where the commissioner is of the opinion that it would be unduly onerous to require an employer to furnish returns.

Clause put and passed.

Clauses 13 to 17 put and passed.

Clause 18: Assessments—

The Hon. I. G. MEDCALF: I move an amendment—

> Page 22, line 35—Add after the word "tax", thirdly appearing, the words "and his reasons for such assessment".

I mentioned the object of this amendment earlier and the Leader of the House graciously indicated that he did not propose to oppose it. In view of the fact that the State Commissioner of Taxation has clearly indicated, through the Leader of the House, that he will be only too happy to give his reasons for assessment, I do not think it is necessary for me to say anything further.

The Hon. W. F. WILLESEE: I rise to confirm that there is no objection to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 19 to 50 put and passed.

Title—

The Hon. A. F. GRIFFITH: Mr. Chairman, I trust you will not tell me I am out of order in speaking about the amendment moved to clause 10. Perhaps from where I sit the echo of the voices is different than it is from where you sit. I do not know whether this is a result of the accoustics of the Chamber, but my judgment of the situation—and I cast no reflection at all on you, Sir—is that when Mr. Medcalf's amendment was put the Ayes clearly had it. You thought the Noes had it, and you gave the decision accordingly. Those who voted with the Ayes could have called for a division, but we did not.

Then, when the clause was put you, Mr. Chairman, thought the Noes had it and I thought the Ayes had it. You gave it to the Noes and the clause was defeated. The clause is in relation to general exemptions and is a most operative clause. I wish to indicate that I think a mistake occurred and the Minister had to divide the House because he realised he was losing a most important part of the Bill. Perhaps it was no fault of his; perhaps I was at fault for not calling for a division on the amendment. However, if the Leader of the House moves to recommit the Bill tomorrow I will vote for the reinsertion of the clause. I hope that will make him sleep a little easier.

The Hon. W. F. WILLESEE: I was stunned for a while. I am sure I will sleep much better with the assurance given to me by the Leader of the Opposition.

Title put and passed.

Bill reported with amendments.

PAY-ROLL TAX BILL

Second Reading

Debate resumed from the 14th September.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [10.30 p.m.]: This small Bill containing four brief clauses is complementary to the Pay-roll Tax Assessment Bill which we have just debated at some length. The measure imposes the rate of pay-roll tax at 3½ per centum of the wages paid. I see no necessity to make any further comments, as the matter was very fully debated when we dealt with the previous Bill. I do not like the pay-roll tax any more now than I did previously, but I see no good purpose will be served in debating the measure further.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [10.31 p.m.]: I thank the Leader of the Opposition for his remarks.

Question put and passed.

Bill read a second time.

House adjourned at 10.32 p.m.

Legislative Assembly

Tuesday, the 21st September, 1971

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

SITTINGS OF THE HOUSE

Thursday Evenings

MR. J. T. TONKIN (Melville—Premier) [4.31 p.m.]: In order to give members ample opportunity to make arrangements well in advance, I wish to announce that it is the Government's intention to ask Parliament to sit after tea on Thursdays when we resume after the break for Show Week.

HOUSE OF COMMONS

Visit of The Rt. Honourable Douglas Houghton, M.P.

THE SPEAKER (Mr. Toms): Before commencing proceedings today I would direct members' attention to the fact that we have a visitor with us, The Rt. Honourable Douglas Houghton, M.P., from the British Parliament—the House of Commons. We trust his stay in Western Australia will be an enjoyable and memorable one.

ALUMINA REFINERY AT UPPER SWAN

Environmental Protection: Petition

MR. THOMPSON (Darling Range) [4.33 p.m.]: I present to the House a petition addressed as follows:—

> To The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.
>
> We, the undersigned, residents in the State of Western Australia, do herewith pray that Her Majesty's Government of Western Australia will recognise the environmental threat to Perth of the establishment of heavy industry close to the Metropolitan Area and hence will act immediately to prevent the establishment of an alumina refinery near the Upper Swan Valley.
>
> Your petitioners, therefore, humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition contains 15,097 signatures and I certify that it conforms to the rules of the House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

QUESTIONS (28): ON NOTICE

1. MOTOR VEHICLES

Seat Belts for Infants

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

(1) Has the Standards Association of Australia accepted a seat belt type or types which give added safety to an infant in a motor vehicle, e.g., cradles, car seats, etc.?

(2) What types of infant motor vehicle seat belt systems have been investigated by—

(a) the Australian Transport Advisory Council;

(b) the Standards Association of Australia;

(c) the National Safety Council of Western Australia?

(3) What were the results on each type in each case?

Mr. MAY replied:

(1) Yes.

(2) (a) Nil.

(b) Not known.

(c) Nil.

(3) Two approvals have been given for child restraints conforming to standard specification E46-1969—child restraint. They are license No. 236, Howard Micklem & Son Pty. Ltd.—"Save You" child's car seat; license No. 237, Baby Relax Aust. Pty. Ltd. Safe and sound brand, premier Model X4.

2. POLICE

Stickers: Affixing to Traffic Signs

Mr. O'CONNOR, to the Minister representing the Minister for Police:

(1) Was it brought to his notice that in recent weeks signs were pasted over "Stop" signs and "No Left Turn" signs in the metropolitan area?

(2) Does he feel this could be detrimental to road safety?

(3) In view of the fact that these stickers contained an authorisation will he advise what action was taken by the police prior to 15th September, 1971?

(4) Will he see that necessary action is taken against the offenders?

Mr. MAY replied:

(1) No.

(2) Yes.

(3) The matter was not previously reported to the police.

(4) Inquiries are being made and if sufficient evidence is obtained to sustain a charge, action will be taken.

3. INDUSTRIAL DEVELOPMENT

Coogee Area: Disposal of Effluent

Mr. COURT, to the Minister for Industrial Development and Decentralisation:

(1) With reference to question 32, 27th July, 1971, about Owen Anchorage effluent studies, is he yet in a position to make a statement?

(2) If not, when does he expect finality?

Mr. GRAHAM replied:

(1) No. The report and the question of implementation of its recommendations are the subject of discussions between the Fremantle Port Authority and the various industries in the Coogee area and it would be premature at this stage to make any public statement.

(2) Before the end of the year.

4. NURSES

Equal Pay

Mr. RUSHTON, to the Premier:

(1) When will the Government implement equal pay for nurses?

(2) Has a firm decision been made to proceed in this regard?

Mr. J. T. TONKIN replied:

(1) and (2) The matter of equal pay for nurses is to be the subject of discussion during negotiations which are expected to commence prior to the expiry of the current award on 20th December, 1971.

5. CATTLE

Compensation Levies

Mr. STEPHENS, to the Minister for Agriculture:

(1) What amount has been collected by way of cattle compensation levies for the year ended 30th June, 1971?

(2) What diseases are eligible for compensation?

(3) How much was paid out in compensation for the year ended 30th June, 1971?

(4) What was the balance of the fund at the 30th June, 1971?

Mr. H. D. EVANS replied:

(1) $92,472.59.

(2) Tuberculosis, brucellosis and actinomycosis.

(3) $161,829.55.

(4) Trust account $280,750.89; investments $359,681.83; total $640,432.72.

6. INDUSTRIAL COMMISSION

Additional Commissioner

Mr. O'NEIL, to the Minister for Labour:

(1) Now that the Industrial Arbitration Act Amendment Act, 1971, has been assented to, can he advise who is to be appointed as the additional Industrial Commissioner?

(2) If not, can he indicate when it may be expected that the appointment will be made?

Mr. TAYLOR replied:

(1) It is expected that an appointment will be made by the Governor at the next Executive Council meeting on 6th October, 1971.

(2) Answered by (1).

7. ELECTRICITY SUPPLIES

Uniform Rates

Sir DAVID BRAND, to the Premier:

(1) Since in the estimate of capital expenditure by the State Electricity Commission of $34 million it would appear that some $19 million must be found from domestic funds, can it be assumed that—

(a) the Government has abandoned, for this year at least, its proposal to apply a uniform rate for country and metropolitan consumers; and

(b) a general increase in electricity charges may be expected?

(2) If (1) (a) is "No", can he guarantee that the uniform rate will be achieved without increasing metropolitan electricity charges?

Mr. J. T. TONKIN replied:

(1) and (2) The matter is under review.

8. HOUSING

Finance: New Commonwealth Approach

Mr. O'NEIL, to the Minister for Housing:

Since the Treasurer indicated when introducing the Loan Estimates, 1971-72, that the Minister for Housing would give details of the new approach by the Commonwealth in the matter of housing finance, can he now give these details?

Mr. TAYLOR replied:

Under the Commonwealth-State Housing Agreement which expired on 30th June last, each State nominated the portion of its total works and housing programme which it wished to come under the agreement. This was then treated as Commonwealth borrowing and advanced to the State at a concessional interest rate of 1% below the long term bond rate ruling when the money was advanced.

Of the amount so nominated, the State was required to put not less than 30% into the home builders account to be lent to building societies and approved institutions under conditions agreed between the Commonwealth Minister and the State Minister. Up to 5% of the balance was to be applied, if required by the Commonwealth, to the provision of housing for serving personnel of the armed forces.

For various reasons, Western Australia has for many years taken part only of its housing finance under the agreement. The remaining new borrowing coming from general loan fund allocation and private loans on the semi-governmental market. Over the five years to 30th June last, this State's proportion of total funds advanced to all States under the agreement was 8.51%. For 1970-71, the agreement funds for Western Australia amounted to $12.5 million, or 8.83% of all agreement funds, and the Housing Commission also received $5 million from General Loan Fund quite outside the agreement.

From 1st July, 1971, there will be no Commonwealth-State Housing Agreement. In its place, the Commonwealth will, under a States Grants Act, appropriate $412.5 million for housing assistance and $6.25 million for rental assistance. The housing assistance grant is to be paid to the States at the rate of $2.75 million a year for 30 years in respect of each of the five years from 1971-72 to 1975-76 inclusive, and approximates the benefit which would have been given by a 1% interest concession over the 53 year term of repayment applied to agreement advances.

The rental assistance grant is to be paid at the rate of $1.25 million a year for each of the five years commencing with 1971-72. In addition, under a separate agreement, the Commonwealth will advance to the States, as loans at long term bond and repayable over 53 years, the full cost of any servicemen's housing required by the Commonwealth.

The Commonwealth left the States themselves to determine the basis on which the grants would be shared between the States. Western Australia is to receive 11.4% of the housing assistance, and 11.5% of the rental assistance, and these proportions remain fixed.

There are certain conditions which have to be met by the States to be eligible for these grants. Broadly, these conditions are—

(1) A State must allocate to a home builders account (for advance to building societies and approved institutions), not less than 30% of its total allocation of funds for welfare housing.

(2) A similar proportion of the housing assistance grant must be allocated to the home builders account.

(3) The balance of housing assistance grant is to be applied in reduction of purchase instalments and economic rents charged by the commission on its sale and rental operations.

(4) The rental assistance grant must be applied to charging rents below the cost calculated by the State for accommodation of families and persons deemed by the State to be in need of assistance.

(5) As soon as possible after the end of each financial year, the State must provide to the Commonwealth the following information—

(a) The total amount of loan funds advanced in the previous year—

(i) to the commission for welfare housing, and

(ii) to the home builders account.

(b) The amount of housing grant allocated to home builders account, and a certified statement of the amount by which repayments of advances from that account have been reduced below the repayments required if the grant had not been received.

(c) Certified statements of the amounts by which purchase instalments and economic rents have been reduced below the level which would have applied if the grants had not been received.

(d) A certified statement that the rental assistance grant has been used to assist in meeting the cost of rental rebates.

For the purposes of the Commonwealth grants legislation, welfare housing is the provision of purchase or rental accommodation for families and single aged, widowed, or invalid persons deemed by the State to be in need of housing assistance. The term includes expenditure on land acquisition, and development expenses customarily paid by a developer, as well as the construction of dwellings.

The definition of welfare housing specifically excludes—

(a) expenditure on the provision of dwellings for Aboriginals which will be allocated to Aboriginals by the State Aboriginal Welfare Authority;

(b) housing for decentralisation of industry and to house employees of new industrial and mining developments;

(c) housing for Government or public authority employees;

(d) expenditure on contributions for major sewer and water headworks.

As these arrangements affect Western Australia, the position is—

(1) The allocation to housing commission from General Loan Fund is $23.7 million in 1971-72. Of this, an amount of $20.7 million is within the definition of welfare housing. This is 13.25% of the total allocations by all States for welfare housing in 1971-72.

(2) The required contribution to home builders account would normally be $6.21 million, as against the $3.75 million previously required. For 1971-72, only Western Australia is permitted to reduce the allocation to 24.1%, or $4.98 million, but must revert to the minium 30% in subsequent years.

(3) This State's share of the housing assistance grant is $313,500 a year for 30 years in respect of each of the years 1971-72 to 1975-76. This aggregates to $47,025,000, or 11.4% of the aggregate total of $412.5 million.

(4) This State's proportion of the rental assistance grant is 11.5%, or $143,750 a year for five years.

For reasons outlined by the Treasurer when introducing the loan estimates, the General Loan Fund allocation to the housing commission has to be increased substantially in this current year. Obviously, it will need to be held at least to that level over the next few years if the commission is not to reduce its annual programmes.

The Commonwealth proposals were based on the allocations under the Commonwealth-State Housing Agreement in 1970-71 (including a Western Australian figure of only $12.5 million).

Throughout all discussions, the Commonwealth remained adamant that no increase could be made in the $412.5 million housing assistance grant which was intended to provide to the States something more than they had received by way of interest concession last year under the expired agreement. Since the Commonwealth would not increase the assistance offered, and no other State would accept some reduction in benefit, it was not possible for Western Australia to get a share which would amount to the equivalent of a 1% concession on an equated repayment basis in respect to its full allocation of $20.7 million for welfare housing.

On the basis of sinking fund contributions, there is no doubt that the State will materially benefit. Taking either basis, the State will be receiving a better financial arrangement than it would have had, had the previous Commonwealth-State Housing Agreement been extended.

9. HEALTH

Medical Department: Outstanding Debts For Services

Mr. RUSHTON, to the Minister for Health:

(1) What was the debt incurred by the department for medical services rendered in pathology, radiology and like services to individuals and families?

(2) Has any portion of this debt not been recovered?

(3) Was any part of this uncollected debt written off, and, if so, what amount?

(4) Were any of these individuals or families owing money to the department covered by medical benefit organisations?

(5) What amount of the total was owing by persons holding medical benefit cover?

(6) Why was this amount not recovered?

Mr. DAVIES replied:

We need to contact the member to obtain further information on this question, but up to the latest time for the preparation of the answer it was not possible to locate him. The following is the answer which was subsequently agreed to—

> The question is not understood. Endeavours have been made to contact the member up to 11 a.m. this morning without success. If he cares to contact the Director of Administration and explain the questions, the information will be provided.

Subsequently, I believe the member contacted the Director of Administration shortly after 11 a.m. in response to a phone message. The Director of Administration has supplied me with a memo. With your permission, Mr. Speaker, I will incorporate it as part of the answer. It reads as follows—

> I have discussed with Mr. Rushton, M.L.A., question (9) of 21st September, 1971, and it appears that what he really is interested

in are accounts for hospital and/or medical treatment where the individual cannot afford to pay the hospital in the first instance, and which he believes might be written off for this reason.

There is no doubt in my mind that a person who cannot afford to pay the hospital or doctor first and obtain a recoup may request the fund to pay the doctor direct for medical services and certainly hospitals encourage contributors to authorise the funds to pay benefit direct to the hospital, in which case only the balance owing would be expected from the individual patient. If such patient is genuinely unable to pay the account, then the hospital board concerned would write off the account.

Our experience is that 94.7% of all debts raised by public hospitals throughout Western Australia are collected.

If there is anything further and the member cares to put a question on the notice paper, I will endeavour to give him the answer.

10. CROSSWALKS

Albany Highway, Kelmscott

Mr. RUSHTON, to the Minister representing the Minister for Police:

(1) Is there a centre of any magnitude on the Stirling and Canning Highways without a crossing by traffic lights or pedestrian crossing?

(2) If "Yes" which are the centres?

(3) What is the criterion for considering establishment of lighted, signed highway pedestrian crosswalks?

(4) Will he advise the details of the last survey conducted when considering installation of a pedestrian crosswalk on Albany Highway at Kelmscott shopping centre?

(5) When and where was this survey conducted?

(6) What portion of Albany Highway was used to gather the pedestrian/vehicle totals?

(7) What reasoning has been advanced for declining to approve a lighted, signed pedestrian crosswalk for Kelmscott shopping centre?

(8) Having regard for the large increase of people, vehicles and shopping facilities at Kelmscott and Kelmscott having no pedestrian crosswalk across Albany Highway, will he now give urgent consideration towards approving this necessary crosswalk?

Mr. MAY replied:

(1) No.

(2) Answered by (1).

(3) The warrant for a pedestrian crossing requires that for each of two hours of an average day—

(i) The number of pedestrians (P) crossing within 60 feet of the proposed site exceeds 60 persons an hour; and

(ii) the number of vehicles an hour (V) which pedestrians have to cross from kerb to kerb in an undivided road or in one direction in a divided road exceeds:—

(a) 600 in metropolitan areas; or

(b) 500 elsewhere.

(iii) The product of P x V exceeds:—

(a) 90,000 in metropolitan areas; or

(b) 60,000 elsewhere.

(4) The local authority, which is the body responsible for carrying out the initial survey, advised the Main Roads Department in May, 1971, that the necessary conflict figures were not met. The survey was carried out in the area from 120 feet north to 60 feet south of Denny Avenue. It showed a maximum vehicle pedestrian conflict of 62,000 in one hour only in a 60 feet wide zone commencing 60 feet north of Denny Avenue.

(5) Answered by (4).

(6) Answered by (4).

(7) The provision of marked pedestrian crossings where a high degree of usage throughout the day does not occur can increase the potential hazard to pedestrians. On the other hand the provision of pedestrian refuges as installed at Denny Avenue provides a good measure of safety. As the minimum conflict figure has not been attained a marked pedestrian crossing cannot be agreed to.

(8) Answered by (7).

11. ROCKINGHAM-KWINANA HOSPITAL

Tenders

Mr. RUSHTON, to the Minister for Health:

(1) Is it still the Government's intention to have the Public Works Department staff or a private architect prepare the contract documents for the Rockingham-Kwinana hospital as soon as the

design plans are completed which were previously announced to be ready in about six weeks?

(2) Will the Government call tenders for construction of the hospital in the first half of 1972?

(3) How does the deferment of the hospital fit in with the Government's professed policy of decentralisation?

(4) What is the reasoning to support extending Fremantle hospital against providing a hospital facility for a large concentration of families and industries in the Rockingham-Kwinana region?

Mr. DAVIES replied:

(1) Yes, but they will not be ready in about six weeks.

(2) The calling of tenders will depend upon the availability of funds.

(3) In the provision of hospital facilities decentralisation can only be satisfactorily carried out on a regional basis and Rockingham is not regarded as a regional centre.

(4) The extension of Fremantle Hospital has been a priority project for some time. Its need is daily becoming more urgent. It is a teaching hospital, a nurses' training school and provides public hospital facilities for a large population.

There can be no comparison between the provision of hospital facilities in the Rockingham-Kwinana area and the provision of additional facilities at Fremantle.

12. TEACHERS

Recruitment

Mr. MENSAROS, to the Minister for Education:

In view of his answer to question 22 on 7th September, 1971, will he give the reason why the valuable time of the Director-General of Education has to be taxed for recruiting teachers in the United Kingdom when the department already has at least two full-time recruiting officers?

Mr. J. T. TONKIN replied:

The two recruitment officers employed by the Education Department deal only with the selection of students for entry to the teachers' colleges and it would not be appropriate for them to conduct an overseas recruiting campaign. There is an acute shortage of teachers throughout Australia at the present time. All States and New Zealand are actively recruiting in Great Britain and are sending high ranking officers overseas to interview applicants. The presence of the Western Australian Director-General is necessary to enable this State to compete on an equal footing with the other States and to obtain teachers in sufficient numbers and with the required qualifications.

13. ADAM ROAD SCHOOL, BUNBURY

Extensions

Mr. WILLIAMS, to the Minister for Education:

(1) Is the next stage of Adam Road primary school, Bunbury, to be built this financial year?

