Throughout the metropolitan fire district, it is standard practice for more than one fire brigade to respond to an actual fire call, and units are linked by two-way radio.

Operational and strategic reasons require that fire stations be spaced in a balanced manner across the area, and, among other things, the Fire Brigades Board is currently negotiating with the Canning Shire for station sites in the Canning Shire area. The board is anxious to finalise on sites so as to be in a position to decide on, and implement, its works programme over the next two or three years. The procedure being followed—that is, to resite fire stations progressively—is seen as the desirable course to be taken, bearing in mind the board's overall responsibility for fire protection in the metropolitan fire district.

The schedule of works carried out since 1965 includes the replacement of the Maylands Fire Station with a new station at Bedford, and that at McCourt Street with a new station at Daglish. An extra pumper and staff of 10 have been placed at Osborne Park for transfer to the planned Balcatta fire station in the northern sector. The Midland Junction Fire Station has been resited.

The Spearwood Fire Station has been erected this year and is about to be manned. This is an additional station requiring 10 paid staff. Currently under consideration is the southern sector, and this includes the Canning Shire area. Shire contributions in 1969 amounted to $16,231, being 4.39 per cent. of total contributions from metropolitan local authorities, and this figure is expected to rise to $21,937, a percentage of 4.89, next year.

I would like to conclude by saying that during this debate on the motion for the adoption of the Address-in-Reply approximately 100 subjects were dwelt on by members. As I have already said, the Minister in charge of the House traditionally makes some comment on at least the more important matters raised. Because of the ever-increasing scope covered by the debate at this time it is not humanly possible in a matter of a week or so to prepare comprehensive notes in comment.

Unfortunately, therefore, some of the important issues raised have had to suffer, this being due to the volume of material that requires to be analysed if considered comment is to be made in the House. The very nature of this debate is by address, and several very good addresses were made. It has been impossible for me, however, beyond this point, to supply further information.

I hope this long approach has not unduly bored members. I do not altogether like having to do this at such great length, but it has grown to be a custom and I think it serves some purpose. It is certainly not my intention, so long as I am here, to do other than conform with a practice which has been of such long standing. With those remarks I conclude my comments on the Address-in-Reply.

Question put and passed; the Address-in-Reply thus adopted.

Presentation to Governor

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.29 p.m.]: I move—

That the Address-in-Reply be presented to His Excellency the Governor by the President and such members as may desire to accompany him.

Question put and passed.

COLLIE RECREATION AND PARK LANDS ACT REPEAL BILL

Receipt and First Reading

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

BILLS (5): INTRODUCTION AND FIRST READING

1. Fisheries Act Amendment Bill (No. 2).
   Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Mines), and read a first time.
2. Legal Practitioners Act Amendment Bill.
3. Licensing Act Amendment Bill.
4. Methodist Church (W.A.) Property Trust Incorporation Bill.
   Bills introduced, on motions by The Hon. A. F. Griffith (Minister for Justice), and read a first time.
5. Local Government Act Amendment Bill (No. 3).
   Bill introduced, on motion by The Hon. R. H. C. Stubbs, and read a first time.

House adjourned at 8.35 p.m.

Legislative Assembly

Tuesday, the 2nd September, 1969

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

QUESTIONS (18): ON NOTICE

1. EDUCATION

Meckering School

Mr. McIVER asked the Minister for Education:

(1) Is the Meckering School to be connected to the deep sewerage scheme being installed in the new townsite of Meckering?

(2) If so, when will this connection take place?

Mr. LEWIS replied:

(1) and (2) It is not proposed to connect the school to the deep sewerage scheme at present. The present effluent disposal system was up-graded in 1968 and is working satisfactorily. It is not normal policy to connect immediately to a sewerage scheme. Such action is taken when the existing disposal system no longer operates properly. The school consists of demountable classrooms erected after the earthquake. No decision has been made by the Education Department as to whether the present site will be redeveloped or whether a new site will be sought.

2. POLICE STATION

Meckering

Mr. McIVER asked the Minister for Police:

Is the Meckering Police Station to be resited and connected to deep sewerage scheme?

Mr. CRAIG replied:

The matter of rebuilding a station at Meckering is currently under consideration.

3. SEWERAGE

Kenilworth Street

Mr. HARMAN asked the Minister for Housing:

Adverting to a question asked on the 9th October, 1968, respecting a State Housing Commission dwelling at 29 Kenilworth Street, Maylands, will he indicate what progress has been made—

(a) in the way of removal of septic tank components which have been lying about for some 12 months;

(b) in connecting the property to the deep sewer main which was constructed in 1952?

Mr. O'NEIL replied:

(a) Arrangements have been made for the immediate removal of segments.

(b) Sewerage plan has been applied for and connection will be made within a few weeks. Delay in this case is regretted.

4. PROBATE

Estates in Excess of $40,000

Mr. GRAHAM asked the Minister representing the Minister for Justice:

(1) During the year ended the 31st December, 1968, how many deceased persons left estates valued for probate in excess of $40,000?

(2) Of these, how many in total fall within the general classification of farmers, graziers, pastoralists, agriculturalists, orchardists, and allied designations, including where prefixed with such as "formerly", "retired", "widow of", etc.?

Mr. COURT replied:

(1) 323.

(2) 155.

5. STATE GOVERNMENT INSURANCE OFFICE

Youth Organisations

Mr. GRAHAM asked the Minister for Labour:

(1) Is there any statutory or other restriction to debar the State Government Insurance Office from undertaking a scheme of insurance cover for young people in respect of accidents arising from participation in sporting and recreational activities conducted by youth clubs and like organisations?

(2) If not, is any such scheme operating, and what are its broad terms?

(3) If so, will he indicate the nature of the impediment and whether he intends to remove it?

Mr. O'NEIL replied:

(1) to (3) The State Government Insurance Office has not the statutory authority to undertake such an insurance scheme for youth clubs and the like except under its Students Accidents Insurance Scheme for individual members who may be students. It is not proposed to extend the franchise of the State Government Insurance Office.

6. PUBLIC INVESTMENT

Authorised Trustee Investment

Mr. DAVIES asked the Premier:

In regard to the words "an Authorised Trustee Investment" often used in advertisements inviting public investment in various funds, can he advise—

(a) whether the words are used with Government approval;

(b) the conditions under which such approval is given;

(c) the safeguards so provided to the investing public?

Sir DAVID BRAND replied:

(a) The Government does not approve the wording of advertisements of organisations using the words "an Authorised Trustee Investment". However, under paragraph

(e) of subsection (1) of section 16 of the Trustees Act, 1962-1968, the Treasurer may certify, by notice in the *Government Gazette*, that an incorporated building society is one in which trustees may invest.

(b) On receipt of an application by any incorporated building society for such certification, the annual accounts and other details are examined to see if the society complies with the following minimum requirements:—

(1) That the society has been in operation for at least three years.

(2) That the total assets of the society are not less than $300,000.

(3) That the total liabilities of the society as reduced by the aggregate amount due to holders of the society's shares do not exceed 75 per cent. of the value of the society's tangible assets.

(4) That the total free reserves of the society, including unappropriated profits, when added to any provision against depreciation of, or losses on investments and reduced by—

(a) any amount by which the book value of the society's investments exceeds their total market value; and

(b) any amount recommended by the society's directors for distribution as interest, dividend or bonus and not provided for in the society's annual accounts or statements;

are not less than 2½ per cent. of the total amount of the society's assets as reduced by the aggregate of—

(a) the total amount owing by the society in respect of any loans made to it under the Housing Loan Guarantee Act or the Commonwealth-State Housing Agreement.

(b) any amount by which the book value of the society's investments exceeds their total market value; and

(c) any reserves set aside for a particular purpose other than any reserve against depreciation of, or losses on, investments.

(c) The requirement that the society meets the minimum conditions detailed in (b) and the obligations imposed by the Building Societies Act, 1920-1962.

7. MITCHELL FREEWAY

George Street: Routing

Mr. MAY asked the Minister for Works:

(1) Would the routing of George Street under the Hay Street bridge occasion any major structural alteration to the Mitchell Freeway?

(2) Does he agree that the routing of George Street under the Hay Street bridge would have assisted greatly in eliminating this present hazardous intersection?

(3) Was any consideration given to this alternative during the preliminary planning of the Mitchell Freeway?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) No. George Street is connected to the freeway so as to provide an off-ramp to Hay Street. Accordingly it is an integral part of the freeway design and provides a means whereby traffic from the freeway may enter the city street system.

(3) No. For the reasons given in (2).

8. VERMIN TAX

Farmers' Union Proposals

Mr. I. W. MANNING asked the Minister for Agriculture:

(1) Has the Government received a request from the Farmers' Union Vermin and Noxious Weeds Committee for a more equitable rating system for the vermin tax?

(2) If "Yes", has a decision been made on the Farmers' Union proposals and what action is intended by the Government?

Mr. NALDER replied:

(1) Yes.

(2) The matter is still under investigation.

9. FILLED MILK ACT

Extension of Provisions

Mr. I. W. MANNING asked the Minister for Agriculture:

(1) Has consideration been given to an extension of the provisions of the Filled Milk Act to prohibit the

manufacture, packaging and sale of imitation milk in Western Australia?

(2) If so, what action is intended?

Mr. NALDER replied:

(1) and (2) The question of imitation and synthetic milk has been discussed at meetings of the Australian Agricultural Council following which it was resolved that Victoria should undertake the task of investigating legislative requirements. An Imitation Milk Act on the lines of the Victorian Filled Milk Act has been passed in Victoria and came into operation on the 1st September, 1969.

So far as Western Australia is concerned, the position is kept under review and legislation on similar lines to Victoria will be introduced if, and when, required.

10. ELECTORAL ROLLS

Costs

Mr. JAMIESON asked the Minister representing the Minister for Justice:

(1) What is the estimated cost of maintaining a separate State electoral enrolment service during the last five financial years?

(2) Using as a guide the agreements between other States and the Commonwealth, what would be the estimated cost over the last five financial years if this State had conjoint rolls?

Mr. COURT replied:

(1) The recorded expenditure of the department and the hypothetical calculations which would be necessary, do not lend themselves to the arrival at a reasonable estimate of the cost of maintaining a separate State electoral enrolment service during the last five financial years.

(2) The Minister for Justice is not aware of the details of the agreements between other States and the Commonwealth.

11. NATIVES

Federal Pastoral Award

Mr. HARMAN asked the Minister for Native Welfare:

(1) Did he indicate in February, 1969, that it was too early to assess the impact of the Federal Pastoral Award among aborigines in pastoral regions?

(2) If so, is he now able to advise the situation in the Kimberley, Pilbara, and Eastern Goldfields pastoral regions?

(3) In particular, can he state whether all aborigines are now receiving the rates of pay provided by the award?

(4) If not has he sought this information from the Department of Labour and National Service?

(5) If so, with what result?

Mr. LEWIS replied:

(1) Yes.

(2) Yes.

