would take a lot of time to go through it, and considerable discussion would be needed here. It seems undesirable to have a different penalty from that provided in the Traffic Act for what is essentially the same offence.

The member for Melville has made a great play of that person who has been driving negligently, carelessly, or furiously. The result could be much the same for the victim of the resultant accident. As members we receive numbers of requests for increased penalties in respect of persons who act in an irresponsible manner when in charge of a vehicle. The member for Melville is exaggerating the position to produce an entirely farcical argument; because obviously the courts would have regard for the nature of the offence. It does not follow that a person must be drunk to drive in a negligent and furious manner. Alcohol could affect him to the extent that he is even more dangerous at that irresponsible stage than when he is drunk and may incur the maximum penalty.

So I must insist that we retain the same penalty in this Act for what is essentially the same offence in the Traffic Act. The Police Department always proceeds under the Traffic Act and it is possible that this may be a somewhat redundant section. But while it remains, it is desirable to have the same penalty as is provided for a parallel offence in another Act.

Mr. TONKIN: In fixing the same penalty for two entirely different offences we are now asked to regard them as equally serious. The maximum penalty is £50 in respect of a first offence for drunken driving. For a second offence the maximum penalty is £100. Here we are asked to fix a penalty of £50 in respect of the offence of driving a horse and sulky or riding a bicycle in a negligent manner. If a person is guilty of riding a bicycle negligently on a second offence, we are asked to regard it just as seriously as a second offence in respect of the drunken driving of a motorcar.

Parliament is asked to express an opinion on the relationship of these two types of offences. In fixing the maximum penalty of £50 for the first offence of drunken driving, we consider that it is the maximum that ought to be imposed. Are we now to say that the maximum penalty for the first offence of riding a bicycle negligently is also to be £50, and that in respect of a second offence on this charge the penalty is to be £100 and comparable to the penalty for drunken driving of a motorcar?

We ought to fix accurately the relationship between these two types of offences. I would place the seriousness of negligently riding a bicycle, negligently driving a horse and sulky, or negligently driving a motorcar on a much lower scale than that of drunken driving of a motor vehicle. People have been charged with negligent driving of motor vehicles because as a result of failing to keep a proper lookout they were involved in accidents; but this type of offence is not comparable to the offence of drunken driving. The proposition before us is to place both these types of offences on the same level.

To my way of thinking, drunken driving of a motor vehicle is by far the more serious, because the person in charge of the vehicle does not know what he is doing and he is incapable of properly controlling the vehicle. On the other hand, in respect of negligent driving, there can be many degrees. It could be a simple case of carelessness when a person takes his eyes off the road for a second to look at a flower garden. He would be guilty of negligence if he was involved in an accident. The penalty for that offence should not be the same as that for drunken driving.

Progress reported, and leave granted to sit again.

House adjourned at 10.40 p.m.

Legislative Council

Wednesday, the 14th September, 1960

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MEETING OF THE COUNCIL

Absence of President

The Council met at 4.30 p.m., and the Clerk-Assistant (Mr. W. G. Browne) announced that, the President being unavoidably absent, it would be necessary under Standing Order No. 29 for the Chairman of Committees (the Hon. W. R. Hall) to take the Chair and exercise the authority of the President.

The DEPUTY PRESIDENT (the Hon. W. R. Hall) took the Chair, and read prayers.

QUESTIONS ON NOTICE

UNDERGROUND WATER

Supplies in Western Australia

1. The Hon. A. L. LOTON asked the Minister for Mines:

Will the Minister obtain further particulars from the C.S.I.R.O. and make a statement to the House on the following extract of an article headed "Underground Water Supplies Studied" which appeared on page 3 of the issue dated the 25th August, 1960, of the South Australian publication *The Chronicle*:—

> Other underground water supplies for exploitation have been revealed in Western Australia?

The Hon. A. F. GRIFFITH replied:

Yes, I will investigate the article appearing in the publication named, and will advise the honourable member.

DRUNKEN DRIVING CHARGES

Method of Trial, and Costs

2A. The Hon. J. J. GARRIGAN asked the Minister for Mines:

(1) Would a citizen have the right to elect to be tried by a judge and jury on a charge of driving under the influence of liquor?

(2) If the answer to No. (1) is "Yes," who would be liable for costs if the verdict was not guilty?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) Answered by No. (1).

STEALING CHARGES

Costs of Actions

2B. The Hon. J. J. GARRIGAN asked the Minister for Mines:

(1) Would a person found not guilty by a judge and jury on a charge of stealing have to pay the costs of the action?

(2) (a) What would be the approximate costs;

(b) how are they ascertained;

(c) would payment for the jury be included?

The Hon. A. F. GRIFFITH replied:

(1) No; but if represented by counsel he would be responsible for payment of his counsel's fees.

(2) Answered by No. (1).

WATER RATES

Annual Value and Assessment of a Nedlands Property

3. The Hon. A. R. JONES asked the Minister for Mines:

Will the Minister have a check made of the figures supplied in reply to a question asked by me without notice on the 1st September, 1960, dealing with water rates raised for the years 1959 and 1960 on the property at 8 Bostock Road, Nedlands?

The Hon. A. F. GRIFFITH replied:

A check reveals that the information supplied should read as follows:—

(1)

Year ended	Net Annual Value	Water Rate in £	Water Rates	Water Rebate, including 5,000 galls. p.a. for Flushing
	£	s. d.	£ s. d.	Gallons
30/6/50	45	1 6	3 7 6	50,000
30/6/51	45	1 6	3 7 6	50,000
30/6/52	45	1 6	3 7 6	50,000
30/6/53	45	1 6	3 7 6	50,000
30/6/54	45	1 9	3 18 9	50,000
30/6/55	74	1 9	6 9 6	70,000
30/6/56	74	1 6	5 11 0	60,000
30/6/57	74	1 6	5 11 0	60,000
30/6/58	110	1 6	8 5 0	100,000
30/6/59	140	1 6	10 10 0	125,000
30/6/60	140	1 6	10 10 0	125,000
30/6/61	172	1 6	12 18 0	134,000

(2) Increase as from the 1st July, 1954 due to review.
Increase as from the 1st July, 1957 due to building additions.
Increase as from the 1st July, 1958 due to review.
Increase as from the 1st July, 1960 due to general increase in valuation levels.

(3) Under section 74 (2) and 74 (3) of the governing Act.

(4) Yes.

BILLS (5)—THIRD READING

1. Supreme Court Act Amendment Bill.
2. Church of England in Australia Constitution Bill.
3. Land Act Amendment Bill.
4. Fruit Growing Industry Trust Fund Committee (Validation) Bill.

On motions by the Hon. A. F. Griffith (Minister for Mines), Bills read a third time and passed.

5. Local Authorities, British Empire and Commonwealth Games Contributions Authorisation Bill.

On motion by the Hon. A. F. Griffith (Minister for Mines), Bill read a third time and transmitted to the Assembly.

ADMINISTRATION ACT AMENDMENT BILL

Recommittal

On motion by the Hon. A. F. Griffith (Minister for Mines), Bill recommitted for the further consideration of clause 5.

In Committee

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

Clause 5—Subheading (1A) and section 65A added:

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

Page 2, line 23—Insert after the section designation "65A" the subsection designation "(1)".

Amendment put and passed.

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

Page 2, line 30—Add the following subclause to stand as subclause (2):—

(2) Where in any will, settlement, deed, or document reference is made to the Commissioner of Stamps in relation to his office, or to the exercise by him of any of his functions, as Commissioner under this Act, such reference unless the context requires otherwise shall on and after the appointment of a person to the office of Commissioner of Probate Duties under this section be deemed to refer to that person.

In various wills, settlements, deeds, and other documents reference is made to the Commissioner of Stamps; and in order that there shall not be any confusion, the purpose of this clause is to relate the Commissioner of Stamps to the Commissioner of Probate Duties.

Amendment put and passed.

Clause, as amended, put and passed.

Bill again reported, with amendments.

CHEVRON-HILTON HOTEL AGREEMENT BILL

First Reading

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

ABSCONDING DEBTORS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.51]: I move—

That the Bill be now read a second time.

The parent Act was passed in 1877 when Western Australia was a colony; and, for the information of members, a reprint of the Act and amendments will be found in the 1928 volume of statutes immediately after page 209. The first amendment provides for the removal of the word "colony" wherever it appears in the principal Act, and the substitution of the word "State."

The law at present provides that if a person is about to leave the State and owes as little as £5 to another, the creditor may, by application to a justice, initiate the issuing of a warrant for the apprehension of the debtor. It is considered reasonable at this point of time, in view of the disparity of values as compared with the last century, to substitute for the words "five pounds" where they occur in section 1 of the principal Act, the words "twenty pounds."

However, the statute provides that such warrant may only be executed at a seaport. This is understandable in view of the limited means of transportation in those days. Though other means of transport have long since been in existence, the ready availability of frequent and varied means of interstate movement necessitates bringing the statute up to date.

Section 2 of the parent Act states that when any person is arrested under the warrant previously referred to, he shall

be brought as soon as may be, before a justice, who shall proceed to hear and inquire into the case. It shall be lawful for such justice to take and receive evidence upon affidavit; and, if it shall appear to such justice that the person is indebted as alleged, or is under an engagement or any liability, and is about to quit the colony without paying the debt or sum of money, it shall be lawful for a justice by warrant under his hand and seal to direct any police officer to apprehend such debtor as often as he may be found in any vessel about to proceed to sea, in default of payment of his said debt or discharging the liability or unless and until he shall sooner give security by bond with at least one sufficient surety for double the amount claimed and conditioned for the payment of any sum which may be recovered against him in respect of the alleged debt or liability, or, in the case of a person under engagement as mentioned in the section, that he will not leave the colony without paying the sum of money which he may have contracted to pay. There is a proviso to the section that such person arrested as lastly mentioned shall be forthwith brought ashore and liberated.

The original law was not intended for the imprisonment of such person for debt, but the whole purpose was merely to ensure that he did not clear out of the State and remove himself from the jurisdiction of its courts without making provision or arrangement in respect of the debt. The Bill now before the House follows the same principle and is applied also to new developments in transport; and, if passed, it will make the Act effective in respect of these several means of modern transport.

The amendment in section 1 of the parent Act providing for the deletion of the words "and sealed" is a minor matter as a result of which the magistrate would now only need to sign the warrant.

The next important amendment affects section 5 of the principal Act. The purport of the amendment is to double the existing penalty with the alternative of imprisonment for the offence of making incorrect statements in the affidavit submitted to the justice and thereby misusing the provisions of the Act. It is proposed to repeal that part providing that the penalty shall be paid to the complainant. This provision is considered to be undesirable these days.

The proposed repeal of subsection (4) of section 5 of the parent Act removes reference to parts of the *Shortening Ordinance of 1853*. The provisions of the *Shortening Ordinance* referred to are paragraphs B and I of the Ordinance 16 Victoriae No. 11. The reference is now unnecessary because of the better provision existing in more recent statutes.

The Bill provides, finally, for the introduction of a new section 5A. It is proposed to make it an offence for a person who has been apprehended on a debtor's warrant and released under the provisions of the Act to make preparations thereafter to leave the State with intent to defraud. The need for this additional provision lies in the ready availability of numerous means by which such person could endeavour secretly and quickly to leave the State.

When this measure was introduced in another place, it was considered appropriate by the Attorney-General to read an extract from the *Daily News* which appeared earlier in the year. This reference indicated very clearly the necessity for amendment of the Act and the propriety of its use in suitable cases. The article reads, *inter alia*—

> Our Absconding Debtors Act—designed to stop debtors skipping out of the country—is just about worthless. Last week's farce at Fremantle brought the Act to light when creditors of an American waited vainly for him to be arrested boarding a ship. What a fool he would have been to try to leave on that ship, since there is nothing his creditors can do to stop him flying out of the country instead. On board the ship bound for America were the wife and children of the American who owes about £2,000. Four of his creditors issued warrants for his arrest, as an absconding debtor, just in case he should try to leave with his family on the liner *Johan van Oldenbarnevelt*.
>
> Behind the scene is the quite legal fact that only at a seaport of the colony can an absconding debtor be apprehended. Our legislators of 1877 could not foresee the invention of the flying machine and the age of air travel, but the legislators of the air age have not yet got around to recognising legally the existence of an aircraft from which an absconding debtor could thumb his nose to his creditors.

The Hon. F. J. S. Wise: What does that mean, exactly?

The Hon. A. F. GRIFFITH: If the honourable member would like me to give him a practical demonstration of it I can do so.

The Hon. F. J. S. Wise: I would like to see it in *Hansard*.

The Hon. A. F. GRIFFITH: The article goes on—

> A magistrate should have the power to stop an absconding debtor leaving by ship or aircraft to escape deliberately from his obligations.

I think it is appropriate to add that in spite of what the article in the paper says, the 1877 statute has stood the test of time very well; or is it that we are a very honest people?

THE HON. E. M. HEENAN (North-East) [5.1]: I do not propose to seek the adjournment of the debate, because I have had a look through the Bill and the Act, and this is a classic example of the wisdom of bringing our statutes up to date from time to time. As the Minister has pointed out, the principal Act was first passed in 1877; and, as he further said, the framers of it did not foresee the great developments that have since taken place in the realm of travel.

Up to now an absconding debtor who owed as little as £5 could be arrested at a seaport. The Bill proposes to increase that amount to £20, so that if anyone owes under £20 the Act will not apply; but it will apply to amounts of £20 and over; and the jurisdiction of the Act will be extended to cover airports, railway stations, and places other than seaports, which are already covered. I have not looked into the matter very carefully, but I think the measure even contemplates the time when an absconding debtor will shoot through to the moon!

I think the amendments are well worth while; and the case of the American who got away owing about £2,000 highlights the need for something to be done. Of course, his creditors were confined to having him arrested at Fremantle; but apparently he had been advised in advance and, instead of taking that means of exit, he left by aeroplane, and nothing could be done. I support the Bill.

