

Legislative Council

Tuesday, the 8th September, 1970

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

THE PRESIDENT (The Hon. L. C. Diver): I have to announce that I have, in company with several members, waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech agreed to by this House, and His Excellency has been pleased to make the following reply:—

Mr. President and honourable members of the Legislative Council: I thank you for your expression of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

QUESTION WITHOUT NOTICE

DROUGHT RELIEF

Bank Finance

The Hon. E. C. HOUSE, to the Minister for Mines:

Could he tell me when an answer to question 9 on the 26th August will be available?

The Hon. A. F. GRIFFITH replied:

It would appear from this question, that the information has not already been supplied. If the honourable member will give me an opportunity, I will look into the matter for him.

QUESTIONS (11): ON NOTICE

1. TOWN PLANNING

Shenton Park: Zoning

The Hon. R. F. CLAUGHTON, to the Minister for Town Planning:

Why was lot 3 on the corner of Nicholson and Derby Roads, Shenton Park re-zoned from "residential" to "business" when several undeveloped business sites were already available in the immediate area?

The Hon. L. A. LOGAN replied:

This proposal was initiated by the Subiaco City Council which is the town planning authority for the district. It was advertised and as no objections were lodged within the advertised period it was submitted to me for formal inclusion in the Council's zoning by-laws.

2. INDUSTRIAL DEVELOPMENT

Financial Assistance to Fruit Canning Industry

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

- (1) What is the value of direct and indirect assistance given by the Government in each year for the purpose of assisting the canning of the Western Australian peach crop?
- (2) What is the current stage of discussions between the Government and the Shepparton Preserving Company?

The Hon. A. F. GRIFFITH replied:

- (1) Government subsidises the rental and pays rates and taxes on the West Perth factory used by SPC for canning peaches. Amounts paid under this arrangement have been—

Year	Amount	Remarks
1968-69	\$40,389	1969 crop.
1969-70	\$40,098	1970 crop.

Previously the Government was involved in subsidising the Plaican operation. Amounts paid during the last four financial years on account of this have been—

Year	Amount	Remarks
1966-67	\$15,000	Portion of loss on processing 1967 crop.
1967-68	\$99,812	Balance of loss on processing 1967 crop and portion of loss on 1968 crop.
1968-69	\$23,000	Balance of loss on 1968 crop.
1969-70	\$ 2,000	

Department of Industrial Development also provides some clerical assistance.

(Note—This answer only refers to direct financial assistance in the actual canning and does not refer to other forms of Government assistance which has a bearing on the industry.)

- (2) Since the recent annual meeting when there were changes in the Board of Directors of SPC there have been a number of discussions with SPC officials. These culminated in two Directors, Mr. J. Pettigrew and Mr. G. Palmer visiting Manjimup on the 10th and the 11th of August.

These two Directors on their return to Shepparton were to have reported to the Board. The Minister for Industrial Development has been in contact with Mr. J. Cornish, the newly elected Chairman of Directors, and he will be having a discussion with Mr. Cornish on Saturday, the 12th September, at Shepparton.

3. MINING

Mineral Claim: Yilgarn Area

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

Regarding Mineral Claim M.C. 680 in the Yilgarn Goldfield area could the Minister supply the following information—

- (1) Mining Tenement—
 - (a) date pegged;
 - (b) date of application for mining tenement;
 - (c) date of approval; and
 - (d) details of any special conditions prescribed by the Governor?
- (2) Flora and Fauna Reserve 24049—
 - (a) Date of application for authority to mine on reserved and exempted land;
 - (b) date of inspection of land, and name and qualifications of person or persons instructed to carry out inspection of reserved land; and
 - (c) date of authorisation by the Governor to—
 - (i) occupy the reserve for mining; or
 - (ii) declare the reserve open to mining?

The Hon. A. F. GRIFFITH replied:

- (1) (a) The 28th October, 1968.
- (b) The 18th November, 1968.
- (c) Not yet approved.
- (d) Not applicable.
- (2) (a) The 17th January, 1969.
- (b) Approximately the 22nd January, 1969.

Mr. J. M. Faichney, Associate of the W.A. School of Mines (Diploma in Mining), Associate Member Australian Institute Mining and Metallurgy, Mining Engineer and District Inspector of Mines.

- (c) (i) Not yet authorised.
- (ii) Not applicable.

4. LAND

Taxation Valuations

The Hon. F. R. WHITE, to the Minister for Mines:

- (1) Would the Minister advise whether the following statement is true or untrue?

"Although the Land Tax Assessment Act 1907-1969 provides for the aggregation of parcels of land for the purpose of assessing Land Tax payable by the owner,

the Vermin and Noxious Weeds Acts have no provision for the aggregation of holdings for the assessment of Vermin and Noxious Weeds rates."

- (2) If the answer to (1) is "true" would the Minister explain in detail how the answer to the second part of question (7) asked by me on the 19th August, 1970 can be justified as being correct?
- (3) If the answer to (1) is "untrue", would the Minister explain which sections of the Vermin and Noxious Weeds Acts provide for the aggregation of holdings?

The Hon. A. F. GRIFFITH replied:

- (1) to (3) Although there is no specific provision in the Vermin and Noxious Weeds Acts for the aggregation of holdings it has always been the practice to do so for the assessment of rates.

5.

RAILWAYS

Staff Movements: Donnybrook, Bridgetown, Manjimup

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

- (1) What has been the movement of railway personnel from each of the towns of—
 - (a) Donnybrook;
 - (b) Bridgetown; and
 - (c) Manjimup;
 since the 1st March, 1970?
- (2) Is it anticipated that less railway employees will be needed at each of these towns in the future for reason of the use of diesel locomotives or other factors in the re-organisation of departmental activities; and
- (3) If so, what changes are likely?

The Hon. A. F. GRIFFITH replied:

(1) (a) Engaged	....	....	1
Terminated	....	....	1
(b) Engaged	....	....	5
Transferred in	....	....	1
Terminated	....	....	1
Transferred out	....	....	3
(c) Engaged	....	....	1
Terminated	....	....	1

- (2) Yes, except Donnybrook.
- (3) Although Motive Power planning is not yet finalised a slight reduction is likely at Bridgetown and Manjimup. Due to the mechanisation of track maintenance there could be a reduction of one man at each of these locations by the end of 1970 with possible further reduction in subsequent years.

6.

MINING

Temporary Reserves
5271, 5272, 4234

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

Could the Minister supply the following information regarding Temporary Mineral Reserves Nos. 5271, 5272, and 4234:—

- (1) Reservation—
 - (a) date of approval by the Minister;
 - (b) date of confirmation by the Governor?
- (2) Occupancy—
 - (a) date of application;
 - (b) date of authorisation by the Minister;
 - (c) date of approval by the Governor;
 - (d) date of gazettal;
 - (e) (i) terms and conditions, if any; and
(ii) were they passed by a resolution of Parliament;
 - (f) date of renewal and Tabling in Parliament?
- (3) Reference 5271 only—date or dates of gazettal of notice by the Governor declaring Reserve 24438 (flora and fauna) open to mining?

The Hon. A. F. GRIFFITH replied:

	T.R. 4234H	T.R. 5271H	T.R. 5272H
(1)			
(a) Date of approval by Minister	23/8/67	17/10/69	17/10/69
Cancelled by Minister	21/3/68	....	6/3/70
(b) Date confirmed by Governor	Not applicable	29/7/70	....
(2)			
(a) Date of application	3/5/67	10/7/69	10/7/69
(b) Date authorised by Minister	23/8/67	17/10/69	17/10/69
Date cancelled by Minister	21/3/68	....	6/3/70
(c) Date of approval by Governor	Not applicable	29/7/70	....
(d) Date of Gazettal	Not applicable	7/8/70	....
(e) (i)		The excision of Flora and Fauna Reserve 24438 and conditions are as indicated below.	
(ii)		Not required to be passed by Parliament.	
(f)		Renewal not necessary.	
(3)		Reserve 24438 has never been declared by the Governor to be open for mining.	
(2) (e) (i)	Western Australia		
	MINING ACT, 1904		
	Conditions of Right of Occupancy of Temporary Reserve for Iron Ore		
(1)	That within 60 days of approval of the right of occupancy appearing in the <i>Government Gazette</i> , the		
	occupant shall mark at a corner of the boundary of the Temporary Reserve a landmark consisting of a post or cairn to serve as a commencing or datum point and shall advise the Minister for Mines in writing the position of such point.		
(2)	That the occupant shall not use the land comprised in this Reserve for any other purpose than that of prospecting for Iron Ore.		
(3)	That the occupant shall commence such prospecting operations forthwith and shall continue same to the satisfaction of the Minister for Mines.		
(4)	That the rights of occupancy will not give any rights to the occupant to prospect for any mineral other than Iron Ore and in the event of the discovery by the occupant of payable mineral other than Iron Ore the Minister for Mines, may by notice, require the occupant to apply for mining tenements for such mineral.		
(5)	That the existing rights of any prospecting area, claim, lease or authorised holding, shall be preserved to the holder thereof and shall not be encroached on or interfered with by the occupant of this Reserve.		
(6)	That the rights granted under this authority shall be no bar to any person desiring to acquire mining tenements for any mineral other than Iron Ore in the said Reserve or to any person desiring to acquire a holding under the Land		

Act, 1933, provided the land applied for does not include any of the occupant's workings which may in the discretion of the Minister for Mines be secured to the occupant of this Reserve.

- (7) Any land alienated or in the course of alienation, and any land reserved (not being Crown Land within the meaning of the Mining Act, 1904) and any land registered or to be acquired and held under the Mining Act, 1904 is excluded from this Reserve.
- (8) No transfer of this authority to occupy will be permitted without the approval of the Minister for Mines first obtained.
- (9) That the Minister for Mines may impose such further conditions as he may from time to time consider necessary.
- (10) That the Minister for Mines may cancel the right of the occupancy upon being satisfied that the WHOLE or ANY of the conditions for the time being operative are not being or have not been fulfilled.
- (11) That the occupant of this Reserve shall furnish the Minister for Mines with a QUARTERLY SUMMARY REPORT (in duplicate) applicable to operations being carried on within the said Reserve, commencing 90 days after the said approval appears in the Gazette.
- (12) That at the end of each calendar year or upon surrender, expiry cancellation or abandonment, the occupant shall furnish the Minister for Mines with a complete report (in duplicate) of all operations carried out on this ground, including the following information:—(1) Methods of exploration; (2) details and results of all geological and geophysical work; (3) details of excavations and drill holes; (4) nature of material tested with all assay results. Plans and sections are to be supplied wherever practicable.
- (13) That the rights granted under this authority shall be subject to the provisions of the Forests Act, 1918 and the Regulations made thereunder (as amended from time to time).
- (14) That when it is shown to the satisfaction of the Minister for Mines that Iron Ore has been discovered on the Reserve in payable quantities, the Minister, after negotiation with the occupant regarding the mining, treatment, processing and marketing of the ore (including conditions as to royalties, quantities, volume, rate, location and methods), will (subject to the

provisions of any contract which the Minister may require the occupant to make with the State Government) offer to grant to the occupant, for the mining of iron ore, mining tenements under the Mining Act, 1904 and the regulations thereunder (as amended from time to time) on such conditions as the Minister determines and on acceptance will (subject to the Act and regulations) make such grants accordingly. If the occupant rejects or within a reasonable time (not exceeding 90 days) fails to accept the offer, the Minister may make any similar grants on the same or less favourable conditions to any other or others, but will not, for a period of at least two years after the original offer is made, grant to any other or others for the Mining of Iron Ore from the Reserve any similar mining tenements on more favourable conditions without first giving to the occupant the prior right and opportunity to accept such a grant on those more favourable conditions.

