as does the honourable member about the ultimate problems which concern the planters. Let

me say something about the research station. It experimented with onions, and every grower who took notice of the results went broke.

The Hon. N. McNeill: The experiments with cotton were successful.

The PRESIDENT (The Hon. L. C. Diver): Order! Would the honourable member please address the Chair?

The Hon. W. F. WILLESEE: I am sorry that you, Mr. President, did not hear the words of wisdom on how to grow onions. You would not have grown onions under such conditions.

The Hon. A. F. Griffith: You are suggesting that the President knows his onions?

The Hon. W. F. WILLESEE: I am suggesting that I am not getting very much help with my speech. The longest known period of drought in the Gascoyne delta is 23 months. So, as a result, we have a period of 23 months when the industry could be out of production. By the expenditure of £2,500,000 when this report was written, it would have been possible to take cognisance of all future growth and to take up the lag of the 40 per cent. of the area not in production, and to have had a guaranteed water supply for a period of three years.

There would not, in fact, be any danger for the person who invested his capital, if he were a competent grower. To me that seems the issue of this motion. It is true that in the course of time there may be further development; who knows what could happen in the growth of a country? But we have here a group of people with the capacity to prove that they can grow certain things out of season. Indeed, Carnarvon beans are sold in the Melbourne market at periods of the year, and at Adelaide during periods of the year, and they dominate the Western Australian market so much so that it has been necessary, with the limited water supply available, to find markets beyond the State.

Why would it not be possible, given a water supply and a reasonable opportunity to produce side by side with other growers, for exports to be made to the Asian market? Why is it not reasonable to ask that, if Geraldton can send tomatoes to Singapore, Carnarvon should not do that also? The simple answer is because there is no continuity of the water supply. We have the land, the area, and the capacity for investment—which is strong. There are many people who would invest in that area today, or tomorrow, or next week, if they could be sure their investment was protected simply by the enterprise of a Government in giving them a water supply.

So the issue boils down to what we are going to do for some people who are established in their own right. It is not an airy-fairy situation that could happen tomorrow morning. We do not suggest that we could go further afield and develop here, there, and everywhere, but that we should be practical and stick to the people who have developed the land to the point where they want some help and encouragement.

THE HON. H. C. STRICKLAND (North) [9.10 p.m.]: When I was opposing the amendment moved and carried by the Government, I mentioned that the Government was shunting the question into a dead end. There is not the slightest doubt about that in my opinion, and that is where it rests. In a dead end! It is most unfortunate, as Mr. Willesee just explained, that the position should be so, and that the Goverment is losing sight of the fact that the industry already established is by no means secure. It has only been secure in the last few years because the elements have been kind enough to supply plenty of water. That is most unusual, in fact, for that area. Statistics will show that never before has the Gascoyne River run for six consecutive seasons.

I say the Government has lost sight of the situation. There is not the slightest doubt about that. The motion now refers to a request to Canberra. If it is necessary to obtain money from Canberra for development in the north, this Government is not doing so well. As a matter of fact, it is not doing so well as the previous Labor Government in which I was the Minister for the North-West. I congratulate Mr. McNeill on his very fine speech and his intense study of the financial position. I assure him that I agree, and I do so without much intense study as to whether the decimals he quoted are correct or incorrect; but in any case one can always twist figures in any way one wants to, but it does not alter the results achieved.

Mr. McNeill took umbrage at my saying that this Government had done very little in the north, but he forgot to add, "with its own State money." It has done very little on its own behalf, and that is a fact. The £6,000,000 spent on the Ord River Dam was obtained when I was Minister for the North-West; during my term as Minister. I was Minister for the North-West, and was representing the north-west when the all-party committee was sent to Canberra as a result of a motion moved by Mr. Jones in this House and the late Mr. Ackland in the Legislative Assembly.

Perhaps I could tell Mr. McNeill quite a bit about that committee. I do not know whether he was interested at the time, or whether he would have known about it. Perhaps he could tell us why we did not get a little bit more.

We have some sad memories of approaches made to Canberra for money. Indeed, that is why I suggest Mr.

Heenan's motion has been shunted into a dead end. When this State was endeavouring to secure money from Canberra to employ the unemployed in useful employment, and when the Labor Government desired to export only 1,000,000 tons of iron ore, its Liberal representatives in Canberra opposed the proposition.

Whether Mr. McNeill was one of the Western Australian representatives in Canberra at that time I do not know, but certainly his party was responsible for refusing permission to export 1,000,000 tons of iron ore. Yet he stands up here tonight and extols this Government because something like £70,000,000 is being spent in the north as a result of private enterprise coming here and shipping iron ore away.

The Hon. R. F. Hutchison: Yes, that's the funny thing about it.

The Hon. H. C. STRICKLAND: That was the experience we had with the Commonwealth Government when we tried to circulate money in the State by exporting 1,000,000 tons of iron ore. All we wanted was a permit from the Commonwealth Government, and all that would have cost was a 5d. stamp. Yet that Labor Government was offered something like £5,000,000 for the iron ore. I cannot state the exact figure from memory, but it was something like £5,000,000 that it was to spend or circulate in this State. All we wanted was approval to export 1,000,000 tons of iron ore so that we could circulate some money in this State, but that permit was refused. It is all very well for Mr. McNeill to complain about these things; that is just one item.

The Hon. R. F. Hutchison: He doesn't know. He has not been here long enough.

The Hon. N. McNeill: I was not there at the time.

The Hon. H. C. STRICKLAND: The honourable member's party was responsible. Another item that comes readily to mind is in connection with the Wandana Flats. There was a terrific hue and cry from Liberal members in this House, and others, when that suggestion was put forward.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member connect his remarks to the motion?

