

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Police) in charge of the Bill.

The CHAIRMAN: The Council's amendments are as follows:—

No. 1.

Clause 12, page 9, line 23—Delete the words "other member" and substitute the words "the person appointed his deputy when".

No. 2.

Clause 19, page 12—Insert after subclause (2) a new subclause to stand as subclause (3) as follows:—

(3) The liability of the Treasurer at any one time under any guarantee or guarantees given by him under this Act shall not exceed in the aggregate the sum of three hundred and fifty thousand pounds inclusive of interest and any other charges.

No. 3.

Clause 47, page 28—Delete all words from and including the word "No" in line 28 down to and including the word "loiter" in line 34 and substitute the following:—

If any member of the Police Force of the State has reasonable grounds for suspecting that any person is standing or loitering in any street or public place for the purpose of or with the intention of betting contrary to this Act, the person shall not refuse or neglect to move on when requested by that member of the Police Force so to do whether such standing or loitering causes or tends to cause any obstruction to traffic or not in any street or public place.

No. 4.

New clause—Insert after clause 55 a new clause to stand as clause 56 as follows:—

56. (1) The Board shall prepare and submit to the Minister, not later than the thirtieth day of September in each calendar year, a report on the exercise and performance by the Board of its powers, functions and duties under this Act during the twelve months ended on the preceding thirty-first day of July.

(2) The Minister shall lay the report of the Board before each House of Parliament within six sitting days of that House after the receipt of the report by the Minister.

Mr. PERKINS: I move—

That the amendments be agreed to. I do not think they are controversial. The amendments place in the Bill safeguards additional to those which it previously contained. One of the amendments clears up the point as to whether the chairman or the deputy chairman will preside at meetings. I think this point was raised by the Deputy Leader of the Opposition. It was checked here and an amendment was incorporated in another place.

There is also provision for a limit of the guarantee of the Treasurer to £350,000; and the clause dealing with loitering has been reworded to relate it to betting. The last amendment provides for a report to be submitted to Parliament. This had been overlooked in the Bill as introduced here.

Question put and passed; the Council's amendments agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

House adjourned at 10.10 p.m.

Legislative Council

Tuesday, the 15th November, 1960

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE**COLLIE COALMINERS***Compulsory Levy by Unions*

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Mines:

- (1) Have unions the legal right to impose a compulsory levy on their members, to support the current striking miners at Collie?
- (2) If the answer to No. (1) is "No," could union officials take steps to discipline members not contributing to a voluntary levy?

The Hon. A. F. GRIFFITH replied:

- (1) No.
- (2) No.

MEDINA HOUSING*Availability of State Housing Commission Homes*

2. The Hon. R. THOMPSON asked the Minister for Mines:

- (1) How many State Housing Commission homes are at present vacant in Medina?
- (2) Are these homes available to any person who is eligible for assistance from the State Housing Commission?
- (3) Are any of these homes being reserved for an expected influx of tradesmen to the area?

The Hon. A. F. GRIFFITH replied:

- (1) 46.
- (2) Yes.
- (3) Not at present, but the matter is being watched very closely in view of certain expected industrial development.

BENTLEY HOSPITAL*Provision of Land*

3. The Hon. R. F. HUTCHISON asked the Minister for Mines:

- (1) Is any land set aside adjacent to Bentley for the provision of a general hospital?
- (2) If the answer to No. (1) is "Yes"—
(a) what is the area; and
(b) where is it situated?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) An area of 50 acres in the Collier pine plantation and with a frontage to Jarrah Road, has been set aside for hospital purposes. However, hospital needs south of the river will be the subject of review by a special committee. This review will cover the needs of the metropolitan area also. I expect to be in a position to supply further detail at a later stage.

BETTING CONTROL ACT AMENDMENT BILL (No. 2)*First Reading*

On motion by The Hon. H. C. Strickland, Bill introduced, and read a first time.

FISHERIES ACT*Inquiry by Select Committee*

THE HON. N. E. BAXTER (Central) [4.37]: I move—

That a Select Committee be appointed to inquire into and report upon the Fisheries Act, 1905-1956, in its application to the crayfishing industry in particular, and make such recommendations as are considered necessary to safeguard the future of the fishing grounds and the industry generally.

I refer members to the October issue of the *Fisheries Newsletter* which, at page 7, has a lot of detail regarding the export of crayfish and crayfish tails; and a lot of interesting information showing that Western Australia is by far the largest exporter of crayfish and the biggest dollar earner, from crayfish exports, in the Commonwealth.

The industry has got to such a stage that it is worth 6,500,000 dollars to this State, which is no mean amount; especially when dollar earning is so precious to our economy.

I wish to refer members to an article in the *Fisheries Newsletter* and the commencing words of this article are as follows:—

In estimating the total dollar earnings, a price of 9s. 10d. per lb., the average for Western Australia, was applied to all shipments. However, as parcels of South Australian tails normally bring higher prices, the estimated price may be too low, and final figures could show that export earnings have exceeded the estimate.

That is an indication of what this industry means to the State. When one looks back on the figures, one realises that the price per pound for crayfish in 1946 was 7d., and today it ranges from 3s. 2d. to 9s. 2d., which shows that the industry has certainly increased considerably in value so far as dollar earnings are concerned; and, as a result, quite a number of new people have gone into the industry and so have increased the general production or catch of crayfish.

Only recently we passed amending legislation to stabilise and to regulate further the conditions in the industry; but, in my opinion, we must take further action to ensure that the industry is protected. Perhaps the penalties that were agreed to in the Bill recently debated are not in keeping with the present selling price of crayfish. For example, in 1941, the price of crayfish was 7d. a lb. and the penalty for handling undersized crayfish was £3. Today, the price of the product ranges from 3s. 2d. to 9s. 10d. a lb. but the penalty for handling undersized crayfish has been in-

creased only five times. I do not think the present-day penalties are great enough to prevent people from breaching the Act. Perhaps the suspension of their licenses may prove to be a deterrent; but, of course, the difficulty is to catch the offenders.

There are so many spots between Yanchep and Lancelin Island at which boats can come ashore and unload their catch; and, if they were unloading any undersized crayfish, they could unload them without risking detection. Among the many landing spots along the coast are: Yanchep, Two Rocks, Wreck Point, Ledge Point, Wedge Island, Green Island, Cervantes, and Seabird. Members can easily realise that boats could call into any of those spots, unload their catch on to motor trucks which could transport the crayfish to the metropolitan area where they could be put into boilers; and, if they were undersized crayfish, there would be no chance of tracing them after they were distributed.

If any crayfish operators were indulging in such illegal practices a large number of inspectors would be needed to police their activities. I believe the answer to the problem is to try to effect complete decentralisation by having shore-based factories or processing plants. If these plants were established, the crayfishing boats would be obliged to land their catches at those points where inspectors could be stationed to examine the crayfish right on the spot. The use of road transport for carting crayfish to the metropolitan area constitutes one of the greatest difficulties against policing the Act and against effective inspection.

One company which has recently established itself in the crayfishing industry has a token plant on the coast, but most of the catch handled by it is transported by road to Perth and Fremantle. The result is that this company can retail many undersized crayfish without much risk of detection, although I do not say that it does. However, it has been successfully prosecuted for dealing in undersized crayfish, but no estimate has been made of the number of undersized crayfish the company has handled.

One can realise the difficult task that is facing the inspectors when it is known that, for example, one inspector and a boy have to inspect between several hundred and 1,000 bags of crayfish at Robb Jetty, Anchorage Butchers, and the Fishermen's Co-operative. It would need more than one inspector and a boy to examine that number of crayfish in one day. I am sure that only a cursory inspection could be made of such a catch, and therefore a large number of men who are engaged in illegal practices must go undetected.

Members may recall that not very long ago an article appeared in the Press pointing out that a crate of cooked under-

sized crayfish had been found in Yanchep Park. After inquiries had been made no-one seemed to know how they came to be there. Whether they were left there for the purpose of bribing someone it is hard to tell. However, there must have been some point behind the incident, and I am sure the underlying motive had something to do with dealing in undersized crayfish.

I am given to understand that the crayfishing boats at the Abrolhos Islands commence their operations about a week before the season opens. Recently, it was mentioned that when these boats do catch the crayfish they place them in large cages which, in turn, are immersed in shallow water until the transport boat picks them up. I understand that, as a result of this practice, the losses in crayfish are staggering. From a person in the industry who is very reliable and who would know what he is talking about, I have information to the effect that the loss of crayfish as a result of placing the crayfish in these cages is 22½ per cent. In addition, another 20 per cent. is lost by the time they are transported from the Abrolhos Islands to Geraldton. This means that 40 per cent. are lost to the industry; and, as there are many boats operating at the Abrolhos Islands, the aggregate loss must be fairly substantial.

I believe, also, that the undersized crayfish caught in that area are being used by the fishermen for bait. That is, the tails of these undersized fish, in some instances, are placed in traps to catch snapper and other fish and these, in turn, are chopped up to bait the cray pots. Practices such as these tend to deplete the crayfish beds; and, if they are continued, it will mean that it will take 10 or 15 years to rehabilitate the crayfish beds. This would necessitate the closing of all waters from which crayfish are caught for about seven or eight years, and the result would be that our source of much-needed dollar earnings would be cut off.

In my opinion, all these facts warrant a full-scale inquiry into the industry. The number of crayfish boats is increasing every season. This year 65 more operators, together with their boats have already been licensed, and there is the possibility that another 12 boats will be licensed. Also, many crayfish boats are now operating in the shipping lanes which are a great distance from the coast. In this regard, members may have seen the recent newspaper report to the effect that large ships were being warned to look out for craypot lines because they had been dropped in the shipping lanes. From such reports members can well imagine how the operations of the industry are expanding. In addition, many fishermen in the industry have entered it only to obtain a quick return; and they will not hesitate to deal, wherever possible, in undersized crayfish.

The professed policy of every political party is decentralisation; and if we permit this industry to be centred in or around either Fremantle or Perth, instead of spreading its activities along the coast close to those parts where the product is produced, we will be failing in our duty. We should do everything in our power to ensure that the industry is carried on adjacent to the crayfish beds.

To bring this about would require some capital outlay by the companies which are engaged in this industry at present. There is no reason why they should not carry on operations at centres where the processing of the crayfish can be handled efficiently; where there is less likelihood of wastage through losses due to long transport; and where inspections by officers of the department can be made on the spot. It would not require such a huge financial set-up for the companies to transfer their operations to centres along our coastline where the particular fleets of crayfishing boats, from which the companies purchase the catch, are operating.

We should establish shore bases along the coastline from Fremantle northwards, each to be separated by a convenient distance so that they will be readily reached by the boats. By so doing the opportunity for dealing in undersized crayfish will be reduced, if not eliminated altogether. I recently heard of a person who went around the metropolitan area hawking undersized crayfish. He was unfortunate because he went to the home of one of the departmental inspectors, where he offered some undersized crayfish for sale. He did not last very long; he was dealt with smartly. We hear of cases such as that, but according to the industry there are many we do not hear of. If the practice of dealing in undersized crayfish continues it will lead to only one conclusion; that is, the destruction of our crayfish grounds. The State will then lose a big dollar earning industry for a number of years at least.

On motion by The Hon. L. A. Logan (Minister for Local Government), debate adjourned.

SIMULTANEOUS DEATHS BILL

First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.54]: I move—

That the Bill be now read a second time.

I hope the House will not object to Ministers proceeding with the second reading of measures immediately they are received from the Legislative Assembly. Of course, ample opportunity will be

given for an adjournment of the debate should any honourable member desire that course to be followed.

Although I suppose it has always been possible for two persons of the same family, such as husband and wife, to be killed in the same occurrence in such circumstances that it is extremely difficult, if not impossible, to ascertain which died first, at the present time the possibility of this happening is obviously becoming much greater.

The growth in the number of serious road accidents can make a contribution to this difficulty; but, above all, the possibility of aeroplane crashes where frequently the whole of the personnel are dead before any rescue party can arrive indicates the need for consideration of legislation to resolve the problem of who died first.

When such simultaneous deaths take place the word *Commorientes* is used to indicate the fact; and difficulties are almost certain to arise as to the devolution of their estates. Normally this devolution would depend upon survivorship; but, in the circumstances outlined, it is extremely difficult, if not impossible, to prove which of the persons died first. For example, death might strike the house in which they live or, perhaps more likely, where they are both passengers in an aeroplane which has crashed.

In certain countries on the continent of Europe under what is known as the Code Napoleon there is a presumption that the physically stronger survives the physically weaker. But this surely is not a very satisfactory solution. Nor is there any such presumption in our law or the common law of England.

In the United Kingdom, by section 184 of the Law of Property Act, 1925, it is provided that where, after 1925, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall, subject to the order of the court, for all purposes affecting the title to property be presumed to have occurred in order of seniority and accordingly the younger shall be deemed to have survived the elder.

It has been found, however, that such artificial presumption gives rise to anomalies and unsatisfactory consequences. For example, where a childless couple are killed together and the husband is the elder, the wife's estate will receive whatever proportion of the husband's property she is entitled to under his will or on his intestacy (i.e. no will) and this may mean that a farm or other valuable property given to the husband by his parents would go to the wife's family.

The present position in Western Australia is that there would be no presumption of law arising from age or sex as to survivorship; nor is there any presumption of

law that all died at the same time, even where death is occasioned by one and the same cause. The question is one of fact, depending wholly on evidence; and if the evidence does not establish the survivorship of any one the law will treat it as a matter incapable of being determined. Therefore, it is obviously desirable that some legislation should be passed to rectify the position.

Representations have been made by the Law Society over quite a long period for some legislative enactment; and careful consideration has been given to the matter by law officers of the Crown, and it has been decided to submit to Parliament similar provisions to those which are contained in the law of New Zealand.

This law departs both from the common law and that of the United Kingdom, for reasons above mentioned, to provide in effect that, in the case of *commorientes*, the property of each person dying shall devolve as if he had survived the other but died immediately afterwards. Therefore the Bill before the House follows closely the New Zealand provisions. It is, however, not retrospective in its operation; and its main provisions are—

(a) The property of each person so dying shall devolve as if he were the last to die.

(b) A *donatio mortis causa* made by a person so dying to the other person dying at the same disaster is to be void.

A *donatio mortis causa* is a gift of personal property in anticipation of death. To be valid the gift must be made by the donor in anticipation of his own death; be intended to take effect on his death from his existing illness, unless the donor makes the gift on general terms in the event of his dying and not in the event of his dying from that particular malady; and must be completed by the delivery at the time to the donee.

(c) If the life of any person so dying is insured, and if any other person so dying would have been entitled to the proceeds of the policy, those proceeds shall (unless the contrary intention is shown by the instrument or document governing the distribution thereof) be distributed as if the person insured were the last to die.

(d) Property owned jointly and exclusively by persons so dying shall devolve as if it were owned by them as tenants in common in equal shares.

In ordinary circumstances, when property is held jointly, on the death of one, the whole property passes to the other, but that is not so in a tenancy in common, where each party has the right to dispose of his or her individual share.

(e) Property which would have passed to the survivor of persons who have so died shall be deemed to have

passed to them as tenants in common in equal shares and shall devolve accordingly.

(f) There are some special provisions in relation to powers of appointment and for the purposes of section 33 of the Wills Act, 1837.

The Wills Act of 1837 is an imperial statute which was adopted in the early history of Western Australia and is still in the main the statute which governs the making of wills and testamentary dispositions.

(g) For all other purposes affecting the title to property or the appointment of trustees the United Kingdom rule is to apply and accordingly the younger shall be deemed to have survived the elder.

The following comments may make this paragraph more clear because the question of who has the right to appoint trustees comes in, and who would have the duty of appointing trustees when the trustees die.

Let us keep to the case of husband and wife. If they died in one accident the question would arise as to who would have the right to appoint trustees to an estate. Normally that would depend upon the terms of their wills, but which will would prevail? That would depend on who was the last to survive, and that would depend upon the provisions of the Bill.

It can be said that the central principle of the arrangement embodied in this Bill is that in each case the property of each is administered as if the other had died first. That is an arrangement that gives rise to less difficulty and is not confined to husband and wife, but it is easier to consider the case of a husband and wife. Where it cannot be said which survived the other, the husband's property is disposed of as though his wife was already dead and the wife's property is disposed of as though the husband were already dead. That is the fundamental idea embodied in this Bill.

The details of the application of that principle have been carefully worked out in relation to each particular type of property that requires special mention.

On motion by The Hon. F. J. S. Wise, debate adjourned.

VETERINARY SURGEONS BILL

Report

Report of Committee adopted.