Question put and passed.

Bill read a second time.

CORONERS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.4]: I move—

> That the Bill be now read a second time.

Under existing law, a coroner has concurrent jurisdiction with a court of petty sessions in regard to a committal for trial of a person who appears to have caused the death of another. When a person has been arrested for an offence of that nature, it is considered in the best interests of justice that committal proceedings should be conducted under the Justices Act rather than under the Coroners Act. The former Chief Crown Prosecutor strongly favoured this procedure, and it is supported by the Solicitor-General.

It is a fact that matter may be accepted as evidence during a coroner's inquest, but such evidence might not be admissible at a trial. In the event of such matter being published before a trial commenced, a fair trial of the accused might be prejudiced. There have been expressions of such views at meetings of the Law Society.

There was a case of wilful murder early last year, which brought forward a request by counsel representing the person charged that the trial in the Supreme Court should precede the coroner's inquiry. Where a person has actually been charged with such an offence, it is most undesirable that a coroner shall have jurisdiction to hold an inquest until after the conclusion of court proceedings. The Bill proposes to alter the law accordingly. It would then be along the lines of the procedure carried out in Queensland.

With regard to coroners' findings or expressions of opinion, the Bill sets out the method and the aspects on which they may, within reason, comment. It is proper that the law should be clearly stated in this regard, lest such finding or expression of opinion by a coroner prejudice subsequent proceedings for damages, or imply that an indictable or simple offence has been committed by a person. Both Queensland and Tasmania have similar laws.

The provisions of the Bill will not have the effect of preventing a coroner from committing a person for trial after finding someone has been unlawfully killed or that arson has been committed. The present law regarding witnesses and evidence is not entirely satisfactory. In frequent cases calling for formal evidence only, or when the evidence itself is not in dispute, the expense, inconvenience, and delay caused by insistence on personal attendance is unwarranted. The Bill proposes the giving of such evidence by affidavit, as is done in Tasmania.

Coroners could be expected to use such power with discretion. Its advantages outweigh its disadvantages; and, considering they have no jurisdiction to pronounce a final judgment conferring civil rights on anyone, the proposal is of practical application. There is need, on the other hand, to tighten up the law to ensure the presence of material witnesses. The present city coroner points out that he has no power to issue a warrant for the attendance of a summoned witness whom he has fined for non-attendance. The Bill provides the power necessary to ensure the purpose of the Act is carried out in this regard.

Finally, there is provision for bringing the fee of 4d. per folio for copies of depositions of inquests into line with other rates. Copies will continue to be available free of charge to persons committed for trial. The remaining clauses of the Bill are, to a large extent, of a consequential nature necessitated by the five important measures outlined.

On motion by the Hon. G. E. Jeffery, debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.8]: I move—

That the Bill be now read a second time.

Any person who considers he has been wronged by a legal practitioner is at liberty, under the provisions of section 25 of the principal Act, to submit personally or through his agent a complaint in writing to the Barristers' Board requesting that body to carry out an investigation. Section 26 of the Act empowers the board to summon before it such practitioner and investigate his conduct. The Barristers Board itself is competent to direct its secretary to initiate a complaint and lodge it for investigation.

One of the main objects of the Bill is for the board to avoid being in the position in which it sometimes finds itself of being not only judge, but also investigator, and prosecutor. Though desirable, it is not always feasible for a complainant to put his case in a specific form and be represented by counsel. Complainants are often inclined to provide to the board only such information as is necessary to establish a *prima facie* need for an inquiry. This places the board in the position of having to make available the services of its own solicitor to assist the complainant in the preparation of a complete case. Subsequently, the same solicitor is required to assist the board at the inquiry by examining the complainant and witnesses, and cross-examining the practitioner. The board quite rightly considers it would be more satisfactory to all concerned if the adviser to the complainant were a solicitor other than the one employed by the board.

There are, of course, other circumstances in which certain information concerning a practitioner may come to the knowledge of the board, though no formal complaint is lodged. Upon being satisfied there is sufficient justification for doing so, the board itself is obliged to lodge a complaint, and its solicitor prepares and presents the case. This is not considered to be a very satisfactory state of affairs, and the Barristers Board agrees there is need for an independent body to make preliminary investigations.

It is generally agreed there is no better medium for the lodgment of such complaints than the Law Society. Cases having no substance could be settled in a friendly manner in the early stages of inquiry. This would free the board from the obligation of having to proceed with certain unnecessary inquiries. More important still, it would enable the members of the board to act judicially in the important cases, relieved of any preconceptions concerning any particular case.

The passage of this Bill would enable the Secretary of the Law Society, if authorised by resolution of the counsel of that society, to lodge a complaint in writing to the Barristers' Board to the effect that a practitioner had been guilty of illegal or unprofessional conduct, or neglect, or undue delay in the conduct of his professional work; and, further, it authorises the society to appear and be heard at any inquiry by the board held as a consequence of such complaint.

Of equal importance is the addition of a new section 62A to the Act in order to confirm the Crown's rights in the matter of recovery of costs. It has been the practice for very many years for courts to allow costs in favour of the Crown, and instrumentalities of the Crown, whenever the litigant is successful, and the Crown or the instrumentality is represented by salaried officers of the Crown Law Department.

Similarly, in conveyancing matters where the department acts for the vendor in a sale, the lessor in respect of a lease and a mortgagee in respect of a mortgage, costs have been charged and paid by the purchaser, lessee, or mortgagor, as though the salaried officers of the department were solicitors in private practice. In recent times, questions have been raised as to the authority for the Crown and its instrumentalities to recover these costs. This amendment clarifies the position.

There was occasion to promulgate an order No. 65, being rule 9 of the Supreme Court Rules, early in December, 1953, following upon expressions of doubt as to the authority of Crown counsel, being salaried officers, being granted fees or costs. This order provided that in all actions or matters in which a law officer employed by the Crown, or any instrumentality of the Crown, acted in his official capacity, the party for whom he acted should be entitled to recover costs in the manner and to the same extent as a private practitioner engaged by such party. No difficulty has since been encountered in charging and collecting costs in respect of successful litigation where the Crown Law Department's salaried officers acted for the Crown or any instrumentality of the Crown.

Nevertheless, some time ago, when one of the Government's salaried officers appeared for the Land Agents' Supervisory Committee in the case of an appeal by a land agent against the cancellation of his license, the judge refused to order costs. Refusal was on the grounds that the Land Agents' Supervisory Committee was not the Crown or an instrumentality of the Crown.

A most unsatisfactory position has evolved in that when a salaried officer appears for an agency of the Crown or for a statutory body, though not being the Crown or one of its instrumentalities, we

have on the one hand the position that if the agency or the statutory body is unsuccessful, then costs may be awarded against such agency or statutory body; and these, in most cases, are required to be paid from Consolidated Revenue; but on the other hand, in a case of successful litigation, costs may not be awarded in favour of such agency or statutory body when represented by a salaried officer of the Crown in the Supreme Court.

The amendment proposed would rectify this anomaly by constituting Crown practitioners as certified practitioners, while so acting. They will then be in the same position as outside counsel employed at the expense of the Crown. The terms of the amendment confirm also the right of the Crown Law Department to charge conveyancing costs to a purchaser, lessee, or mortgagor, as has always been done in the past, but recently queried.

I would say, in conclusion, that the principle involved is that if the Crown accepts liability for costs if it loses, it should have the right to recover them where it is successful; and, by certifying our Government legal practitioners, we are safeguarding the right of the employer to a just reward for legal work done.

On motion by the Hon. E. M. Heenan, debate adjourned.

MARKETING OF EGGS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.17]: I move—

That the Bill be now read a second time.

The Egg Marketing Board is required, under existing legislation, to grade eggs according to certain characteristics prescribed by regulation. The board is further empowered to pay a price for eggs to producers according to the grade.

The board now seeks power to make a premium payment to producers for eggs sold by the board and having characteristics or qualities which, in the opinion of the board, will facilitate the overseas marketing of our surplus eggs and give local egg sales the stimulus that is needed at the present time. This Bill proposes granting such power to the board by the insertion of the appropriate subsection in section 31.

The board considers that the bulk of the eggs being produced for market at the present time are lacking in one important characteristic; namely, a good strongly coloured yolk. The payment of an incentive premium under the amendment now proposed would be directed, in the first instance, towards removing this deficiency.

It is stated by nutritional experts that yolk colour has no relation to food value. It is a fact, however, that the State's overseas markets for eggs have deteriorated progressively. The overseas buyers have in the past drawn attention to the fact that our egg-yolks have been pale in colour compared with those purchased from other countries.

There is an unquestionable demand on the local market for eggs of a more appetising appearance. Even apart from satisfying this very important requirement, any stimulus which may be given to the industry as a whole, due to the better local price when compared with export prices, would be sufficient to justify a trial of this incentive proposal.

Poultry experts consider that the desired improvement can be achieved by the producer at little extra cost; and the Department of Agriculture advisers have always strongly advocated the feeding of green feed to all flocks in order to achieve this end. A recent survey made, however, showed that only 45 per cent. of eggs produced in a given period had strongly-coloured yolks.

The board expects no difficulties in the administrative sphere, for candlers will be able to determine yolk colour in the majority of eggs. Brown and mottled-shelled eggs will require break-out tests. The payment of the premium will not affect the cost of eggs to the consumer at all, and the Government has a written assurance from the board to this effect.

The Hon. A. L. Loton: Will it affect the costs of the producer

The Hon. A. F. GRIFFITH: It is not anticipated that it will. If it does affect those costs the increase will be of an infinitesimal nature. Even if it does increase to a slight extent the costs of the producer to produce a better egg for the public, there will be some advantage.

The Hon. A. L. Loton: At present eggs are too dear for the public.

The Hon. A. F. GRIFFITH: In my view eggs are too dear on the local market. One of the reasons is because producers are obliged to stabilise the overseas sales of eggs.

The Hon. G. C. McKinnon: Poultry farmers have to pay a high price for feed.

The Hon. A. F. GRIFFITH: That is another factor. If the cost of feed were not so high, the production costs would be lower. The cost of the premium will be paid from the board's equalisation fund, to which all egg-producers contribute on a uniform basis. As the purpose of the fund is to help offset losses incurred on export eggs, it is considered equitable that the fund should meet the cost of this incentive payment, which is expected to improve marketing overseas and give a fillip to local consumption.

On motion by the Hon. W. F. Willesee, debate adjourned.

LICENSING ACT AMENDMENT BILL

Second Reading

THE HON. J. M. A. CUNNINGHAM (South-East) [5.22]: I move—

That the Bill be now read a second time.

The simple purpose of this Bill is to amend a portion of the Licensing Act which, because of the climatic and industrial conditions in the goldfields area and peculiar to that inland area, gives the right to the people there to purchase two bottles of beer in the trading hours during the so-called Sunday morning session.

This Act was amended in 1953 as a result of a Bill introduced in this House by the late Mr. Boylen. It was applicable only to the goldfields districts. In section 121 (5) the goldfields district is defined as—

> The area comprised within the Boulder, Brown Hill, Ivanhoe, Coolgardie, Cue, Gascoyne, Hannans, Kalgoorlie, Kanowna, Kimberley, Mount Leonora, Menzies, Mount Magnet, Mount Margaret, Murchison, Pilbara, Roebourne and Yilgarn electoral districts as constituted at the commencement of this Act, and the town of Westonia, in the Avon electoral district.

That amending Bill applied only to hotels. The Bill before us, if passed, will enable licensed clubs on the goldfields to extend to their members the same privilege as is now enjoyed by customers of hotels on Sundays. To achieve this object it is necessary to amend section 205 of the Act.

At present the position is that hotels in the Eastern Goldfields open on Sunday between 10.30 a.m. and 1 p.m. In other goldfields centres the hours are from 10.30 a.m. to 12.30 p.m. However, clubs in all parts of the State are permitted to serve liquor, other than in bottles, between 11.30 a.m. and 1.30 p.m. on Sundays.

It has been said that if this measure were passed, a person could walk up the street in Kalgoorlie and buy a case of beer on Sunday morning in lots of two bottles at each establishment. That does not happen in practice. Technically a person would be able to do that if he were a member of the 20 registered clubs on the goldfields and if he purchased two bottles at each hotel and club. If a person wanted that quantity of beer on Sunday he would make sure that he had the required bottles on the Saturday, rather than walk from one end of Kalgoorlie to the other to purchase two bottles of beer from each hotel. That instance is stretching the case considerably. In any case, the Act permits him to do that today, if he confines his activities to purchasing two bottles of beer from each hotel.

The idea behind the measure is to enable a person on Sunday morning to spend a few convivial hours with friends at his club, and to purchase two bottles of beer afterwards to take home to his wife for consumption at dinner time.

It might seem strange that I am introducing the Bill in this House. I am a teetotaller; and I am one from choice and not on moral grounds. I do not like alcohol. However, I have seen the pleasure that most people derive from convivial drinking in moderation with their friends. No doubt this adds pleasure to the lives of those people. I have also seen the sorrow that was caused by some few people who abused liquor. Their plight could not be blamed on to alcoholic drink. I cannot find any evidence, even in the scriptures, where strong drink is considered to be sinful or wrong. The scriptures record that our blessed Lord himself not only partook of, but also supplied, wine to his friends when they lacked it.

It is considered that the extension of this right to the clubs will not necessarily result in increased sales of bottled beer on Sunday. If the Bill is passed it will merely mean that a club member will be permitted to purchase two bottles of beer to take home with him on Sunday morning.

The Hon. F. J. S. Wise: Any sort of drink—

The Hon. J. M. A. CUNNINGHAM: I do not think the Bill specifically precludes wine. It merely refers to two bottles of beer.

The Hon. F. J. S. Wise: —liquor or whisky.