- (15) It is to be understood that in imposing such conditions there is not necessarily any implied commitment that export will be permitted by the State, but this will be the subject of negotiation at the time, additional to and independent of any policy laid down by the Commonwealth Government regarding export.
- (16) Since it is the policy of the Western Australian Government to encourage and foster local industry, special consideration will be given in regard to conditions where local processing is proposed of the ore recovered.
- (17) Firm proposals acceptable to the Government for the development of the iron ore deposits and for ancillary works being made to the Government within the 12 months the term of the occupancy rights.
- (18) In the event of firm and acceptable proposals not being made to the Government within the 12 months the term of the occupancy rights no extension of the rights shall be considered or granted unless the company demonstrates to the Government's satisfaction that it has reasonable prospects of being able to do so within a further period of six months and in this event an extension of the rights for six months will be approved but no further extension beyond that six months will be granted unless within that extended time the proposals as required have been made.

7.

EDUCATION*Tuart Hill High School*

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

Is it proposed to include construction of a hall-gymnasium for Tuart Hill High School in the 1970-71 Education Budget?

The Hon. A. F. GRIFFITH replied:

Tuart Hill High School is listed for a hall/gymnasium but it has not been possible to include it in the building programme for 1970-71.

8.

HEALTH*Sanitary Site: Balcatta*

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

With reference to the sanitary site off Delawney Street, Balcatta in the Shire of Perth—

- (1) Is the Minister aware that—
 - (a) an obnoxious smell is still emanating from this site;
 - (b) clients who have paid deposits on homes in the area are still refusing to take possession;
 - (c) other completed homes are not selling?
- (2) Can the Minister advise—
 - (a) if a new site has been located;
 - (b) if so, when is it likely that the site will become operative, and so close the present Delawney Street site?

The Hon. G. C. MacKINNON replied:

- (1) (a) No.
- (b) No.
- (c) No.
- (2) (a) Yes.
- (b) As soon as conveyancing procedures are completed.

9.

TOWN PLANNING*Subiaco City Council: Zoning*

The Hon. R. F. CLAUGHTON, to the Minister for Town Planning:

- (1) What is the attitude of the Subiaco City Council to business enterprises being conducted from premises which are zoned "residential"?
- (2) Do any businesses have Council approval to so operate?

The Hon. L. A. LOGAN replied:

- (1) and (2) These questions would be more appropriately addressed to the Subiaco City Council as the local planning authority.

10.

TOWN PLANNING*Subiaco City Council: District Scheme*

The Hon. R. F. CLAUGHTON, to the Minister for Town Planning:

- (1) Has a district scheme been prepared for the Subiaco City Council district?
- (2) If so, what are the car parking requirements for—
 - (a) commercial; and
 - (b) flat;
 development in the proposed scheme?

The Hon. L. A. LOGAN replied:

- (1) Yes.
- (2) (a) and (b) Details of the scheme are being discussed by representatives of my Department and the Subiaco City Council and the specific requirements for car parking will therefore not be known until the scheme receives preliminary approval.

11.

TOWN PLANNING*Subiaco City Council: Zoning*

The Hon. R. F. CLAUGHTON, to the Minister for Town Planning:

- (1) What is the present zoning of the site occupied by Whittakers Hardware and Timber Sales at 519 Hay Street, Subiaco?
- (2) Can this site be used for G.R.6 flat development without further re-zoning?
- (3) Has approval in principle for G.R.6 development on the above site been granted by the Subiaco City Council?

The Hon. L. A. LOGAN replied:

- (1) The Subiaco zoning by-law classifies the area as industrial. This excludes certain uses, but not flat development.
- (2) Yes.
- (3) The Subiaco City Council granted approval in principle for flat development in February last, the density of the proposal approximating to GR 5.

**AUSTRALIA AND NEW ZEALAND
BANKING GROUP BILL***Introduction and First Reading*

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

**COAL MINE WORKERS (PENSIONS)
ACT AMENDMENT BILL (No. 2)***Second Reading*

Debate resumed from the 1st September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.54 p.m.]: This is quite a short Bill, but I approve of the principle it contains which relates to a retired mineworker who is permanently blind and in receipt of a miner's pension. This man will be entitled to any other benefit which may come his way through social services. The provision in the Bill will extend similar assistance to any dependant of a permanently-blind retired mineworker who is similarly afflicted. No reduction will be made in the miner's pension in the case of the dependant, or the retired miner, who is granted a Commonwealth social services pension.

Simply stated, those are the provisions which the Minister outlined. I have examined the clauses in the Bill and I find they are identical in structure with what the Minister said when he introduced the measure. The Bill broadens the concept of the legislation so far as afflicted persons—both retired mineworkers and their dependants—are concerned. This concept can only meet with approval and I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. J. DOLAN (South-East Metropolitan) [4.58 p.m.]: First of all, I would like to comment favourably on the way the Bill was presented to the House. In the ultimate, it was very easy for me to follow everything provided for in the measure. Unfortunately, I had gone through the Bill without looking at the second and third parts, as they were presented. When I examined the second part and read the references to the list of amendments and the notes on the clauses I found they coincided with the result of the inspection I had undertaken of the provisions in the Bill.

The Hon. A. F. Griffith: They must have been right, then.

The Hon. J. DOLAN: I would hope so. This kind of presentation is certainly most welcome and a great help to anybody who takes the adjournment of the debate on a Bill. I do not know whether it could apply to all Bills, but it is equivalent to the memorandum which has accompanied some of the large Bills introduced by the Minister for Mines. It certainly makes reading easier.

The Hon. A. F. Griffith: I would like to do that with every Bill we introduce.

The Hon. J. DOLAN: The Minister in charge of the Bill said it is his objective at all times to keep the Act completely up to date. I think he will succeed in this objective in the amendments which are proposed.

Clause 2 seeks to amend section 20 of the Act. It is proposed that new subsection (3) will contain three paragraphs (a), (b), and (c). The existing subsection (3) has no paragraphs, and, in total, it gives certain powers to the court, which I understand is the Children's Court, in respect of hearing and determining complaints, etc. At the moment the Children's Court has the right to refer complaints to the Supreme Court. When the Act was last amended the District Court was not in existence, and reference to it has been included in this Bill to bring the legislation up to date.

Proposed new subsection (3) of section 20 refers to the question of a complaint being brought against a child over the age of 14 and under the age of 18, and it provides that when a court accepts a plea of guilty and convicts a child of an offence, the court may commit the child for sentence to the Supreme Court or the District Court of Western Australia, as the case may require. I am completely in accord with that proposal because it tidies up the third and last decision which may be reached by the Children's Court.

Proposed new subsection (3a) of section 20 provides that where a child is committed to the Supreme Court or the District Court, the child shall be dealt with in all respects, and the indictment and proceedings upon it are subject to the same procedure as if the child were a person committed under the provisions of the Justices Act. That amendment is most desirable.

Proposed new subsection (3b) is, above all, the amendment upon which I wish to comment, and it seems that the next Bill on the notice paper—the Offenders Probation and Parole Act Amendment Bill—is consequential upon this particular amendment to the Child Welfare Act. The proposed new subsection states—

(3b) The Supreme Court or the District Court of Western Australia, in passing sentence upon a child who is before that Court pursuant to subsection (3) of this section, in respect of an indictable offence, may impose any penalty or disqualification or make any order or direction that—

- (a) may be imposed or made with respect to a person over the age of eighteen years who has been convicted on indictment of that indictable offence; or
- (b) may be imposed or made by a Children's Court under this Act.

I think it is most appropriate that provision is made for the Supreme Court or the District Court to impose the penalty it wishes.

Clause 3 of the Bill relates to the question of a person over the age of 18 who fails to pay a penalty. At present the only provision made is that a summons may be issued for his appearance, and an arrest probably takes place. In many cases this procedure is unnecessarily stern and severe and it is felt that it is sufficient to make provision for the person to be apprehended on a warrant and brought before the Children's Court. I feel this is a most desirable amendment and a move in the right direction because it removes a little of the sternness and severity in cases where the offence is not very great.

The amendment in clause 4 relates to a foster mother who is not a near relative caring for a child under the age of six years. At present the Act provides that the foster mother must be licensed by the Child Welfare Department if she acts as a foster mother for gain or reward. However it is felt there are many circumstances under which a child has a foster mother who does not receive payment from the Child Welfare Department. In the interests of the child it is felt that the words "for gain or reward" should be removed from the Act. The section will then cover to a certain extent all children who have foster mothers. Clause 5 is consequential upon clause 4 and it provides for the deletion of the words "for gain or reward" in section 113 of the Act. Of course, this must be done so that the two sections conform.

The final clause in the Bill is to delete the second schedule to the Act and to substitute a new schedule. This has been rendered necessary because some orphanages and industrial schools specified in the schedule as subsidised institutions within the meaning of the Act have gone out of existence, and others have been renamed. For example, the Salvation Army Hollywood Children's Village (Boys and Girls), Hollywood, appears in the schedule as one institution, whereas in the old schedule there were two institutions. I support the Bill and commend it to members because I feel it tidies up many matters.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 20 amended—

The Hon. J. DOLAN: Without being critical, I would offer a suggestion in regard to the numbering of subsections in the Act. When going through this Bill the only

difficulty I encountered was in the numbering. Members will notice that the Bill includes proposed new subsections (3) (a), and (3) (b); and it also includes proposed subsections (3a), and (3b) (a) and (b). This becomes a little confusing.

I think one of the principles of any Act is that it should be able to be read by any member of the public. Therefore, I believe the paragraphs of the proposed subsection (3) should be numbered (i), (ii), and (iii). In the case of proposed new subsection (3a) the paragraphs should also be numbered (i), (ii), and (iii). This would eliminate duplication, which is confusing, and would perhaps help in providing a clearer presentation.

The Hon. L. A. Logan: I will have a look at it.

Clause put and passed.

Clauses 3 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. J. DOLAN (South-East Metropolitan) [5.09 p.m.]: As I indicated when speaking to the previous measure, this Bill has only one operative clause—clause 2—and I think it is consequential upon proposed new subsection (3b) contained in the Child Welfare Act Amendment Bill. From time to time it is necessary for the Children's Court to commit a juvenile to the Supreme Court or the District Court for sentence. At present it is not possible for either of those courts to bring the person who is committed to it for sentence under the provisions of the Offenders Probation and Parole Act. This is most regrettable because a judge may desire to put such a person on parole. It is not fair that adults and felons who have committed probably worse offences are accorded the privilege of being placed on parole for a certain period whilst that privilege is denied to juveniles. I think the amendment is necessary and I support the Bill.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. R. THOMPSON (South Metropolitan) [5.12 p.m.]: However well intentioned this Bill is meant to be, I hope the House will not agree to some of the provisions contained in it. I feel the measure sets out to do something, but all the factors relating particularly to kangaroos have not been taken into consideration. Indeed, when referring to fauna generally, I think we all agree that we must conserve and protect to the utmost most of the fauna left in Western Australia at the present time.

However, upon looking at some of the provisions in this Bill I find that to my mind they are simply ridiculous. If the measure is passed we will place people in the position where, through sheer ignorance, they could be subjected to heavy fines. Before I deal with the general context of the Bill, I will explain what I mean by that remark and, if need be, I can relate many personal experiences.