Third Reading

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

BETTING CONTROL ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. H. C. STRICKLAND (North) [5.7]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to remove an anomaly in the Act. It covers a previous amendment to this legislation which I endeavoured to have passed but which the Deputy Chairman of Committees (The Hon. G. C. MacKinnon) and you, Sir, ruled—quite rightly, in my opinion now—to be outside the scope of that Bill. Therefore I am now endeavouring to amend the Act by this special Bill.

It proposes to remove an anomaly whereby no person who holds a license—that is, a liquor license—of any kind under the Licensing Act is allowed to hold a bookmaker's license. Such a person cannot be granted a license by the board. Neither can a license be granted to any person who works for, or is employed in any capacity by, any person who holds a license under the Licensing Act. This means, of course, that there is quite a large number of people excluded from holding a bookmaker's license; and that was not the original intention of the Act.

For the purpose of explaining the situation thoroughly, it will be necessary for me to read paragraph (a) of subsection (5) of section 11 of the Betting Control Act, and this is as follows:—

The Board shall not grant a license—

- (a) to a person who holds, or to a person who is employed in any capacity by one who holds, a license for the sale of liquor under the Licensing Act, 1911;

That provision covers every person who has anything to do with any business under the liquor licensing laws. Because it is stated that any person employed in any capacity is excluded, even a firm of auditors could be affected if it were employed in the capacity of auditors to audit, we will say, the books of the Swan Brewery, or any other spirit merchants' books; and that was not the intention.

The intention of Parliament was to make it absolutely impossible for a barman to be granted a bookmaker's license, or for a publican to be granted one, so that there would be no betting on hotel premises. The provision was inserted to cover a very bad feature considered to be a flaw in the betting laws in New Zealand. Although there have never been registered bookmakers on the course in New Zealand, there were illegal bookmakers off the course before totalisators were installed throughout the country; and, of course, the outlet for illegal betting is through the hotels.

Having that in mind, Parliament, in 1954, decided to exclude from holding a bookmaker's license all persons holding a liquor license or having anything to do with licensed premises.

This Bill clears up an anomaly; and I know of one bookmaker who ceased his bookmaking operations on country courses because of this law when it was passed; and I also know of some persons who, while not being keen, would like to take out bookmakers' licenses, but they are employees of holders of liquor licenses and are therefore excluded under the Act.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.10]: In introducing this Bill, Mr. Strickland made reference to the fact that he had attempted to achieve his purpose the other evening but that a point of order was taken and upheld. I felt that in the interests of the House I had to take that point of order, and the ruling given by the Deputy Chairman of Committees (The Hon. G. C. MacKinnon) and yourself, Sir, was to the effect that the move by the honourable member was outside the scope of the Bill.

He also indicated to me that in raising such a point, I had not discussed the merits of the Bill; and, of course, it is understood that I could not do that. However, I told the honourable member that if he gave notice of his Bill, I would place it high up on the notice paper in order that it might be speedily considered and a decision made by the House as to whether the Bill should be passed; and if it should be passed, it would be speedily sent to another place. That is now what we are doing.

Between last week and today there has been an opportunity for the Government to consider the proposed amendment of the honourable member; and, generally speaking, the Government has no intention of opposing the Bill. It is felt that the explanation given by Mr. Strickland is a clear one and that the circumstances as outlined by him in the particular case are based on reasonable facts; but we do not make laws for the individual. At the same time we do have regard for the difficulties of the individuals; and not only the individual who may be directly affected by a piece of legislation, but other people who may be indirectly affected. Therefore, I can appreciate—and the Government appreciates—the move made by the honourable member in this respect.

It is to be hoped that it is not intended that this provision will apply all over the State. I mentioned to the honourable member that this provision should apply north of the 26th parallel, and only north of the 26th parallel. I have been giving a little thought to this point, and I consider that the stipulation of taking the fine line of the 26th parallel may mean a hardship to some. Knowing that there are

other remote areas in the part just south of the 26th parallel, where there could exist such a set of circumstances as exists in Carnarvon, I suggest to Mr. Strickland that we should place in the Bill a provision that this amendment shall not apply in the South-West Land Division. It would then apply to the rest of the State. If the honourable member indicates that he agrees to this, I will be glad to support the Bill as it is printed, and I will then move in Committee for the inclusion of the words "This provision shall not apply to the South-West Land Division."

THE HON. E. M. HEENAN (North-East) [5.14]: I think this Bill has intrinsic merits which are not confined only to the northern area as suggested by the Minister. I think it is so meritorious that it should have general application; and whether Mr. Strickland wishes to persist with that attitude is a matter for himself to decide. As far as he is concerned the Bill is designed primarily to meet circumstances as they exist in his area; and undoubtedly those circumstances are peculiar, but they also exist in other parts of the State which I represent. That is why I want the Bill to have general application.

The Hon. A. F. Griffith: You don't represent any of the South-West Land Division.

The Hon. E. M. HEENAN: No, I am sorry; I misunderstood what the Minister said. Members who represent the South-West Land Division can look after their own part of the State. However, I think Mr. Strickland is undoubtedly correct when he says that the Bill is designed to correct an anomaly.

When the betting control legislation was enacted I am sure we all had a desire to exclude hotelkeepers, barmen and the like from holding licenses. We did not want the publican, the barman, or perhaps the yardman to own a betting shop and to conduct that shop next door to a hotel. I think that was a good thing. It would have been a bad state of affairs if hotelkeepers had owned betting premises adjacent to their hotels; it would have been a bad thing if they had had anything to do with them, or any influence regarding their control.

I think that principle was worth while, and it was one we wanted to safeguard. But we went a long way when we covered the owners of shops with gallon licenses and spirit merchants' licenses; because we know that usually those licenses are held by the grocers in the towns, and they are really not connected with liquor in the way a hotelkeeper is.

Take towns like Wiluna, Leonora, Meekatharra, Kalgoorlie, and Norseman. In all those towns gallon licenses are held by local storekeepers—and in some cases they are struggling. To preclude those people from holding a license to bet at the local

race meetings, or to prevent one of their employees from holding such a license is, in my opinion, bordering on the absurd.

I really think the Bill is well justified, and it will correct an anomaly. In the north-west, where I am sure it is difficult to get bookmakers to attend the race meetings, we have to be careful who is excluded. The Bill will cover the case Mr. Strickland has in mind, and there are sure to be others it will cover as well. Therefore I give the Bill my wholehearted support.

THE HON. H. C. STRICKLAND (North—in reply) [5.20]: I desire to thank the Minister for his co-operation in this matter and for giving me an opportunity to present this Bill instead of amending the Bill which we had before us previously. I am much obliged to him for his consideration, and I am also grateful for the proposition he has submitted with respect to the application of the legislation. I think his proposition is a fair and reasonable one.

My amendment was prompted by the position at picnic meetings in the north-west—and they really are picnic meetings; they are actually annual social gatherings. The Bill will overcome an anomaly which exists in that area, and probably around the goldfields areas and places like Esperance.

I am agreeable to the amendment suggested by the Minister, and I hope the House will agree to the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. H. C. Strickland in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 11 amended:

The Hon. A. F. GRIFFITH: In order to ensure that this legislation shall not apply to the South-West Land Division, I move an amendment—

Page 2, line 8—After the word "license" add the following words:—"Provided that this provision shall not apply in the South-West Land Division."

Without having the Act in front of me I am a little uncertain as to whether this is the right place for the amendment. I do not want to put it in the wrong place. Paragraph (a) of subsection (4) deals with an on-course bookmaker, and the honourable member's move is to enable an on-course bookmaker only to be a bookmaker within the meaning of the Act even though he holds (a) a gallon license or (b) a spirit merchant's license.

The Hon. H. C. STRICKLAND: I think that although the amendment covers the situation we should report progress to have an appropriate amendment framed. The amendment would cover the whole of paragraph (a) and would thereby affect all the provisions in paragraph (a).

The Hon. A. F. GRIFFITH: Ask that progress be reported. You can then go to the draftsman to have an appropriate amendment drafted and I will support it.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): The Minister will have to ask for permission to withdraw the amendment.

The Hon. A. F. GRIFFITH: I ask leave of the Committee to withdraw the amendment.

Amendment, by leave, withdrawn.

The Hon. A. F. GRIFFITH: If the honourable member wants to get the Bill through tonight, and he can tidy up the amendment during the tea adjournment, we can report progress till a later stage of the sitting and then give it further consideration.

The Hon. H. C. STRICKLAND: Very well; I thank the Minister for his consideration in this matter.

Progress reported, and leave granted to sit again at a later stage of the sitting.

(Continued on page 2705)

OPTOMETRISTS ACT AMENDMENT BILL

In Committee

Resumed from the 10th November. The Deputy Chairman of Committees (The Hon. E. M. Davies) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 9—Section 34C added (partly considered):

The Hon. L. A. LOGAN: Since we last dealt with the clause I have studied the amendments and have had discussions with the Minister for Health and Dr. Hislop, and I am now prepared to accept the amendment whereby the period of five years in paragraph (c) of proposed new section 34C shall be reduced to 18 months. It will be necessary to recommit the Bill to put into the clause the part which was not agreed to the other night. It will also be necessary to recommit clause 3. We took out the first amendment moved by Dr. Hislop and the Committee decided to accept the right of the Minister to appoint an independent chairman. We do not want to increase the board to nine. It would be better to take out the word "three" and insert the word "two." This will leave a board of eight. Accordingly I move an amendment—

Page 4, line 17—Delete the words "five years" and substitute the words "eighteen months."

The Hon. J. G. HISLOP: I hope the Committee will accept the amendment, and I thank the Minister for his co-operation. I understand that a meeting of the Optometrists Board was held in connection with this matter, and the amendment means that the interests of the public will be safeguarded, as will the interests of the optometrists and dispensing opticians.

Now that there will be an entirely new board to control these affairs I think we can expect a complete review of the Act. I feel certain the Optometrists Registration Board will give serious consideration to the registration of dispensing opticians. They all agree dispensing opticians are necessary. Not to accept the amendment would be dangerous so far as the public was concerned; it would throw the whole arrangement between the optometrists and dispensing opticians into the discard.

The Hon. G. Bennetts: What about the spectacles-maker?

The Hon. J. G. HISLOP: He would still be there.

Amendment put and passed.

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

Page 4, lines 23 to 28—Delete all words from and including the word "as" down to and including the word "Board."

The Hon. J. G. HISLOP: This amendment will delete the designation of optometrist, and it will mean that dispensing opticians will be allowed to carry on the work of spectacles-making and the fitting of lenses, but will not be allowed to test sight.

Amendment put and passed.

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

Page 4, lines 29 to 32—Delete all words from and including the word "entitled" down to and including the word "Board" and substitute the words "permitted to continue the dispensing of such prescriptions but shall not be permitted to measure the power of vision."

This amendment actually follows the amendment which has just been accepted. It is consequential.

The Hon. H. K. WATSON: I do not oppose the amendment, but I feel that this is hardly the clause in which this particular question should be dealt with permanently. I agree that as a stop-gap the amendment will hold the line and will do a measure of justice to the optometrists, to the dispensing opticians, and to the public. Since this matter was last discussed I have had presented to me a copy of the Australian Capital Territory Ordinance with respect to the registration of optometrists. This Ordinance is No. 4 of 1956, and it is extremely interesting to follow the course of events in it.

It was introduced on the 13th March, 1956, and in it the definition of optometry is, for all practical purposes, identical with the definition of optometry in the Western Australian Act. But it also goes on to say, "and includes the dispensing of prescriptions for spectacles made or given by a medical practitioner." It appears even before that Ordinance came into force the very problem that has been created in Western Australia through the ambiguity of the definition of optometry was evident. It is interesting to see that by amending the Ordinance in March, 1957, the definition of optometry was amended.

This was done by excluding the words, "and includes the dispensing of prescriptions for spectacles made or given by a medical practitioner." It then read, "but does not include the dispensing of prescriptions for spectacles made or given by a medical practitioner." That was how the problem was solved there. To recognise both branches of the profession, and to protect the general public, a new section was added to the Ordinance which reads—

A person other than a registered optometrist shall not sell spectacles except in accordance with a prescription written by a medical practitioner or by a registered optometrist and produced to him by the person to whom the spectacles are sold. In this section spectacles does not include sunglasses.

It seems that the Minister for Health in Canberra has sorted things out and produced a statute which is clear and understandable; and to my mind it does substantial justice to all branches of the profession. I mention that for what it is worth so that between now and the time the Optometrists Act is given a complete review the Minister might not overlook my remarks.

The Hon. J. G. HISLOP: I have said previously that this is purely a temporary measure, and I am glad Mr. Watson has emphasised that it must only be temporary, because there are certain members of the profession who desire the continuance of the occupation of dispensing optician. We must consider the fact that some conditions should be laid down for the training of dispensing opticians.

It does not satisfy me to read the Commonwealth legislation because the fitting of lenses into frames requires some skill. When this measure is dealt with I hope the optometrists will come out with something equally as good as that contained in the Commonwealth legislation, and that they will also lay down the qualifications and training necessary for dispensing opticians.

The Hon. L. A. LOGAN: I agree with Mr. Watson that this can only be a stop-gap arrangement; and that there should be a separate section for the type of operator with which we are dealing. I will convey the remarks of Dr. Hislop and Mr.

Watson to the Minister for Health, and pass on to him the information contained in the Australian Capital Territory Ordinance.

However, I believe this stop gap will overcome the problem which has arisen in this State; and both sides will be able to operate in their respective fields, one taking the vision of the person concerned and the other grinding the lenses and fitting the glasses.

The Hon. R. F. HUTCHISON: I agree with Mr. Watson. His statements were interesting, and they tie up with what I had to say previously. There is room for legislation that enables the practice of both sections of optometry, that is, dispensing prescriptions and testing vision; and dispensing prescriptions. There is an analogy with the dental profession inasmuch as a dental mechanic makes a plate. People should not have to go to the expense of obtaining a doctor's prescription every time they need something doing to their spectacles. A spectacles-maker, if registered, is quite capable of dispensing prescriptions and lens-grinding.

I agree with Mr. Watson that the parent Act needs tidying up; and a good measure should be introduced into the Chamber. This is the fourth time it has been necessary for us to make it lawful for somebody to practise one or other of the arts.

Amendment put and passed.

The Hon. H. K. WATSON: There is one point I omitted to mention in my earlier remarks. I make it quite clear that I do not feel a doctor should have any proprietary interest in a spectacles-dispensing company; that is, in a proprietary spectacles-dispensing company. A doctor should no more have this right than that of having an interest in an undertaking company. Recently in New South Wales it was discovered that some members of the medical profession had formed an undertaking company. I feel the medical profession should keep to its profession and should not have a proprietary interest in a small optical dispensing company.

I also want to make it clear that I see no reason at all why a member of the medical profession ought not hold shares in an optical dispensing company or optical making company—a public company with £500,000 capital and registered on the stock exchange—any more than I can see why he ought not hold shares in a glass company, a steel company, or any other company.

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

Page 4—Add to proposed new section 34C in lines 3 to 32 the following new subsection:—

(2) The Board is empowered to prescribe a registration fee in the case of persons permitted to practise as set out in subsection (1) of this section.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10 put and passed.

New Clause 4:

The Hon. L. A. LOGAN: I move—

Page 2—Insert after clause 3 in lines 15 to 27 the following to stand as clause 4:—

4. Section eight of the principal Act is amended by deleting subsection (2).

The other evening the Committee agreed that the Minister should appoint an independent chairman. Therefore, it is not possible to have subsection (2) in the Act. That is the reason for this new clause.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill re-committed for the further consideration of clauses 3 and 9.

In Committee

The Deputy Chairman of Committees (The Hon. E. M. Davies) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 3—Section 5 amended:

The Hon. L. A. LOGAN: The Committee will remember that Dr. Hislop had an amendment on the notice paper to insert a paragraph after paragraph (a) to stand as paragraph (b) as follows:—

(b) by substituting for the word "three" in line 2 of subsection (3) the word "two."

The Committee has agreed that the Minister should appoint an independent chairman; and, rather than increase the number of the board to nine, I think it would be better to keep the membership of the board to eight. Therefore, I propose to move the amendment suggested by Dr. Hislop, to which the Committee did not agree the other night. I move an amendment—

Page 2—Insert after paragraph (a) in lines 16 to 18 the following to stand as paragraph (b):—

(b) by substituting for the word "three" in line 2 of subsection (3) the word "two."

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 9—Section 34C added:

The Hon. L. A. LOGAN: In view of the amendments accepted by the Committee this afternoon, it will be necessary for me to move the following amendment:—

Page 4, line 3—Insert after the section designation "34C" the subsection designation "(1)."

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported with further amendments.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th November.