[*The President took the Chair.*]

The Hon. J. M. A. CUNNINGHAM: The very fact that residents in goldfields districts have had this privilege for quite a number of years is visible proof that the loosening of the restriction on drinking does not result—as so many people claim—in an increase in the consumption of liquor.

Police records and statistics prove beyond any shadow of doubt that so far as drinking is concerned, the people in the goldfields districts are more law-abiding than those in the metropolitan area. Per 100 head of population there are fewer cases of drunkenness or offences arising from drunkenness on the goldfields, than in the metropolitan area. Strangely enough, this also applies to the town of Esperance which is on the south coast. It has similar climatic conditions to the metropolitan area. The same hours of trading on Sunday apply there as on the goldfields. Esperance is a holiday town. When it is flooded with vacationers there are no more cases of drunkenness or offensive behaviour than at normal times. Most of the people who go to Esperance for holidays have a good time there. Yet, despite the extension of the hours of trading on Sundays, there has been no evidence

of an increase in objectionable behaviour as a result of over-indulgence of liquor. In all cases when there has been a removal of restrictions, the atmosphere of wanting something which is forbidden has disappeared; things have returned to normal and objectionable cases seem to have disappeared.

In the goldfields districts, there are 20 clubs with licenses which serve a male population of just over 3,500; and although it has been accepted that most clubs can give their members certain privileges and amenities not normally available at hotels, it is true that the latter have to supply a service to the general public which is not normally applicable to clubs. Hotels are permitted longer trading hours, and the clubs and their members recognise the responsibility of hotels; and they are fair enough to say, "Well, that is perfectly all right; but we do feel that this right should be extended to clubs in order that they might provide the two bottles." I do not think that is an unfair request; and it is for this reason I have moved the second reading of this Bill.

THE HON. J. D. TEAHAN (North-East) [5.31]: It is now seven years since the privilege of being able to sell two bottles of beer was first granted in the goldfields and I, who live in the centre of one of the goldfields towns, have never seen that privilege abused; and neither has anyone else. We have not even heard of the police having regretted such a step being taken; and I am certain that this statement is correct.

I think it was an anomaly or an oversight on the part of the person who originally sponsored the Bill when he did not mention clubs being allowed the same right. Apparently only hotels asked to be given that privilege; and that is the situation at present. If a person wants to purchase two bottles he has either not to go near the club that day, or he has to adjourn after a while to a hotel. For instance, after having been with his friends at the club, he has at about 12 o'clock to try to locate a hotel to make his purchase of two bottles.

Persons should be allowed to drink where they desire. If a man wants to go to a hotel or a club to discuss with his friends yesterday's racing or tomorrow's football, or some other topic, and then wants to purchase two bottles to take home, I believe he should be allowed to do so. After all, I maintain that most men do not frequent clubs or hotels for the purpose of over-indulgence but rather to meet their friends and enjoy their companionship.

As I stated at the outset, hotels already are permitted to sell two bottles, and this privilege has not been abused. On the contrary, it has probably been a blessing. A man goes to the hotel and purchases one or two bottles and then goes home. He decides that that will do him for the day, although he knows that there is another session later on. However, that does not bother him, because he is able to enjoy the two bottles with his family.

It is for these reasons that I hope this measure will receive support; and I am convinced that it was a mere oversight that clubs were not included in the original Bill.

THE HON. F. R. H. LAVERY (West) [5.33]: I am beginning to wonder where all these liquor Bills which have come before us from time to time are going to lead. I understand a couple of years ago that we were going to have an inquiry into the liquor trade, and that this Parliament had set up a committee to submit a report to Parliament. This was done and as a result last year the Government introduced legislation to increase the trading hours. If my memory serves me aright, I voted for the measure which provided for the selling of two bottles by hotels.

I remember that when the late Bob Boylen was with us, he submitted a case on behalf of the hotels in Kalgoorlie for the sale of two bottles. I believe I voted for his measure. However, I am not so happy about the club situation. I am wondering whether the clubs are not going to completely take over from the hotels. I know that in New South Wales, because of the issuance of licenses to clubs, some hotels are closing down in the same way as many theatres, since the introduction of TV, have closed down in all States of the Commonwealth. In our attempts to give the general public the amenities which are desired, will we not take away from some of these hotel proprietors a portion of their livelihood?

I admit that the people who go into the hotel business do so with their eyes open. They know what expenditure they will be faced with; and from the books of accounts they have an idea of the receipts and profits which they can expect. However, I feel that the same situation is beginning to arise here as has occurred in New South Wales where the clubs are receiving so many privileges that the hotels are being left behind in the sale of liquor. They are losing their trade to the clubs.

I know of one hotel which is 100 yards from the border of New South Wales and Victoria—the Corowa Hotel. I stayed at that hotel at Christmas two years ago. The hotel proprietor had to go to court and pay £50 to obtain permission to keep his hotel open for one extra hour at Christmas and the New Year. Sixty-five yards away a club was open practically the whole night. I know this is a fact because I tried to get some sleep in the hotel. But no one did anything about that.

I have often heard Mr. Baxter say that little return is obtained for the work that the proprietor and his wife perform in

country hotels, and that their profits come from the sale of liquor. If they are to be denied still further sales by the clubs being granted this extra privilege, we are going to force the eventual closure of a number of these hotels. When all is said and done, when we go into the country it is not easy to obtain accommodation. It is certainly not possible to get it at a club, and it is therefore necessary to depend upon the hotels to obtain not only accommodation but also meals. It is for these reasons that I am not sure we will be doing the right thing if we pass this Bill.

THE HON. W. R. HALL (North-East) [5.37]: I am in favour of this measure. I supported a bill of a similar nature some years ago. That Bill, which has already been mentioned by members in this House, dealt with Sunday trading at Kalgoorlie.

I believe that people who go to the clubs to enjoy a drink on a Sunday morning should have the same amenities available to them as they would have if they went to a hotel. After all, the Licensing Board has given the clubs a license to sell liquor; and this is permissible under the Act. Therefore, I cannot see any sense or reason in the fact that if a person goes to a hotel he is able to obtain two bottles, but if he is a member of a club he is not able to buy the liquor from his club. It is reasonable that a man should want to take two bottles home, and it is quite farcical that he should be able to obtain such liquor only from a hotel.

Mr. Cunningham did mention that it would be possible to buy a case by going from one hotel or club to another; but, as he pointed out, that would not occur. I venture to say that with most people, the pleasure obtained from drinking on a Sunday is controlled more or less by the pocket. I have been through several goldfields towns on Sundays and I know, therefore, that there is very little drunkenness, if any. One never sees evidence of it these days, because, I believe, the liquor is so costly that only a few can afford to buy a lot.

Most of the towns to be affected by this legislation are on the goldfields, although some pastoral areas are included. We must realise, too, that the pastoralists and farmers when travelling between Kalgoorlie and Perth would certainly like to have the opportunity of purchasing two bottles; and I do not believe there should be any differentiation in regard to this legislation.

As a matter of fact, our licensing laws are obselete. It is about time that they were scrapped and fresh laws introduced. No doubt, people coming from other countries laugh and giggle at our licensing laws. They regulate their drinking in their own countries, admittedly. Nevertheless, it is high time that our laws were scrapped and replaced with much-improved legislation.

I hope that this Bill will pass, because it will correct an anomaly which should have been dealt with long ago. It was mentioned at the time but it has just hung fire for a number of years until now. I therefore support the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.41]: I suppose it would only be reasonable to expect a Bill of this nature to receive support from goldfields members. I suppose, too, it would be reasonable to expect that because I am the Minister for Mines, I should support a Bill of this nature. But there is, I believe, a tendency each session to try, in some shape or form, to widen the scope of the licensing law.

It would be equally fair, probably, to say that if the towns included in the goldfields district are entitled to this privilege, other towns in the State should be entitled to it, because there are some places hotter than Kalgoorlie; places where people would derive more benefit from the amenities set out in this Bill.

I remember that when the late Mr. Boylen introduced his Bill, in good humour we gave him and his Bill a nickname. However, I believe he expressed the view that people in Kalgoorlie should be able to obtain these two bottles of beer in order that they might be able to take them home to their families. If that were possible, he contended, they would not stay until the last minute imbibing, but would spend more time with their families.

The only point I am going to make at this time is that the intention of Mr. Boylen's Bill was that two bottles of beer only should be obtainable; but if Mr. Cunningham studies his Bill I think he will realise that under its provisions the purchaser will not be restricted to beer, but that he will be given the right to purchase two bottles of any liquor. As far as I am concerned, if that is the position, the legislation is not going to receive my support, because I think it would be going much too far.

The Hon. F. J. S. Wise: That is in the Act at the moment.

The Hon. H. C. Strickland: It applies now.

The Hon. A. F. GRIFFITH: It includes liquor too, does it?

The Hon. H. C. Strickland: Yes.

The Hon. A. F. GRIFFITH: I tried to locate the *Hansard* containing the debates on Mr. Boylen's Bill, but was unable to do so. However, I can well remember him referring to bottles of beer. I suggest that Mr. Cunningham should study his Bill in view of this fact. I did not know that Mr. Boylen's amendment also applied to bottles of whisky.

The Hon. F. J. S. Wise: It is subparagraph (iii) of subsection (2) of section 122 of the Act.

The Hon. A. F. GRIFFITH: Does it give permission to buy whisky or any other form of liquor?

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

The Hon. A. F. GRIFFITH: I think that provision wants to be looked at. Perhaps it is not being abused; it is probably not known. I will not labour the question, but I would like Mr. Cunningham to have a look at that point.

If members take their minds back to the debate in 1954, they will recall that it was intended that we should give permission for beer to be sold; I think that was the purpose we had in mind. Provided the present Bill is in conformity with that principle, I will not object to it. But each session we seem to attempt to whittle away a little bit more from the Licensing Act and to give greater leniency in respect to the licensing laws. Another Bill having the same effect will be shortly coming before us.

THE HON. J. J. GARRIGAN (South-East) [5.47]: I also can take my mind back to the time when the late Mr. Boylen brought his measure before the House to provide for the sale of bottles of liquor on Sundays. In fairness to all concerned, I think this is just a matter of putting the provisions of the Bill into the Act. These provisions will not mean that people will drink more bottles of beer on the goldfields than in any other part of Western Australia; and the amendment will not make much difference to the hotels. I support the Bill.

THE HON. E. M. HEENAN (North-East) [5.48]: A number of members will be as surprised as I was to learn that it was as far back as 1953 when the amendment dealing with hotels was passed.

The Hon. A. F. Griffith: I thought it was in 1954.

The Hon. E. M. HEENAN: I understand it was in 1953; and that was a long time ago. Yet it seems only a short while ago. I remember the amendment then because I assisted the late Mr. Boylen in drafting its provisions. I am sure that he will have a smile on his face this evening—I hope he will—as he listens to this debate. Mr. Boylen was a splendid representative of the goldfields; and those of us who supported his amendment can look back with a degree of satisfaction in the knowledge that its purpose has been achieved, and that the fears expressed by some members who opposed it have not been borne out.

In considering the Bill before us, it is as well to recall that, rightly or wrongly, on the goldfields, a special point of view has been adopted; the Licensing Act has always contained special provisions applying to the goldfields. I think that was brought about by the fact that in the early days, conditions of life there were vastly different from those in other portions of the State; and, to a lesser degree, that situation still prevails. Members will realise that in many small outlying goldfields towns a number of the amenities that exist in the larger towns and cities are not to be found. For instance, the hotels on the goldfields have always been open till 11 o'clock, and they still trade to that time each night. But in other parts of the State the closing hour is 10 o'clock.

There is always a line where east meets west. One farming town is, perhaps, in the golfields district, and another is a few miles away, but is just out of that district. Such a position sometimes creates anomalies, just as the 20-mile limit does. Hotels outside the 20-mile limit have the trading concession on Sundays; but the hotels that Mr. Baxter mentioned are just inside the 20-mile limit and do not have that privilege. These are anomalies that it is difficult to overcome unless an all-embracing law is applied to the State.

The Sunday concession which is now incorporated in the Act was pioneered—that might be the word—on the goldfields. Before the Sunday session became legal, it was applied on the goldfields more or less with the sanction of the authorities. From my experience it is working out quite satisfactorily.

I am going to support the Bill because quite a large number of my constituents have approached me on the matter, and I am going to accede to their wishes in respect to it.

The Hon. A. F. Griffith: Do you think it includes the sale of spirits?

The Hon. E. M. HEENAN: I am going to support the Bill only because it applies to the goldfields and does not apply to other portions of the State. I have to be consistent; because in 1958 the parliamentary committee of which I was chairman reported on the Licensing Act, and at page 14, paragraph 10 of the report, this is what the committee had to say—

> Another matter that has been considered by your Committee is the question of what is termed "off sales" by clubs. It is also another trend that has developed in other States and New Zealand and has been the subject of consideration by various licensing authorities. For instance, in its annual report to Parliament in 1954 the Licensing Control Commission of New Zealand expressed the following view:—
>
> > The Commission deprecates the tendency of some clubs to foster the sale of alcohol for consumption off the premises. The Commission believes that it is wrong in principle for members of any clubs to be encouraged to regard their club as their bottle store. While clubs have their proper

> place in the social life of the community, the Commission is strongly of the view that the legislation permitting the granting of charters never envisaged that they should operate in retailing liquor in the extensive way that some clubs do in competition with hotels, the licensees of which are bound by law to provide meals and accommodation for members of the travelling public. The consumption of alcohol in a club should be regarded purely as an added social amenity, and before granting or renewing a charter the Commission has to be satisfied that the club is being conducted in good faith as a club.

In its annual report dated the 30th April, 1957, the Licensing Court of Tasmania referred approvingly to the above quoted view of the New Zealand Commission and went on to say that the view accurately expressed its own considered opinion.

Paragraph 11 states—

> Your Committee is agreed that "off sales" should be discountenanced, particularly in non-residental clubs.