Under this Bill the only person who will be able to take a kangaroo is a person who is licensed to do so. I recently visited a farm—which I mentioned during the Address-in-Reply debate—and the farmer was in dire straits. The only income he can get from his farm until the next crop arrives—that is, provided the banks do not foreclose on him in the meantime—is by running a few pigs. He has no grain or other feed for the pigs, so he shoots kangaroos which are ravaging his crop and feeds them to his pigs.

If we accept this legislation now it will mean that the farmer I have mentioned will be subjected to at least a \$200 fine if he is caught shooting kangaroos on his property; yet he is doing that at the present time to keep himself alive.

The Hon. G. C. MacKinnon: No; no offence—not on his property.

The Hon. R. THOMPSON: I fail to read that into the Bill.

The Hon. G. C. MacKinnon: It is in the regulations.

The Hon. R. THOMPSON: I shall get to the regulations in a minute. There could also be difficulty when a kangaroo gets caught in sheep netting; and you know, Mr. President, that that frequently happens—kangaroos get caught in dividing fences. As a matter of fact, I know of the case of a person who, when driving back from Mandurah last Sunday week, hit a kangaroo. It was a doe and it was carrying a young kangaroo in its pouch. This person brought the joey to my wife, who is very fond of animals. It was about 8 o'clock at night and he said, "I have just run over a kangaroo, but I rescued the joey. Do you want to rear it?" We do not have the facilities to do that and, in addition, the joey was a little too young. However, after going to a good deal of trouble, and ringing up a person at Kalamunda, the joey was taken to a

lady by the name of Anderson, who lives in East Fremantle. This lady does an excellent job looking after young kangaroos; she then gives them either to the zoo or to people who want them.

The person who came to see us was in my opinion doing a humane act by looking after the young joey. Also, he brought the carcass of the mother with him in his car. It had smashed the windscreen of the car. However, under this legislation, that person would be subjected to a fine of \$200 even though he had accidentally killed the kangaroo and had done the right thing by rescuing the baby.

The Hon. G. C. MacKinnon: No offence. We even assist Mrs. Anderson.

The Hon. R. THOMPSON: It is all right for the Minister to say, "No offence." But I want the Minister to tell me where in the Bill it says that such an action does not constitute an offence; because this amending legislation is quite specific. It says if a person takes a kangaroo without being licensed to do so—

The Hon. G. C. MacKinnon: We even put out a booklet on how to rear joeys.

The Hon. R. THOMPSON: That may be so, but what appears in the booklet does not appear in the legislation. We have had enough confusing legislation of late, the latest Bill being an amendment to the Milk Act. Something contrary to what this House thought would happen has happened under that measure. We could even go back to the Fisheries Act. Under that Act a person who tipped some marron back into the water was accused and found guilty of obstructing a fisheries inspector. In my view, if that is considered to be "obstruction" we should define the word more clearly. However, the person concerned was convicted and fined.

Also, under the Fisheries Act a person who had caught a number of some of the most common fish around the Western Australian coast—admittedly a number of them were undersize—was fined a large sum of money. Eventually, I think the Minister had the fine reduced in that case because in his view it was excessive. That was a well-known case, and I think the person concerned was named Rogers, or some name like that, from Mandurah. In many instances, magistrates have to record a conviction and impose a penalty even though they are of the opinion that the penalties they have to impose are excessive for the crime committed.

The first statement made by the Minister was one with which I agree. He said—

Two of the amendments to the Fauna Conservation Act which are now proposed are, although not of a complex nature, significant in their impact on the protection of rare species of fauna which may be threatened with extinction . . .

He then went on and gave as examples the noisy scrub bird and—

The Hon. G. C. MacKinnon: The short-necked tortoise.

The Hon. R. THOMPSON: Yes. In my view, if we intend to protect rare birds and animals it is of no use specifying them in the regulations; because how would the ordinary person get hold of the regulations? I know sometimes it takes me one or two hours to find a particular regulation that I want to look at, and I have facilities at my disposal which are not available to the average citizen.

I know many regulations are made under the Fisheries Act, but at least with that Act there is a schedule at the back which refers to the size of the fish that may be taken as well as the common and scientific names. At the present time everyone seems to be jumping on the bandwagon of conservation, but I certainly believe that we should include in the Act a reference to birds and animals that are considered to be rare and in need of protection. It should not be done by regulation and in such a way that nobody knows anything about it. At the present time nobody knows what birds and animals are considered to be rare. We do not know whether the grey kangaroo will be classified as rare; or whether the brush kangaroo will be placed in that category.

I suppose the same could be said of almost every animal. Nobody knows whether any animal is classified as rare, and very few people would know of it if the classification was done only by regulation. For the public to have to search through the regulations to find out whether an animal is classified as rare is not good enough, in my opinion. Therefore, I would ask the Minister to withdraw this Bill for the purpose of introducing legislation which I believe most members here would agree with, and certainly the public would agree with, because they would know what was happening and we would know what we were talking about. At the present time we do not know.

Another amendment in the Bill relates to the administrative authority of the Chief Warden of Fauna and the executive officer of The Western Wild Life Authority. I have no argument with that provision.

The Minister then went on to say that one amendment in the Bill will empower the Minister responsible for fauna conservation to declare certain species as rare and threatened by extinction—that relates to section 14 of the principal Act. To me it is not good enough to refer, as the Minister did in his speech, to only two species of fauna.

Now we will get down to what the Minister said. He stated that amendments in the Bill would make it an offence for any person to have in his possession the skin or carcase of any protected fauna "illegally

taken." What does "illegally taken" mean? Who defines what is "illegally taken"? If I go onto a property that I lease and I shoot a kangaroo whilst on that property probably nothing would be done about it. However, the moment I take it off the property I am illegally taking that kangaroo.

I do not shoot kangaroos, but there are many of them on a property which I visit, and the owner of that property would be only too glad to get rid of the kangaroos, because for years he has been struggling to establish pasture, without a great deal of success. I would say the kangaroos have eaten more of his pasture than have his sheep or cattle. Yet the Minister states that the Bill will make it an offence for any person to have in his possession the skin or carcase of any protected fauna illegally taken.

In addition, if a person takes an animal that is declared rare he will be liable to a penalty of \$1,000. If the penalty is to be so great I think the public should be notified forthwith of the animals and birds considered to be rare. I do not disagree with a penalty of this nature if the penalty is to protect birds or animals from extinction. As a matter of fact, I think that if the public knew of the penalty involved they would heed the legislation and not slaughter animals or birds declared to be rare. However, it comes back to the point I have made: I want to know what animals and birds are rare before I am prepared to agree blindly with penalties of this nature. The Minister goes on further to say—

Undoubtedly from time to time biologists will be recommending that additional protection should be granted to further species.

That is fair enough, but at least each year we could be advised, through Parliament, of the species that are to be declared rare. If the destruction of such species carries a penalty of \$1,000, I think Parliament and the public generally should be notified of the species involved. The Minister then went on to say—

Possession of protected fauna is not an offence in itself under the Fauna Conservation Act as it stands at the present time, whether it be live fauna or the skins and carcases of fauna. Enforcement officers have to rely on apprehending persons in the act of taking protected fauna if they wish to prove that an offence has occurred.

With the need to regulate the kangaroo industry, it will be necessary for it to be an offence to be found in possession of the skins and carcases of these animals, unless they have been taken under license and have the tag prescribed by the regulations, attached.

Earlier the Minister interjected and said "No" to something I said. But his own words, on page 6 of his notes, give the

lie to that interjection; because in his notes he said that if a person took or had in his possession anything that was not taken as prescribed by the regulations, and under license, he would be committing an offence. If a person in a car runs over a kangaroo and he puts it in the boot of his car and is apprehended—it really does not matter how he came by it—he is subjected to the penalty prescribed in the legislation.

The Hon. G. C. MacKinnon: You were talking about live fauna—a live joey.

The Hon. R. THOMPSON: And the carcase. The legislation refers to a person who has in his possession the skin or carcase of an animal. The Minister referred to it in his introductory speech.

The Hon. G. C. MacKinnon: The carcasses are different.

The Hon. R. THOMPSON: If a person runs over a kangaroo and kills it it becomes a carcase. Does the Minister say that one is exempt and one is not?

The Hon. G. C. MacKinnon: You were talking about the joey.

The Hon. R. THOMPSON: I was also talking about the carcase of the mother that this person had in the boot of his car.

The Hon. G. C. MacKinnon: You were talking about the joey and I said there was no offence involved.

The Hon. R. THOMPSON: I also said that this person had the carcase of the mother in the boot of his car.

The Hon. G. C. MacKinnon: I will have to look at it. At the time we were talking about the joey.

The Hon. R. THOMPSON: I said that this person had the carcase of the mother in the boot of the car and he brought the joey back as well.

The Hon. G. C. MacKinnon: I will mention that and answer you when I reply.

The Hon. R. THOMPSON: I have gone through the Bill with a fine toothcomb and it does not matter what the Minister says when he replies to the debate; the fact remains that if anyone is caught with the carcase of a kangaroo in his possession, irrespective of how he obtains it—whether it was caught in a fence and he killed it to be humane; whether he killed it because it had a broken leg, or had been hit by a car—he is liable to the penalty prescribed in the Bill. The only thing to do, under this legislation, is to throw the carcase on the side of the road and let it rot; because if a person is caught with it, he is liable to a penalty.

The Hon. G. C. MacKinnon: Not necessarily; keep a more open mind than that.

The Hon. R. THOMPSON: I want to have an open mind about it—

The Hon. G. C. MacKinnon: I listened to you; you listen to me.

The Hon. R. THOMPSON: —but that is difficult, because I am dealing with what appears in the Bill and in the present Act. Other than to cover rare species, I do not see much reason for amendments to be made to the Act. We now have a fairly tight Fauna Conservation Act. The trouble seems to arise from the policing of the legislation; and if it could be policed effectively there would not be the need for this amending Bill.

In my view the additional penalties prescribed in the measure will not bring about any reduction in the number of animals that are killed by the indiscriminate shooters; but these penalties will certainly have an effect on the people who rely on the taking of kangaroos for their living. The Minister said when he introduced the second reading of the Bill—

At the present time an unauthorised shooter may take kangaroos and if he is not apprehended in the act of taking them he could sell the carcasses or skins to a licensed processor who would not necessarily be committing an offence by being in possession of them. By adding this provision it will remove any temptation to deal in the skins and carcasses of kangaroos which may have been taken by an unlicensed operator.

So we get back to this situation: If a person is found to be in possession of a carcase, and he is an unlicensed operator, then he is subject to the provisions of the Act. The other aspect of this matter relates to the interstate trafficking in skins and carcasses; and on this I have no reason for complaint.

I go back to the point that a better definition of a rather loose term—the term “rare”—is required. It is desirable that the meaning be clarified. Provision must be made in the legislation to cover the case of a person who goes out and kills only one kangaroo; and here I am not referring to the weekend shooter who goes out to shoot many kangaroos with the object of bringing back the carcasses and making money from the sale of them. Over the years we have seen numerous instances of this type of weekend shooter; and the sooner we get rid of him the better.

However, there are many people in our community who like the meat of kangaroos. Provided the animal taken by such people is not a protected species, and provided the owner of the property gives permission for the animal to be shot on his property, I can see no reason why they cannot take a kangaroo. I would point out that the number of kangaroos taken for this purpose would lessen the need to use poison to control the kangaroo population, particularly in areas in the lower south-west of the State where, from time to time, an open season on grey kangaroos is declared.