(2) If not, what are the reasons?

(3) If "Yes" what will these extensions entail?

(4) Will this conclude the expansion of this school?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) Answered by (1).

(3) Three rooms of cluster design.

(4) No.

14. WITHERS HOUSING DEVELOPMENT

Shopping Complex

Mr. WILLIAMS, to the Minister for Housing:

(1) When is the shopping complex at Withers State Housing Commission area, Bunbury, to be built?

(2) Will this be built by calling tenders and submitting proposals from private firms?

(3) If not, in what way is the development to take place?

Mr. TAYLOR replied:

(1) to (3) Public tenders for the lease of the land and development proposals closed at the commission on March 29, 1971, but there was no response.

Since this date, the commission has conferred with a private developer of considerable experience who has indicated interest in developing a shopping facility at Withers and negotiations are still in progress.

15. HOUSING

Bunbury: Number and Types

Mr. WILLIAMS, to the Minister for Housing:

What are the numbers and types of State Housing Commission homes, units, etc., to be built in Bunbury this financial year and in what locations?

Mr. TAYLOR replied:

The programme intention is to build 60 units of the various types at Withers in accordance with the plan agreed to by the Town of Bunbury and the commission on 17th March, 1971.

The implementation of this programme will depend on the outcome of the allocation of some 80 new units which are nearing completion, the turnover of vacated homes, and the needs of the residual applicants.

16. WITHERS HOUSING DEVELOPMENT

Gas Hot Water Units

Mr. WILLIAMS, to the Minister for Housing:

(1) Has an investigation been made by his department and/or the State Electricity Commission into the cost of operating gas hot water systems in Withers Park, Bunbury?

(2) If so, what are the results of these investigations?

(3) If not, why not?

Mr. TAYLOR replied:

(1) to (3) I understand that prior to the installation of gas appliances in the new homes being constructed in the Withers area, such an investigation was made.

Reasons for the installation of gas in the estate were conveyed to the questioner in my letter of 29th July, 1971, which included as the penultimate paragraph:

"It must also be borne in mind the decision to install a reticulated gas supply was made in the context of the previous Government's policy to conserve capital by reducing demand on capital intensive electricity generating facilities and increasing demand on less capital expensive gas facilities."

Since writing the letter referred to above, the State Electricity Commission has accepted the invitation of the commission to call on the occupants of the homes for the purpose of advising them on the use of the gas appliances which are installed.

17. MOTOR VEHICLES

Seat Belts: Types and Cost

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

(1) How many different types of inertia seat belts have been approved by the Standards Association of Australia, Australian Transport Advisory Council and National Safety Council of Western Australia?

(2) What is the average difference in cost and fitting of—

(a) inertia type seat belts;

(b) lap sash belts;

(c) lap belts?

Mr. MAY replied:

(1) Nil.

(2) Average cost and fitting—

(a) Inertia reel type seat belts—Cost $18.90; Fitting $5.50 approximately.

(b) Lap sash belts—Cost $8.33; Fitting $5.50 approximately.

(c) Lap belts—Cost $6.36; Fitting $5.38 approximately.

18. ROADS

Kwinana: Bypass

Mr. RUNCIMAN, to the Minister for Works:

(1) Because of the ever increasing development in the Kwinana area, is it intended that a main road will be constructed to bypass this area and link up with Mandurah and the coast road to Bunbury?

(2) If "Yes" can he give details?

Mr. JAMIESON replied:

(1) Under the Metropolitan Region Scheme a controlled access highway is shown extending from Stock Road to Dixon Road, Rockingham.

Similarly a bypass road of Mandurah to connect with the coast road has been planned. These are long range proposals and immediate construction is not proposed.

(2) General details of the controlled access highway can be seen in the Metropolitan Region Scheme map.

19. TECHNICAL SCHOOL

Establishment at Pinjarra

Mr. RUNCIMAN, to the Minister for Education:

Because of the industrial growth in the Pinjarra region and the desire of many young people in the country to be trained in technical skills, will he give consideration to the establishment of a technical school at Pinjarra?

Mr. J. T. TONKIN replied:

The Education Department is keeping in mind the need for technical education in the Pinjarra region. However, an analysis of population trends indicates that a school will not be required in the immediate future.

20. TRAFFIC

Accidents: Country Rate

Mr. BLAIKIE, to the Minister representing the Minister for Police:

(1) What is the proportion of accidents to vehicle population in the years from 1965 to 1971?

(2) Is any record available regarding addresses of people involved in country accidents?

(3) If "Yes" to (2) what proportion of country accidents is attributable to country drivers during the years 1965 to 1971?

Mr. MAY replied:

(1) Casualty accidents per 1,000 vehicles—

1965—13.79
1966—13.28
1967—13.24
1968—12.35
1969—11.57
1970—12.10 (Preliminary)
1971—Not available.

(2) No.

(3) Answered by (2).

21. NATIONAL SERVICE

Gary Cook: Imprisonment

Mr. MENSAROS, to the Minister representing the Chief Secretary:

(1) In view of his answer to part (1) of question 15 on 15th September, 1971, i.e., that it was not correctly reported that Gary Cook serving imprisonment as a result of conviction for failing to comply with the National Service Act will have the immediate privileges of a work release prisoner, will he state what the correct facts are on which the incorrect report was based, i.e., which privileges are given to the said prisoner?

(2) Will he state whether the privilege as described in his answer to (1) is a normal one given as a practice to all prisoners serving a sentence of two years?

(3) If (2) is "No" what is the reason for special treatment?

Mr. TAYLOR replied:

(1) None—Cook is receiving the same treatment as any other sentenced prisoner.

(2) and (3) Answered by (1).

22. ST. JOHN AMBULANCE ASSOCIATION

Government Financial Assistance

Sir DAVID BRAND, to the Premier:

(1) What amount was made available to the St. John Ambulance Association during last financial year?

(2) What is proposed for the 1971-72 year?

(3) Is he aware that plans which the association proposed for the immediate future have had to be deferred because of reduced financial help from the State Government?

Mr. J. T. TONKIN replied:

(1) $246,222.

(2) $275,000.

(3) The Government has not reduced its financial help to the St. John Ambulance Association. On the contrary, its grant for 1971-72 has been increased by $28,778 which is a lift of nearly 12%.

23. TOWN PLANNING

Duplex Dwellings

Mr. THOMPSON, to the Minister for Town Planning:

(1) Do any shire councils in this State require owners of blocks of land designated for construction of duplex dwellings to obtain a letter of non-objection to such construction from adjoining landowners?

(2) If so, will he name these shires?

(3) If such conditions are placed, would this not lead to collusion?

Mr. GRAHAM replied:

(1) and (2) As there are more than 100 shire councils in the State, it would take some time to provide the Member with a detailed answer. However, a check of the principal country shire councils with town planning schemes indicates that none of them makes this stipulation. In the metropolitan region the Kalamunda Shire Council requires a letter of non-objection except for lots in the GR4 zone. If either adjoining owner objects, permission for the construction of a duplex is not given. This requirement was requested by a small group of ratepayers.

(3) Such a possibility cannot be discounted.

24. TEACHERS

Promotions: Preference

Mr. MENSAROS, to the Minister for Education:

Which of the following two replies is correct and describe truly the regulations relevant to preference being given to members of the teachers' union in matters of promotion—

(a) that given in answer to part (2) of question 12 on 11th August, 1971; or

(b) that given in answer to question without notice No. 3 on 9th September, 1971?

Mr. J. T. TONKIN replied:

Both are correct. The actual wording of the proposed regulation is "eligible for the new position" which implies the possession of adequate qualifications and ability.

25. POLICE STATIONS AND COURTHOUSES

Constructions: 1959 to 1971

Mr. JONES, to the Minister for Works:

Will he advise where buildings were constructed for the period 1959 to 1971 inclusive as under—

(a) police stations;

(b) courthouses;

(c) living quarters for police officers?

Mr. JAMIESON replied:

The information requested is contained in a schedule which, with permission, I hereby table.

The schedule was tabled.

26. GOVERNMENT EMPLOYEES

North-West: Child Allowance

Mr. RIDGE, to the Premier:

(1) As it has now been agreed to extend holiday travel concessions to Government wages employees and their families who are resident in the north, will he agree to extend the same people payment of the child allowance which is presently limited to public servants and certain other Government officers who accept northern appointments?

(2) If "No" why not?

Mr. J. T. TONKIN replied:

(1) and (2) The Member's interest in matters referred to is known, as I understand he unsuccessfully raised them with the previous Government.

As he says this Government recently agreed to extend holiday travel concessions to Government wages employees and their families who are resident in the north.

The question of differentiation of additional benefits and conditions as between Government salaried and wages employees is at present being reviewed by the Minister for Labour.

27. COAL

Exploration

Mr. COURT, to the Minister for Mines:

(1) Will he summarise the main areas in which the search for coal is currently being undertaken in Western Australia by Government and private interests and the prospects of commercial quantities being developed?

(2) (a) What search and proving work is being undertaken in the Collie and other south-west areas by Government and private interests;

(b) is there expected to be a major increase in the tonnages of coal estimated to be economically mineable in the Collie and other south-west areas, and, if so, to what extent?

(3) (a) Will he summarise the conditions under which search for and proving of coal areas is currently being permitted;

(b) is there any plan to change these conditions—

(i) in the near future;

(ii) when the new Mining Act is passed?

Mr. MAY replied:

(1) and (2) (a) Prospecting for coal by private interests is currently in progress in the Fitzroy basin portion of the Kimberley division, the Eneabba district, the Perth basin of the south-west division in particular, and at Collie. The Government is not engaged in the search for coal at present.

On present knowledge the potential of the Fitzroy basin for viable coal deposits is low. At Eneabba drilling results to date are encouraging but further work is required to assess the potential of the area. At Collie recent drilling has been directed to upgrading reserves adjacent to present working areas.

(2) (b) No.

(3) (a) In respect of Collie the general policy is one of preservation and Government control over the area. Consistent with this policy new leases are granted upon it being demonstrated that additional areas are required for the orderly development of the field and at the same time ensuring that adequate supplies of coal are available for use by Government instrumentalities.

Outside Collie there are no such restrictions.

(b) (i) No.

(ii) No.

28. DOG RACING

Legislation

Mr. R. L. YOUNG, to the Minister representing the Chief Secretary:

Is it expected that legislation legalising greyhound racing will be brought forward in this session of Parliament?

Mr. TAYLOR replied:

The matter is still under consideration.

QUESTIONS (3): WITHOUT NOTICE

1. WOOL

Transport from Albany

Mr. MAY (Minister for Mines): On Thursday last, the Leader of the Country Party asked me a question without notice which was directed to the Minister representing the Minister for Transport in regard to transport of wool from Albany to the metropolitan area. At the time I indicated to him that I would endeavour to get a reply to part (1) of question 35 which he had asked on notice. I now have the answer with me which is as follows:—

(1) The Commissioner of Transport has now advised that—

(a) To extract the information requested would involve a staff member checking approximately 80,000 permit forms issued over the past four years and would involve an estimated two weeks working "full time."

(b) There is a present staff shortage and as a clerk cannot be spared "full time" this would involve overtime over a longer period than two weeks.

(c) The number of permits is very small. The commissioner can recall only one occasion. The reason for granting was urgency in order to transport some special wool to Fremantle to be loaded on a particular ship.

2. COLLIE DISTRICT HOSPITAL

Electrical Fire

Mr. JONES, to the Minister for Health:

(1) Did an electrical fire occur during the weekend at the Collie District Hospital?

(2) If the answer to (1) is "Yes," will he advise —

(a) If it was necessary to discharge any patients?

(b) When is it anticipated that the electrical repairs will be carried out and the discharged patients readmitted?

The SPEAKER: Did the Minister get any notice of this question?

Mr. DAVIES replied:

(1) and (2) The member for Collie did mention this to me shortly before the House commenced sitting and I was able to find out that as a result of wires fusing flames had shot out of the fuse box in the men's ward. These flames damaged the wires and put the electrical system in the ward out of order. Five patients who were fit to go home were discharged and five patients were transferred to other sections of the hospital. It was possible to get an almost immediate assessment of the damage and arrangements have been made to have the repairs effected within two or three days at the outside. There was no danger at any time, either to a patient or a member of the staff.

3. ROAD MAINTENANCE (CONTRIBUTION) ACT

Cost of Administration

Mr. NALDER, to the Minister representing the Minister for Transport:

(1) What is the total number of staff, full or part-time, engaged by the Transport Department, responsible for the Road Maintenance (Contribution) Act?

(2) Of the above number how many are inspectors?

(3) How many motor vehicles are used in this section and what is the cost to the department?

(4) What is the total cost of running the section responsible for the Road Maintenance (Contribution) Act—salaries, wages, overtime, vehicles, and any other cost?

Mr. MAY replied:

(1) Forty-eight at the 30th June, 1971.

(2) The above figure includes 11 road patrol officers.

(3) Nine vehicles costing $6,278 during 1970-71.

(4) During 1970-71—$230,554.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Treasurer), and read a first time.

MEMBERS' SPEECHES

Tedious Repetition

THE SPEAKER (Mr. Toms): Prior to commencing the Orders of the Day, members may have noticed—and if they have not noticed they should have—that during the last couple of weeks there has been a terrific amount of repetition by members when making speeches, or, what is known under the Standing Orders as tedious repetition.

I do not think any honourable member attempted to take advantage of my generosity, but there are times when advantage has been taken to indulge in repetition, and I am warning members now that I hope it does not continue for the balance of the session.

ABATTOIRS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

MR. LEWIS (Moore) [4.59 p.m.]: I did not think I had a reputation in this House for loquacity, and therefore members will appreciate it is not my fault that a speech I began five weeks ago, on Thursday, the 19th August, is not yet completed.

Mr. T. D. Evans: The longest speech in the records of this Parliament.

Mr. LEWIS: Whilst I will endeavour to obey your injunction not to repeat myself, I think you will pardon me, Mr. Speaker, if I make some brief recapitulation of parts of the Bill which I did mention when I spoke previously.

The main purpose of this Bill is to enable the Midland Junction Abattoir Board to trade. In view of the extensive and expensive expansion of facilities at the abattoir, and particularly in view of the almost annual losses, anything calculated to help the financial situation is to be commended. The extensions mainly involve additions to the killing chain, the processing facilities, and an extensive addition to the storage facilities. All these are calculated to assist the throughput of the works.

Before the present extensions were completed, the daily throughput was in the vicinity of 8,000 sheep and lambs a day—that is the theoretical maximum throughput. Calculated on a five-day week, 50-week year—bearing in mind that 10 statutory holidays are allowed, being the equivalent of two weeks—the theoretical maximum throughput per annum was 2,000,000 sheep and lambs. In point of fact the abattoir has never achieved any better than about two-thirds of the theoretical maximum throughput, and I think this applies to Robb Jetty also.

The theoretical daily output at Midland has been extended to 12,000 sheep and lambs which will give 3,000,000 in a full year. If two-thirds of that number can be handled, the annual throughput will be 2,000,000.

During the 11 years for which I have made an analysis of the annual reports tabled in Parliament, the highest throughput in one year—and that was last year—was 1,322,703 sheep and lambs which constitutes about 67 per cent. of the then maximum theoretical throughput. Another feature of the annual reports is that over the last 11 years losses totalling $935,000, in round figures, have been made in nine years. A profit has been made in only two of the years. The first of the profits was made in 1962-63, the amount being $77,857, and the second was more recent, in 1968-69, the amount being $35,014, giving a total of $112,971. I do not have the figures for the financial year ended June, 1971.

It is interesting to note that in 1962-63, when the first profit was made, the chairman of the board reported that the abattoir was completely free of industrial troubles, and the throughput in that year was a record up to then, it being 1,804,119 animals. In the second of the profitable years—1968-69—paradoxically enough the chairman reported that although there was for that year a record throughput of 1,083,997, industrial strife was most prevalent.

However, in 1966-67, for the first time the turnover of labour was stated to be 137 per cent. In the next year it was 144 per cent., and in 1968-69, 155 per cent. No figure is given for 1969-70. The report merely stated that the turnover was very high. This factor is very disturbing to me and I am not now pointing the bone at the men who work there. I appreciate that this is not the most congenial type of work. Men are not working in congenial conditions. From my observations I would say the work force comprises quite a big percentage of migrant labour which would involve language difficulties with both management and staff. All these things are conducive to dissatisfaction with the job, and dissatisfaction means increased turnover, which in turn involves engaging new people who must be trained to the work and consequently a loss of efficiency occurs until the new employees become practised in the job to which they have been assigned.

A turnover rate of 150 per cent. means that 250 people must be on the pay-roll for every 100 employed at some time during the year. This must be a contributing factor to the annual loss which occurs at the abattoir. Had I known that this debate would be adjourned for so long, I might have made further research in other States. I do not know whether this huge turnover occurs in other abattoirs in Australia, but I would not be at all surprised if it did.

I had an opportunity to discuss this point with the management and I believe the present management is sincere in its

endeavours to improve the employer-employee relationship at the abattoir. When a dispute arises the management and the employees concerned have a conference about it and try to iron out the problem before a stoppage occurs. Stoppages do nothing but harm and in the long run the growers must pay. When the board incurs a loss it naturally must look at its costs and sources of revenue to meet those costs, and one of the easiest and most vulnerable sources is, of course, the operator. The board increases the charge to the operator who is having his stock killed and the operator, in turn, takes it out on the grower in the lower prices he pays for the livestock he buys. I repeat what I said in the earlier part of my speech; that is, it is becoming unprofitable for a grower to consign stock to Midland unless when dressed it weighs 35 lb. or more. We must ensure we do not price ourselves out of the market in this regard.

I do not know what can be done to make substantial inroads in this huge turnover of staff. I once paid a visit to a factory in Tokyo, Japan. The turnover rate of that factory, which employs some 5,000 men and women, was less than 1 per cent., and this staggered me. This turnover rate is achieved because the management takes a great personal interest in the employees. It helps them to improve their social lives in many ways. For instance, it teaches the girls the correct method of flower arrangements and the carrying out of the Japanese tea ceremony. The management also assists the male employees with housing problems. These are the things which help to cement a good relationship between employer and employee.

Mr. Williams: The converse also applies.

Mr. LEWIS: I think this is a two-way process. A responsibility rests on both employee and employer. If this good relationship does not exist a business like the abattoir becomes altogether unprofitable and the burden must fall upon the State, which means the taxpayers.

I do not intend to speak at any great length. I repeat that I hope the Minister when replying to the debate will tell us a little more about the extent of the power which he now seeks to give the board in connection with trading. We know the board trades to a degree. For instance, it trades in tallow and in certain inedible by-products; but I think it is envisaged that it will trade in processed carcases, edible offal, and so forth, which is not a bad proposition so long as we know the limitations regarding the trade. So I hope the Minister can enlarge on that point beyond what he told us when he introduced the Bill.

With these few remarks today I support the Bill, but I may have a further few words to say when the Bill is debated in Committee.

MR. WILLIAMS (Bunbury) [5.11 p.m.]: I support the Bill, and I assure you, Mr. Speaker, I will not take anywhere near as long with my speech as it took the member for Moore to conclude his. I will not take very much longer than the Minister took to introduce the measure because I wish to limit my remarks purely and simply to the Bill and not engage in tedious repetition.

When introducing the Bill, the Minister explained to us that it was designed to give added powers, at the Minister's discretion, to the Midland Junction Abattoir Board for the purpose of utilising the capital expenditure which has been and is being carried out at the abattoir. With this we have no argument because in any business—be it a board, a private enterprise, or a Government business—everyone's aim is to utilise to the fullest extent the capital investment in the particular business.

One or two points in the Minister's introductory speech intrigued me a little and one of these is to be found towards the end of his speech. On page 702 of *Hansard* No. 5 the Minister said—

> Members will be aware, of course, that the board will be subject to direction from the Minister, and any undesirable developments in trading operations could—

I emphasise the word "could." To continue—

> —be controlled by the responsible Minister.

I do not for one moment doubt the Minister's integrity, but I wonder about the word "could" because, after reading the Bill and the parent Act, I believe that as the Bill is fairly wide open, we could revert to the system of State retail butcher shops. This is, I hope, certainly not the board's intention nor the Minister's, but once this amending Bill is passed, it will be very difficult to have the provision deleted.