I felt in duty bound to read those paragraphs from the report. Some members may consider that having been chairman of the committee which expressed those views, I am inconsistent in supporting the Bill. I want to make it clear that I support the measure because a large number of my constituents have directed me to do so, and also because the Bill confines itself to the goldfields where special considerations apply both to hotels and to clubs. The normal hotel on the goldfields is different in many ways from the normal hotel in Perth; and the normal club on the goldfields is different in many ways from the accepted idea of a club here.

I really think that the Bill will satisfy the reasonable requests of a large number of club members on the goldfields without having any deleterious effect on the hotels there. I do not think the hotels on the goldfields are greatly concerned about it.

For these reasons, and perhaps for others that do not occur to me at the moment, I shall support the second reading. I want to make it perfectly clear, however, that I would not support the Bill if it embraced the whole State.

THE HON. A. L. LOTON (South) [5.59]: When legislation to enable Sunday trading was first introduced in, I think, 1951, I was opposed to it, and in the following years I have become more determined in my belief that Sunday trading is not for the good of the community as a whole. Mr. Lavery was on the right track when he said it seems to be the main business, or portion of the main business of Parliament every session to deal with small Bills brought forward by private members to weaken—I say "weaken" in the true sense —the real Sunday.

Since the advent of Sunday trading, Sunday activities have been made to fit in with the drinking periods—cricket matches have to finish at a certain time, and tennis games cannot go on because everything hinges on people being able to go to the hotel for the session.

The Hon. G. E. Jeffery: You must have had one at Rome.

The Hon. A. L. LOTON: I was not there, so I would not know. Mr. Hall said that a body should be set up to enquire into the whole administration of the Licensing Court. If he casts his mind back a few years he will recall that a Government of which he is a supporter appointed such a body. From this Chamber, Mr. Roche and Mr. Heenan were appointed as members, and from another place Mr. Cornell was appointed. There were others, but I cannot recall all their names. That committee made an exhaustive enquiry into licensing problems and submitted a report from which Mr. Heenan quoted only a short time ago. Legislation was enacted to implement most of the recommendations of that committee.

Now we find, on my right and left, private members introducing small pieces of legislation to interfere with the Act as it affects Sunday trading; and even the Government is interfering with the true function of the Licensing Court by granting automatically a license to the Chevron-Hilton Hotel. All the time it is causing concern to many of us. Although I like a beer with the best of them, it does not matter to me whether I drink on a Sunday or not. I did not know there was such a large number of clubs in Kalgoorlie.

The Hon. J. G. Hislop: No; not in Kalgoorlie itself.

The Hon. A. L. LOTON: I think the goldfields area was mentioned, and it is to this area that the provisions of this Bill, if passed, will apply. It was said that there are a number of clubs in the goldfields area. To say that the passing of the Bill will have very little effect on hotel trading is ridiculous, because hotels are the establishments that are expected to provide accommodation for the travelling pubilc at almost all times; most clubs provide very little accommodation at all. Some clubs may provide a meal at odd times, but in most cases a club is established for the purpose of providing drinking facilities for its members, and for that purpose alone.

Sometimes, perhaps, two or three members attend a club and drink moderately; and, on other occasions, people establish a club in order that they may set up their own bowling greens, etc. However, on the whole, I fail to see how the granting of

a provision to allow the sale of two bottles of liquor can help the situation. As mentioned by the Minister for Mines, I can recall the late Mr. Boylen speaking on a similar Bill, and all through his speech he referred to two bottles.

The Hon. A. F. Griffith: I checked *Hansard* and all the time he was referring to two bottles of beer.

The Hon. A. L. LOTON: That is how I understand it because at the time he was referred to as "Two bottle Bob." I have not changed my opinion since that Bill was passed, and I will oppose the second reading of this measure.

THE HON. J. G. HISLOP (Metropolitan) [6.5]: There are one or two aspects of this measure which interest me. First of all, I wonder what standard is set by these clubs which are scattered over the various electoral districts comprising the goldfields area. I wonder, too, whether they provide anything beyond the bare facilities for drinking, as is expected in clubs elsewhere. On the goldfields I have seen some clubs which I would regard purely as beer shops, and I am sure that is what some of them must be. I know they do provide a billiard table or something of the sort, but I wonder whether they all provide facilities whereby wives of members can be taken into them with a sense of decency and comfort, or whether they are purely established for the sake of male members to meet and to drink alcohol. It would enlighten us considerably if somebody could tell us the calibre of these clubs.

If my feelings on this matter are correct; namely, that some of these clubs do nothing more than provide facilities for drinking, why not wipe out the name "club"? Why not give shops an opportunity to sell beer and Australian wines and maintain proper standards so they would have to supply refreshments other than liquor, thus bringing about a new state of affairs which would be most desirable in this State? We should look at this matter more carefully instead of adopting the attitude that merely because we have given something to hotels we should also grant something to clubs.

The other aspect that interested me was that those speaking in favour of the Bill repeated that it would not mean any increase in the sale of bottles; therefore, it must mean a decrease in the sale of bottles by the hotels. In turn, this must end in some deterioration of the existing state of the hotels.

The Hon. F. R. H. Lavery: That is what I say.

The Hon. J. G. HISLOP: Thus we must look at this question much more calmly and try to understand that there is some need for a complete overhaul of our thinking on Sunday trading. We have been told the names of the towns in which these provisions will apply, but I can imagine places such as Northam, Kellerberrin, and other towns along the line leading to the goldfields being very hot indeed on some Sundays.

The Hon. E. M. Davies: They used to have water bags when I visited those towns.

The Hon. J. J. Garrigan: They still have their sessions in those towns.

The Hon. J. G. HISLOP: Do not members think that the clubs in those towns should be granted the same privileges as the clubs of the towns in the goldfields area? I would like to see this Bill postponed for a while until an enquiry is made into various aspects of its proposed function and its consequences. If someone can convince me that all these clubs are really clubs to which all the individuals subscribe, and that they have all the amenities that one would expect in country clubs, I would be satisfied. I do not mean that they are expected to provide lavish meals, but one would expect them to provide other refreshments apart from liquor.

As I have said, I think that many of them are purely beer shops; and several countries set a very high standard in such beer shops. I can assure the members of this House that throughout the United States and, in some of the countries in Asia which I visited recently, there were beer shops into which one could take one's wife with every sense of satisfaction, but I doubt whether one could do that with all the clubs in the goldfields area.

Therefore, until such time as I know what is happening, I would like to give the Bill some further thought. If the situation is as I believe it might be, the whole general question might be reviewed and our attitude towards the selling of alcohol throughout the State might be changed. I cannot understand the attitude of Mr. Heenan, especially after his being the chairman of the committee that was set up to enquire into the Licensing Act and associated problems, when he said that he would support this measure for the sake of his electors by having it apply to the goldfields area only, but was entirely against the provisions of the Bill applying to the rest of the State. If we are going to be reasonable about alcohol, let us deal with it reasonably. It is therefore my intention to vote against this measure until such time as I have some further information.

On motion by the Hon. J. M. Thomson, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [7.30]: I move—

That the Bill be now read a second time.

The purpose of this amendment to section 9 of the Firearms and Guns Act, 1931-1956, is to enable an employer who is a primary producer to permit the use of his firearms by his employees to destroy vermin on his property. As there are very definite limits as to location and use of the firearms under this category, the owner will be required only to notify in writing the officer in charge of the police station nearest his property of the name of the employee and the intention to permit him to have such firearms in his possession, and receive such officer's written approval.

There is provision at the present time for such use. There is a supplementary license which covers a particular person. Rural employees are, however, to a great extent a section of our moving population. It is often found that new permits are required so frequently that there is a risk of their not being obtained. There is no doubt that rifles are quite often lent to employees without license.

Because of the limited use to which such firearms may be put and the fact that use is limited to particular properties and that there is a definite obligation on the owner to notify the police station, the Police Commissioner is favourably disposed towards this innovation. It is considered that this move will be a definite benefit to primary producers and should prevent contravention of the Act, which is possibly going on.

THE HON. H. C. STRICKLAND (North) [7.32]: This amendment to the Firearms and Guns Act is, to my way of thinking, rather a queer one. Although the objective, as the Minister has explained, is one that should be approved, I feel it has been tightened up in such a manner by this amendment that it is hardly worth while to incorporate it. If I remember correctly, the Firearms and Guns Act came about as a result of a police request following one of its officers being shot by a lunatic in a hotel in 1931. It was to apply to the municipalities within the State, and within a mile radius of the municipalities.

But then, shortly following the proclamation of the Act, regulations were gazetted to extend its scope to various areas in the State with certain restrictions. Towns in the North-West came within its ambit as did, I think, the areas within a mile radius of those towns. The same thing would apply to other towns throughout the State—those in the goldfields and the Esperance areas.

Now, of course, the Act has been greatly tightened up in some respects; and although this amendment is intended to attain the objective of making it easier for primary producers to destroy vermin on their properties by providing their employees with firearms, it seems to me that the provisos in the amendment are really tying things up. The amendment contained in the Bill proposes to amend section 9 of the Act which exempts certain people and organisations from the necessity to be licensed to possess or carry a firearm. Paragraph (b) of that section provides that any common carrier or warehouseman, or his servant, who carries a firearm in the ordinary course of the trade or business of a common carrier or warehouseman is exempt from the license.

There is no need for him to license his firearm. Yet we find here that a primary producer who wishes to hand a rifle to one of his employees and who says, "Go and shoot that kangaroo"—

The Hon. A. F. Griffith: Instead of tying it down!

The Hon. H. C. STRICKLAND: —or rabbit, or whatever type of vermin it is that he seeks to destroy must first notify the nearest police officer in writing and must receive back that officer's approval in writing.

It seems rather strange that while on the one hand the police desire to protect the public and themselves from people who run amok, and who begin shooting indiscriminately or intentionally, on the other they allow certain people in the city the right to be exempt from obtaining a license. I refer, of course, to the provision in section 9 (b) which mentions a warehouseman, a watchman, or a carrier, or their servants not being required to obtain a license. But a farmer who may want to destroy a wild turkey for instance—

The Hon. L. A. Logan: They are protected; he cannot do that.

The Hon. F. J. S. Wise: They are protected.

The Hon. H. C. STRICKLAND: If the wild turkey attacks the farmer he must use some discretion. He may ask the blackfellow sitting alongside him to take his gun and shoot the wild turkey while he himself is holding a horse or a steer. Before he does so, however, he must send away to the nearest policeman an application in writing and obtain his approval in writing. As Mr. Wise has said, wild turkeys are protected. The bustard is the correct name for the wild turkey, and it is protected. If one were being attacked one could not possibly advise a policeman that one wanted to shoot one's attacker.

On the other hand, with reference to vermin such as emus, kangaroos, dingoes, wild dogs, rabbits, and so on, it seems to me that the provisos attached to this amendment are unnecessary. If a common carrier or any of his servants is exempt from the provisions of the Firearms and Guns Act, then surely the farmer should also be exempt from the requirement of having to obtain the approval of a police officer to enable him to hand a firearm to one of his employees to destroy vermin.

Members might give serious consideration to deleting that part of the amendment, anyway, if the Act is to be relaxed. Personally, I feel the Act serves no useful purpose. We know it was designed to prevent indiscriminate shootings and murders; but, of course, it has not done so. We know it has not stopped murderers from murdering, or madmen from killing. It has not stopped accidents; there was a spate of accidents last year with young fellows shooting with pea rifles.

We know there was the case of a young fellow shooting a man at Lancelin last year while thinking he was having a shot at some sort of animal. Then, of course, there was the case of Thomas running amok. He had no trouble at all, some days prior to carrying out his fell deeds, in arranging for a firearm to be placed in a specific spot in the suburbs, from which he picked it up and murdered a taxi driver and several other people. Surely that proves the Act was not doing what was expected of it. It certainly does not stop suicides from taking place. A number of people frequently obtain firearms and take their own lives—and many of them are not altogether insane, either. We know there are those who, for one reason or another, have on occasions planned and plotted and arranged to be supplied with, or to secure, firearms and ammunition to enable them to take their lives.

Accordingly, when we have Acts such as this, and when we have amendments brought down from time to time to further restrict; and when they are not serving the object it was hoped they would, I feel it is only imposing further restrictions on the freedom of the individual to continue to restrict his access to and his use of firearms. One is reminded to have a look at the findings of the Select Committee which was appointed by the Legislative Council in 1953 to examine the amendments to this same Act. That Select Committee recommended—

> That the Firearms and Guns Act be completely reviewed as soon as possible, and that consideration be given to the division of the Act into several forms.

It also recommended that certain amendments be made to the Bill that was then before the House. I think all except one of those amendments were approved by the members of the Legislative Council on that occasion. But when the Bill went to another place the recommendations were not accepted, and a conference followed. One of the most interesting recommendations of that committee was—

> That this Act shall remain in force until the 31st December, One thousand nine hundred and fifty-four, and no longer.

That was carried by this Legislative Council, but it was lost in the conference of managers which followed later. So it seems that after a very lengthy inquiry, and after some very serious consideration had been given to this Act by a Select Committee, that committee was of the opinion that the Act was serving no useful purpose. Personally, I feel the same way about it myself today for the reasons I have already explained; namely, that it is not preventing people from obtaining firearms; nor is it preventing them from taking other people's, or their own lives; nor is it preventing them from damaging property. One can drive along country roads today and see fingerboards and signposts, which have not been erected for very many months, with bullet holes in them. If there are no holes, they contain slugs which have been fired at them.

We also see mile posts which have been fired at. For example, a mile post might have once read, "70 Miles" but the "7" is missing and the post shows an "0." It is easy to see the bullet marks on these posts. They are fired at by people who drive along the roads in trucks or cars, even though it is illegal to fire a firearm on any public road. When one sees that sort of thing happening these days, it is most convincing that the Act is not serving its purpose. The amendment is designed to relax the present restrictions in the Act, but I feel that the proviso in the amendment will nullify that relaxation and provide for further restriction. I say that, because a person would not go to the bother in a case of emergency to obtain the approval of a policeman in order to supply a firearm to an employee for the purpose of destroying vermin.