THE HON. E. M. HEENAN (North-East) [6.41: This Bill seeks to amend the Country Areas Water Supply Act, 1947; and it is similar to another measure which was defeated in this Chamber last year. I hope that a similar fate awaits this Bill.

The provisions in the Bill are very brief. They are confined to two amendments, the first being to section 5, and the other to section 65. The latter amendment proposes to delete paragraph (a) of section 65 which provides that where the maximum rates exigible in the case of the land immediately prior to the coming into operation of this Act was 2s. in the pound, the water rate under this section shall not exceed that value. It will be apparent that the direct intention of the Bill is to remove a provision which, at the present time, gives a degree of protection to certain areas which, among others, include the goldfields. If the Bill is passed it will undoubtedly mean an increase in water rates in many cases.

I seem to remember that last year the Minister estimated that the over-all increase would amount to a figure of around £36,000. It could be argued that a number of people will benefit from the application of such a rating system as is now proposed, and as exists in other areas of the State. From my reading of the Bill, of the Act, and of the Minister's speech, I draw the conclusion that certain occupiers of ratable land will benefit to the extent that they will be supplied with a greater quantity of water than they now receive.

But the catch is that those users who do not have gardens or lawns, and who do not use the amount of water now supplied are going to have their rates increased from 2s. to 3s. in the pound; and that undoubtedly will mean a hardship to them. They will pay higher rates and will not use any more water. We have a number of people in that category on the goldfields. We have a number of pensioners; a number of people who, for several reasons, have not got lawns or gardens; and we have the business community, of course. The application of this measure, if passed, will undoubtedly mean that these people will have to pay increased water rates; and, indeed, we have the Minister's statement from last year to the effect that increased revenue of something around £36,000 will accrue.

I have checked up on the Minister's introductory remarks, and this is what he said—

It is felt that a continuance of the limitation of the maximum rate of 2s. in the pound in townsites which were served by the goldfields water supply system prior to the 1st January, 1949, is no longer justified, bearing in mind that all other towns now served from the goldfields water supply system, as well as all but four of the separate country town water supply undertakings administered by the Public Works Department, are subject to a rate of 3s. in the pound.

I suppose there would be advantages in having a uniform rating system. But if this special provision, which related to the goldfields—among other areas—was justified at the time of the introduction of this Act, there must have been reasons for it. This Act was passed in 1947, and there is the special proviso in section 65 which reads as follows:—

(1) In the case of rateable land within a municipal district or townsite, a water rate shall not in any one year exceed three shillings in the pound on the annual rateable value of the land rated:

Provided—

(a) where the maximum rate exigible in the case of the land immediately prior to the coming into operation of this Act was two shillings in the pound on that value, a water rate under this section shall not exceed that maximum.

That state of affairs has existed from 1947 to the present time. It certainly provides advantages to a number of people in an area which I represent; and it is a provision which is a protection for them against any increased rate. Nothing that I can read in the Minister's speech convinces me that that worth-while proviso should be thrown overboard at this stage simply for the reason of uniformity.

I appreciate that uniformity has some merits, but those merits have surely existed over the years from 1947 to the present time. I think that among other reasons, the idea is to increase the rates, to obtain increased revenue.

The Hon. A. F. Griffith: A move towards uniformity is not going to be a move towards uniformity of sharing the cost of transporting water.

The Hon. E. M. HEENAN: The move for uniformity, which, I must admit, has certain merits, undoubtedly carries with it an increase from 2s. to 3s. in the pound on the annual ratable value of the land.

The Hon. E. M. HEENAN: Before tea I was endeavouring to make the point that the Minister had not advanced sufficient reasons to convince me that the beneficial provisions in section 65 of the Country Areas Water Supply Act should now be taken out of the Act. This section was obviously inserted to provide a measure of relief for certain areas; and, as I said earlier, there is nothing in the arguments advanced by the Minister to convince me that the considerations which existed in 1947 do not now exist.

We often hear the argument that rates and charges should be increased because the Grants Commission takes an unfavourable view of our not collecting sufficient taxation from the people of Western Australia.

The Hon. A. F. Griffith: What does the honourable member think about the situation at Northam?

The Hon. E. M. HEENAN: Through the courtesy of Mr. Wise, I have before me the 1960 report of the Commonwealth Grants Commission, dated the 8th April of this year. The significant part of the report is that nothing is said in criticism of the present rating system as it applies to the country areas with which we are now dealing. I shall quote from page 93 of the report—

Because of inadequate and unreliable inland water resources, and of conservation problems, the net costs borne by the budgets of South Australia and Western Australia are relatively greater than in the other States.

The Hon. G. Bennetts: That is quite correct.

The Hon. E. M. HEENAN: The report goes on to say—

In Western Australia the loss on all country water undertakings, as shown in the published accounts, was £1,523,000, compared with £1,464,000 in 1957-58. An increase in earnings was more than offset by higher expenditure, almost entirely on debt charges. There was no change in water rates and charges.

The report then proceeds to deal with conditions as they exist in Tasmania; and then it mentions the subjects of harbours, housing, electricity, and so on.

The point I wish to make is that there is no criticism by the Grants Commission of our present system of rating in country areas. Surely there is a lot of significance in that! If a change in the rating system were justified, or were required, one would think the Grants Commission would be the first to bring that fact to the Government's attention. But it has made no comment whatsoever; no criticism; no suggestion that the present system be changed; no suggestion that more revenue be obtained.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. A. F. Griffith: Do you think Northam should continue to pay 1s. 6d. and the adjoining towns 2s.?

The Hon. E. M. HEENAN: I do not intend to refer to Northam at all.

The Hon. A. F. Griffith: It has to be referred to.

The Hon. E. M. HEENAN: I have in mind the area I represent. The considerations which applied to the goldfields in 1947, and which applied to Northam at that time, I suggest still exist.

The Hon. A. F. Griffith: The honourable member cannot get something to the disadvantage of other parts of the State, and continue to keep it.

The Hon. E. M. HEENAN: Why did we get it in 1947.

The Hon. A. F. Griffith: That was 23 years ago.

The Hon. E. M. HEENAN: That is a relatively short time. I was in Kalgoorlie in 1947, and it certainly does not seem 23 years ago; and conditions up there have not greatly altered since then. As a matter of fact, I think that in 1947 there was more prosperity on the goldfields than there is now. There were outlying centres such as Coolgardie, Broad Arrow, Riverina, Lake Monger, and so on which were more or less flourishing centres. Goldmining and prospecting were more prosperous in 1947 than they are now.

I do not want to say anything that would tend to create the impression that the goldfields are down and out, because that is not the case at all; they are doing fairly well at present.

The prosperity that is being enjoyed in the mining industry is a great credit to everyone associated with that industry, because the industry has battled against great difficulties in recent years. The difficulties seem to increase, but the men and the executives somehow seem to meet all the problems. How long they can go on doing that is, of course, a worry.

The Hon. A. F. Griffith: They do not do it on their own up there; they are helped.

The Hon. E. M. HEENAN: They are helped. Each successive Government—I give the Governments credit for this—has realised the importance of the goldfields and has done its best to help.

The Hon. A. F. Griffith: The men in the industry do their best, too.

The Hon. E. M. HEENAN: Yes. I think it is generally conceded that the goldfields have received a large measure of consideration and sympathy; and the people up there are not the type to abuse such a state of affairs. However, they are concerned about this measure. Last year their mouthpiece, in the way of the Press—the *Kalgoorlie Miner*—was highly critical of the proposed changes in a similar measure. I take it that the *Kalgoorlie*

Miner gave to the matter careful consideration, and it published a leading article which was critical of the proposal. The various members representing the district, and public bodies have been concerned with this matter. These things should all be given some consideration.

As I said earlier, the Government's main argument, or the main reason for this suggested change, is to obtain uniformity; to place the users of water on the goldfields in a category similar to that in which the users of water at Northam are placed. I think at present the people on the goldfields have certain advantages under the 1947 Act.

To summarise my arguments, therefore, I say that the reasons which prompted the Legislature to enact the proviso in 1947, still exist, and the Minister has not convinced me that the present amendment is justified or needed. I intend to oppose the Bill.

THE HON. G. BENNETTS (South-East) [7.43]: I must oppose the Bill because, in my opinion, it is another Bill to tax the people living in the country areas. When I spoke on the Address-in-Reply I mentioned the taxes that have been placed on the goldfields people. This measure will impose on the people living in those areas a charge at least 50 per cent. more than applied previously.

The Hon. A. F. Griffith: That is not a correct statement.

The Hon. G. BENNETTS: I can say this: The price is going to jump from 2s. to 3s. If it is not, I will be a Dutchman; and I hope the Minister can convince me it will not.

The Hon. A. F. Griffith: Then you are a Dutchman.

The Hon. G. BENNETTS: I am glad to hear it.

The Hon. A. F. Griffith: What about the excess water part of it?

The Hon. G. BENNETTS: That will apply only to certain people. It will not apply to those on the lower grades; and they are the ones we are mostly concerned about. Those people do not use a great quantity of water; but the ones who do use a lot of water will show, under the rate of 3s., a slight improvement. If for example, a consumer is now allowed 22,200 gallons at the rate of 2s. a thousand, under the increased rate he would be allowed about 33,000 gallons. Therefore, in view of the fact that his allocation of water for the year would be a little more, his consumption of excess water would be reduced.

The Minister might put forward the argument, in referring to age pensioners, that these people are exempt from the payment of water rates. I know that on the goldfields there are many pensioners who have claimed exemption from the payment

not only of water rates but also municipal rates; but, in the main, in those parts, age pensioners will not take advantage of such exemptions. They realise that if they avail themselves of this provision, their properties after their death, will be reduced in value for division among their beneficiaries in view of the fact that outstanding water rates and municipal rates have to be deducted from the value of the estate before probate is declared.

I know of an old lady who lives in Lyall Street, Kalgoorlie, who had four children in her family. She discovered that after paying her rates and taxes she had very little on which to live. She sought my advice and I told her that, if she so desired, she could claim exemption from the payment of her water rates and municipal rates; that all she needed to do was fill in the prescribed form. She told me that she had never done anything like that in her life and it was a difficult move for her to take at her age. I then suggested that she should write to the four members of her family who were scattered throughout Australia and ask each of them if they would contribute sufficient money to pay her annual water rates. I understand she took my advice and followed that course of action.

There are many age pensioners, such as that woman, who like to be in the position of paying their rates as they fall due. For instance, I know of another widow who lives in Ardath Avenue and who has reared a family of 12 children. Her husband died 20 years ago and she now has 22 grandchildren and 12 great grandchildren. She is living by herself and is having a great battle in trying to keep up her payments for water rates and other charges because she does not like the idea of her property being handed over to the local governing body or the Government on her death. Therefore the Minister can appreciate that age pensioners on the goldfields are very loth to apply for exemption from the payment of water rates.

Nevertheless, they are having a great struggle to make ends meet because of the increased charges that have been imposed upon them, especially last year. Even during this session hospital charges have been increased, the motor driver's license fee has been doubled, motor vehicle registration fees have been raised, and increases have been made in rail freights. The Government is now seeking to increase the rates for water supplied to people on the goldfields, and also to increase the rates on water that is supplied to people who reside in other country areas.

In this regard I heard Mr. Jack Thomson refer to Mr. Abbey's district in which the residents pay only 2s. per 1,000 gallons whilst people a little further south are paying 3s. and 3s. 6d. per 1,000 gallons. Therefore he has put Mr. Abbey on the

spot; and I hope that Mr. Abbey will vote to keep the rates for water on the goldfields the same as they are now.

I do not know how many country members are going to vote for this Bill, but in my opinion they have been "whipped up."

The Hon. J. G. Hislop: What does that mean?

The Hon. G. BENNETTS: In his speech Mr. Heenan referred to the Grants Commission and the fact that this body is not expecting the State Government to raise water charges on people in the outback areas. That commission is well aware that Western Australia and South Australia have extensive areas which are extremely dry and remote and that adequate water supplies have to be provided at a reasonable charge. Therefore the Grants Commission does not expect the State Government to impose extra charges for water on the people living in those parts.

Many members in this House have heard of Mr. Charles Davis of Merredin. He is an ex-chairman of the Merredin Road Board and he has been a member of many conferences on State affairs. He has written a letter to me in connection with the provisions of this Bill, which reads as follows:—

To G. Bennet, M.L.C.

Dear George,

Reference to Country Water Cost Bill. Here some figures you can put up. My Case Property in Merredin.

	1959	1960
	£	£
Shop Valuation	125	287
House	45	71

What is going to happen when we have sewerage rate of 3s. in £? To give you some idea of rating of shop—

	£	s.	d.
Roads, Rates, etc.	31	13	7
Water Rates	28	12	0
Plus estimated sewerage rate	43	1	0

Rates alone £102 6 7

From that letter members can realise how the people in the outback are perturbed at the Government's proposed move to increase water rates. They are afraid, as I have stated, that the rate will be increased by 50 per cent. There is no doubt that it is extremely disturbing to those people to find that the Government is endeavouring to impose an extra burden on the people in remote areas. Mr. Heenan, during the course of his speech, also referred to a newspaper article that was published in the *Kalgoorlie Miner* in October of this year. The writer of that article was complaining about the proposed increases in water charges and he was certainly not very pleased about it.

I have referred previously to various charges that have been increased on the goldfields, including hospital charges, but I do not intend to go over them again, because I feel that I dealt with them in great detail at that time. Because of the prevailing dusty conditions on the goldfields, the people who reside there are entitled to have extra water at a reasonable charge. Norseman, for example, which I suppose is one of the dustiest towns outside the metropolitan area, needs a good supply of water because it has very few bituminised roads. In comparison, Kalgoorlie, which has one of the best systems of sealed roads in the State, has been successful in keeping the dust down by this means.

The people on the goldfields, because of an adequate water supply, are now able to grow lawns and a few trees which afford them some shade in the hot summer months. They are also able to grow a few fruit trees, if they so desire, so that their children can have fresh fruit. The policy of this Government seems to be to impose continually extra charges and taxes on the people residing in remote areas. I oppose the Bill and I hope it will be thrown out the window in the same way as a similar measure was on a previous occasion.

THE HON. J. J. GARRIGAN (South-East) [7.57]: I support Mr. Heenan and Mr. Bennetts in opposing this measure which seeks to increase the water rate for consumers of water residing along the goldfields water supply scheme. This scheme is not only a pipeline, but also a lifeline to those people. They have no other method of obtaining water in those parts, either by putting a spear down or by sinking a well, because any water that can be obtained by such means is salty and not fit for human consumption.

On the goldfields there are large numbers of age pensioners. In proportion to the population of the State, I would say that Kalgoorlie has more age pensioners than any other centre. In addition, there are many burnt-out miners who are receiving pensions as a result of giving the best years of their lives to the goldmining industry. Nothing gives those men greater pleasure than to cultivate a small garden during their spare time or to grow some greenery around their homes, but with this proposed increase in water rates it will be impossible for such indigent people to continue with their gardens.

In view of the great distance from the metropolitan area, the people on the goldfields have to pay additional freight rates on all their commodities and necessities of life. Norseman, for example, is at the head of the goldfields pipeline, and the extra charge for water that is proposed, in addition to the burden of paying high freight rates on petrol, foodstuffs, etc., will be practically unbearable. The basic wage

on the goldfields, as is well known, is the lowest in the State. In addition, the people there have to live without amenities such as rivers, ocean beaches, and the hills which are available for the enjoyment of people residing in the metropolitan area.

We talk a great deal about decentralisation, but very little is done to put it into effect. I would suggest to the Government that, instead of increasing the water rate in the country areas, it should decrease it and give the people on the goldfields, particularly, the opportunity to live in better and more enjoyable surroundings than they do at present. Members often speak of the provision of amenities for the people, but recently a statement was made pointing out that only some of the goldmines were still operating. The position is that many of the men who were employed on the mines have left the industry because they know they can give their wives and families more amenities and better living conditions by working in the metropolitan areas.

I have no intention of delaying the debate on this Bill, but I hope the Government will see fit to give further consideration to it and take steps to decrease the country areas water supply scheme charges instead of seeking to increase them. I oppose the Bill.

THE HON. G. C. MacKINNON (South-West) [8.0]: The previous speaker said that in proportion to the population, the town of Kalgoorlie has more pensioners than any other town in this State. That is not correct. It is pretty obvious that Kalgoorlie and the goldfields have a greater proportion of representation in this House than any other town in the State.

When any measure affects Kalgoorlie, we are invariably presented with a round robin of speakers opposing increases—whether or not they are justified from an objective point of view. They battle, as they properly should, against any increase in rates or charges for their area.

