Legislative Council

Tuesday, the 7th November, 1967.

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

LEGISLATIVE COUNCIL

Permission to Photograph Chamber in Session

THE PRESIDENT: I wish to draw the attention of members to the fact that I have given permission to a photographer, who is here on behalf of the Commonwealth News and Information Bureau, to take photographs of the Chamber while we are assembled this afternoon.

QUESTION WITHOUT NOTICE

CLOSE OF SESSION

Thursday Sittings and Target Date

The Hon. W. F. WILLESEE asked the Minister for Mines:

I seek permission to ask the Minister in charge of the House this question without notice—

(1) Could he advise whether he intends that, as from Thursday next, the House will sit after tea on Thursdays?

(2) Could he also give to the House some idea when it is contemplated that the current session of Parliament will end?

The Hon. A. F. GRIFFITH replied:

(1) and (2) Perhaps I could answer the second part of the question first. It is proposed that the target date for the completion of the present session of Parliament is to be the 24th November. I would like it to be appreciated that this is subject to the state of the notice paper. If the notice paper is such that we cannot finish by that date, then we will continue in the following week. Referring to the first part of the question, in order to achieve as far as possible the target date —I believe it is desirable to have a target date—we will sit on Thursday evening of this week, and on Thursday evenings from then onwards; and perhaps on Fridays, and a little earlier on Wednesdays.

I further add that it is not my intention now, nor has it been my practice in the past, to keep the House unduly late at night, because personally I do not believe in doing that. The expeditious dealing of the business of the House should give us a reasonable chance of finishing around the indicated date.

QUESTIONS (4): ON NOTICE

RAILWAYS

Expenditure of Commonwealth and State Funds, 1959-1968

1. The Hon. F. J. S. Wise (for The Hon. H. C. Strickland) asked the Minister for Mines:

(1) From June, 1959, until June, 1967, what was the total amount of money used by the Western Australian Government Railways from each of the following sources:—

(a) Commonwealth Government funds?

(b) State loan funds?

(c) Consolidated Revenue funds?

(2) What is the estimated amount of expenditure from each fund for the 1967-68 financial year?

(3) When is it anticipated that the enormous strain on funds by the railways will begin to ease?

The Hon. A. F. GRIFFITH replied:

(1)—

Year ended the 30th June	(a) Commonwealth Government Funds	(b) State Loan Funds	(c) Consolidated Revenue Funds
	$	$	$
1960	....	6,499,000	38,823,000
1961	....	5,434,000	39,413,000
1962	246,000	6,951,000	40,411,000
1963	4,823,000	6,063,000	40,122,000
1964	7,526,000	9,756,000	41,652,000
1965	10,265,000	9,199,000	43,807,000
1966	17,828,000	10,205,000	47,590,000
1967	17,996,000	11,469,000	53,191,000
	58,684,000	67,576,000	345,009,000

(2) (a) Commonwealth Government funds—*$13,500,000.

(b) State loan funds—$10,884,000.

(c) Consolidated Revenue funds—$57,122,000.

* Subject to Commonwealth approval.

(3) The Commonwealth component, all of which attaches to standard gauge works, will ease by about 1972. State loan funds used on works associated with the standard gauge will not reduce before 1973. In respect of loan fund expenditure on other than associated works, the Minister is instituting procedures which will enable him to better evaluate W.A.G.R. proposals in respect of both priority and necessity, but a substantial yearly investment of loan funds in railways will always be necessary if the system is to be maintained at its present high standard of operation.

The expenditure from Consolidated Revenue quoted in the table

is, of course, normal railway operating expenditure and to a large degree is proportional to traffic carried. As an offset to this expenditure, revenue earned by the railways is credited to Consolidated Revenue.

Discussions are in progress with the Commissioner of Railways on control of operating expenditure.

COAL

Discovery off Woodman Point

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

(1) During the oil drilling operations off Woodman Point earlier this year, was a deposit of coal discovered?

(2) If so—

(a) At what depth was it encountered and what was the thickness of the seam?

(b) Is the Mines Department going to test drill this area, to prove if the coal is in commercial quantities?

The Hon. A. F. GRIFFITH replied:

(1) and (2) No significant seams of coal were found in Cockburn No. 1 well but traces of carbonaceous or coaly material were encountered. Cores of selected intervals contained wisps of thin seams of black vitreous coal from an eighth of an inch to two inches thick. The presence of thin lenses of carbonaceous material is typical of the geological formations drilled in the well and such occurrences are normal in wells drilling these strata in the Perth Basin. The occurrences are entirely non-commercial and no follow-up work is contemplated by the company or the Mines Department.

MAIN ROADS DEPARTMENT

Programme, and Commonwealth Aid Roads Funds

3. The Hon. N. E. BAXTER asked the Minister for Local Government:

(1) What road works are to be carried out by the Main Roads Department in its own right or in conjunction with local authorities in the metropolitan area in the 1967-68 programme?

(2) What Federal aid money has been spent on the Mitchell Freeway from commencement of construction to the 30th June, 1967, on land resumption, road construction, and for other purposes?

(3) What road works have been carried out by the Main Roads Department in the South-West Land Division in its own right or in conjunction with the local authorities in the South-West Land Division for the years 1965, 1966, 1967?

(4) What amount has been allocated to each local authority for the year 1967-68 and what is the estimated cost of each project?

(5) (a) Has Federal aid money been used to acquire land for road purposes outside the metropolitan area?

(b) If so, to whom was it allocated?

The Hon. L. A. LOGAN replied:

(1) The programme prepared by the Main Roads Department for 1967-68 provides for the expenditure of $6,636,100 in the metropolitan area; that is, within a radius of 20 miles of the G.P.O.

		$
(2)	(a) Land resumption	877,453
	(b) Road construction	1,681,209
	(c) Other purposes	542,854
(3)	(a) 1964-65	15,056,855
	(b) 1965-66	17,220,940
	(c) 1966-67	19,843,406

(4) A total of $3,975,070 will be expended by local authorities as part of the department's 1967-68 programme of works.

(5) Yes. In 1965-66, $68,210 was expended for this purpose, and in 1966-67, $86,100.

RAILWAYS DEPARTMENT AND GOVERNMENT INSTRUMENTALITIES

Advertising Signs and Hoardings

4. The Hon. R. THOMPSON asked the Minister for Local Government:

When a local authority prohibits the erection of advertising signs and hoardings within its boundaries, has the Railways Department or any other Government instrumentality the right to erect signs or hoardings contrary to the wishes of that local authority?

The Hon. L. A. LOGAN replied:

Probably yes where they are not on private property, but the legal position is doubtful where they are on private property.

It is thought that by-laws do not apply to a Crown instrumentality, but the council might be able to act under section 218 (c) of the Local Government Act unless some other Act gives overriding power to the instrumentality.

CLOSING DAYS OF SESSION

Standing Orders Suspension

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.48 p.m.]: I move—

> That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

May I say briefly that at this time this is the usual and customary motion introduced by the Leader of the House. The passing of the motion will have the effect, as the words indicate, of permitting the Chamber to deal with a particular measure in all its stages in any one sitting.

Might I say that it would not be the intention of Ministers to overdo this—not by any manner of means. We propose to allow ample time for consideration of legislation, but some short cuts may be taken, such as moving from the first to the second reading. This is a time-saving procedure which would be permitted if this motion is agreed to. Apart from that, if any honourable member has a particular reason for wanting some extra time, we will be very willing, within reason, of course, to accommodate that honourable member.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.50 p.m.]: I was very pleased to hear the assurance on this motion which was given by the Leader of the House. It is obvious that our notice paper is thickening very quickly after what has been a rather easy-going session. I am sure all members would agree that the simple process of expediting business from first to second readings, and from the Committee stage onwards is to be applauded, especially as business develops towards the closing stages of the session. It is pleasing to have the Minister's assurance that we will have reasonable time to devote to the second reading and the Committee stages in connection with the further legislation which will be put before us.

THE HON. F. J. S. WISE (North) [4.51 p.m.]: I wonder if the Minister can assure us that there will be no voluminous legislation—such as the Bill which was introduced last week—presented within the next 20 days. With legislation of this size, we are not given the opportunity to examine fully and in retrospect all of the origins, causes, and effects.

I would like to know if legislation of an involved nature is still to be introduced, and I hope the Minister can give an assurance that no such Bills are likely to be forthcoming.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.52 p.m.]: The question which has been asked is reasonable, but my answer may not be regarded as reasonable. With the exception of the Bill of which I gave notice this afternoon, there will be no other Bills of great length and size. I am referring to what is commonly termed the onshore legislation. I would like to add, in relation to the onshore Bill, that it follows very substantially the same course as the offshore Bill. The two matters have been studied in conjunction with each other. The terms of the Bill will not be a complete surprise to members when they see them. There are one or two quite marked differences, but they are not of a nature that will involve us in any great difficulty when considering the Bill. I know members will not allow me to give the second reading speech on the Bill at this moment. I will have to wait for that.