At the beginning of the year there were about 200 aborigines camped at Fitzroy Crossing who had arrived from stations and there had also been an increase in the numbers of aborigines at Hall's Creek, Wyndham, Kununurra, La Grange Mission (south of Broome) and Derby. This, of course, was during the wet season recess of the Kimberley cattle industry and although the number of people at Fitzroy Crossing was unprecedented the situation at the other centres was fairly normal for that time of the year. At that stage it was too early to determine what effects the introduction of the amended award might have, both on the aborigines at Fitzroy Crossing and generally on those engaged in the pastoral industry in the Kimberleys.

The officers of the Native Welfare Department have remained closely in touch with the situation and have dealt with local problems as they arose. Progress reports have been submitted from time to time and the situation has now stabilised sufficiently to make a broad assessment of the effects which the amended award has had on the aboriginal population in the pastoral areas of the State.

Generally speaking it has had no detrimental effect on aborigines employed in the Pilbara and Eastern Goldfields areas where, in the main, rates of wages and keep for aboriginal workers have approximated fairly closely to award rates in force during the past few years. The numbers of aborigines employed on sheep stations have, on the average, been relatively small. In the Kimberleys, however, the majority of stations are engaged in cattle raising on the open range grazing system and many of these had substantial aboriginal populations. It was in this area that the introduction of the new award was expected to have the most impact. To date, however, there have been no serious ill-effects.

Legitimate workers who moved to towns during the wet received Commonwealth unemployment benefits but when the cattle season reopened they were either re-engaged by their former employers or were found employment on

other stations, particularly in the northern area of the West Kimberleys. Some stations adopted the practice of mustering by contract and a substantial number of aborigines found employment with these teams. Legitimate stockmen, therefore, have not lost employment and have gained from the award. The main 'casualties' have come from those too elderly or too unsophisticated for active stock work or semiskilled occupations such as fencing, yard building, etc. Fortunately only a few of these have moved to the towns where, if they have been unable to find work, they are receiving departmental assistance pending investigation into their eligibility for Commonwealth Social Service benefits or pensions.

I understand that generally pastoralists are applying the award rates to aboriginal employees. It is possible that the cattle industry will become a purely seasonal source of employment and there could be a recession when the next wet arrives.

The present cattle season must be regarded as the period of first adjustment to the new conditions on the part of station management and aborigines alike. After some initial problems of a localised nature, which were to be expected, the whole situation appears to be settling down without major disruption of the aboriginal population and it is to be hoped that the next wet and the following season will confirm this trend.

(3) to (5) No instance is known of an aboriginal not receiving his entitlement under the award.

12. AGED PERSONS' HOMES

Male Pensioners

Mr. BICKERTON asked the Minister representing the Minister for Health:

(1) How many recognised aged pensioners' homes for males are in the metropolitan area?

(2) Will he supply details of location, conditions of entry, and the respective weekly costs, etc., payable by a pensioner for his maintenance?

Mr. ROSS HUTCHINSON replied:

(1) There are 74 nursing homes registered under the Health Act. In addition, there are a number of homes established under the Commonwealth Aged Persons Homes Act, besides those which have been registered with local authorities and established before and after the operation of that Act.

Mt. Henry and Sunset Hospitals, which comprise the larger institutions in relation to the question raised by the honourable member, are also involved. A few males are accommodated at Mt. Henry and a few females at Sunset, but Sunset is a predominantly male institution.

Most admissions to all of the above are placed on the basis of medical need and not necessarily as pensioners and most establishments provide for both sexes.

(2) Entry to nursing homes, rest homes, and other privately run institutions for the care of elderly people varies according to the conditions of the particular institution. Application is made direct to the institution by the person, or by someone else on his behalf. The Public Health Geriatric Service can assist by making an assessment of the elderly person's needs and by giving advice as to the most appropriate place for his care. Before this can be done a consultation must be sent by the patient's doctor to the geriatric physician. An assessment is then made by both social worker and doctor; this is generally done at home so that all available evidence from his relatives, his surroundings, as well as from the person concerned, can be obtained before any decision is made or advice given.

It should be emphasised that the main purpose of this consultative service is to assess the need for care in general; and if possible to arrange for care at home—or perhaps a temporary admission to hospital with the idea of returning home. But when these alternatives are no longer possible, advice can be given about care elsewhere.

Whereas many people go to private institutions without this form of consultation or assessment, all who are admitted to Mt. Henry or Sunset Hospitals must be first referred to the geriatric service in the manner already indicated.

Assessment prior to admission to Mt. Henry and Sunset Hospitals is necessary for three main reasons:—

(a) Care can sometimes be provided without permanent transfer away from home.

(b) Sunset and Mt. Henry Hospitals may not be the most appropriate place for the particular person; his needs may

be better provided for elsewhere: an elderly person needing psychiatric help, for instance, should be cared for by the Mental Health Services.

(c) Selection is made according to medical, social, and financial needs. Those not admitted are directed to private nursing homes and rest homes.

Fremantle Hospital has now started its own geriatric service: doctor and social worker are available for consultation by general practitioners. Sir Charles Gairdner Hospital is about to start a similar service. It is hoped that before long a regional service will be available from each major medical centre in the metropolitan area.

At the present time country centres are covered by periodical visits undertaken by the geriatric physician or the social worker. Remote area assessments are made by the local practitioner.

Consultation can be made by the general practitioner contacting the geriatric physician by phone or by sending him the referral form, copy of which is tabled. These forms are available from the office of the geriatric service, 270 Wellington Street, Perth.

Nursing home pensioner patients at Mt. Henry and Sunset are charged $12 per week, plus Commonwealth benefit. I am advised that private nursing homes charge approximately $28 per week, plus Commonwealth benefit.

The form was tabled.

13. *This question was postponed for two days.*

14. JUSTICES ACT

Costs on Appeals

Mr. T. D. EVANS asked the Minister representing the Minister for Justice:

Does the Government intend to amend section 219 of the Justices Act to allow costs on appeals to be awarded against a police officer?

Mr. COURT replied:

Not at present. However, the matter is being examined.

15. TRAFFIC ACT

Costs on Appeals

Mr. T. D. EVANS asked the Minister for Traffic:

Does the Government intend to amend section 72 of the Traffic Act so as to allow costs on an appeal to be awarded against a traffic inspector?

Mr. CRAIG replied:

No. However the matter is being considered.

16. CHILD WELFARE

Office at Collie

Mr. JONES asked the Minister representing the Minister for Child Welfare:

(1) In connection with the child welfare office at Collie, is he aware that the house the department is considering purchasing at Collie has been built for at least 60 years?

(2) In view of the fact that a new Mines Department office is to be built at Collie, will he give favourable consideration to the building of an office for the Child Welfare Department in conjunction with the Mines Department building?

(3) Is he further aware that there is accommodation at the present Mines Department building and the courthouse, Collie, which could be used by the Child Welfare Department whilst a new building is under construction?

Mr. CRAIG replied:

(1) No house is being purchased. It is intended to use one already owned by the P.W.D.

(2) No.

(3) The accommodation is considered unsuitable.

17. JERRAMUNGUP CHURCH BUILDING

Survey

Mr. GRAHAM asked the Minister representing the Minister for Local Government:

Will he supply a copy of the details of the survey made by the Department of Local Government in 1964 or 1965 relating to the attitude of the people likely to be affected by the erection of a church at Jerramungup with public funds?

Mr. NALDER replied:

No survey was conducted by this department relating to the attitude of the people. The only action taken by the Local Government Department was to write to the church authorities.

18. DROUGHT

Effects and Proposed Action

Mr. BERTRAM asked the Minister for Agriculture:

Having now inspected the country areas which are suffering disastrous losses by reason of receiving poor rains, and having gathered information generally thereon—

(1) Will he describe the districts which are affected?

(2) On what date did the adverse effects of water shortage first manifest themselves significantly in the respective districts?

(3) What is the estimated number and value of livestock which have died to date?

(4) What is the estimated loss so far incurred by the sale of stock on the deflated market?

(5) What now is the estimated daily number and value of stock dying?

(6) What was the number of sheep sold at Midland markets over the last seven days and what was the maximum and minimum prices paid therefor?

(7) What is the total number of sheep which can be slaughtered in the metropolitan area in one week?

(8) What is the estimated loss of crops to date?

(9) Have any crops already been totally lost by reason of poor rain?

(10) What is the estimated time which may yet elapse without adequate rain before the remaining crops will not mature sufficiently to be harvested?

(11) Will he describe each and every step proposed to be taken to mitigate the farmers' plight?

Mr. NALDER replied:

(1) A map has been published showing areas affected by the dry conditions which would be eligible for assistance when they are declared drought areas by the shires concerned. This map is submitted herewith for tabling.

(2) Varies between districts and within districts between farms.

(3) to (5) Not known.

(6) Sheep: 64,080. Maximum price—$5.60. Minimum price —5c.

Lambs: 19,577. Maximum price—$7.50. Minimum price —slightly below $2.

(7) About 70,000.

(8) Not known.

(9) Yes.

(10) Varies between districts and between soil types.

(11) The steps taken by the Government to meet the present situation have been publicised.

In brief they are—

Freight Subsidies:

Freight costs for returning stock from agistment will be met by the Government. Freight on coarse grains being returned to the farmer's siding is being met by the Government.

In the event of farmers being required to pay the full home consumption price for wheat it was intended that a payment of 5c per mile be made for cartage of wheat from sidings to farms.

Finance:

Finance to buy wheat is available where a farmer cannot obtain it from his bank or stock firm, on the basis of 5 per cent. interest, no repayment for two years, and repayment of interest and principal over the next five years.

Water exploration:

Water exploration has been commenced in drought affected areas under the supervision of the Farm Water Supply Committee.

Re-delivery of Wheat:

A request was submitted to the Wheat Board to allow wheat to be returned to farmers who had delivered in the 1968-69 season.

Since the honourable member asked this question, the Wheat Board has agreed to the request.

The map was tabled.

QUESTIONS (3): WITHOUT NOTICE

1. TRAFFIC ACT

Costs on Appeals

Mr. TONKIN asked the Minister for Traffic:

In reference to his reply to question 15 on today's notice paper, the Minister answered, "No" to the question—

> Does the Government intend to amend section 72 of the Traffic Act . . . ?

He then went on to say that the matter was being considered. I therefore ask the Minister: is it not a futile exercise which the Government is engaged upon, since he said, "No", and that the Government did not intend to amend the Act?

Mr. CRAIG replied:

This question is just a play on words. I said, "No" in direct reply to the question. However, the

Government is considering some action. Surely he should be able to interpret that; he has enough intelligence to do so.

2. SITTINGS OF THE HOUSE
Show Week

Mr. BRADY asked the Premier:

Can the Premier advise the House of the arrangements which the Government proposes to make in regard to sittings of Parliament during Show Week?

Sir DAVID BRAND replied:

The House will adjourn for the week in which People's Day—the Wednesday—falls. We have followed this practice for a number of years, and we will continue to do so this year. I cannot give the dates, but that is the time when Parliament will not be sitting.