Again from a purely objective point of view, and in fairness to the other portions of the State, the time has arrived—in fact it arrived a long time ago—when the representation for Kalgoorlie in this House should consist of three members, instead of six. By having six members here, the goldfields area has a marked advantage over other areas in the State.

The towns in the South-West Province in which water schemes are established pay the existing water rates, which are the proposed increased rates. It seems that whenever there is to be an increase in the rates in the goldfields, or whenever there is a debate as to whether two bottles of beer are to be sold on a Sunday on the goldfields, there are six members to speak for the district. It can be argued that they should so speak for their district, but the

proportion of six members to three members for other provinces makes the representation a little unfair.

The Hon. A. F. Griffith: Their attitude is "let others pay the increase."

The Hon. G. C. MacKINNON: That is right. When that district has six members to put forward the case, it makes the position of towns like Bridgetown and others in the south-west a little difficult.

The Hon. H. C. Strickland: These towns have a 40-in. rainfall annually.

The Hon. G. C. MacKINNON: In reply to that interjection, I would point out that this State suffers a peculiar disability because, for six months of the year, there is a drought. Very few countries in the world are placed in a similar position. It does not matter whether the rainfall is 100 in. a year, the facilities for storage and the provision of water pipes and fittings are required to tide over the period of drought. In the *Australian Year Book* there is a rainfall graph which shows the rainfall clearly under the pillar system. The pillars for the wet months are high, but for the summer months there is practically a stroke representing the low rainfall in the State.

In the Eastern States the difference between the pillars representing the rainfall in June and July, and the rainfall in the summer months is nowhere near as marked as the difference in our south-west. The water problem in the Eastern States, and the problems of water storage, etc., cannot be compared to the same problems in this State. From my experience of the rainfall in Sydney, it would appear that a 2,000 gallon tank would be sufficient for the storing of water for a dwelling. It would be filled every two weeks or so.

The PRESIDENT: I hope the honourable member will connect his remarks with the increased water rates.

The Hon. G. C. MacKINNON: I am coming to that point. Wherever there is difficulty in the storage of water in this State, the water rates are pretty high. It is unreasonable to expect districts—whether or not they are in a 40-in. rainfall area—to pay a markedly higher rate for water than districts like the goldfields.

I have heard the point in opposition against this measure being raised in regard to railway freight increases; that is, instead of the railway freights being increased, the position should be met by a system of subsidy. The same should apply to water rates; and, if there is a disability in a particular district, it should be subsidised by some other means.

Kalgoorlie, compared to some other places, does not have a greater number of pensioners in proportion to its population. The number of pensioners in proportion to the population of Mandurah

would probably be twice as great. However, no other portion of the State can marshal six speakers to represent it in this House.

The Hon. G. Bennetts: Look at the huge area we represent.

The Hon. G. C. MacKINNON: We are now referring to one town—Kalgoorlie.

The Hon. J. J. Garrigan: There is also Norseman.

The Hon. G. C. MacKINNON: I can see no reason why towns in my province should pay higher water rates than the towns in the goldfields. We should be rational about these matters. If one puts forward the argument that his province or district suffers marked disabilities, then some system of subsidy should be instituted—if on balance that is considered reasonable.

The Hon. R. Thompson: Like the dairy industry subsidy.

The Hon. G. C. MacKINNON: I know that you, Mr. President, will not permit me to pursue that line of argument. I support the Bill.

THE HON. J. D. TEAHAN (North-East) [8.7]: I apply the very same argument used by the previous speaker in support of the measure, to oppose it. The Government desires this increase in the rates for the sake of uniformity; and so does Mr. MacKinnon. In this case there is every reason why there should not be uniformity. Whilst the south-west and other parts of the State receive the benefit from an increase in the price of fat lambs, beef, fruit, and other products, the goldfields have to exist on a static price for gold. Only today I paid 42s. a case for green apples, and 65s. a case for red apples; but the price of gold has remained the same for many years.

The people of the goldfields have met the increased costs while the price of gold remained the same. They have had to bear the increased costs of steel products, machinery, explosives, and other necessities of the mines. How the mining companies and the people engaged in the industry have been able to meet those increased charges is a source of amazement.

I think in the first place they have been met by better management in the industry, and also by greater efficiency of the workers, and by industrial harmony. Is there any place in Australia which has as good industrial harmony as Kalgoorlie? Is there any other place where the employees have given better service? At the end of World War II when inexperienced labour was introduced on the goldfields the result in the mining industry became very apparent. Not every person, such as an overseer, can take on the job of the machine miner. That requires considerable skill. The industrial harmony, the experienced

workmanship, and the good management found in the goldfields have enabled the people there to meet the additional costs.

We should not increase their costs further. Perhaps private business firms cannot do anything about this, but the State could because the Federal Government does. The Commonwealth provides a higher taxation zone allowance for people living in places like Kalgoorlie. That allowance is greater in towns like Kalgoorlie, Boulder, and Wiluna than it is in Perth. So the Commonwealth Government recognises the fact that the people living in remote centres experience difficulties. The State Government should give the same recognition. Although it might not be able to help in many directions, it could in this instance exempt the goldfields from these additional charges for water rates.

The Minister said in the course of an interjection that the increased annual valuation rating will not be felt so much in Kalgoorlie, because many of the people there will be entitled to additional water and in all probability will not have excess water to pay. In many cases that will not apply, because they do not use excess water. My eight immediate neighbours, who conduct small businesses, have not used any excess water in the last 20 to 40 years.

The Hon. A. F. Griffith: Do you know what percentage of the population uses excess water?

The Hon. J. D. TEAHAN: I do not.

The Hon. A. F. Griffith: Would you hazard a guess?

The Hon. J. D. TEAHAN: I would not. I do know of the eight cases I am referring to. The actual quantity they use is small; it might amount to 1,000 or 2,000 gallons a year.

The Hon. A. F. Griffith: Would you be surprised to know that 80 per cent. of the people use excess water?

The Hon. J. D. TEAHAN: That may be so, but the people I am referring to do not use anywhere near the amount to which they are entitled. I have given some reasons why uniformity in water rating should not necessarily be applied to the goldfields or other centres which depend on the sale of gold for their livelihood. For those reasons, I oppose the measure.

THE HON. W. R. HALL (North-East) [8.12]: I voice my opposition to this Bill. Since the pipeline has been laid from Mundaring Weir to the goldfields, the people of the goldfields and those living in the towns between Mundaring Weir and Kalgoorlie have received some alleviation in their water charges. The pipeline carries water to all the towns on the route to Kalgoorlie, and it feeds many farming districts. The pipeline has been a godsend to them.

For a number of years the goldfields people have looked forward to a decrease in water charges, and not an increase. In my view the increases proposed in the Bill are very steep. I was born in Kalgoorlie and I know the position in that district very well. Very few people in Kalgoorlie and Boulder do not pay excess water charges. They have paid excess rates through the years. I cannot see any difference in their consumption of water in the future, so they will still be called upon to pay excess water charges. Other members in this debate have said that it is practically impossible to establish a lawn, or to plant a few trees and shrubs in goldfields towns without having to pay excess water rates.

We all know that water is one of the essential needs of life, and that the Kalgoorlie pipeline is one of the greatest achievements in the history of water supply schemes in Australia and, perhaps, in the world. It is a pipeline of tremendous dimensions. We know full well the benefits this pipeline confers on the districts it serves. Not only has it been a blessing to the goldmining industry, which has been a great producer of revenue for the State as well as the Commonwealth, but it has also been the means of saving many lives. The position today is vastly different from what it was in the days when a man had to carry a water bag and blaze a trail to those new districts. If the Government is seeking to derive £36,000 of additional revenue, it would be more appropriate for the Government to raise that sum of money in some other way.

There is one redeeming feature about the Kalgoorlie water scheme. The water is a class above that obtained in the metropolitan area. One has only to look at the walls of the Chest Hospital or those outside Parliament House to realise the content of the bore water. It is more or less rusting everything with which it comes in contact; and one can imagine what is happening to the inner man when that water is consumed. In Kalgoorlie one can obtain a good cup of tea from the water.

This steep increase is going to be an imposition on a great number of people; it is going to affect the working man more than anyone else.

I am very pleased that there are six of us who represent the two goldfields provinces. It is a pity that there are not another six because we might then be able to have some Bills passed which would be for the betterment of Western Australia. However, the six to whom I have referred will know that over a period of years—and I know this full well because I took part in many of the conferences—the object has been to obtain a flat rate for water. But this has never been achieved, despite the change of Governments.

Even at this stage I still think that would be one of the greatest achievements as far as the people in the hinterland are concerned. When desiring more people to live in the hinterland, we should realise that water is an essential commodity, and we should make it possible for the people to obtain it as easily and as cheaply as possible.

I hope the Government will give serious consideration to this measure. As I said before, I would like to see the Government endeavouring to raise by some other means the £36,000 it is hoped this increased imposition will produce.

THE HON. H. C. STRICKLAND (North) [8.18]: I also oppose the proposed increase in water rates outlined in this measure. The Government could reduce the gap between its revenue and expenditure if it had a good look at some of the items of expenditure involved. We are not privileged to have available an itemised costing system, but in the *Financial Statement*, on page 19, under the heading "Consolidated Revenue Fund," it will be found that the cost of running the scheme increased last year by £200,000 over the previous year. It is very hard to visualise how this could occur. I think it is much like the railways were some years ago when members were telling us that before we thought about discontinuing services, we should have a look at the costs and try to arrest them. However, apparently the Government has not paid much attention to the cost of running this scheme.

It was stated in the Press quite recently that very big savings on the scheme would be achieved with the introduction of electrical pumping stations instead of the old wood fuel engines. It was stated that the cost would be reduced substantially. Apart from the money involved in manning those pumping stations which are now run by electricity from Mundaring Weir along the line—I do not know how far it goes but it is well up—I cannot see where the expenditure would be involved. I know the previous Government introduced the changeover from fuel to electricity and that the present Minister for Water Supplies has opened one or two of those stations since taking office.

The Hon. G. Bennetts: They are as far up as Merredin.

The Hon. H. C. STRICKLAND: That is as far as the power goes, I suppose. It is very hard to reconcile the article in the Press with the reduction in costs, and yet find in the statement I have quoted that there was a jump of £200,000 in operating costs from 1958-59 to 1959-60. It is estimated that the increase for the present year will be only about £90,000.

Although the Chamber would not agree to this very same proposal last year, the Government collected £61,600 more in revenue for the scheme. Therefore I think

it is time that the costs were studied, particularly of this scheme which serves the dry areas of the State. After all, the goldfields areas served by this scheme are exceptionally dry; they are quite different from Mr. MacKinnon's province, yet he complains that five of the six goldfields members have protested. He asks why the people in his province should pay more than those people living in the goldfields around Kalgoorlie. The answer is quite simple: There is no water at all in Kalgoorlie, but the goldmining industry must be kept alive. It is by no means as prosperous as it was in the early days when it kept the State going. It was not the primary producer but the goldmining industry which kept the State alive then. But down in Mr. MacKinnon's province in the south-west is to be found the richest area of the State—one of the richest in Australia I would say. It enjoys a regular, heavy rainfall and the people there can afford to pay more than the people living in the less prosperous areas of the State.

The Hon. G. Bennetts: They do not have to carry waterbags around like we do.

The Hon. H. C. STRICKLAND: Not like Paddy Hannan had to, anyway. The Minister when introducing the Bill stated that the loss was approaching £1,000,000. He has doubled the figure of £500,000 which appears in the *Financial Statement*. However, what is that amount when it is keeping the goldmining industry going, and maintaining the population in the dry areas of the State—areas which cannot be any more than pastoral areas; and where only one sheep can be run on something like 40 acres? Compare that £500,000 loss to keep going all that area from Parkerville through to Kalgoorlie and Norseman, with the £380,000 loss which was involved last year to keep alive the irrigation areas in Mr MacKinnon's province. Imagine it! A £380,000 loss is incurred to enable people to grow potatoes from which a lot of money is obtained. This £380,000 turned land which was valued at shillings per acre into land now worth £200 or more per acre. Yet members from that province are complaining that those from the Kalgoorlie province—

The Hon. G. Bennetts: Where we have a case!

The Hon. H. C. STRICKLAND: —who certainly have to use water to keep comfortable, pay a little less. They complain about it! I cannot for the life of me work it out; it does not make sense! What is involved in the capital cost of the irrigation areas, I do not know, because I have not had time to look it up; but the taxpayer would certainly have been considerably affected.

The Hon. G. Bennetts: The successful farmers in the south-west came from the goldfields.

THE PRESIDENT: Order!

The Hon. H. C. STRICKLAND: While the expenses are running out of control by jumping £200,000 in a year—I assume that it is not loan expenditure because if it were it should not be included in the statement—this Chamber should not agree to impose any higher charges on the people who are served by this water supply. Just imagine it! No potable subterranean water can be found in the goldfields areas; there is just none available. But consider the position in the south-west. I do not know how much water runs into the sea, but certainly plenty of it does.

In many areas west of the ranges, well water is available at very shallow depths. In Bunbury, Busselton, and all along the coastal plain, it is only a matter of a few feet before water is obtained in abundance, so to speak. Yet the question is raised why people living down there should pay a little more for their water. They pay a little more because they are able to, whereas the people in the drier areas are not so prosperous.

The Hon. G. C. MacKinnon: Many of the railway workers in the south-west are on the same wages as those in Kalgoorlie, but they have to buy water.

The Hon. H. C. STRICKLAND: That is quite a different proposition altogether.

The Hon. L. A. Logan: No different at all.

The Hon. H. C. STRICKLAND: The cheapest water in the State is irrigation water, and what does it produce? It produces blood stock—trotters and gallopers—potatoes; plenty of milk; baby beef. The people down there have no reason to complain about the members representing the dry areas presenting their views. As Mr. Hall said, it is a pity there are not six more of us to advocate for those people in the outback. I believe that there should be another six for the north.

The Hon. F. D. Willmott: Those we have here do a pretty good job!

The Hon. H. C. STRICKLAND: If there were, much more could be achieved for the north than is achieved at present. Although I will admit that much is being done, there is scope for a lot more.

On motion by The Hon. A. R. Jones, debate adjourned.

BETTING CONTROL ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; the Hon. H. C. Strickland in charge of the Bill.

Clause 2—Section 11 amended (partly considered):

The Hon. H. C. STRICKLAND: Progress was reported in order that an appropriate amendment to exclude the South-West

Land Division could be drafted. I am grateful to the Minister for giving me an opportunity to draft these amendments; and I have, with the aid of the Clerk of the Council, had what I consider appropriate amendments drafted. The amendments, when agreed to, will make the section read as follows:—

The board shall not grant a license—

- (a) to a person who holds, or to a person who is employed in any capacity by one who holds a license for the sale of liquor under the Licensing Act, 1911, except (in the case of a license under this Act entitling the holder to carry on the business of a bookmaker as mentioned in paragraph (a) of subsection (4) of this section) in the case of a spirit merchant's license or a gallon license which is located in areas of the State other than the South-West Land Division.

I move an amendment—

Page 2, line 4—Delete the words “other than” and substitute the word “except.”

The Hon. A. F. GRIFFITH: The words appear to be satisfactory, and I think the object has been achieved to make it possible for a person holding a gallon license or a spirit merchant's license at the same time to hold an on-course bookmaker's license in the more remote areas of the State. The amendment will exclude all the South-West Land Division, and I think that is quite satisfactory.

Amendment put and passed.

The Hon. H. C. STRICKLAND: I move that the clause be further amended as follows:—

Page 2:

Line 7—Insert before the letter “a” the words “in the case of.”

Line 8—Add after the word “license” the words “which is located in areas of the State other than the South-West Land Division.”

Amendments put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

STATE CONCERNS (PREVENTION OF DISPOSAL) BILL

Recommittal

The HON. A. F. GRIFFITH (Minister for Mines): I move—

That the Bill be recommitted for the further consideration of clause 3.

The HON. J. MURRAY: I would like the schedule to be further considered on re-committal.

The PRESIDENT: We will regard that as being included in the motion.

Question put and passed.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. H. C. Strickland in charge of the Bill.

Clause 3—Disposal of State concerns to be approved by Parliament:

The Hon. A. F. GRIFFITH: This Bill, if it passes the Chamber in its present form and is sent down to the Legislative Assembly, will prevent the Government from disposing of certain State trading concerns which are set out in the schedule. Clause 3 states that the sale or lease or disposal of those concerns shall not be "finalised" unless and until the approval of Parliament to the sale has first been obtained.

I have had the opportunity of looking at the reprint of the Bill; and clause 3, as we have amended it, reads—

Notwithstanding the provisions of any Act, the sale, lease or disposal of the instrumentalities and trading concerns mentioned in the schedule shall not be finalised unless and until the approval of Parliament to the sale, lease or disposal has been obtained.