What I propose is this: As soon as I have introduced the Bill in this Chamber I will make a copy of it available to the Leader of the Opposition in the Legislative Assembly at the same time as I make a copy available to the Leader of the Opposition in this House. This will make the position a little easier.

I wish to repeat that, apart from the onshore Bill, I have no knowledge of another Bill which would be of such length, thickness, and size.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 62

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.54 p.m.]: I move—

> That Standing Order No. 62 (Limit of time for commencing new business) be suspended during the remainder of the session.

I would like to say that the suspension of Standing Order 62 enables us to introduce new business after 11 p.m. Ministers will not avail themselves of this opportunity, except perhaps to make a second reading speech, until such time as it becomes absolutely necessary.

It is not my intention that we should sit until the early hours of the morning. Whenever possible we will continue to go home at a reasonable hour and arrive at a reasonable time the following day to carry on business with clear minds.

Question put and passed.

LEGAL CONTRIBUTION TRUST BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.55 p.m.]: Upon the introduction of this Bill, it was obvious that a great deal of preliminary work had

gone into its preparation, and it was very meticulously presented to the House. The Minister gave a long and very detailed description of the legislation.

An examination of the Bill reveals three special considerations. It provides for a legal contribution trust which will consist of a three-man body corporate. It deals with the method of contribution to the trust, and it also deals with a fund which will be established and known as a legal assistance fund.

During the course of the preparation of this Bill much interest has been shown by members of the legal profession. I am given to understand they applaud the principles that were enumerated to us when the Bill was introduced. I would like to take this opportunity to say that The Hon. E. M. Heenan, who unfortunately is absent from the House this week, is one of the many practising lawyers who is keenly interested in the measure. He wishes me to convey to the House that he supports the legislation.

I do not intend to dwell for very long on the remarks I wish to make concerning the Bill, as I will keep closely to its provisions. The legal contribution trust which is to be appointed will consist of a member of the Law Society, a member of the Barristers' Board, and a Treasury officer who will be appointed by the Government.

The Hon. A. F. Griffith: The legislation does not specify a Treasury officer, but I do have that in mind.

The Hon. W. F. WILLESEE: Possibly my reference to a Treasury officer emanated from what the Minister said when he moved the second reading.

The Hon. A. F. Griffith: I said at that time that I had a Treasury officer in mind. I add that I do not have any particular Treasury officer in mind.

The Hon. W. F. WILLESEE: I hope by this stage the Minister does have a particular person in mind for the appointment, because the legislation is reasonably well advanced. I have no desire to disagree with the principle of the appointment of a Treasury officer. I merely wished to support the suggestion that the trustees who will control this legislation will be three certain types of men.

The functions of the trust are very simple. The trustees will receive and invest the moneys which come to them. The trustees will apply the moneys which result from their investment to the particular purposes which, ultimately, are provided for in the legislation. Naturally they must control and administer the fund.

Within the ambit of the legislation, they will have many duties to perform, but the whole scope of their work will be governed by the interest accruing from the money that will flow to the trust fund. This money will come from the trust moneys held by solicitors which will be separate from those moneys subject to specific instructions from their clients. That is the first object of the Bill.

The Minister went on to explain that in three other States of the Commonwealth these schemes were working well. For example, Victoria has had this legislation for three years. It was followed by Queensland, and subsequently, in turn, by New South Wales.

The Minister quoted figures of substantial amounts of money already invested in those funds, and although bearing a low rate of interest I am sure the fund could be termed a gilt-edged security. The amount of money that will flow to the fund is difficult to assess but it is hoped that from the field of trust moneys held by solicitors there will come sufficient to finance the entire scheme. One of the funds is to be titled the solicitors' guarantee fund. This fund is to be set aside to compensate clients who suffer from defalcations by either the solicitor himself or one of his staff. The fund is to be maintained at a figure of $100,000. To arrive at that sum the Minister explained an insurance company would be used in the interim to ensure the total amount of money in the fund would be available to the public in case there was any claim made under these provisions.

The Minister further explained that in the event of some difficulty being experienced in regard to an insurance company carrying the risk, an effort would be made by the Government virtually to guarantee the scheme. It would appear there will be no difficulty about this, because at least over the last decade there have not been, in general, any instances of defalcation of trust moneys by a solicitor or one of his staff. There may have been an exception, but I cannot think of one at the moment.

To be aware that this sum of money is to be placed in a guarantee fund will, I am sure, be completely reassuring to those members of the public who are dealing with members of the legal profession and, in particular, those handling trust moneys. The Minister then dealt with legal assistance and cited, I thought, some dramatic instances to support a reason for augmenting legal assistance to people within the State and making this form of assistance easier to obtain than it has been up to the present.

The Minister pointed out that only 23 divorce cases out of a known 200-odd had been assigned to legal practitioners in the last 12 months. He also said that representations have been made to the Commonwealth to grant legal assistance in the divorce field, but so far without success. This is unfortunate and I hope the Government will continue to press the Commonwealth to grant assistance in this field, because the resultant social problem is extremely grave, especially in the light of the instances given in the Minister's second reading speech which highlighted the fact

that innocent parties, because of lack of finance, cannot obtain a divorce. The ultimate result of such a situation, of course, is illegitimate children who, in such circumstances, are the real and unfortunate sufferers.

So if by the application of this fund the demands of those seeking early divorce can be met—that is, if proved to be warranted—we should be four square behind the Bill and so prevent the calamitous circumstances surrounding illegitimate children. It is not pleasant to dwell upon this thought, but it is a very serious problem, especially in these times when the standard of education is being advanced from the primary level to the secondary level, and through to the university standard. Today, children suffer a definite disability if they cannot obtain the utmost from the educational facilities that are offering. Words such as technological and tertiary are being used more and more in our everyday language because of the acknowledgment of the great strides that have been made in the general field of education; not in a particular field, but in the general field.

If we can overcome the difficulty of a child, through no fault of its own, having to enter our society at a disadvantage because of being born illegitimate, we will have achieved much. Such a child is only at a disadvantage because of the actions of its parents, and there is no doubt it is under a great handicap in endeavouring to cope with other children who are reared in happy homes, where the parents are able to give something of themselves to their children.

The fact that divorce was highlighted so dramatically and so factually was a very telling point in the presentation of this legislation, because I am sure it made us realise and appreciate how important it is to use our efforts to prevent rather than to provoke and, in the second instance, to prevent rather than make an endeavour to cure. The method of the operation of the Bill is well covered. In itself, the association of the Law Society with the scheme is a practical approach to the problem of law enforcement in Western Australia.

With the submission of this Bill to the House, it is rather interesting to reflect on the volume of legislation that does pass through Parliament every session. I never cease to wonder that so many amending Bills are introduced every year. As the Minister pointed out—

> In Western Australia, we have over 140 years of State legislation, plus a body of English law inherited in 1829, and many important areas of law not covered, or only partly covered, by Statute.

He went on to say that many Statutes needed review in the light of modern conditions. In future we will have a representative of the Law Society, a representative of the Law School, and the inevitable Government member acting as a body to review our Statutes. This work will be exteremely important in the light of the remarks that have been made.

If we intend to progress in any field of development within this State, whether it be education, industry, or agriculture, it is essential that, side by side with such development, we have appropriate and up-to-date legislation.

Our laws must be as up-to-date and as modern as those of any other country; and, in order to do this, there must be continual research by those people who know what the day-to-day problems are, having regard to all the requirements of the State. So, whilst this Bill, in title, may not appear to have very great significance; and whilst it begins by dealing with a comparatively small amount of money in today's terms, it has a great capacity for development and is a beginning in simplicity itself, in that it is augmenting sums that are left idle and placing them practically to a specific purpose.

I feel that the Bill stabilises in all of the three directions referred to; it emphasises that the method of contribution is simple and effective; that the trust accounts of lawyers are being put to advantage in the field of legal assistance; and that the guarantee fund is being put on a much more stabilised basis than heretofore.

I hope we are just seeing the beginning of the extension of legal aid. So far as I am concerned, I hope the Commonwealth will see fit to assist the State in the representations that have been made to it; because, after all, the people of a State are also people of the Commonwealth, and any disabilities that may accrue to individuals must, surely, in the long run, be of equal disadvantage to the Commonwealth as to a State.

I hope that in connection with the latter portion of the Bill, rather than the former, we hear nothing of defalcations within the society of law, except perhaps the odd situation which becomes the exception that is needed to prove the rule; but I hope that in the field of the less fortunate people who strike humane problems from day to day, this legislation will help them immeasurably and so avert for them many of life's more serious problems.

Debate adjourned, on motion by The Hon. H. K. Watson.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.19 p.m.]: I move—

> That the Bill be now read a second time.