The Hon. H. C. STRICKLAND: I am talking about funds from Canberra and the motion now refers to money coming from Canberra. I only wanted to explain to Mr. McNeill exactly what happened, because he does not remember what happened when he was over there.

What happened in regard to Wandana was that they ran to Senator Spooner, the Minister in charge of housing funds, and asked him not to allow the State Government to use housing funds for building the Wandana Flats. That would not have been the political thing to do! Starve the then State Government and keep the unemployed here so that the electors would turn the State Government out and elect another Government! That is what happened. Mr. McNeill does not seem to realise what sort of a party he belongs to, and how he probably helped it in this regard.

The Hon. F. J. S. Wise: Tell us which Government started the jetty programme in the north.

The Hon. H. C. STRICKLAND: I am mentioning these things because Mr. McNeill wanted to know what I had done in the north when I was Minister. I could name one or two things, and one in particular was to keep the Wittenoom township as a township, and to keep the mining of the deposits going.

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

The Hon. H. C. STRICKLAND: I was responsible for keeping it there—directly responsible. I was also directly responsible for the Wyndham jetty, on which Mr. Brand's name now is, with funds from Canberra. I made representations to the Prime Minister, the Treasurer of the day (Sir Arthur Fadden), and Sir William Spooner, in conjunction with the all-party committee.

Of course there are minor things, such as concessions and so on for different people in the north that Mr. McNeill would not know anything about. I was also responsible for the building of the black road—the bitumen road—which is one of the best in the State—254 miles of it between Northampton and Carnarvon. That was built during my term as Minister for the North-West, and since then this Government has contributed by adding 12 miles to it! Has it done well?

However, to get back on to the track and the question of the Gascoyne River, after enlightening Mr. McNeill on some small items that may have missed his attention, I would say that the motion as now amended by the Government is ridiculous. It is interesting to note that it has been amended in exactly the same way as it was amended by the Government in another place, so obviously it is a Government amendment and now becomes a Government motion. I am not at all sure that I fully agree with my Leader, but there is no doubt about this being a political move—there is now a large political content in the motion, but the main thing that worries me is the fact that it is being shunted into a dead-end because of the amendment that has been made to it.

This Government has become mesmerised with the funds with which it is surrounded because of the efforts of private enterprise. Neither this nor any other Government can claim any credit

for the export of iron ore. The man to whom the credit is due for the export of iron ore, and even for the establishment of Wittenoom, is Mr. Lang Hancock, a prospector. It would not have mattered which Government had been in power, the same thing would have happened. Mr. Hancock found these deposits and off his own bat he enticed companies to work them.

The Government's job is to provide the necessary facilities, lease the land, and so on, as it does everywhere else. However, as far as bringing the companies here, or encouraging them to come here is concerned, all the credit belongs to Mr. Hancock. I give him all the credit for it because he has spent a lifetime scratching around those areas, and if he gets £1,000,000 or £2,000,000 as a reward he has earned every penny of it. He has risked his life flying his aircraft in and out of the gorges in the Hamersley Range. I met him in Wittenoom in 1961. He had a French geologist, whose name I cannot remember, from the Rio Tinto Group with him. This man could not speak very good English but Mr. Hancock was flying him around to look at places near Mt. Newman and Mt. Tom Price, and at several other areas.

I believe this motion as amended needs further amending.

The Hon. F. D. Willmott: Ha, ha!

The Hon. H. C. STRICKLAND: The honourable member should laugh.

The Hon. F. R. H. Lavery: He always has a good laugh at anything.

The Hon. H. C. STRICKLAND: If the honourable member will listen he might agree with me. The motion reads as follows:—

> That the damming of the Gascoyne River for the stabilisation, development, and expansion of intensive agriculture on the Gascoyne delta and other suitable land along the Gascoyne River, may be feasible and the State Government is requested to continue the research into both the engineering and agricultural problems and potential in conjunction with the Northern Division of the Commonwealth Department of National Development; and make further approaches to the Commonwealth Government for any proposal proved desirable to be accepted as a Commonwealth-State northern development project.

Notwithstanding what I had to say during the debate on the amendment, I believe there is great urgency about protection for the town of Carnarvon. The Government agrees with that because in 1960 it wanted everybody evacuated from the town. It did not ask the people to go; it directed them to go and since that time one inspector of police, in a public statement shortly after the people returned, said that in the future there would be no stay-puts if an emergency occurred. In 1960 there were three or four people who stayed on in the town and this inspector let it be known that next time there would be no stay-puts. That is how seriously the Government views the flooding problem in Carnarvon.

In the motion the Government now states that expansion of intensive agriculture on the Gascoyne delta and other suitable land along the Gascoyne River may be feasible. Yet this Government has spent a lot of money in engaging Furphy, and someone else, to make an extensive survey of the Gascoyne River, the Rocky Pool area, and the delta about which Mr. Willesee spoke. The Furphy report suggested many improvements which should be made to the river to control the water; and the Government was keen, according to Mr. McNeill, to carry out drillings and borings of the river.

This work has been going on up and down the river for 30 years to my knowledge. Government borers have been looking for the bottom. Yet the Government says the expansion of agriculture may be feasible, and that it may be feasible to do something on the Gascoyne River. For that reason I think the motion as amended needs to be further amended by adding after the word "river" in line 2, the words "is urgently necessary to protect the town of Carnarvon from flood, and".

I would also suggest that after the word "river" in line 5, the words "may be feasible" should be deleted. There is no "may be feasible" about it; this area is now producing £1,000,000 worth of produce annually, and has been doing so for many years. In 1930, Mr. Wise, who was the tropical adviser then, recommended settlement along the river, and he encouraged the Government to make a few hundred acres of land available on which 12 or 14 people could be settled. All those plantations are still going. Not one of them has been abandoned and 1,700 people live there.