If any member is desirous of examining the penalties that are prescribed in the legislation, he will find that section 26, for instance, provides for a maximum penalty of \$400 for the destruction of certain types of fauna; and that the regulations provide for a penalty of \$200 for the destruction of other types of fauna. In prescribing such penalties it seems that the legislation is going a little too far, and people should not be subject to such severe penalties. I challenge the Minister to bring before us proof that the penalty of \$200 is necessary to be imposed on a person who shoots a kangaroo.

The Hon. E. C. House: That is to be applied to the indiscriminate shooter.

The Hon. R. THOMPSON: I am now referring to the person who goes out and shoots a kangaroo for its meat. I am not referring to the weekend shooter who goes out to shoot kangaroos, and brings back a trailer load.

The PRESIDENT: Order! Will the honourable member please address the Chair?

The Hon. R. THOMPSON: Certainly, Mr. President. I am not trying to protect the weekend shooter who brings back a trailer load of kangaroo carcasses. I go all the way with the Minister to restrict the number of licensed shooters who are to farm the kangaroos. I have said this previously in the House: I have been through the north-west with kangaroo shooters, and they were excellent shots. On many occasions I have directed the spotlight at a group of six or seven kangaroos; sometimes the shooters would say that the kangaroos were too small. They would leave them alone, and drive on. Whenever those shooters did take aim and pulled the trigger I did not see one animal suffer. Invariably the animal was dead almost as soon as the trigger was squeezed. These people farmed the areas around Byro, Milly Milly, and Innouendy stations. They were welcomed in those areas, because they were reliable operators.

In contrast to those operators we find the weekender who goes out and shoots everything that moves—whether it be a joey or a young buck. I do not want to protect that type of shooter under any circumstances.

It is probable that all members of Parliament have received a letter from The Kangaroo Industries Association of Western Australia, to which is attached a copy of a letter that has been sent to the Minister for Fisheries and Fauna. I sincerely hope the Minister will not be influenced in any way by this letter. If the wishes of that association were implemented, the department would have to promulgate regulations to allocate tags directly to the processors and/or freezer owners based on the figures for the 1968 season, and they would, in turn, control the issue of the tags to the shooters.

If this is acceded to it will throw into chaos the whole concept of what the department is trying to achieve, because we will not know where the kangaroos are or what sizes of kangaroos are being shot. We will find some unreliable freezer owners who are prepared to accept any type of carcass and place a tag on it after it has been placed in the freezer.

This would not be of assistance to the industry and would not bring it up to a satisfactory level. Furthermore, it would not be of any help to the legitimate shooter in respect of whom I trust the Minister will provide some form of protection under the scheme he intends to put into operation.

I am not happy with the Bill. At this stage I reserve the right to keep an open mind, and I await the reply of the Minister to this debate. Irrespective of what the Minister has said by interjection, I feel that the people of Western Australia, particularly the farming community, will not like this legislation, because nowhere in the Bill or in the Act is it stated that a person who is in possession of, who takes, who shoots, or who by any other means kills a kangaroo, shall not be subject to a fine.

THE HON. T. O. PERRY: (Lower Central) [5.40 p.m.]: I support the Bill. In his contribution to the debate on the Address-in-Reply the Minister said that there was no danger of the kangaroo being shot out of existence. I have held this view for a long time.

The Hon. R. Thompson: I agree with you.

The Hon. T. O. PERRY: Much of the wildlife of this State, which today is practically non-existent, was destroyed not by shooting or trapping but through disease. On the property on which I was reared I can still find the ring of stones which showed where the first settlers established themselves in 1862. I did not know the original settlers, but I did know their children. When I was three or four years of age the children of those settlers were then adults. I remember speaking to those people and their reference to the abundance of species like boodie, dalgite, tamar, spotted native cat, numbat, banded anteater, etc. All of a sudden many of these species disappeared, although they had not been hunted, trapped, or shot. When the first rabbits appeared in the district around 1920 I remember trapping my first boodie. It was the first I had seen. Today we find that this species has disappeared; and since that time I have not seen one, except in captivity. Another species that has disappeared is the spotted native cat.

I would like the department to adopt a more understanding approach to landholders who experience problems caused by kangaroos and emus. I refer to the

case of a share farmer who wrote to the department this year requesting a permit to enable him to destroy kangaroos.

The Hon. G. C. MacKinnon: If it is the case I have in mind it has already been attended to.

The Hon. T. O. PERRY: The department was very understanding. It advised this share farmer that if the kangaroos were destroying his crop he could shoot them, but he could not sell the skins until its officers had examined the crop. I have seen the crop on this farm, and I would estimate that the amount of damage caused by the kangaroos at harvest time was around \$200.

This person received a letter from the department advising him that if he forwarded 50c to cover the cost he would be granted a permit to shoot kangaroos while the kangaroos were on the crop area. Anyone who has had experience of kangaroos and their habits would know that it is very difficult to hunt the kangaroos, because they can escape into the adjacent bush very quickly. If he carries out the directions of the department he is not permitted to shoot the kangaroos once they have escaped from the crop area.

It was also mentioned in the letter from the department that the permit was issued to this share farmer to enable him, and only him, to shoot the kangaroos. I could show the Minister a property on which he could count 130 kangaroos feeding at the one time. I could show him a ringlock fence which I constructed at a cost of \$400 per mile which has been damaged by kangaroos.

The Hon. R. Thompson: Are any of the kangaroos caught in the fence?

The Hon. T. O. PERRY: If I wish to destroy the kangaroos it is very difficult for me to do so on my own. However, with the help of half a dozen men we could surround the kangaroos and shoot them out of the bush. That would be the most effective way to destroy them. Some landholders have complained that because of a lack of understanding between the department and themselves they have had to lay poison baits to destroy the kangaroos. I have seen as many as 40 poisoned in one locality. I do not like this method of destruction. I would prefer to see a number of the kangaroos shot, and the rest of them scared off. This would reduce the trouble. I think the Minister has an understanding of the problem; possibly some officers of the department do not.

Whilst talking on this subject I would like to mention one other matter; that is, the question of honorary wardens. Very often honorary wardens are appointed without enough investigation being carried out as to their character, and the kind of people they are. I feel that the wardens

ought to be recommended by the local shire councils, or the police, or somebody with similar authority.

I know wardens who, a few years ago, used to dynamite fish in our rivers, and others who were constantly shooting kangaroos out of season without a permit. I know others who have shot wild fowl out of season and today these people are honorary wardens. This goes down rather badly with the general public when it is known that the wardens have broken the law themselves and are now engaged for the purpose of detecting other people who are breaking the law.

The Hon. L. A. Logan: They have to know all the tricks of the trade!

The Hon. T. O. PERRY: There should be an investigation into the character of a prospective honorary warden just the same as an investigation is carried out into the character of a person before he is appointed a justice of the peace. Such people have to be recommended, and a thorough investigation is carried out. Somehow, honorary wardens should be subjected to an investigation before their appointment. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan) [5.47 p.m.]: I want to say a few words about one aspect raised by Mr. Ron Thompson. I refer to the question of placing, in a schedule to the Act, the names of the animals which are protected.

Last week I read a book which I recommend to other members in this Chamber. The book was titled *Between Wodjil and Tor*, and was written by Barbara York Main. The authoress was brought up on a farm in the Tammin-Kellerberrin district, and she writes about some of the animals which she was once able to observe but which are now gone from the district. I would say the disappearance of the animals has not been through disease, but through settlement of the area. Large areas cannot be cultivated without the animals, which use the areas as their natural habitat, disappearing.

Barbara York Main majored in zoology, and later wrote a thesis on—of all things—trapdoor spiders! She gained her Ph.D. from the University of Western Australia and she is very worried about the disappearance of various animals. Mr. Heltman will be interested to know that the area referred to is "Heltman's Scrub." Evidently there is a family connection. Some of the animals listed are the fat tailed dunnart, the echidna, rock wallabies, and the pig-footed bandicoot.

I would like to be able to refer to a schedule to find out whether the animals I have mentioned, which are gradually disappearing, are on the list of protected animals. I suggest the Minister might give some consideration to having the names of

those animals included in the schedule to the Act where they would be readily available to anybody rather than having to chase around and check in gazettes and so on. Regulations have to be found, and then checked to see whether they have been changed.

Once again, I would recommend—particularly to Mr. Heltman—that members read the book to which I have referred. I support the Bill.

THE HON. G. C. MacKINNON (Lower West—Minister for Fisheries and Fauna) [5.49 p.m.]: I thank members for their comments on the Bill. I suggest that we will be able to discuss some of the matters mentioned in more detail during the Committee stage. However, I will first of all make one or two general comments.

I suppose this Bill is like most legislation dealing with fauna conservation; it is a matter of policing. In the present measure we are dealing, virtually, with the entire State—1,000,000 square miles—and to endeavour to place policemen at the various situations right throughout the State would be very difficult indeed.

Mr. Ron Thompson mentioned clause 5 of the Bill which, in part, reads as follows:—

A person who has in his possession the skin or carcase of any protected fauna . . .

We are endeavouring to try to stop the person who is stealing in a big way. People talk about the necessity for policemen yet, at the same time, we are asked to ensure that we do not have a police State. If we had a policeman for each request submitted then every second fellow would be watching his mate, and nobody wants that situation. We have to provide a directive and then rely on a certain amount of understanding.

We are legislating for the sort of person who has a room full of skins, or the character who is boning. Those persons present problems. If we cannot get this type of amending legislation passed then our whole system will be completely undermined. I believe the system we are trying to instigate is the best that has been submitted anywhere in Australia.

I said the other day that I have never claimed the kangaroo was in danger of being shot out—not in the immediate future anyway. However, I would remind members that over the last few weeks no fewer than 10 petitions have been presented to the Federal authorities asking them to prohibit all exports of kangaroo products immediately and to prohibit the shooting of kangaroos throughout the length and breadth of Australia. To my mind this would be a tragedy because such a method would not be proper conservation. We are trying to preserve the right to take a crop of kangaroos.

For that purpose there is a need for this present amendment. I would like to deal, for a minute or two, with the grey kangaroo. In this State the grey kangaroo faces a far greater threat, of course, but is a long way from becoming extinct. The threat is far greater than that to the red kangaroo—as Mr. Dolan and Mr. Perry said—not from shooting but from a change of habitat which frequently brings disease. The clearing of the countryside destroys the hidey-holes where the kangaroos breed. A great area of the natural habitat for the grey kangaroo has been changed—not destroyed—into wheat farming areas and the like. This has presented a problem.

I have had a number of discussions with Mr. Willmott regarding commercialisation. Many people argue that rabbits should not have been commercialised. To my mind commercialisation tends to make people take numbers in excess of their needs. There is no objection to a farmer shooting kangaroos on his property. Quite frankly, I think we ought to give serious consideration—and no real determination has been made on this matter yet—as to whether, in fact, we should continue to exploit the grey kangaroo commercially. That might sound wasteful but, when considering the conservation of the creature, is it?

If we were to tell a farmer that he could shoot the kangaroos on his property—because they were becoming a pest—and then sell the carcasses to a commercial kangaroo processor, at what stage would he stop shooting them? To protect his property, of course, he would be able to shoot in the adjacent bush.