There have been many problems common to all States in their individual administration of weights and measures legislation and State agreement has been reached that substantial benefits would accrue to industry, commerce, consumers, and administrators from a uniform approach in relation to weights and measures.

The several States of the Commonwealth have in more recent years passed uniform legislation with respect to units and standards of measurement. All have accepted a central laboratory which is now fully operative and provides facilities for the examination of patterns of weighing and measuring instruments used in trade in order to determine their suitability for the purpose of their manufacture.

Agreement has now been reached in a further area dealing with the marking and standardisation of packaged goods. For many years, the various States have had legislation dealing with this matter which differed in many respects and this has posed a problem to manufacturers and packers throughout Australia, and also to importers. Due to differing requirements, packaged goods in certain sizes could be marketed in some States and not in others and, similarly, the marking of contents in certain print dimensions was permissible in some States and not in others. This resulted in much confusion and many marketing difficulties and became an embarrassment to all concerned. It is recognised that if all States had the same requirements, this would greatly benefit trade and simplify control.

At the 1961 formal conference on administration of weights and measures, strong representations were made for uniform laws to be prepared to cope with this situation. The conference agreed that a technical inquiry by persons suitably qualified should be made into the packaging difficulties. This was then put before the conference of Ministers controlling weights and measures legislation, held in Canberra on the 30th May, 1962. The Ministers agreed as to the desirability of a uniform approach and an offer by the Victorian Minister (Mr. Rylah), to undertake an inquiry on behalf of all States, was accepted.

On the 12th June, 1962, the Executive Council of the State of Victoria appointed Mr. W. J. Cuthill (stipendiary magistrate) as a board of inquiry to obtain factual information on the standardisation and marking of packaged goods in terms of weight or measure. Over a period of 18 months the board conducted inquiries overseas and amongst local organisations, thus obtaining submissions from manufacturers, packers, agents, consumer organisations, weights and measures authorities, and other interested parties.

This resulted in the preparation of a voluminous report, compiled in six volumes, and containing 2,322 pages. The report was dated the 26th February, 1964, and was examined by the States' weights and measures administrations. As a result, a proposed uniform code was prepared and submitted in the following December to a conference of Ministers controlling weights and measures.

The Ministers' conference decided that the proposed code should be circulated to manufacturers and others most directly concerned, with an invitation to comment before the 28th February, following. This date was subsequently extended two months to the 1st April. Arising from the material thus assembled, weights and measures officers agreed to recommend to the Ministers certain amendments to the proposed code.

At the next conference of Ministers controlling weights and measures, held in Canberra on the 23rd June, 1965, the draft code and proposed amendments were considered and agreement was reached on the code, as amended, with the exception of the clause dealing with the marking of certain packages "net weight when packed," and on this basis it was passed to the draftsmen for the preparation of legislation. Thus the agreed code eventuated. Later, a committee of parliamentary draftsmen was formed to prepare legislation covering the approved code.

Subsequently, experiments were carried out in the various States on articles which suffered diminution in weight due to climatic conditions. At the officers' conference held in October, 1965, a list of certain articles was agreed on for submission to the Ministers for consideration—these being articles which could be marked "net weight when packed."

Upon ministerial concurrence being obtained, further officers' conferences were held and eventually the draft legislation and relevant regulations were submitted to the fourth conference of Commonwealth and State Ministers at Canberra on the 26th May, 1967. Agreement was then reached, subject to some minor changes.

The final draft legislation of the code prepared by the committee of parliamentary draftsmen has been acted upon by our Crown Law Department and is now presented as a Bill to amend the Weights and Measures Act, 1915-1965.

Members will see that the code is covered mainly in the new part—part IIIA. There is a small number of consequential amendments affecting other sections of the Act.

Because the general penalties in the existing Weights and Measures Act and regulations of Western Australia make an offender on conviction liable to a penalty not exceeding $200, it has been thought desirable to retain this penalty rather than accept the general penalty of $100 suggested in the draft code. The higher

figure was used in the draft code in cases where specific penalties were provided.

Western Australia is one of the first States to introduce amending legislation to provide for the uniform code, and other States have agreed to introduce similar legislation this year.

A clause in the Bill provides for the commencing date by proclamation and this date will be decided and will apply in all States concurrently when each State has passed the appropriate legislation, thus bringing the code into effect uniformly throughout the Commonwealth. The 1st July, 1968, is the date in mind in this connection. I commend the Bill to the House.

The Hon. R. Thompson: Have you got the list of schedules?

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

ORD RIVER DAM CATCHMENT AREA (STRAYING CATTLE) BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. H. C. STRICKLAND (North) [5.25 p.m.]: I support this Bill as I think it is a step in the right direction in relation to the eroded areas of the Ord River. I remember criticising the Government during the Address-in-Reply for not resuming these areas in total and remarking, at that time, that the Government had erected and paid for fencing of the worst eroded parts of the leases, while the previous lessees were using the non-fenced areas on a rent-free basis. Now the Government hopes to close the gap by resuming the total area of these stations and will require the lessees to remove all of their stock by the 1st January, 1969.

I doubt very much whether it will be possible to keep the stock off the areas after the 1st January, 1969, because the adjoining stations have no boundary fences. For that reason the stock can stray back onto these areas and the same position will prevail. Somebody will have the grazing use of the area, but will have no right to it and will pay no rent. I hope the Government will be able to police the position when it does arise, because it will arise. Cattle will stray back to an area where they have been bred and they will take a lot of moving out of some of the rocky sections in this area.

I suggest the Government considers employing some of the contract musterers, or professional drovers, who operate from the Kimberley, the Northern Territory, and Western Queensland, in the cattle areas, to muster the stock after the 1st January, 1969. The Government might get some return out of this, but it should offer sufficient inducement for the drovers to muster and move the cattle to the meatworks.

Not only cattle are involved; we have donkeys, mules, and horses. With the advent of motor transport in the early days, donkeys were dispensed with, and instead of sterilising them—the males anyway; the jack-donkeys—they were turned loose of their harness. The stage was reached eventually where they were classed as vermin and some thousands are destroyed each year in the Kimberley area.

Things have come to a pretty pass when the taxpayers have to pay a vermin tax to clean up mistakes made by some of the pastoralists. They were big mistakes, too. The Vesty group ran quite a number of stations and we have to pay to destroy the vermin after it has been responsible for eroding the country. It seems unfair that a company such as Vesty's should be able to cause the erosion of the country through bad management and overstocking, and take all the good out of the area and pay no recompense at all. Yet that company is recompensed for the improvements it has made on the properties, when the Government decides to resume—which is being done in this case. That seems a pretty upside-down arrangement, but Governments are renowned for entering into bad propositions. I would say this is one of those examples where people have been allowed to plunder the country—actually mine the country— and then simply walk away without being penalised in any shape or form. The taxpayers of Australia are then required to pay for the repair of the country, and that is not a fair proposition.

It seems to me that we have reached the day where the pastoral areas should be policed. Those areas which cannot be properly managed should be resumed. The Surveyor-General's branch should take steps to see that the provisions of the pastoral leases, and the Land Act in relation to pastoral leases, are correctly carried out.

Not every pastoralist follows the management and grazing procedures which have been practised by the Vesty group on the Ord River. All members, with the exception of those who were elected recently, who wished to travel with the Minister for the North-West in June last year, were shown the eroded areas. They flew over them and when they returned to the Ord—to Kununurra and the Ord River dam site—they must have been impressed by the remarkable change in the country. That is the difference between good management and bad management. Anybody flying over Argyle Downs and then returning to Kununurra could not help but see that the country at Argyle Downs has not been denuded. In the other areas, of course, the vegetation has gone. The Argyle Downs Station has just as much river frontage as the other leases but the management has looked after it and has not denuded it.

The Hon. J. Heitman: Are their stock controlled by fences?

The Hon. H. C. STRICKLAND: Yes; the Durack family fenced and farmed their properties, and looked after them.

The Hon. F. J. S. Wise: They also put in water points.

The Hon. H. C. STRICKLAND: They installed water points before they were ever subsidised by Governments. However, other people have not attempted to fence the country. Bullock paddocks are constructed by running a few barks from tree to tree, or to wherever it is convenient. In these areas the bullocks are mustered so that they can be transported to the meatworks, or driven to Queensland. That is the limit of the fencing, apart from a few fences to control the horses around the homesteads.

Of course, areas must become eroded under those circumstances. While I am very pleased to see this legislation introduced, and to see that the Government has made a proper advance in this connection, I feel it will require quite a lot of policing—a great deal of policing—to keep the cattle off. As a matter of fact, the only way to keep the cattle off is to have boundary fences, and I cannot see why, with the price of beef these days, beef producers should not fence their country. At least, boundary fences should be provided, anyway.