I would like an assurance from the Minister that this is not to be the case. In Committee I will have a few words to say because on the notice paper is an amendment which has been there for some time, as the Minister and members will be aware, and it just might contain this problem to some degree. I probably should have gone further with my amendment and specifically mentioned retail trade. However, an assurance from the Minister with regard to this matter will suffice at this point.

From time to time much publicity has been given to the Midland Junction Abattoir. I believe the sheep section is capable of dealing with about 60,000 to 65,000 sheep a week, and on odd occasions during glut periods reports have been published to the effect that something like 80,000

sheep a week were yarded. This overtaxes the abattoir. On the other hand, the number of cattle yarded at Midland can be increased. At present something like 1,000 cattle a week are yarded but in actual fact the abattoir is capable of efficiently handling something in the order of 1,200 a day.

I gather this is what the Minister wishes to do, and that this Bill is to increase the capacity of the abattoir. I have no argument whatsoever with the Midland Junction Abattoir operating, as long as it operates on the site and does not expand to other areas of the State. In a business such as an abattoir advantage must be taken of every opportunity to make it pay.

The Bill before us will allow, at the Minister's discretion, and also at the request of the abattoir board, the abattoir to expand in other areas not necessarily directly associated with the meat trade. This, of course, would be in the production of tallow and meatmeal, and that type of product. This is a very good move because taxpayers' money is being used. If the board happens to make a loss, it is the taxpapers who have to meet that loss. If possible, the investment should be utilised in an effort to make a profit from year to year, so that the works are not a drain on the taxpayers. Under the parent Act any losses sustained are made good by the Minister through the Government, and thus through the taxpayers. The abattoir should endeavour to make a profit, or at least come out square.

I also ask the Minister whether it is the intention of the Government at any time to supply Government institutions with meat from the Midland Junction Abattoir or, alternatively, to supply meat to the general public. I know this occurs at Robb Jetty at the present time. I hope this will not be the case. When I refer to the public, I do not mean the wholesalers, but the retailers. I see no objection to the meathall at the Midland Junction Abattoir. Wholesalers are able to buy carcases which, after D.P.I. inspection, are perhaps declared as unsuitable for the export trade. Those carcases are suitable for local consumption and I have no argument with wholesalers being able to buy whatever they desire.

I do not doubt the integrity of the Minister, but when replying I would like him to assure the House that the amendments contained in this Bill will not be used to assist any other organisation, subsidised by the Treasury, to set up abattoirs throughout the State to compete with private enterprise.

That concludes my contribution to the Bill. I will give it my support at the second reading, and I will move my proposed amendment during the Committee stage.

MR. STEPHENS (Stirling) [5.19 p.m.]: I also indicate my support for the Bill. I feel that the benefits from the proposed amendments will be twofold. They will lead to a more efficient use of the capital involved in the abattoir and, as a result, will reduce the costs of the works. I can also see benefits accruing to the farmers as a result of this proposed legislation.

A service abattoir is at a disadvantage when compared with a private abattoir, inasmuch as it has to be designed to have a capacity in excess of the anticipated market. In the last few years it has been quite apparent that the mutton chain facilities at Midland have been working to capacity. However, the same cannot be said for the cattle chain. My understanding is that the cattle chain at the Midland Junction Abattoir is more profitable than the mutton and lamb chains. However, at that abattoir the cattle chain has been operating at only 30 per cent. of its capacity. Also, the works at Midland rarely handle more than 30 per cent. of the cattle yarded in the saleyards. I have even been told that occasionally none of the cattle sold at the saleyards has been slaughtered at the Midland Junction Abattoir.

If the Midland Junction Abattoir is able to trade it will be able to take up the slack and make a greater utilisation of the capital invested in the works. We know that the works have not operated profitably in the past for the reasons I have outlined. This becomes more apparent when a comparison is made with an abattoir which is working to capacity and is deriving maximum efficiency from the capital invested.

The capacity of the cool stores at Midland has been increased. I do not know whether the cool stores would be able to trade without the proposed amendments being passed. No doubt, with the passing of the proposed amendments, when the whole of the cool store is not required for the meat which is treated by the works, the abattoir will be able to handle other products to the advantage of the producers in the State.

Referring to the benefits to be derived by farmers, in my opinion during the last three or four years the wholesalers and exporters involved in the processing of meat have been making exorbitant profits. During that time farmers, particularly with regard to mutton and lamb, have in many instances been battling to cover the costs of transporting stock to the works. It is quite obvious that if another buyer is introduced into the market and is buying on a weight and grade basis or at auction—and not necessarily directly employed by the abattoir but operating on a commission basis—a benefit could be a lift in the price received by the farmers. In this way I think we could make a rough comparison with the present system operated by the Wool Commission for selling wool.

It is necessary to underpin the market and this can be indicated, to some extent, by comparing the prices received in Western Australia with those received in Eastern States' markets. I would like to quote a few figures from the *Meat Producer and Exporter*. I shall quote only the figures for the Melbourne market and the Midland market for the week ended the 31st July, 1971.

On the Melbourne market the price for light lambs was 21c to 22c. The price for heavy lambs was also 21c to 22c. At the same time, at Midland, the price for light lambs was 13c to 15c, and for heavy lambs the price was 12c to 14c. The price for light wethers on the Melbourne market, at the end of July, was 9c to 10c, and for heavy wethers it was 8c to 9c. The price for light ewes on the Melbourne market was 8½c to 9½c, and for heavy ewes it was 7½c to 8c. The situation at Midland, for the same period, was 3½c to 5c for light wethers, and 4c to 4½c for heavy wethers. The price for light ewes was 3c to 4½c, and for heavy ewes it was 3c to 4c.

To bring those figures up to date I shall quote from *Meat Notes*, issued by the Marketing Division, Department of Primary Industry, Canberra. At the 31st August, 1971, prices received in Melbourne for light and heavy lambs ranged between 17c and 21c, whereas the price for the same quality lambs at Midland, on the 26th August—which is the nearest comparable date—was 12c for heavy weight, and for best quality trade the price was 12c to 13c, a considerable difference.

Mr. Nalder: Was that for sucker lamb?

Mr. STEPHENS: Yes.

Mr. Nalder: Why is there such a difference in the price?

Mr. STEPHENS: I am coming to that point now, and I hope to be able to give some indication of why there is a difference. On the Melbourne market at the 31st August, 1971, the price of light to heavy mutton ranged from 7½c to 8c. Quoting from the *Westfarmers News* of the 26th August, the price for wethers, ranging from prime quality heavy weight to best quality trade weight, was 4c to 5c a lb. The price for best quality heavy weight ewes and best quality trade weight ewes ranged between 3c and 4c a lb.

I know some people will consider there is a greater market potential in Victoria than in Western Australia, and that is true. That would, to some extent, explain part of the reason for the price difference, but not all of the reasons for it. I will again quote figures for the two States from the *Meat Producer and Exporter*. Meat passed for export and placed in cold store in Victoria for the 12 months ended June, 1971, included 71,675 tons of mutton. In Western Australia 23,686 tons of mutton were passed for meat export and placed in cold store. The Western Australian figure is approximately one-third of the Victorian figure. I believe the population figures for the two States are about three to one, so those figures are comparable.

Referring now to lamb, and bearing in mind the great difference in price, during 1971 Victoria placed 21,891 tons in cold store. In Western Australia a total of only 3,736 tons was placed in cold store. So, I do not think the density of population is the sole answer to the variation which exists between Melbourne and Perth.

One of the reasons for the variance is lack of competition, and this may be borne out by some trading figures which I obtained today from the office of the Registrar of Companies. I made a search through some records and my interpretation of certain figures relating to one company trading in meat and with shareholders' funds of $405,000 was that it made a net profit of $184,000 in 1970. The same company with a shareholding of $401,000 made a net profit of $99,000 in 1969. That shows an increase of nearly 85 per cent. in 12 months.

Those profits were made at a time when farmers were battling to cover the transport costs involved in taking their stock to market.

It was mentioned earlier that a reason for the lower prices at Midland was overcrowding. As a result of the overcrowding it was necessary to agist and paddock stock which, naturally, involved an extra charge and extra wastage in the form of stock losses. No doubt there is some truth in that statement but last year we saw rationalised yarding.

The yarding was rationalised at Midland but some operators who had espoused the theory that low prices were prevailing at Midland because of overcrowding then went to the country and bought privately. I can only assume that the intention was to maintain the position of oversupply at Midland and so keep the market depressed.

I think we are all aware that the prices at Midland are more or less taken as the yardstick for prices throughout the State. It is therefore very important that we maintain the highest possible price at Midland because it is reflected throughout the State.

The advantage in passing the amendment would be that it would enable the abattoir board to carry out an exercise to ascertain all the costs involved in the marketing of cattle and, more particularly, mutton and lamb which are the problem areas at the moment as regards returns to the producer. In 1969 there was an inquiry into the mutton and lamb industry but, in my opinion, the results of that inquiry were rather inconclusive. If the board were to undertake these studies, again, I think a comparison could be drawn with what the Federal Government has done in regard to the Australian National

Line. One of the reasons the Federal Government advanced for joining the container conference was that it would be able to ascertain the breakdown of costs in that industry. I therefore make that comparison.

If the board engaged in trading operations, I think it would be particularly concerned with the export market. Unfortunately, in buying for export there will always be some rejects, and the board must have the opportunity to dispose of the rejects. Hence it would be necessary for the board to operate through the present wholesale and retail outlets, which I trust it will do.

Some people might see in this amendment a desire by the Government to introuce retail butchers' shops but, although I realise the present Government has a policy of socialism, I do not think that is its intention on this occasion. Even if such were the case, I think protection is provided in the composition of the Midland Junction Abattoir Board which controls the functioning of the abattoir, subject to the Minister. The board comprises a consumer's representative, who is currently a chartered accountant, a representative of the Meat and Allied Trades Federation, and a representative of producers. I cannot see a board so constituted being very anxious to set up a chain of retail butchers' shops.

In any case, the Robb Jetty abattoir which was purchased in 1942 operates under the State Trading Concerns Act, and as I understand the position the Government could use that situation for the setting up of a chain of butchers' shops, if it had any such intention. It would not require to bring before this House a Bill for an amendment to the Abattoirs Act.

I would like to quote from *The West Australian* of Friday, the 13th August, where it is said—

> The secretary of the Meat and Allied Trades' Federation, Mr. M. Locke, said that another buyer in the market would create keener competition and result in better prices for producers.
>
> The secretary of the Pastoralists and Graziers' Association meat committee, Mr. G. Savell, said that though he had not had a chance to study the Bill it seemed to be a good idea.
>
> "The greater use that can be made of the Midland facilities the better," he said.

For three or four years I was closely associated with the meat executive, and, although I cannot quote the members of the executive, my association with them was such that I feel sure they also wholeheartedly support the amendment that is now before the House.

MR. RUNCIMAN (Murray) [5.35 p.m.]: This Bill sets out to do two things. First of all, it allows the Midland Junction Abattoir Board to purchase livestock for the purposes of slaughtering, processing, and sale. It also gives the board the power to handle the offal and process it into tallow, meatmeal, and various other commodities, and to compensate the operators by reducing killing charges.

These by-products from slaughtering have proved to be a very lucrative business and I believe that ploughing this revenue back will be of benefit in the economics of the board. This, of course, is a new departure for the Midland Junction Abattoir Board and I think it will prove to be of benefit not only to the producer but also to the trade. The reduction of killing charges will be of benefit to the trade when competing for overseas markets because one of the very big problems exporters have had to contend with in endeavouring to obtain markets for their export stock has been high killing charges.

At this stage I would like to pay tribute to the Midland Junction Abattoir Board. It has been criticised on many occasions but I think, in the main, it has done a very good job. The abattoir is a centre to which stock are sent from throughout the State, in many cases without prior notification. There is only one really large abattoir in Western Australia, and that is the Midland Junction Abattoir. Other abattoirs are generally notified about the consignment of stock, and if private abattoirs feel they cannot handle a large number of stock they just say so and that is the end of it; one has to wait one's turn. The Midland Junction Abattoir has had to contend with the receipt of stock from all parts of the State at times which suited the sellers. In the last few years, with the dramatic upsurge in livestock numbers and the problems in relation to drought, I believe the Midland Junction Abattoir has had to contend with many difficulties and has acquitted itself very well.

We are now spending something like $2,500,000 on an extensions and improvements to the abattoir in the killing chamber and providing something like 1,000,000 cubic feet of chilling and freezing space. In the interests of the economics of the board's operations, it is necessary to try to work out some order for the admission of livestock to the abattoir. An eight-point plan is now in operation which, with the co-operation of farmers and agents, will provide an orderly method for the admission of stock in a period of the year when there is generally an upsurge in the number of livestock sent to Midland. This plan is of great assistance in the operation of the abattoir.

However, in such a large State as Western Australia, it is not possible to put this plan into operation throughout the year.

For the economic running of the abattoir, I think it is necessary to spread this work throughout the year as far as possible, and I believe the abattoir will operate more economically if it is permitted to buy and sell stock. This will be in the best interests of the board and all those who send livestock to the abattoir for export.

There are two amendments on the notice paper. I think the Minister will realise there is some concern on this side as to what is really intended in relation to the setting up of a selling agency. I do not think the board has any intention of setting up shops which will develop into large trading concerns, but the Minister will probably be able to explain this when he replies at the end of the second reading debate.

MR. BLAIKIE (Vasse) [5.42 p.m.]: I support the broad principles of the Bill which have already been outlined by other speakers. It is essential that the Midland Junction Abattoir should operate in an efficient and profitable manner as it is the largest abattoir in this State. It has been necessary to expand the abattoir in order to allow it to move into other fields which it can operate to satisfaction. I have some reservations about the full intentions of the Bill. In the Committee stage I intend to ask the Minister some questions about retail trading.

During the debate mention has been made of the fact that, to operate efficiently, an abattoir must have a sufficient number of stock going through it. Last year a great tragedy occurred when the abattoirs in Western Australia lost over 100,000 man-hours. It is essential that harmonious relations should be maintained at the abattoirs.

If the Midland abattoir operates as an additional buyer of stock, I believe it will receive support from growers and I do not think there will be any opposition to it from the trade generally. We have already heard that the meat trade is not opposed to the broad principles of the Bill, although there may be some opposition to a few of the finer details. Producers, I believe, will also support the broad principles of the Bill.

A particular feature I would like to see incorporated in the new legislation is provision for stock being slaughtered at the abattoir site either under the name of the producer or under the name of the board.

Mr. Nalder: That is being done now, if a farmer wants his own stock killed.

Mr. BLAIKIE: And disposed of under his own name?

The SPEAKER: I think it might be as well to bring the rest of the House into the conversation.

Mr. BLAIKIE: Thank you, Mr. Speaker. The Leader of the Country Party was trying to assist me. However, I hope the Minister will take up my points and allow the producers to bring their stock into the abattoir and have them processed. In general I support the Bill and I will probably have more to say in the Committee stage.

MR. MOILER (Toodyay) [5.46 p.m.]: I rise to support the Bill. It will permit the Midland Junction Abattoir Board to utilise its employees and its capital resources to the maximum practical extent consistent with making a profit. I feel that, whilst it is not only practical for the works to run at a profit, such an aim is highly desirable. As a result of the heavy capital outlay required for an abattoir, there is not a great margin of profit. The profit comes from the angle of buying and selling which is generally carried out in private abattoirs.

I think it is only reasonable that if the abattoir is expected to operate as a service and to provide a facility it must be entitled to compete in raking off some of the cream which comes from other sections of the industry; namely, retailing or wholesaling.

Mr. Rushton: Should other people be allowed to set up abattoirs?

Mr. MOILER: They can at the moment.

Mr. Rushton: It is very restricted.

Mr. MOILER: There is nothing to stop them. Under the previous Government private ownership was the only method available to establish a new abattoir. That is why very little development occurred. It is also the reason that, since the Labor Government has been in power, a number of branches of the Farmers' Union throughout Western Australia have asked the Government to establish and subsidise regional country abattoirs. Under the previous Liberal-Country Party coalition Government those requests received very little support.

Mr. Rushton: That is a lot of rot.

Mr. Blaikie: How many have been supported?

Mr. MOILER: If the Midland Junction Abattoir is expected to continue to provide facilities, surely it must be allowed to trade.

Mr. Williams: Do you think we should socialise the lot?

Mr. MOILER: I can see no reasonable limit to the trading that could be carried on. I do not anticipate that the board would want to go into the business of setting up retail outlets, such as butcher shops.

Mr. Williams: We don't anticipate it, either, because it says nothing about it in the Bill.

Mr. MOILER: However, a number of other avenues exist in which the abattoir could reasonably trade and so help the rural industry as well as the consumer. Surely that is what we want to do. It has been stated that the abattoir is running at a loss, and I think the member for Moore mentioned that it ran at a loss during the past 11 years. I would like to mention briefly some of the reasons for the industry in general, and not only the Midland Junction Abattoir, suffering losses.

One reason in particular is that considerable losses have been caused as a result of the requirements of the American import license.

Mr. Rushton: What about industrial strife?

Mr. Brady: You stick to the brickworks at Armadale. That will suit you because you know more about them than the abattoir.

Mr. H. D. Evans: Is the member for Dale going to speak on this measure?

Mr. MOILER: The requirements of the American import license have been responsible in some way for the strikes at the Midland Junction Abattoir mentioned by the member for Dale.

Mr. Williams: Which strike, out of about 19 strikes?

Mr. MOILER: The requirements of the American import license have caused a slowing-down of slaughtering. Due to that slowing-down, slaughtermen who had been accustomed to receiving a wage of between $80 and $100 a week, through no fault of their own, were required to work much longer hours in order to earn the same pay. Therefore, they sought some justice.

Mr. Williams: They also wanted the numbers cut.

Mr. MOILER: If the member for Bunbury knows anything at all about the industry he would know that the reason the slaughtermen sought lower numbers was so that they would receive a higher salary. They would kill a lower number of cattle and sheep in the same time as it previously took them to kill a larger number. However, the previous Government let the position lie and refused to negotiate with the unions. Therefore, strife occurred. Had the previous Government attempted to do something about the situation it would have been resolved much earlier.

I would like to refer to the local market at the Midland Junction Abattoir and to make a few points in connection with it. On Wednesday, the 7th October, 1970, a question was asked in this Chamber regarding the number of sheep and lambs slaughtered for local consumption at the Midland Junction Abattoir during the month of October in each of the years 1968, 1969, and 1970. The reply to the question revealed that 49,237 sheep and lambs were slaughtered for local consumption in October, 1968. In October, 1969 the figure was 49,398, and in October, 1970 the figure was 48,304. A decrease in the number of sheep and lambs slaughtered for local consumption occurred during the month of October, 1970, when compared with the figures for the same month in the previous two years.

Members will see that, although the Midland abattoir has been expanded, very little expansion has occurred in the local market. In fact, no increase has occurred. However, in 1968, when 49,237 sheep and lambs were slaughtered during the month of October, 11 meat inspectors were employed, whilst in 1970 when 48,304 sheep and lambs were slaughtered during the month of October, 15 inspectors were employed—an increase of four inspectors but with no corresponding increase in slaughtering. Obviously those extra inspectors imposed an additional charge on the State of something like $20,000 a year for no benefit whatsoever.

The increase in the number of inspectors was brought about as a result of the American import license which requires that all stock slaughtered for export to America shall be inspected, and, condemned, if necessary in accordance with American regulations. That is quite understandable and reasonable in relation to the meat which is to be exported to America, but it is highly unreasonable that it should influence the local market. As a result of those requirements hundreds of sheep carcases are condemned unnecessarily at the Midland Junction Abattoir, although prior to the introduction of the American requirements the same quality sheep carcases would have been passed, and they are passed in private abattoirs elsewhere in the State.

Mr. O'Connor: Would the requirements be better for the health of the people?

Mr. MOILER: I am pleased the honourable member asked that question. This has absolutely nothing to do with unwholesome products. In Western Australia a lesion known as C.L.A. occurs in sheep. It is a type of abscess infection which does not occur in America, and obviously the Americans do not want it. Nor does it occur in a number of other countries. The Americans require these abscesses to be removed, and if a number of them occur the whole carcase is condemned. This lesion is prevalent in sheep throughout Australia, but it is not transmissible to man nor is it harmful to him. It is ridiculous to condemn a whole carcase because of a few lesions. In a private abattoir such a carcase would be passed after the abscess is excised.