In 1948, after the change of Government in 1947, Mr. Wild, I think it was, who was then Minister for Lands, opened up land in four acre lots, on a clay pan. It was impossible for anyone to live there, let alone make a living in that area. It was just a dust bowl, but these people thought they would be able to put down bores and get subterranean water. But on more than one occasion they let the salt water in to the underground water supply and Mr. Norton, the present member for the district, found that all his wells turned salt. The same happened with a dozen of his neighbours simply because the Government, in 1948 to 1950, allowed people to take up land that was absolutely useless for the purpose and put down bores for their water supplies. They bored into

water which was more salty than the sea —it was almost like brine and it ruined the wells of a dozen settlers and they have never been able to grow bananas on those particular properties since then.

Amendments to Motion, as Amended

It is not a matter of putting this question aside; it is urgent that something be done, and done quickly; and so that the town at least may get some protection I move an amendment—

> That after the word "River" in line 2 the words "is urgently necessary to protect the town of Carnarvon from flood and" be inserted.

Amendment put and passed.

The Hon. H. C. STRICKLAND: I move an amendment—

> That the words "may be feasible" in lines 5 and 6 be deleted.

Amendment put and passed.

Motion, as further Amended

THE HON. E. M. HEENAN (Lower North) [9.31 p.m.]: I am sure the Chamber has been extremely interested in the contributions made by all speakers to this motion and also to the amendments.

The Hon. A. F. Griffith: You are not closing the debate, are you?

The Hon. E. M. HEENAN: Yes.

The Hon. A. F. Griffith: You are speaking to the amendment made by Mr. Strickland.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. E. M. HEENAN: I am sure all members of this Chamber have benefited from the various contributions that have been made to the debate. I frankly admit I have gained a great deal of information which I did not possess when I set out to move the original motion.

I think the House has now agreed to a motion which meets the views and requirements of those on both sides of the Chamber. The amended motion now reads—

> That the damming of the Gascoyne River is urgently necessary to protect the town of Carnarvon from flood and for the stabilisation, development, and expansion of intensive agriculture on the Gascoyne delta and other suitable land along the Gascoyne River, and the State Government is requested to continue the research into both the engineering and agricultural problems and potential in connection with the Northern Division of the Commonwealth Department of National Development; and make further approaches to the Commonwealth Government for any proposal proved desirable to be accepted as a Commonwealth-State northern development project.

That falls short of what I set out to accomplish, but I think we have gone quite a distance along the way towards achieving my objective; and, after all is said and done, the actual wording of a motion just carried. It is necessary for portance.

This debate, I think, has conveyed the feeling of most members in this House to the Government; namely, that this project should be proceeded with as soon as possible. That is what is implicit in the motion just carried. It is necessary for two purposes. As Mr. Strickland has pointed out, a few years ago the town of Carnarvon was nearly wiped out by the tremendous flooding of the Gascoyne River, which, apparently, when in flood, could fill the Canning Dam in a matter of a few hours.

I do not suppose many of us in this House have seen the river in flood, and it must be difficult for many of us to envisage or conjecture what is must be like. Nevertheless, there must be a tremendous flow of water, and not only is it being wasted, but also, unless it is controlled in some way, it could be the ruination of this progressive and important centre of Carnarvon. Surely, therefore, the reasons advanced by Mr. Strickland and others for carrying the motion are justified.

Secondly, of course, it has been pointed out by numerous speakers that this area has a wonderful potential. The growing of bananas commenced barely 30 years ago, but that industry, and its allied industries, has progressed to a stage where a prosperous centre is being maintained and a revenue of £1,000,000 a year is being produced. This gives some indication of what can be accomplished if a major damming scheme is put into operation.

I do not intend to weary the House, because the subject has been well debated. A great deal of useful information has been given to members, and I repeat once more that I am very grateful, particularly on behalf of the people of Carnarvon, for the contributions to the debate that have been made. The motion, if carried in its present form, should accomplish something. With the tremendous development in this State the matter is of some urgency. I will be the first one to admit that there are major schemes in contemplation all over this State but few, if any, of them, come before the vital need for the conservation of water in places such as Carnarvon.

I hope the Government will proceed with its plans. In the course of his remarks the Minister gave assurances, for which I am grateful. They give us confidence that something will be done. He made certain remarks which at least indicated to me that the Government has faith in this area and also realises that its further development is wholly dependent on the construction of a dam there. The Minister

went on to say that the officers of the Commonwealth Department of National Development, our State Mining Engineer, and others, are to confer shortly to ascertain if something can be put in train without delay. For those contributions I am grateful and I trust, therefore, that the motion will be carried.

Question (motion, as further amended) put and passed.

LICENSING ACT AMENDMENT BILL (No. 2)

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 5 amended—

The Hon. A. F. GRIFFITH: The notice paper contains some amendments, and several others have been circulated. I propose to move amendments to clauses 2, 3, 25, and 27. I make the suggestion to the Committee that we agree to the clauses which are acceptable in their present form, and postpone those which are not.

I would not like to see this Bill lost, because it contains some worth-while amendments. The general intention behind the Bill is to overcome one particular evil, but it might not be completely acceptable to members. I therefore move—

That the clause be postponed.

Motion put and passed.

Clause 3: Section 21 amended—

The Hon. A. F. GRIFFITH: I move—

That the clause be postponed.

Motion put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Section 35 amended—

The Hon. F. J. S. WISE: Has the Minister considered the point I raised about shipping operating on the coast south of the 26th parallel?

The Hon. A. F. GRIFFITH: I have not the answer to the point raised. I therefore move—

That the clause be postponed.

Motion put and passed.

Clause 7 put and passed.

Clause 8: Section 44E amended—

The Hon. S. T. J. THOMPSON: Mr. Baxter has an amendment to this clause to delete all words after the word "appoint" in line 35. This has arisen because notice of applications must be published in the *Government Gazette*. There is good reason why some local authorities would object to the granting of a canteen license.