It must be remembered that wool producers must fence in order to run their properties and manage them correctly. Not only must boundary fences be provided, but hundreds of miles of other fencing also. For the life of me, I cannot see why the Land Act and the regulations in regard to pastoral leases should not be amended to provide for fencing requirements. It should be mandatory for something to be done. Anybody who settles in the South-West Land Division and takes up a conditional purchase lease has to fence it within a certain time, whether it is stocked or not. He has to fence his land before he can obtain the freehold title.

The people in the north-west to whom I have referred provide a shining example of just what can happen, and it is costing the taxpayers of Australia millions of dollars to repair the damage that has been done. It will not be an easy task simply to say that we will remove all the stock from unfenced properties by the 1st January, 1969. It will not be easy for those who own the stock, and it will not be easy for the Government which will own the stock after that date. It will not be easy to deal with thousands of donkeys, mules, horses, wild bulls, and some good cattle and quite a number of bad cattle. However, that is sufficient on that subject.

While speaking on this Bill I would like to make some reference to the Ord River irrigation area. I, for my part, and the other members representing the north-west to whom I have spoken, are very pleased indeed that the Commonwealth Government has, belatedly, agreed to provide sufficient finance to enable the major dam to proceed. It was extra good news and I am sure we would not find anybody in Western Australia who would be opposed to it. We know there are some critics, but I have not met anybody who definitely opposes the expenditure involved in the development of the Ord. We will always find critics and people who are doubtful whether money is well spent.

As a boy, I can remember many hundreds of thousands of pounds—which in those days was a lot of money—being spent on the Peel Estate. That, too, was considered to be a waste of money. The Government of the day—I think it was led by Sir James Mitchell—saw a future in the scheme. However, at that time critics said that it was a waste of money. There is always a certain amount of waste with capital expenditure when development is carried out in an area where the soil is not good, or is not made to order for agricultural pursuits. The Peel Estate certainly cost some money, but it was money well spent. It brought people to the State, and the very same thing has been proved with the Ord River scheme. As I have said in this House previously, the money already spent on irrigation at the Ord River, and on the research station—which has been experimenting in many ways—shows what can be done with the country.

That development has already attracted a couple of thousand people to the area and that sort of settlement is something worth while. When one compares it with the iron ore developments, which are very good for the country and involve an enormous amount of capital, it can be seen that those developments do not bring any more people to the area than the Ord River scheme has already done.

I was rather interested to read in a journal of recent date that the Mt. Newman people expect the total workforce employed at Port Hedland, and at the mine, by 1972, to be fewer than 700.

The Hon. F. J. S. Wise: And they have got thousands of millions of tons of iron ore.

The Hon. H. C. STRICKLAND: Thousands of millions of tons of high grade ore from Mt. Whaleback alone, but no step-up in the population of the country. We always thought that mining drew the greatest population but that is not so in these days—not in the north-west, anyway. There are as many people already connected with the Kununurra project as will be involved with that one iron ore company.

Seven hundred people will be involved with the Mt. Newman project and we can multiply that by four to allow for the wives and children. That will mean the population connected with that project will be under 3,000 people. However, the difference is that with agricultural development the profits derived remain in Australia and, as a matter of fact, only in this morning's paper I read where some buyers from Hong Kong were very interested in

the cotton which is being grown on the Ord River. So it could be quite an export undertaking and the profits will remain in Australia. I think that is a great thing and, as I have said, I am very pleased indeed that the Commonwealth Government has at last seen the light and decided to do something. I wish those who undertake the project for the big dam every success.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [5.44 p.m.]: I thank Mr. Strickland for his comments on the Bill. I made a few remarks on the Ord River scheme the other evening, and I will ask the Minister for Agriculture to take some notice of the suggestions made in regard to straying cattle which are still on the property after the 1st January, 1969. I do not think anybody has any illusions regarding the trouble which lies ahead.

It has been very difficult to work out because we realise this is an area which is under regeneration, and the stock will undoubtedly want to return to it if they were born and bred there. They will drift in, in any case, if they get an opportunity. The very fact that the neighbouring stations appreciate that after the 1st January, 1969, any stock found on this area do not legally belong to them might induce the lessees, or the owners, to erect boundary fences. We hope it will. However, it is a simple measure and the suggestions made will be passed on to the Minister for Agriculture.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. J. DOLAN (South-East Metropolitan) [5.48 p.m.]: This Bill relates in general terms to the question of baiting for fruit fly, and one difficulty in this regard has been experienced. The Minister outlined the difficulty in his second reading speech and all I can do is repeat what he had to say so that members can be fully aware of what happened.

Fruit-fly baiting schemes, generally, are initiated by requests from local governing bodies, by a branch of a fruit growers' association, or sometimes by local committees who are interested in the question. It so happened that one of these schemes was started by a fruit growers' association, and the committee administering the scheme was called the Shire of Perth Fruit Fly Foliage Baiting Committee. The name caused considerable inconvenience because people interested continually wrote to, or made inquiries at, the Perth Shire for information; whereas their inquiries should have been directed to the secretary of the committee concerned.

It became such an inconvenience to the Perth Shire that that authority made approaches to see if the name could be altered but, on examination, it was found there was nothing in the Act which would permit the name of the scheme to be changed. The Crown Law Department considered an amendment to the Act was necessary and, in order to accomplish that, this Bill has been introduced. We can see nothing but merit in it and we support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

POISONS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 2nd November.

THE HON. J. DOLAN (South-East Metropolitan) [5.53 p.m.]: In speaking to the Bill I wish to draw the attention of the House to the very serious position in relation to drug taking which exists in New South Wales. So great is the public concern over this matter that the Premier of New South Wales has invited the Commissioner of Police in that State (Commissioner Allen) to address the House on the problems of fighting drug addiction, and he will do so under the headings, firstly, of the addiction of drugs; secondly, the treatment of addicts; and, thirdly, the education of the public in this matter.

A considerable amount of discussion has ensued on the effects of the drug known as L.S.D. The initials are derived from the name of the drug lysergic acid diethylamide. I just mention that to show members from where the drug is derived. The drug LSD causes hallucinations, and perhaps to illustrate the point I could tell the House the story of two fellows in a hospital ward who were suffering from hallucinations. It was a psychiatric ward and it was on the second floor of the hospital. One of the patients got up, went to the window, took off and, of course, crashed. He was brought back to bed, and it took him a week or so to recover from his injuries. Eventually he turned to his neighbour and said, "Listen Joe, what happened?" His neighbour said,

"You bet the fellow in the other bed $20 that you could fly once around the building and then back through the window again." The patient who had been injured said, "Did I?" and his neighbour said "Yes." He then said, "Why didn't you stop me?" and his friend replied, "Stop you! I had $5 on you that you would do it." That is an illustration of what can happen when people get hallucinations.

The Hon. H. K. Watson: We often throw Bills out of the window here without bets like that.

The Hon. J. DOLAN: That is so; and they never come back again. In this case the people who take drugs and get hallucinations can be on the second floor of a building and yet be quite convinced in their own minds that the level of the second floor and the level of the ground floor are the same. In this case, in order to prove his point, the chap stepped out of the window, with inevitable results. I understand that in some of the big hospitals in San Francisco there are orthopaedic wards where there are large numbers of patients who have done similar things to what I have just described. A surgeon in one of these wards casually remarked that it was a strange thing they had no cases in the wards of individuals who had stepped from the fourth or fifth floors!

I think all States have moved, or are moving in the direction of control of drugs. LSD, of course, has a far greater potential for evil, I think, than any other drug that has been placed on the Australian market. One of its dangers arises from the fact that the ingredients in the drug are procurable in Australia, and the drug can be produced here. Many drugs, of course, are imported from overseas and I instance heroin as an example. We have customs agents who are constantly on the lookout for these drugs, and who frequently seize them and prevent their widespread distribution. The Minister gave us some most illuminating figures on this drug—

The Hon. G. C. MacKinnon: Heroin.

The Hon. J. DOLAN: —business, and there is no doubt that the people who operate in it reap enormous profits from it. I suppose at some time or other we have all read stories of certain drug rings in some of the big European countries, and in the United States of America, where the profits run into millions of dollars.

As I have said, all States have introduced, or are introducing legislation to try to control this traffic, not only by inspections but also by increasing the penalties in the way of fines and longer terms of imprisonment. That is what is proposed under the Bill.

It is doubtful whether LSD is what is known as an addiction drug. Sometimes people take considerable doses of it and are not one bit affected. Yet somebody else, who has only one dose, and then gives it away completely, will find he has recurring periods of hallucinations. That is where the evil of this drug lies; some people can take large doses without any effect but others barely touch it and later on find they are in trouble.

Another dangerous quality is that it makes people believe reality does not exist; that is its main danger. Another danger can come from the fact that people are inclined to joke about it and, consequently, it is a temptation to young people to have a lift and go for a fly; and when they try it once the trouble starts, because once having tried it the people concerned are in real trouble.