A previous speaker mentioned that it is unprofitable to send store sheep to Midland. I think he referred to sheep in the vicinity of 30 to 35 lb. Store sheep were previously bought by local producers of smallgoods and so forth. However, they are not bidding for this line in the Midland market at present because if they buy sheep those sheep must be inspected under the American license conditions and a good percentage are thrown out. At the present time those butchers who bid for this line of sheep at the Midland market comprise only a small handful who have access to private abattoirs which slaughter under local conditions. Store sheep are slaughtered, inspected, and passed for local consumption in those abattoirs. Therefore, a number of people within the local market who would normally have bid for store sheep have been cut out.

I do not propose to speak at any length at this stage. Possibly I will have one or two things to say during the Committee stage when the proposed amendments—neither of which I can see any benefit in—are put forward. I think they are in line with a case often put forward by members opposite; they believe that if something is running at a loss it should be nationalised, but if a profit can be made from it then we should allow people to capitalise on it. I believe the Midland Junction Abattoir should be given an opportunity to show that it can run successfully, and it should not have the disadvantage of being unable to trade.

MR. I. W. MANNING (Wellington) [5.58 p.m.]: I would like to make a few comments on this measure. The purpose of the Bill as I see it is to permit the Midland Junction Abattoir Board to make greater use of the facilities now available at the abattoir—in particular, the cold storage space. However I rise to speak because I feel that over the years we have encouraged the Midland Junction Abattoir to be expanded considerably to meet the pressure coming mainly from the sheep section of the industry.

Mr. H. D. Evans: Is this in accordance with the last report—the Towns and Austen report?

Mr. I. W. MANNING: Yes more or less; because it has been brought about by the ever-increasing pressure brought to bear on the abattoir from the sheep section of the Midland saleyards. When we consider the question of cattle at the Midland saleyards we find there has been a degree of consistency in numbers over a period of years. I think this has been brought about because country killing facilities concentrate mainly on beef. In my view a great deal of the success of beef production and marketing is due to the activities of country abattoirs, the killing of stock in the country, and the transport of the carcases to the metropolitan area. Such a proposal has much to recommend it, because the stock are killed in the country areas in which they are produced, the by-products are treated in the country, and the finished product is brought to the metropolitan area.

Undoubtedly, the manager of a country abattoir, who buys at country sales, is in a position to outbid any opposition that is based on Midland Junction Abattoir for killing facilities, because the stock he buys can be treated in the areas in which they are produced and the transport costs are not so heavy.

I would like to express regret that over the years few facilities have been provided in the country for the slaughtering of mutton. I think the success of beef marketing is due to the fact that the cattle are killed in the country.

It was reported in the news in the last day or two that the Minister for Agriculture recently opened an abattoir at Manjimup which contains facilities for the slaughtering of mutton and lamb. I was very pleased to hear this, because such facilities in the country will add very considerably to the efficiency of the meat industry.

While I will not vote against the measure before us, I say once again that I do not approach it with any great enthusiasm, because I think it is a mistake to keep on expanding the Midland Junction Abattoir when stock can be killed in country centres and the carcases transported to the metropolitan area. That aspect should be emphasised, because herein lies the secret of success, and this has been proved in beef marketing.

One of the shortcomings of sheep raising and the sheep industry is that killing facilities in the country have not been readily available to the producers. Therefore, whenever pressure was exerted and the farmers had to send their stock to the Midland Junction Abattoir in ever-increasing numbers, a glut was caused at times because the abattoir could not handle all the stock that was offering.

I well remember a debate which took place in this House in the early 1950s, when the then Treasurer (The Hon. A. R. G. Hawke) introduced a measure which required the Midland Junction Abattoir Board to pay its profits into Consolidated Revenue, because it was making such handsome returns. The Government thought it should have the benefit of that money for the purposes of the State, and there was quite a contest over the Government's proposal.

With the ever-increasing volume of business going through the Midland Junction Abattoir, we have seen a dwindling of its

profits until, at the present time, the operations are showing a loss. Additional facilities have been provided at the abattoir, but the profit has been declining until the stage has been reached where the abattoir is showing a loss. This fact does not lend support to a measure which provides for the extension of facilities.

I do not want to make lengthy comments, but personally I believe the success of the meat industry—whether it be in relation to mutton, lamb, or beef—lies in the killing of stock in the country. I think any Government in office should offer every encouragement to people to establish country abattoirs.

Mr. H. D. Evans: Why did not your Government do this?

Mr. I. W. MANNING: If I had had my way, we would have given such people greater encouragement. However, that is much easier said than done, because we require the right type of people to start country abattoirs, and they just cannot be plucked out of the air.

The member for Toodyay made a rather telling point in his contribution to the debate, in that the marketing and export of beef is a fairly straightforward process, as compared with the marketing of mutton and lamb. There is not the same degree of rejection in the case of beef marketing; but in the marketing of mutton there is a much larger degree of rejection, and sometimes there is also a rejection of lamb. So, in some respects, the export of mutton and lamb is quite hazardous.

I repeat that I hope the day will come when we cease to expand the Midland Junction Abattoir for a variety of reasons. If the Government is able to encourage the killing of stock in country areas, it will be doing something for the man on the land and the producer; and this will be the means of improving the quality of the meat. Such action by the Government will also assist the economics of the industry, from the production side to the retail side.

With some reluctance, I support the measure.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [6.07 p.m.]: I want to say a few words on a line different from that which has been adopted by other speakers, but they are directly related to the import of the Bill. When the Minister replies to the debate I would like him to give us some background information as to what the Government will do in respect of seeking out additional abattoirs for Western Australia, and particularly an abattoir that might be located on the site which the previous Government set aside south of Medina.

I believe we have to start looking to the future, and have some confidence that the State will be needing these works. Therefore it will be of advantage for members to study the recommendations made by the two persons whom the previous Government brought to this State. If I remember rightly their names were Towns and Austen. Some people seem to think that their prediction of the number of additional abattoirs which will be required in the future was rather optimistic. Maybe it was, but it was far better to have people thinking that way and giving encouragement to future planning, than to have people who were pessimistic and tardy in their planning.

It is known by those involved in the trade and those holding Government responsibilities that locating abattoir sites in the metropolitan area is a very difficult task. In fact, the records will reveal that a committee of fairly senior Government officers searched for some years to find locations which would be suitable in respect of geography and topography, and acceptable to the local authorities. Sometimes when the members of that committee went into an area, and there was a suggestion that they were seeking a site for another abattoir, the local authority or some local people seemed to sense the purpose of their visit. I think the Leader of the Country Party can tell us about some of the unexpected reactions that arose, and the speed at which adverse local reaction developed.

Most people think of abattoirs in terms of the old type of industry. They associate abattoirs with the conditions they come across when they drive past Robb Jetty on their way to Naval Base; and they assume the same sort of conditions will prevail in the middle of any town or shire in which an abattoir is built.

Mr. Moiler: Was that the reason the Government did not assist the establishment of the proposed abattoir in the great southern?

Mr. COURT: I will come to that point in a moment, because it is related to a matter I want to place before the Minister; and on this I invite the Minister's comments when he replies. The position became desperate, and it was quite obvious that the Government would have to take very definite action and, if necessary, seek parliamentary approval for the delineation of sites considered suitable for abattoirs. Fortunately, as a result of further work under the direction of the previous Cabinet, the site south of Medina was located. I believe this site has many advantages, not only in respect of topography and location, but also in that it is large enough for the establishment of more than one works, if the need should arise to build more than one works. Another feature which became evident to the previous Minister for Agriculture and the members of the committee working with him was that the works should be

located in such a position that they could be expanded into more sophisticated forms of meat processing.

None of us in the previous Government really wanted to expand Midland Junction Abattoir to the extent it is being expanded, but the then Minister for Agriculture was faced with the situation that he had to provide greatly expanded killing facilities by September of this year, and on the best advice we could get it was indicated that we could not build new works, starting from the grass roots, and have them ready to commence operations by September or October of this year. Therefore the decision was made, with great reluctance, to expand the Midland Junction Abattoir.

It is very interesting that for once the unions, the Government, and other parties, were almost unanimous in their objection to the expansion of the works; but I think most people acknowledge it was a situation that was lamentable, but nevertheless inevitable, because the great urgency was to provide killing capacity for this spring. So, the decision was made by the previous Government to commit itself to a very large expenditure for this extension.

The reason given by the union for its objection—I think the union secretary had something to say about this and I was in complete agreement with him—was that it was desirable to break the vicious circle in connection with those works and the establishment of other works in an area where a different labour force and a different community altogether were involved. That was good sense, and it was the objective of the Government. However, the objective proved impractical to achieve in the time.

The member for Toodyay has mentioned the abattoir in the great southern. I think he was referring to the project that was initiated by people in Narrogin, and in respect of which the member for Narrogin did some very commendable work. He worked hard to achieve the establishment of a local abattoir. When this appeared to be impracticable he, in a very generous way, lent his support to the proposal to achieve the establishment of another killing outlet, in the metropolitan area if need be, but with grower participation.

Out of this grew the site that is available south of Medina, because the member for Narrogin was very persistent in this matter and was most anxious—as were most of those who were working with him—to try to establish a site that would be acceptable to the local authority and would be welcomed by the local community—a site which would be served by railway facilities, with suitable topography, and with access to water and other things which are necessary for the successful operation of an abattoir.

I would like to know from the Minister whether the Government is actively pursuing possible developers who would accept the responsibility to build private works, and thereby take some of the responsibility off the Government for providing the capital costs; offer farmers some means for diversification of killing and processing facilities; and achieve what I think the growers, the unions, the Government, and everybody else concerned would like to achieve: a breaking down of the growth of the Midland Junction Abattoir, so as to bring about a diversified work force, in a new area where it is possible to attract such a work force.

In connection with this matter it is appropriate that I refer to a comment made by the member for Toodyay when he pointed to the fact—in mitigation of the poorer performance of the Midland Junction Abattoir and some of the industrial strife occasioned—that the United States of America was demanding very high standards in meat exported from this State. We accept the fact that that country is the buyer and the customer. The fact of the matter is that if we cannot produce the meat in the way in which that country wants it, then that country does not buy the meat. I was also rather intrigued by his comments on what he regarded was good enough for the local market. I think we will find that throughout the world, regardless of whether or not the particular countries have adopted the American standard, the tendency is towards a more sophisticated form of killing and processing.

To go one step further, I invite the Minister's comment as to whether sufficient forward planning is being done to keep up with what I believe will be the world trend in the turning out of a product—whether it be beef, lamb, or mutton—where the meat is processed in a more sophisticated form than is the case now.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: Prior to the tea suspension I had very briefly covered a number of points regarding the Bill before the House. In particular I had referred to the problems of getting local authorities to agree to the establishment of abattoirs within their boundaries. This problem has, however, now been overcome with the selection of an appropriate site in South Medina.

I gather from questions asked previously this session that the Government still intends to make that site available and I was anxious to hear from the Minister whether in fact negotiations had taken place in the meantime which indicated that at an appropriate time we might have an additional abattoir established there.

The reason for wanting such an abattoir is of course inherent in the problems of over-expansion at Midland, which expansion was made necessary by the emergent situation.

The other point I did not conclude was the question of the trend throughout the world for meat to be processed to a higher degree in the country of origin. I have not the latest information on the Argentinian situation but progress reports indicate that as a result of the diseases that befell their stock—foot-and-mouth disease, and so on—they had to completely rethink their industry and indulge in an entirely different form of presentation. They have been very heavily orientated towards the European market, which is a large market, and it would be interesting to see how they finally finish in the near future in connection with the meat situation after the catastrophic position that confronted them.

Regardless of this, I believe that the trend with all primary products in the past has been that the question of processing in the country of origin has not been a matter of urgency in the minds of most people because markets have been reasonable until recent times.

There is no doubt, however, that if the product is processed up to a certain point, and particularly if one has buyers and users who are financially involved in the processing, one has to a degree a captive market which gives the stability one seeks to achieve.

I touched on the report of Towns and Austen. It appears when we first read their report that their projection was rather optimistic. I would like the Minister's reaction and ask him to let us know whether he believes their proposal for a major meatworks every two years is still viable, or whether this should be modified to something like three or four years. Regardless of this, it does indicate that if we want to have a works established at the end of the third year, or the following year, we must have negotiations current and well advanced today so that somebody can become established on time with the certainty of a site being made available.

I know myself from the experience of the former Minister for Agriculture over the years that we had desirable overseas and other major concerns interested in establishing a major meat processing works, but this ran on the rocks because we could not offer them a site and a security of tenure—and because of the attitude of the local authorities to which I referred earlier.

The last point on which I wish to touch is the question of the 25-mile radius. In broad terms the situation is that any works established within a 25-mile radius of the city cannot, for all practical purposes, sell on the local market unless it is a Government works. There is some concession made in respect of the Anchorage works which—and I can only speak from memory—is allowed to sell some percentage of its output in the form of meat rejected for export but suitable for consumption on the local market.

I believe the time has come when this whole matter will have to be completely rethought. It was the intention of the previous Government to completely reassess the situation, because it felt we would never get anyone to establish these major works and to take some of the pressure off Robb Jetty and Midland in a site such as South Medina unless they could be exempt from this position.

This brings the complication which was referred to by the member for Wellington because some of the works successfully established outside the 25-mile radius, naturally looked with some diffidence on works allowed to establish within the 25-mile radius and given the right to trade on the local market. However, I believe if we are ever to have the capacity to handle livestock that will have to be slaughtered within the metropolitan area it will be imperative to make this concession so that the people concerned can trade on equal terms with Government concerns. I support the point raised by the member for Bunbury that apart from the minor concession to Anchorage, the Government works has a monopoly of the local market.

Regardless of what the Minister might decide or imply in his remarks, there is little doubt that the present Bill is a blank cheque to the Government of the day. I am working on the assumption that the Government never intended this and no doubt the Minister will clarify this matter when he replies. Subject to the explanation the Minister gives and his attitude to the amendments on the notice paper, I support the second reading of the Bill.

MR. McPHARLIN (Mt. Marshall) [7.38 p.m.]: Briefly I indicate my support for this Bill inasmuch as it does provide that another buyer will be put into the market, and this is desirable.

The position that exists in the sheep and lamb industry at the moment is rather serious. The wool market is not as buoyant as one would hope and naturally farmers will turn in greater numbers to meat production; they will not concentrate on wool. This will create a greater demand for a killing works wherever it might be established. The abattoir at Midland being number one the demand will be even greater there than it is at the moment. I hope the Minister will give serious consideration to promoting further abattoirs wherever they might be needed and, in particular, to the establishment of one on the site near Medina and mentioned by the Deputy Leader of the Opposition.

As I see the position, the demand will become greater and greater, and the more encouragement that can be given to the establishment of abattoirs the better it will be for all concerned. I do think the previous Government had this in mind.

As has been mentioned, the report of Towns and Austen did not advocate additions and extensions to the present abattoir at Midland. The report was more inclined to recommend the building of another abattoir. I think it is to the credit of the previous Minister for Agriculture and the Government of the day that they should have seen the need for immediate action to be taken to establish an abattoir to handle more meat and thus endeavour to overcome the difficulties presented by the numbers coming forward.

Mr. Graham: That was done contrary to professional and departmental advice.

Mr. McPHARLIN: The Towns and Austen report recommended a new abattoir.

Mr. H. D. Evans: Why didn't you start earlier as the Deputy Premier suggested?

Mr. Court: Because we could not get a local authority that would accept a meatworks in the metropolitan area. Everywhere we went there was this opposition and it was only because the Kwinana people agreed that the other one became possible.

Mr. Graham: Did you go to the Wanneroo Shire Council?

Mr. Court: I understand the committee was headed by Dr. Dunne and it made a canvass for some three or four years.

Mr. McPHARLIN: This is a most interesting discourse and now that the Minister's question has been answered—

Mr. Graham: It has been evaded.

Mr. Court: It has been answered.

Mr. McPHARLIN: A point made by one speaker was that the U.S.D.A. had demanded certain standards of hygiene which had to be met by abattoirs all over Australia.

Mr. Moiler: Not only hygiene.

Mr. McPHARLIN: That was one of the important points made by U.S.D.A.

Mr. Moiler: And inspection, which America is quite entitled to prohibit.

Mr. McPHARLIN: The standards laid down in connection with hygiene was another of the factors which affected production. If we consider the Midland Junction Abattoir we will see it has spent a great deal of money in upgrading the abattoir by putting in stainless steel equipment to meet the demands of the U.S.D.A. This has had an effect on the number of stock killed.

Mr. Moiler: How would upgrading of hygiene have any great effect?

Mr. McPHARLIN: The standards were laid down by the U.S.D.A. and these standards did have such an effect.

Mr. Moiler: Only certain standards concerning facilities were laid down.

Mr. McPHARLIN: In connection with the canteen in which the men eat, certain things had to be done—table tops had to be of particular material and the rubbish receptacles had to be off the floor, etc.

Mr. Moiler: But this had no effect on the throughput.

The SPEAKER: Order!

Mr. McPHARLIN: The abattoir had to meet these standards and since all these improvements had to be carried out progress was retarded. It all had an effect.

Apart from this, the point was made in the House concerning the number of strikes that occurred. I daresay none of us can say that strikes will not occur again. I know the Minister will be very happy if he can look forward and say there will be no industrial unrest; that there will not be any strikes, which would again retard progress.

We look forward to the extra killing numbers and the extra chains; we think these are to be commended. We all endorse the extra numbers we hope to achieve. Let us hope that as a result of conciliation these troubles can be overcome before they reach the point of projecting a strike.

This is something which none of us can foresee with certainty, but it raises another point which, perhaps, is not very important. What would happen if a strike did occur and abattoirs were in the field of purchasing? Let us assume they bought a number of head of stock and a strike occurred. This would mean the abattoirs would have to keep their stock until such time as the matter had been settled. If the abattoirs had a number of stock on hand they would have to look after them somewhere. This is one aspect which no doubt the board has under control.

As I have said, this point may not be very urgent or important but it should not be overlooked. I hope and trust that when the Minister and the Government are looking ahead they will encourage the greater installation and building of further abattoirs, be they privately owned or Government controlled, so that the demands which I think will be placed upon them will be met to the benefit of all concerned.

I support the Bill.

MR. NALDER (Katanning) [7.45 p.m.]: I have in mind what you said earlier this afternoon, Mr. Speaker, but I wish to refer to one or two points which, so far, have not been emphasised.

Mr. Graham: They must be the only points then.

Mr. NALDER: Perhaps the Deputy Premier may have some more comments after I have finished.

Mr. Graham: There would not be any left.

Mr. NALDER: The legislation is brought about by necessity and the request that the board be given the opportunity to trade is designed to bring about a greater amount of efficiency, not only physically but financially. The purpose is to make better use of the facilities which are being built at the moment, to take full advantage of the staff who are available, and to give farmers a greater opportunity to dispose of their stock at a time when they obtain the best advantage.

I am not too sure who has the answer to the point I wish to make. I suggest to the Minister that it is time for a conference to be called of all sections of the industry to find out just what will happen to thousands and thousands of head of stock which, at the moment, are termed "valueless." I am not referring to hundreds but to many thousands of sheep that have no value whatsoever in our country areas today.

I can recall that some years ago advice was given by farm advisers and, to some extent, by officers of the Department of Agriculture to step up the numbers of stock held on properties. It was said that a greater income could be gained by having more sheep to the acre; by receiving a greater return from wool, and so on. Members will probably wonder why I am linking this fact to the amending legislation before us. It is a problem to which I think a great deal of consideration will have to be given. The end result of heavy stocking is that many thousands of sheep are not bringing anything on the market today.

When speaking on another matter recently, I think I mentioned that I was approached by a gentleman the other day and invited to go to his property and take 400 sheep. The sheep were there just for the taking; simply to get rid of them.

Since that event a number of sales have been held in the country. During the weekend I heard a report of a sale that was held in the great southern at which some stock did not even bring a bid. Some were knocked down for 5c, 10c, 15c, and 20c a head. We very well know that any farmer who had stock knocked down at 5c a head would still be paying a bill for cartage and a combination of other costs as well.