The Hon. A. F. GRIFFITH: Section 41 of the Act governs the advertising of applications for licenses, and this clause seeks to do away with publication in the *Government Gazette*.

The Hon. S. T. J. THOMPSON: As this is an amendment in the name of Mr. Baxter, I move—

That the clause be postponed.

Motion put and passed.

Clauses 9 to 11 put and passed.

[*The Deputy Chairman (The Hon. A. R. Jones) took the Chair.*]

Clause 12: Section 52 amended—

The Hon. N. E. BAXTER: As I have an amendment on the notice paper to this clause, I move—

That the clause be postponed.

The Hon. A. F. GRIFFITH: I cannot see why it should be postponed. Only clauses on which there is a distinct difference of opinion should be postponed. The provision in this clause has been inserted as a result of some correspondence between myself and the Leader of the Opposition in another place. It arose out of a request on behalf of some church objectors. The licensing magistrate granted a license for a particular function which was held in the Northam electorate, but the local church objected to the issue of the license, because no notification of intention to apply had been advertised.

The Hon. N. E. BAXTER: In accordance with the wish of the Minister I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

The Hon. N. E. BAXTER: I move an amendment—

Page 5, line 17—Insert after the word "to" the words "the notice board of a Court House or police station or."

I agree that some form of notification, other than advertisement in the newspaper, should be given. In the clause it is provided that a copy of the notice must be affixed to the outer door of the police station situated nearest to the place where the license is to be exercised. I would point out that in many towns more people would visit the courthouse than the police station. Where there is no courthouse in a town then I agree that such notices should be affixed to the outer door of the police station.

The Hon. J. DOLAN: The amendment seeks to insert the words "the notice board of a Court House or police station or". Would the Minister read the provision with the inclusion of the amendment?

The Hon. A. F. GRIFFITH: It would read—

> cause a copy of that notice to be affixed to the notice board of a Court House or police station or to the outer door of the police station nearest to the place where the license is to be exercised.

That is all right.

The Hon. J. Dolan: Yes.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 23 put and passed.

Clause 24: Section 116 repealed and re-enacted—

The Hon. N. E. BAXTER: I move an amendment—

Delete the passage commencing with the word "repealed" on page 7, line 31, down to and including the word "premises" on page 8, line 5, and substitute the passage—

amended—

(a) by repealing subsection (2); and

(b) by adding the following new subsections to stand as subsections (2), (3) and (4) as follows:—

The licensee may be only the lessee of the premises and under the Bill the lessee-licensee is to be forced, at the instigation of an inspector, to do repairs which could be fairly substantial. These repairs are the responsibility of the owner and not of the licensee, and therefore the owner could escape the responsibility. I do not think this is fair. It is tough enough now in a lot of country hotels to make ends meet without something additional like this being imposed.

Very often when a lessee comes into premises he finds the owner has not maintained them in accordance with the provisions of the Licensing Act, and, under this Bill, he could be forced to do repairs which should be executed by the owner.

Therefore I feel we should stick to the old provision and leave the responsibility on the owner. I trust the Committee will accept my amendment.

The Hon. A. F. GRIFFITH: The purpose of the repealing and re-enactment of section 116 is to give the licensing inspector some authority to order the licensee—and I had better use that word "order"—to carry out some minor repairs. It is not intended to inflict upon the licensee, or the owner for that matter, as the result of an order by a licensing inspector, the necessity to carry out a major repair.

An inspector of licensed premises goes to a country hotel and finds a broken cistern, wash-basin, or urinal, and all he can do at the moment is request the licensee to make the necessary repairs. He has no power beyond that. Therefore the licensee can let the necessary toilet facilities remain in a bad state of repair for some time. The repeal and re-enactment of the section gives the inspector the right to order these things to be done.

However, if a licensee feels aggrieved by any request of the inspector he can, under proposed new subsection (2) of the Bill, within seven days after notice is received, appeal to the Licensing Court. He then puts himself in a position no different from what he would be in if the court were to visit the town in which his premises are established. However, due to the fact that the court goes round these areas only once a year, it may well be that a year would elapse before the court could order repairs to be effected.

The part that alarms me is that not only does Mr. Baxter seek to defeat the first portion of the provision, but he also means to take out subsection (2) of the Act.

The Hon. N. E. Baxter: It is still under (4).

The Hon. A. F. GRIFFITH: Yes, but I cannot see what is wrong with the clause as it is. It will impose no great hardship on a licensee, because the Licensing Court always has regard for the circumstances at the time. If an inspector finds that repairs are necessary, he will not necessarily order that they be done if he realises that the expenditure may be out of proportion to the turnover at the hotel concerned.

It is necessary for someone between one year and the next to be able to ensure that a cistern or any other necessary facility is repaired. I would like to hear someone else's view on this matter.

The Hon. H. C. STRICKLAND: I have had experience in both country and metropolitan hotels and it is very difficult at times for the court or inspectors to force licensees to carry out certain repairs. I feel the Bill is an improvement. I remember one case in the north-west. The owner was the licensee and the license was renewed subject to certain things being done. Twelve months passed and nothing was done, but the license was renewed after a stiff warning was issued that the repairs had to be carried out within three months. The repairs were not done and so the hotel was delicensed. That left the town with no beer—not only a pub, but a town.

The Hon. J. Dolan: That happened at Goomalling.

The Hon. H. C. STRICKLAND: I know that the owner was very sorry about his attitude when he woke up to what had occurred. If the license is gone the hotel is not worth anything, but if the hotel has a license it is worth several thousands of pounds. It is difficult even for a magistrate to deprive a community of a hotel, and I believe the Bill will go a long way towards overcoming any troubles in this regard. I think Mr. Baxter is worried about someone buying a hotel when these improvements still have to be done. However, I am sure a purchaser would inquire into all these aspects. Therefore, I cannot agree with the amendment.