I do not know what connection the word "disposal" has to the words "sale," or "lease," and I have not been able to find in any dictionary what the word "finalised" means. I have been able to find the word "final" and "finality," and lots of others, but not the word "finalised." Apparently it is a coined word in the English language, and we should not send something ungrammatical to the Legislative Assembly.

I have made no secret of the fact that I am opposed to the Bill. I am opposed to the principle contained in it; and I cannot understand why the honourable member introduced it. I regret that he found sufficient support to have it passed. However, that is the will of members, and I will obey that will.

I intend to ask members to agree to a suggestion which will make the wording more correct; but that will not alter the fact that I will oppose the third reading. I suggest that in place of clause 3 as it stands we delete all words after the word "Act" in line 11 and substitute others in their place so that the clause will then read—

Notwithstanding the provisions of any Act, no agreement for the sale or lease of any of the State owned instrumentalities or State trading concerns mentioned in the schedule shall be valid or effective unless and until such agreement is ratified by Parliament.

In my view those words are more in line with legal phraseology and more correctly state the position than the words which now appear in the clause, one of the

reasons being that they are based on the argument used by Mr. Strickland when introducing the Bill. He said that to come to Parliament before doing a deal on State trading concerns is similar to what took place when we ratified the agreement dealing with the Chevron-Hilton Hotel. Mr. Baxter's clause now means that before any agreement gets to the point of the signatures being applied it must be laid on the Table of the House before it is finalised. If the Committee accepts the amendments I propose to move, it will be necessary for any agreement reached to be brought to Parliament for ratification.

While this Government might seem more anxious to get rid of the State trading concerns, in principle its action is no different from that of the previous Government when it sold the Wongan Hills State Hotel and brought the completed agreement to Parliament for ratification. I suggest that if we accept this Bill and we wanted to sell one of the State trading concerns we would not get large industrialists to come to Western Australia with their money and know-how if they knew that every move they made was subject to investigation by Parliament.

My amendment will get nearer to the original intention of this Chamber the other night. It is completely ungrammatical to say "sale, lease or disposal." I can understand the word "sale"; I can understand the word "lease"; but I cannot understand the implication of the word "disposal"; and the word "finalised" has no connotation at all. It is not in the English dictionary, and we should not send to the Assembly amendments which are not grammatically expressed. I move an amendment—

Page 2 line 11—Delete the words "the sale, lease or disposal of the instrumentalities and trading concerns mentioned in the Schedule shall not be finalised unless and until the approval of Parliament to the sale, lease or disposal has been obtained." inserted by a previous Committee and substitute the words—

no agreement for the sale or lease of any of the State-owned instrumentalities or State Trading Concerns mentioned in the Schedule shall be valid or effective unless and until such agreement is ratified by Parliament.

The Hon. N. E. BAXTER: I cannot agree with the Minister. The argument he put up previously was that a company that wished to purchase one of these State trading concerns or instrumentalities would not give consideration to such purchase if all the details had to be laid before Parliament. This amendment amounts to the same thing. Does the Minister intend that the documents shall be prepared and agreed upon and then

brought to Parliament for ratification, and that we will be told nothing; or are we going to be told the whole story when the agreement is placed before us? Will it be similar to an agreement that had been reached by Parliament before the matter was finalised?

The only other position in which Parliament could be placed would be where the Government had reached agreement with some company and where it had been agreed that the company would do certain things, and that the Government would do certain things, and where everything was signed, sealed, and delivered. In such a case, what could Parliament do? Could we possibly oppose the ratification of such an agreement? Of course not! This would mean a censure motion of one's own Government. The Opposition would be placed in the position of having to refuse ratification, and I do not believe it would refuse to ratify such an agreement.

The Hon. A. F. Griffith: What would you suggest?

The Hon. N. E. BAXTER: This means the *status quo* would be maintained, and members would be no better off by the amendment. We would be told the details but would have no say in their alteration, because the agreement would have been completed. I oppose the amendment.

The Hon. H. K. WATSON: I was sorry to hear Mr. Baxter speak as he did, because the amendment does no more than put into proper parliamentary language the aim he has in mind. I was on the verge of moving a similar amendment, merely from the point of view of parliamentary drafting. My reading of the Minister's attitude is that he opposes the Bill and feels that he should not have to come to Parliament at all. If, however, the Bill is to be accepted, then let us correctly express ourselves.

Perhaps I could illustrate what I understand to be Mr. Strickland's approach to the Bill. When discussing the Bill he explained that this would be similar to what took place in regard to the Chevron-Hilton agreement. He pointed out that when the land was being purchased by the Chevron-Hilton concern it was not sold without being finalised by consent of Parliament. The Chevron-Hilton agreement says, "This agreement is made subject to approval and ratification by the Parliament of Western Australia . . ."

When a company makes an agreement subject to certain conditions no-one has been taken for a ride; no agreement has been breached; and no term of the agreement has been abrogated if Parliament decides not to ratify the agreement. If a Bill were introduced having next to it an agreement subject to ratification by Parliament I would have no hesitation in voting against that Bill if I were opposed to the agreement, even if it meant earning

the displeasure of the Government. The party concerned would lose nothing by the agreement not being ratified by Parliament, because that would be the term and essence of the agreement itself.

The fact that Parliament had the right to disallow the agreement would be just as effective against the purchaser as if the agreement said, "If the purchaser does not pay the purchase price on such a day the agreement is terminated and the money paid is forfeited." It is simply a matter of contract, and I think the Minister's amendment seeks to achieve Mr. Baxter's aim in more parliamentary language.

The Hon. F. J. S. WISE: There is no need to take the drastic action proposed by the Minister to correct the verbiage in Mr. Baxter's amendment. If the word "finalised" were amended and the two words "be finalised" struck out, and the words "reached finality" inserted in lieu, the objection would be wholly overcome.

It is true the word "finalised" is not strictly English; and perhaps it cannot be found in any English dictionary. But, I repeat, that difficulty is very simple to overcome by deleting the two words "be finalised" and substituting therefor the words "reach finality."

The suggestion made by Mr. Watson sounded a very simple one and I think he averred it was beyond his understanding that Mr. Baxter could not accept the Minister's proposition. The difference, of course, is as wide apart as chalk and cheese. How frequently has Parliament in all its history, in the presentation of agreements accepted on behalf of the people by Governments and signed by Governments, refused acceptance and ratification?

Usually the Press makes certain that the way is well paved for acceptance; especially in regard to such matters as the Chevron-Hilton Hotel agreement. The way is paved for acceptance by Parliament of all such things which mean a very big expenditure in this State. It would not only be played up in regard to the advantages of not having it under Government control, but many other things would be highlighted as well. So we are dealing with two entirely different matters in Parliament approving of a *fait accompli*, as compared with something which has to be approved by Parliament before it is an accomplished fact. That is the difference in the situation.

The Hon. J. MURRAY: As Mr. Wise pointed out, the amendment as carried by the Committee in its previous sitting and the one now proposed are certainly entirely different. The amendment carried by the previous Committee carried into effect exactly what I hoped this Committee would not do—that is, tie the hands of the Government in discussing certain

proposals which would lead up to an agreement for the sale of certain State trading concerns. There is no doubt about that. I would say at this stage that if this Committee, and another place, choose to go on with the Bill as it is now framed, negotiations which have gone on over a long period will be broken off.

I am not disclosing any Cabinet secrets in this regard, because one has only to travel the south-west portion of the State where certain State trading concerns are in operation to find out that negotiations have been going on for a long time. There are certain large industrialists from overseas who have closely investigated the possibilities of the purchase of certain State trading concerns.

That is why, when I first spoke to this Bill, I said I believed it was the intention of the mover to stop all future sales by the Government of State trading concerns. That is why I asked Mr. President to include the schedule for further consideration in the event of clause 3 being carried in its present form.

The Hon. G. C. MacKINNON: At this stage I would comment on the dangerous proposition enunciated by Mr. Wise and Mr. Baxter that under no circumstances could this Chamber vote against the ratification of an agreement. If that proposition is followed, surely the reasonable thing for us to do is to wipe out the necessity for the presentation of any agreement to this Chamber or to the other House for ratification and give the power to the Government or Executive Council to enter into any agreement they wish by enunciating a policy that we cannot under any circumstances refuse to ratify an agreement. Surely that is a very dangerous attitude to enunciate.

Mr. Wise said that newspapers make sure we are well and faithfully conditioned so we will not refuse to ratify an agreement. I can assure all members that I sincerely hope I will have the courage to vote against an undesirable agreement. I am sure I have plenty of friends who will do the same thing. From what I know of the members of this Committee there is not one who would say, "It has always been done, and although this agreement is not satisfactory, I am in duty bound to vote for it." I am sure there are plenty of members in this Chamber and in another place who have the necessary force of character to give a lead and take a stand to vote against something they consider to be basically wrong.

I think that is a policy to which we should stick. So long as an agreement has to be presented for ratification we have the power to vote either for it or against it. We should always make it clear that we maintain the right and privilege to exercise this power, drastic as it may sound and drastic as it may be. It would be

extremely rare for Supply to be stopped, but the power rests within this Chamber to stop it.

I do not think we should ever talk in terms of not having the power, or not being able to do these things, because if we do so long enough, somebody will present the type of agreement which none of us would like to ratify. If that time came I am quite sure—knowing the characters of members of this Committee as I do—it would not be ratified.

The Hon. F. J. S. WISE: I regret my illustration should have so affected Mr. MacKinnon that he was able to draw from it a conclusion which was at no stage intended. I was simply comparing the vast difference between the amendment as proposed by the Minister and the amendment—particularly if amended—as moved by Mr. Baxter. If members care to look at the amendment now being discussed they will see it is a simple matter for this Committee to give the Government the fullest authority to act without any further reference to Parliament, if need be, on any proposition in connection with which the Government was negotiating.

The Hon. H. K. Watson: In what manner could the Chamber convey that authority?

The Hon. F. J. S. WISE: By an approval within this Chamber of full endorsement for the Government to act in any negotiation for the sale of a specified concern. If the amendment moved by Mr. Baxter is added to the Bill, once this Parliament approved of a sale or lease, the Government could act immediately with regard to the negotiation for the sale or disposal; and it would have full authority to make the best possible deal in that connection.

The Hon. A. F. GRIFFITH: Is Mr. Wise suggesting that in the event of the Government wanting to dispose of one of the State trading concerns in the schedule, "I, as a Minister of this Government, have to bring a motion to Parliament which asks for permission to dispose of that State trading concern, and that consent will be given with a flick of the finger? If that is what I am to conclude, I have misjudged the honourable member.

The Hon. F. J. S. Wise: I did not say those words.

The Hon. A. F. GRIFFITH: I did not think, with the knowledge I have of the honourable member over the years, he would have been so easily misled as that.

The Hon. F. J. S. Wise: I did not say what you have said.

The Hon. A. F. GRIFFITH: I think Mr. Wise would be most careful about such an amendment. I want to ask Mr. Baxter this: Will he tell the Committee what he would expect the Government to do if, for argument's sake, it wanted to sell the State Building Supplies? In the words of the amendment, before the sale is

finalised, it will be necessary to obtain the approval of the State Parliament. At what point of the negotiations would the honourable member ask the Government to come to Parliament? And when the Government came to Parliament, what would it be required to present to Parliament that would amount to the statement, "You can proceed to sell the State Building Supplies"?

The Hon. A. L. LOTON: To a point I agree with the objection raised by the Minister regarding the word "finalised." No doubt it is a word in common usage and one which we have accepted; but one would probably not find it on checking a dictionary. Mr. Wise has mentioned that the amendment can be straightened out by deleting the words "be finalised" and substituting the words "reach finality." I wonder why Mr. Wise wants to leave in the words "unless and." I think the words "unless and" are completely outside the requirements of the phrase.

The Hon. H. K. WATSON: After the explanation given by Mr. Wise I tried to refresh my mind as to what was done when, in 1956, the Government contracted to dispose of that vast area of land at Esperance.

I find there that an agreement was executed between Mr. Hawke, as Premier, and Esperance Plains Australia Ltd. This was one of those rare agreements which was not presented to Parliament. It was signed, sealed and delivered in the broadest terms without any conditions that it should be submitted to and ratified by Parliament; and it is coincidental that at its signing we were asked to pass, and did pass, an Act which simply said that the Government may authorise any Minister of the Crown on behalf of the State to enter into an agreement for the disposal of State land.

That is where the Government can give half the State away without coming to Parliament. Yet we object to giving away one building, or a State industry, unless we first get the consent of Parliament in a manner which, with all respect to Mr. Wise's illustration, he still has not made clear.

If the Bill said that the State trading concerns shall not be disposed of unless the agreement is ratified by a resolution of both Houses, or by an Act of Parliament, I suggest that we would have to nominate the formal method whereby the approval would be given. It does seem to me that unless we are going to have an Act such as we gave to the Government in 1956, where it could dispose of as much land in Western Australia as it liked, and at whatever value it liked, without coming to Parliament, then the granting of the Minister's request that it shall not have any effect unless ratified by Parliament is all that is required.

The Hon. N. E. BAXTER: The Minister asked me a while ago what I expected the Government to do when the agreement came before Parliament.

The Hon. A. F. Griffith: Not prior to its coming before Parliament; up to that stage.

The Hon. N. E. BAXTER: I took it that the Minister wanted me to tell him what the Government would submit to Parliament.

The Hon. A. F. Griffith: Tell us how you would sell the State Building Supplies?

The Hon. N. E. BAXTER: The Government seems to have all the answers to that question. I have no idea how I would sell the State Building Supplies.

The Hon. A. F. Griffith: You have a good idea of how to stop the Government from selling it.

The Hon. N. E. BAXTER: This amendment will not stop the Government from selling it. Did it stop the Government from making an agreement with the Kwinana oil refinery, or the Chase Syndicate? Those agreements had to be ratified by Parliament, certainly; but there is no reason why this should stop any sale by reason of its having to be referred to Parliament. Surely the Government can enter into negotiations. When a private company wishes to dispose of all or some of its assets, would it ask the whole of its shareholders or the whole of its directors to negotiate? No; it would suggest that some of the directors should negotiate and refer back to the shareholders.

The Hon. A. F. Griffith: Will the honourable member enumerate the steps—

The Hon. N. E. BAXTER: If the Government enters into negotiations for a sale it would be asked to refer the details to Parliament, whose members are the directors for the people.

The Hon. A. F. Griffith: When do you want us to refer it to Parliament?

The Hon. N. E. BAXTER: When you have started negotiations and have got a buyer in your hand. If a buyer has any confidence in the particular concern he is going to purchase, the fact that the agreement is going before Parliament will not frighten him out of his confidence. If he was not confident he would not think of buying it in the first place. I think those sorts of questions and answers to the problem are a little too vague for me to understand.

The Hon. A. F. Griffith: What would you like us to disclose to Parliament when we got to that stage?

The Hon. N. E. BAXTER: The terms of the agreement, and the details as to finance.

The Hon. A. F. Griffith: Before they are signed?

The Hon. N. E. BAXTER: Most certainly. In addition, I would like disclosed the terms of employment; conditions, including what is going to happen with regard to long service leave, and superannuation and family benefits for the

employees; and what will be the effect upon the districts and towns in which the industries exist. They all come into this problem. Those are the things that we, as representatives, have the right to know and to help decide upon. This idea that we shall be all-powerful because we have been given a mandate for 10 people of the whole of the 80 members to do this or that is wrong. Why are we elected here? Why not apply the whole principle of legislation to 10 members of Cabinet and let them run the whole State?

The Hon. A. F. GRIFFITH: When I asked the honourable member at what stage did he want us to disclose details to Parliament, he said, "When you have started the negotiations." Then he added, "When you have a buyer in your hand." What does that mean? The honourable member is asking us to negotiate the sale of a State trading concern, and he obviously has not the slightest idea of what will take place—the investigations; the inquiries; the reports; the business acumen of the person that is going to buy; the bartering; the negotiations on this point and that point. We get to the point where we can almost sign an agreement, and the honourable member says we must then bring it before Parliament. We would then disclose to Parliament all the ramifications of a man's business.

The Hon. N. E. Baxter: Not necessarily.

The Hon. A. F. GRIFFITH: If Parliament knocks the agreement on the head and says we cannot go ahead with it, we will have disclosed all the details of the man's business.

I think we should arrive at the real home truths on this matter. What would be the situation if it was reversed and we had a Labor Government in office? Here I am surmising; and please correct me if I am wrong. I suggest that if the Government had an agreement similar to the one that Mr. Watson referred to—the Chase agreement—the Labor Government would take the proposition into its caucus room and would say, "Here you are gentlemen, and lady; this is a possibility that the State has in respect of these negotiations." The Labor Government would go through it and it would get the support, or otherwise, of those in the party.