This is the situation and some advice is necessary very soon to enable farmers to know whether the eccnomics of heavy stocking are sound in the present circumstances or whether it is time for less stock to be carried.

Recently I visited the Avon electorate at the invitation of the member for the district. I went specifically to look at the water shortage, but I also found that this is the experience of many farmers in that area. Quite a number of farmers stated that they had cut down their numbers from three and four sheep to the acre to even less than one. In my book, this is fairly sound action. A farmer would be able to sell his stock at a certain figure. It may not be a rewarding figure and may not stand any comparison with what was received five or 10 years ago. However it means that the stock which a farmer disposes of would have some value. This is more than can be said for the position today.

Last year advice was given that stock coming to Midland would only be killed if they were a certain weight. This situation is deteriorating as the days go by. If we are to take full advantage of the stock that are avaialbe and can be used for export, I believe we should call a conference of all concerned.

The conference should consist of members of the farming community—including pastoralists and members of the Farmers' Union—the Department of Agriculture, and those engaged in the slaughtering of stock. When I refer to "stock" I mean sheep. At the conference advice could be given to the farmers as to what they should do for the best in the year that lies ahead. I consider this is vitally important if we are to take advantage of export markets for mutton which are available to us, but because of the costs of slaughtering it is not possible at this stage to obtain any value at all from this stock.

We are facing a difficult situation and if the amending legislation will allow the abattoir board to purchase stock and the works to be fully employed, this is commendable. As I see it, the costs at Midland are such that if the situation in connection with slaughtering costs to which I have referred continues we will reach the stage where much of our valuable stock will be worthless on the market. This should not happen and I urge the Minister to call the conference as early as possible to see what can be done and what advice can be given to many farmers who wonder what the end result will be. I support the amending legislation.

MR. H. D. EVANS (Warren—Minister for Agriculture) [7.52 p.m.]: I thank members who have participated in the debate for the sizeable contribution they have made. Initially I did not intend to make a full review of the abattoir situation in the State, but it is rapidly developing along those lines.

The member for Moore raised the point of the shortage of meat inspectors which has been experienced and the deleterious effect this has had on the operations at the Midland Junction Abattoir. I am happy to tell him that so far as the extensions are concerned the first is working very smoothly and the second looks like

being successful. It required urgent representation to obtain the 22 inspectors required but they have been obtained from the Eastern States. The situation at Midland looks like being well contained for the time being and it is hoped that when the second course for meat inspectors is completed we should be clear of this difficulty for the immediate future at least. The course is something that could be perpetuated to ensure that the grave shortage we have experienced does not recur.

The same honourable member provided some most interesting figures and, as did other members, touched upon the industrial disputes which have occurred from time to time. I would like to make reference to this particular aspect. Trouble in Ireland or any other conflict is not something of immediate volition; it is something created over a period of time.

In fairness, some of the speakers made reference to the very objectionable type of work and the most trying conditions under which some of the operators perform. In such a situation a high degree of conciliatory skill is required as well as responsibility on the part of management and on the part of employees. While I do not condemn or condone either side in connection with the troubles that have been occasioned at the abattoirs, in all fairness I can give quite considerable supporting documentary indication of where management has been strongly at fault. Grave difficulties that have occurred have not been rectified over a period of very many months. This sort of atmosphere is not conducive to industrial harmony.

I also point out that the facilities at Midland were not of the highest quality. Indeed if we look at the amounts spent on the meatworks over a period of time, we find that it was not until 1969—the period of the first difficult American inspection—that sizeable amounts of any kind were spent. The statement includes the facilities as well. The Americans not only had due regard for standards of hygiene and meat quality but also for the amenities required for the inspectors. This applied to the Commonwealth but particularly to the American representatives. If we go back to 1964-65 we find there was no capital expenditure and, in subsequent years, amounts of $190,000, $135,000, and $244,000 respectively were spent. Only in 1969-70 do we find that the amount rises to $1,200,000 and in 1970-71 to $2,500,000 when the large extensions referred to were undertaken.

The same situation applied at the West Australian Meat Export Works. I am not digressing in mentioning this as it is part of the overall facility. Suddenly State finances were called upon involving a tremendous outlay of capital. In all, the total capital contribution that the State is called upon to make runs into very many millions of dollars. The amount in the last budgetary figure presented by the Treasurer shows that something of the order of $4,000,000 is required over a two-year period for Midland alone, let alone what is involved at Robb Jetty.

It is fair to say that despite this outlay the trading aspect has diminished most unhappily to the point where the loss last year was $800,000. When many millions of dollars of Government capital is employed and a loss of $800,000 occasioned, obviously the situation requires a fairly drastic approach so that it may be remedied.

This is one of the objects of the proposed amendment; namely, to give the abattoir board the opportunity to operate in a manner which is more effective, more economic, and certain to bring about a greater return from the amount of State capital that is involved. Admittedly there will always be a need for a service abattoir of this kind. A number of speakers have indicated that the profit lies within the beef operations. This is a fact; it is not within sheep operations. Cattle and pigs provide the economic operations for abattoirs but, so far as sheep and lambs are concerned, the operation falls away rather drastically. We must have a service abattoir and we do not have sufficient abattoir facilities at this time. I for one would be happy to encourage anybody who has a concrete proposal that lends itself to this end.

The member for Bunbury expressed concern in connection with the possibility of entering the retail trade. At the outset I would like to reassure him that had we the mind to engage in the retail trade in the manner he suggests, I refer him to the W.A.M.E.—the meat exporters operation—and the statutory powers therein which give full trading opportunities for any Government in any way it so desires. The definition of a "State Trading Concern" has a very wide scope and it will be readily seen there is no difficulty in entering into the retail meat trade if any Government has the mind to do so.

Mr. Blaikie: Do you intend to do this at Midland?

Mr. H. D. EVANS: Certainly not in the manner about which the member for Bunbury expressed concern. I will come round to the full scope as I develop my speech. Even if this legislation were rejected the scope and opportunity for this sort of trading still remains. Consequently I can assure the member for Bunbury that the point which is worrying him is not of grave concern. It is not the intention to buy into State butchery works or anything along these lines.

The member for Stirling gave his support to the proposal for which I thank him. He recognises that there is a need to utilise abattoirs to their fullest extent.

An idle or half-idle abattoir is one which is uneconomic and I have already drawn attention to this matter. It is also hoped we can assist in this direction.

Beef is not a major problem; the facilities for beef are well contained and this is not the prime requirement for trading of this kind. The difficulty, of course, is in the increase in the number of sheep and this problem has been recognised for a considerable time.

I have made several references to the Towns and Austen report. The Deputy Leader of the Opposition wondered whether I felt that this report was too optimistic or too pessimistic in its estimate of sheep numbers. On this point the report indicates—

> A survey of slaughtering requirements for sheep was carried out and the report was brought down in May, 1970, and on the basis of this report various forecasts were made by the experts and it was shown that it would be necessary to provide facilities every two years for an additional 4,000 sheep per day.

That is the suggested increase in the Towns and Austen report. I think it is indicated even at this stage that our flock management tests are going to some extent parallel to those in New Zealand where a higher percentage of mated ewes are kept in the flock. This will throw a further demand on abattoir facilities. This is a supposition based upon the general information available, but there is no doubt that the requirements of the abattoirs will increase in the future. At the same time I draw attention to the very heavy commitment in capital expenditure at Midland and Robb Jetty. This is running into millions of dollars and the loan funds available to the Government will be desperately strained to meet the full amount.

If the Deputy Leader of the Opposition wanted reassurance as to whether support would be given to any practical worthwhile venture brought forward by an interested company, I think this will answer it: We will be very pleased to examine any proposal put forward, particularly any with possibilities for the world market. It is estimated that the possibilities for Australian sheep meat are much greater as more sheep would be available if we had the facilities to deal with them.

The member for Vasse referred to the expansion of animal numbers. He also touched on the subject of industrial strife. I feel I have sufficiently answered him in the points I have made.

My colleague, the member for Toodyay, raised the points of the standards of the U.S.A. D.P.I. He indicated problems were occasioned as these regulations were implemented and very high costs were involved. While we are mentioning costs, I cannot help wondering what the position would have been had the D.P.I. restrictions not been passed when we estimated the extent of the renovations necessary at Robb Jetty.

I have already made reference to the question of the inspector, and I reassure the honourable member that the inspector situation is in hand at present. The recognition of the problem is something of which we are most conscious and the hopes of meeting it in the future are very real.

The member for Wellington made reference to the Towns and Austen report. Perhaps I should clarify two aspects of this report for him. On page 10 item 4 reads as follows:—

> Terms of Reference
>
> To suggest whether future additional needs should be met by—
>
> (a) Additional facilities at present establishments, or
>
> (b) An additional abattoir (Government or private.)

The points made in the report in answer to (a), the additional facilities at present establishments, were as follows:—

> Assuming establishments in this content to mean the present Government establishments and facilities to mean capacity, the answer to this section of the terms of reference must be a firm negative.

That was the opinion of the two gentlemen who prepared the report, both of whom must be considered eminent consultants. Mr. Towns is an abattoir consultant and manager and Mr. Austen is from the Australian Meat Board. Item 5 reads as follows:—

> Terms of Reference
>
> (c) The time when an additional abattoir should be available.

The answer to (c) is for the coming summer season of 1970. So we do have very considerable delay in the abattoir facilities as indicated by the Towns and Austen report.

I could not readily put my finger on the extent to which those additions now accrue. In 1970-71, at Midland, the figure actual was 3,200,000 and for 1970-71, the figure estimate is 1,653,000. So the sum total there is to the order of 4,800,000. This is at the Midland Junction Abattoir alone. This must be considered against the background of the loss under which the trading concern operated last year.

The Deputy Leader of the Opposition sought some background information as to abattoir sites. There are two available within the immediate metropolitan area and the one he indicated in the Medina area. This site has been examined by several firms, but as yet no definite proposition has been put forward. Approaches

have been made and every assistance has been afforded the companies which have made an initial approach.

The need for expansion is recognised and something has to be undertaken, but with this immediate commitment from loan funds of $5,000,000 at the Midland Junction Abattoir and about half that amount at Robb Jetty, it is going to be a fairly difficult task to convince the Treasurer that loan funds should be made available for further meatworks. We must turn to the industry for some assistance in any way that is profitable and practicable. Any proposition received will have to be thoroughly examined.

The Deputy Leader of the Opposition explained to the House the question of the radius and the situation appertaining in the metropolitan area. It is possible to establish facilities for the export market, but this would restrain the exporter from trading locally except for a reject percentage. The exporter must have contracts well ahead as he is lined up to a set market and any rise in wages, other increased costs, or something unforeseen, can only be offset by a drop in his price to the producer, and this is always disastrous. There is a very real problem in this regard, but I do point out to the Deputy Leader of the Opposition that a committee has been formed to deal with all aspects of the meat industry. This committee has already met.

The Leader of the Country Party suggested a conference of the various segments of the meat industry and he will be interested in the Meat Industry Advisory Committee which has been set up. This board is composed of representatives of the primary producers, the private abattoirs, the Government abattoirs, the meat and allied trades, and the Meat Industry Employees' Union. The committee is to examine the sites available and the desirability of amending the existing regulations in some way. It may be able to advise farmers on the best way to handle their stock, and particularly the stock which is unsaleable at the moment.

I would like to make reference as far as I am able to what has occurred in this regard. The yardings at Midland have been compulsorily restricted and, as the Leader of the Country Party well knows, the size of the sales has a direct reflection on the fluctuation in price. This is one aspect undertaken as an immediate measure. Also, a degree of market research has been undertaken by the Government and specifically by the Department of Agriculture. At the moment we have an officer in the Middle East examining the possibilities and the opportunities of the sheep meat trade. One visit has already been made to the Far East and it is hoped that these visits will be followed up.

The Director of Agriculture will be touring with the Farmers' Union representatives when they leave in October. This is a step in the right direction to extend market research and develop an expertise of our own, and only good can result from this.

His Excellency, in his opening Speech, foreshadowed the possibility of a statutory meat authority, at least in the lamb field. I will have more to say on this later in this present session.

By developing markets in this way, providing the facilities as well as we are able, and determining the opportunities for marketing control, we at least recognise the excess stock numbers in country areas and it is hoped we can relieve the problem to some degree.

The member for Mt. Marshall stressed the need to maintain a viable meat industry. I could not agree more. This is one of the few opportunities the farmer has for ready cash. Unfortunately several months ago at Newdegate the situation was that farmers had been sending stock to Midland but they had to forward a cheque to clear up the expenses of the pen. We hope this situation was met by the compulsory yardings. However, the implication is that there is still danger in this area and we are painfully conscious of this as a Government.

The member for Mt. Marshall condoned the expansion at Midland Junction Abattoir. I will not take issue on that but I will refer him to the Towns and Austen report. We are confronted with this situation and have to meet it as best we can at the moment but we will leave no stone unturned.

I think that answers most of the points raised by the members on the Opposition side of the House.

Mr. Williams: You were going to tell us some more about the retail trade.

Mr. H. D. EVANS: Very well. I would like to deliberate for a moment on a few of the possibilities that could arise as a result of the scope of this amendment. It has been shown that at present the abattoir trades in by-products and any credit is recorded in the form of a reduced charge to the owner of the stock sold. This is unsatisfactory and the Crown Law Department itself is not disposed to accept it. So it is that the sale of by-products, in the form of varied and fancied sweetmeats find a ready market in the United Kingdom. Sales can also be made in other by-products and here is the opportunity to show a little trading profit. However, the sheep situation is one that is of some concern to the Government with the abattoir as a trading organization entering the sheep meat market and undertaking to establish, in its own right, export sales.

As suggested by the member for Toodyay, the need to allocate those carcases that are not required for export or for forwarding to the Eastern States, must be considered. When the two amendments that are foreshadowed on the notice paper are considered a little more carefully, it is realised that the limitations that they would impose would be impractical and most undesirable.

I notice that the Farmers' Union, in a rather lengthy proposal, has advocated the establishment of sheep marketing through the State abattoirs but it is questionable whether, in the circumstances, it would be practicable or even desirable at present. The entire control and regulation of sheep at the Midland Junction Abattoir is advocated. I feel that this would be a big departure from existing practices and would offer no opportunity to develop expertise that is most necessary in a complex field. So by way of contradistinction the Chamber of Commerce attacks any such proposal as "smacking of insidious socialism" and I am afraid we cannot share the "insidious sccialism" advocated by the farmer. However, this shows that at least we are on the right track.

Mr. Lewis: What is meant by expertise?

Mr. H. D. EVANS: Modern market technique, developing contracts, and also the use of cool store space. This, in itself, is something that is undertaken as a business venture if it is to serve the function that is envisaged. This is the sort of expertise I am referring to.

Mr. Lewis: Could not that be done within the suggestion put forward by the Farmers' Union?

Mr. H. D. EVANS: There is a difference between putting one's foot in cold water and taking a great leap, and I am a first toe man myself. Therefore to commit the Government to the extent desired by the Farmers' Union would be most undesirable and, to say the least, very risky.

Although the amendment in itself is rather small it has occasioned a considerable amount of debate. I hope I have clarified all the points that were worrying members opposite. If there are any queries that remain I will be only too happy to deal with them in the Committee stage.

I conclude on the note that whilst there are many millions of Government capital tied up in this matter it is of necessity that we will always need an abattoir service. However, at the same time, the taxpayer cannot be asked to underwrite a loss to the extent of $800,000, which occurred this year. Therefore I think every opportunity should be given to the Midland Junction Abattoir Board to operate in a manner that is as economical as possible.

Mr. Lewis: Is it foreshadowed that these charges will increase?

Mr. H. D. EVANS: I foreshadow nothing at this stage. That would be the last resort. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 15—

Mr. LEWIS: What I have to say refers to proposed new subsection (3) which reads as follows:—

> On and after the coming into operation of the Abattoirs Act Amendment Act, 1971—

Up to there it is quite all right, but these are the important words—

> —to the intent that the assets of the Board and the services of the Board employees may be utilised to the maximum practicable extent consistent with the making of profits or the producing of revenue, the Board, subject to the Minister, is authorised to carry on any trade that in the opinion of the Board can conveniently be carried on in conjunction with the preparation and processing of meat.

I would appreciate it greatly if the Minister could explain to the Committee why those words are included, because to me they do not have any meaning. If we could be assured that the clause as printed would guarantee the making of profits I would be only too happy to accept it. However, to me the words mean something the member for Boulder-Dundas would describe as bovine silicosis which, as he explained to the Chamber on another occasion, means bulldust. Before I move to delete these words I invite the Minister to explain what purpose they have.

Mr. H. D. EVANS: This conforms with the State trading legislation. I suspect that is the pattern that has been followed. The reason the amendment appears in that form is that it follows a recommendation by the Parliamentary Draftsman and, as such, I expect it to meet the purpose for which it is intended.

Mr. WILLIAMS: I move an amendment—

> Page 2, line 14—Add after subsection (3) the following proviso:—
>
> > Provided that no such trade as is hereby authorised, except export trade, may be carried on at any premises other than at the Midland Junction Abattoir.

This gets back to what I said during the debate on the second reading and in regard to which the Minister has convinced

me; namely, that the board under proposed new subsection (3) will get extended powers to trade, and the purpose of the proviso is to restrict that trade to the Midland Junction Abattoir site.

The proviso will not preclude the board from performing any of the acts mentioned by the Minister; that is making by-products and selling wholesale. In fact it can even sell retail. I hope the Minister makes it clear that no retail selling is done from the Midland Junction Abattoir site now. I know that retail selling can be done from the Robb Jetty site. What I want to know is whether it is intended to conduct retail sales from the Midland abattoir site. The proviso will not preclude any of these operations from the Midland abattoir site itself. The position can carry on as at present and operations can be extended provided they do not cater for the local trade anywhere else but on the site.

Another purpose of mine is not to restrict the Midland Junction Abattoir from carrying on and extending its export trade or even trading in any other part of the State if it so desires. I believe the abattoir should continue to participate in exporting meat particularly because of the problems confronting farmers at present.

Mr. H. D. EVANS: My information is that, despite the purity of the intention of the member for Bunbury, the interpretation the courts could place on the proviso is not very reassuring. In a broad sense it could inhibit the abattoir management from the purchase of sheep from farms. It could inhibit the delivery of meat in refrigerated vans or the sale of carcases rejected for export. If the Midland Junction Abattoir is compelled to compete on an unfair basis in getting rid of carcases that are rejected for export—and this runs to the order of 3½ per cent., although the statutory permissible requirement goes as high as 10 per cent.—it will be to its disadvantage. Technically, the salesyards ground could not come within the ambit of the Midland Junction Abattoir premises and so will be outside of management control. This situation has not yet been the subject of court interpretation, and there is great doubt as to whether this is the actual position.

It is assumed that the purpose of the amendment is to preclude the abattoirs from entering the local retail trade, and possibly from entering the wholesale trade. What is becoming a trade concern of course is whether the control needed over the supplies of sheep passing through warrants the Midland Junction Abattoir Board becoming involved.

As a trading concern the board needs to be more flexible in its operations. When stock numbers reach the stage where intervention is necessary this must be possible. It also can assist with stabilisation of prices and can maintain a steadiness of employment and a utilisation of what is a heavy capital investment. It would also be able to advise the Government on economic trends within the export industry. The Clayton report indicated the difficulties of establishing the true and accurate position within the retail and wholesale areas of the meat industry. Because of the grave doubts which are foreshadowed concerning the operation which would be possible under the suggested amendment, it is not acceptable.

Mr. WILLIAMS: I am not totally satisfied with the Minister's reply. I gather he might agree with the general principle of what I have submitted. Am I correct?

Mr. H. D. Evans: No!

Mr. Court: I wish you had said that the first time.

Mr. WILLIAMS: I believed the problem was only one of legal interpretation.

Mr. H. D. Evans: If that was the only problem, I would have included the amendment in the Bill. Obviously I am not disposed towards it.

Mr. WILLIAMS: The Minister said that if the Government so desired it could carry on this retail trade from Robb Jetty.

Mr. H. D. Evans: Even if this Bill is rejected, it still could.