In the North-West I have seen catchment tanks which were supplied to provide water for those who might need it. No doubt these catchment tanks have been responsible for saving many people, if not from serious exposure, from thirst. Travelling between Northampton and Carnarvon with my colleague, Mr. Wise, in 1950, we came across catchment tanks which contained bullet holes. Naturally, the tanks were empty. That is a dreadful thing to do, but the culprits never seem to be caught. I do not know of any that have been caught. Yet, this Act was designed to prevent that sort of destruction.

Although one Select Committee has already had a good look at this Act and made recommendations which were supported by this House, but which were lost

at a conference between the two Houses, I feel it might be a good idea if another good look were taken at the Act. It might then be possible to remove some of the restrictions in the Act or, perhaps, set it aside.

I support the second reading, but reserve the right to give serious consideration to the deletion of the provisos. I recommend to the Minister that he have a good look at the Bill with that end in view.

THE HON. A. R. JONES (Midland) [7.49]: I am very pleased that this Bill is before us because I feel it will, in some measure, make things safer than they are at present inasmuch as a person or a farmer owning a property for the purpose of primary production will be able to issue firearms to be used by his employee. During the debate, it has been said that that is not a good thing. I consider it would be a good thing and I only wish we could go a little further.

I consider it is not good that licenses are issued to people who are not responsible. That aspect has been mentioned tonight as well as on other occasions; and how some of the people referred to obtain a license I do not know, because they are supposed to be screened pretty well. But how often do we see perhaps two people on a scooter-bike screeching out of the metropolitan area in the weekend and heading for the bush to pump bullets into anything they can see. These people should not have a license, because they have no legitimate use for a rifle or a gun. If the Act could be amended to restrict these people it would be a good thing.

It is a step in the right direction that a farmer can give his rifle to an employee for the purpose of shooting game or vermin on the farm. At the present time a young man might be inclined to ask his boss to support him in an application for a license to secure a firearm. However, if this Bill is passed, all an employee will have to do will be to ask his boss if he can use his firearm; and providing his boss is willing and the police have no objection, the employee can shoot vermin on his employer's farm. This should reduce the number of people licensed to carry or own a firearm.

I commend to the Minister that he give serious consideration to what has been said tonight, and on other occasions, not only by me, but by other members in this House. It seems wrong to me that irresponsible people should be able to hold a license. As Mr. Strickland said, these irresponsible people shoot at anything they see; and there is absolutely no good reason why they should be allowed the use of a firearm. I suppose it is commercial practice to try and sell as many firearms as possible, together with bullets and cartridges.

I reiterate that the Minister in this House should ask the Minister concerned to have a further look into the position, as many accidents are occurring today. As Mr. Strickland said, a man who committed a crime in recent times had no trouble in getting a firearm. Apparently the person who owned that firearm in the first place never had a legitimate use for it; and a person living in his circumstances never would have. Therefore, why should a license be granted to that man to own a firearm? I suggest the Minister have a good look at this Act to see whether amendments can be introduced along the lines which I and other members have suggested.

THE HON. R. THOMPSON (West) [7.55]: I cannot quite follow the reasoning of Mr. Jones; nor can I quite follow the provisions which are set out in the Bill. At the present time I have a license for two guns which I own; yet I have an endorsement on my license permitting me to use another gun which I do not own.

I think the passage of this Bill will take away a safeguard which is enjoyed by the general public, inasmuch as a person may be debarred from holding a license for some reason or other. This person may work in the country where no records are kept. These records are kept in two centres—Perth and Fremantle. All guns are checked through these points as are also the licensed persons. It means that a farmer has to write to the officer in charge of a police station and then that officer has to give approval to the employee to use his employer's firearm. He will receive a license to use firearm No. so and so.

The Hon. W. F. Willmott: He cannot use it anywhere; under this amendment he can only use it on the land belonging to the farmer.

The Hon. R. THOMPSON: We saw an instance last year where an unlicensed person took a farmer's gun in his absence; shot the farmer's wife; and placed her body in the boot of a car and drove off. Under the present system where a person has to be licensed, he becomes licensed to use such and such a firearm. I think that is the logical way to go about it. Under this amendment a constable in a country town could say, "I do not like the colour of that fellow's hair; I will refuse him permission." However, if that person had to be licensed, the application would go through records, and an objection could be raised if necessary.

I cannot see any good purpose in the Bill, unless the Minister can supply me with further information. I have explained the facts as I know them.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [7.59]: I realise this measure is similar to one with which we dealt last night, and

it is difficult to obtain unanimity. It would appear that even Mr. Strickland and some of his colleagues are in the same boat on this matter. The amendment to which Mr. Strickland objects was inserted in the Bill in another place by one of his own members.

The Hon. H. C. Strickland: I think you are wrong.

The Hon. L. A. LOGAN: I am inclined to agree with the honourable member that the Bill would be better if the provision were not included.

The Hon. H. C. Strickland: The proviso?

The Hon. L. A. LOGAN: Yes.

The Hon. H. C. Strickland: It was not put in by one of my members.

The Hon. L. A. LOGAN: The words, "in writing by the employer" were inserted in another place. I am not allowed to refer to a debate which took place in another House, Mr. President, so I cannot go any further in that regard.

I appreciate the thoughts which have been expressed in connection with this particular Act, because it is one which does cause quite a lot of controversy. I do not think anybody has the correct answer. I happened to be a member of the Select Committee to which Mr. Strickland referred, and even though we made recommendations, they were not easy to make. It was difficult to get anybody to make a real approach to the problem, as the makers of firearms and the sellers of firearms wanted to make sure that their livelihood was not taken away from them.

I do not know how much tighter one can make the Act. At the present time it says—

(1) The Commissioner shall not issue a license to any person if in his opinion such person—

(a) is a person to whom it is undesirable in the public interest that a license should be issued; or

(b) is unfit to hold a license or has no good reason for requiring the license; or

(c) has no good reason for requiring the license.

(2) The Commissioner shall not issue to any person a license in respect of any firearm which in his opinion is unsafe or unfit to use.

I will admit that the power to issue a license is given to the respective issuing officers, on whose judgment we have to rely.

The Hon. A. R. Jones: And the person giving the character reference.

The Hon. L. A. LOGAN: And the person giving the character reference. I suppose that in all cases where licenses are issued there are always some mistakes made; and we find that in one centre an officer is perhaps more lenient than an officer in another. I think that happens quite frequently.

I cannot see how one can tighten this Act any more. In whose hands are we going to put this extra power—unless we place the matter before a tribunal; and I think it is unnecessary to go to all that trouble. It seems to me that the only thing to do would be for the commissioner to instruct his officers to be more careful in the future.

I agree with Mr. Jones about the damage done throughout the country by hooligans—one cannot call them anything else; they are irresponsible people—who for the sake of firing a firearm, shoot at any metal sign they see. The result is that very valuable signs are damaged beyond repair, because once a bullet passes through these metal signs, they cannot be repaired. I think more attention should be given to finding these culprits and making an example of them.

However, this point has been raised, and it may not be a bad idea if, before we go into Committee, we have another look at the Bill. It may be possible to formulate something which will be acceptable to this House. I think I could offer something along the lines—if Mr. Strickland will listen—of exempting a primary producer's employee, who has the permission of his employer, from the necessity to hold a license.

I am not too sure which part of the Act Mr. Ron Thompson was dealing with when he said that once one had a license one could use any other person's gun.

The Hon. R. Thompson: There should be an endorsement on a person's license to use a particular gun.

The Hon. L. A. LOGAN: But it would refer to one particular license only.

The Hon. R. Thompson: That is correct.

The Hon. L. A. LOGAN: A license is not transferable.

The Hon. R. Thompson: But there should be an endorsement on the license.

The Hon. L. A. LOGAN: An endorsement would have its limitations. I appreciate the thought that members have given to this Bill. I trust that the second reading of the Bill will be passed, and I will then move that the Committee stage be postponed to a later sitting.

Question put and passed.

Bill read a second time.

RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.4]: I move—

That the Bill be now read a second time.

The explanation that one can give to introduce this Bill is really very short. Users are required to license irradiating apparatus, with the exception of doctors and dentists using such apparatus exclusively for X-ray photography. The Bill proposes that these latter users register their apparatus in order that it may be protectively checked in the public interest by the Radiological Advisory Council. That is the purpose of the Bill. There is nothing more that I can say about it; it speaks for itself.

On motion by the Hon. W. F. Willesee, debate adjourned.

WAR SERVICE LAND SETTLEMENT SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. F. J. S. WISE (North) [8.10]: This Bill is introduced to give those lessees under the war service land settlement scheme who came under the provisions of the old Act of 1945 similar conditions in regard to mortgaging their properties as obtain under the existing Act of 1954, which the Bill seeks to amend.

Under this Act, although the leases are for the time being leases granted in perpetuity, a second mortgage may be granted subject to the approval of the Minister. But that position does not obtain for those holding leases under the repealed 1945 Act; and it is very prejudicial to many people who at an advanced stage of their development cannot carry on without further capital. They may have an area which they are anxious to develop, but from the authority itself—the war service land settlement authority—they can obtain no further finance. Nor can they, at this moment, obtain the sanction of the Minister to borrow money.

I think it is of no advantage to anybody to limit or stultify a person in or on a property where a well-prepared plan for development is in progress, and a person's prospects of ultimate success are thereby limited. I think there are very many instances in the history of the development of properties, under such a scheme as the one enjoyed, where limitations in finance are a decisive factor in the ultimate success of the person developing the property. If, at the right time, a settler cannot obtain more capital, it is then a challenge to his success and to the ultimate success of the property he is developing. I think, therefore, the idea that this Bill promotes is a good one; not only does it mean that those owning property under the repealed Act will have an equal opportunity with those under the existing law, but it will give to them, subject to the Minister's approval, the right to have a second mortgage on a property which is at present the subject of a perpetual lease.

A big proportion of problems encountered in the farming industry of Western Australia until recent times were caused through over-borrowing. I am conscious of the fact that when butterfat was 1s. 6d. a pound and less, and wool very little more than 1s. a pound — during which period a large proportion of this State was developed—there was a need for more capital; and the Agricultural Bank, in common with other institutions, carried tremendous loads because of the over-borrowing on the part of very many people.

The position is not the same today; and the safeguard of the approval of the Minister, in so far as second mortgages are concerned, is, I think, keeping the authority in the right hands. Therefore, the first amendment in this short Bill deals with the ability of those who obtained their leases under the original Act to have the right to borrow money on second mortgage.

The second provision of the Bill is to enable leases to be converted to freehold earlier than they may now be. And that, too, I think, is a desirable objective in that the conversion to freehold over a shorter period of time is also an incentive to people who have the right outlook and the right objective in the development of their properties under the war service land settlement scheme. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. E. M. HEENAN (North-East) [8.15]: This short Bill will make a couple of amendments to the Evidence Act. One of its purposes is to repeal section 43, thus bringing the Act into line with the Newspaper Libel Act, as amended in 1957. The amendment should have been made to this Act at the same time, but apparently through inadvertence, it was overlooked. The amendment is necessary to bring the Evidence Act into line with the Newspaper Libel Act.

A further provision deals with the method of proof relating to bank accounts in criminal proceedings; it provides that certain evidence can be adduced by affidavit thus saving the sometimes heavy

expenditure of bringing bank officers long distances to prove more or less formal matters.

The Hon. H. K. Watson: What is the present position in respect to civil proceedings?

The Hon. E. M. HEENAN: I think an amendment was made a couple of years ago to provide for a similar state of affairs in civil proceedings. I think the proposals in the Bill are well justified, and I intend to support them. I might add that similar provisions relating to proof by bank officers are provided in legislation in operation in some of the other States.

Question put and passed.

Bill read a second time.

In Committee

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

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [8.20]: Mr. Watson raised a couple of queries in regard to this Bill last evening, and he doubted whether the amendments had the required effect. I have not been able to study the position because I have been out of town all day, but I have been given a reply to the honourable member's queries, and I will have to rely upon that. The reply I have received reads as follows:—

> This provision is necessary to enable the Commissioner of Taxation to pay over to the State Treasury the amount of vermin rates assessed each year as if they were received. Under these conditions it is therefore possible to issue a composite assessment of the land tax, the metropolitan region tax and vermin rates. The reason for the provision is to enable the Commissioner of Taxation to divide the total taxation collected into its three groups by simple machinery. This is necessary as land tax belongs to the Consolidated Revenue fund; the vermin rate to the Vermin Rate Trust Account to be utilised for the benefit of the persons paying these rates; and the metropolitan region tax to the Metropolitan Region Tax Trust Account.
>
> Under these arrangements it is possible to collect the tax on one notice, which all honourable members will agree is of assistance to the taxpayer and saves making a dissection of each individual assessment as it is paid which, of course, would mean increased costs of collection. Under these arrangements the collection of each tax is devoted to the purpose authorised by Parliament and the system of collection improved, thus giving a better service to the taxpayers. I would draw the honourable member's attention to the fact that this House has agreed to a similar provision being enacted in respect of the metropolitan region tax, and we also find a similar system is employed by the Commonwealth Government in respect of income tax and social services contributions.

The Hon. G. C. MacKinnon: Not this Government.

The Hon. L. A. LOGAN: I said this House.

The Hon. G. C. MacKinnon: That is so.

The Hon. H. C. Strickland: Apart from the service of the notice, what other service does the taxpayer get?

The Hon. L. A. LOGAN: Speaking in plain language, there is nothing to stop the Commissioner of Taxation from printing the three items on his notices, but there must be an Act to validate the payment of the money he receives into the credit of the fund to which it should be paid. That is all the Bill does. I think Mr. Watson thought there should be some amendment provided in the Bill to cover the printing of the third item on the assessment notice.