We have had experience of farmers complaining of kangaroos coming out of the reserves and becoming a pest. They have been given permission to shoot the kangaroos but we have asked them to let us know when they intended to shoot because we like one of our fellows to go along on the shoot. This procedure is followed with many shooters and the sizes of the kangaroos and the colours of their skins are recorded for statistical purposes.

One farmer who complained went out on five nights and shot, I think, about seven kangaroos. That farmer was quite happy but it was understood that he wanted to shoot about 100 kangaroos. Those kangaroos were shot and left, and were wasted. However, if they are commercialised, how many would the farmer have shot?

Some farmers claim they are plagued to death with grey kangaroos, but which is the best course to follow? I am inclined to think we should allow farmers to shoot to destroy, without commercialisation.

The Hon. R. Thompson: Would the Minister agree with that?

The Hon. G. C. MacKINNON: It certainly sounds wasteful but I think this method would be preferable for the conservation of the grey kangaroo. Conditions

are quite different with regard to the red kangaroo. I believe we should shoot and sell the red kangaroo as a proper cropping proposal. We are dealing with a flock of 1,500,000 or 2,000,000 kangaroos. A sum of \$20,000 could be obtained from the greys, but that is not worth worrying about.

It might be said that I should be more definite about this with the expert advice at my disposal. I am sorry but in this field one cannot be more definite; one is dealing with so many imponderables which are brought about by changing conditions, different farming methods, and all sorts of things.

The greatest side to the question of fauna is, of course, the changing attitude of the public. There are so many of the imponderables I have mentioned that it is difficult to know just what is happening to the kangaroos because they are free-ranging stock. There are so many areas in which one cannot be as exact and clear as one would like to be. As legislators we must accept this.

The Hon. E. C. House: The kangaroos were here before we men; does the Minister not think they should have first preference to the country?

The Hon. G. C. MacKINNON: No, I am a bit in favour of man. But, of course, it is said by many people that man is a creature of his own environment, and he changes his environment at risk to his survival.

The Hon. R. Thompson: The Minister would not want to confine them to a reserve.

The Hon. G. C. MacKINNON: I know Mr. Ron Thompson was smiling when he interjected, and did not mean what he said, but I am very surprised at the number of farmers who are quite genuine conservationists, and who really like to see a reasonable number of kangaroos on their properties. That reasonable number probably varies from person to person. However, let us deal for a moment with the point raised by Mr. Ron Thompson, and I refer to rare species. Most Acts which deal with this subject use phrases such as "rare" and "threatened" species, when referring to those species which are likely to become extinct. In endeavouring to define "rare" species I am able to give only two examples at the present time. However, let me say that we are not dealing with the problems of an ordinary individual who might shoot a bird with a shanghai or an air rifle.

The Hon. W. F. Willesee: What sort of bird, in present day vernacular?

The Hon. G. C. MacKINNON: The feathered variety—a tweety bird. I would like to give members some indication of the money involved in poaching. If I could export birds from this State, to satisfy

the demand, we could run the Department of Fisheries and Fauna without having to call on funds from the Treasury.

The business of smuggling birds out of Australia is worth a tremendous amount of money. There are species flying wild in this State which are worth \$400 and more a pair. There are species which some people in this room probably shoot—and swear at them as they shoot them—which would be worth \$200 each if it were possible to get them out of Australia. Certain species are worth the same amount of money for the skin alone. Some species are very simply handled to be sent away to collectors; the bones are removed and the skin is mounted very skilfully onto a stick, and sometimes just the wings are sent.

I do not know what a pair of noisy scrub birds would be worth to a wealthy collector. They would be worth a great deal of money because there are only 40 pairs in the whole world. Some very wealthy people would pay large sums for the prestige of having those birds.

It is desirable therefore that there should be a very heavy penalty for this sort of thing; we want to try to save these creatures when the species reach these desperate straits. I have seen this done at Pretoria Zoo in South Africa, where the authorities are breeding animals which are rare and putting them back into the wild. For instance, pygmy rhinos are being bred, yet in some parts of South Africa they are being killed and eaten, which is a tragedy.

Protective measures are necessary. With all the money in the world we cannot establish a factory to re-manufacture these creatures. I must admit that a short-necked tortoise does not impress me; it seems to me that it is an odd thing which is quite inefficient. It has to have a particular environment, or it dies out—it has no adaptability—but as a scientific curiosity it is valuable.

The Hon. W. F. Willesee: It reminds me of the Liberal Party.

The Hon. G. C. MacKINNON: We could all say things like that. It will be understood that we cannot enumerate these creatures. If we had asked 10 years ago that the two I mentioned be listed, everyone would have laughed because it had been conclusively proven that they no longer existed. They would not have been listed. The creatures are listed in booklets—I will arrange for some of the booklets to be provided. The booklets deal with the degree of protection that is afforded, the open seasons, and such things. These booklets are issued regularly, as are those dealing with marron, trout, the rearing of baby kangaroos, and so on.

I would commend to members a little book called *Marsupials of Australia*, which can be purchased at the shop that

sells *Portnoy's Complaint*. The latest book by David Ride is a magnificent one. But *Marsupials of Australia* is a good little book which gives a good deal of information about the species.

As regards the fellow who takes a kangaroo which he has knocked over, I suppose that technically he is breaking the law, as do we who burn a few leaves on our own sidewalks; but we must have a sensible application of these laws. It is not an offence to rear joeys, but if one wants to breed them for money one has to obtain a license.

The Hon. R. Thompson: According to the letter of the law, a policeman can arrest a person. There are fisheries and fauna inspectors, shops and factories inspectors, and all sorts of people—

The PRESIDENT: Order! The honourable member will have an opportunity to speak later on.

The Hon. G. C. MacKINNON: The point I make is: Has it ever happened? Someone told me the other day that, at present, if a farmer shot a kangaroo on his property he would lose his rifle. These rumours shatter me. I asked the fellow if he could cite me a case in which it had ever happened. It does not happen and could not happen.

I could elaborate on the points made by Mr. Ron Thompson regarding the undersized fish at Mandurah and the obstruction at Collie, but those cases are not in line with the actual situation.

For the sake of the natural fauna of this country, and in the face of normal and perfectly legitimate demands of human beings, we must endeavour to make some progress. To some extent I suppose it cuts across the liberty of human beings to shoot what they like. It has been said, "If it grows cut it down; if it moves shoot it; if it is empty throw it away." We have tried to do a little more as we go along.

I hope that in the Committee stage I will be able to satisfy any remaining doubts that Mr. Ron Thompson may have, and I hope members will give us a chance to discuss the Bill freely.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKINNON (Minister for Fisheries and Fauna) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 14—

The Hon. R. THOMPSON: Are we to take it that the only animals that are to be protected under the definition of "rare and likely to become extinct" are the two mentioned by the Minister?

The Hon. G. C. MacKINNON: Saltwater crocodiles are already protected, with a penalty of \$1,000, so that is another one.

The Hon. R. THOMPSON: Do they come under this?

The Hon. G. C. MacKINNON: No. There is a special section to cover them. I cannot think of any others at the present time. None has been recommended to me.

Sitting suspended from 6.09 to 7.30 p.m.

The Hon. F. J. S. WISE: This clause, in itself, seeks to amend section 14 of the principal Act. Also, proposed new paragraph (ba) refers to section 16 of the Act. Therefore I take it I would be quite in order if I refer to portions of section 16 of the Act in discussing this clause.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Yes.

The Hon. F. J. S. WISE: Thank you, Mr. Deputy Chairman. If we look at that portion of the amendment which refers to section 16 we find that a person who is in possession of a skin or the carcase of any protected fauna, except when the fauna has been taken under the authority of a license, commits an offence against this Act. The amendment also provides that a penalty of \$1,000 could be imposed on any person who has in his possession the skin or carcase of any protected fauna.

I will now put to the Minister not a hypothetical case but a case of actual fact. Imagine a person who has in his possession beautifully tanned skins of grey kangaroo or of saltwater crocodile. I point out that a beautifully tanned skin of a saltwater crocodile can indeed be a thing of beauty. The person concerned has two or three skins in his possession, but because he has no further use for them he wishes to dispose of them. What is the position of that person, the owner, and the person who is selling them as his agent if an inspector finds the skins of protected fauna in their possession?

I raise this question deliberately, because in the parent Act section 27C places the onus of proof upon the defendant or person charged. Members have heard my comments on that provision on many occasions in this Chamber. Suppose the person who owns the saltwater crocodile skins is myself. They are animals that I shot some years ago, and I have had them tanned by an expert. I do not want them. They are very valuable. At the greatest width they are worth many dollars an inch. Am I liable to prosecution and to a fine of \$1,000 by having them in my possession? I ask that question again deliberately, because the regulation making authority in the parent Act is without limit.

The following is quoted from the Act itself:—

Regulations . . . may be of general or specially limited application according to time, place, purposes, or circum-

stances, and may be general or restricted to any prescribed class or subject matter.

What I want to know is: How is a person protected if he is placed in a position such as that which I have outlined to the Chamber? He has destroyed the fauna without a license, had the skins tanned, and they are in his possession. What is his position?

The Hon. G. C. MacKINNON: The three skins to which Mr. Wise refers were, of course, taken quite legally. It is not very difficult to establish that they were taken legally before any protection was placed upon them. For example, I know there is in existence at least one full rug of platypus skins. Of course, if anyone were found with a rug made of platypus skins, say, last week, there is no doubt he would be for the high jump in any State in Australia and, what is more, few people would have any sympathy for him. It is known, however, that these platypuses were destroyed many years ago, but the fact is they were taken when it was perfectly legal for them to be taken, and no action would sustain or would be contemplated.

The Hon. F. J. S. WISE: The Minister's reply is quite unsatisfactory. Proposed new section 16A, contained in clause 5 of the Bill, reads as follows:—

16A. A person who has in his possession the skin or carcass of any protected fauna, except where the fauna has been taken under the authority of a license, commits an offence against this Act.

This is very explicit. The skins of which I spoke were not taken under any authority of license, and therefore such a person commits an offence against the Act. There is a responsibility upon this Parliament to ensure the protection of a person who has validly in his possession skins of protected fauna not taken under the authority of a license.

I suggest that it must be definite, both in the regulations and in the Act itself, that sections, such as those I have mentioned, must have an ante-dating provision when included in the Act to cover the situation I have outlined. I raise the matter because two clauses are inter-related and section 16 is referred to in the clause under discussion. Also, the penalty is to be \$1,000. I know many people who deal in shells and artifacts, and all sorts of things, including the skins of crocodiles, and I do not want the onus of proof to be placed on them to show when and where the animals or the crocodiles were taken, because the onus of proof provision is in the Act itself.

The Hon. G. C. MacKINNON: I made some inquiries about the situation that has been outlined by Mr. Wise and I was advised that, at, say, the turn of the century, everybody had the right or a license to shoot crocodiles; that is, a license in the broad sense of the term, and not

in the sense that one had to hold a piece of paper to prove that one had a license. The provision in this clause specifically refers to any situation wherein a person is found to have a carcass or skin in his possession after it became obligatory to have a license.

Any person who secured the skins of any animals, even platypus skins, before they were protected would be under no threat whatsoever, and the same applies to crocodiles if they were shot before licenses were required, or before the crocodiles were protected.

The Hon. F. J. S. WISE: Sections 16 and 17—particularly section 17—apply to fauna whether protected or unprotected. Section 17 also has many subsections to show what one may do or may not do with fauna or parts of fauna, dead or alive, even though they are not protected. So I think the clause is as clear as mud.

The Hon. A. F. Griffith: Is there any mention there that it may be retrospective?