Mr. WILLIAMS: Why object to this amendment? If it were carried it would not restrict the activities of the Midland Junction Abattoir Board. Reject carcases could still be sold at Midland in the meat hall. It certainly would restrict the carriage from the abattoir site to the wholesalers' establishments, but I believe the wholesalers already obtain their own supplies. They are not delivered.

I think the Minister may have let the cat out of the bag inasmuch as the intention of this Bill might be that at some future stage the Midland Junction Abattoir Board will become a State trading concern in the retail trade.

Mr. H. D. Evans: Are you suggesting by inference that there is something surreptitious in this?

Mr. WILLIAMS: I am not suggesting that.

Mr. H. D. Evans: I did not like your tone.

Mr. WILLIAMS: I am not doubting the Minister's integrity. I say that again. However, other people make up Governments and advise Governments.

Mr. Graham: Whose side are you on—the farmers' or the master butchers'?

Mr. WILLIAMS: This will not affect the farmers and if the Minister for Industrial Development and Decentralisation would turn his mind to decentralisation and try to get an abattoir established in the country, he would do far better than he will by buying into this argument.

Mr. Graham: Something has been done about that.

Several members interjected.

Mr. Graham: You had 12 years and got nowhere.

Mr. H. D. Evans: Can we get back to my Bill?

The CHAIRMAN: Order! The honourable member will address the Chair.

Mr. Court: We undertook the greatest programme of decentralisation in the history of the State.

Mr. WILLIAMS: We were drawn off the track by the Minister for Industrial Development and Decentralisation. This amendment will not restrict in any way the economics of the Midland Junction Abattoir Board and I sincerely hope the Committee will accept it.

Mr. H. D. EVANS: My respect for the opinion of the member for Bunbury—

Mr. Williams: It is not my opinion.

Mr. H. D. EVANS: My respect for the opinion expressed by the member for Bunbury has not enhanced my views towards him. The inference that there may be something surreptitious or not quite in order is something I do not appreciate. The point he raises in regard to the opportunities for the board to operate as a trading concern within its own right is not very valid. A trading concern must have flexibility and the opportunity to compete economically in a very open and competitive field. The member for Bunbury has doubts about delivery by refrigerated vans, the purchase of animals, and so on. If this amendment is accepted grave doubts would exist about the whole operations of trading and so the amendment is unacceptable.

Mr. WILLIAMS: If that be the case I ask the Minister to consider the possibility of drafting an amendment along these lines, but in a form acceptable to him, and have it dealt with in another place.

Mr. H. D. Evans: For what purpose, if it is to be set up as a trading concern?

Mr. WILLIAMS: If the Minister does not want my amendment, let us have something else dealt with in another place.

Mr. Graham: Are you afraid it might affect private enterprise?

Mr. WILLIAMS: I am not afraid at all. Competition is the spirit of business.

Mr. T. D. Evans: Let it go through then.

Mr. WILLIAMS: If the member for Toodyay knows anything about—

The CHAIRMAN: Order! The honourable member will address the Chair.

Mr. WILLIAMS: Sorry, Mr. Chairman. If the Minister is fearful of the drafting of my amendment, I ask him to have another one drafted. If he totally opposes my amendment let him say so.

Mr. STEPHENS: I oppose the amendment. I believe it is too restrictive and would encourage the trade to refuse to handle the reject carcases which are an unfortunate necessary side-product of the export trade. If the board is unable to dispose of these rejects, naturally its ability to operate effectively on the market must be inhibited. The private section of the industry need not worry a great deal about competition. One of the comments in the report of the committee of inquiry into the mutton and lamb industry in Western Australia reads—

> Not all of the lower prices paid to farmers has been passed on to consumers, but increased costs of treatment, marketing and distribution account for some of the difference.

I emphasise the words "account for some of the difference." Perhaps the balance of the difference may be realised if I quote some figures from a profit and loss account I perused today at the office of the Registrar of Companies. It was the profit and loss account of Patton Export Pty. Ltd. and its subsidiaries P.A.R. Pty. Ltd. and Southern Cross Meats Pty. Ltd. My interpretation of the balance sheet is that in 1969 the shareholders' funds amounted to $606,291 and the net profit was $350,973. In 1970 the shareholders' funds had risen to $709,235 and the net profit had risen to $494,672.

I would not like the activities of the board to be restricted in any way and therefore I oppose the amendment.

Mr. COURT: I am surprised and sorry the Minister has adopted this present attitude because he has done so completely contrary to what he said in his second reading speech. He then gave this Chamber an assurance that the Government had no intention of setting up in the retail meat business. He also said that the facilities at the W.A. Meat Export Works already provided for this. That happened to be true. The history of that must be understood to appreciate why they have the inbuilt capacity and right to do this. No-one has questioned that. The member or Bunbury has not challenged it, nor has he challenged the objectives of the Government in respect of the Bill.

He has sought clarification concerning what the Government intends to do. The Minister has let the cat out of the bag in his rather vehement reaction to the comments—

Mr. H. D. Evans: Snide remarks!

Mr. Williams: Not at all! Grow up!

A Government member: I know who wants to grow up!

Mr. COURT: The member for Bunbury was seeking clarification—and he is entitled to this—concerning the Government's intention. I listened to the Minister when he replied to the second reading debate and he gave a categorical assurance that the Government had no intention of getting involved in the retail trade outside the works. In fact I recall he implied the board would not be bothered about retail trade within the works. We do not oppose that. The member for Bunbury said there was no intention of placing any inhibition on the board in its trading within the works.

Mr. H. D. Evans: Come back to the carcases I mentioned and the need to dispose of those on the local market. This is what I referred to.

Mr. COURT: The member for Bunbury has not opposed this concept at all.

Mr. H. D. Evans: He opposes a lot in his amendment.

Mr. COURT: What the Minister is saying is that he wants every power "in the book." The present Government will not always be in office and the present Minister will not always be the Minister. The Government wants the power to allow the board to project itself into a lot of uneconomic activities.

I did not intervene when the member for Moore raised a query about the wording of proposed new subsection (3). Good reason exists for the placing of the words after "making of profits" and this is because it gives the board the legal right to enter nonprofit-making activities. The Minister was quite right when he said that the draftsman had, in the main, taken the words from the State trading concerns' legislation. The board will be able to indulge in activities which might not be profit-making, but merely producing gross revenue.

The private sector is not afraid of any fair competition. It is afraid of uneconomic and unprofitable competition. If the Government of the day projects itself into this type of business it will be to the detriment of the farmers because the abattoir will have an uneconomic appendage to its operations, quite unnecessarily and quite unpredictable.

Another point is that if the Bill is left in its present form it will not stop at meat trading. It can extend into anything that can be associated remotely with meat trading. This is the point on which we are trying to seek clarification. All the member for Bunbury asked was whether, after mature consideration, an amendment could be devised which would not inhibit in any way the extra activities the Minister says are necessary, such as the sale of reject carcases and so on. We are not trying to stop that. Would the Minister go along with such an amendment in another place?

Mr. O'Connor: That is quite reasonable.

Mr. COURT: In a one-word interjection the Minister reacted vehemently to the suggestion of the member for Bunbury. The Government is not prepared to hammer out something which would remove the genuine fears of the Opposition that the board will project itself into all sorts of unpredictable and unprofitable trading which would reflect back on the producers.

The original concept of the Bill was to do something which would generate income for the abattoir and improve the situation for the customers of the abattoir. The customers, in fact, are substantially the producers. I hope the Minister will reconsider this matter, and even if he considers it inappropriate in this place he will at least go along with the principle of trying to define how far the board can go when the Bill is in another place.

Mr. H. D. EVANS: I made it clear that any undesirable aspects would be handled by the Minister so the monster which has been created can be dispelled immediately. It would be ludicrous in the extreme to believe that the Midland Junction Abattoir, operating as a trading concern, would be at a disadvantage.

The interpretation of the amendment presented by the member for Bunbury is suspect according to reliable legal opinion. The amendment has other restrictive tendencies about it which are not covered by the concept and intention of the original amendment. The amendment is unnecessary and unacceptable.

Mr. BLAIKIE: I support the amendment and I think the Minister has got off the track. There is no intention of doubting the integrity of the Minister and my personal opinion is that he is fairly sincere concerning the portfolios he holds. However, once this Bill is passed it will be for all time. It may be that we will not have the Minister with us for time immemorial, but the Bill provides that any trade may take place. The member for Bunbury has brought up the question of retail trading, and the Deputy Leader of the Opposition has stated that if retail trading is carried on at the Midland Junction Abattoir it certainly would not be the desire of the producers. During the last four months some $94,000-worth of meat has been sold on a private restricted basis from Robb Jetty. I ask the Minister to appreciate the concern of the Opposition in this matter because while there is an element of doubt it is our obligation to bring it to the notice of the Government.

Mr. W. A. MANNING: The Minister has endeavoured to cover the situation raised by the member for Bunbury but we have to remember it is not what the Minister

says in this House, but what is contained in the Bill which is taken into account ultimately. The purpose of the Bill is to provide a retail outlet for the Midland Junction Abattoir, and it should be done profitably. If we believe the Midland Junction Abattoir can run retail butcher shops profitably, we are sheer optimists. We have vivid recollections of the State hotels which were sold some time ago. The Government could not make a profit out of those hotels.

Mr. Jamieson: That is ridiculous. You might be right in regard to a specific hotel.

Mr. W. A. MANNING: The books can be checked. The State cannot expect to make a profit out of butcher shops when it cannot make a profit out of hotels. Although the Minister says it is not the intention to open butcher shops, that is not the situation as outlined in the Bill. It is very important that the Minister makes the situation clear.

Amendment put and negatived.

Mr. LEWIS: I move an amendment—

Page 2—Add after subsection (4) the following new subsection to stand as subsection (5):—

(5) Subsections (3) and (4) of this section shall remain in force for a period of two years after the coming into operation of the Abattoirs Act Amendment Act, 1971, and no longer.

It is not my purpose to inhibit the operation of this Bill in any way but I have in mind the legislation which has been forecast by the Minister dealing with the marketing of meat and a meat marketing authority. The purpose of my amendment is to ensure that the present measure, when passed, does not inhibit the operation of the proposed meat marketing authority. My amendment will limit the life of this legislation to two years. If this legislation does not inhibit the operations of the proposed meat marketing authority the Minister can simply re-enact it.

Mr. H. D. EVANS: I find some difficulty in following the validity of the reason for the amendment put forward by the member for Moore. The purpose of the measure before us is to enable the Midland Junction Abattoir to trade to its benefit and for the betterment of those associated with it. The proposal put forward by the member for Moore to limit the operation of the legislation to two years would mean that the abattoir board could enter into short-term contracts only. This would be detrimental and the experience gained in the field of marketing would be jeopardised. There is no guarantee that future proposals should be related to this measure. In the light of experience we will adjust our views. The amendment is undesirable, and as a Government we must reject it.

Mr. LEWIS: The Minister has an advantage inasmuch as he already has some idea of the principles which will be embodied in the proposed meat marketing authority legislation. There will probably be occasions when the abattoir will have to seek some livestock in order to keep operating. This would mean a buyer in the market. We hope that when the meat marketing authority is set up it will acquire stock—not from the Midland saleyards—and have it processed. However, the authority will retain ownership right through to the market. It is for that reason we do not want any overlapping.

Mr. H. D. EVANS: I can appreciate the views of the member for Moore and the possibility he has foreshadowed. However, there will be no danger of this occurring. To put a restriction on a business venture is like tying one hand behind its back. Therefore, the amendment is unacceptable.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [8.59 p.m.]: This Bill is very simple and it sets out to make an adjustment to meet the wishes of the actuary. This is an amendment to which no exception can be taken by the Opposition because it is to substitute the date of the 30th June, 1971, for the 31st December, 1970. Apparently the actuary has found it more convenient for a number of reasons, to use the 30th June, 1971, as the date rather than the 31st December, 1970. One does not quarrel with his reasons because he is the man who has to make the calculations. Actuarial calculations are a mystery to all of us. Whenever the actuary submits a report dealing with a superannuation fund—whether it be the Parliamentary Superannuation Fund or any other—no-one agrees with him. Some say he is too pessimistic; some say he is too optimistic.

The SPEAKER: Order! There is too much audible conversation.

Mr. COURT: No-one ever seeks to check his figures because he lives in a world of his own. He now seems to think he can do the job more effectively with the date set at the 30th June rather than the 31st December. I can see some merit in the change because the 30th June coincides with the Government's financial year and

the normal business year in the community. It also has the redeeming feature that it comes after elections, which means that the actuary will be making his assessments of liquidity, stability, or viability of the fund after elections when, potentially, there will be new contributors and claimants under the scheme following their success or failure at the elections. The Opposition therefore raises no objection to the Bill.

Mr. Jamieson: Have you not forgotten something—the deletion of the word "now"?

Mr. COURT: If the Minister wants me to move an amendment to defer parliamentary salaries, I might find it difficult to do so under this Bill, Standing Orders being what they are. I content myself with those remarks on the Bill.

MR. T. D. EVANS (Kalgoorlie—Treasurer) [9.02 p.m.]: I thank the Deputy Leader of the Opposition for his support of the Bill and for the brevity of his support. Having moved that the Bill be now read a second time, I now submit it to the House for consideration.

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.

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th August.

MR. GAYFER (Avon) [9.04 p.m.]: In the absence of my colleague, the member for Roe, I wish to speak to the second reading of this Bill, which is an amendment to the Firearms and Guns Act. As far as I am concerned, it is an inconsequential measure. However, it is one that intrigues me a little, and I think I should relate some of the history of it.

We are told the Secretary for Labour, in a memorandum dated the 14th August, 1970, directed to the Commissioner for Police, pointed out that the Australian Government was required to submit a report under Article 19 of the I.L.O. Constitution to the governing body of the International Labour Office, 1970, concerning discrimination in employment and occupation, which forms I.L.O. Convention No. 111. One needs to look at I.L.O. Convention No. 111 in order to ascertain exactly how it fits into this Bill.

I tried to obtain a copy of the convention from the Parliament House Library and was not able to do so, but I have ascertained that I.L.O. Convention No. 111, relating to discrimination in employment and occupation, 1958, is rather a lengthy section. However, I think a few words in one part of it are the basis for the Bill; that is, "discrimination" is defined as including any distinction, exclusion, or preference. If we leave it at that and look at section 8 (3) of the Firearms and Guns Act, we find that section reads—

> No Asiatic or African alien or person of Asiatic or African race claiming to be a British subject shall hold a license under this Act, unless with the express approval of the Commissioner of Police, who may in his absolute discretion withhold such consent, and the proviso to section ten shall not in such case apply: Provided that this paragraph shall not apply to any person of the Jewish and Lebanese races.

If we are to uphold I.L.O. Convention No. 111, section 8 (3) of the Firearms and Guns Act must be repealed. This, of course, was the contention of the previous Government. We were told it was the intention of the previous Minister for Police (Mr. Craig) to bring such a Bill before Parliament last year but the pressure of work in the House was such that he was not able to present it. Consequently, it has been presented by the Government of the day.

I have been in touch with the Police Department in an endeavour to find out whether such anomalies occur in Acts relating to the licensing of firearms and guns in the Eastern States. I was rather surprised to learn that the Police Department was not aware whether there was any such provision in Acts in the Eastern States. It seems to me that this State is going its own way in trying to rectify the problem. I would also be interested to know whether this is the only legislation in this State at the present time which contains this particular reference.

Mr. Hartrey: It is not.

Mr. GAYFER: The member for Boulder-Dundas tells me it is not. I imagine we will have a spate of Bills of this kind very shortly to remove the offending words that appear in other Acts. I am rather surprised that the Firearms and Guns Act is being dealt with first.

Mr. May: The others are too big.

Mr. GAYFER: I thought that might be the answer—that they are not as simple as this one.

Mr. Court: And too hot politically.

Mr. May: That is quite untrue.

Mr. GAYFER: I am rather keen to have a couple of Bills go through the House quickly because, the way we are debating at the present time and the way the Bills are going, I can see we shall be sitting here until well after Christmas if we do not get a move on and get rid of some of these

inconsequential measures. I therefore have much pleasure in supporting this Bill, and I ask the House likewise to support the amendment envisaged by the Government.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [9.10 p.m.]: In another place a query was raised by the Leader of of the Opposition in the other House with the Minister in charge of the Bill as to whether any research had been done in connection with other legislation that calls for amendment if this I.L.O. Convention is to be taken seriously. On page 768 of *Hansard* Mr. Dolan told the Leader of the Opposition there that the necessary research machinery had been set in motion. Could the Minister advise us whether in fact the survey of legislation has been completed in order to determine what additional legislation will be required? If there are a dozen or 20 Bills, I know they cannot all be put through this side of Christmas, but if this one is important enough to be brought forward on its own, surely the others are important enough for notice to be given of them during this session, which will presumably extend into next year.

I am interested to know whether, as a result of the research, the Government has found many Acts that need to be amended. We have recollections of the kerfuffle that occurred in this House and another place when we tried to amend the Mining Act in certain particulars. We would appreciate it if the Minister would indicate the results of the research that was foreshadowed by the Minister for Police.

The SPEAKER: The question that has been asked does not have much to do with the Bill.

Point of Order

Mr. COURT: On a point of order, the whole principle behind this Bill is the point I raised. It is not an isolated case.

The SPEAKER: We are dealing with the deletion of a particular section.

Debate (on motion) Resumed

MR. MAY (Clontarf—Minister for Mines) [9.12 p.m.]: I thank those members who have participated in the debate. There are a couple of matters that require clarification.

Firstly, the member for Avon pointed out that this legislation was foreshadowed last year but because of the quantity of legislation that was before the House the then Minister for Police decided the Bill should be held in abeyance. For the information of the Deputy Leader of the Opposition, the previous Minister for Police made no indication on the file as to whether any other Acts required similar amendments.

Mr. Court: Other Ministers told him he should amend them all.

Mr. MAY: We have looked at the current Acts in an endeavour to ascertain which Acts contain this particular section. They are the Mining Act and the Gold Buyers Act. Members will appreciate that if the mining Bill comes before Parliament this session, that section will be removed. The Gold Buyers Act will be treated similarly.

This is a most necessary and desirable amendment. Discrimination exists against Asiatic and African aliens, and I am sure everyone in the Chamber is quite happy that this amendment has been brought to Parliament.

The member for Avon mentioned I.L.O. Convention No. 111. I have also had some difficulty in clarifying this situation. I contacted the Police Department, as did the member for Avon, and it appears there has not been any discrimination as far as the police are concerned. They have looked at this section on many occasions but there is no evidence that the police have discriminated against Asiatic and African aliens. Whilst it has been in the Act and could have been enforced, there is no evidence that action has been taken against those people.

As has been mentioned by members, this is a very small Bill. I think I have explained that two other measures will require amendment. Action is being taken to prepare the amendments to those Acts. If we can possibly get the amendments before the House in this session we will do so. If not, it will be during the March sitting or during the 1972 session. I commend the Bill to the House.

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.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR. O'CONNOR (Mt. Lawley) [9.18 p.m.]: When introducing this Bill the Minister for Railways said—

> There is only one provision in this Bill and that is to amend the maximum penalty of £20 or $40 for a breach of the by-laws as provided in subsection (8) of section 24, to a new maximum of $200.

The question of increased penalties is one which is frequently agreed to in this House. We must bear in mind that the penalties under this legislation were last amended in 1961. I have no real objection to increasing the penalties to the degree indicated by the Minister. Quite

frankly, I think that after a period of time such as this one can expect a reasonable increase in penalties.

However, what did concern me was when the Minister said—and this is recorded on page 1067 of the current *Hansard*—

> Police Department regulations provide that all road transport of loads in excess of 70 feet in length, 14 feet wide, or 16 feet high must operate under a special permit. At a meeting between the Main Roads Department, Police Department, and Railways Department to discuss the matter it was recommended that the movement of all vehicles of these specifications which are limited to speeds of 10 m.p.h. or less should, in addition to the Police Department permit, be subject to special authorisation by the Railways Department before they are permitted to travel over a railway level crossing.
>
> It will be necessary for at least 48 hours' notice to be given to the railways before the out-of-gauge loading is scheduled to pass over the level crossing . . .

I believe that this is quite an unreasonable request. The Police Department has control over these vehicles and surely the Railways Department can liaise with the Police Department to find out whether or not the vehicles will make it over a crossing. Frankly, I feel that when the owners of the vehicles concerned apply to the Police Department for a permit, the Police Department should be required to contact the Railways Department to obtain its approval.