The Hon. H. K. Watson: I am not too sure he can do that of his own motion.

The Hon. L. A. LOGAN: He has done it with the other one.

The Hon. H. K. Watson: But that does not mean to say that his action is a valid one.

The Hon. L. A. LOGAN: I do not think we have the right to tell the Commonwealth Commissioner of Taxation what he should put on his assessment forms; but at least we have the right to say that what he collects will be paid into the correct fund.

The Hon. H. K. Watson: He is a State officer for the purposes of this Act.

The Hon. L. A. LOGAN: Yes, but I do not think we have to validate by an Act of Parliament his action in putting another line on his assessment notices; but at least we should validate his action in paying the money into the correct trust fund. This money is not paid into Consolidated Revenue; it must be paid into a separate trust fund, and that is the reason for the Bill.

The second point raised by Mr. Watson was in regard to validating the Act. The Bill has been introduced to make certain of the position if any doubts are raised. I think a doubt has been raised because

of the wording of the amendment made to section 103 in 1956. The concluding words of the amendment then made are—

> This Act shall continue in operation until the thirtieth day of June, one thousand nine hundred and fifty-eight and no longer.

Apparently somebody has raised a point in regard to the wording, and it might be thought that those words apply to the principal Act.

The Hon. H. K. Watson: Yes. The provisions ought to have been inserted in the subsections rather than at the end of the Act.

The Hon. L. A. LOGAN: I believe that is where the doubt could arise and, to make sure that what has been done cannot be challenged, the Parliamentary Draftsman, on going through the Act, thought it better to play safe; and that is the reason for the amendment. One of the amendments made in 1956 reads—

> In the financial year commencing on the first day of July, One thousand nine hundred and fifty-six, and in each financial year thereafter the Treasurer shall cause to be paid to the credit of the amount mentioned in subsection (3) of this section from land tax collected pursuant to the Land Tax Assessment Act, 1907-1956, a sum of one hundred thousand pounds or any greater amount approved by the Treasurer.

And it went on to say, "This Act shall continue," and so on. That is where the doubt has arisen, and I think members will appreciate that if there is any doubt, now is the time to correct the anomaly. I trust Mr. Watson is satisfied with the explanation I have given.

The Hon. F. J. S. Wise: He is very hard to please.

The Hon. L. A. LOGAN: I shall not raise the other issue he mentioned last night, because I anticipate that it will be discussed at length at some future time, and that will be the time to debate it.

Question put and passed.

Bill read a second time.

In Committee

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

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th September.

THE HON. J. M. THOMSON (South) [8.29]: I do not desire to delay the House for very long in speaking to this measure, but I have had a look at the Bill and the Act, and I think the amendments are desirable and appropriate in the circumstances. The only matter I would like to refer to is clause 8, which amends the third schedule.

I hope the Minister will agree to the postponement of the Committee stage of this Bill so that we can give further consideration to the registration fees. From the discussions which took place last night in this Chamber I feel we should closely examine clause 8. It may be possible to retain the existing registration fees. In respect of bitches and dogs which are sterilised, the fee should be reduced to a more reasonable figure. Without further ado, I ask the Minister to defer the Committee stage. I support the second reading.

THE HON. J. G. HISLOP (Metropolitan) [8.31]: A large number of small measures have been introduced into this House in the early stages of the session. This leads me to believe that we are in the stage of petty sessions. I do not think enough consideration has been given to the wording of some of the clauses. On examining clause 3 it will be seen that the owner of a dog which is found wandering and which is apprehended by a member of the Police Force and taken into custody, shall comply with three conditions before he can regain possession of the animal. Firstly, he has to claim the dog; secondly, he has to pay a reasonable sum to the officer for maintaining the dog; and, thirdly, he has to produce a receipt for the registration of the dog. There is no question but that all these three conditions must be complied with. That is my understanding of the wording.

If the owner has neglected to reregister his dog, and the registration has lapsed for a few days, the dog could be destroyed, because the owner would not be able to comply with the three conditions I have referred to.

The Hon. H. K. Watson: It is implicit that the owner would have the opportunity to bring the registration up to date.

The Hon. J. G. HISLOP: It is not implicit in the wording. The third condition states—

> —has not produced the receipt for the registration of the dog, in case it is not then registered.

The owner has to obtain the registration certificate within 48 hours of the time the dog was first found.

Let me refer to my own dog. We had a dog which escaped and more than 48 hours elapsed before the city dog pound knew it was our dog, although the pound had made enquiries as to the dog's ownership. The wording of this clause should be examined carefully. I do not think the paragraph which I have just read out should be included. We should provide that the owner must register the animal when he regains possession.

Clause 6 of the Bill provides that the owner of a dog, found to be suffering from a contagious or infectious disease, shall cause the dog to be isolated in such manner as is likely to prevent the dissemination of the disease. In other words, the owner is called upon to isolate the dog in a manner he considers suitable.

Even if the owner has taken this step, his next-door neighbour can make representations to a justice of the peace that the dog is in such a condition that notwithstanding its isolation, it is likely to spread the disease. The justice of the peace can then order the dog to be destroyed, and the owner of the dog may be penalised up to £10, despite fulfilling his obligation under the law by isolating the dog. This wording of the Bill leaves me completely bewildered.

One wonders whether the stipulated penalty of £10 in clause 6 applies when the justice of the peace considers the dog should be destroyed; or when the owner has not buried the carcase. This is one interpretation which can be given to the wording of the clause.

An examination of clause 4 will reveal that a dog going on to a bathing beach is likely to be taken into custody. The owner is liable to a penalty of £5 for the first offence, and £10 for a second or subsequent offence. Does anyone think it is humanly possible to keep our beaches free of dogs?

The Hon. L. A. Logan: We should try.

The Hon. J. G. HISLOP: We never will. One statement made by Mr. MacKinnon last night interested me greatly. He said that in Australia the dog is regarded as a sacred animal and people have to lay their hands off dogs. I want to point out that the status of a dog in Australia cannot be compared with that of a dog in England. In England the dog is really a sacred animal, and it is well cared for by its owner. There, dogs can be taken into cafes by their owners and seated on chairs, while the owners are partaking of food. In fact, they can be taken almost anywhere. Recently the airline companies in England made arrangements for the transport of dogs.

The trouble does not seem to lie with the dogs, but with their owners. One suggestion is that the only way to prevent offences on the part of owners of dogs is to destroy the dogs.

The Hon. H. K. Watson: Or penalise the owners on every possible occasion.

The Hon. J. G. HISLOP: I do not know whether that carries very much weight in some instances. The correct way to penalise the dogowner is to prohibit him from owning a dog at all. Today's *Daily News* carries a report of trouble with dogs at the Floreat Park State School. That school and the Perth City Council have had considerable trouble with a number of stray dogs. The statement of the dog catcher is that after some of these dogs had been caught, their owners paid the pound fee and within days the dogs were back at their old haunts. It is not the dog which is responsible for this trouble, but the owner. One has to consider whether every dog found in such a situation ought to be destroyed.

I heard a story which I believe to be true. One of the veterinary surgeons in this State said he had never killed an animal referred to him without making a real effort to restore the dog to health. He has succeeded admirably in this respect.

I am not very happy about the wording of this Bill, nor am I happy with the Bill itself. I suggest the Minister should take another look at it. Although he may claim that the wording of the Bill does not mean what I have inferred it to mean, that claim will not carry any weight with me.

A number of difficulties could arise under clause 6, when a neighbour makes representations that a dog has not been isolated.

The Hon. H. K. Watson: Whose opinion is to prevail as to the manner of isolation?

The Hon. J. G. HISLOP: Apparently that of the justice of the peace. This is a very difficult matter. Not very long ago, in one of the courts in this State, a member of the legal fraternity who had to give a decision made it perfectly clear that he had a bias against dogs. A defendant who is unfortunate enough to have to face such a member of a court could be in great difficulties.

Most people who own and love dogs look after their animals when they are diseased. We seem to be going the wrong way about this matter in clause 6. Continually in this Parliament we are asked to make laws to cover up some little corner because some person did something he should not have done; we are asked to pass legislation in the public interest without realising the broader aspects of the effect of the legislation.

I hope the day will never come when our children forget what an animal means. A child who grows up without an animal pet is not completely human, in my opinion.

The Hon. J. M. Thomson: Do you think this Bill will lead to that state of affairs?

The Hon. J. G. HISLOP: If all this Parliament can do is to pass legislation to destroy these animals, and to protect the public from people who are not able to govern their animals, then that state of affairs will be reached. If the owner of a dog is not responsible, he should be prohibited from owning a dog and he should be deprived of any dog license he may hold.

There are many places to which unwanted dogs can be sent. The dogs' home is one establishment which cares for these

animals; and numerous inquiries are made at that place by people seeking dogs as pets. Only a very small percentage of the dogs sent to that home are destroyed. It may be wise for the Minister to look into all the aspects of the Bill to see whether there is another approach.

There is nothing more delightful than to see a small child with his pet dog and cat; to see the three of them joining in play, all showing affection to each other. This type of activity helps to build something into the child's character.

All that this Bill seeks to achieve is the destruction of animals which are allowed to roam. The passage of the Bill will make it very difficult for people who cannot handle animals to keep a dog. We should not amend laws, with the object of fining people and destroying their animals.

THE HON. F. R. H. LAVERY (West) [8.45]: I asked for the adjournment of this debate some 13 or 14 days ago—

The Hon. L. A. Logan: It was not that long ago.

The Hon. F. R. H. LAVERY: —because I was seeking some information which I hoped to have obtained, but which was not forthcoming. I thank the Minister for giving me a further adjournment yesterday. Like other members, I believe there are one or two good points in this Bill such as that in regard to the puppy which is being trained as a guide dog. However, there are also one or two matters in the Bill with which I am not satisfied.

I have a copy of the Minister's notes, and the first provision seems all right. However, the second one—that authorising a member of the Police Force to seize and impound a dog—could be agreed with, with one exception. I still want to know why it is that we have to use the services of a highly trained police officer for this purpose. These officers, particularly in country stations have sufficient work to do already. In the country they are deemed to be on duty 24 hours a day whether they are actually working or not. Therefore, why should they have to deal with a dog which is suffering some malady or which is roaming the town? I do not believe it is necessary to engage a policeman to do this work. It appears from the wording of the amendment that the police officer must retain a dog he seizes until it dies. I agree with Dr. Hislop in that I cannot see what this amendment is all about.

I have had the Minister's notes for several days and have read the Act from beginning to end. I do not want to point the finger of scorn at a departmental head who should know much more about this matter than I do, but I do wonder—I am now coming to a governmental point—whether the Government is so bereft of legislation to bring forward this session that it has to call upon departmental heads to see how many amendments they can submit. I agree that all the Bills introduced so far have been petty, with one or two exceptions. I class this measure amongst the petty ones.

Although Mr. Cunningham's speech last night brought forth quite a bit of laughter, much of what he said was the truth. It is provided in the Bill that dogs will still be permitted in shops provided they are under proper control—on a chain or leash. Why should they be permitted in shops? After all, they can still foul a shop on a leash the same as if not on a leash; and a shop is no place for a dog. I am certainly not going to vote to grant permission for an owner to take a dog into a shop. It is just too silly.

The Hon. L. A. Logan: You will let dogs go in unattended?

The Hon. F. R. H. LAVERY: I would not let them go in at all.

The Hon. L. A. Logan: How will you stop them? This amendment is designed to stop them.

The Hon. F. R. H. LAVERY: No, it is not. They are permitted entrance if on a leash.

The Hon. L. A. Logan: That is to control them.

The Hon. F. R. H. LAVERY: I have always given the Minister for Local Government credit for having a lot more mentality—

The Hon. L. A. Logan: Thank you.

The Hon. F. R. H. LAVERY: —than he is exhibiting in trying to make me believe that. One thing I can say about the Minister is that he is sincere in the legislation he introduces, but in this case I think he has been led astray.

The Hon. A. F. Griffith: He has been led by the leash.

The Hon. F. R. H. LAVERY: He has not been led at all.

The PRESIDENT: Order!

The Hon. F. R. H. LAVERY: One of the pieces of information I was endeavouring to obtain was in regard to section 29. In the past a native has been able to keep a dog without having to pay for a license. The only information I have been able to obtain in connection with this matter I have got from reports given in this House, and the information is that in the South-West Land Division there are between 8,000 and 10,000 natives, 1,000 of whom have citizenship rights.

The Hon. F. J. S. Wise: What, the dogs?

The Hon. F. R. H. LAVERY: Well, I have heard natives called all kinds of things but never have I heard them called dogs yet, although some people treat them as such. The point I am making is that of these 8,000 to 10,000 natives in the South-West Land Division—this number includes men, women, and children—less

than 1,000 have citizenship rights. I believe that those who have citizenship rights should pay for the privilege of owning a dog, the same as would any member of this House. However, I am not going to be convinced that the native who has no citizenship rights should be forced by law to pay for the same rights and privileges as we enjoy.

I believe that this measure is purely a taxing measure so far as the natives are concerned. Do not believe that because I live in the city I know nothing of what occurs in the country, because I know quite a bit, particularly concerning the lower Great Southern area around Ongerup and Gnowangerup. I have received quite an education down there these last few years.

The Bill states that the natives are able to obtain satisfactory employment. Satisfactory to whom? I know that a number of the natives who have obtained employment do not require their dogs to help them catch their food. However, there are a number of aged natives who still like and require their dogs, whether they are licensed or unlicensed. As those natives do not enjoy the privileges and rights of citizens, I believe we have no right to place a charge upon them in connection with their dogs. I think the proposal is preposterous. That is what it is. If this money were to go into the Government's revenue fund, I would say straight away that the Bill was a direct taxing measure; but of course we know it will go to the road boards.