The Hon. A. F. GRIFFITH: I do not want to see a licensee or an owner have imposed upon him by the licensing inspector something which could be arduous or unfair. That is not the object of the Bill; and if the licensee feels aggrieved he will, under proposed new subsection (2), be able to appeal to the court, and that is where his safety lies.

The Hon. N. E. BAXTER: This Bill makes no reference to minor repairs and according to the wording in proposed new subsection (1), the repairs could be quite extensive. As regards the right of appeal, I would say that in most instances the court would uphold the inspector's decision. In fact, I cannot see any necessity for this new section.

The Hon. H. K. Watson: What is the section involved in the principal Act?

The Hon. A. F. Griffith: Section 116.

The Hon. N. E. BAXTER: The court has the right to order repairs at any time—

The Hon. A. F. Griffith: That is so.

The Hon. N. E. BAXTER: —and there is no reason for these conditions to be applied in this instance, because the position is already covered under other sections. This new section could cover more than minor repairs. That is the point I argue about, and I hope the Committee will agree to the amendment.

The Hon. A. F. GRIFFITH: Would the honourable member object if the repairs were ordered by the court?

The Hon. N. E. Baxter: Not if they were ordered by the court. I would agree to that.

The Hon. H. K. Watson: But would the court order repairs costing, say, £5,000, to be made by the lessee as distinct from the owner?

The Hon. A. F. GRIFFITH: No; that is the point I am about to make. The court would be unlikely to make an order on a lessee which would be out of context with the lease agreement between the lessee and the owner. Here we have a case where the licensing inspector, as distinct from the court, does his rounds in the country; and, as Mr. Strickland says, the court may not see a licensee for 12 months.

In the meantime the inspector goes through and if he finds something which he thinks needs to be done he will order it to be done. The licensee may think it is reasonable or unreasonable. If he regards it as reasonable, he carries out the repairs; but, if he regards it as unreasonable, he is aggrieved, and under new subsection (2), if he notifies the court within seven days, he can appeal. I do not think there is anything wrong with that.

Amendment put and negatived.

The Hon. E. M. HEENAN: In line 8 on page 8, in proposed new subsection (2), there is a proposal for seven days to be allowed for an appeal. I think the provision for an appeal is a good one, but I think the period in which an appeal can be made should be longer.

The Hon. A. F. Griffith: How many days do you want to make it?

The Hon. E. M. HEENAN: I think we should extend the period to 14 days.

The Hon. A. F. Griffith: All right; move it and I will accept it.

The Hon. E. M. HEENAN: I move an amendment—

> Page 8, line 8—Delete the word "seven" and substitute the word "fourteen."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25: Section 134B added—

The Hon. A. F. GRIFFITH: This clause is somewhat controversial and I suggest we postpone it for the time being. Mr. Watson has an amendment to it, and I propose to place another amendment on the notice paper. I move—

> That the clause be postponed.

Motion put and passed.

Clause 26 put and passed.

Clause 27: Section 134D added—

The Hon. A. F. GRIFFITH: I have an amendment to move to this clause, and I move—

> That the clause be postponed.

The Hon. H. K. WATSON: At this stage may I suggest to the Minister that he have a look at the drafting of clauses 26 to 29? The opening words of these clauses are, "The principal Act is amended by adding", and then follows, in each case, the new section to be added. Normally the words used are those used in clause 25, "The principal Act is amended by adding after section one hundred and thirty-four A, the following section." The alternative would be to include the new sections 134C, 134D, 134E, and 134F in clause 25. I suggest the Minister could have at look at that.

Motion put and passed.

Clauses 28 to 33 put and passed.

Clause 34: Section 175 amended—

The Hon. N. E. BAXTER: I would like this clause postponed for further investigation. The advice I have is that if the interpretation of the proviso is correct a licensee would be in serious trouble if convicted of serving a minor, but not necessarily the same minor, on two occasions. I am sorry, I have made a mistake. I should have spoken on this matter on clause 32.

The Hon. A. F. GRIFFITH: By this clause we put into section 175 the cover of section 147, which deals with the cancellation of licenses upon the occurrence of certain events. I wanted to make sure Mr. Baxter had no objection to this.

The Hon. N. E. BAXTER: This makes a licensee responsible, and he can have his license forfeited if he serves a minor on two occasions. It need not necessarily be the same minor. It is difficult for a licensee, or his servant, to detect a minor, because some people of 17 look 21 or over. I move—

That the clause be postponed.

The Hon. A. F. GRIFFITH: I would refer members to section 175 which shows that a licensee may lose his license for a certain offence. Section 147, however, is not included in section 175. Section 147 does not deal with the penalty for selling liquor to a person under 21 years. It is thought that some of the sections brought under section 175 are much less severe in their consequence than is the actual supplying of liquor to people under 21 years. We must not lose sight of the fact that we alter the basis of proof in connection with the supply of liquor to juveniles. It now says "if a licensee or a person knowingly supplies liquor." The fact that the person did not know that he was supplying liquor to a juvenile is always a defence.

We seek to delete the word "knowingly", which makes it read that a person shall not in any public place supply or give liquor. We then add another clause which says that if this is done it shall be a defence if the person had reasonable cause to believe that the person to whom liquor was given was above the age of 21 years. We are anxious to close down on the supply of liquor to under-age people.

The Hon. N. E. BAXTER: There is nothing to protect the licensee from what his employees might do. He is the one who will forfeit his license.

The Hon. A. F. Griffith: I will agree to the postponement.

Motion put and passed.

Clauses 35 to 41 put and passed.

Clause 42: Third Schedule amended—

The Hon. H. K. WATSON: I would be obliged if the Minister could tell us whether this notice of application has to be advertised.