We know that these out-of-gauge loads are frequently—in fact, almost invariably—accompanied by another vehicle travelling in front of them and often a police escort is provided. This could be required in various instances, but it is farcical to say that a permit must be obtained from the Police Department and then a further permit obtained, on 48 hours' notice, from the Railways Department. There could be an instance where the case is urgent and it might not be possible to give 48 hours' notice. I know the Minister for Mines has had some experience with the department, but surely it is not necessary to require 48 hours' notice. That might have been all right in the horse-and-buggy days, but not in this day and age.

I ask the Minister to reconsider this matter to see whether he can eliminate that requirement. I know he has been requested by the various commissioners to include the requirement, but I think we should look at this matter in the light of present-day requirements. I feel this request could cause concern to the Minister for Industrial Development and to many others in this Chamber.

This Bill causes no concern to the Opposition. We do not believe it is unreasonable for the penalty to be increased as suggested by the Minister. I have no objection to the measure apart from the point I made in connection with the necessity to obtain two permits; that is, the necessity for heavy truck hauliers to obtain a permit from the Police Department, and another from the Railways Department at 48 hours' notice. I think that is quite unreasonable.

MR. MAY (Clontarf — Minister for Mines) [9.23 p.m.]: I thank the member for Mt. Lawley for his contribution to this Bill. As he mentioned, it is only a small measure but one which is very important. I think the time has come for many of the penalties in our laws to be increased and this is a step in that direction by the Railways Department.

With regard to the point made by the honourable member concerning the notice required to be given to the Railways Department, I consider it is not unrealistic to require 48 hours' notice when we take into consideration the fact that any out-of-gauge loading does not occur overnight. Out-of-gauge loading is usually the result of a piece of equipment or a large prefabricated building which has been in the course of construction for a number of weeks.

Mr. O'Connor: Don't you think the Police Department and the Railways Department should confer and arrange for the permit to be made available through a joint body, rather than have a second bite?

Mr. MAY: That may be so.

Mr. O'Connor: That is all I ask.

Mr. MAY: Being a former Minister for Railways, the honourable member would know that there are frequent occasions when the Railways Department is required to provide special trains. The Police Department might O.K. a particular piece of equipment to travel by road from Perth to, say, Kalgoorlie or Mullewa, and a number of railway crossings would be crossed during the journey.

Mr. O'Connor: I am only asking you to look at this because I think it is unreasonable. In this case you could ask the Police Department to confer with the Railways Department.

Mr. MAY: The police are required to provide an escort for all out-of-gauge loading and the haulier must liaise with the Police Department to obtain permission for out-of-gauge loading. The Police Department gives its permission and provides an escort for the journey.

The same thing applies to the Railways Department. When out-of-gauge goods are required to be loaded onto a railway truck it is necessary for the Railways Department to get the permission of the

Police Department. The stations along the proposed route are then advised that the train will be proceeding through with out-of-gauge loading.

The 48 hours' requirement is not unrealistic in my opinion because it takes a considerable time to construct an out-of-gauge load. Therefore, the department should have sufficient time in which to put everything in motion.

To confirm my point, I think it is pertinent to quote what the Minister for Railways said on the 26th August when he introduced this Bill. He said—

> In January, 1968, in England a 148-foot long road transport, carrying a transformer weighing 162 tons in all, moving at 2 m.p.h. over Hixon level crossing was struck by a train travelling at 75 m.p.h., causing loss of life and extensive damage, and it is considered essential that every possible action be taken to avoid a similar accident on this State's railway system.

I do not think we have too many trains in Western Australia which travel at 75 m.p.h. However, I am quite sure that those responsible in the United Kingdom, with all their technology and knowledge of rail and road transport, should have been prepared for an accident of this nature. It is a dreadful thing to have a 148-foot long road transport involved in a railway crossing accident. As I said, we do not have many trains in Western Australia which travel at 75 m.p.h., but in view of the Indian-Pacific and other trains which are getting up to quite considerable speeds, I think we should take all due precautions. It takes a considerable time for a large trailer to travel over a railway crossing.

Mr. O'Connor: Don't you think our present legislation covers this fairly well?

Mr. MAY: The Minister for Railways and the Railways Department feel that it does not, and that this provision is necessary. In fact, in most of the Eastern States all traffic is required to come to a halt at railway crossings, but that is not so in Western Australia. Only in very remote circumstances is traffic required to come to a stop. Therefore, I feel that the 48 hours' notice will give the department time to alert everybody *en route*.

In the case of goods travelling from Perth to Kalgoorlie or Mullewa, a special train is often provided at two or three hours' notice and the goods are on their way before anyone is notified. I think the requirement of 48 hours' notice will give everyone concerned sufficient time in which to make preparations to avoid any possibility of an accident.

However, I will have the matter investigated as requested by the member for Mt. Lawley. I am sure the department will be interested in his comments and will be happy to consider the matter. If the department feels an alteration is necessary, it can be made in another place.

Section 24 of the parent Act mentions the areas in which penalties are provided and then subsection (8) states—

> Any other by-law may impose a penalty not exceeding twenty pounds for any breach thereof.

That penalty is to be increased to a maximum of $200.

Mr. O'Connor: We do not object to that.

Mr. MAY: The particular breach mentioned in the Minister's second reading speech is one in which it would be necessary to invoke the $200 penalty. I will certainly consider this matter and refer it back to the department to see what the officers have to say. At this juncture I feel we should carry on with the legislation and if needs be it can be amended in another place. I commend the Bill to the House.

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.

SUITORS' FUND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th August.

MR. MENSAROS (Floreat) [9.32 p.m.]: This Bill and the parent Act as amended are basically a piece of social legislation. As such the Bill should be interesting to all members for every one of us, and more important every constituent of ours, could be involved in a situation where we could enjoy the benefits, or alternatively miss the beneficial application of the Suitors' Fund Act and its extension, as proposed in the measure.

Every citizen of Western Australia could easily be in a position where he wishes to enjoy to his benefit the application of common law and Acts of Parliament, or wishes to defend himself against the ramifications of such laws. If we wish to establish our rights, based on the laws of the State, against the opposition of someone else, or if we wish to defend our rights against the opposite contention of somebody else, we have to become involved in litigation. We have to involve the judiciary to establish the law, and we have to endeavour to have it established to our advantage.

Likewise, if the Crown or the State wishes to establish that any one of us has offended against any law, it has to involve the judiciary to establish that such an offence has, indeed, been committed. Every legislative body realises, however, that even the learned judiciary—like all human

institutions—could be subject to errors. To try to rid ourselves as much as possible of such errors, the involvement in litigation might lead to more than one proceeding by way of various appeals, or by way of new trials.

We are so much used to it that we never think conscientiously of the fact and, therefore, it might be of interest to note that whereas the functions of the two other branches of Government—namely the legislative and the administrative branches—are giving their services to citizens without any charge—except when we think of the fees that are payable for certain licenses, but even these can be taken as some sort of payment for the privileges which result from these licenses rather than for the functions of the administrative branch—the third branch of Government, the judiciary, invariably involves some cost if in no other way than by the employment of counsel. That is not so only in Western Australia. It is not so in the United Kingdom and in every country of British origin; and it is the position everywhere in the world. Furthermore, history shows that it was so at all times in every well organized human society. We all know that Cicero whose name has been spelt lately and abusively as "Kikero"—if the member for Boulder-Dundas were present he would agree with me—commanded high fees as counsel before the praetors—the magistrates. This state of affairs was not always liked, and the judiciary and counsel helping to establish the law were not highly spoken of. One only has to refer to the words which Swift put in the mouth of Gulliver in the early eighteenth century to find out what he had to say about the English judiciary at the time. I quote one sentence from *Gulliver's Travels*—

> These judges in England are persons appointed to decide all controversies of property, and picked out from the most dexterous lawyers, who are grown old or lazy, having been biased all their lives against truth and equity.

However, the Bill and the principal Act it seeks to amend wish to mitigate somewhat this situation: that the judiciary branch of the Government does, indeed, cost money, if the the citizens use it. It seeks to take the burden of paying for establishing the law in higher instances through appeals, away from the individual under certain circumstances. Therefore members will agree that it is a piece of social legislation, and it is important to all of us.

Because it deals with legal technicalities it is obvious that the drafting has to be kept in highly legal language, and consequently it is very difficult for the layman and for most of us to understand it properly. It is no wonder that when the original Bill was introduced the then member for Albany (the late Mr. Jack Hall) asked the Minister who introduced the Bill "Has it anything to do with textiles?" Neither is it any wonder that the Minister who introduced the first amending Bill in 1969 had this to say—

> I must admit when one talks about suitors one can confuse them with people in matrimony or potential matrimony.

Even now some members to whom I have spoken about this Bill have expressed difficulty in understanding it properly. All of the three introductory second reading speeches by the relevant Ministers of the original Bill, the first amending Bill, and the present Bill were quite naturally kept in highly technical language; therefore it might be appropriate for me to endeavour to translate this Act and the Bill before us into lay language, not in a comprehensive fashion but in a descriptive way so that it can be more easily understood.

Firstly, the provisions of the Bill should not be confused with legal aid which mainly relates to the first instance of litigation and is administered by the Law Society. The principal Act of 1964 made provision to pay legal costs, firstly, at the appeal stage in civil proceedings in certain limited cases. This aid is for the legal cost of both the appellant and the respondent; that is, for both the loser and the winner of the case. It pays for these costs by either reimbursing the loser—who as members know would have to pay the cost of the winner in any case—or by paying directly to the winning party if the losing party cannot or is unable to pay. The Act provides for cases where he has no money, where payment would cause undue hardship to him, or where he has simply disappeared. The limit set to this aid at the time was $1,000 or as prescribed. The Attorney-General has now informed us that it has been increased to $2,000.

Apart from appeals the Act, secondly, also gave aid in respect of legal costs at certain retrials; namely, in cases of an abortive trial where the judge died or the jury disagreed, or where a new trial was ordered because it was considered that the damages awarded were either too high or too low. In these cases aid was not to be paid to the Crown, but only to individual litigants; and it was not to be paid to companies whose paid up capital was in excess of $200,000.

This aid which I have tried to describe in lay language was paid from a fund; hence the title of the Act, the Suitors' Fund Act. The fund was administered by a board of three members, and this is referred to as the "Appeal Costs Board."

The fund draws its resources from fees; that is, the 10c fee which can be increased to 20c to be paid by all litigants in enumerated cases—on the issue of writs or summonses by the Supreme Court,

on entry of plaints in the Local Court, and on summonses issued to defendants at the Court of Petty Sessions.

The Act then makes further provisions: to constitute the board, and to exempt its members from being responsible for their official actions, and to disallow any appeal against a decision of the court regarding aid. It provides—and this is quite important—for the Treasury to augment the funds if they run into debit.

These are the provisions of the principal Act. It is very interesting to note that the then Opposition accepted the Act, but made a few of what I believe to be very pertinent comments. It was suggested that the fund might be financed out of the general revenue of the State as it is in New South Wales, although the position in Victoria is much the same as it is in Western Australia but individual applicants do not pay the 10c fee and the fees of the court were increased by exactly the amount which went to the fund.

The second comment by the then Opposition was that the scope of the Bill should be extended to initial litigation, and there should be a person to be known as the "Public Solicitor" to look after these matters.

All these comments were put forward by the present Premier who was then the Deputy Leader of the Opposition. His third comment is the most pertinent. and this is something which I feel the Bill before us could have included in some way.

The Premier said, at that time, that although he did not shed any tears for the companies with a paid-up capital of $200,000, in principle it did not seem just that the companies should pay the fee of 10c when they could never participate in the benefits of the fund. If that argument was valid at that time it is much more valid now because the Government of the day had to be very cautious with the scope of the Bill. At that time it could not know, in advance, what amount of money would be accumulated in the fund from the fees. We now see the fund is fairly healthy and perhaps the Attorney-General will agree that the point raised has a great deal of validity in principle, and he also might take into consideration that it was put up by his leader.

In 1969 the scope of the legislation was extended because the Government saw that the fund was in a healthy condition. The first provision was to make it valid not only for civil, but also for criminal cases. On that occasion it was also decided to include costs of orders to review from the Court of Petty Sessions or from the Police Court to the Supreme Court. Probably as a result of the operation of the legislation and the experience gained, and upon the advice of the board of the Law Reform Committee of the Law Society, two machinery matters were included; firstly, that the application for relief could be made not only by the respondent—the loser as I named him—but any party involved. This was only logical when it is considered that in the original Act there was provision for the winning party to be paid directly if the loser disappeared. So the amendment provided that any other person involved in an appeal could make application to be paid from the fund.

Secondly, in the case of a retrial where the damages are set too high or too low, the provision was extended to apply to a judge as well as a jury. The original Act applied only to a jury. Those amendments were, of course, accepted by the Opposition, but the two speakers for the Opposition—the present Attorney-General and the present Treasurer—wanted very much to extend the scope of the legislation.

It is very interesting and very relevant to refer back to their ideas at the time, after long research and study of the legislation. Very appropriately, they did not only want to extend the scope of the legislation, but they also wanted to extend—on the other side of the balance sheet—the scope of the revenue from which the fund could benefit. In other words, they wanted to extend both the revenue and the expenditure of the fund.

It was suggested that appeals from the Local Court to the Third Party Claims Tribunal should be included within the scope of the legislation. It was also suggested, again by the Attorney-General, that the three types of appeal under the Industrial Arbitration Act should be included. The present Attorney-General further suggested that in the case of a retrial the fund should not only extend to the case where the judge dies, but also to any other case where a judge is unavailable. That is one of the suggestions which is incorporated in the amendment contained in this Bill.

The Treasurer suggested that cases covered by section 219 of the Justices Act —where no costs are awarded regarding the fees—should also be taken into consideration. This is another suggestion which in modified form is accommodated in the present Bill. However, a further suggestion from both the Attorney-General and the Treasurer did not receive any attention. I refer to the suggestion by the Attorney-General that the Third Party Claims Tribunal should be included. The Treasurer suggested that cases heard in the Children's Court should be liable for the 10c fee, and that cases before the Warden's Court should also be subject to the 10c fee.

It would have been gratifying and satisfying if the Attorney-General had expanded on this matter and explained to us why he did not incorporate his fairly sound suggestions in this Bill, considering that the fund is reasonably healthy. It would be interesting to know whether the reason is the Minister's modesty, or whether

he was not able to persuade his colleagues in Cabinet—the very same colleagues who supported him in 1969 when he moved amendments in this Parliament.

Although the Attorney-General is not present, the Treasurer, no doubt, would be sufficiently familiar with the situation to explain why the suggestions I have mentioned were not included in the Bill now before us. I would like to know whether this happened because the Minister now has access to more facts and advice, or for some other reason. Be that as it may, the Attorney-General incorporated only two suggestions; one from himself, and one from the Treasurer.

This Bill extends the relief aid, or cover by the fund, in five instances and extends the collection of fees in one instance. The five instances, taking them in arbitrary order include, firstly, an allowance for costs where an appeal succeeds against a defendant—such as a police constable—against whom costs cannot be allowed. This was the original suggestion put forward by the Treasurer.

Secondly, similar to the suggestion of the Attorney-General regarding unavailability, the Bill before us extends the scope of the aid to the adjournment of the court for any reason which is not the fault of the defendant.

The third provision is rather interesting. If one follows the thoughts of the Attorney-General when he was in Opposition that certain Acts of Parliament have been called after certain persons who have been involved in the particular Acts, and remembers that the Attorney-General referred to the then amendment as the Geneff Bill, one could justifiably call this amendment the Gouldham Bill because it will cover similar cases in the future; namely; when a judgment is quashed and there is no retrial to establish the innocence of the defendant, that defendant will be able to appeal for assistance from this fund.

The fourth provision allows the benefits of the fund to apply to companies which might have only an insignificant paid-up capital but are affiliated with other companies which have a paid-up capital of $200,000.

Fifthly, there is a machinery amendment that when damages awarded are too high or too low the benefit does not apply only in the case when these damages were awarded by the Full Court, but also when the damages are awarded by a single judge.

Regarding the other side of the balance sheet, the measure extends the scope of the fees payable to the fund to cases initiated before the District Court. From the second reading speech made by the Attorney-General it appears that this is really validating legislation retrospectively validating actions against which no objection was raised. It appears—and the Treasurer can put me right on this point—that these fees have, in fact, been collected ever since the District Court was established, despite the fact that the existing legislation did not include that court. This matter was probably overlooked, and the fee was not legally collected.

Mr. T. D. Evans: That would be so.

Mr. MENSAROS: I am very glad to hear that remark from the Treasurer. As the Bill has been introduced by the Government it must have had the support of the Deputy Premier. I have vivid recollections of how the Deputy Premier attacked the previous Government when it brought in a Bill to validate action taken under the City of Perth Endowment Lands Act. Certain action which had been taken by the City of Perth met with no objection until the then Deputy Leader of the Opposition got up and violently objected.

Mr. T. D. Evans: That action was of your own Government's making.

Mr. Court: The analogy he draws is identical.

Mr. MENSAROS: The Bill to which I am referring was introduced in 1920 so various Governments have been involved in the meantime.

Mr. T. D. Evans: But this was your own crowd.

Mr. MENSAROS: The 1970 Bill was, but the fact is that the actions were taken during the term of several Governments. I have no objection to the validity clause, provided no objections were raised and nobody was put at a disadvantage.

Mr. Bickerton: It would be fair comment to say most of your objections are against matters which do not appear in the Bill.

Mr. MENSAROS: So far, I have not raised any objection. In fact, I was giving the history of the Act and the amendments to it. I was relating the remarks made by two learned members of the honourable member's party when an amendment was introduced in this House in 1969.

Mr. Bickerton: But that still does not appear in the Bill.

Mr. Court: The honourable member only wants to know why they were so anxious two years ago but are silent on their own Bill.

Mr. Bickerton: Fair enough.

Mr. T. D. Evans: The Deputy Leader of the Opposition did not think much of the suggestions in 1969.

The SPEAKER: Order! We will get on to the Bill.

Mr. Court: We were being prudent in our approach.

Mr. MENSAROS: As the legislation and the amending Bill stand there is no valid objection against it, with three provisos. The first is that provided the fund can carry these extensions, which is quite a logical proposition—

The SPEAKER: Order! There is too much audible conversation. The *Hansard* reporters have to take down these words.

Mr. MENSAROS: The second proviso concerns the two amendments which appear under my name on the notice paper.

In order to consider the first proviso we have to see how the fund stands. If we compare the second reading speeches of 1969 and 1971 we see quite an interesting picture of the figures. From the 1st January, 1965, to the 30th June, 1969, which is a period of 4½ years, the fees resulted in an income of approximately $44,500 to which must be added some interest which came to approximately $2,500. The fund had an income of approximately $10,000. per annum. The outgoings during the same period—by way of relief—were approximately $7,000. This means that approximately $1,500 was expended per annum. This covers the first 4½ years, the figures for which can be obtained from the respective Ministers' second reading speeches.

If we take the next period—the last two years—we see that the income of the fund is almost the same. Again, it is approximately $10,000 a year. This occurred despite the additional fees collected at the District Court. We must understand however that the creation of the District Court did not create more cases; it only created a new judicial avenue to deal with existing cases.

On the other hand we can see that the expenditure, in contrast to the sum of $1,500 per annum for the first 4½ years up to the last amendment, increased to about $5,750 per annum during this last two-year period. In itself this is not a great amount of money, but it is a rather significant increase of approximately 300 per cent. We know this much because we have been told this much. It would be a logical thought that the increase is due to the extended provisions in the 1969 amending legislation, but we cannot be too sure about this because of the figures given to us by the Attorney-General. When we look at the items we see—

Appeals on questions of law (20 cases)	12,084.60
Costs incurred consequent upon the deaths of judges (7)	2,762.15
Costs incurred as a result of disagreement of juries or where new trials were ordered	3,703.29

Out of these items, which represent the expenses of the fund during the last two years, only the first could possibly come under the scope of the extension, because the other items are incorporated in the original Act.