3. "OTHELLO"
Poster

Mr. GRAHAM asked the Minister for Police:

Will the Minister lay upon the Table of the House a copy of the poster advertising the play *Othello*, so that members may gain some appreciation of the manner in which censorship is administered in this State? If not, why not?

Mr. CRAIG replied:

I have not seen the poster; and that shows the extent of my interest in it. I do not know what appreciation the Deputy Leader of the Opposition or other members can gain from it. I understand that a charge of $5 is being asked for a copy of one. If it is desired that I obtain a copy for tabling, and if I experience difficulty in raising the money, I hope the honourable member will be prepared to donate the $5. If he does I will see what can be done about obtaining a copy.

EDUCATION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Lewis (Minister for Education), and read a first time.

COLLIE RECREATION AND PARK LANDS ACT REPEAL BILL

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [4.55 p.m.]: I move—

That the Bill be now read a second time.

This Bill is being brought down to effect two small amendments to the Western Australian Institute of Technology Act.

One will alter the constitution of the council and the other will give the council statutory authority to invest reserve funds in housing for institute staff serving in country areas.

The Act presently provides for the University of Western Australia to be represented on the council of the institute. The University was also represented on the interim council and, indeed, nominated the Vice-Chancellor for the appointment. However, when it was invited to appoint a representative to the permanent council the senate requested that it be relieved of this necessity. At the present time, and with my concurrence, it has no representative on the council.

It had been thought when the constitution of the council was being considered that cross representation between the senate and the council would promote co-ordination and accord between the two bodies. However, I am assured by the Vice-Chancellor that the senate considers this can best be achieved through the Tertiary Education Commission (Chairman Professor Sanders) set up by the Government, which, among other things, is charged with the development of co-ordination between tertiary institutions in Western Australia.

I must accept this decision, particularly as the senate's request is based on its experience over the two years it was represented on the interim council.

At the present time the Act provides for a council of 16 members, two of whom are co-opted by the council itself. One has professional interest and the other is in industry.

Of the others on the council, six are appointed by the Governor and are representative of the professional, industrial, and commercial interests; two represent the academic staff of the institute; and, in addition, there is the Director-General of Education, the Director of Technical Education, the Under-Treasurer or his deputy, the Director of the Institute of Technology, and a co-opted member representing the Kalgoorlie School of Mines.

If University representation is to be deleted, then rather than reduce the total strength of the council it is proposed that the number of co-opted members be increased to three. This Bill amends the Act accordingly.

Turning to the second matter, the institute has power, with the approval of the Minister, to establish branches; and, indeed, on the recommendation of the Tertiary Education Committee it has already accepted the administrative control of the Western Australian School of Mines, the Muresk Agricultural College, and the School of Occupational Therapy and Physiotherapy.

The Muresk Agricultural College has become a department of the institute, and the therapies have combined to form a department of therapy.

The Western Australian School of Mines is now a branch of the institute. This latter change has highlighted the need for the institute to provide suitable housing for staff members who are appointed to positions out of the city. The council naturally desires to attract well qualified personnel with a view to improving further the standards of the School of Mines. To do this it must meet strong competition from other States and therefore must be in a position to offer attractive conditions, including good quality housing.

The standard of housing to be erected by the institute will be slightly better than the normal State Housing Commission home, but of similar standard to that of houses being erected by the State Housing Commission for the Main Roads Department in Kalgoorlie. To enable it to institute this programme the council seeks an amendment to its Act to allow reserve funds to be invested in staff housing. These funds will be principally in the form of moneys set aside by the council for its contribution towards superannuation for staff members when they retire.

The actual rental to be charged has not yet been determined, but the return to the reserve fund will be the full economic rental of the property. Any difference between the actual rental charge and the economic rental will be made up by the institute. This follows the principle already established by the Government Employees' Housing Authority. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Davies.

LAND ACT AMENDMENT BILL (No. 2)

Second Reading

MR. BOVELL (Vasse — Minister for Lands) [5.2 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House contains a number of amendments affecting the sale and purchase of town and suburban lots, and other provisions including a further condition for the improvement of agricultural land before qualifying for issue of a Crown grant.

Under existing legislation, any town or suburban lot offered for sale by public auction, but passed in as unsold, is available for purchase within the next 12 months. The amendment proposed would allow such lots to be withdrawn from sale within 14 days of the auction. In the period of 14 days after the auction, the department could evaluate the result of the sale and determine whether the lots passed in were to be available for application for the next 12 months or withdrawn from sale. The reason evaluation is necessary after the sale is to consider whether genuine home builders require the lots or whether other than genuine home builders are interested, such as in seaside towns.

A further amendment would allow refund of purchase money on forfeited licenses. On occasions, the building conditions applying to town and surburban lots purchased by auction are not adhered to and the lot is forfeited. Quite often varying circumstances prevent the licensee from complying with the conditions of town and suburban lots purchased by auction. As the sum paid is usually quite substantial, the purchaser cannot afford to lose this money. The Minister for Lands would have the power in his absolute discretion to approve of the refund of whole or portion of the amount paid.

An interim form of sale of Crown land other than by section 38 (auction of town lots) and section 45A (for special purposes) is also considered necessary. Crown land offered for sale under this proposed new system would have the effect of stabilising prices as the sale would be at the reasonable valuation fixed and not necessarily in the competitive way.

Priority of applications would be in the order of their being lodged. Should two or more applications be lodged at the same time, both would be deemed to be equal and priority would be determined by the Minister.

Turning now to agricultural land, where such land does not exceed 500 acres, applications are restricted to adjoining holders of land. The amendment would give a farmer in the vicinity, but not necessarily abutting the 500 acres or less available for selection, a chance of applying for this land. In effect, farmers in close proximity would be entitled to apply for the land in order to economically improve their holdings.

A land board would consider the applications if more than one application was received for the same parcel. The adjoining holders' restriction would still be in operation, but the terms and conditions of release would be widened to allow farmers in close proximity to apply for the land.

The final amendment would make provision in the Land Act for an adequate water supply to be provided before issue of the Crown grant. There is no provision in the Land Act at present to make it obligatory for a licensee to provide a water supply. The Farm Water Supply Advisory Committee considers that the provision of a key water supply by the farmer should be a prerequisite to the freeholding of Crown land unless specifically excepted under freeholding conditions.

I might add that before land allotted under conditional purchase can be freehold, certain conditions have to be complied with, but there are no conditions relating to the provision of water. This is, of course, a vital function in farming and it is considered that this should be a prerequisite to the making of a Crown grant. I commend the Bill to the House.

Debate adjourned, on motion by Mr. H. D. Evans.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.10 p.m.]: I move—

That the Bill be now read a second time.

The object of this Bill is to amend the existing Architects Act, 1921-1965 in the following particulars:—

(1) To strengthen the board and to remove personal liability of its members.

(2) To clarify the qualifications necessary for registration.

(3) To broaden the scope of the provisions dealing with professional misconduct.

(4) To update and define in more detail the educational provision.

(5) To make adequate allowance for future increases in fees and subscriptions.

(6) To clarify the appeal rights of persons refused registration by the board.

In principle the proposed amendments are not intended to change the intent or scope of the Act, but are for the purpose of clarifying and strengthening it with a view to providing more positive provisions for the control of the education and registration of architects in Western Australia.

The board which now comprises nine members, who are all registered architects and members of the Royal Australian Institute of Architects, is to be strengthened by an additional member who will be nominated by the Western Australian Chapter of the Royal Australian Institute of Architects. This proposed increase will serve the following purposes:—

(1) It will lessen the demands on the time of the busy professionals who attend to board matters in a purely voluntary capacity.

(2) It will ease the problem of obtaining a quorum of six members, which is required for certain functions and workings of the board; and

(3) The board will have the benefit of an official opinion of the institute in all matters of common interest—that is, ethics and education—a feature common to the registration Acts of other States.

At the present time the president of the local chapter of the institute is also a member of the board, but this need not necessarily be so. In fact, as membership of the institute is not a compulsory requirement for registration it is conceivable that without such a nomination the board and the institute would have no common link.

Whilst the Act is specifically designed for the protection of the public, the institute is the only Federal body governing the important aspects of ethics and education and as such the inclusion of an official member of the institute will tend to produce a degree of uniformity in these matters—that is, ethics and education—between all State registration Acts.

The Act is deficient in personal protection for *bona fide* acts of members of the board whilst acting in their capacity as board members. It is proposed to rectify this deficiency.

The provisions of the principal Act in connection with the qualifications necessary for registration are unnecessarily complex in view of the development in architectural education and training. The amendment proposed reduces the requirements to simpler terms without in any way compromising in standards, and provides that in addition the board shall have power to satisfy itself of an applicant's knowledge of the practice of architecture in this State.

The proposed amendment sets out three ways in which a person can become registered—

(1) by passing a course of studies in architectural subjects approved by the board at an educational institution approved by the board; or

(2) passing the examinations in architectural subjects conducted by the board and having not less than six years' practical experience in the work of an architect; or

(3) by being a member of an approved professional institute or by being registered by a prescribed body or authority.

In addition to having to meet one of the above requirements the board maintains the right to satisfy itself that the applicant for registration possesses sufficient knowledge of matters concerning the practice of architecture in this State before approving of registration.

In the case of the student who qualifies under clause 5 (a) or 5 (b) of the Bill, the board requires that at least a further 12 months' experience shall be obtained before sitting for the final examination in architectural practice. The board would also require applicants under clause 5 (c) to prove their ability and knowledge of State building requirements.

The full-time architectural student, therefore, requires a six-year course of study and practical experience before registration. The part-time student would take at least seven years to become qualified. This extended period is in keeping with the needs of a rapidly changing technical environment and compares with the six years and seven years, respectively, required of the legal and medical students.

Other amendments increase the prescribed maximum registration fee and annual subscription payable, the intention being to make possible increases in these charges as the board sees fit from time to time without recourse to other amending legislation. The amendments also provide some machinery clauses to strengthen the administrative procedures in connection with the collection of fees.

The most important amendment is one which brings together, in a logical sequence, specific actions considered by the existing legislation to be misconduct and which are now contained in a number of clauses. The amendment also seeks to widen the scope of the definition of misconduct in a manner similar to that provided for in other registration Acts.

As is the case with regard to other registration Acts covering various professional occupations, it is hoped that this amendment will ultimately lead to the establishment of a body of case law which can be used to define improper conduct in a professional respect without the necessity of rigidly specifying each act.

The Act to date has defined specifically actions considered to be misconduct. It has been argued that unless an act of misconduct falls within the definition of one of action contained in the Act, there is technically no misconduct; and, as there is no limit to human ingenuity, a broad clause is proposed which will increase the power of the board. Persons charged with misconduct under this clause, if they feel aggrieved, have the right to challenge the decision of the board through to the Supreme Court. The strengthening of the sections dealing with misconduct is considered necessary in view of the rapidly changing conditions in the building industry.