Experts say that there is probably only one way to control the drug in Australia and that is to insist on the people who manufacture it—whether for use legally or otherwise—being licensed. In that manner it will be possible to exercise a degree of control. If there is no licence issued for the manufacture of the drug, its widespread use is likely to continue.

It is quite amazing to see the effects that such drugs have. For example, it is common knowledge that Australians are really becoming a race of addicts. It would seem we are becoming addicted to all sorts of things; even asprin and Aspro tablets. People have been known to take a full packet of these tablets during the day. I have known of mothers who gave their children five or six aspirin tablets in the hope that they would sleep well while the mother was out.

The National Health and Medical Research Council, which has an expert joint committee representative of both the Commonwealth and the States, has examined the question of uniform legislation for LSD and other hallucinatory drugs, and its recommendations have been accepted in principle by the Commonwealth and the various State Governments. This has, of course, resulted in the legislation before the House. When LSD is imported it is, of course, subject to the Customs Act, and there is very little opportunity for that drug to be misused when it is so imported. It is used for medical and scientific purposes, and does not represent a danger.

The danger lies in individuals being able to procure the ingredients for this drug in Australia, and having done so, to manufacture and distribute it. One danger lies in the fact that the drug can be brought into the country very simply. For instance, blotting paper can be impregnated with this drug; a sufficient dose would be about the size of a postage stamp. When a special type of blotting paper is impregnated with LSD it can be placed in the mouth and sucked, and it is here that the trouble starts.

It is small wonder that all the States are worried, and that they are not satisfied with the measures they have taken in connection with this drug. They feel the people must be educated, and that

they must continue to draw attention to the dangers of the drug.

I think I have said enough to indicate that there is a necessity for this Bill. The Minister is to be commended for increasing the penalty from $500—or £250 as it was then—to $1,500. The maximum prison sentence has been raised from 12 months to three years. While I was reading through the Bill I could not help but wonder why we always refer to a term of imprisonment of 12 months instead of one year. We do not refer to 24 months or 36 months' imprisonment; we always say two years' or three years' imprisonment, as the case may be. Surely it would be much more simple to refer to a one-year term of imprisonment rather than a 12-month term. I wonder whether there is perhaps some reason in law for this wording.

The Hon. A. F. Griffith: As far as I know, it is just a drafting habit.

The Hon. J. DOLAN: I have no complaints; I hope I never get 12 months. We support the Bill, and we hope it will have the desired effect. I feel, however, that we must continue to warn the people; that we must continue to be vigilant, because that is the only way we will keep the drug out of the country. I am sure the Public Health Department will keep an eye on the problem with a view to its complete control.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and transmitted to the Assembly.

RAILWAY (COLLIE-GRIFFIN MINE RAILWAY) DISCONTINUANCE BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

Sitting suspended from 6.8 to 8.7 p.m.

POLICE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 2nd November.

THE HON. J. DOLAN (South-East Metropolitan) [8.7 p.m.]: This is really a very simple Bill which is complementary to the Poisons Act Amendment Bill (No. 2) with which we have just dealt. The first amendment includes the interpretation of a specified drug. That interpretation is to be found in the Poisons Act which states that—

> "Specified drug" means any substance that the Governor by Order in Council declares to be productive, if improperly used, of effects of substantially the same character as a drug of addiction.

That provision was not previously in the Police Act, and it has now been included so that we can obtain the necessary coverage.

The second part of clause 2 contains a very minor amendment which deletes the words, "or a specified drug," which appear after the words, "any drug of addiction." At the end of the clause we then have added the words, "and any specified drug." This appears to tidy the whole thing up.

The third clause relates to penalties. There is an increase in the penalties to justify what I referred to when I was dealing with the Poisons Act Amendment Bill (No. 2). The penalty of $500—or £250 as it was then—has been increased to $1,500, and the term of imprisonment to a term not exceeding three years.

As I said of the previous Bill, I hope this measure will also prove to be a deterrent. I again express the hope that the Police Department and the Public Health Department will keep a very close check on this legislation, and I feel sure they will.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. G. C. MacKinnon (Minister for Health), and transmitted to the Assembly.

PETROLEUM ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.12 p.m.]: This is a small amending Bill which seeks to amend only section 35 (3) of the Petroleum Act. The present position as regards the renewal of a permit to explore is that the renewal shall be for the whole of the area concerned. The amending Bill before the House will permit the relinquishment of part of the existing area. In effect, at present the Minister has no power to request a relinquishment of any section or portion of land held under permit.

As I understand the position, and as the Minister explained it, the principle of relinquishment is world-wide, and the right of making land available to fresh applicants should be availed of in the circumstances. The Minister said that if this legislation were passed probably 25 per cent. of new land would be made available. I should imagine, however, that that 25 per cent. would not apply necessarily to

every renewal. But the Minister gave the figure of 25 per cent., and possibly he had in mind a reference to the total area. It might be as well if the Minister elaborates on that point when he replies to the debate.

I regard the Bill as an interim measure —I hesitate to use the word stopgap— pending the passing of legislation which is already on the notice paper and with which we will deal shortly.

This Bill will disappear in the new concept of underwater and land search for oil and its associated products. So, under the circumstances, there would be no point in delaying this measure. The subject matter is something that has been spoken of by Mr. Strickland at various times when he has said that the fact that so much land was being held and not made use of was a matter for concern. This legislation will give effect to those thoughts and we will have the opportunity to create a greater search for oil and possibly be able to bring fresh capital into the search for oil in Western Australia.

THE HON. H. C. STRICKLAND (North) [8.16 p.m.]: I support the Bill. I listened carefully to the Minister when he introduced the measure and one can only agree that it is time the Minister was given power to readjust the areas of some of these leases so that we may get more activity in the field. When he replies, I would like the Minister to give us some more information in connection with natural gas, and what is likely to happen in connection with the very large finds from within 50 miles of Perth to 200 miles from Perth, further up the coast. The flows are in large quantities, but I think a couple of years have passed since the gas was discovered. In that time, no indication has been given to Parliament or to the public as to whether this gas will be utilised. Is anybody going to benefit from it, or do we have to wait for a larger population?

I notice that the Esso and B.H.P. set-up in Victoria is going to supply natural gas to the distributors at a quarter of the present-day cost of manufacturing gas. If this is a fact, it means there is a large saving to be made by industrialists and householder generally: but, of course, there are over 2,000,000 people in and around Melbourne and its suburbs, whereas we have about 500,000 people in Perth and its suburbs. That may be the deciding factor; but it would be a good thing if something could be done to bring natural gas to the city and also take it north to Geraldton, or anywhere else where it could be utilised.

I am hoping the Minister will be able to tell us a little more about what has transpired since natural gas was discovered some years ago.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.20 p.m.]: In dealing with the point raised by Mr. Willesee in regard to my statement that I had in mind some 25 per cent. by way of relinquishment of areas of land now held under permit to explore, let me say first of all that under the Petroleum Act at present — as I explained when I introduced this Bill—the Minister has no power under subsection (3) of section 35 to do other than two things—grant the renewal of a permit in total, or refuse it. It is beyond question that the Minister for Mines of the day would refuse a company like Wapet the area in total. At least, it has been my attitude that I would not like to make such an arbitrary decision.

If members will refer to subsection (5) of section 35 they will find the holder of a permit to explore may at any time, with the consent of the Minister, surrender his permit to explore either in respect of the whole or any part of the area of land mentioned in the permit. Subsection (5) gives the option to the permit holder to relinquish any portion, but subsection (3) does not give the Minister the same power. So, it is at the option of the permit holder to offer some of the land back again.

The areas held under permit to explore in Western Australia are indeed huge. These permits to explore were granted a long time ago and, in some cases, huge areas are involved. In the case of Wapet, that company, at my instigation or persuasion, farmed out quite a substantial part of its area. A farm-out, in simple terms, is getting somebody else to do the work and undertake the financial outlay in connection with geophysical work, seismic work, drilling, and all the rest of it, while the original holder still maintains, according to the partnership entered into, an interest in the holding.

Requesting a company like this to let the Government have back 25 per cent. of the remainder is quite a reasonable approach. I expect the companies concerned would return to the Government an area of land which, to say the least, is the least promising out of the area comprising the permit to explore. That is to be expected. What I propose to do on the passing of this Bill is to give the company some indication that I am going to take some of the land back. This is the only way to introduce new blood into the search for oil and its associated products.

Mr. Willesee's statement that this is a stopgap measure was quite appropriate. To some extent it is stopgap legislation. I gave notice of the other Bill this afternoon, but for reasons which I explained when introducing the measure now before us, it may be some months before we can bring the big Bill into operation. When it comes into operation, a large permit area, which now might comprise 30,000, 40,000, 50,000 or 60,000 square miles or more, will be divided into lots of 5,000 square miles and there will be certain work commitments on each

of these areas. The companies will hold 5,000 square miles for five years before making any further relinquishment.