The Hon. A. F. GRIFFITH: Whatever we ultimately do with clause 25 will affect clause 42. I move—

That the clause be postponed.

Motion put and passed.

Clauses 43 and 44 put and passed.

Postponed clause 2: Section 5 amended—

The Hon. J. G. HISLOP: Before we pass this legislation we should give consideration to altering the age of 21 years to 18 years. If we allowed people from 18 years onwards to consume alcohol I am certain it would necessitate considerable alteration right through this measure.

I would like the Minister to give thought to this, because there are a great number of persons who believe this Bill will not be effective. A number of people to whom I have spoken have suggested we should lower the age for drinking and put the responsibility on young people to conduct themselves properly.

In last Sunday week's *The Sunday Times* there is an article, portion of which reads as follows:—

> There's one way to get at these kids and to the people who supply them. First: Reduce the legal drinking age to 18, then throw the book at any youngster who gets drunk.

That sums up the general attitude of the people to whom I have spoken in the street and in my own home. Then again, only 24 hours ago, one was able to read this extract from Judge Rapke. The heading is, "Judge: Harsh Penalties Don't Help" and reads as follows:—

> Judge Rapke believes that harsh penalties achieve nothing.
>
> He said this today when sentencing three 18-year-olds who admitted sex offences involving a 13-year-old girl.
>
> It had been the subject of learned discussion, but the more he had read, the more confused he had become as a judge.
>
> "Everywhere you look in the realm of jurisprudence there are strong views that judges should alter their sentences to accord with the views of society—with what society demands—and in order that others may be deterred from similar delinquency and not encouraged by undue leniency.
>
> "The fact remains that after a period, which is not inconsiderable, on this bench I am still far from convinced that harsh, severe or prolonged sentences—particularly in the case of first offenders of the youthful kind—achieve anything," he said.

Before discussion again takes place in regard to this measure, the Minister should give some thought to the question of the reduction of the age from 21 years to 18 years.

The Hon. F. R. H. LAVERY: While I appreciate the intention of Dr. Hislop in this matter I feel there should be no reduction in the present age. It is bad enough that young people are able to consume liquor in private homes and at private parties where they are under control.

The Hon. A. F. GRIFFITH: This is not a Bill which in any respect alters the conditions of the Licensing Act in respect of who can drink and who cannot drink;

nor does it affect, in respect of the clauses we have not yet dealt with, this question in any way.

When we get to the clauses we have not dealt with, we hope to implement some permit system whereby the people running premises which are obviously undesirable can come under the surveillance of some permitting authority so the court can find out where they are. If proprietors conduct themselves in a proper manner and run premises where people over the age of 21 years—not under the age of 21—can take their liquor, then those establishments have nothing to fear from this Bill.

There are all sorts of authorities that say the reduction of the drinking age is not necessarily the answer. I said the other night I did not know whether it is. If a young person of 18 or 19 years is found drunk, the person who wrote the newspaper article is prepared to throw the book at him without knowing the circumstances. I do not think that is the right sort of treatment.

Progress

I move—

> That the Deputy Chairman do now report progress and ask leave to sit again.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Before I put the question I would draw the attention of members to Standing Order 374 which says—

> When the President is putting a question no member shall walk out of or across the Chamber.

This applies equally to the Chairman. At one stage this evening, when putting the question and reading a lengthy paragraph, six persons were walking around the Chamber. This is disconcerting and members should wait until the question is put. I ask members to observe this Standing Order.

Motion put and passed.

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from 20th October, on the following motion by the Hon. W. F. Willesee—

> That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.54 p.m.]: The remarks I propose to make in connection with this Bill will not take up very much time of the House.

I feel compelled to say I am not terribly enamoured with this Bill and its four clauses. From its inception, I do not think the Painters' Registration Act was a very good measure. When it was introduced in this House there was quite a lot of debate; and in the Committee stage, the measure was tidied up and made a better Bill than the one sent to us for consideration from another place.

This Bill simply says that if any person carries out work where the amount of reward for that work exceeds £50, he will not be able to recover the amount of the money for his labour from the person who employs him, because it will be in contravention of the Act. I wonder about the wisdom of this sort of thing. I would think that legislation of this nature was intended to protect the worker; to do something for him; to have regard for the fact that he should not be taken advantage of by anybody else. But in this case, if he does work that costs more than £50, the person for whom he does the job can, when it is completed, say, "I am not going to pay you, old boy, and you cannot force me to pay you, because it is a breach of the Painters' Registration Act."

By way of interjection I queried this with Mr. Willesee; and I would like to hear what other members think of a situation of this kind. If I remember correctly, this Bill, in the first instance, was explained as a measure which would give some protection to people and that it would require painters to be registered; and we said that as from a certain date —I cannot remember it—anybody who is registered will be acknowledged as a painter, but that after that date he will not be a painter within the meaning of the Act unless he is registered.

So the qualification we asked him to have was that he register by that date; and good, bad, or indifferent, he was a painter. We said to the other people who did not register, "You cannot come into this field, you are not a registered painter, but you can do £50-worth of work without being a registered painter." No doubt it has been found that this is not very effective. I suggest that may be some of those people who could not get registration as painters have been doing work of over £50 value—and Mr. Willesee can correct me if I am wrong.

There does not appear to be any result or any responsibility. There is no penalty if they do work over £50; but now we intend to impose a penalty, not of £1 for a breach of the Act; not of £5 for a breach of the Act; but a penalty of the whole amount of the work and labour.