Under the existing legislation the minimum penalty which the board can apply is suspension. There are a number of minor transgressions which do not warrant suspension and one of the proposed amendments seeks to give the board an additional power of reprimand.

Another amendment proposes the reconstitution of the Committee of Architectural Education and a restriction of the functions of the committee to advice and recommendation. Under existing legislation the committee, subject to approval by the board, is responsible for the control and administration of architectural educational practices. There can be no doubt that this important function should not be delegated to a committee, but should be in the hands of the board.

It is also proposed to amend the appropriate section of the principal Act to clarify the actions to be taken by the board when a registered architect has been guilty of falsifying the register or making false statements. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Graham (Deputy Leader of the Opposition).

INSPECTION OF MACHINERY ACT AMENDMENT BILL (No. 2)

Second Reading

MR. O'NEIL (East Melville—Minister for Labour) [5.19 p.m.]: I move—

> That the Bill be now read a second time.

The Bill proposes to amend a number of sections of the Act to correct anomalies which have arisen over the years. The first amendment provides for removing the prohibition against females attending small boilers—that is, less than six-horse power —which do not require certificated control. This amendment will legalise accepted practice in regard to coffee boilers, boilers such as are used in dry cleaning establishments, autoclaves and sterilisers, and others which are now, in the main, attended by females.

There is no objection to females attending these small boilers, which are generally electrical or sometimes oil fired. The necessity for physical strength is absent in these cases whereas bigger boilers firing with wood, coal, or sawdust, still require physical strength.

Under the provisions of section 15 (3) of the Act, the boiler attendant should be a male at least 18 years of age. The proposed amendment, which has been discussed with, and is supported by, the Chamber of Manufactures and the Federated Engine Drivers and Firemen's Union, will provide for either males or females to attend boilers of less than six-horse power.

The amendments to section 36 result from a report of the Auditor-General in which it is asserted that there is no provision in the Inspection of Machinery Act to exempt charitable organisations or educational institutions from the payment of inspection fees. It has been the practice to exempt charitable organisations.

In addition, teaching institutions such as the University of Western Australia have been exempted from payment of inspection fees for machinery used in teaching, demonstrations, experiments, and research work. This amendment will, in effect, legalise exemptions which have previously been granted with ministerial approval, but apparently without statutory authority.

Inspection fees for boilers, pressure vessels, lifts, and maintenance machinery, have been charged and it is the intention to continue this practice.

The proposed amendments to section 56 of the Act are sought by the State Electricity Commission, and industry generally, to overcome many of the difficulties arising from the certificating of engine drivers.

During the past few years it has become apparent that first, second, and third-class engine drivers' certificates, as at present defined in the Inspection of Machinery Act, are too narrow and restrictive in requirement and entitlements. This has been brought about by changing conditions showing a reduction in the use of reciprocating steam engines as prime movers in industry and an increase in the number of steam turbines of all sizes being introduced into power houses and industries.

At present, only a first-class certificate entitles the holder to have charge of steam turbines. This was satisfactory when the only turbines were in large power houses, and were of considerable dimension. However, there are now many small turbines in use and it is not realistic that in all cases the person in charge should have a first-class certificate.

In addition, it has become extremely difficult for candidates for engine drivers' certificates to obtain the required experience on reciprocating engines for first, second, and third-class engine drivers' certificates because of the dwindling numbers of such engines. This applies particularly to power houses which, in the past, have drawn their first-class engine drivers from outside the State Electricity Commission.

The amendment provides for incorporating turbines of appropriate horsepower into both third and second-class certificates and also to make it possible for certificates in the three grades to cover both turbines and reciprocating engines or either type of engine if experience has been limited to one type.

The amendment to section 58 (2) will enable the board of examiners to depute someone else to conduct, on its behalf, crane and hoist driver examinations. The board of examiners, for the various certificates of competency under the Inspection of Machinery Act, are the Chief Inspector of Machinery, and two qualified persons, one of whom shall hold a winding engine drivers' certificate. The board conducts all examinations with the exception of those of boiler attendant, which are done by an inspector, also under the provisions of section 58 (2).

Because of the large increase in the number of applicants for crane and hoist drivers' certificates there is a need for the board to be given power to depute someone to conduct these examinations and thus make a considerable saving in time spent out of the office by two senior officers. The board will still retain the power to conduct the examinations itself should it consider this desirable.

The amendment to section 59 will remove the requirement in the Act that all applicants for a certificate issued by the board of examiners for engine drivers be a British subject, a naturalised British subject, or an unnaturalised person who has not been in Australia for a period exceeding the minimum time after which applications for naturalisation will be accepted.

Over the last few years, with an influx of workers from other Australian States, many certificates issued in those States have been presented for purposes of reciprocity. Section 60 of the Act states a certificate of equal value may be granted without further examination. The local immigrant making application is, therefore, at a disadvantage compared with a newcomer from another State. The amendment simply provides that the applicant must satisfy the board that his knowledge of the English language is sufficient to enable him to perform his duties.

It is necessary to amend section 63 to provide for reciprocity for motor certificates. This section was promulgated in 1922 and authorises the granting to holders of marine engineers' certificates issued by the Board of Trade of the United Kingdom, or an equivalent authority in England, a first-class engine driver's certificate without examination. At that time diesel engines and motor ships were in their infancy and apparently the extension of the above privilege to holders of Board of Trade certificates—motor—was not considered, or was overlooked, and therefore no reciprocity for motor certificates exists. I commend the Bill to the House.

Debate adjourned for one week, on motion by Mr. Moir.

DAIRY INDUSTRY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th August.

MR. H. D. EVANS (Warren) [5.27 p.m.]: The Dairy Industry Act is now being amended for the fifth time but this should not be taken as a criterion that the parent Act was, in its initial concept, weak or in any way lacking. On the contrary, with the wisdom which hindsight affords us,

we can readily see that the Dairy Industry Act was a surprisingly thoughtful piece of legislation when it was first introduced on the 20th August, 1922.

The parent Act provided for a new and rapidly expanding industry, and subsequent production figures reveal that this was so. In 1921, 2,600,000 lb. of butterfat was produced in this State, while in the year 1967-68, something to the order of 13,200,000 lb. of butterfat was produced.

In 1922, when the original legislation was introduced, the dairy industry was still in its infancy. The group settlement scheme, which expanded dairying to a very marked degree, had not yet become fully operative. The fact that an Act was introduced which anticipated the nature of the problems which such a rapidly expanding industry would create is rather a tribute to the legislators of that time.

The function of the parent Bill, when it was introduced, was firstly concerned with the control of factories. The marketing of milk and dairy products was also brought under its control. Dairy produce factories had to be registered, ensuring that inspection and instruction were provided for conjointly.

Another provision was the issuing of certificates to manufacturers and inspectors by the Department of Agriculture. The legislation also compelled the lodging of appropriate returns with the Department of Agriculture; and, rather importantly, provision was made so that the overrun payments would be distributed, *pro rata*, in accordance with the amount of milk and cream supplied to the factories by the producers.

The spirit of the debates which took place at the time of the introduction of the parent Act shows that in addition to controlling the industry, generally, there was a definite attempt to materially assist the producers. The Act achieved this firstly by preventing factories from using overrun for their own requirements in hiding faulty management. Overrun had to be apportioned in the correct manner to those who were properly entitled to it. The Act prevented the companies from using overrun to pay inflated prices when seeking additional suppliers in competition with other factories.

Perhaps I should add that overrun is the difference between the test result and the churn result of a given quantity of butter and cream. To illustrate this, if we take 200 lb. of cream at a 50 per cent. test, we get 100 lb. of butterfat. That 100 lb. of fat would make up roughly 117½ lb. of butter, the additional 17½ per cent. being composed of water, preservatives, salt, and the like. So members can see that with this degree of scope the butter factories would be able to indulge in some form of malpractice if not properly controlled. It was to this matter that the initial Act paid particular attention. Without doubt, the situation was open to exploitation.

The amending Bill which is presently before the House seeks to repeal section 15 (2) of the 1936 amending Act which was instituted partly as a further protection to the producer. That section states—and the Minister pointed this out clearly when he introduced the Bill—that the manager of every dairy produce factory shall forward to suppliers of milk or cream within three months of the 31st December, or the end of the factory year if it is designated as some other month, a complete return showing the charges levied for the manufacture and sale of produce, and also the quantity and value of the milk or cream which the particular supplier placed in the keeping of that factory.

If the application of this provision was insisted upon, it could cause factories some considerable expense and inconvenience. Ultimately, any expense would fall upon the producer and this, of course, is undesirable in any industry—particularly in the dairying industry, which has more than its share of worry and concern today. It appears to have become the general custom for an annual return not to be provided by the factory to the supplier—that is, unless a specific request is made; and with a full and proper monthly statement this hardly becomes necessary. In the terms of the Minister, this subsection has become redundant.

We could say the Bill is of a practical nature and is aimed at bringing the law into line with present practice; and so, with the Minister, I commend the measure to the House and give it my support.

MR. MITCHELL (Stirling) [5.35 p.m.]: I want to join with the member for Warren in supporting the Bill which, as he said, will have the effect of doing away with some unnecessary work on the part of butter factories, and thereby, perhaps, save some expense. I do not believe that the dairymen of today are in any less need of protection than they were many years ago, but the mere fact that these returns are sent out each month to the dairymen makes it seem hardly necessary for a return to be sent at the end of each year to cover the same information.

It is interesting to recall that the dairy industry has made fairly substantial progress in the area which I represent, particularly since the whole-milk section has been extended into the area. It is also interesting to note that butter factories in the area have a reputation for making high quality butter. Some of the factories have been quite successful in competitions at a State level, and this has been brought about, I believe, by the climatic conditions and the fact that we have almost irrigated pasture without the cost of irrigation.

While we are talking about dairying, and the dairy industry in general, another point that has always interested me is that, due to fate, I suppose, in some locations many dairymen are doing extremely well out of whole milk; and yet other people, not so fortunately located, are having a hard struggle to make ends meet out of butterfat. I have often wondered whether it would not be a reasonable proposition for all dairymen to be given a share of each market. Although, in effect, some dairymen may not be able to deliver whole milk, they should perhaps receive some benefit because of the fact that whole milk is a much better proposition than butterfat.

This is one of the things we might have to discuss at some future date, and I just commend it to the Minister for some thought. I support the Bill in view of the fact that it will remove an anomaly from the Act and will, perhaps, lessen the cost of factory management, thereby improving the lot of the dairy farmer.

MR. RUNCIMAN (Murray) [5.38 p.m.]: I, too, rise to support the Bill because I feel that submitting this extra return involves the factories in additional expense, and it has now become unnecessary. On many occasions in this House we have debated the dairy industry with emphasis on the producer, and I have no doubt that from time to time we will do so again.