What this Bill will do is to assist in getting back 25 per cent. of the residual amount after crediting a company with farm-out areas; and after a period of five years we will be able to get back another 25 per cent. of each of the 5,000 square miles to be explored. So at the end of approximately five years there will be something of the order of 50,000 square miles—it will be less than that but of that order—returned to the State. This will be ground that can be made available to somebody else. I do not propose using this amendment to any greater extent than that at the present time. Already I have had some preliminary negotiations with one of the companies—one in particular—and it wanted to see this proposal spelt out in legislation. So I am asking Parliament to do that.

The point raised by Mr. Strickland in respect of natural gas was something which I was pleased to hear from a member of this House, particularly from one on the opposite side of politics to myself. I was pleased to hear him express some interest in the use of an indigenous fuel. I believe that in the interests of the people of Western Australia it is our duty and obligation to use in the cheapest form possible those fuels which are available. So I completely agree with the suggestion by Mr. Strickland that if natural gas can be made available at competitive prices, then we should use it.

I do not want to take members for a trip around the world, but I want to say that the uses to which I saw natural gas being put in various parts of the world were amazing. By-products were being used in the petrochemical industries, and at one place a company was manufacturing synthetic rubber for motorcar tyres. Three or four different types of materials are being extracted from the by-products of natural gas.

Mr Strickland has hit the nail on the head. The situation in Western Australia at the moment is different from that in Victoria where huge quantities of gas have been discovered in close proximity to the Victorian coast. Another fortunate thing, as mentioned by the honourable member, is that Victoria is blessed with a big population close to the source of supply. Therefore this gas will no doubt be used for domestic industry and chemical purposes.

As far as Gingin is concerned, two holes have been drilled there. I have answered questions in the House about the tests on Gingin No. 2 well to the effect that it is regarded by the company as being dry. In regard to No. 1 well—and both holes were drilled to something of the order of 15,000 feet—the porosity is low and the gas is difficult to extract. We have not the necessary population to go with the use of natural gas. It is a matter of reaching an economic balance. First of all we must have the flow of gas in quantity, and then the customers to use it.

Members will know that one of the Government's hopes was that the fairly substantial iron ore deposits at Mt. Gibson might have been used in conjunction with the deposit held by the Western Mining Corporation at Morawa. There were hopes that we might have a pellet plant situated at Geraldton, or in the vicinity of Geraldton, and the fuel used would be natural gas.

Whilst I cannot give facts and figures on the quantity of natural gas at Gingin, I believe it is quite substantial. However, there is no market for it and we have to consider whether it is going to be economical or not.

The Hon. H. C. Strickland: There is no commercial interest in the field?

The Hon. A. F. GRIFFITH: We are trying hard to get people interested and, of course, so is the company which has the deposit. It is anxious to sell if a customer can be found. However, we have not the population to carry the development of that field at the present time. In some parts of the world the population is such that the gas can be piped justifiably for quite a distance. But at this point of time, as I understand it, the economics of the gas deposit at Dongara—forgetting Gingin because that is not even marginal—would not warrant its development. We have not yet got a customer but we are pressing forward to the greatest extent possible.

From what I saw overseas it is a matter of intense interest to me when I think of the potential which lies in the use of natural gas if we are able to discover it close to a populated area. I conclude on the same basis as I concluded my introductory speech: This is a small move to encourage other people to help us in this search. The only way Western Australia will find itself in a position to have sufficient indigenous hydrocarbons of its own is for the search to be of such a nature that we will, in fact, discover these things.

The Barrow Island field was undoubtedly a very important and very timely breakthrough. I have said it before, and I say it again, if any company deserves success it is the company known as Wapet because it has persisted in a long search for hydrocarbons in this State.

I am grateful for the support this small Bill has received. In conjunction with the larger Bill, which will give us a more modern piece of legislation, I think this measure will be helpful in the overall operation of petroleum legislation in Western Australia.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

STATUTE LAW REVISION BILL

Second Reading

Debate resumed from the 2nd November.

THE HON. F. J. S. WISE (North) [8.36 p.m.]: In the bound volumes of the Statutes for 1964 will be found the first measure of this kind introduced into this Parliament. If members look at the title of the Bill introduced in the third session of the twenty-fourth Parliament, they will note it is a Bill to revise the Statute Law.

The Minister—very kindly, I thought—did not contest the suggestion I made that the title was insufficient, and that Bill passed both Houses with a title similar to that of the Bill now being debated. It is a Bill for an Act to revise the Statute Law by repealing spent, unnecessary, or superseded enactments. I made the suggestion at that time, because of my studies of the procedure of the Mother of Parliaments. In that Parliament, since the 1860s, the United Kingdom Government has spent countless hours with authoritative people to ensure that Acts which were spent, unnecessary, and superseded were repealed.

The English law has meant the repeal, not of hundreds, but of thousands of Acts which formed dead wood in the Statute book of the United Kingdom. I think this could be quite an important reform—the removal of dead, unused, and unnecessary Statutes from all reprints. Acts which are no longer effective, or are completely redundant, or which are dead and contain no spark of life, have no place and do not warrant reprinting.

The point of having no spark of life has been the determining factor in the minds of the law officers of this State—at the direction of the Minister—in reviewing the Statutes. The gentleman who is now Mr. Justice Clarkson of Papua, New Guinea—with his assistant—certainly did a remarkable service to this State which led to the first Bill, introduced in 1964.

By that Bill, 384 old Statutes were repealed; Statutes which were passed in this State from 1832 to 1900. With the passing of this Bill, the total number of enactments to have been repealed will be 1,334. That means, 1,334 Statutes of the State have been found to be entirely unnecessary and redundant since the examination began—that is, up to the 1963 vintage. As the Minister mentioned, there are many Acts still under review. There are several Reserve Acts. Many Acts are being examined to see if their redundancy is absolute.

Members who are new to this House, or who are interested in this very important matter, will find one of the governing features in the Interpretation Act of this State at section 16, which they will find on page 206 of our Standing Orders.

That section deals, in detail, with what may be done in the repealing of Acts, the repealing of parts of Acts, and it deals in detail with the part of an existing Statute which can be dealt with by way of repeal at the time of its being in force in part only. If members care to read section 16 of the Interpretation Act they will find all of the safeguards necessary to ensure that no Act will be repealed if it contains that spark of life to which I have referred.

I do not wish to weary the House by reading it, but as a background for members who are interested in this Bill, they will find certain words in Volume 2 of *Hansard*, 1964. I thought the remarks were important at the time, and I still think they are important. Indeed, of the many speeches I have made in this Chamber, this would not be the worst, either in the amount of research or in value. I think the Minister would concede that. I will quote from page 2174 of *Hansard*, 1964, as follows:—

> The sort of law review which this Bill presents has been regarded as very important for many years. Some comment has been made in this House in recent years of this matter by myself and by the honourable Mr. Watson, not only in connection with a review of redundant measures, but a review of the necessity of bringing up to date inherited laws which have never been installed as laws initiated in the State of Western Australia. I refer to such Statutes as those affecting wills and essentially laws which have a legal background.

I will come back to that point shortly. To continue—

> In preparing for the reprint of Bills in sequence, I think it is very important to get this matter under way and to have a review taken, as this has been taken from the English Statutes in this State right up to the end of the last century; and if this Bill be passed it will give an excellent opportunity as a commencement of this work and for such work to continue under the very splendid circumstances under which, in my view, this work has been initiated.
>
> We have been accustomed in this Parliament to the repealing of laws almost year to year by having in the schedules of Bills laws which have had their principles incorporated in the new measure. We have, indeed, in the last two years, in this Parliament had single Bills which repealed nine other Bills in the enactment of a new Statute. I can recall one in

particular—the Native Welfare Act—which, in the last 12 months, within itself repealed nine then existing Statutes; and these repeals usually affect Acts in operation or portions of Acts.

In those words lies the essence of the importance of a Bill of this kind: To ensure that the revision of Statutes and their repeal is not being done in a piecemeal fashion, but by capable students of the subject; people qualified in a legal sense to determine which Acts are entirely useless.

It is easy to realise that many annual measures, such as Supply Acts, which have outlived their usefulness once the supply has been spent—and very many others, such as Acts associated with public works and railway construction, which are redundant in part only to the extent that they cannot cancel out the authority given and do not affect the law as it stands today—are entirely useless.