The Hon. F. J. S. WISE: No.

The Hon. G. C. MacKINNON: This provision could certainly not apply any further back than 1950, when the original Act was proclaimed. I am not sure when section 17 was included in the Act by amending legislation—

The Hon. F. J. S. Wise: In 1969.

The Hon. G. C. MacKINNON: Well, the provision could not go back further than 1969, anyway. I made specific inquiries about this position and I was told that anyone placed in the situation of the mythical character outlined by Mr. Wise—

The Hon. F. J. S. Wise: I am that character.

The Hon. G. C. MacKINNON: Well, the three crocodile skins are completely protected.

The Hon. E. C. House: How can you tell how old they are?

The Hon. G. C. MacKINNON: I do not know, but in the case we are talking about it would be a simple matter to establish the age of the skins.

The Hon. E. C. House: If someone shot a crocodile, say, this year, how could they tell how old the skin was in 10 years' time?

The Hon. G. C. MacKINNON: There is no doubt that some crocodiles will be shot; do not let us kid ourselves about that.

The Hon. E. C. House: You are after the commercial shooter, are you?

The Hon. G. C. MacKINNON: Sure. We are after those who take them across the border in truckloads; those who literally place nets across any one of the lovely gorges in the north and take everything out. I am referring now principally to the Johnstone crocodile.

The Hon. R. Thompson: That is how they took all the barramundi out.

The Hon. G. C. MacKINNON: We have seen the report on the barramundi. Some people were doing the same with the Johnstone crocodile, which has a poor quality skin; not the sort of skin mentioned by Mr. Wise which, in an untanned state, is worth \$3 an inch at the widest point. I am speaking of those men who are literally taking crocodile skins away by the truckload. I think I have mentioned previously that reptiles are not protected in Queensland and they can be sold on the open market, which is a great pity. Unless we have an inspector patrolling the border it would be very difficult to prevent this practice altogether. However, I believe the provision in the Bill will go a long way towards stopping it. It will stop it to the point that the crocodiles will breed in sufficiently large numbers to allow us to commence farming them, which is a better way of handling this species of crocodile.

I am advised that a little later a suggested amendment will be introduced and at that stage I will probably report progress and ask for leave to sit again to get the point clarified for the honourable member concerned. There is no difficulty with regard to this matter, but I will get it clarified when we reach the stage I have mentioned.

The Hon. F. J. S. WISE: In case I do not get a chance to assist in the clarification I would point out that there are many people in the north who earn a living, or part of a living, from selling interesting articles to tourists.

I know of two persons who have crocodile skins for sale; they have them in their possession. These crocodiles were not caught or shot after the passing of the 1969 amendment; they are old skins.

I know a little about the question and I would challenge anyone to say whether a skin was tanned last year or in 1950, particularly if it has been properly looked after.

Members will see that clause 5 of the Bill refers to section 16 which will state when amended that a person commits an offence against the Act if he has in his possession the skin or carcase of any protected fauna except where the fauna has been taken under the authority of a license.

I know of many people who, on a literal reading of the proposed amendment, will be committing an offence against the Act and will be subject to a penalty of \$1,000. This needs clarification. Some retrospective protection is required. A person should not have such an iniquitous provision imposed upon him as is contained in section 27 of the Act. It is obnoxious for the onus of proof to be on the defendant. I hope the aspects I have raised in relation to section 16 of the Act will be carefully considered before the Bill is passed.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Section 16A added—

The Hon. R. THOMPSON: I would like to see the following words added after the word "license" in line 33:—

other than one kangaroo skin or carcase providing they have been taken with the property owner's consent.

Anyone who has lived in prospecting camps on the Murchison, and even in places like Cue, where the main diet is kangaroo meat, will know that there is very good reason for my proposed amendment. Many of the people to whom I refer have kangaroo meat as their staple diet and they should not be denied something which they have enjoyed for years. I see Mr. Brand looking at me and perhaps he will support my submission.

The Hon. G. C. MacKINNON: I agree with the idea put forward by Mr. Ron Thompson. The particular example he gave, however, is not a good one because we already intend to issue licenses in the red kangaroo area about which he is talking. It is proposed to issue a number of tags to people to enable them either to eat kangaroo meat or to feed it to dogs, etc. It is quite good meat.

The Hon. W. F. Willesee: It is subject to worms.

The Hon. L. A. Logan: I had kangaroo tail soup, and it was beautiful.

The Hon. G. C. MacKINNON: These licenses are to be issued to enable the people concerned to dispose of the meat while permitting them to sell the skins.

I do not think the necessity for this amendment lies in the area of the red kangaroo but would relate more to the grey kangaroo of the southern area. We have already had one application from a person who wants to shoot kangaroos for human consumption. Incidentally, the worm in kangaroos is not troublesome to human beings; it is easily killed by cooking and is not one that transfers a complaint to human beings.

The matter is being considered. We already have the solution as far as the stations are concerned—and I refer to places like Cue, and so on.

The Hon. R. THOMPSON: During the second reading I spoke about what happens in the south. Possibly Mr. Perry could invite us down to his property for a kangaroo shoot. I am prepared to leave the matter to the Minister, although I do think some provision should be included to tidy up the position.

The Hon. F. J. S. WISE: It would be very wrong for me to suggest that the Minister report progress, but I hope he does so.

The Hon. G. C. MacKINNON: I just wanted to make sure the suggestions were on record so that they could be examined.

Progress

Progress reported and leave given to sit again, on motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna).

AUCTIONEERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. R. THOMPSON (South Metropolitan) [7.55 p.m.]: I find nothing that I can really disagree with in this Bill. The Act came into operation in 1921 and was amended in 1932, with further amendments in 1938 and 1948. Generally speaking, I think the Act has worked very well and it is to the credit of those who have engaged in this occupation because they have done the right thing. We do not often hear of complaints against auctioneers, though possibly they have the remedy in their own hands. If a dispute arises they put the object up for sale and sell it there and then.

The amending clause allows for a certificate which may be issued to a trainee auctioneer, and I think this is a very good move. It provides scope for training in the case of sickness or absence of the auctioneer himself. As the Minister pointed out, however, provisional certificates are to be limited to three in any one year to any one licensed auctioneer. Apart from this, the auctioneer who applies for a certificate on behalf of his trainee is still responsible for the supervision of the trainee, for his default, and so on. I can see nothing wrong with this provision.

Section 11 of the Act defines areas of jurisdiction. I take this to be magisterial jurisdiction which brings the legislation into line with the provisions of the Liquor Act and the District Court of Western Australia Act.

Words such as "police" and "resident magistrate" will be removed from the Act and the words "stipendiary magistrate" will be included. This is the term that is usually used. I see nothing wrong with that and I support the provision.

I would like to refer members to section 11 of the parent Act which reads—

No person shall act as an auctioneer after sunset or before sunrise on any day except for the purpose of selling freehold or leasehold lands or tenements or shares in any incorporated company, or wool included and described in a catalogue issued prior to and for the purpose of the sale of such wool.

There are very few restrictions or guidelines under the Auctioneers Act indicating how an auctioneer shall conduct his business, particularly when this is compared with the provisions contained in the Sales by Auction Act which was before us in the

last session of Parliament. We found that that legislation, which caused some debate last session, is rather restrictive if it is read in conjunction with the Auctioneers Act, because the Sales by Auction Act virtually tells the auctioneer everything he is to do and how he is to do it. Section 2 of the Sales by Auction Act states—

In this Act, subject to the context—

"Auctioneer" means any person acting as an auctioneer. . . .

"Cattle" means horses, mares, fillies. . . .

"Farm produce" means wool, skins, hides, tallow. . . .

These definitions could be confusing if action were ever taken against people who were selling wool. Under the Sales by Auction Act they are bound by one law, but under the Auctioneers Act they are not bound by that same law.

The Hon. E. C. House: Why wool? Most of that is sold before it is auctioned?

The Hon. R. THOMPSON: That may be true, but I am pointing out the anomaly between the two Acts; and probably an amendment to the Sales by Auction Act will be before us in the near future because I think the Minister was going to have a look at it.

The Hon. A. F. Griffith: I cannot promise that.

The Hon. R. THOMPSON: I do not want the Minister to do so. However, if an amendment to that Act does come before us, this is probably something which should be considered.

The Hon. A. F. Griffith: As you know, I did try to amend the Act last session, but it received such a rough passage that it went overboard.

The Hon. R. THOMPSON: I only point it out because I remember it from when I spoke last session.

I support the Bill. I cannot see anything of any moment in it.

THE HON. I. G. MEDCALF (Metropolitan) [8.01 p.m.]: I would like to add my comments to those of Mr. Ron Thompson, because I also support this Bill. I think it is a very satisfactory and sensible measure and that it will fulfil a need.

The present situation is that no real facility exists for the training of an auctioneer except by a temporary license which is thoroughly unsatisfactory as such a license can be granted only when the licensed auctioneer is unable to carry out his duties because he is incapacitated through illness or for some other similar reason. Clearly that does not apply in the case of a trainee auctioneer because the licensed auctioneer is present, and he has the pupil auctioneer with him and is instructing him.

The only way the pupil auctioneer can learn is by conducting an auction at some stage of his career, and therefore he must have some legal authority for doing this, despite the fact that the licensed auctioneer is present. Therefore, I believe it is highly desirable that the Act should be amended in the way indicated by the Minister; that is, by making provision for a provisional license.

These provisional licenses are referred to in clause 9 of the Bill and the new section 50A will, if this Bill is passed, provide for provisional auctioneers' certificates to be granted. These will last for a period of two months and will enable a pupil auctioneer to be trained by the licensed auctioneer.

There is one point to which I would like to draw attention. However, I want to make it clear that what I am saying is not to be taken in any spirit of criticism. My remarks are made in an endeavour to assist because I believe that we may be in danger of inadvertently overlooking something.

Proposed new section 15A (4) states that the licensed auctioneer is personally liable and responsible for an act or default of a person acting under his direct supervision and instructions under the certificate, in the same manner and to the same extent as the licensed auctioneer would be liable if the act or default were done or made by the licensed auctioneer. In other words, this makes the licensed auctioneer liable for the acts or defaults of his pupil; that is, the one who has the certificate.

This part of the provision is almost identical with a section in the Act dealing with temporary licenses, and I feel it necessary for me to refer to this in order to make the point of my remarks.

Section 14 (4) states, in connection with temporary licenses, that the auctioneer shall be personally liable and responsible for acts or defaults of any clerk or deputy acting on his behalf by virtue of any such temporary license, in the same manner and to the same intent as such auctioneer would be liable if such act or default was that of the auctioneer. In other words, the wording of the proposed section 15A (4) is virtually identical with the wording of that part of the Act which deals with the liability of the auctioneer for the acts of his deputy or clerk when a temporary license has been granted.

However, it seems to me—and this is where I hope my remarks will be helpful—that we have perhaps omitted to consider the situation where the licensed auctioneer is an employee of a firm or company. As I mentioned, the proposed new subsection (4) refers to the licensed auctioneer being personally liable. The licensed auctioneer of course is not the firm or company. As I understand the

position, the licensed auctioneer is some person who holds the license on behalf of the firm or company.

The Hon. A. F. Griffith: It could be the case.

The Hon. I. G. MEDCALF: I do not think a company can hold the license.

The Hon. A. F. Griffith: No.

The Hon. I. G. MEDCALF: So therefore there must be a licensed auctioneer acting on behalf of the firm or company.