I would like to take the opportunity to pay a tribute to the managements of the dairy factories for the assistance they have given to producers over the years. Dairy producers themselves have had a great deal of help from time to time—and this has been necessary—but the factories have had no assistance and, in many cases, have had to absorb the costs which have been mounting within the industry for many years. I think it is due only to good management and good liaison between the factory and the producer that the industry has managed so well.

I consider the factories in many cases could have been in a great deal of trouble; and only through good management have they been able to get along as well as they have. In many cases costs could have been lessened if the factories had had a greater volume of business. We know that for some months of the year there is very little butterfat produced, particularly in the southern part of the State, and the factories have to get along on a very small volume of production. This in itself leads to higher costs; but they have carried on their service to the farming community and in many ways have helped to finance farmers and to assist them in the development of their properties. This small Bill will be of benefit to those factories.

I often think that, with regard to reducing costs, the factories could well have a look at the rationalisation of their transport, because it is not uncommon for a cream truck to pick up only a few cans along a road and to pass many places where it could pick up cream, yet a truck from another factory will come by half an hour later and pick up cream along the same road.

This is something that could be eliminated in the interests of economy. It should always be the right of the supplier to supply his milk or cream to the factory of his own selection. However, I think the factories should get together regarding the matter of transport to see if they can cut down the costs, I have much pleasure in supporting the Bill. It should be of benefit to the factories concerned.

MR. NALDER (Katanning—Minister for Agriculture) [5.42 p.m.]: I appreciate the contributions of the members who have spoken. They have made a few suggestions, and have also covered some of the history of the dairy industry in Western Australia. I do not intend to go into this in detail; however, I would like to say that we have only to cast our minds back a few years to note the changes which have taken place in, say, the transport system, which has made a great contribution towards helping the industry and confirming its importance in the State.

I can recall not so many years ago that the only way to handle milk products was by cans, and they were carted to the depot by trucks, railway, and all sorts of other means. When we look at the situation today we find streamlined tankers going onto the farms and pumping the milk out of vats into the tanks of the trucks. I understand some of the tankers have freezing units—or control units—which keep the temperature of the milk at a certain level. This, of course, contributes to the quality of the product when it arrives at its destination.

Of course, the point at issue in this amendment is to save the factories the expense of issuing statements to the farmers. The factories, by not having the obligation of passing on information to the farmers, will be relieved of a good deal of extra work.

In every aspect of primary industry today we hear constant criticism of the increasing costs. I think we should do anything we can to reduce the costs in primary industry, even if what we do makes only a small contribution. The Department of Agriculture has looked at the parent legislation following requests which have been received from treatment plants indicating that this is one way by which costs can be reduced.

We recognise the value of the industry, and the fact that conditions are changing. In this industry, as well as in others, we have to do all we can to ensure that the

contribution it makes to the development and the requirements of the State is kept well in the minds of those in authority as well as those in the industry.

The dairy industry has made a valuable contribution to the development of the State and it will continue to do so. Because of the value of the whole-milk industry and the difference in the income of the whole-milk producer—the income he receives for his product—as against that of the manufacturing section, the member for Stirling suggested that the butterfat producer should perhaps be shown a little more consideration. This, of course, is of great interest, and I would point out that much concern is being expressed and discussion taking place on this very point at the moment.

As members know, we have two sections —the butterfat section and the whole milk section—in the Farmers' Union, and it has agreed to meet and discuss this matter with a view to ascertaining some way by which the butterfat section can be helped to improve the conditions under which it operates at the present time. We all know that the whole-milk section is receiving from a gallon of milk almost double the return that is being received by the butterfat section. Anything that can be done for the butterfat section is well worth considering to enable us to reach a point of agreement whereby that section of the industry may be improved.

The same problem applies the world over. I recall having met people employed in the industry in European countries, where every effort is being made along the lines I have mentioned; but any progress that might have been made in this field has brought with it a lot of other problems.

The situation is also being considered in the Eastern States of Australia, and I have no doubt that the member for Stirling and other members from the dairying areas will take a great deal of interest in these discussions. I am sure the Government will give every consideration to any progress that might be made, particularly if it will, in the long run, help the butterfat section of the industry consolidate its position.

To keep up with our requirements in Western Australia we are at the moment importing a quantity of butter from the Eastern States. If we can consolidate the position here and encourage those in the industry to extend their operations still further—if it were economically possible for them to do so—we should do all we can in this direction. I very much appreciate the interest evinced by the various speakers when speaking on this subject.

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.

WHEAT MARKETING ACT CONTINUANCE BILL

Second Reading

Debate resumed from the 28th August.

MR. TONKIN (Melville—Leader of the Opposition) [5.50 p.m.]: I ask you, Mr. Speaker, if you know why this Bill is here, because I do not. If ever there was a futile exercise, this is it. I ask the Minister: Did anybody ask for this Bill? Was the Government asked to introduce it?

Mr. Nalder: Yes, the Government was asked to continue the legislation.

Mr. TONKIN: Who asked the Government?

Mr. Nalder: It was recommended by the Department of Agriculture.

Mr. TONKIN: The Department of Agriculture is the Government. Who asked the Department of Agriculture to introduce this Bill? Did anybody?

Mr. Ross Hutchinson: Does anyone have to?

Mr. Nalder: The situation is that the legislation lapses if it is not continued.

Mr. TONKIN: I would like to know if the Department of Agriculture indeed was asked for its continuance.

Mr. Bovell: The Government is introducing the Bill, and that should be sufficient.

Mr. TONKIN: Just be quiet for a while and we will see the position as we go along. It seems to me that the Department of Agriculture, of its own volition, suggested to the Government that this Act would lapse if a continuance Bill was not introduced. So the Bill is here to prevent the Act from lapsing.

Mr. Nalder: That is quite correct.

Mr. TONKIN: That is the only reason.

Mr. Nalder: That is not the only reason.

Mr. Lewis: It would be letting the farmers down if we did not continue the legislation.

Mr. TONKIN: The Minister said—

> For the benefit of members who may not be aware of the reason for the retention of this Act when we already have on the Statute book the Wheat Industry Stabilisation Act, which is complementary to the Commonwealth Act that controls the wheat stabilisation scheme, I would like to explain some of the background to this legislation.

That is what the Minister said when introducing the Bill. Explaining the background does not give any reason for the

introduction of the Bill; and there is no reason. Nobody asked for the Bill. The Government let the legislation lapse in 1961 and it was out of existence for three years. Nothing happened in the meantime, but it was reborn in 1964. I do not know why, because it is completely useless and is quite obsolete; and it was never necessary at any time.

Mr. Court: It could be.

Mr. TONKIN: I will concede it could have been expedient in the then existing circumstances, but it was a precautionary measure only. It was never necessary and it never will be necessary, because the set of circumstances under which it was introduced could never occur again. They were special circumstances.

Mr. Nalder: Are you going to oppose the Bill?

Mr. TONKIN: If the Minister will be a little patient he will see precisely what I am going to do. Let us have a look at the special circumstances in 1947, when I opposed the Bill on the grounds that it was not necessary and that it would never be used. It never has been used and never will be used, because if there came about a set of circumstances under which the Commonwealth legislation ceased to operate, this Act would be useless and a completely new Bill would be required.

It is a remarkable thing that this is the only State which has an Act of this kind on the Statute book, and there are other States which produce a lot of wheat.

Mr. Nalder: That is no reason, of course, why we should not have it.

Mr. TONKIN: They have never seen the necessity to have an Act of this kind and accordingly they have never introduced one.

Let us traverse the background which the Minister said he would give as his reason for introducing this Bill. In 1947 wheat marketing was carried on under the defence power of the Commonwealth and it was recognised that this power could not continue indefinitely. The Commonwealth also realised this and it was at this time, giving close consideration to the formulation of legislation to control wheat marketing Australia-wide.

The consideration was not finalised, however, and there existed the possibility—a very remote possibility—that no Commonwealth scheme would come into operation. Under those most unlikely circumstances, it would be desirable to have a State marketing Act.

Western Australia was the only State that sought State legislation, because the other States believed they could not foresee the possibility that the Commonwealth Government, having been in control of wheat marketing throughout the war, would leave the States to their own devices.

The Minister of the day gave as his reason in 1947 that the purpose of the legislation was to avoid the inevitable chaos which would result upon the Commonwealth relinquishing control. I never accepted that the Commonwealth would relinquish control, and I ask the Minister now whether he envisages the possibility of the Commonwealth relinquishing control.

This State Act is a marketing Act only; it makes no provision for stabilisation. Accordingly, what good is it? The very basis of wheat marketing is a guaranteed price for a certain quantity of wheat, and the Commonwealth Government is the only one in a position to provide this.

So this State marketing legislation which the Minister is so anxious to keep on the Statute book makes no provision for stabilisation at all. It is simply a machinery measure to enable the State to market, instead of marketing going back to the private marketing system which operated here for some time.

As you would know quite well, Mr. Speaker, under the existing conditions with ruling prices, the merchants could not possibly find the finance to carry on a private marketing scheme, even if the situation were such as to provide an opportunity for them to do so.

Obviously this marketing legislation can only be brought into operation in the event of there being no Commonwealth plan. I ask any member what possibility exists in Australia for a complete cessation of a Commonwealth marketing plan which would mean that the States were thrown upon their own devices, with each State adopting a different wheat marketing plan?

Talk about chaos; what the Minister for Agriculture envisaged in 1947 would be a pigmy, perhaps, compared with what would happen in the existing conditions of wheat production if the Wheat Board went out of existence and the States individually started to market their own wheat!

Mr. W. A. Manning: The chaos would be worse if we did not have this Act.

Mr. TONKIN: If the member for Narrogin gave consideration to the question, he would know there is not the slightest possibility of the individual States being called upon to market their own wheat.

Mr. Nalder: It could happen and the Leader of the Opposition knows it.

Mr. TONKIN: I say it could not happen and it will not happen; but the legislation before us, with no stabilisation plan, would not be acceptable to the farmers. Just imagine going into the farming community and saying to the farmers, "In place of the wheat stabilisation plan of the Commonwealth, we propose to give you a Western Australian marketing plan with no stabilisation and you will have to get what you can when you sell your wheat." What a wonderful situation we would be

in now if we were operating on the world's markets with price reductions occurring, from time to time, because of the actions of the United States of America! The situation is ridiculous!

So this measure is nothing more than a futile exercise to carry on an Act which was never necessary, will never be necessary, and has not been asked for by anybody. This action is being taken simply because someone in the Department of Agriculture pointed out to the Minister that the Act would lapse if he did not have a Bill introduced to carry it on. So the only reason for this Bill is to stop the Act from dying. It will not do anything else; it will not provide for a marketing scheme which will ever come into operation. So of what use is it? The best thing to do would be to let the Act lapse and clean the Statute book of this encumbrance. If the Commonwealh scheme broke down at any time and the States fell back on their own resources, there would be ample time for any Government to introduce an up-to-date Act in the then existing circumstances. But why carry on this farce?