Members will recall the emphasis placed by the Minister, in the early stages of examination of existing Statutes, on the fact that the repealing of certain Acts in connection with public works did not affect either the authority given or the achievement which resulted from the completion of the work. I hark back to the necessity, in the year 1967, to review completely old English laws which we inherited over 100 years ago—English laws which have been referred to repeatedly by Mr. Watson; English laws which affect legal matters, primarily, and, in particular, laws which affect wills. The legislation concerning wills is an inheritance, generally speaking, and is not only of our initiation. I would like to hear from the Minister on that particular and I would like to hear from Mr. Watson regarding the importance of bringing up to date, in a revision, the English laws we have inherited—the background as well as the requirements of today.

An Act is not necessarily of no consequence simply because it is old. In this State today we are using inherited Statutes which are almost as old as the hills. In the Supreme Court of this State I heard a case in which the right of a member to hold his seat in Parliament was challenged, and the decision turned on the interpretation of a Statute enacted in the days of William and Mary. Therefore, age is not to be the determinant. The effectiveness and usefulness of a Statute is the important point in these questions, but a matter of very vital importance is the bringing up to date of many Acts inherited from the mother of Parliaments, and which are still used in this State.

A report tabled in the House on the 30th September, 1963, is available to members and it is well worthy of study if members are interested in the subject. It deals with the revision of Statute laws.

All of the Acts affected by this Bill, and referred to in the memorandum accompanying it, appear to me to come within the category of unnecessary or superseded enactments which are completely redundant. If members will look at the schedule to the Bill they will find many Acts which some members here will recall having debated in this Chamber. Now they are useless and unnecessary in any reprinted volume. In the second schedule members will find Acts dating from 1902 onwards, and in the first schedule there is a reference to certain Statutes enacted from 1837 onwards. In the time available I have, to the best of my ability, scrutinised and examined the measures affected and I see nothing wrong with these Statutes being repealed. I have contacted the officers concerned and I have seen the recommendations associated with the measures to be repealed, and those recommendations are such that I am quite willing and anxious to support the measure.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [8.50 p.m.]: I have previously expressed my thanks to Mr. Wise for his approach to Bills of this nature, and I do so again on this occasion. I look back to the year 1964 when I introduced the first of these Bills to provide for Statute law revision Mr. Wise referred to it this evening and that Bill was the crux of what has been going on over the last three years. The acceptance of the first measure, and the process that was to be employed in revising the law and getting rid of spent pieces of legislation, was the start of the work in this direction. As Mr. Wise has said, some 1,300-odd unnecessary Acts have now been removed from the Statute book.

It was very necessary that somebody make a start on this work and I remember saying in 1964 that the longer we allowed the problem to remain the greater it would become as the years went by. However, that is only one side of the problem; we have the other side to which the honourable member also referred and about which he asked me to make some comment—I refer to the question of law reform. Law revision is merely the getting rid of unnecessary Acts of Parliament—Acts which are unnecessary and no longer have any effect—but the more important work, probably, is the question of law reform.

If my efforts in the question of law revision are recognised then I hope my efforts in other directions will be recognised also, and in the question of law reform I would refer to one step forward which has been taken with the introduction of the Legal Contribution Trust Bill. I hope that will be the forerunner of other measures connected with law reform.

It is true, of course, that we live by many old English Acts, and it is also true that what was written into the law many years ago may not be the practice today.

Therefore, if we wish to reform the law we have to take into consideration the reason for having written the original law, the circumstances under which it was written, and then alter it to make it conform with present-day circumstances and conditions. This has to be done because things have changed. However, if we reform the law then the precedents that followed on the old law—and Mr. Wise quoted one a moment or two ago—might have to change also, and the books written from time to time upon our laws will also have to be changed as time goes on.

Law reform is important work and I am anxious, for reasons I have expressed previously, that we should make a start on it. Whilst it is true to say that the longer we defer revising the law the greater the problem becomes, when it is a question of law reform the position becomes even worse.

When speaking to another Bill Mr. Willesee said he wondered how we could produce so many Bills every year. All I can say to the honourable member is that ever since we have had a Government in this State that sort of thing has been going on and, in the light of experience, it becomes necessary to revise, reform, and alter the law from time to time. I can see no end to it, really, but the ultimate in law revision, and in law reform, is to produce for the use of members of Parliament, and the public generally, who have to live within our laws, Statutes in such a form that they can be easily understood and interpreted. The only way to do that is to keep the laws of the State up to date, and this Bill is another step forward in that regard. Once we have cut out all the dead wood we can start on the other job of law reform, and this is something we have well in mind. I am grateful to Mr. Wise for his support of the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

CHILD WELFARE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 2nd November.

THE HON. F. J. S. WISE (North) [8.58 p.m.]: I share with the Minister for Child Welfare some doubts in regard to this Bill. Like many members in the Chamber I was reared in a very sound home—that was my privilege, and at this stage I am privileged to be the head of a sound home, as doubtless are all members of the Chamber. There comes readily to mind, from early training, a biblical sentence that the sins of the fathers may be visited unto the children even unto the third and fourth generations. Theologians—people who have probed and studied the Bible, and all its associated works—are confident that that passage from the Bible refers to an erring parent who contracted something which was conveyed to his family through generations—it refers to the contracting of an unfortunate disease, perhaps; something which through the sins of the father was carried through the rest of the family, even unto the third and fourth generation.

But this Bill is the reverse of that; it provides for the child, after he has been convicted on more than one occasion, while still a minor. The child in question might belong to a sound home and a good family. It does not matter whether it is a family of material wealth, or whether the home is a sound one; if the child is convicted as a result of his association with others, or for some reason outside the home, and if the child commits an unpleasant offence, the result of that offence and conviction will reflect upon his parents and upon his brothers and sisters—it will reflect on them for all time if this Bill is carried.

The Bill proposes in the most generous spirit to ensure that a child does not prejudice others as a result of his name being published for a series of offences. That may sound all very well in principle; but I am concerned with the family aspect; I am concerned that the family will be brought into disrepute and bad odour because of the waywardness of one child outside the home.

As parents, while we are jealous of our own reputations, we are also, surely, very jealous of the reputation of our children; we want them to be respected and regarded as we ourselves would like to be regarded. I wonder whether the conviction of a child, and the publication of his name for a subsequent offence after he is 16 years of age, will achieve the intention of the Bill and act as a deterrent. I very much doubt that it will.

I can see the possibility of the affection of the family being strained and placed in wrong perspective if this Bill is passed. At this stage I am of two minds as to whether I will support the measure. I hope, however, that I have sufficiently explained my attitude to show that I do not like the Bill very much.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.3 p.m.]: Like the Minister for Child Welfare, I am a little concerned about this Bill; I wonder how much good it will really do. At the moment we have legislation which deals with the punishment of youths of 16 and under; and while I do not want this to be an adverse criticism of magistrates—because they hear the evidence and I do not—I do feel that sometimes a magistrate could

quite easily prevent a youth from committing a second offence. If this was so such children would not come under the provisions of this Bill.

After having read the newspapers fairly closely, and after having studied the reports of the Child Welfare Department, the Prisons Department, and the Police Department, I find there is great disparity in the punishment meted out to a guilty child; the sentences vary considerably from one magistrate to another. This is something of which we should take cognisance when considering matters of this kind.

While I believe the intention of the Bill is to try to prevent young people from committing a second offence—and I hope it will—I believe there is something which may have been missed by the sponsor of the Bill. I refer to young children who wish to enter the military forces, whether it be the Navy, the Air Force, or the Army.

Not so long ago I had occasion to assist a young lad who got into trouble as a result of stealing milk. He was one of a big family, and they were in need of food so he stole some milk. This occurred at Medina. The lad had made application to join the Navy, and when the stealing charge was heard I gave evidence of his character to the magistrate who was hearing his case. When the magistrate was told that the lad wanted to join the Navy the magistrate, in his wisdom, said "That is up to the Navy," and he gave the lad a fairly sharp sentence.

When I saw the naval authorities, however, they agreed that boys of 16 or under who committed misdemeanours of this kind should not be debarred from entering the services, providing their health and other qualifications were all right.

I wonder whether it would not be better for more severe penalties to be imposed in the first instance, because this would be more likely to prevent a second offence than would the publication of the boy's name. I must agree with the thought expressed by Mr. Wise that the brothers and sisters and the parents of the boy will certainly suffer as a result of his waywardness. Perhaps it might be as well if the magistrates in the Children's Court were not quite so lenient in the punishment they meted out; particularly when it relates to children who steal valuable property, such as motorcars, and so on. The motorcar, of course, does not belong to them, and they have no right to steal it. Frequently, however, temptation is left in their way and when two or three of them are gathered together good boys often are led astray and get into trouble. I am thinking now particularly of the young lad who at the moment is lost somewhere or other; who refuses to come home because he knocked over a child and was attacked by the father for having done so.

There would be no need for this legislation if the magistrates were more uniform in their decisions and the sentences they imposed on first offenders.