Mr. Baxter knows that is what we do in our party. The honourable member knows that we never introduce a Bill in this Parliament before consulting with our private members on it. As a supporter of this Government he cannot enumerate to me one Bill that has been introduced in this session, or last session, that was not first discussed in detail in the party room, where party members had an opportunity to raise their objections. I venture to suggest that this probably goes on in every political party, or should do. It provides private members who support a party with

an opportunity of sifting the Bill and putting forward a point of view to the stage where the party can say, "This is as complete as we can make it."

This is a reasonable and satisfactory arrangement, as was the Chase land settlement agreement in the opinion of the previous Government; and, as Mr. Watson said, we did not even see that one for ratification. But the principle is still there. Having made a satisfactory agreement, in the opinion of the Government—and, after all, the Government is elected to govern the country—we then bring it to Parliament for ratification; and if Parliament says no, it does not go through.

The Hon. H. C. Strickland: But Parliament counts.

The Hon. A. F. GRIFFITH: Of course Parliament counts. It counts in this case just as much as it did when the honourable member was a member of the previous Cabinet. There is no difference. We did, in those cases, exactly the same as we are asking Parliament to do now. It is quite fallacious for Mr. Baxter to say that members of the Government present a *fait accompli*.

Every agreement we make; every bill we introduce; every negotiation we undertake, is referred to the members of Parliament for the districts concerned. On occasions we give a copy of an important bill to the Opposition, as I have done in the case of the Explosives and Dangerous Goods Bill this session. It is still on the bottom of the notice paper in another place; and, not only was it referred to members, but a copy of it was given to the Opposition. Parliament does count—it counts a great deal.

The purpose of this Bill is simply to stultify anything the Government might have in mind in respect to the disposal of any of the State trading concerns. All I ask is that an opportunity be given for a set of negotiations to take place to a point where an agreement can be reached and brought before Parliament.

Many Bills are subject to the approval of Parliament. The honourable member's amendment says, "before it is finalised." That means that before one signs on the dotted line the agreement has to be brought here; and I object to that very strongly. It takes away from the Government the Government's right, as the Government of the people, to negotiate upon something. Surely, as a supporter of this Government, the honourable member does not expect us to subscribe to that.

The Hon. E. M. HEENAN: The Minister has just stated that Mr. Baxter proposed to take away the right of the Government to negotiate.

The Hon. A. F. Griffith: To enter into an agreement.

The Hon. E. M. HEENAN: I took careful note of what the Minister said, and he said "negotiate." I am sure that is not the intention of the amendment. It simply provides that before negotiations are completed, the approval of Parliament shall be obtained. I might be able to suggest an improvement on what Mr. Baxter proposes, and perhaps on what the Minister suggests. If my suggestion were adopted, the clause would read as follows:—

Notwithstanding the provisions of any Act, no contract for the sale, lease or disposal of the instrumentalities and trading concerns mentioned in the schedule shall be accepted on behalf of the State Government unless and until the approval of Parliament to such sale, lease or disposal has been obtained.

The Hon. A. F. Griffith: That is the same as Mr. Baxter's clause, but in different words.

The Hon. E. M. HEENAN: The Minister has been complaining about the misuse of words, and I thought this would make Mr. Baxter's intention perfectly clear. This would not prevent the Government from carrying on negotiations and reaching agreement, but it would prevent the Government from reaching an agreement without the approval of Parliament.

The Hon. A. R. JONES: I am concerned with the fact that we should protect as far as possible some of these items in the schedule; and there are only four. I am not concerned about the State Building Supplies, but I am vitally concerned about some of the others. I shall endeavour to see that before there is any mention of sale of them, the sale will have to be ratified or agreed to by Parliament.

The Government said on the hustings that it would dispose of State trading concerns. But we have four State trading concerns that cannot be sold unless Parliament agrees. But it would not be beyond the bounds of practicability for the Government to say to Parliament, "We propose to sell certain State trading concerns."

The Hon. A. F. Griffith: We have said that, but not in Parliament. Would you not want to know the terms and conditions?

The Hon. A. R. JONES: I propose to put my argument forward, and if I do not make myself clear the Minister can say so. The Minister would say, "It is proposed to dispose of certain State trading concerns." As Mr. Baxter said, this Chamber is entitled to know what is to become of the people employed in the industry. We are not going to tie anybody down to a definite agreement. If Parliament thought the disposal was right and proper, it would give its consent.

I have been here only 10 years, but I have not heard of any agreement that has not been accepted and ratified by Parliament.

I would not accept any amendment that would cloud the issue, or make it as ineffective as would the amendment suggested by the Minister.

The Hon. A. F. GRIFFITH: When I spoke to the second reading of the Bill I said it was not the Government's intention to dispose of the State Shipping Service, the Wyndham Meatworks or the W.A. Meat Export Works.

I respectfully say to Mr. Jones and to any other member on the Government side who has supported the measure that all the State trading concerns that the Government has sold or intends to negotiate for sale, have been advertised in the paper, but I have not heard any of those members to whom I have referred objecting and wanting to know the conditions of sale. To the best of my knowledge, no inquiries have been made. Every concern that has been sold has been advertised.

The Hon. H. C. Strickland: But none of those mentioned in the schedule.

The Hon. A. F. GRIFFITH: The Bill as introduced by the honourable member engulfed the whole lot; it put the "kybosh" on them.

The Hon. H. C. Strickland: But that provision was not carried.

The Hon. A. F. GRIFFITH: Mr. Baxter's amendment was accepted because I think Mr. Strickland could see that a half loaf was better than no loaf at all.

If we agree to this provision we will take away a great deal of the negotiating powers the Government has. An industrialist may come to this State and say, "Is it a fact that you have to get permission from Parliament to dispose of a State trading concern to us?" We will say, "Yes, that is so." He will say, "At what point do you have to get the permission of Parliament?" We will have to say, in the words of this Bill, "We cannot finalise the sale; and we cannot let you sign on the dotted line until Parliament has said, in the words of Mr. Baxter, that all the ramifications of the agreement are satisfactory." Do members think we will have any success in disposing of any State trading concerns under those conditions?

The Hon. R. F. Hutchison interjected.

The Hon. H. C. Strickland: That will please Mrs. Hutchison.

The Hon. R. F. Hutchison: My word!

The Hon. A. F. GRIFFITH: The honourable member knows that the Bill will stultify any attempt by the Government to get rid of State trading concerns. Mr. Strickland knows that the Bill is an attempt to prevent the Government from selling any of the four concerns mentioned in the schedule. We want only to have the right to enter into an agreement, to sign it on the dotted line, and then to bring it to Parliament for ratification.

The Hon. N. E. BAXTER: I think the Minister and Mr. Watson have put up rather a good argument against the Minister's amendment. They have both referred to the fact that under the Minister's amendment there should be an overriding clause providing that ratification by Parliament should be part and parcel of an agreement.

The Hon. A. F. Griffith: After it has been signed; and you know it.

The Hon. N. E. BAXTER: In the sale of State trading concerns, do we not expect to deal with people who are interested in running them successfully and making a profit out of them? It appears, from the way the Minister talks, that people will come here and investigate a State trading concern; and, at the slightest sign of anything untoward, they will bolt. As a matter of fact, any agreement for sale has to come before Parliament for ratification, and it is much better that it should be referred to Parliament before the agreement is signed.

Let us take the agreement made in connection with the oil refinery at Kwinana. Certain Government supporters objected to some of the details of the agreement, but no alteration could be made without complete refusal of ratification. Mr. Diver, who is now our President, objected to some of the details of the agreement, and he voted against the ratification of the agreement; and subsequent events have proved that he was right.

Some small details affecting certain assets could be the means of upsetting the agreement; and because the approval of Parliament had to be obtained, amendments could be inserted in the agreement and taken back to the prospective purchaser.

I do not know whether the Minister has had any dealings with American firms. They bring forward all sorts of propositions, but if half of them are struck out, they will still accept the agreement.

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

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes—13.

Hon. C. R. Abbey	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. M. Thomson
Hon. R. C. Mattiske	

(Teller.)

Noes—16.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. A. L. Loton

(Teller.)

Majority against—3.

Amendment thus negated.

The Hon. A. R. JONES: This clause can still be amended, can it not?

The CHAIRMAN (The Hon. W. R. Hall): Yes.

The Hon. H. C. STRICKLAND: I think the amendment needs some tidying up, especially in relation to the word "finalised." I move an amendment—

Page 2—Delete the word "finalised" in an amendment inserted by a previous Committee and substitute the word "completed".

The Hon. A. F. GRIFFITH: I wish to register my protest about this sort of thing. This clause is just a hotch-potch in the way we have worded it. Could Mr. Baxter tell me what the word "disposal" means?

The Hon. N. E. Baxter: Get rid of.

The Hon. H. C. Strickland: Give it away.

The Hon. A. F. GRIFFITH: Is that the best definition the honourable member can give? If it is, I am surprised at him. The word "finalised" was bad enough, but the word "completed" is worse still. The Government would be placed in an impossible situation in trying to negotiate an agreement with wording such as this.

The Hon. H. K. WATSON: I oppose the amendment. If the Bill is to go on the statute book I would prefer it to go on as it is now. History is replete with examples of stupid Acts of Parliament becoming annexures to the names of the authors. For instance, we have all heard of Braddon's Blot, and in time to come this legislation will be known as "Baxter's Folly."

The Hon. E. M. HEENAN: It will not assist greatly if we adopt the attitude adopted by Mr. Watson. The Committee has approved of the principle underlying the Bill. However, I suggest that the wording needs tidying up. With some modesty I submit this amendment for the consideration of the Committee, because I am sure it will meet with what is required—

Notwithstanding the provisions of any Act, no contract for the sale—

That is what the Committee wants—

—lease, or disposal of the instrumentalities or trading concerns mentioned in the schedule shall be executed on behalf of the State Government unless and until the approval of Parliament for such sale, lease, or disposal, has first been obtained.

I have written the amendment out for Mr. Baxter and I think it would meet with the approval of any Parliamentary draftsman because it clearly puts his intention into effect.

Sitting suspended from 9.55 to 10.18 p.m.

The Hon. H. C. STRICKLAND: After listening to Mr. Heenan's explanation, I believe there is a more suitable amendment which I understand Mr. Baxter is preparing. Therefore I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. A. L. LOTON: I desire to draw Mr. Baxter's attention to the fact that the word "disposal" is superfluous because it means "sale or lease." I feel that the suggestion made earlier—that Mr. Baxter should ask leave to confer with someone to ascertain the right word—is a good one.

The Hon. A. F. Griffith: The Bill is superfluous so far as I am concerned.

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

Page 2 line 11—Delete the words "the sale, lease or disposal of the instrumentalities and trading concerns mentioned in the Schedule shall not be finalised unless and until the approval of Parliament to the sale, lease or disposal has been obtained" inserted by a previous Committee and substitute the words—

no contract for the sale or lease of the instrumentalities and trading concerns mentioned in the Schedule shall be executed on behalf of the State Government unless and until the approval of Parliament to such proposed sale or lease has first been obtained.

The Hon. A. F. GRIFFITH: The word "executed" means "signed," and therefore it will not be possible for any document to be signed unless Parliament agrees. I am not going to waste the time of the Committee any more except to lodge an emphatic protest against the insertion of this sort of amendment. It is worse than the original because it would not be possible to sign a thing, whereas that was possible before.

Amendment put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the ayes.

Division taken with the following result:—

Ayes—15.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. F. R. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. H. Hall	Hon. W. F. Whillesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. R. Thompson
Hon. G. E. Jeffery	(Teller.)

Noes—14.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hialop	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
	(Teller.)

Majority for—1.

Amendment thus passed.

Clause, as further amended, put and passed.

Schedule:

The Hon. J. MURRAY: Whilst some members have fixed ideas with respect to certain items in the schedule, I do not believe that their ideas are fixed with regard to the State Building Supplies. It is well known that over the last two years the Government has been endeavouring to dispose of the State Building Supplies, and that negotiations have taken place with several industrialists. What stage those negotiations have reached, I am not in a position to know. But it is rather interesting to note that in the 1959 report of the General Manager of the State Building Supplies he stated the view that a transfer from a Government instrumentality to private enterprise would not be harmful to those organisations under his management; in fact he went further and said that it would be all to the good.

In the 1960 report he also stressed the point that negotiations had been taking place and that the State Building Supplies had received certain advantages as a result of an exchange of viewpoint with the various members of the organisations who were examining the proposals put forward.

He further stated in the 1960 report that if the concern was not sold to private enterprise a huge capital expenditure would be required within the next two or three years—to the extent of £600,000. That is a lot of money in addition to the State's other commitments. To exclude the State Building Supplies from the provisions of the Bill, I move an amendment—

Page 2—Delete the first paragraph of the schedule inserted by a previous Committee.

The Hon. N. E. BAXTER: I trust the Committee will not agree to the amendment. In spite of what Mr. Murray had to say about the general manager's attitude, there are a lot of questions involved in this issue. If we agree to this amendment, which will exclude the State Building Supplies from the instrumentalities mentioned in the schedule, we may as well exclude all the others; because we will be adopting the principle of excluding one and leaving the others, which are on a similar basis, in the legislation.

The Hon. A. F. Griffith: Why did you put only four in the schedule in the first place?

The Hon. N. E. BAXTER: So that members will have no misconception about what will happen in regard to the State Building Supplies, I would like to quote one Minister's statement. There were inquiries regarding the State brickworks at Armadale, and rumours were circulated, even by a member of Parliament concerned in the matter, that the sale of the

State brickworks was imminent—that it would take place in about a fortnight's time. That was when the meeting was held at Armadale. Since then nothing further has been heard about the sale of the State brickworks. The Minister said—

The Hon. A. F. Griffith: What Minister?

The Hon. N. E. BAXTER: The Minister for Industrial Development. He assured the people of Armadale at a deputation that should a sale take place the Government would sell the State Building Supplies as a complete entity, or that as complete units the State saw mills and the State brickworks would not be sold independently but simultaneously. So I do not want any illusions that one will be sold without the other.

As regards the sale of timber overseas, in the 1931-32 period private sawmilling companies were sending timber out of this State that should never have been sent; it was disgraceful.

The Hon. J. Murray: That is a bit of nonsense.

The Hon. N. E. BAXTER: It is not.

The Hon. J. Murray: It was all covered by forestry inspections.

The Hon. N. E. BAXTER: I do not care whether it was. It was seen on the wharves in Durban in 1932.

The Hon. A. F. Griffith: What has that to do with the State Building Supplies?

The Hon. N. E. BAXTER: With the State Building Supplies we are assured that good quality materials will be sent overseas because that instrumentality has some control over the situation. Too many of our products have been marketed overseas when they have not been packaged or treated properly.

The Hon. A. F. Griffith: I hope the honourable member can link this up with the Bill.

The Hon. N. E. BAXTER: We should have some assurance that we are exporting timber of good quality. My remarks are connected with the amendment because the State Building Supplies will give us some control over the position, and will ensure that good quality timber is exported in the future. I trust the Committee will not agree to the amendment.

The Hon. H. C. STRICKLAND: I also hope that the amendment will not be agreed to. The State Building Supplies covers the State saw mills and the State brickworks, and both organisations are valuable assets of the State. They owe the State nothing, even though in recent years they have been showing some loss—around the £50,000 mark.

One of the main functions of these organisations is to stabilise the cost of materials for purchasers and home-builders. I had an experience with the State saw mills, and with sawmillers generally in the supply of sleepers to the

railways when as Minister I had tenders called for the supply of sleepers. The Sawmillers' Association thought I was a bad man. I met a deputation from the association and members of that deputation were wroth because they were not successful in getting a contract—their tender prices were too high. They endeavoured to prevail upon the Government to dispose of the railway saw mill which was supplying some sleepers; and, also, they would have liked the Government to have disposed of the State saw mills. The State saw mills were not successful in obtaining a tender on that occasion either. I do not know whether they were in collusion with the other sawmillers, but they all tendered the same price.

The Hon. J. Murray: How would they keep the price down?

The Hon. H. C. STRICKLAND: I kept it down by calling tenders and accepting the little men's tender. I got the sleepers, too.

The Hon. F. D. Willmott: Were the little men State concerns?

The Hon. H. C. STRICKLAND: They supplied the sleepers.

The Hon. F. D. Willmott: They were private operators.

The Hon. H. C. STRICKLAND: I know they were.

The Hon. F. D. Willmott: How then did the State Building Supplies keep the price of sleepers down?