The words in the Bill which state that natives are able to obtain satisfactory employment are as wide open as the Indian Ocean. I must repeat that if a native has citizenship rights, then I believe he should pay for his rights as a citizen the same as we do; but if a person does not have such citizenship rights then surely Parliament has no right to charge him for his dog. That is one of the reasons why I tried to find out the number of natives involved, but the best information I could obtain was that I received in regard to the South-West Land Division. I repeat that natives without citizenship rights should not be charged 10s. for a dog and £1 1s. for a female dog.

I have found nothing in the Act—but I am open to correction—which relates to a person who owns premises which are kept as kennels or a dog hospital, being charged a registration fee. However, in this Bill, such a person is to be charged a registration fee of £5. Is that a new situation? Is this another method of taking more out of the pockets of people? If such a person is to be charged £5 for running a hospital, he will pass that extra cost on to the owners of the animals which are placed in his care.

I want now to refer to proposed new section 29A about which Dr. Hislop spoke. I agree with all he said about it. I still cannot understand what the £10 penalty is to be imposed for, and I hope that the Minister will be able to enlighten me when he is replying to the debate.

The clause states that if a dog is found to be suffering from any contagious or infectious disease, it is incumbent upon its owner to isolate it. If he does that, then what is the £10 penalty provided for? According to the Bill, the £10 penalty is imposed whether he isolates his dog or not. If a neighbour approaches a justice of the peace with a complaint that such a dog has not been isolated—apparently it is necessary to appear in court: again according to the Bill—the justice of the peace shall order that the dog be destroyed; and the owner must forthwith destroy the dog and dispose of the carcase in such a manner as to ensure that it is not likely to spread disease. If he does that he has carried out the order of the justice of the peace, so what is the penalty of £10 for?

The Hon. F. D. Willmott: If he doesn't, of course.

The Hon. F. R. H. LAVERY: It doesn't say so. Why does it not state what the penalty is for? Are we expected to surmise everything? The Minister only a few minutes ago introduced a Bill the purpose of which is to validate certain action which has been taken. The Bill is necessary because certain words were omitted from the parent Act.

Why have necessary words been excluded from this Bill when their insertion would have made clear the reason for the £10 penalty?

I admit there are one or two provisions in the Bill which are reasonable, but the rest of the measure is only a waste of time.

THE HON. L. A. LOGAN (Midland—Minister for Local Government—in reply) [9.1]: I thank members for the interest they have taken in the Bill. I seem to come in for some criticism; and the Bill has come in for a lot of criticism. Much of it is, I think, unjust. We try to do something to improve the lot of some people, and we get criticised. At least four members have criticised the provision relating to policemen. The amendment is to assist the policeman; and reference to him has been included in the Act since 1903.

The Hon. E. M. Davies: And what has he had to do previously?

The Hon. L. A. LOGAN: Exactly what he has to do today except that now some means are provided for him to get rid of a dog, whereas previously there were no such means provided. If the honourable member reads the Act he will see that.

The Hon. F. R. H. Lavery: I have read both the Act and the Bill.

The Hon. L. A. LOGAN: The Act provides—

> Any dog found wandering at large may be seized and kept by the police, or any authorised officer of a local authority, or placed in a pound, which may be established and maintained for impounding of dogs by the local authority, constituted for the municipal district or the road district, as the case may be, in which the dog is seized.

Under the Act if there is no pound, and a police officer has seized a dog, there is no provision for him to get rid of the dog. That has been in the Act since 1903.

The Hon. F. J. S. Wise: Has he been keeping the dog since 1903?

The Hon. L. A. LOGAN: I do not know what he has done with the dog; probably disposed of it illegally. Immediately we try to assist these people we get criticised.

I make no apology for bringing the Bill before Parliament, because since 1951 the Road Board Association of Western Australia has each year requested the Government to amend the Act. I will go through the file directly and quote some of the letters and resolutions of the conferences asking for these amendments.

The Hon. W. R. Hall: They have asked for other amendments, too.

The Hon. L. A. LOGAN: Not many. Surely if I am asked by responsible people to bring down amendments to an Act which comes under my portfolio, it is not my place to refuse! If I believe the requests are reasonable, it is my job as Minister to bring them before Parliament and let Parliament decide.

The Hon. F. R. H. Lavery: That is fair enough.

The Hon. L. A. LOGAN: That is what I have done. If members like to amend the amendments, they may do so. But I believe I am only doing my duty in bringing before the House the amendments that have been requested over the years.

The Hon. F. R. H. Lavery: We are only doing our duty by debating the Bill.

The Hon. L. A. LOGAN: That is quite right; but members have been criticising pretty well the whole of it. Last night I was asked what I was doing bringing a Bill like this before the House. I was rather surprised at the attitude many members took about the increase in fees which have remained static since 1903. Even Mr. Jones criticised the increase.

Let us go back to 1954 when the late Mr. Barker introduced a Bill to amend the Dog Act. What a different story it was then! Even Mrs. Hutchison supported the Bill on that occasion; and that measure provided for a fee of £3 for a second bitch. Mr. Jones did not remind himself last night that in 1954 he supported the late Mr. Barker's Bill. Yet under the present measure the fee for a male dog will be raised from 7s. 6d. to 10s. so that the farmer, in effect, will pay 1s. 3d. more than he had to pay in 1903. Yet some members take exception to that proposition. It seems strange to me. Any farmer under the 1954 Bill who had two bitches on his property would have had to pay 5s. for the first one and 30s. for the second.

The Hon. R. Thompson: What benefit does a farmer get out of this taxing measure?

The Hon. L. A. LOGAN: Last night Mr. Wise, in a very thoughtful approach, said what it was for. It is to provide registration of a dog so that if it strays or becomes lost or gets injured, the owner can be traced.

The Hon. W. R. Hall: You will get well "traced" under this Bill if it goes through.

The Hon. L. A. LOGAN: That is up to members. I am not worried about it; I have done my duty in bringing the measure before Parliament. Mr. Hall supported the 1954 Bill.

The Hon. W. R. Hall: I may have; but I am not supporting this. This is a dangerous one.

The Hon. L. A. LOGAN: The honourable member has changed his mind because I have introduced this one, and the previous measure was introduced by one of his colleagues.

The Hon. W. R. Hall: No.

The Hon. L. A. LOGAN: It is much the same with Mr. Jones. Every member eulogised Mr. Barker for having the courage to bring down a Bill to amend the Dog Act. I have seen their remarks in *Hansard*.

The Hon. A. F. Griffith: Including those of Mr. Hall.

The Hon. L. A. LOGAN: Yes. It seems strange that members should be so vehement in their opposition to this Bill. Dr. Hislop growled about the wording of it. Well, I am not the Parliamentary Draftsman. These Bills are sent to the Parliamentary Draftsman; then they are checked by the officers concerned; and then they are brought here. If members do not like the wording, they have the right to amend it.

The Hon. F. R. H. Lavery: I do not think Dr. Hislop blamed you, but the draftsman.

The Hon. L. A. LOGAN: He did not say whom he blamed; he said the wording was wrong. If it is wrong, and he gets members to subscribe to his point of view, he has the right to move amendments; and I will give plenty of time for that to be done.

The honourable member growled about the Bill providing for the destroying of dogs. What dogs will be destroyed? Well, those not wanted by anybody, for a start. What are we to do with such dogs? The problem of unwanted dogs is mentioned in tonight's paper, and we see articles dealing with the same subject in country papers. Surely there is only one thing to do with these animals—destroy them. The second dog to be destroyed is the one that is contagious. Is it not right that a dog that is a danger to the health of the community should receive the same treatment as a dog that is not wanted? A dog that is a danger to health would probably be more dangerous than a dog that is not wanted.

The Hon. R. Thompson: There is power to do that at present.

The Hon. L. A. LOGAN: If that power existed in the Act, this provision would not be included in the Bill. Members criticised the Bill and said we would destroy dogs willy-nilly. But those are the only types of dogs that will be destroyed. If anybody can tell me what else we can do with them, I will be glad to hear them.

The amendments in regard to kennels arose out of a suggestion put up by the Perth Road Board in 1949; and the same thing has been suggested by the City of Perth on more than one occasion. I would say that if it is cheaper for a person to register a kennel by paying £5 than by paying individual license fees, he will register his kennel; if not he will register each individual dog. There could be nothing fairer than that. In 1952 the Esperance Road Board wrote to the Department of Local Government as follows:—

> It is suggested that the fees be increased to 15s. for male dogs and £1 for female dogs with concession of 50 per cent. for working sheep and cattle dogs.

The Hon. F. J. S. Wise: Would the Minister agree to a nominal registration fee for unsexed dogs of either sex?

The Hon. L. A. LOGAN: Quickly answering that question I would say it has some merit except for this, that even the unsexed dog, irrespective of what it was previously, if it is not better looked after than are some dogs today, could probably cause as much trouble as unwanted dogs; except, of course, that it could not propagate its species.

The Hon. F. J. S. Wise: That is where half the trouble lies.

The Hon. L. A. LOGAN: Yes. I say that in a quick summarisation of the question, it has some merit, and consideration could be given to it.

The Hon. F. J. S. Wise: It is the Heinz variety that causes so much trouble.

The Hon. L. A. LOGAN: On the 5th August, 1952, the Road Board Association agreed to approach the Minister for Local Government for an alteration of the schedule for the registration of dogs to provide as follows:—

	£	s.	d.
Unsterilised female dogs	2	2	0
All other dogs		10	0

Every year since then exactly the same resolution has been passed by the road board conference and it has been sent to the Secretary of the Local Government Department and to the Minister for Local Government.

The Hon. H. C. Strickland: The local authorities will get the revenue; they are only asking for money for themselves.

The Hon. L. A. LOGAN: Last night objections were raised to the increased fees, and members wanted to know what the local authorities would do with them.

The Hon. H. C. Strickland: They could employ a dog catcher.

The Hon. L. A. LOGAN: Mr. Wise last night pointed out that in 1953, 7s. 6d. was worth about what £1 is worth today. If members would permit the local authorities to charge a fee of £1, they might be able to employ dog catchers, but not on the basis of the present fee of 7s. 6d. Work out the wages that were paid in 1903 and compare them with the wages that are paid today, and then see whether the local authorities could employ a dog catcher on the basis of the fee that was charged in 1903.

The Hon. H. C. Strickland: There are more dogs now.

The Hon. A. F. Griffith: And there are less dog catchers.

The Hon. L. A. LOGAN: Again on the 17th October, 1952, a letter from the Secretary of the Local Government Association was received asking that the fee be increased to £5 5s. for bitches; but the association reduced that amount to £2 2s. Again, on the 20th October, 1952, there was a request for an increase in the license fee. On the 5th March, 1953, the Secretary of the Local Government Association in a minute to the Minister for Local Government said—

> You will recollect that at the conference of the Great Southern Road Board Association, held at Katanning on the 4th instant, statements were made that in many cases numerous dogs could be seen at practically all native camps and further that these animals roamed unattended and caused heavy toll among sheep. One delegate stated that he had knowledge of as many as 13 dogs being owned by one native family.

That is the same story right through, irrespective of whether the dog is owned by a native or a white person. In the Press recently there appeared reports of

dogs having mauled sheep, and even a report of a dog having mauled a child, who was awarded a large amount for damages as a result of the mauling.

The Hon. E. M. Davies: That was not because of a license fee.

The Hon. L. A. LOGAN: It could have some effect. This is an attempt to rectify a position that is untenable at the moment. Let us get down to a basis that will do away with this problem.

The Hon. H. C. Strickland: Why not make them pay a vermin tax?

The Hon. L. A. LOGAN: That could be done if dogs were declared to be vermin.

The Hon. H. C. Strickland: Why not?

The Hon. L. A. LOGAN: The honourable member knows how a love of dogs has been indicated by members in this House. Only last night Mr. Wise stated facetiously that dogs were not able to read a notice, and Mr. Lavery also made some mention of that in another form. Dr. Hislop said we should refuse to issue a license to a man who does not look after his dog.

Surely any notice that is posted is for the benefit of the owner. It would appear to me that many owners are rather blind to signs as are many drivers of motorcars in this city when they are not supposed to make a right-hand turn, but make it just the same. Notwithstanding that there may be a "No Dogs" sign posted up, a dog will still go into a shop.

The Hon. F. R. H. Lavery: Why not provide that the dog shall be kept on a leash?

The Hon. L. A. LOGAN: What is the owner going to do if he has him on a leash? Tie him up to a verandah post? If that be the suggestion, it would be a very difficult one these days because there are no posts with cantilever verandahs. At least, if a dog were on a leash, the owner would have some control over it to ensure it did not foul everything with which it came in contact.

I will now have something to say on the native question. The following is what the Commissioner of Native Affairs said in 1953:—

> Taking the realistic and commonsense view, however, I am convinced that very few aborigines residing in the South-West land division are now in need of this special privilege in respect to their dogs and so could raise no serious objection to the proposal outlined in the minute from the Secretary for Local Government. In view of your Government's policy in respect to aborigines' rights, and in anticipation of considerable advancement in that direction, I would recommend that the Local Government Secretary's request be approved.

The Hon. F. R. H. Lavery: The commissioner only meant that to apply to natives who have citizenship rights.

The Hon. L. A. LOGAN: No; he did not.

The Hon. F. R. H. Lavery: On principle, the commissioner, who is supposed to look after natives, could not agree to that.

The Hon. L. A. LOGAN: Following that minute up, the Chief Vermin Control Officer had this to say in 1953—

> I recommend that the Hon. Minister strongly supports the suggestion by the Road Board Association for raising the fees on the registration of dogs and discontinuing the free registration of dogs owned by natives within the South-West Land Division.

The Hon. R. F. Hutchison: Who said that?

The Hon. L. A. LOGAN: The Chief Vermin Control Officer.

The Hon. R. F. Hutchison: Who is he?

The Hon. L. A. LOGAN: He is a very highly qualified officer in this State.

The Hon. R. F. Hutchison: It is pure bureaucracy!