The Hon. A. F. Griffith: That is right, particularly with a stock firm.

The Hon. I. G. MEDCALF: Right. Therefore, if I may refer to section 20 of the Act, that specifically refers to licenses which are issued for the benefit of firms or companies. It states that a person may be licensed as an auctioneer and hold the license on behalf of a firm or company. If, for instance, he is a partner in a firm, he can hold the license on behalf of that firm; or an employee can hold one on behalf of a company.

However, a subsection in section 20 specifically states that the licensed auctioneer will not be liable himself for the acts or defaults of persons who have a temporary license when he is, in fact, an employee of the company; and I refer to subsection (7) which states, in part—

The liability imposed by subsection (4) of section fourteen—

That is the one dealing with temporary licenses—

—shall in the case of a temporary license granted by virtue hereof, attach to the firm or company and not to the licensed auctioneer.

That seems to me to be an important omission from the Bill under discussion. In the Bill as it stands we have repeated the liability of the licensed auctioneer and stated that he is liable for the acts or defaults of what we might call the pupil auctioneer, but we have not stated that that liability will be attached to the firm or company. We have merely said it is his; that is, the liability of the licensed auctioneer. We have also said that he is personally liable.

As I have said before, a licensed auctioneer is a private individual and an employee of a company and in such cases the employee of the company is personally liable for the acts or defaults of his pupil.

It may be thought that that is a good idea and it may be that by design the reference to the firm or company was omitted. I would not know. There may well be a good explanation for this. It may be that it is thought that in the case of a provisional license, the responsibility of training the pupil auctioneer is sufficiently great to make it only right and proper that the licensed auctioneer should assume personal liability rather than that the company or firm should be responsible.

The Hon. A. F. Griffith: I think you have given your own answer.

The Hon. I. G. MEDCALF: If that is so, and that is the reason the Minister gives, that would probably be considered by the House to be satisfactory. I merely draw attention to this matter, because in thinking about it, I considered what possible acts or defaults of a pupil auctioneer a licensed auctioneer might be held liable for, and whether it was proper that we should in fact hold the licensed auctioneer liable for the acts or defaults of the pupil.

There may well be a school of thought which believes that the auctioneer, whether a licensed auctioneer or a company, should not be held responsible, but I believe he should be held responsible; at any rate, someone should be responsible, in case the pupil makes a transgression or commits an act of liability. There may be a quasi criminal act in that he may have breached one of the sections of the Act. In addition, there may be a civil wrong affecting one of the customers or one of the people at the auction whose stock is improperly sold, and he may have a claim.

The person who referred this matter to me mentioned the case of an instructor-driver who was teaching a learner-driver to drive a car. This person said to me, "Surely the instructor-driver is under no obligation. If the learner-driver commits an act or default, is the instructor-driver under an obligation? Is that not a parallel case?" He also mentioned the case of a legal practitioner being liable for the acts of the members of his staff; and he mentioned a number of other cases and said, "Do you think there is a parallel?"

This caused me to give some thought to the matter and I felt that it might be of interest to consider very briefly the liability of one or two of these people, unless you, Mr. President, believe it is irrelevant to the consideration of this Bill, in which case I would not proceed. However, if I may briefly mention, with your permission, Sir—

The Hon. A. F. Griffith: As long as you can find it in the Bill.

The Hon. I. G. MEDCALF: What I am about to say concerns a parallel to proposed new section 15A(4).

The Hon. F. J. S. Wise: You will have a job to link up parallels.

The Hon. I. G. MEDCALF: Yes, but it happens every week. For example, is a passenger in a car under any liability in the event of the driver having an accident? Clearly it is held he is not. On the other hand, there is an increasing tendency to make him liable. What about the case of a parent who is instructing a child? I suppose all parents are responsible for the instruction of their children, so is a parent liable if, when he is walking along the street with the child, the child suddenly dashes in between some cars and thereby causes an accident? He well may be.

As I have said, there is an increasing tendency to fix liability upon any person who appears to have a right of control over another person; and by that analogy an instructor-driver would have some control over the trainee-driver and, likewise, the auctioneer would have some degree of control, at any rate, over the pupil auctioneer. Hence it is only proper that there should be a liability.

This leaves only one question; that is, whether the liability should be that of the licensed auctioneer himself, or whether the licensed auctioneer, if he is an employee of a company, should be entitled to be exonerated by the company. That question is not covered in the Bill. This may be by design, and I would like to hear the Minister clarify that at a later stage.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [8.15 p.m.]: I have been trying to follow Mr. Medcalf by looking at the Bill and imagining some of the situations to which he made reference, which are not contained in the Bill.

If members look at the Auctioneers Act, they will see that there are five kinds of licenses; namely, general, country, district, temporary, and occasional district licenses. Mr. Medcalf made reference to section 14 (4) of the Act which refers to liability and reads—

A licensed auctioneer shall not be granted more than twelve temporary licenses in any calendar year. Such auctioneer shall be personally liable ...

However section 20 (7) opts the auctioneer from the liability. In this particular case the auctioneer applies for a license in the name of a firm or company of which he is an employee or partner. If members look at the last few words of section 20(1) they will read—

... that the firm or company has, by writing signed on its behalf, consented thereto.

In such a case I assume that the auctioneer makes the application for the company and the company consents. Therefore, he is relieved of any legal obligation and the company carries the obligation itself.

Section 14 (4) of the Act merely deals with a temporary license and, in this case, the auctioneer who holds the auction license must be responsible for his own actions, because he is not holding the license on behalf of anybody else.

The situation in the Bill before us is quite apart from other references which have been made. It merely gives an opportunity to an auctioneer to obtain a license for a trainee person. This license will have a limited scope and will enable training in the carrying out of auctions to be given over a 12-months' period. In those circumstances, I think it is reasonable for

the auctioneer who is giving the training to be liable for any breaches which his pupil might commit.

The Hon. I. G. Medcalf: Is he not doing it on behalf of the company?

The Hon. A. F. GRIFFITH: He may not be doing it on behalf of the company. It depends entirely on the circumstances. If he has made application under section 20 (7) he might be doing it on behalf of the company. I do not know, any more than does the honourable member, whether he might be doing it on behalf of the company.

The Hon. I. G. Medcalf: I think he might be.

The Hon. A. F. GRIFFITH: He might be, but he could also be doing it on his own behalf.

The Hon. I. G. Medcalf: I think he has to do it on behalf of the company. Perhaps the Minister would refer to section 20(1), which indicates that it must be on behalf of the company.

The Hon. A. F. GRIFFITH: Perhaps in that instance, but the position could be quite different in section 14 (4).

The Hon. I. G. Medcalf: Section 20 (1) applies to all licenses.

The Hon. A. F. GRIFFITH: If that is so, the point at issue seems to be that in some instances the auctioneer is personally liable and in other instances he is not. If this is so, I emphasise that this is the wording of the Act, and I do not think it has much to do with the present situation.

We are trying to give young people the opportunity to learn the auctioneering business and we are trying to ensure that while a young person is learning the business of an auctioneer his principal is liable for any default.

The Hon. N. E. Baxter: He is under the supervision and instruction of the auctioneer.

The Hon. A. F. GRIFFITH: This is right and, in fact, a default might be a very important one. The definition of an auctioneer reads—

Every person who shall sell or offers for sale any goods or chattels, land, tenements, or hereditaments, or any interest therein, at any sale where any person becomes the purchaser of the same by competition and being the highest bidder, either by being the single bidder or increasing on the biddings made

It can be seen that persons who are deemed to be auctioneers could be involved in extensive property or stock sales. The object of the Bill is to eliminate any possibility of carelessness. We want to make the auctioneer, who is the person giving the training to the younger person, responsible for the younger person's actions.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 9 put and passed.

Clause 10: Section 15B added—

The Hon. A. F. GRIFFITH: It will be remembered that I foreshadowed when I moved the second reading that I would ask the Committee to delete the fee of \$15 and to substitute another fee in its stead. It is thought that a fee of \$15 for a license of this nature is excessive. At the present time the general license fee is \$60; the country license \$40; and the district license \$15. Subject to the Committee's approval, I should like to make this fee \$5. The wording would then read—

. . . on the payment of a fee of five dollars or such other fee as may be prescribed . . .

I move an amendment—

Page 6, line 9—Delete the word "fifteen" and substitute the word "five".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 19 put and passed.

Title put and passed.

Bill reported with an amendment.

ROMAN CATHOLIC VICARIATE OF THE KIMBERLEYS PROPERTY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. F. J. S. WISE (North) [8.25 p.m.]: The Bill is very small and has a restricted and specific application. When the parent Act was enacted, different titles were given to the Bishop of the Kimberleys and to the area which he controlled. In 1966 the church authorities altered the title of the Bishop to the Roman Catholic Bishop of Broome.

This necessitated some application of statutory authority within the ambit of the parent Act to enable those associated with the Roman Catholic Church or with the Vicariate of the Kimberleys to have the authority and right to deal in the titles of another name.

Clause 4 of the Bill very clearly sets out what is to be construed and applied under the altered circumstances of the altered title of His Lordship, the Bishop of Broome. It is a very simple process and affects only the Roman Catholic Church in Western Australia, the Titles Office, and persons concerned in dealing with church lands, as mentioned in the schedule to the parent Act.

The passage of the Bill will clarify and expedite dealings in such matters. I support the measure.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PETROLEUM PIPELINES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.30 p.m.]: This Bill, an amendment to the legislation enacted last year, comes before us at a timely moment, particularly in view of the somewhat anxious thoughts that have been expressed by shires with regard to the route to be taken in the establishment of the pipeline. In *The West Australian* of the third of this month there appears an article under the heading, "Bassendean has doubts on pipeline" which states—

The Bassendean Shire Council has deferred its decision on plans showing the proposed route through Bassendean of the Dongara-Perth natural gas pipeline.

The council is not satisfied that the pipeline should run through Bassendean.

It will ask the planners, Bechtel Pacific Corporation Ltd., for a plan showing the proposed entry of the pipeline into the metropolitan area.

The plan received by the council does not show the route the pipeline would take before entering Bassendean.

The council said that if an alternative route was available it would be better able to decide on the matter.

The council will also seek clarification on whether the proposed eight-inch diameter pipeline through Bassendean would be the main pipeline or a feeder.

If it would be a feeder, the council wants to know if the district would be served by it.

The plans are for an eight-inch diameter high-tensile steel pipe to be laid underground with a normal minimum cover of 30 inches and a maximum cover of 48 inches in road reserves.

The plan shows the pipeline entering Bassendean at the north-east corner of the Success Hill Reserve.

It would traverse the reserve before entering Seventh-avenue and crossing the railway to the railway reserve and run into Perth on that line.

The planners assured the council that all necessary measures would be taken to protect the water reticulation system and trees on the route.

That is one recent instance of the anxiety being expressed by shires; and there are others. When the company begins to take easements over private property there will be many residents who will not be satisfied. The shires have met company representatives and have made suggestions that the route be deviated in different directions, and in some cases the suggestion has been made that the pipeline should follow the railway reserve and so avoid, wherever possible, going through private property. In some cases, the company has agreed to look at the suggested realignment, but so far the shires have had no reply on the matter.

I think the shire councils are entitled to feel seriously concerned at this stage of the development. They represent the views of the people in their areas and if they can avoid the forcing of easements upon their ratepayers, I think it would be a good thing in the ultimate. I wonder what the total cost factor of realignment would be in relation to the life of the pipeline.