I suggest that the common-sense thing to do is to let the Act lapse, as was done by this Government in 1961 when it did not know it had allowed the Act to die. It allowed that situation to remain for three years and then, in 1964, it resurrected the Act. For what purpose I do not know. It never has and never will serve any useful purpose at all.

I can well remember when the late John Teasdale, who was a very knowledgeable man on wheat, travelled through the other States to try to sell to them this plan of individual State marketing. He could not get anybody to listen to him. From memory, I believe he addressed a meeting of 2,000 farmers at Warracknabeal and obtained only two supporters.

Mr. Nalder: We were always ahead in wheat marketing in Western Australia. We had a voluntary pool.

Mr. TONKIN: What has that to do with this?

Mr. Nalder: A lot.

Mr. TONKIN: Has it? Has this Act ever been operated?

Mr. Nalder: No.

Mr. TONKIN: Does the Minister think it ever will?

Mr. Nalder: One never knows.

Mr. TONKIN: We do not legislate here for things which may happen.

Mr. Nalder: Can you tell me whether the Wheat Industry Stabilisation Act will continue indefinitely?

Mr. TONKIN: It is my opinion that wheat stabilisation, in some form or other will always be in operation in Australia; but this marketing Act provides for no stabilisation.

Mr. Nalder: No.

Mr. TONKIN: Through you, Mr Speaker, I will put a question to the Minister and ask him whether he thinks the farmers in this country would ever accept any marketing scheme at all which did not provide for the stabilisation of prices

Mr. Nalder: Not willingly.

Mr. TONKIN: Is the Government thinking about forcing it on them?

Mr. Nalder: Hopeless!

Mr. TONKIN: If they would not willingly accept it, there would be no such scheme So that comes back to this point: the whole thing is a futile exercise and nothing more. It is completely useless. It has never been of any value at all and it never will be. I would say it is the only Act on the Statute book in Western Australia which can be placed in that category. That is the situation. Had some people asked for the Act to be continued and submitted some cogent reasons in support of their request, one could understand the Government moving in connection with it; but all that happened was the Government felt this Act—this useless Act—should not be allowed to die.

In my opinion it should be allowed to die. In 1947, when it was introduced, I opposed it on the ground that it would never be of any value. Right up to now I have been proved to be absolutely right in that connection; and I see no reason why the Act should be continued. If we followed that line of reasoning and brought into operation Acts which may be needed for some purpose or other, and continued them forever and a day, we would reach a hopeless situation. I know the Minister for Lands agrees with that philosophy.

Mr. Bovell: Is not the Criminal Code based on what may happen?

Mr. TONKIN: No; it is directly designed to prevent things from happening which are as certain to happen as night follows day.

Mr. Bovell: It provides for things that may happen.

Mr. TONKIN: No; it provides punishments for things that do happen.

Mr. Bovell: May happen.

Mr. TONKIN: Will happen and do happen. I will give the Minister for Lands an exercise and challenge. I ask him to read through the Criminal Code and produce at least one provision which deals with something that has never happened

Mr. Brady: That will keep him busy.

Mr. TONKIN: When he undertakes that task—if he does—he will realise how wrong he is. Here we have legislation for a

useless State marketing scheme with no stabilisation. The Act would never be brought into operation by any Government without drastic amendments. So, if the situation should occur—and I say it never will—before it could operate, it would have to be drastically amended. It would be far preferable to have the slate clean so that an entirely new Bill could be introduced with the provisions necessary to meet the requirements of the time.

Never, in the whole of my political life, have I seen a more futile action than this on the part of a Government. Surely, as a deliberative Assembly, we should take a far more responsible attitude than the Government has adopted in connection with this Bill. Because of what I have said and the fact that no reason at all has been advanced for the continuance of the Act, I intend to vote against it.

MR. NALDER (Katanning—Minister for Agriculture) [6.10 p.m.]: We have been listening to an argument from the Leader of the Opposition that is almost amusing. I want to give the House some points which will support what I have said, because the Leader of the Opposition stated that he has never supported this legislation and that he was against it when it was introduced in 1947. However, what did he do in August, 1956? The Minister for Agriculture at that time introduced a Bill to continue the parent Act and it was supported by the Leader of the Opposition, as he was a Minister in that Government. That is rather an amusing situation. He was a member of Cabinet, and the then Minister for Agriculture must have placed his legislation before Cabinet. Did the Leader of the Opposition then oppose it? I have evidence here, and I am going to let the House have this information.

Mr. Tonkin: That is what I want—let us have the evidence.

Mr. NALDER: The legislation was introduced by a Minister in a Government of which the Leader of the Opposition was a Minister, and he did not get up and oppose it.

Mr. Tonkin: Let us have the evidence that I supported it.

Mr. NALDER: The Leader of the Opposition must have supported it in Cabinet.

Mr. Tonkin: How would you know that?

Mr. NALDER: This is an amusing situation.

Mr. Tonkin: Fine reasoning, that is. Do you support everything that goes to Cabinet? Does every Minister support everything that goes to Cabinet?

Mr. NALDER: At least they are in agreement when it comes out of Cabinet.

Mr. Court: Once it is a Cabinet decision, you are in it.

Mr. Tonkin: That has nothing to do with it.

Mr. NALDER: Of course it has.

Mr. Tonkin: What rubbish. You read what I said in 1947.

Mr. NALDER: It is amusing—

Mr. Tonkin: It is amusing all right.

Mr. NALDER: I will read what the then Minister for Agriculture had to say in 1956.

Mr. Tonkin: Who was he?

Mr. NALDER: The Hon. E. K. Hoar, Minister for Agriculture.

Mr. Tonkin: Read what Tonkin said in 1947. That is what you want to read.

Mr. NALDER: I will read what Mr. Hoar had to say, as members will find it quite interesting.

Mr. Tonkin: I am not responsible for what other people say.

Mr. NALDER: This is what Mr. Hoar had to say—

> This is only a small Bill and it seeks to do one thing only—that is, to extend the State Wheat Marketing Act for a further five years. For the sake of those members who perhaps are not too familiar with that statute, it might not be out of place for me to give a brief resume of everything which has occurred regarding this matter, following the close of the war up to the present day.

That was in 1956, nine years after 1947. The Bill had been brought to the House previously and it was brought back again by a Minister in the Government of which the Leader of the Opposition was a Minister. No doubt the Minister concerned brought this matter to Cabinet. No doubt Cabinet agreed to the Minister's request and a continuance Bill was brought before this House. When the Minister explained the provisions of the measure he spoke of the Commonwealth Defence (Transitional Provisions) Act, 1947, and said that the parent Act was introduced because the Commonwealth Act was due to expire at the end of 1947.

I do not want to go through the whole of the comments of the then Minister, but he did have this to say—

> So the State Government, in 1947, undertook to submit—rightly so in my opinion—legislation of a permanent nature—or permanent in so far as it had to be renewed every five years—to give to the wheatgrowers of Western Australia, if they themselves should desire it, a marketing system of their own.

Mr. Tonkin: Why not read something I said?

Mr. NALDER: Continuing—

> The measure was passed in that year and the main provision of the Act was the setting up of a marketing board which would function if there were any emergency in regard to the marketing of the product.

He continued with comments about the Farmers' Union.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NALDER: Before tea I was informing the House of the debate that took place in 1956, when the then Minister for Agriculture was pointing out how important it was to pass legislation similar to that which we have before us today. I was rather surprised to find the present Leader of the Opposition was so opposed to a measure that no doubt he as part of the Government, supported, in 1956.

Just at the tea suspension I indicated that the suggestion was that a board of seven members should be set up. Of those seven members four would be elected by the Farmers' Union of Western Australia to represent the interests of wheatgrowers, one person being the occupant for the time being of the position of Manager of Co-operative Bulk Handling Limited, to represent the interests of licensed receivers; one person to be selected by the Minister from a panel of three names submitted by the Flourmillers' Association to represent the flourmillers; and one person was to be nominated by the W.A. Government Railways to represent that commission.

The reference to the flourmillers' representative rings a bell in regard to questions that have been asked of me about the State Electricity Commission during this session.

In 1956 the then Minister for Agriculture went on to give reasons for the necessity to pass the legislation at that time. He said—

> That measure was due to expire on the 31st October, 1951; it was extended for a further five years and the Act is now due to expire on the 31st October this year. If Parliament does not agree to pass this legislation and does not agree to the principle of continuing the parent Act, it will mean that after the 31st October this year there will be in existence in this State no wheat marketing legislation to meet any emergency which is likely to, or could, arise.
>
> Although the Act was proclaimed in 1947, it has never been used, the main reason being that in the intervening years the wheat industry stabilisation scheme came into being—in 1953—as a result of all the States agreeing to a common policy.

He goes on to say why he considered the legislation should be re-enacted—

> So from this State's point of view it is fairly vital to continue the legislation which is now on the statute book.
>
> We do not know what the future may hold, but we do know that whatever it may be, Western Australia is the only State in the Commonwealth which has legislation of this kind. Should there be any development in the wheat world that would cause a cessation of the present arrangements that we have in the Commonwealth, nothing short of chaos could occur in other States of the Commonwealth, but because this Act has been proclaimed—although not in operation as yet—we would be in the fortunate position of being able to implement it immediately and set in motion, for the wheatgrowers of this State, a system of marketing which would give them at least some sort of security in the future.
>
> Therefore, it will not do us any harm to continue this measure for a further five years. It would be a great pity if we took steps here to deny, at some time in the future, the wheatgrowers of this State the security they have now by causing this legislation to be defeated on this occasion. Because I feel it is important to the industry and to the State as a whole to ensure that some regularity exists in one of our principal agricultural industries . . .

Those are the words of the then Minister of Agriculture on the 30th August, 1956. On that occasion the debate was adjourned. One member of the then Opposition spoke but no other discussion took place. There was no division and the House agreed to the legislation.

The situation is exactly the same today. All the Government is doing is to ask the House to agree to legislation which will allow the present position to continue in the future. No argument whatever has been adduced by the Leader of the Opposition to show why this should not be done, and it is felt that this is legislation which could be put into operation if it were considered necessary.

The Leader of the Opposition said something about stabilisation. Whatever the situation might be, if the Commonwealth and the other States do not agree to a stabilisation scheme we will still have a measure on the Statute book which will allow the wheatgrowing interests at least to have some say in what they considered should be done with their own product. That is the only reason for bringing this measure before the House—to permit the present position to continue for the next five years. I support the idea, and I hope other members will agree to it, too.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 42 amended—

Mr. TONKIN: This is the clause which provides for the continuing in operation of this futile Act. By some mental process, not even remotely resembling thought, the Minister for Agriculture concluded that I was in favour of this proposition. Of course, the Minister would not read what I said in 1947, when the legislation was originally introduced.

Mr. Gayfer: It was too long. It covered about 20 pages.

Mr. TONKIN: I made my attitude perfectly clear. Also, I made it perfectly clear that I thought the Bill was not necessary then.

Mr. Nalder: You must have changed your mind in 1956.

Mr. TONKIN: No.