Consequently I think the Attorney-General could have asked for the figures to be broken up to show what the expenditure was as a result of the 1969 amending legislation. I do not think there is cause for alarm because we have two safety valves. I do not suggest we use the second, but the first is that the fees could at any time be raised to 20c, which has never been done. If there is any cause for anxiety regarding the fund this could be done and the income of the fund would be doubled. We know from the provisions of the original legislation that the Treasury also backs up the fund should it run into debt which, of course, is not desirable. We are entitled to this breakup and justified in asking for it.

Apart from this, we are also entitled to know how much the present extensions will cost. If we consider the past cases, it is easy, if not quick, to find out how many cases were involved in the past which are similar to those which will now be covered by this measure and to calculate how much the present amendments will cost. I think this is a very important question and the House is entitled to know this information before it is asked to vote for the legislation.

The other question I would like to see answered before agreeing to the Bill is whether the benefits of the measure were extended upon proper advice. In 1969 when the Minister representing the Minister for Justice introduced an amending Bill he expressly stated that he did so upon the advice of the Law Reform Committee of the Law Society of Western Australia and, upon the advice of the Appeal Costs Board itself.

I have no reason to doubt the legal knowledge and experience of the Attorney-General. In fact, I personally commend him for his knowledge and his attributes. However, we on this side of the House are entitled to know—and have reason to ask—whether he has sought or obtained the recommendations of both these bodies. Only in connection with one minor amendment did the Attorney-General say that the Appeal Costs Board had directed attention to the case of a company affiliated with the one which has $200,000 paid-up capital. In the other cases he did not mention whether his action was taken on the advice of either or both of these bodies.

I did try to remedy this in a way. I made some inquiries but, perhaps in deference to the Minister, I did not receive a satisfactory answer. At least I never received the answer, "Yes, they were suggested" nor did I receive the answer, "No they were not suggested." Both these bodies seem tc agree with the amendments but did not

state that the amendments were indeed suggested to the Attorney-General by either of these bodies. I would be grateful if the Treasurer, who is acting for the Attorney-General, would tell us whether the advice of these two bodies was sought or whether the amendments originated from them.

As I have said, the Law Reform Committee of the Law Society expressed its view that it welcomes the amendment as long as all the floodgates are not opened and everything is not done at the same time.

Finally I come to the shortcomings which I feel could be remedied by amendment to the Bill. I refer to proposed new section 12A (2). It says—

> (2) Where after the coming into operation of the Suitors' Fund Act Amendment Act, 1971, an appeal on a question of law succeeds and the Court that allowed the appeal would, but for the provisions of some other Act, have ordered costs of the appeal . . .

I have been told that there are cases where these costs could have been awarded, not because of the existence of an Act but because of the negative provisions of common law. These cases are, I was told, in the Traffic Court and in matrimonial matters. In the latter case a husband, if he succeeds in law, is invariably not awarded any costs. The amendment, with which I do not want to deal in detail now, is justified from this point of view.

Secondly, the principal Act restricts the relief aid payable upon indemnity certificate—and these are the cases I enumerated at the beginning—to $1,000 or as prescribed, which at present is, as I have said, $2,000. This restriction does not apply for the newly created cost certificates.

Even if it is not felt necessary, it cannot do any harm for these restrictions to be extended to these cost certificates, because the same principle applies. Perhaps some may contend that cases covered by the cost certificates would not involve such high legal costs, but still no harm would be done if the aid of these costs were limited. If this amendment is accepted it cannot happen that the fund is drawn on unduly.

Before concluding I mention briefly an interesting comment made by the present Treasurer in 1969. He was not perfectly happy with the title of the Bill. At the beginning of my speech I indicated that some people may misunderstand its meaning. However it would be extremely difficult to find another title. If we call it the litigants' fund as the present Treasurer then suggested this would immediately point to initial litigation and the main purpose of the whole legislation is for appeals and retrials.

If we call it the appellants' fund, the present member for Albany being a younger man than his predecessor might confuse it with sex appeal as Jack Hall confused it with textiles. The fact that it has been called the suitors' fund in this State and in other States justifies that the legislation should be known and should remain as this.

I have spent considerably more time in commenting on the Bill than the Attorney-General did when he moved the second reading. If I am blamed for this, with every respect I have to return the blame because sometimes, it seems, it is the practice of Ministers not to explain fully what the legislation contains. This causes us to make inquiries of the Minister concerned if we wish to pursue our duties the way we should.

I hope the Minister will be able to reply to the queries I have raised, especially the one relating to whether advice was sought or obtained from the Law Reform Committee of the Law Society and the Appeal Costs Board. I also wish to know why the Bill does not include the suggestions of 1969. I support the Bill.

MR. R. L. YOUNG (Wembley) [10.15 p.m.]: The Bill that we have before us is one of three parts of reform in litigation which were either foreshadowed by the Government or have been introduced by it. As I understand it, there is a proposal by the Government that it will introduce legislation that the Crown will be liable for costs in unsuccessful prosecutions, and we, on this side of the House, look forward to that legislation.

The second item of reform on litigation appears to me to be the proposal that the Government will provide $50,000 per annum, or part thereof, to the Legal Aid Society to make it possible for people who would not otherwise be in a financial situation to do so to go before the courts.

The third item is the amendment to the Suitors' Fund Act.

The present Act provides where, on an appeal to the Privy Council, the High Court, or the Supreme Court on a point of law, a litigant is successful, the Supreme Court may grant an indemnity certificate which empowers the Appeal Costs Board to grant costs to the respondent of an amount up to $1,000—recently amended to $2,000—on production of a certificate. Under section 11 of the principal Act the board is empowered to pay the sum of the appellant's costs and also the sum of the respondent's costs up to an amount equal to the appellant's costs and within the framework of the $2,000 limit.

Section 14 of the principal Act provides that where proceedings are rendered abortive by the death or protracted illness of the judge, or disagreement by the jury, a certificate may be granted. It

also provides that where a conviction is quashed on appeal and a new trial is ordered, a certificate enabling costs to be paid may also be granted. It also provides that where a hearing or proceeding is discontinued through no fault of the parties, a similar certificate may be granted and the board may decide that payment be made to the party, the accused, or the appellant, of such sum as the board may determine.

Section 15 of the principal Act provides that where, on appeal, a new trial is granted because damages are insufficient or excessive, the appellant may be paid from the fund.

Some of the items I have mentioned are enlarged by the new legislation. This Bill provides that where, on appeal, a conviction is quashed without a new trial being ordered, a costs certificate will be granted. This, of course, will be very akin to the case of Mr. Bernard Kenneth Gouldham, who had a conviction of long standing quashed without a new trial being ordered. Perhaps under this new legislation the rather extensive costs he had to pay for the appeal would have been paid in addition to any other item of compensation the Government may allow him.

The second aspect of the legislation is where appeals on questions of law succeed against people who are otherwise protected against costs by some Act—and as the member for Floreat suggested, some law—such as traffic inspectors, police, and the like, the costs may be granted. I imagine this is to cover such circumstances as the one contained in the Justices Act, section 219, and the Traffic Act, section 72.

The third item introduced in this Bill is to cover situations where proceedings are adjourned and the reason for such adjournment is not the fault of the parties to the action or the fault of counsel.

The fourth item is where damages are altered without a new trial being ordered. I think this is significant because, as has been pointed out by the Attorney-General, quite often a new trial is not ordered where a court finds that damages are either excessive or inadequate. The Appeal Court determines damages itself rather than ordering a new trial. I think this is a very important part of the legislation.

The fifth item is a matter I will deal with later, and that is with regard to subsidiaries of companies with a paid-up capital of $200,000 or more, which would be debarred from collecting costs under this Act.

This legislation became necessary because successive Governments have recognised the large amount of costs involved in carrying a dispute from one court to another. I think we should have a look at the complexity of the law. In the five sessions of this Parliament since 1966 we have actually passed 500 pieces of legislation. I am not going to suggest that every piece of legislation causes problems to practising counsel and judges. Nor do I suggest they would cause the legal system to become hopelessly entangled and very difficult to follow. I do not suggest that every piece of legislation is likely to cause a series of appeals. However, I am suggesting, if legislation continues to be passed at this rate the law must necessarily become more and more complicated. The more complicated the law becomes the more difficult it is to administer, and the more difficult it is for a trial judge to know that decisions he makes are completely within the law.

Recently the Minister for Health spoke on hospital costs and hospital insurance and pointed out that the cost of maintaining a bed in a hospital over the last 20 years has risen from $2 to $42 a day.

Mr. Davies: That was a metropolitan teaching hospital.

Mr. R. L. YOUNG: It is of no consequence to the point I am making, and he said that by the turn of the century it may be that the average person will not be able to afford hospitalisation or insurance against hospitalisation. The position with regard to the law seems to be somewhat akin to this. As a profession becomes more complicated, more specialisation is required in it. As the whole structure of medicine has become more and more complicated the costs must necessarily increase. It could well be that by the turn of the century as well as hospitalisation only the very rich will be able to afford litigation.

The law is becoming more and more a part of our everyday life, and the old adage that a man who does not understand the law is not thereby precluded from obeying it, holds true. By the same token it could well be that the law has become so complicated that very few of us really know when we are in the right and when we are in the wrong.

It may be in the years to come we will have to expand our thinking to grant compensation to unsuccessful litigants. I do not make this suggestion with this legislation in mind, but only with a view to the future.

The member for Floreat went into some detail on the situation of the fund and I propose to spend a few minutes looking at the arithmetic of the situation. In the years 1964 to 1969 a total of $47,029 was raised by the fund and an amount of $6,901 was paid out, leaving a sum of $40,128. At the time of the introduction of this legislation the cumulative total earned by the fund was $67,456, out of which $18,550 has been paid, leaving a balance of $48,906. An amount of $20,427 was collected in the two-year period, and $11,649 paid out, leaving an increase of $8,778 in the fund in that period.

It is apparent that the fund is increasing, despite the fact that the limit of claim was recently increased from $1,000 to $2,000. I appreciate the fact that we have not yet had an opportunity to measure the effect of this increase on the fund. I do not suggest we rush in and open up this fund willy-nilly, but I do suggest that the attitude of any Government administering it should be that more money should be available as time goes by and not less. In other words, it should not be looked at with a view to reducing the amounts payable under the fund.

It is interesting to note, when the amending legislation was brought down in 1969, that the Attorney-General (then the member for Mt. Hawthorn)—and I am quoting from *Hansard*, Volume 183, page 942—had this to say—

> Like the principal Act of 1964, this Bill contains some gaping holes . . .

He then went on to speak for 32 minutes, and I do not think he showed any big gaping holes. However, he did bring out a chink.

Mr. Hartrey: Are you referring to racial discrimination?

Mr. R. L. YOUNG: Those are the words of the member for Boulder-Dundas—not mine. The present Attorney-General pointed out the situation of a person who carried an appeal from the Local Court to the Third Party Claims Tribunal was not covered by the Act. He said—

> The situation is not covered where the case goes to the local court and the litigant, being aggrieved by the decision, exercises the right which the Act gives him to appeal to the Third Party Claims Tribunal.

He went on to say—

> I therefore believe there is no good reason why the Bill should not be amended in that regard. This is just another aspect which causes one reasonably to say that perhaps this is somewhat half-hearted legislation.

I would like to put the question to the Minister who is representing the Attorney-General: were we right on this side of the House in 1969 and the Attorney-General wrong, or was the Attorney-General right in 1969 and wrong in 1971?

Lastly, I would just like to make some comments in regard to subsidiaries of companies with a paid-up capital of $200,000 or more. I do not agree that the subsidiaries of these companies should be caught by this legislation and denied the right to compensation under the fund. I hope to point out within a few minutes that these companies should not be exempted in this way. These were the feelings of the now Premier when the fund was introduced in 1964. He made it quite clear he believed in principle that a company should not be debarred from compensation from the fund simply because its paid-up capital was more than $200,000: I am not quoting exactly what he said, but the tenor of his remarks was that he had no sympathy for a company with a paid-up capital of $200,000 or more. He did, however, believe it was wrong in principle that such a company should be debarred from claiming, even though it may be reasonably just.

I would like to point out that these companies pay their 10c fee every time a summons or anything of the like is issued by any of the courts, and therefore they should also be entitled to claim. I would also mention that a company with a paid-up capital of $200,000 could hardly be classed as being a large company. In many circumstances the paid-up capital is not necessarily any indication of its being a wealthy company. I could name half a dozen companies that have had a paid-up capital of $200,000 and have, in fact, gone broke. As long as they lose more than the original paid-up capital they become insolvent. The situation could well come about where a company with a paid-up capital of $200,000 or more, may, just prior to liquidation, become involved in litigation and be fighting for its life. As a result of this legislation the creditors of this company could be denied an opportunity to recover the costs of an appeal.

So I put it to the Minister representing the Attorney-General that this is something which possibly could be looked at in the future. I quite understand the reason for putting this provision in the original Act because at the time it was not known how the fund would work. We did not know whether the fund would be inundated with claims or would be a success within a few years. Therefore, it was necessary to build in some form of means test at that time, but as has been pointed out by the member for Floreat, by myself, and in 1969 by the present Treasurer, the fund is in fact increasing year by year. Therefore I do not see why any means test should be imposed on a company when no means test is imposed on the individual. Under this legislation a multi-millionaire can appeal and be granted costs, but a company with a capital of $200,000 which could well be broke could be denied an appeal and I do not think this is right. So with those few comments I make it quite clear that I support the Bill but with the reservation I have made.

MR. T. D. EVANS (Kalgoorlie—Treasurer) [10.33 p.m.]: On behalf of the Attorney-General I thank both members who have contributed to the debate. Both the member for Floreat and the member for Wembley asked certain questions, and the member for Floreat gave us a learned treatise on the history of the legislation; even Cicero won a guernsey at one stage. The member for Floreat dealt with the

function of the legislation and he considered its limitations. He said he was aware of the 1969 limitations, and it was obvious that he was conscious of the need for them.

In due course the member for Floreat considered the amendments before the Chamber, and he reviewed the comments made by the present Attorney-General in 1969 and some comments made by myself during the debate on the legislation before the House in that year. He asked why, in that piece of legislation now before us, the suggestions made by the Attorney-General and myself in 1969 had not crystallised into amendments on this occasion. As I understand the situation this Bill had already been drafted at the time when there was a change of Government.

Both the member for Floreat and the member for Wembley, who had clearly analysed the amendments in the measure, will realise that the amendment in clause 4, for instance, has some sense of urgency. This clause seeks to validate the collection of fees in respect of every process that has been lodged in the District Court since that court was established on the 1st April, 1970.

The other amendments, although they may not be classed as being so urgent, are obviously desirable. The member for Floreat asked the reason for the motivation behind this measure. As I understand the position, in one instance the Appeal Costs Board drew the attention of the Law Reform Committee to an amendment which is one that has found its way into the measure. I understand the other proposals have, in fact, come from the Law Reform Committee. I believe this is how the measure came before the Chamber.

The propositions mentioned by the present Attorney-General and myself in 1969, although they may have some merit, may not have been considered by the Law Reform Committee. The matters before the House now were certainly considered by that committee as having merit and have been placed in the measure. I hope that when time permits, possibly during the next session of Parliament, or a session in 1972, consideration will be given to the proposals put forward by the Attorney-General and, with some humility, I hope the propositions that I suggested in 1969 will be put forward as future amendments to this legislation.

The member for Floreat has drawn attention to his proposed amendments. I feel that in the interests of saving the time of the House it may be desirable if I indicate the purpose of his amendments and the Government's attitude towards them. The honourable member proposes to amend clause 5 of the Bill. This clause seeks to add new section 12A to the Act. The new section will provide that on an appeal against a conviction for an indictable offence—that is, an offence for which one is tried by a judge or a jury—and the conviction is quashed without a new trial being ordered, the Supreme Court would be empowered to grant a costs certificate to enable a successful applicant to recover all or part of the costs determined by the court.

By seeking to add a new subsection, the member for Floreat desires to restrict the amount of costs that may be awarded pursuant to the costs certificate, and the maximum he proposes is $1,000. It would appear that the costs awarded in such circumstances would not normally exceed the amount of $1,000 in any event, so this amendment is quite acceptable. The amendment, however, does allow for flexibility because it can, by its wording, be varied from time to time by prescription.

Proposed new section 12A will also provide power to grant a costs certificate in the case of costs being taxed or fixed where appeals succeed against police officers or traffic officers who, in some instances, are protected against costs being awarded. The only two cases known to me where this protection arises under Statute are found under section 72 of the Traffic Act and section 219 of the Justices Act.

Subsection (2) of proposed new section 12A refers to the present state of protection from costs pursuant to any Act. The member for Floreat seeks to widen the scope of this remedial measure by adding after the word "Act" the words "or law." As there may be some decision of a court which also affords protection to defendants in this instance, the existence of which is unknown to me, I can see no objection to the amendment, and the Government will accept it.

The comments of the member for Wembley will be examined.

I thank members for their support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Addition of section 12A—

Mr. MENSAROS: I move an amendment—

> Page 2, line 37—Insert immediately after the word "Act" the words "or law".

I thank the Treasurer for indicating his support of this amendment, and for his explanation of it. In view of the late hour I do not wish to repeat what I have already said.

Amendment put and passed.

The CHAIRMAN: Before the honourable member moves his next amendment, I would point out that he has made a mistake. The page should be page 4.

Mr. MENSAROS: Thank you. I move an amendment—

> Page 4—Add after subsection (4) the following new subsection to stand as subsection (5):—
>
> (5) The amount payable from the Fund to any one appellant pursuant to a costs certificate shall not in any case exceed the sum of one thousand dollars or such other amount as may from time to time be prescribed.

The Treasurer has already explained that this amendment merely seeks a safety valve for the newly-created certificate.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 10.46 p.m.

Legislative Council

Wednesday, the 22nd September, 1971

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

TIMBER RIGHTS QUESTION

Discrepancy in Answer: Ministerial Statement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.40 p.m.]: I seek the leave of the House to make a statement.

The PRESIDENT: The Leader of the House seeks leave of the House to make a statement. There being no dissentient voice, permission is granted.

The Hon. W. F. WILLESEE: If I may, I would like to read to the House two documents which, I believe, are essential to the understanding of the situation which arose through the statement of The Hon. F. D. Willmott yesterday. The first is dated the 7th September of this year and is addressed to the Minister for Forests from the Conservator of Forests. It is headed, "Timber Reservation on Private Property" and reads as follows:—

> In confirmation of my discussion with you yesterday you will remember that my initial proposal in relation to the lifting of timber reservation rights on private property recommended a date of 30th June, 1972. This was to enable the Department to make a final check and to clear up as much timber as possible before the major change in policy. In this the Under Treasurer concurred.
>
> Subsequently, the Minister for Lands approached you with a request that the date be moved forward to the 31st January, 1972, and with this I signified agreement supported by the Under Treasurer.
>
> It was subsequently brought to my notice that two private property blocks in the south, one in the Manjimup district and one in the Scott River Area, still carried substantial volumes of timber of the order of over 2,000 loads each. The Manjimup block had been intermittently worked for timber by agreement with the owner that we would remove logs in conformity with his rate of clearing.
>
> The Scott River area carried poorer timber and because of distance from mill and quality of timber, we have not been able to dispose of any of this volume to date.
>
> I pointed out to you that it would be difficult to remove this volume of timber by the 31st January and suggested that perhaps the closing date could be moved back slightly to the end of February or March. You suggested that perhaps a division of the area, with the northern sector closing by 31st January and the southern sector at a somewhat later date, could perhaps solve our problem.
>
> As suggested, I am arranging for a senior officer to look further into this and will advise you.

In a memo under the same heading dated the 21st September addressed to the Minister for Forests, the Conservator of Forests said—

> Further to our discussion on 6th September, Inspector Quain (Manjimup) has looked further into the question of the Manjimup property involved and he reports that the owner was advised in writing in May this year that all timber would be cleared from his block during the 1971-72 summer. Weather permitting, it would be possible by an intensive effort to clear this timber by the end of January, 1972, but an extension to the end of February, 1972, would be greatly appreciated if this is possible.
>
> The block in the Scott River area is still proving a problem and I feel that we will have to abandon our efforts to do anything about this in view of the current market situation.

I consider these two documents imperative to the situation that has arisen. The Minister for Lands, therefore, did not prepare the answer given to Mr. Willmott on the 15th September. The officers of his department were also unaware of the question and they were not called upon to