The Hon. L. A. LOGAN: His minute continues as follows:—

> The Agriculture Protection Board has felt for some time that registration fees for dogs should be higher in order to discourage the keeping of large numbers of dogs by some owners.
>
> The Agriculture Protection Board recently took up the question of dogs owned by natives in the northern areas, where it is considered the situation is also rather unsatisfactory. It is not intended to discriminate against natives, but rather to seek to deal with any source of dogs which eventually increase our problem of dealing with wild dogs.
>
> Many of these dogs take to the bush and eventually become wild dogs, while others cause considerable trouble by hunting close to towns. It is felt also that natives' dogs contribute to sheep killing, and their numbers should be kept within reasonable bounds.

On the 19th of June, 1953, the Director of Agriculture (Mr. Baron Hay), in noting the minute of the Chief Vermin Control Officer, wrote this to the Minister—

> I agree with the above. You will notice the Commissioner of Native Affairs supports the recommendation on practical grounds.

In addition to that, the then Minister for Agriculture (the Hon. E. K. Hoar) said this—

> Reference your memo. of the 20th ultimo, please see comments of my Chief Vermin Control Officer, in which I concur.

So on this file we have the Road Board Association, the Commissioner of Native Affairs, the Chief Vermin Control Officer, the Director of Agriculture, and the Minister all agreeing to these proposals; and yet members ask why I bring this Bill before the House.

The Hon. H. C. Strickland: That is no criterion. You bring people from London to tell us where to put a road.

The PRESIDENT: Order!

The Hon. L. A. LOGAN: Again, in 1953, the Road Board Association confirmed its previous request; and again, on the 13th April, 1954, the request was repeated by the Road Board Association. It seems that the Road Board Association has been fighting a losing battle for a long time. It may continue to fight a losing battle; but on this occasion it will not be the fault of the Minister, but the fault of Parliament if the fight is lost.

Even Mr. Teahan, when speaking to the debate on the late Mr. Barker's Bill in 1954, had this to say about natives and their dogs—

> The argument that will be used against the measure will be that the native must have his dogs because it is necessary for him to hunt. However, that criticism has already been answered, and those days are gone. Now the native is provided for, and that necessity no longer exists.

The Hon. H. C. Strickland: That applies around Laverton.

The Hon. L. A. LOGAN: I am merely pointing out what an honourable member thought about this matter in 1954. So I repeat that all these amendments have been suggested and requested since as far back as 1952, and the requests have been made by responsible people in responsible organisations. Why objection is taken to the increase of a dog license fee from 7s. 6d. to 10s. and from 10s. to £1, after the Act has been in operation for 57 years without any increase in fees is beyond my comprehension. I know that every time an attempt is made to increase the fees the Government gets the blame; but in this case the Government will receive nothing whatever from this increase in dog-license fees. At least it is making an attempt to do something to stop this insidious growth of unwanted, mangy, and contagious dogs that roam around the streets. Dr. Hislop asked whether they could not be kept off the beaches. I do not know whether they can; but at least we can try. There is nothing worse than for a man to leave his clothes on the beach; and, on his return, to find that they have been fouled by a dog.

The Hon. F. R. H. Lavery: I agree with you.

The Hon. L. A. LOGAN: Let us get down to some basis that will correct the position.

The Hon. E. M. Davies: It will not make any difference to the dogs.

The Hon. L. A. LOGAN: Let us do something to the owner then. The honourable member says, "Do not fine them any more." How else are we going to prevent this practice of dogs fouling other people's property? The owner should be fined on the spot a sum of £5 or a like amount.

The Hon. E. M. Davies: Including the dog.

The Hon. L. A. LOGAN: It is just tommyrot to talk about the dog. Let us be sensible about the matter for a while! Surely when we get down to the proper basis of the question it can only be the owner who is the responsible person against whom action can be taken!

In discussing clause 3, Dr. Hislop said that where a dog has gone astray, an officer of the local authority should pick it up. The owner has then to comply with three conditions. Firstly, he has to claim the dog. Secondly, if it has been impounded by the local authority officer and has been fed for several days—which, in these days does not cost pence but shillings—the owner should be compelled to pay for the dog's keep. Thirdly, the owner must produce the dog license in order to prove the dog is his.

The Hon. H. C. Strickland: Why couldn't the local authority pay for the dog's keep out of the fees it received?

The Hon. L. A. LOGAN: Why should it? It will have to pay the wages of a dog catcher to pick up stray dogs. I endeavoured to get the figures on just how much the local authorities receive from dog-license fees; but, unfortunately, I have not been successful. However, the sum is not a great deal. To employ a dog catcher and provide him with a suitable vehicle would cost a fair sum of money.

The Hon. H. C. Strickland: It would only be a temporary job.

The Hon. L. A. LOGAN: It is a temporary job every now and again. The dog catcher could make one raid to pick up straying dogs and then not make another raid for another 12 months. The raids would have to be conducted periodically throughout the year. The local authority could do work required only to the extent of the money it received in fees. In the same manner a local authority can only build roads according to the money it receives for such work.

A local authority is on a limited budget. Therefore, how could such a body employ a man to catch dogs with the small amount of revenue it received in dog-license fees? Anyone would think that we were asking for the moon in seeking an increase in the dog-license fees from 7s. 6d. to 10s., and from 10s. to £1.

The Hon. R. F. Hutchison: It is the last straw that breaks the camel's back.

The Hon. L. A. LOGAN: It may be. But if it is the last straw that breaks some of the dogs' backs there will not be so many of them around, and we will be better off. I am quite happy to agree to the suggestion that the Committee stage be dealt with at another sitting; and I will be only too willing to accept any worth-while amendment that is put forward by any member. I ask all members to look at this question in its proper light. In view of the fact that the request for this amendment to the Dog Act has been made so often over such a long period by responsible people in responsible organisations, the matter deserves favourable consideration. Parliament now has its opportunity to put its thoughts into effect by agreeing to the Bill.

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

Ayes—16.

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

Noes—11.

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

Majority for—5.

Question thus passed.

Bill read a second time.

STOCK DISEASES ACT AMENDMENT BILL

In Committee

Resumed from the 13th September. The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 5—Section 4 amended (partly considered):

The Hon. A. F. GRIFFITH: Before I move the amendments I have on the notice paper, I wish to give some information on the matter raised by Mr. Wise in regard to section 92 of the Constitution. That section says in simple words that trade between the States shall be absolutely free. It is unreasonable to expect otherwise than that the States shall be able to maintain their rights by regulation to prevent, say, regulations under the Health Act from being enforced; regulations under the Quarantine Act from being enforced; or regulations that might prevent somebody from bringing in from another State into Western Australia stock that are in a diseased condition. The purpose of the Bill is to strengthen in the best possible way the State's right to give the maximum protection against people bringing into the State stock which are not healthy.

The Hon. H. C. Strickland: They do it with fruit.

The Hon. A. F. GRIFFITH: There is a quarantine regulation for fruit which provides power for its confiscation. As members know, that is done when the Trans.-Australian train reaches the border of South Australia. An inspector confiscates all fruit whether it is healthy or not.

This provision is intended to give additional protection. The clause has been worded to empower the Governor to prevent diseased stock from being brought into the State, and it is considered purely regulatory, and therefore in accordance with section 92 of the Constitution. I hope that explanation will be satisfactory to Mr. Wise and to other members.

Clause put and passed.

Clause 6 put and passed.

Clause 7—Section 6 amended:

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

> Page 4, line 10—Add after the word "regulation" the words "made under paragraph (9a) of this subsection."

When the parent Act was drafted in 1895 the preservation of our stock from disease was considered of such importance that the Governor was authorised under section 6 (2) to make regulations providing the maximum penalty of £500 for a breach of any regulation. At that time there was no provision in the Act for the making of regulations specifically in relation to poultry, such as for regulating the licensing, establishing, and carrying on of a hatchery and breeding flock poultry; the prescribing of fees for and terms of conditions which should apply in such an undertaking; or prohibiting the disposal, treatment, marketing, classification, sale, and delivery of eggs for hatching; and of chickens.

The 1954 amendment to the Act did make such provision. However, from the addition of paragraph (9b) and as a consequence of this provision, the existing amount of £500 applying to stock generally now applies to poultry; and the purpose of the addition of paragraph (9b) was to reduce this penalty to £100 in respect of poultry establishments. Through an oversight in drafting, the reduced penalty has been made to apply to all breaches of the regulations, which was not intended. This amendment is sought to rectify that position.

Amendment put and passed.

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

Page 4—Add after paragraph (e) in lines 11 to 14 the following new paragraph:—

(f) by adding after the word "regulations" in line one of subsection (2) the passage "except in respect of a regulation made under paragraph (9a) of subsection (1) of this section."

I have given reasons perhaps a little ahead of the actual paragraph I intended to move, but they are constant.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 20 put and passed.

Title put and passed.

Bill reported with amendments.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 1st September.

THE HON. H. C. STRICKLAND (North) [9.47]: I have had a look at this Bill; and while it contains some merit and good intentions in relation to hotels which are suffering by reason of their being within the radius in which hotels are not allowed to trade on Sunday, I am afraid that, if the Bill is passed, an anomaly will be created. The measure does not propose to draw a line where one hotel can be open to trade and another cannot; it proposes to introduce a rather revolutionary idea into the Act. I say "revolutionary," because to my mind, it is a very odd procedure to adopt.

The Bill proposes that certain hotels which are classified as tourist hotels will have the right to trade during the same hours as those which now trade in what is known as a Sunday session, which is applied to hotels outside of the 20-mile radius from the Perth Town Hall. If the measure is passed it will mean that Parliament will say that the hotels mentioned in the seventh schedule are tourist hotels and will be entitled to trade within the same hours on Sundays as do hotels outside the 20-mile radius from the Perth Town Hall.

It is rather revolutionary that Parliament should be asked to decide which hotels within the 20-mile radius are tourist hotels and are entitled to trade under these conditions. I am amazed that we do not see the Adelphi Hotel or some of the newer hotels listed in the schedule. I am surprised that they are not regarded as tourist hotels. What about the £2,000,000 project to be erected by the Chevron-Hilton group? When that building is completed, will some member have to move an amendment to the Licensing Act so that the Chevron Hotel can be included as a tourist hotel?

It seems to me that we will be usurping the functions of the Licensing Court if this Bill is passed. We do direct courts by the laws which we pass; but, on the other hand, if there is need for a licensing court to distinguish which premises shall be entitled to trade in liquor, surely we should not interfere with those functions and classify what we consider to be a tourist hotel in relation to a liquor license!

While the intentions of the honourable member concerning the hotels listed in the seventh schedule are good, I feel that in the long run—or perhaps even before this Bill passes through Parliament—every hotel within the 20-mile radius will ask to be included. This would mean that the Sunday session would apply throughout the State, so to speak. I see that on the notice paper there are already some amendments which would include more hotels in the schedule; and, as I said in my opening remarks, whenever an attempt is made to draw a line, another anomaly is created. For instance, if the Armadale Hotel were included in the schedule, surely we could expect a request for the Kelmscott Hotel—which is only two miles this side of Armadale—and the Gosnells Hotel to be included. For those reasons, I feel I cannot support the Bill.

I know it is a difficult problem to try to remove the anomaly which exists in regard to the 20-mile radius; but I am convinced that if this Bill is passed there will be no radius at all, and the result will be that every hotel in the metropolitan area will ask to be classified as a specified tourist hotel. If that be the case, the object the honourable member is seeking will automatically vanish. It will mean that the position will remain as it is now, except that those hotels outside the 20-mile radius which are enjoying the privilege—Rockingham; perhaps Sawyers Valley; and others with which I am not acquainted—would lose some trade.

Whether it is right or whether it is wrong to have Sunday sessions I am not prepared to say; but I think it is wrong, having in mind the system under which we now work, to draw a line and say that those hotels outside of the circle can trade, and those within the circle cannot. That is the reason why the honourable member has introduced this Bill. I feel he will not achieve his purpose if this Bill is carried; because by the time it passes, I am certain there will be many more hotels listed in the seventh schedule than there are now.

Order Discharged

THE HON. N. E. BAXTER (Central) [9.55]: I move—

That the Order of the Day be discharged.

Motion put and passed.

Order discharged.

ADJOURNMENT OF THE HOUSE: SPECIAL

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

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 9.56 p.m.

Legislative Assembly

Wednesday, the 14th September, 1960

CONTENTS

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

MESSAGES (2)—APPROPRIATION

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1. Health Act Amendment Bill.
2. State Housing Act Amendment Bill.

QUESTIONS ON NOTICE

METROPOLITAN TRANSPORT TRUST

Employees' Uniforms

1. Mr. HALL asked the Minister for Transport:

   (1) Is it the intention of the Metropolitan Transport Trust to do away with the standard uniform as now worn by employees on Government buses?

   (2) If so, will an alternative uniform be supplied, and will the quality of cloth be the same, and standard of uniform be equal?

   (3) If the standard of uniform is not to be equal to that supplied by the Government at present, will a clothes allowance be made to bus workers, both male and female?

   Mr. PERKINS replied:

   To date no decision has been made by the Metropolitan (Perth) Passenger Transport Trust regarding the issue of uniforms to employees.

STATE BUILDING SUPPLIES

Effect of Sale on Existing Staff

2. Mr. JAMIESON asked the Minister for Industrial Development:

   If or when the State Building Supplies are sold, will the Government offer alternative employment to superannuated staff, especially those who may be retrenched by the new owner?

   Mr. COURT replied:

   It has been made clear that in the sale of any trading concern the Government will have proper regard for the interests of all existing employees and that will apply to those contributing to the Superannuation Fund.

   A committee of senior officers is examining the present conditions of service and the possible effect of any sale, and it will make recommendations and advise the Government. Such committee cannot complete its recommendations until it has a specific set of circumstances to deal with.

NULLAGINE

Proposed New School

3. Mr. BICKERTON asked the Minister for Education:

   What are the latest developments regarding a proposed new school for Nullagine?