I am not going to oppose the Bill at this point of time, but I question the equity of doing this sort of thing. I would sincerely like to hear other members on this point. I am sure it would not be the desire of anybody to do a man out of his just earnings—to put it in the vernacular —if an employer welshes because a painter does something outside the ambit of this Act. It strikes me a man who does work can put himself in the position where he will not be paid. It will be a breach of the Act if he agrees to do this

sort of thing. May be it will be; but we are going to amend this Act and provide a breach that does not exist at the present time. At the present time I will not vote against this Bill, but I would like to hear what other members have to say about it.

THE HON. W. F. WILLESEE (North-East Metropolitan) [10.59 p.m.]: The Minister opposes this particular question. I could perhaps answer it by quoting from the report of the Painters' Registration Board wherein it gives a summary of the inspector's activities over the period from the 6th January to the 31st December, 1964.

Bearing in mind that this Act operates in the metropolitan area, the inspector covered 11,786 miles, and he inspected 1,435 jobs, with a degree of analysis of the work carried out. The inspections of a good standard numbered 1,316; 103 were fair; and 16 were bad. Complaints received numbered 64, and they too were investigated. The report goes on to state that the unregistered painters detected, with a value of work under £50, totalled 23. Those detected with a value of work over £50 numbered 14. Prosecutions under section 4, that is of unregistered painters, numbered 14. The report then goes on as follows:—

> The Board regards the maintenance of a satisfactory standard of work a primary objective but it also gives adequate attention to the provisions of Section 4 which prohibits unregistered persons from engaging in painting work where the cost exceeds fifty pounds.
>
> During the year thirteen persons were prosecuted under this section and in most instances the work was of a very low standard. One of those prosecuted received a prison sentence following police action for de-camping after receiving deposits for the performance of painting work.

I think that would answer the Minister's query, coupled with the fact that this Bill is now being brought into line entirely with the Builders' Registration Act, which Act has been endorsed by Parliament. Indeed, the provisions of this Bill, as they now appear, are as were passed by another place after amendment.

It is true that this legislation is new to Australia; conceivably, it might be new to the Commonwealth. I believe those associated with it are quite happy and proud with the progress being made. It is accepted that with any new legislation it is necessary to amend it from time to time. The amendments which have been brought forward in this particular Bill are nothing more nor less than recommendations made in this report.

I would add a further point that the amendments made in this House are being put in to protect the public. Similar Bills have often to be amended and brought back to this House for further consideration. To some extent we have been going through the process of trial and error and if we are going to have this type of legislation effective, we can only judge it on results and experience. Therefore, I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. W. F. Willesee in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 4 amended—

The Hon. J. G. HISLOP: I cannot help thinking that this is not a reasonable punishment for a man who has performed over £50-worth of work. It could be that he misjudged the amount, and I suppose that even if he goes over the margin by a small amount, he will still come under this measure. If the man does work costing over £50, he is not going to get paid. I cannot see that that is British justice at all. I would hate to see this type of legislation come into this country. I do not think it is the best of what we call common law. If there is a penalty included for doing work of this sort, that might be a different story. But where a man is going to lose the whole of the wage for his work, I think it is wrong. I will vote against the clause.

The Hon. R. THOMPSON: I have had experience of where this clause could be a deterrent against people carrying out this type of work. Some 18 months ago a registered builder engaged a person—a painter—to paint the ceilings of a house. That was the only painting stipulated for the house. The builder thought the man was a registered painter, and the man painted the ceilings. I would say a five-year old child would have done a better job. One of the ceilings which I remember quite vividly, was painted with an aqua-green colour, and the paint had been splashed all over the four walls of the room. The owner of the house complained to the builder, who in turn, complained to me. I referred him to the Painters' Registration Board. The job would have not have cost £50 if it had been done by a first-class tradesman, but from the resultant damage the whole house had to be painted. I would say that this legislation will protect the builder in such a case.

It might not seem British justice that a person can engage a painter and then just welshes. I can agree with that; but when we see people set themselves up as painters with no experience and no craftsmanship, something has to be done. In the case I mentioned, I would say that

person was not entitled to be paid for the job because the registered builder had to make it good at the direction of the Painters' Registration Board. This clause will give protection to the individual, and it will give protection to the registered builder.

The Hon. F. D. WILLMOTT: I agree with Dr. Hislop; I cannot see any British justice in this at all. We can take the case of two people who both breach the Act, one agreeing to do some painting in excess of £50 and the other agreeing that he will pay for the carrying out of the job. After the work is done—and they have both breached the Act—the employer could refuse to pay the other fellow. The other fellow is penalised to the extent of something over £50, but the employer is given a reward because of the work done. I cannot agree with the clause at all.

The Hon. W. F. WILLESEE: The position as I see it, is that it is a protection for the registered painters in regard to entering into a contract to do work over £50, with a return protection to the person who employs the painter. Is that not reasonable? Let us look further afield and touch on any professional. Would he like a charlatan to impose on his privilege or rights of training? That is all this particular clause is endeavouring to do. It is endeavouring to stop work of any appreciable nature being done by other than competent persons; and it eliminates the possibility of risk. It is accepted under the Builders' Registration Act without question. In an endeavour to retain a standard, it is written in the Act.

The Hon. A. F. GRIFFITH: I think the speech made by Mr. Ron Thompson has spoilt the case put forward by Mr. Willesee. I cannot comprehend why a builder would employ an unregistered painter, and I cannot believe that this registered builder—

The Hon. R. Thompson: It was one of those.

The Hon. A. F. GRIFFITH: If the honourable member will read section 14A of the Act he will note that it provides—

> Every registered painter shall affix to or erect on all works under his control, and keep so affixed while the painting is in progress, a sign of reasonable dimensions showing in easily legible letters and figures his name and registered number.

Any builder who is not prepared to ask a man if he is a registered painter deserves all he gets. The point I want to make—

The Hon. R. Thompson: Was that the amendment of last year?

The Hon. W. F. Willesee: Yes, it was No. 35 of 1963.