Mr. Nalder: The Leader of the Opposition did not give any reasons. He did not get up and speak.

Mr. TONKIN: That is all right. The Minister might live to regret the attitude he is now adopting. I do not in any way intend to shed my responsibility as a member of Cabinet for a Cabinet decision; but that does not necessarily mean that I agreed with every decision Cabinet made, when I was a member of the Government. However, the Minister adopts that attitude and I am sure that occasions will arise when this Government will do things which will be contrary to the thinking of the Minister for Agriculture.

I intend to sheet home to him, by using his own mental process, that he is responsible for what the Government is doing. Therefore, although he may have spoken out loudly and long against the course which the Government is going to follow, on his own reasoning he is in favour of everything the present Government has done and will do in the future, even though the majority in Cabinet is composed of Liberal members.

I do not agree with his thinking and I challenge the Minister to quote a single utterance of mine which was in any way in favour of this futile legislation. Of course, he could not do it because, right from the inception, I have never been in favour of it nor did I think it was worth anything at all. Members of the Government must know that it is completely useless. Without this Bill the set-up exists for a voluntary pool. The machinery for a voluntary pool already exists if by any mischance the Commonwealth legislation should be abandoned and wheat marketing on an Australia-wide basis be abandoned also. However, I cannot foresee that ever happening.

As we already have existing arrangements, at the selling end and at this end, for the operation of a voluntary pool on a State basis, I declare, without the slightest hesitation, that the legislation we are now perpetuating is obsolete and would not be of any use at all in the changed circumstances. Therefore, why clutter up the Statute book with such a useless Act.

I will quote a few things I said in 1947, when the legislation was introduced. You must recall, Mr. Chairman, that there had been a Royal Commission inquiring into what was necessary in connection with wheat marketing, and in giving consideration to this measure one needs to have some recollection of the findings of that Royal Commission. At page 1108 of *Hansard*, No. 1 of 1947, I said—

> It seems to me that the conditions which formed the assumption on which the recommendations were made have so changed as to make the introduction of the Bill no longer necessary.

Mr. Nalder: Apparently you were not able to convince your Cabinet colleagues of that eight or nine years later.

Mr. TONKIN: Apparently I was not, and that is why I said nothing when the Bill was introduced in 1956. However, that does not entitle the Minister to assume that I have changed my attitude. The only possible justification for the measure in the first place was as a precaution against the possibility that a Commonwealth pool would not be formed.

Mr. Nalder: And that is the reason now.

Mr. TONKIN: But it is formed.

Mr. Nalder: In 1956.

Mr. TONKIN: The difference is that there was no Commonwealth marketing organisation—

Mr. Nalder: In 1956.

Mr. TONKIN: —other than the one carried on under the defence power—

Mr. Nalder: In 1947—

Mr. TONKIN: —which was against the possibility that there might not be agreement amongst wheatgrowers.

Mr. Nalder: And Governments.

Mr. TONKIN: And Governments.

Mr. Nalder: It is the same situation today, exactly.

Mr. TONKIN: No, it is not the same situation. What a lot of nonsense the Minister is speaking!

Mr. Nalder: If you do not get the agreement of all States today, there is no scheme.

Mr. TONKIN: At that time there was no Commonwealth stabilisation plan.

Mr. Nalder: If you do not get the agreement of all States today, there is no scheme.

Mr. TONKIN: At that time there was no Commonwealth stabilisation plan. Is that right or wrong?

Mr. Nalder: That is correct. I am saying that unless you get the agreement of all the States now, there is no Commonwealth stabilisation scheme.

Mr. TONKIN: We have already heard the Minister admit that at the time the legislation was introduced there was no Commonwealth stabilisation plan. Through you, Mr. Chairman, I ask the Minister: Is that the situation at present?

Mr. Nalder: The situation is as I have said; namely, unless you get the States and the Commonwealth to agree, there will be no stabilisation scheme.

Mr. TONKIN: Through you, Mr. Chairman, I ask the Minister not to hedge.

Mr. Nalder: I am not hedging.

Mr. TONKIN: I ask the Minister: Is there or is there not at present a Commonwealth stabilisation marketing scheme for wheat?

Mr. Nalder: You have answered it.

Mr. TONKIN: Yes or no?

Mr. Graham: The Minister does not know.

Mr. TONKIN: The situation is that when the legislation was originally introduced, there was no Commonwealth marketing stabilisation plan in operation, nor was there a certainty that there would be one; it was only a strong probability. Now there is such a scheme and, consequently, the situations are as different as chalk from cheese.

Mr. Nalder: And what was the position in 1956? It was the same as it is today.

Mr. TONKIN: Because there is a Commonwealth scheme and because I absolutely refuse to contemplate a situation where there will not be one, I say this legislation is absolutely unnecessary and nothing but an exercise. It has never been used and never will be used. Should a set of circumstances be reached whereby the States go their own way to market wheat, this Act would not be any good at all.

Mr. Nalder: That is your opinion.

Mr. TONKIN: The Act would have to be so drastically amended that it would be better to introduce a completely new Bill. Consequently, why be foolish about the situation and stick to something which is outmoded, of no value whatsoever, and nothing more than a curio that ought to be stuck in the museum?

It should be recognised that severe fluctuations take place from time to time in the marketing of wheat. In the years 1924-25, 1928-29, 1934-35, and 1938-39, there were periods of inelastic demand for wheat such as we are going through at the present time. However, those periods of inelastic demand for wheat will not threaten the Commonwealth marketing scheme.

It is unthinkable that the wheatgrowers of Australia, who have had the benefit of a Commonwealth-wide stabilisation plan, would ever come out in favour of a proposition which would substitute for the plan individual marketing by the different States. If the thinking of members of the Government is that such a possibility exists then I cannot follow that thinking at all. We, on this side of the Chamber, do not accept there is even the remotest possibility of the different Australian States going on their own in competition with each other and with the wheat-producing nations of the world to sell the wheat crop. Surely members can contemplate the chaotic situation which would develop under these circumstances.

Why should we fool ourselves into thinking that this legislation is necessary? As I have already said, it is only desirable as a curio piece for a museum. It will go down in history as a prime example of the foolishness of the Brand-Nalder Coalition Government.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

METROPOLITAN MARKET ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th August.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [7.52 p.m.]: This Bill seeks to make some additions to a section of the Act which permits the Metropolitan Market Trust to make by-laws for a whole host of purposes pertaining to its activities. Specifically, this legislation will enable the trust to exercise greater control over traffic and vehicles.

I very much doubt, from a reading of the Act, whether there is a necessity for the amendment; because a perusal of the parent Act shows that the trust may make by-laws for a whole number of purposes including—

> Regulating the conduct of persons using the market, resorting thereto, or buying or selling therein;
>
> Prescribing how, when, and by whom and under what conditions and restrictions such market, or any part thereof, may be used and occupied;
>
> Prescribing, levying, and collecting rents, tolls, fees, and charges for the use of such market and any part thereof;

Then, there is the dragnet provision—

> Generally for carrying into effect the provisions of this Act.

If the Minister wants this further wording in the legislation, I have no particular quarrel with that. Frankly, I do not know the genesis of this legislation and all I can do is to hazard a guess.

I am not particularly happy in saying this; but, from my own experience with the Metropolitan Market Trust and with very many of those people who have occasion to do business there, it would almost appear to me to be another case of further frustration to one of the largest auctioneering firms, the United Fruit and Vegetable Growers Co-operative Ltd.

I repeat: this is one of the largest auctioneering firms. It is a co-operative and has, I think, approximately 600 shareholders. This co-operative renders a service to the fruit and vegetable growers —particularly to the latter—at a cost which is considerably less than that charged by others who operate at the markets. The co-operative has been endeavouring for years to obtain additional space. The Minister would know this, because deputations have waited upon him and, also, the Minister has been good enough to visit the markets quite early in the morning where he has witnessed the general scene of confusion.

It is nothing unusual for market gardeners to have to wait an hour or two hours before they are able to unload. This is brought about because of the crowded conditions, the traffic congestion, and the rest of it. However, in other sections it is possible for producers to move their vehicles through and unload in about 15 minutes.

I repeat: endeavours have been made to obtain additional space to enable the producers themselves to carry out their activities. When space at the markets is only partly being used it is wrong for an organisation of the growers to suffer these handicaps and disabilities. Those who patronise this market should not have to have their vehicles occupying space in the market trust grounds for periods of up to two hours.

In addition, very many other growers would like to patronise this co-operative because of the financial advantages to them, but they are unable to do so. At the moment it is so much more convenient for them to go to other places where there is a smaller number of patrons.

It is possible that a traffic problem exists because the trust has not extended the consideration that should be extended to this firm. Consequently, there is a necessity for something more specific to be placed in the Act in order to meet the situation.

In a few words, Mr. Speaker, if you will permit me, I would like to explain that I think the position was aggravated by an amendment made in 1962 to the Metropolitan Market Act. The purpose of the Act was stated at the inception of the legislation, which was more than 40 years ago. It said—

> The trust may establish and maintain a public market and branches thereof in the Metropolitan area, for the sale and storage of . . .

Various commodities were then enumerated. In 1962 the Act was amended to strike out the words "sale and storage of" and insert instead before the enumerated produce of the market gardeners and the orchardists the passage, "purpose of handling, grading, storing, disinfecting or fumigating, dealing in, selling or otherwise disposing of".

Surely, the concept of a market is a place where producers take their goods and where those who seek to buy are able to purchase. All those other extraneous matters in the way of grading, handling, and so on could be carried out elsewhere. The next thing we will find is that a jam factory, or something of that nature, is established on these premises. This kind of thing is completely foreign, I repeat, to the original concept of a market. Because of this, there is a state of overcrowding, a shortage of floor space, and all the accumulated worries and troubles which I have mentioned which culminate in a traffic problem.

Therefore, it is necessary for the Government to bring down special legislation to ensure that action can be taken against the owners of those vehicles if they are parked or stationed in unauthorised places.

Mr. Nalder: This is not aimed at producers. This is aimed at unauthorised persons using the market area as a parking place during the day.

Mr. GRAHAM: It would be aimed at anyone who parked his vehicle in an unauthorised place.

Mr. Nalder: It is not the growers who are at fault here.

Mr. GRAHAM: It is anyone at all.

Mr. Nalder: You are suggesting that the growers might be inconvenienced as a result of this Bill.

Mr. GRAHAM: If it were only those people, then I suggest we again make some reference to the by-law authority which appears in the parent Act under which the trust is empowered to make by-laws for the purpose of regulating the conduct of persons using the market, and prescribing how, when, and by whom, and under what conditions and restrictions such market, or any part thereof, may be used and occupied. Surely such a by-law, Mr. Speaker, would apply to you and to me if, without there being the amendment

which is sought and which we are considering at the present moment, we parked our vehicles on any portion of the property which is vested in the trust.