The Hon. A. F. Griffith: I am afraid you will have to expand on that before I understand what you mean.

The Hon. W. F. WILLESEE: I was about to. If the route is deviated from the easements over private property so that it follows a railway line or some other reserved area—as the shires wish—that will mean an added cost to the total cost of laying the pipeline; but will it mean so much, taking into consideration the life of the pipeline? I think that should be considered as against the procuring of easements from people who do not wish to give them. That is a problem which could well be looked into at this point in the negotiations that are proceeding.

I am conscious of the fact that some people would probably be difficult to get on with; but I think that if shires decide that the matter should be looked at with very great care in the interests of their particular areas, a decision could be given in favour of the shires even though, ultimately, it might mean some additional cost for the construction of the pipeline. From what I am given to understand the route has not yet been selected in a firm manner, and objections to it may still be lodged. However, before we get to the point of firmly establishing the route I would like to see the situation looked at closely to avoid possible stalemates that might occur and to avoid having unhappy private landowners, particularly where, in the eyes of the local authority, an alternative route is available.

The purpose of this Bill does not lie within the ambit of the matter I have been speaking about. The Bill seeks merely to give the Minister authority to assist with an easement that has been granted. I think the important point is that where an easement has been given by the owner or lessee of the land and a situation develops which holds up the registration of that easement, then under this Bill the Minister will be in a position to move in and expedite that registration consequent upon, and subject to, the restrictions he imposes upon it.

I think the Minister exemplified the issue of a lost title when he spoke to the second reading. So far as this amending Bill is concerned, I cannot see anything wrong with it. I think that in regard to the principle of accepting an easement, it is sensible and a move in the right direction in respect of the case where there is no point at issue as to where the line would go. However, I do think that at the moment a problem concerning the route of the pipeline is arising, and we could probably obviate much discontent by negotiation. If the cost to the company is a little more, I think I could say it would be infinitesimal over the life of the pipeline.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.40 p.m.]: I thank Mr. Willesee for his general support of this small Bill. I think the comments he made in relation to the measure itself require no further reply by me. However, perhaps the remarks he made in connection with the pipeline do call for some explanation. Let me say, briefly, that to this point in time a permit for a preliminary survey of the pipeline under the principal Act has been granted by me. I have tried to find the appropriate section in the Act, but I have not been able to pick it up. However, suffice it to say that an application for a preliminary survey of a pipeline must be submitted to the Minister, and then the Minister may grant it.

In a strict sense no applications for the construction of the pipeline have yet been made, although I would think and hope that an application will be made very shortly. The organisation which has been engaged in the preliminary survey is the Bechtel group—an organisation very well experienced in this type of thing in various parts of the world. The Bechtel group has gone to a great deal of trouble and has made public relations one of its principal functions. It has borne this in mind when contacting property owners and shire councils. As a matter of fact, it has been favourably reported to me by members of this House that the Bechtel group got together a number of members of Parliament in one particular area—and I see that Mr. Ron Thompson is nodding

his head in assent—to discuss the route of the pipeline. Is that not so, Mr. Thompson?

The Hon. R. Thompson: I would say the company set a very good standard which we will expect from other companies in the future. I would think the people concerned have applied their public relations perfectly.

The Hon. A. F. GRIFFITH: I do not know whether we will have other companies building pipelines all over the place. However, suffice it to say that the company has this important factor well in mind. I suppose a company constructing a pipeline of this nature could adopt the approach of an engineer constructing a railway line; and I am told that an engineer who constructs a railway line likes to get from point A to point B by the best possible route, taking into consideration the geographics and other matters required to be considered in the running of rolling stock on a railway line.

This matter is a little different because the topography of the ground in a country such as ours where the heights are not terribly great does not necessarily have a great deal of effect on a pipeline. However, in this instance I have said to the company that I think it is desirable that as far as possible the pipeline should follow the route of the general services that are provided. The preliminary pipeline route is still to be determined and the Minister—in this case myself—still has to give authority for the pipeline to be constructed when the application is made.

I propose looking at the problem areas, if there are any; and I am told by the Bechtel people that they have narrowed the problem area down to a small one in relation to the total distance of the line. I noted Mr. Willesee's remarks in relation to one local authority; but whilst that local authority is not anxious to have the pipeline through its area, I have not heard from it in which area it would like it to be placed. This is a line that will be built for the common good, and I am yet to be shown how or what inconvenience is likely to be caused, because the pipeline will be under the ground.

I was in New Zealand a few months ago and I made a point of having a look at the Kapuni pipeline that was built from a place called New Plymouth to the Kapuni field, or *vice versa*. The country through which the pipeline was built was similar to the country through which our pipeline will travel—in other words, agricultural country. When I was there the pipeline had only recently been finished and the scar on the earth's surface had not quite healed. Stock were grazing where the pipeline had been installed and crops had been planted. The ground was not completely restored, of course, because inspection points had to be built along

the line. However, that is not the sort of thing which causes much inconvenience to property holders.

The Hon. R. Thompson: I think, when going through rural properties, the main problem arises in regard to roadways.

The Hon. A. F. GRIFFITH: That may be so, but in each case it has been reported to me that satisfactory arrangements have been made by the company with the holders of the land. Once we get arrangements that are satisfactory to both sides, surely there should not be any reason to complain.

The Hon. E. C. House: Pipelines for water schemes go through hundreds of properties.

The Hon. A. F. GRIFFITH: That is so. The same applies to electricity mains where the poles have to be erected.

The Hon. E. C. House: That is different, though.

The Hon. A. F. GRIFFITH: Telephone wires have to be taken across properties.

The Hon. E. C. House: They stick up in the air.

The Hon. A. F. GRIFFITH: All sorts of facilities such as those are taken through properties. Railway lines, too, are constructed across private land, and certain resumptions must take place in the interests of the common good.

The Hon. R. Thompson: The oil pipeline from Kwinana has created difficulties in getting access when land has been subdivided.

The Hon. L. A. Logan: That is above the ground.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: That is the sort of thing we will endeavour to watch, bearing in mind that this pipeline is under the ground. I simply repeat that at this point of time the actual pipeline has not as yet been authorised. Certain negotiations are proceeding and when the point is reached where authorisation of the construction of the line is necessary, to the best extent possible the convenience and inconvenience of people will be taken into consideration.

There is one thing certain: we will not be able to please everybody. Doubtless some will disagree with where the line is to go. In such a case, I suppose somebody has to accept the responsibility for authorising the route of the line; and whatever I have to do in this respect, when the time comes, will be done for the common good. We have to bear in mind that the gas piped from Dongara to Perth will be to serve industry in a limited capacity because the Dongara field is only a small one in comparison with other gasfields in the world.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Amendment to section 12—

The Hon. W. F. WILLESEE: Rather than speak to the third reading I wish to take this opportunity to reply to some comments of the Minister, who dealt more or less with individuals whereas I dealt with local authorities. Where an individual comes to an agreement with the company there is no room for argument. I did not say nor did I intend to imply that this aspect was not to be given consideration. I said this was a timely opportunity for the matter to be discussed in this Chamber, and I quoted from *The West Australian* of the 3rd September. From that it is obvious that some thought is being given to the area the pipeline will traverse by the local authorities concerned. It is a good thing that this can be done at this time, because it is too late to talk about it after the pipeline is built, and that is why I felt it my duty to raise the issue now.

As always there will be people who cannot be satisfied and in such cases action has to be taken by the Government. I have great regard for the Minister controlling the matter and I am sure he will give all the consideration possible to those involved. However, the interjections made during the course of the Minister's speech to the effect that it does not matter in view of the fact that the S.E.C. and other bodies take power lines and so on across private land, gave the impression that the construction of the pipeline in this instance is of no real consequence and does not matter. However, it does matter to me, and I think it is a most important issue. If we can get co-operation from the local authorities and individuals concerned it will be all to the good, and now is the time to go about getting it.

After the pipeline has been built I do not want it said that we should have done this or we should have done that. I raise the issue because it is topical at the moment and it is a matter being discussed by local authorities in the metropolitan area, and probably in other places, too. The company has exceedingly good public relations and I am sure that even the most humble person will be given a hearing by the company.

The Hon. A. F. GRIFFITH: I simply want to say that the honourable member and I are not in disagreement about this matter, and I did not intend to create any atmosphere of disagreement.

The Hon. W. F. Willesee: I know that.

The Hon. A. F. GRIFFITH: I simply said that in the course of negotiations for the construction of the line I feel sure there will be some points of disagreement. If one looks at the proposed route for the pipeline—and there was a drawing of it in the paper some time ago—one will find that it crosses areas of privately owned country and the owners and the company have made satisfactory arrangements in regard to the matter. Where the line cuts a shire boundary there may be a difficulty.

The Hon. L. A. Logan: Or where it leaves it.

The Hon. A. F. GRIFFITH: That is very important, bearing in mind the reason for the construction of the pipeline. It has to be brought to the point where, if the S.E.C. is to use the gas, it can pick it up at the most economic point so far as the commission is concerned.

The Hon. W. F. Willesee: I think if the shires in general terms are considered a number of the apparent difficulties will be obviated.

The Hon. A. F. GRIFFITH: I am anxious to have the co-operation of the shires and to the extent that I have anything to do with the matter I will talk to them and see that they are given every co-operation possible. However, at some point somebody has to be responsible for giving an answer. We have to try to arrive at the best and most practical route because a considerable sum of money is involved—according to Press statements something like \$19,000,000—bearing in mind the people whose land the pipeline will traverse, whether it be land belonging to individuals or to shires.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 8.57 p.m.

Legislative Assembly

Tuesday, the 8th September, 1970

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

QUESTIONS (21): ON NOTICE

1. RAILWAY CROSSING

Pinjarra

Mr. RUNCIMAN, to the Minister for Railways:

- (1) Is it intended to close the railway crossing at Pinjarra on the South-Western Highway?

- (2) If so, what are the reasons?
- (3) What access will be provided for nearby residents on the Perth side of the crossing?
- (4) If the crossing is to be closed when will this happen?

Mr. COURT (for Mr. O'Connor) replied:

- (1) to (4) The Railway Crossing Protection Committee does not have any proposal to close the railway crossing at Pinjarra. However, it is known that a town planning scheme prepared by the Murray Shire Council deals with this matter.

I understand the town planning scheme is now open for public inspection, and objections to the scheme may be lodged until the 6th November, 1970.

2. FORESTRY DEVELOPMENT

Commonwealth Grant

Mr. RUNCIMAN, to the Minister for Forests:

- (1) Is he aware that the Governor-General in his Speech at the opening of the Commonwealth Parliament said that \$4,800,000 would be made available to the States for forestry development?
- (2) What was Western Australia's share of this allocation?
- (3) What are the specific projects for which this finance will be used?

Mr. BOVELL replied:

- (1) Yes.
- (2) \$555,000 (estimated).
- (3) This amount covers approximately half the costs of establishment and maintenance of the State pine planting programme of 6,000 acres per annum.

3.

EXPORTS

Beef and Mutton: Russia

Mr. RUNCIMAN, to the Minister for Agriculture:

- (1) What was Western Australia's share in the recent export order of 30,000 tons of beef and mutton to Russia?
- (2) Has there been any indication that an export trade in these items could be developed with Russia?

Mr. NALDER replied:

- (1) To the end of August this year, 807 tons of beef and 1,031 tons of mutton had been exported to U.S.S.R. from Western Australia. As the Russian order was increased from 30,000 to 36,000 tons—almost all of which has now