The Hon. H. C. STRICKLAND: It did not keep the prices down.

The Hon. F. D. Willmott: That is your whole point.

The Hon. H. C. STRICKLAND: The honourable member should let me finish my story before he gets too excited, because then he might see he is not correct. He evidently has a tender spot there. The State saw mills was unsuccessful in getting the contract; the smaller men got the contracts, but the State saw mills and the bigger sawmills finished up by supplying to some of the small sawmills. So though their tender price was not the lowest the cost to the Government was lower ultimately. I have not read anywhere that this Government has called for fresh supplies by tender. I think those contracts expired last year. If they did not they will expire this year, but no fresh tenders have been called for the supply of sleepers, and I suggest the price will go up.

The over-all function of the State saw mills and the State brickworks is to stabilise prices. We did not say to the State saw mills, "You are going to supply all the sleepers." Mr. Gregson was very eager to secure that undertaking from the railways but he did not get it because his price was too high.

I notice that the *Financial Statement* makes no provision this year for financing the legislation dealing with unfair trading and profits control. We know the Government claimed to have a mandate from the people and that it brought down legislation to amend the Act, which was then called the profiteering Act. We also know that in 1957-58, £7,628 was spent on that Act; in 1958-59, £7,932 was spent; in 1959-60, £3,791 was spent on that Act, but the estimate for 1960-61 is nil. The Government does not propose to finance it at all.

If the Government disposes of State trading concerns, it will invite the association to return to the state in which it was prior to 1953-54 when all sleepers for the railways were bought from the association without tenders being called. They would just be told how many sleepers were required. It seems the Government would be keen to get rid of the State Building Supplies because it has had a stabilising effect, and will continue to do so if properly controlled. The stabilising of the cost price in materials would be reflected in the cost of houses and rents. I would not agree to the reference to State Building Supplies being deleted, and the Committee would be foolish to take it out of the schedule. The amendment carried by the Committee is worded differently from the previous amendment. It is clear and concise and means that any negotiations in connection with a sale would be required to be brought here.

The Hon. F. D. Willmott: Don't be silly.

The Hon. H. C. STRICKLAND: That is my opinion. They cannot be finalised without Parliament first approving; or the approval of Parliament being sought. Mr. Murray said negotiations had been entered into.

The Hon. J. Murray: I used the words "taking place."

The Hon. H. C. STRICKLAND: If I understand the mandate given to the Liberal part of the Government—and it was the only party which advertised its intentions—

The Hon. L. A. Logan: Have a look at 1957 *Hansard*.

The Hon. H. C. STRICKLAND: I am talking about the 1959 elections. There was a proviso in the policy speech of the leader of the Liberal Party, the present Premier, that the State instrumentalities would be put in an economic position financially before being disposed of. If they are to be sold because they are showing a loss, it is cracking down somewhat on that policy. The concerns should be reorganised, and put on a sound financial basis before any negotiations for their sale are entered into. I hope the Committee will not agree to the deletion.

The Hon. A. F. GRIFFITH: We should be grateful to Mr. Strickland for the speech he has made, because it leaves us in no doubt as to what his Bill intends, and the gratitude he is extending to Mr. Baxter for helping him set about his purpose. First Mr. Strickland said, "If you are going to dispose of State Building Supplies . . ." He then recovered some ground by saying, "There is provision for the matter to be brought before Parliament for ratification and approval." I also take note of the fact that there was a minute over the signature of the then Premier (Mr. Hawke) which said—

I desire it to be a Government instruction that where Government facilities are available they must be used by all Government departments, trading concerns, Government trusts and boards. Non-compliance of this instruction can only be on the approval of the honourable Minister concerned.

It is not difficult to understand that one can build up a State trading concern to a point where it will show a profit if one starves the rest of industry. I respect Mr. Strickland's point of view. He introduced this Bill to stop the Government from selling the State Building Supplies or any other State concern. There is no uncertainty in our minds about that, or about the fact that Mr. Baxter is helping him achieve his socialist purpose.

The Hon. J. M. THOMSON: I was interested to hear the Leader of the Opposition say the State Building Supplies were helping to stabilise prices, and the cost of houses. I would like to quote my experience as a building contractor. I have tendered for fair-sized jobs in the country and when I received my quotes from the State saw mills and the State brickworks for the various materials I required I found the prices were identical to within a penny.

The Hon. R. Thompson: How long ago was that?

The Hon. J. M. THOMSON: It goes back many years, and it is still the case. I would not make this statement if I did not know what I was talking about.

The Hon. A. F. Griffith: The State Building Supplies is a member of the association.

The Hon. J. M. THOMSON: Exactly. So it could be said there was collusion between the State Building Supplies and the private suppliers of materials. It is therefore nonsense to say that the State trading concerns are instrumental in stabilising prices. It is just not so.

Amendment put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes—15.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

Noes—14.

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. W. R. Hall	Hon. W. P. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. G. E. Jeffery
	(Teller.)

Majority for—1.

Amendment thus passed.

Schedule, as amended, put and passed.

Bill again reported with further amendments.

MARRIED PERSONS (SUMMARY RELIEF) BILL

Second Reading

Debate resumed from the 3rd November.

THE HON. R. F. HUTCHISON (Suburban) [11.5]: At the outset I would say it is my intention to support this Bill, but to object to some parts and give my explanations for those objections. I am very pleased to see this Bill come before the House because there is no doubt it is time the parent Act was tidied up. The main thing which pleases me is the provision which will bring about a separate married women's court. In dealing with matters of this kind, we must remember that we are concerned with the deeper feelings and emotions of both men and women; and I think a lot of misery has been caused and many nervous breakdowns brought about, particularly among women, because cases have been heard in open court and much publicity given to details which concerned no one but the unfortunate people affected.

The provision in this Bill is a definite step forward. Under this measure we will have a separate court presided over by a magistrate. Over the years women's organisations have advocated this. All the different sections of the women's movements have asked that the married women's court be a separate court, and that wide publicity be not given to the details of that court. Publicity of this kind serves no good purpose; and it certainly does not help towards a reconciliation which may come after more mature thought.

I notice in the Bill that it is intended to set up one court at the moment in Cecil Buildings; and I hope it will not be too long before these courts are established throughout Western Australia. I would like to see these courts in various towns and districts so that the victims of separation

orders—mostly women with dependent children—who are left in straightened circumstances will not have to undergo the hardship of having to travel too great a distance to a court. I hope that is something which can be brought about as soon as possible.

Under this provision I think couples will be given a greater opportunity to mend their marriages; and I hope this court will give every consideration to that aspect. I have known cases where women and men have had to bring their wrongs forward to a court; and they do not realise what this means until extraneous matters are brought into the case. It is only then that they realise there is to be a separation and that they will not have the satisfaction of living the same life with their children. As a result of this realisation they are often prepared to consider a reconciliation for the sake of the family.

I have known people who, after four or five years separation, have come together again, with a fair amount of success, for the sake of their children. Although there has been incompatibility they have both loved their children and have been prepared to sink their differences to give the children a normal home life. These are troublesome times; and we are still suffering from the effects of the war, even though it is many years since it ended. The present generation that is growing up has suffered war-caused circumstances and we should try to help them. I know the Marriage Guidance Council is doing good work; but very often people are too shy to avail themselves of the advice they could receive from that council.

Some two or three years ago when a Labor Government was in office I approached my leader in an endeavour to amend the parent Act so that women would not have to sign a commitment order for their husbands to go to gaol. Many women who have been ill-treated, will put up with anything rather than have the father of their children committed to prison. This measure goes some part of the distance towards a position I would like created. The position to which I have just referred nearly always breaks a marriage because bitterness comes in. I made some of these observations to the department and it is my intention to inform members of the comments I received back from the department.

When a woman obtained an order she had to be responsible for collecting maintenance from her husband. It was necessary for her to go to the court; and when she obtained the order she was responsible to see that her husband paid. The position is a little easier now, but at the time I am speaking of she first had to summon her husband to court to get an order and then she had to wait and see whether he paid. If he did not pay she had to summon him again to see whether he had anything to

sell for warrant of execution; and then she had to take it right to the final stage before she could get help in an orderly way. She had to summon him again and commit him to prison.

I am speaking of women with young families. I consider they should be in a different category altogether from other deserted wives. Little children have to be fed and they need their meals every day. I know of women who have been destitute; and it is a difficult and nerve-racking thing for them to have to go to the Child Welfare Department and say they have been deserted and have no wherewithal to feed their children. They used to be told they would have to wait and see whether their husbands provided maintenance.

I know that is a long way from the position as it is today, but I do not think the whole misery should be placed on a woman's shoulders simply because she has been deserted. This is not her fault; and it is a terrible thing for her when she has a family of young children. Most men would take a different attitude when an order was taken out in the married women's court if they thought they had to face up to a department, which with the help of the police, would follow them and order them to pay, failing which action would be taken against them for contempt of court. Their attitude would be quite different.

There is considerable difficulty in a wife having to obtain an order from a man who has thrown up his job and moved away, and who does not intend to maintain his wife and children. If such men have only to argue with their wives and walk out on them, they would not be half as afraid as they would if they were obliged to go into a police court, or knew that they would have to face up to their obligations under the law. I have heard of men who have deliberately evaded work, knowing it would make it more difficult for their wives to seek maintenance orders.

It is a very wide question. I do not think we have gone far enough to improve the lot of deserted wives. I should point out here that I do not agree that a woman should be able to imprison her husband. I have known cases where men have been victimised and imprisoned through spite. The provision in the Married Women's Protection Act by which a husband can be imprisoned by his wife, is a bad one.

It always takes me some time to work out what I call stilted legal phraseology. I notice here that the Bill is connected, in part, with the Commonwealth Act. That Act has not yet been proclaimed; and I do not think we should do anything in this measure before the Commonwealth Act is proclaimed and is in working order. We have waited this length of time, and we should wait longer before we tie this legislation up with the Commonwealth Act.

I cannot see how these provisions can be applied to the Commonwealth Act because that Act has not yet been proclaimed and no-one knows how it will work.

The clause in this Bill on which most members will expect me to have something to say is the one which states that women will be responsible, in certain circumstances, equally with men. It states there is no reason why a husband, who is unable to support himself, should have to apply for national assistance if his wife has sufficient means to support him, but unjustifiably refuses to do so.

It refers to the husband who is an invalid or is too ill to work. Such a husband would, surely, get a pension. He is entitled to a pension in his own right. I do not know why he would need a wife to keep him. I object to this provision on principle. The principle involves equality. Women get about 60 per cent. or 65 per cent. of the basic wage, and they have no real equality in law concerning property rights. I know that improvements have been made over the last decade, but there is still no justice in them. In almost every avenue of earning, a woman lacks equality.

If a woman wants to better her position in Australia, she finds that she is at the bottom of the ladder and has a lot of climbing to do. To say there is equality in England is quite a different matter. Women are not discriminated against there to the extent that they are in Australia. In Australia, when a woman gets married she is supposed to be a natural cook, a natural economist, and everything that goes to make a happy home. She willingly takes on that part of the contract. She does it for the sake of the family.

But not every woman likes cooking, and not very many women like the drudgery of housework. Now there are to be circumstances where she is to be equal with her husband in supporting the family. I don't think that is a fair proposition, and I oppose it most strenuously. So far as the professions are concerned, there is no discrimination. But discrimination does exist in other forms of employment. Barmaids get the same pay, although I do not know why. Shop assistants do not get equal pay; yet women are to be made equally responsible, in certain circumstances, for providing for the family.

I think it is an unwise step. Once a measure is on the statute book, it is very difficult to get it off. I think it is unfair. The distinction should not be made until there is more equality. There should not be anything introduced that will bind a woman more than she is bound at the present time. If a woman has property or income, I do not think it should be taken from her until there is full equality in every other sphere. Women teachers, nurses, and shop assistants all do the same

work; but they are discriminated against right down the line. If we wanted to assess the amount a woman should pay, should she be assessed in accordance with 60 per cent. of the basic wage which she receives? Mathematically, it would be very difficult; but it would be the only fair and just way of assessing her proportion.

I have spoken about the Commonwealth Act, and I intend to see what I can do about amending it. By and large, I am glad to see this Bill come forward. I hope it will be the forerunner of a better Bill and something which will make the Act a good one.

The problem of deserted wives is a real one. We are suffering from a breakdown in family life which is an outcome of the war years. The continual stress of economic conditions has contributed to this breakdown. There are children growing up who have never known the security of a home. This is often the result of a broken marriage. If one could say, "I am marrying this person because I love him or her and I think he or she will make a good husband or wife, and it will be the same in ten years time," we could then legislate for the future in a much easier way. However, we are human beings and we change over the years. Various factors come into this matter, and that is something of which the Government would have to take cognisance. Improved educational facilities are necessary, and a different attitude towards people. Nowadays, apparently bricks and mortar, steel and various works mean more than human beings as part of our lives. I think that wise counsel will prevail and our laws in the future will make it easier to meet the problems that beset us today.

The Hon. G. Bennetts: There would be more deserted husbands today than there are deserted wives.

The Hon. R. F. HUTCHISON: I would not say that. A man and a woman are both human beings and a breakdown in the partnership can occur as a result of the action of either one of them. However, it is generally the woman who is deserted when the family is subject to stress. It is much easier for a man to desert his family than it is for a woman. Stability is instilled into the family life as a result of the maternal instinct of a woman. I know that certainly applies to most women. I support the Bill in the main, but I hope the Minister will take notice of what I have said and will elaborate on the points I have raised, especially in regard to the reasons why we have to tie this Bill to the Commonwealth legislation before that Bill has been proclaimed as an Act. I also hope he will ensure that the separate courts will be extended and that these matters will not be forgotten when the Bill becomes law.

THE HON. E. M. HEENAN (North-East) [11.32]: I have a few remarks to make on the Bill, but as the hour is late I will make them as brief as possible. This measure proposes to repeal the Married Women's Protection Act, 1922-1954. That is a fairly brief measure, consisting of four pages and 20 sections.

The Hon. L. A. Logan: They had more than equality in that legislation, did they not?

The Hon. E. M. HEENAN: The measure we are now dealing with is to be known as the Married Persons (Summary Relief) Act, 1960, and it comprises 39 pages and 54 clauses. I am sure members are grateful to the Minister for the comprehensive outline of the Bill he gave to the House. I intend to give the measure my complete support. I notice the Minister has placed a few amendments on the notice paper, which I consider to be worth while. Although I have studied the Bill closely, I do not have any amendments to propose at this stage. However, as we make progress in the Committee stage, I may change my mind in that regard.

Firstly, it will be appreciated that the name of the Bill has some significance because in the past the only persons eligible to make application under the Act were married women. In certain circumstances, however, under this proposed legislation husbands will be able to approach the court and seek relief.

The Hon. G. Bennetts: That is a very sound provision.

The Hon. E. M. HEENAN: For some time there has been a feeling that the 1922 legislation, because of its provisions being restricted to the interests of married women, sometimes achieved less than justice because, undoubtedly, there are occasions when the husband is entitled to some relief under the law. It has to be borne in mind always that marriage is a partnership and we want a measure under which either of the partners can seek relief in certain circumstances, and under which either the wife or the husband can obtain relief if it is approved by the court.

Therefore, I disagree with the approach to the Bill made by Mrs. Hutchison in that regard because I do not think it is justified. There is no doubt that if a husband seeks relief it will be only on rare occasions; and he would, undoubtedly, have to have a strong case. I understand that the position in regard to the granting of pensions is that the assets of both parties are taken into consideration, and if a man's wife has money and assets beyond a certain amount that precludes the husband from receiving any social service benefits. I understand that is a correct statement of the position, but if I am wrong, Mrs. Hutchison can correct me.

Nevertheless, circumstances, such as those envisaged by this legislation, can arise. Such circumstances could embrace

a husband who becomes sick; who is injured in an accident; or who has become aged. He may have worked all his life, bought his home in his wife's name, and acquired other assets in his wife's name. In addition, the wife may have assets in her own right. If she has considerable assets, surely it is not fair to expect the community to keep her husband by granting him social service benefits. That would not be fair to the community, and not many people would agree with that proposition.

The Hon. R. F. Hutchison: I thought that applied to children.

The Hon. E. M. HEENAN: Yes, I am pleased to say that the legislation also is cognisant of the needs of small children. If members study the Bill they will notice that many provisions are for the protection, well-being and care of young children. Another factor I would mention is that a special court is already functioning in the new Cecil Buildings in Sherwood Court, Perth.