THE HON. J. DOLAN (South-East Metropolitan) [9.10 p.m.]: I would first like to refer to the comment made by the Minister that the legislation was purely experimental, and that no-one knows whether it will have the desired effect. My feeling is that children are not the people on whom we should experiment. I am sure there are other ways of tackling this problem, apart from the methods suggested in the Bill.

A couple of weeks ago a large number of awards known as Churchill Fellowships were made. They were given to people who have a particular interest in various subjects, and as a result of these fellowships the recipients go to different parts of the world to study their particular subject in the hope that on their return their report will be of some benefit to the community.

I wish to refer to one case which, I think, has some association with child welfare. A Churchill Fellowship was awarded to Detective Sergeant T. M. Lewis of Brisbane. He is a young man of only 39 years of age, and he must have done work of a fairly high standard to qualify for this fellowship. He has been head of the Queensland juvenile aid bureau since it was opened in Brisbane in 1963. It can be seen, therefore, that he has had considerable experience in handling this particular side of police work, which relates to juveniles who get into trouble, and which provides the analogy with the present legislation.

This man is going abroad for a period of six months. He is going to France, Denmark, Germany, Britain, and the United States, where he will study the formation and operation of juvenile aid bureaus. I wonder what use will be made of his investigations when he returns in six months' time. This man, with his qualifications and ability, will surely make a worth-while report to his department when he returns, and that report should be made available to every similar department in Australia. I am afraid, however, that will not be done.

For example, we have had two members of Parliament go on study leave to other parts of the world. They have returned and made reports of their experiences. But has anything been done about them, or any attempt made to use the valuable information they have gained? When these people visit other countries and reap the benefits of what they see, the knowledge they gain should be passed on. This should be done in connection with the

matter with which we are dealing in this Bill. I feel sure there are plenty of avenues of study and observation open to us to see whether we are tackling the problem along the right lines.

I completely appreciate the points raised by Mr. Watson and the figures he gave concerning the offences of juveniles. He expressed the hope that when they realised that their names were likely to be published this might act as a deterrent, because it would bring a certain amount of shame on other members of the family. This aspect must be very carefully considered when dealing with legislation of this kind. I am sure we would not like the innocent to suffer because of somebody who acted outside the law.

I know of excellent families where only one member has gone wrong, and the family has had a most difficult time living this down. There is a danger that we may punish innocent people. Even though the measure is experimental I am very doubtful that it will have the desired effect. I feel that grave harm might be done to the lives of our young children, some of whom may have reacted quite differently had they been given a sharp kick where it would have done the most good. I am sure they would have been better off for this.

I still have an open mind on the question, but I thought I would express these views. I repeat: I hope that, when men who are qualified to study these subjects travel abroad and come back, the information they have will be made available to every other State in the Commonwealth so we can all reap the benefit of it.

THE HON. N. E. BAXTER (Central) [9.16 p.m.]: Like other members, I believe this Bill was introduced with very good intentions. It is somewhat experimental, but I believe it is an experiment well worth trying. To some children who commit a first offence, the thought of the publishing of their names would possibly be a deterrent and prevent them from committing a second offence. However, others may commit a second offence in order to have their names published in the paper.

This reminds me of a story I heard last weekend regarding two native children in one of our country towns. One evening they were apprehended by the storekeeper after they had broken into his shop. A little boy and a little girl were involved and the storekeeper took them to the police station where the policeman asked the girl for her name, and then he asked the boy for his name. The boy said, "You know my name because I have been in plenty of trouble." This little boy revelled in being in plenty of trouble; and there are children of that type who would take advantage of legislation such as this in order to get their names published in the paper. We have that type amongst the young people in Australia, just as other countries in the world have them, too.

I am a little concerned about proposed new subsection (1a). Once names in regard to a second offence are released to the Press, will the names of all second offenders be published, or only the names of a certain type of offender? Nobody has been able to give a guarantee in this regard. The Press may regard a name as being not worth publishing for some reason or other; and I think members will understand what I mean. In the case of another second offender, the name of the child would be published. The matter is entirely in the hands of the Press; and that is where we must leave it.

I am wondering what the mover of the Bill in this House has to say on that point, and whether he has had any discussion with the originator of the Bill and the Press in this regard.

I feel we should give this measure a trial; and if, within 12 months, we find that it does not work satisfactorily we can repeal it.

THE HON. C. E. GRIFFITHS (South-East Metropolitan) [9.19 p.m.]: I rise to support the measure, not that it is something great to support legislation which will tend to do what Mr. Wise and Mr. Dolan have suggested—shame the parents of youths who, for some reason or other, have broken the law on more than one occasion.

I had a paper to which I referred when I made a speech in this House a couple of sessions ago. That paper contained the statistics of the crimes committed by boys and girls, and gave their ages. Speaking from memory—I have not the paper with me—it was significant that from the time boys and girls reached the age of 18 years, there was a marked dropping off in the number of all types of offences. If my memory serves me correctly, the offences included petty stealing, shop-breaking, shop-lifting, stealing motorcars, and so on. I wondered why it was that when these types of people reached the age of 18 they apparently saw the folly of their ways and discontinued to break the law. I surmise that it had something to do with the fact that once they reached the age of 18 years their names were published in the paper and their own associates and families became aware that they had, in fact, been before the court.

I wonder how less disturbing it is to hear that one's 18-year-old son has committed an offence than to hear that one's 16-year-old son has committed an offence? I wonder how less distressing it is to the parents, no matter what age their sons and daughters may be?

I support the Bill simply because I feel it can do nothing but tend to lessen the number of offences committed by young people after they have reached the

age of 16 years; and in this progressive age of ours, when everybody wants to reduce the age for everything, and people want to be fully responsible almost before they leave school—they are demanding more and more of the benefits of adulthood—I would like to think that this measure will be a good starting-point. When young people reach the age of 16 years and continue to break the law, they should accept the same responsibilities as, and the penalties incurred by, persons of 18 years of age who, together with their families, have to suffer humiliation—if there is humiliation. I support the measure.

THE HON. H. K. WATSON (Metropolitan) [9.23 p.m.]: I thank the various members who have made a contribution to this debate. One point which seems to be worrying some members has worried both myself and Mr. Crommelin, as I know from my personal discussions with him. I refer to the possible effect upon the mother and father and brothers and sisters in a law-abiding family, of which one member goes wrong. That is a difficulty, but I feel the point was adequately answered by Mr. Clive Griffiths, who pointed out that if a child of 18 years of age commits an offence, his name is published and his parents suffer the disabilities to which various members have referred.

There is a further point and further argument in reply, and it is this: This particular aspect so concerned Mr. Crommelin that he interviewed a decent law-abiding family, one member of which, at the age of 16 years, had gone astray and had been sent to gaol. Mr. Crommelin inquired of that father as to what he thought of the proposed Bill and the fact that the name of a second offender would be published. This father was in favour of the measure and gave this reason, among others: Had the names of the young rascals been published at the time, he would have known the company his son was keeping and would have been able to give him a kick in the particular spot that Mr. Dolan mentioned, and might have been able to keep him out of trouble because he would have made it clear to the boy that he was not to associate with the class of persons with whom he was associating.

As Mr. Lavery very pertinently remarked, it is when two or three young people get together that these troubles begin and the lad, who would otherwise be a decent lad, may be inclined to go astray. Mr. Dolan wisely said that it is not desirable to experiment with young children. However, we are experimenting with children who are themselves experimenting in regard to a very questionable and deplorable way of life.

Mr. Baxter raised a point in connection with proposed new subsections (1a) and (3). These new subsections provide for the publishing of the name of any offender who, after attaining the age of 16 years, commits a second serious offence. Mr. Baxter wanted to know what would be the likely attitude of the Press in regard to publishing the names of all second offenders. I am afraid I must agree with Mr. Baxter that we are entirely in the hands of the Press. These cases will be published at the discretion of the Press and I would hope they are published with perhaps a little more frequency than the speeches made in this House.

On the whole, I think the Press deals quite impartially with court cases and does not make a selection. I think the general practice is to report, in some degree or another, all cases before the courts.

The provision has this advantage: When a lad of 16 years of age is before a magistrate for the first time, the magistrate can give him a jolly good talking to and conclude by saying, "Look here, my boy, remember this time your name will not be published in the paper, but if you come before me a second time on a serious offence, your name will be published. What will you think of that; and what will your mother and father think of it?" To some extent this provides a further deterrent in the prevention of crime by juveniles.

As all members have said, we have no guarantee of success, but I am comforted by the fact that one who is very knowledgeable and experienced in child welfare has expressed the opinion that the views I stated in my second reading speech are well founded, and that on the whole the Bill, with all its imperfections, ought to do some good.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. H. K. Watson, and passed.

House adjourned at 9.32 p.m.

Legislative Assembly

Tuesday, the 7th November, 1967.

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

BILLS (4): INTRODUCTION AND FIRST READING

1. Stamp Act Amendment Bill.

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