The Hon. R. Thompson: The instance I spoke of happened about 18 months ago.

The Hon. A. F. GRIFFITH: The point I raised with Mr. Willesee is that a man is a charlatan if he performs work in excess of £50, but if he keeps the cost down to £49 15s. he is not a charlatan.

The Hon. J. Dolan: That is not the point.

The Hon. A. F. GRIFFITH: It is the point.

The Hon. J. Dolan: I will take it up with you later.

The Hon. A. F. GRIFFITH: The fact is that there is some work one can allow him to perform, but there is other work that one cannot allow him to perform. If the man does work beyond a certain point one cannot say to him, "I will fine him or both of the parties concerned." What the honourable member proposes is to give the reward to the man who has painting done—the welsher—and the man who performs the work goes without his wages. I would not mind so much if the man who saved the amount of £51 5s. or whatever amount it is, had to pay it into revenue, but he receives the full reward from it. There is no fine attached to this provision. In practice, the only man who is fined is the one who has to go without his money.

The Hon. J. DOLAN: I think we are merely setting up straw men and knocking them over.

The Hon. J. G. Hislop: This clause is built on straw.

The Hon. J. DOLAN: I am talking about the honourable member's argument. I have seen these things happen in practice. There are plenty of men who, in order to earn a few extra pounds, engage in small painting contracts, and the purpose of the legislation is to limit the extent of the work they do which, obviously, if it does not amount to £50, is not a very big painting job.

For example, I have seen men in my own street painting garages and other minor structures. This is work which would amount to, at the most, £20. Very often the person who wants the job done considers it is not an important job and therefore does not desire to employ a registered painter who, in his opinion, charges like the light brigade. Very often a neighbour recommends someone who can do the job for him and he performs the work for an amount less than £50. That man may be like me. I can get a paint brush and, as an amateur, paint a room, but I could not do the more important work of painting.

The Hon. F. J. S. Wise: You would be very handy on the ceilings.

The Hon. J. DOLAN: Yes, I am. Very often I have only to use a box in order to reach the ceiling. The activities of these people must be restricted, because there is nothing in the world to prevent a man from performing two or three jobs at

various times until he has completed, say, a whole house. He could paint a garage one day, a laundry another, and so complete a whole house without any possibility of losing his money. As I have said, to an extent, it is a quibble. The principal point is to make men who are registered painters, and who have been registered by a board appointed by law—

The Hon. A. F. Griffith: We have registered painters who have never served their time. We registered them with a stroke of the pen up to a certain day.

The Hon. J. DOLAN: If a man has been registered by a board which has been appointed by an Act of Parliament I take it for granted that he is a painter. In my opinion there is nothing in the Bill to which anybody could take offence.

The Hon. J. G. HISLOP: The words of the clause do not fit an expression of opinion I have heard; namely that if the cost of the job exceeded £55, the man who performed the work might lose £5, but under this clause he will lose £55. This is the most damaging piece of legislation introduced into this Chamber. The clause does not even say the man will not be mulcted of his fee even if he is efficient. As for the story told by Mr. Ron Thompson, I would not like any building of mine to be placed in the hands of that individual.

I think this clause is without any justice. If it provided that the work was to be done in an efficient manner and the man was proved to be incapable and, because of this, was to be fined for taking on the job and implying he was a registered painter, there would be some justification for it; but to provide, after he has performed the work, that he shall lose the whole of his fee is completely unjustified, and I would never vote for a provision such as that.

The Hon. C. E. GRIFFITHS: When I first read the Bill I considered the amendments in it were good, because I believe the sentiments which actuated them are very sound. However, as the Minister has suggested, the penalty that is to be borne only by the person conducting the painting is most unjust. I could agree with the amendment if it provided that a penalty should be imposed on the person who engaged an unregistered painter. I believe most conscientiously in the protection and the maintenance of a standard in any trade. I thought that was the original intention of this amendment, but by not providing for a penalty against a person who is prepared to engage an unregistered painter the Bill cannot be considered to be just. As the Minister has said, that man could welsh on a transaction under the provisions of the law proposed in this measure.

The Hon. W. F. WILLESEE: I would like to have the opportunity to think over what has been said on this clause. I do not want to lose the Bill because I believe in what its contents seek. I am not unmindful of what members have said on the clause, but, obviously, if that is defeated it will mean the Bill is destroyed. Anything I may say will not receive much of a hearing at this moment—

The Hon. A. F. Griffith: That is not so.

The Hon. W. F. WILLESEE: —because of the way the Bill is framed. If it is possible for me to obtain further advice that will suit the Committee I will obtain it, or if I can see fit to introduce an amendment which may be more amenable to the Committee, I will introduce it.

The attitude that has been adopted by members of the Committee is not consistent with the Painters' Registration Act and what has been done in another place, and I am surprised at the degree of antagonism that has been shown towards this clause, particularly by professional men.

Progress

I move—

That the Deputy Chairman do now report progress and ask leave to sit again.

The Hon. A. F. GRIFFITH: I want to make myself clear to Mr. Willesee on this matter. I addressed myself to the second reading of the Bill and said I would not vote against it, but I expressed the hope I would hear other expressions of opinion from members of the Committee. I think Mr. Willesee is prejudging the result of the Bill if he thinks it is going to be destroyed. I do not want to destroy the measure, and the opinions I have expressed have not been made in any antagonistic form, but rather in the form of questions.

I get enough of this in the course of a session. I am subjected to questions of all kinds. Mr. Willesee should not be distressed about doing what he has done, and he is quite right in asking that progress be reported to enable him to bring forward an amendment which is acceptable.

It was not my intention to criticise or destroy the Bill. If that had been my intention I would have said that I opposed the Bill.

Motion put and passed.

House adjourned at 11.26 p.m.

Legislative Assembly

Tuesday, the 9th November, 1965

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