That court is undoubtedly a great improvement on the old police court building in Beaufort Street where the cases were previously dealt with. For a start, the police court is situated in a locality of Perth which is not very pleasant. It is a very old building and the offices and appointments are obsolete. In fact, I am sorry for the magistrates and the officers who have to work in that more or less out-of-date building. All sorts of cases which come before the court are dealt with in that building. That is the place in which the married women's court was held, and it did not tend towards a happy atmosphere.

Whoever was responsible for the present change is to be commended. The court is now established in one of the most modern buildings in the city, and the surroundings and the atmosphere are as perfect as possible. The general tone and bright atmosphere of the court are conducive to a good approach to any problem that has to be solved. One does not see uniformed policemen walking around the building or a multitude of unfortunate beings called before the court to answer various charges. It is a building which one can approach without a feeling of shame.

Should any honourable member happen to be in that area in the near future I can strongly recommend that he should call in to see the court functioning. I am certain he would be welcome and that he would be pleased with the general tone of the place. If such a visit were made by any honourable member of this House it would give him a better approach to this important subject which many people are trying their utmost to solve. The Bill maintains the same grounds on which relief can be obtained. It does not seek any radical departure in that regard.

There is a long list of definitions which were not contained in the old Act and which should prove extremely helpful. Improvements and modifications are envisaged in this Bill which should make for simpler working and greater equality in arriving at the correct conclusions.

The Bill maintains the proposition that husbands—and I suppose wives for that matter—who refuse to pay an order can be sentenced to gaol or can be imprisoned for a term. However, in spite of the fact that Mrs. Hutchison objects to that, I cannot see how it can be overcome.

The Hon. R. F. Hutchison: I have no objection to his being imprisoned so long as the wife is not forced to take action to put him in prison.

The Hon. E. M. HEENAN: The court does not issue orders lightly. The court makes an order if the parties agree to that beforehand. If the parties do not agree, the court makes an order only after convincing evidence has been adduced. However, once an order has been made, what does one do with the man who flouts it? Under this measure he has plenty of protection if he becomes sick, or unemployed, or if he can show reasonable ground for being unable to comply with the terms of the order. In such circumstances he can quickly get relief from the court. On the other hand, if he does not do anything and he continues to flout the order of the court without applying for relief, and refuses to maintain his wife and children, what is to be done with him? Are we to present him with a medal; or what are we to do?

All the way through the Bill there is an underlying motive that marriages are to be protected and parties are to be reconciled, if at all possible. That is a good feature. The new atmosphere created and the special magistrates selected to deal with these matters will attend to that underlying motive. No doubt the magistrates will keep it before them in all their deliberations.

The measure is a good one and I congratulate all who have had any part in its introduction. It will permit the functioning of the court to proceed along smoother lines than was the case in the past. I hope that the success of the court established in Perth will convince the Government that similar courts should be established in other districts and towns in the State. That is something which cannot be accomplished right away, because buildings have to be provided and finance found; but I hope that is the Government's ultimate goal, and that this goal will be reached in due course.

Part V of the Bill deals with the attachment of earnings, but it is to be proclaimed separately. It will not be proclaimed with the rest of the provisions. It will be proclaimed after a lapse of 12 months of the coming into operation of

the Commonwealth matrimonial causes legislation in January, 1961. The new Commonwealth Divorce Act provides a somewhat similar provision relating to attachment of earnings. We will be able to see how it operates before part V of the Bill is proclaimed.

The Hon. R. F. HUTCHISON: That is wrong.

The Hon. E. M. HEENAN: It may be right; it may be wrong; it may be practicable; it may be impracticable; but it is a proposition which various women's organisations have advocated for a long time. In any event we do not have to consider that part for at least 12 months, and that may be a wise move. For those reasons I support the Bill.

THE HON. F. R. H. LAVERY (West) [11.50]: I support the measure and congratulate all those who were responsible for introducing it in such a composite and concrete form. It seems to me there has been much room in this State for improvement to this type of legislation. In my experience as a member of Parliament, and in seeking to assist my electors who require advice on their domestic affairs, I have come across many difficulties.

The Child Welfare Department has done everything possible to help people in these circumstances, particularly those with young children. As far as I understand from a perusal of the Bill, the Child Welfare Department and the Department of Social Services of the Commonwealth will be able to come together on these matters, as in the case of a husband who seeks to evade an order made against him by leaving the State and putting his wife in the position of having to make all the necessary moves to trace him and bring him to book, before she is able to obtain social service assistance.

I have dealt with many cases of this nature, but I do not know whether that is peculiar to the electorate I represent. When I took the people concerned to the Child Welfare Department to obtain assistance, the department came across the same difficulty which faced the wife. The State is providing part of the assistance to the wife and children concerned, but the Social Services Department does not always bear its share of the obligation.

The new court, envisaged in the Bill, has already been established in this State. The magistrate who sits on that court should have the authority to bring together married couples and to improve their domestic relationship. It is my firm opinion that the magistrate now sitting on the bench is of such integrity and experience that he will be able to assist many people—people who in the past would have carried on if they had been given a few words of encouragement.

I hope that the Social Services Department and the Child Welfare Department will give the magistrate all the assistance

necessary, to bring parties of broken marriages together. It is all very well to say that only the womenfolk suffer from domestic upsets. That is not the position as is evidenced by a case I have to deal with tomorrow.

This case concerns a young German couple who migrated to this State seven or eight years ago. The wife is attractive. The husband set about to establish a home. They have no children and they live in the Fremantle district. The husband has been away on Cockatoo Island working for some time. He has been earning big money and sending it all to his wife. When he came back here a few weeks ago he learnt the worst. In his absence his home had been broken up and all the money he had been sending back was gone. All the furniture has been shifted away from his house, except the articles of furniture which are under hire purchase. He has just had a spell in hospital. Unless I am able to assist him tomorrow he will be in Heathcote within a few days. This man is not working and he has no money; and when I mentioned the fact to the Social Services Department the person there said, "This man has earned so much money, etc., and his wife will have to do something to keep him." That is just plain silly. Tomorrow I am taking this man to the Social Services Department to see whether something cannot be done about the position. You, Mr. President, may think I am getting away from the Bill, but I do not think so.

This Bill deals with married persons—not only married women, but married men as well. In the case to which I have referred I am on the man's side. I believe the Bill will give the magistrate an opportunity to see that right is done to both sides.

Turning from that subject, I now wish to speak about what happened in the past in regard to the Press. In the past, we have had in Western Australia a type of Press that published all the sordid things that happened in the courts. However, it has been gratifying, during the past couple of years, to see that the Press has taken a different stand in this matter. I hope the type of reporting which now prevails will continue and that the Press will not resort to a sordid type of reporting.

As Mrs. Hutchison said, the cases which will go before this court will have been brought about as a result of some emotional upset on one side of the family or the other. Therefore, I feel the Press can assist the magistrate in the reporting of the cases which go before the court.

I would now like to speak of a matter brought forward by Mrs. Hutchison and one with which Mr. Heenan did not quite agree. I am referring to the fact that women have to take all the necessary steps

to obtain assistance in cases where a husband absconds. Irrespective of what orders are given in the court, I believe there will always be a number of these chaps who will try to dodge their obligations with the result that the women concerned have to go to the court; they have to try to trace where their husbands have gone; and every three months they have to report to social services that they have tried to trace their husbands. All this has to be done before they can receive social service payments. That must cease.

When a court order is made against a man I believe the responsibilities of his wife should cease and that the law should take its course. If I am charged with speeding and do not pay the fine imposed upon me it is not long before a warrant is issued by the police for me to pay that amount. Why should not the same thing apply to an absconding husband; or for that matter, to an absconding wife? As has been said tonight, there are some of them.

I have read this Bill and have tried to study it as best I can, and I feel that everyone concerned with it must be congratulated. There are one or two clauses I would like to discuss in Committee, but I do offer my full support to the measure.

THE HON. G. BENNETTS (South-East) [12.1 a.m.]: As I mentioned while Mrs. Hutchison was speaking, many males are affected by deserting wives. Over the last three years I know of nine cases of broken marriages; and two further cases have come to my notice recently. In the first group only one husband deserted, while in the other eight instances it was the wife. In one case the husband was 100 per cent.; he paid all his attention to the home, and looked after his wife and family. But what happened? Because he was a good husband who did not want to go down to the hotel and go dancing, the young wife went out while he was at work on afternoon shift. She went out to have her first noggin at a certain hotel in Kalgoorlie which was noted for allowing under-age people to be on the premises. This hotel boasted about that sort of thing. That was the start; and subsequently the home was broken up. This man had to care for a one-year old baby and another child about three years old. He had a hard job to obtain a housekeeper.

The Hon. A. R. Jones: Was she still under age?

The Hon. G. BENNETTS: She was 18 to 19. They were both young people. The woman went off and left these children; and later on the husband and wife obtained a separation but were eventually divorced. The children concerned are now in the care of her mother and they are aged about eight or nine years.

Another marriage is likely to go on the rocks within the next week. This couple have a boy about 16 years of age; and the

youngest of their four children would be seven. This upset has been caused by the wife having reached a certain delicate period in her life. Circumstances such as this are hard to overcome. This woman has started to imagine things. Her home was perfect until twelve months ago. Both she and her husband had been good home people who used to go out in their utility for pleasure. They never went out dancing, and neither of them has ever had a drink. The position now is that the wife is going to take the children and leave her husband. The magistrates on the benches must have a terrible time when faced with circumstances such as these.

I sometimes think that our women police are too young. Perhaps it would be better if a mature woman, aged about 50, could be appointed to the Police Force so she could go along to these people to try and overcome the difficulties with which they are faced.

I am of the opinion that the young women in the Police Force are too young to intervene in some of these cases. I know of a couple whose daughter has just married. She now has her first child and her husband has left her. In another case the marriage was broken up because, when the husband was away, the wife visited a hotel. There are other instances where the parents are not bringing up the children correctly and are not having them taught dressmaking or cooking. I know of one case in Kalgoorlie where the girl is 17 or 18 years of age. She has married a fellow about one year older, yet she cannot boil water. The first day they took over house duties, she could not even light the fire. I do not know how we are going to overcome all these problems.

The Hon. R. F. Hutchison: Imprison the husbands!

The Hon. G. BENNETTS: Mrs. Hutchison suggests we should imprison the husbands, and I agree. I know of two cases, one a long time ago and the other only 12 months ago, where the women were go-getters. They were tired of their husbands and linked up with someone else.

The Hon. G. C. MacKinnon: They were "go-get-hims," not "go-get-hers."

The Hon. G. BENNETTS: A separation order was taken out and the husbands had to maintain their wives. In the most recent case, the husband could not keep up with his payments. He was suffering from ill-health and could not carry on in the mine. The man with whom this woman was going told her to take out an order to get her husband gaoled because he would then be out of their way. That is what is going on in a lot of these cases.

The person who was put in gaol came to me and asked me whether I could get him a job on a mine. I rang one of the managers who was pretty good in these matters and told him the situation, but he would not agree to put that man on.

He was unable to get employment anywhere because once one mine does not want a person it is hard for him to get employment in any other mine. Therefore that man was victimised. During the last 12 months, his illness has developed and he is now on an invalid pension. He was merely victimised. He could not keep up the payments and was therefore gaoled and could not subsequently obtain employment. However, with the establishment of the new court such a person could apply to it and have a chance of overcoming his problem.

Over the last few years this situation has become more prevalent, and I blame drink and dart playing in the hotels together with other amusements including dancing. These are enticing people away from their homes. Consider the families of a few years back. Take my own family for instance. Next year I will celebrate my golden wedding anniversary. We reared seven children and have 27 grandchildren. We never had any trouble in our family because we have always lived the life which should be lived by everyone. We reared our family and educated them to the best of our ability. We made sure that the girls could cook and would be good wives and that the boys would make good husbands. They are all pretty reliable and sober types which fact the members who know me and my family can verify. My wife and I have never participated in drinking in the house, nor in going to hotels. If we wanted to go out, I would stay home and mind the children while my wife went out, and *vice versa*. That is the way it should be. It should be a partnership. We have educated our children and brought them up to the best of our ability and have kept them and ourselves out of hotels.

It is all right for people to go to a hotel to have a drink but not to stay all night and starve their children at home. The Child Welfare Department is doing a good job as is the Social Services Department. No widow is denied the widow's pension.

If any legislation can be introduced in order to keep marriages together or to help children in any way, then I will support it. I hope the Government will do everything possible to encourage families to raise the standard of living and protect their families.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [12.12 a.m.]: I desire to thank the members for their contributions to this debate. I think it is a fortnight since I introduced the measure and I am indebted to Mr. Heenan for refreshing the memories of members in regard to what it contains.

It is obvious that there is no need for me to reply to very much. All members have expressed their intention to support the Bill with the exception of one or two clauses.

Probably one of the greatest difficulties facing any Government or department is that of trying to obtain maintenance payments from a husband who has neglected his wife and family. I sign write-offs in the department which I control—the Child Welfare Department—for anything from £1 to £700 odd which cannot be recovered from the individuals. Some ask us why we let such a high figure be reached. The answer is that we cannot let a woman and kiddies starve; and we have no intention of doing so. However, I have the horrible feeling that on some occasions there is collusion between the wife and husband when they separate for a few months. She will go to the court and apply for a maintenance order which will be granted. He does not pay so the department pays. In three months they come together again and once that occurs the amount paid by the Child Welfare Department cannot be recovered because there is no way of doing this.

The Hon. G. Bennetts: Anyhow, if you get them together you are doing a good job.

The Hon. L. A. LOGAN: We have a terrific job trying to obtain these payments. Under the old Act the husband can be gaoled; and, on the day he is released, if his wife likes to be spiteful, he can be re-arrested and gaoled again. I am glad that under this measure three months is the longest time he can spend in gaol; and he cannot be sentenced twice for the one offence. Also, while he is in gaol there is no liability being assessed against him.

I will admit that not all the trouble is because of the husband. Probably it is about 50-50 today. However, Mrs. Hutchison was objecting to some payment being made by the wife. It could happen today of course that the assessment by the courts takes into consideration the means of both the husband and the wife.

The Bill provides that a married person may apply, by way of complaint, to the court for an order under this Act, against the other party to the marriage on any one or more of several causes of complaint including one, namely, that the defendant—on this occasion the wife—has wilfully neglected to provide reasonable maintenance.

That is the only time that the wife, if she has the necessary means, will be called upon to provide; and the judge or magistrate will take into consideration the financial position of the wife so that she can make some provision for the husband and children. I do not think there could be any objection to that side of it. Mrs. Hutchison wants equality. I have reached the stage where I believe that the emancipation of women has been completed, and I am going to start an organisation for the emancipation of men.

If Mr. Lavery encounters any difficulty tomorrow morning with regard to the case he mentioned; if he cannot obtain satisfaction regarding social service benefits;

and if the person concerned is definitely unemployed and destitute, we will see him through, at least for one week, to the extent of 65s. If the honourable member does not get satisfaction, I suggest that he see me.

Mention has also been made of that part of the measure which will not be proclaimed until such time as the Commonwealth Act has been in operation for at least 12 months. This, again, is a case of a garnishee order on the salary or wages of the person concerned. It is a subject on which members of Parliament have not agreed in the past.

I am perfectly certain, from experience I have had of the Child Welfare Department over the past 18 months, that there are some occasions when there are no other means of recovering an amount except by a garnishee on a person's wages. We are safeguarded in our own Act to the extent that the defaulter must consent. The Commonwealth Act makes certain provisions for the defaulter before any assessment is made of what he should pay. We do the same, but we take out more. On top of that, the defaulter must consent to the garnisheeing on his wages.

As far as I can see, that is a pretty fair condition to apply. I am certain that this is the only possible way of ensuring that those who neglect or dodge their responsibilities will pay their share. Every time such people refuse to pay their share, it has to be paid by the rest of the community.

The Hon. R. F. Hutchison: That is why I say the police should act.

The Hon. L. A. LOGAN: The police do act, of course. We send the names of these people to every State in the Commonwealth. They are sent to the child welfare departments, where there is reciprocity, and they are sent to police departments in other States. Members probably read the names of a few missing men in Australia; but, believe me, there are thousands of them. Whether the Police Department is not taking sufficient action and does not follow enough lines of investigation, I do not know. I have not got anything to do with the Police Force. We can only rely on the information contained in the reports which are always on the file and which come back to me.

Question put and passed.

Bill read a second time.

MILK ACT AMENDMENT BILL

First Reading

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

House adjourned at 12.21 a.m.
(Wednesday).

Legislative Assembly

Tuesday, the 15th November, 1960

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

TOWN PLANNING ACT

Report of Committee on Subdivision Regulations

- Mr. BRADY asked the Minister representing the Minister for Local Government:
 - Has the committee appointed to consider the regulations under the Town Planning Act, relative to subdivisions, held a meeting?
 - When is the committee to report?