I repeat that I have no objection to the Bill, but what I have been endeavouring to do is to point out that a state of chaos, of frustration, and of inability to expand to provide the service that so many growers want, exists at present, and this state stems from the fact that there is a shortage of floor space which brings about many problems, including parking problems.

In my view it would be far better if some attention were given to the question of providing additional space for the primary producers who want nothing more than to be able to conduct their own affairs in their own interests. They are prepared to pay whatever rental may be charged; they do not want a gift of any kind. Their activities have expanded tremendously in recent years and it is a co-operative concern. In other words, everything is in its favour.

I have already said that deputations have waited on the Minister and he has been sympathetic, or attentive, anyway. Unfortunately, the approaches have not brought results. Indeed, I state quite openly that I have been approached by these people asking me if I would endeavour to arrange a deputation to wait upon the Premier, presumably by way of appeal, because of the apparent impossibility of getting the trust, or the Minister, to take the necessary steps to provide additional space for these very worthy people.

I thank you for your indulgence, Mr. Speaker, and having said what I have, as already indicated, I am not in opposition to what is proposed. I doubt if the Bill is necessary, but it clarifies certain matters and, in the final analysis, cannot do any harm.

MR. BERTRAM (Mt. Hawthorn) [8.4 p.m.]: In his opening remarks the Minister said—

> This Bill to amend the Metropolitan Market Act follows advice to the Metropolitan Market Trust that the Act is deficient generally for the control of traffic within the trust's property; and legal opinion obtained indicates that the present traffic control in the market, or any extension by way of regulation, may be open to challenge.

If this is so, it can be seen that the Bill really owes its existence to a certain legal doubt. In view of the circumstances I would ask the Minister if he would produce the legal opinion to us, because that might solve many of the problems that occur to us which might otherwise remain unsolved. If he chooses not to do this I would at least like him to indicate his reasons.

I would also be pleased if he would indicate to the House the Victorian Act to which he has referred. In his speech he made reference to the control of the Melbourne market and how it had been operating successfully for two years, and so on. For example, I have here a copy of the Victorian Wholesale Fruit and Vegetable Market Act dated the 18th November, 1968, No. 7760, and there is nothing in that Act which seems to point to any particular provision which is reflected in the proposed amendment. I do not know whether the regulating powers contained in the Victorian Act are any better than the powers contained in the Act we are now seeking to amend. In any event, if the Minister would be good enough to indicate the Act to which he has referred, the one he is using as a precedent, or the regulations which are operating in Victoria, we could compare them with our own legislation and decide where to go from here.

Another interesting aspect mentioned towards the end of the Minister's speech is—

> Any fines and penalties imposed as a result of the amendment will be paid into the Consolidated Revenue Fund.

I would like to know the reason for that provision.

It seems to me that if the Trust will, in fact, be organising staff to police the regulations which in due course will be in force under this amending Bill, it should at least be reimbursed to the extent of the expenditure it has incurred by way of wages and perhaps on the provision of plant and equipment, and the like. Otherwise it might be suggested that the Bill is a fund-raising exercise; a suggestion which is often made in regard to so many of the provisions of our traffic Acts and regulations. If this is not so then perhaps we could be given some explanation why the Trust is to provide services and equipment to implement the by-laws proposed and yet is not to benefit financially in any way.

Finally, I am unable to support the Bill in its present form, because it contains a reference to a person called "the owner" of a vehicle, but the Bill does not contain any definition of an "owner." It would therefore seem to me to suggest that if a person leases a vehicle—leasing not being uncommon these days—or if a person is hiring a vehicle, Custom Credit, or any one of these financial houses, will be the one that will be fined, and I do not think that is the intention of the Bill.

In my opinion, therefore, until the mysterious "owner" is made clear, the Bill should not be allowed to pass in its present form, because my submission is that we will have to renovate it in any case, and I consider we should make it good now, as

that is so necessary. For the reasons I have given, I do not support the Bill at this stage.

MR. NALDER (Katanning—Minister for Agriculture) [8.10 p.m.]: The Deputy Leader of the Opposition has indicated his support for the amendment. In replying to the debate, I might mention that the trust has found a weakness in the Act, and the officers of the Crown Law Department have indicated that the only way to overcome the difficulty is to amend the Act, as outlined in my remarks when I introduced the Bill to the Chamber.

The Deputy Leader of the Opposition covered some other ground which I will refer to only briefly, because I feel that you, Mr. Speaker, might ask me to refrain from introducing new matter. I would like to indicate that the position is as the honourable member has stated; that is, every effort has been made to assist the company to which he referred, and offers have been made to help it in its present situation. I understand, however, that the latest offer was refused, because the company considered it would cause it some inconvenience. I know the trust has, in every way, been endeavouring to accommodate all the companies that operate in the metropolitan market area. The amendment made in 1962 was also referred to by the Deputy Leader of the Opposition. There was every good reason for the introduction of that amending Bill. At that time we had the problem of bananas being brought into Western Australia and there was some criticism that possibly they could be infested with fruit fly. Chambers were constructed so that the bananas could be fumigated to prevent the possibility of fruit-fly infestation, and this was one of the reasons for the introduction of the 1962 amending Bill.

Further, its introduction was made not only for the fumigation of bananas to prevent fruit fly, but also to prevent other fruits being infested with the fly. Over the years that amendment has been popularly supported by many of those engaged in the fruit growing industry. If the chambers had been built at Welshpool or at, say, East Fremantle, this would have meant that a consignment of fruit would have had to be transported to some other area and then taken to the markets. The commonsense way of dealing with the problem was to handle the fruit in the same area, and, as I have said, this was the reason for the 1962 amendment.

As I pointed out initially, the trust has discovered a weakness in the parent Act. The trust has its inspectors who perform their duties round the market area, and one of their problems was that unauthorised persons who had no interest in the market were using the market area as a parking place for their vehicles, and the trust found it was unable to take action against them. To overcome this difficulty the Bill before the House was introduced.

In replying to the point raised by the member for Mt. Hawthorn, I would mention that if he desires to query the legal authority that advises the Government, that is his privilege. I have no intention of saying why, in my opinion, this should be done, or should not be done; I am merely passing on the information given to me by the legal authorities, and that is the reason the amendment has been introduced. It is a simple authority which is sought to enable the trust to handle the situation I have outlined.

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.

SOIL FERTILITY RESEARCH ACT AMENDMENT BILL

Second Reading

Debate resumed from the 28th August.

MR. JAMIESON (Belmont) [8.16 p.m.]: This is not what one might call a State-shattering piece of legislation; but in order to keep the State on the move I suppose we have to be tolerant of the introduction of small amendments to legislation, in the same way as we have to be tolerant of the introduction of major amendments.

I have done some research into the Soil Fertility Research Act, and to say the least I find it to be quite a mongrelised piece of legislation. I was rather interested to find in *Hansard* the remarks of the present Minister for Agriculture—the member for Katanning at the time—when he spoke on the second reading of the Soil Fertility Research Bill in 1954. His concluding remarks were—

> I intend to support the second reading of the Bill with the object of giving the scheme a trial to see what it can do, but I hope that in future we shall be able to adopt a compulsory scheme under which every farmer will contribute to the research work that is so much needed.

That was a good bit of socialistic thinking!

It is a pity that on this occasion the Government has not gone further and adopted what the Minister suggested in 1954. On this occasion the Bill seeks to change the names of the trustees. There has been only one other amendment to the Act, and that was to increase the number of trustees by giving the coarse grains section—then referred to as the barley and oats section—direct representation.

Not much information has been made available as to what the trustees have done since the original Act was passed, although I have read the regulations which have been promulgated. Unless we are given

some information to the contrary, this legislation should be consolidated to embrace all forms of farming. I agree with the view which the present Minister for Agriculture put forward in 1954: if an endeavour is to be made to carry out research into soil fertility, then all farmers are affected, and all of them should be obliged to pay to achieve a common aim. That would be preferable to playing around with words by introducing an amending Bill such as this to change the names of the trustees.

It seems that all parties concerned wanted the original piece of legislation, but nobody was happy with it because nobody knew whether, as a result, sufficient funds would be raised for research. It was left to some people to volunteer, for the purpose of creating the fund, a contribution of ¼d. per bushel on wheat produced; and it was left to the trustees appointed under the Act to expend the money. In the Bill before us it is sought to change the names of the trustees; and no doubt under the law the new trustees will be the legal successors of those appointed under the original Act.

The original Act takes up only one and a half pages. When I said it was a rather mongrelised piece of legislation, I was referring to the one and only amendment that has been made to include the president of the barley and oats section as one of the trustees. Instead of inserting a new section in the Act, an amendment was made to the section dealing with the appointment of the president of the wheat section. However, the two vice-presidents of the wheat section and the barley and oats section respectively were covered by the one section in the Act.

I would like to know from the Minister whether the Act has been working effectively, and whether in the near future the suggestion put forward by him in 1954 will be adopted. His suggestion was that all who were associated with primary production should be obliged to contribute to research into soil fertility so as to ensure that not too much was taken out of the soil and that soil fertility was improved; and to determine in what ways it could be improved. The only way to do that is to have experts to examine these matters; and the only practical method to bring about such expert examination is by the raising of the necessary funds.

In regard to the attitude of the Opposition, we support the Bill, although it is not a State-shattering piece of legislation. It is probably technically correct that the amendment to the Act should be made.

I hope that we will hear more comments from the Minister than those he gave on the introduction of the second reading, on the need to change the names, so that we can ascertain whether the wheat section, and the barley and oats section, have been working for the benefit of the rural community, or whether the Act has merely become a lame duck since its inception in 1954. I support the second reading.

MR. NALDER (Katanning—Minister for Agriculture) [8.23 p.m.]: The value of this legislation has never been in doubt. As the member for Belmont said, the Bill contains nothing which can be regarded as having a State-shattering effect. It is perhaps unfortunate that we have to take up the time of the House by introducing such a small amending Bill, but we have been advised that the amendment is necessary because the Farmers' Union has altered the names of the two sections. To keep the legislation in order it was thought advisable that the amendment should be made.

I would like to point out that the research undertaken as a result of this legislation has proved to be very valuable to soil fertility in the State.

Mr. Jamieson: Have any reports been submitted to the Government in regard to finance and other matters?

Mr. NALDER: Yes. I have not the figures with me, but they can be made available to anyone who desires them. Figures on the amount of money that has been spent, and the sources through which it has been spent, are available. Both the Department of Agriculture and the research section of the University have benefited from the funds that have been made available.

The Government has accepted the advice which has come forward from the industry itself. There is a proposition before us with reference to the small seeds section of the Farmers' Union, which is considering making some contribution to this fund. Any moneys which are contributed are readily accepted by the research section.

Mr. Jamieson: What about the market gardeners?

Mr. NALDER: If the market gardeners are interested in making a contribution, the Government will be quite happy to accept it.

Mr. Jamieson: The scheme will be more successful if the idea which you propounded in 1954 was put into effect.

Mr. NALDER: If other sections of the primary industries wish to make a contribution, the Government would be quite prepared to support the proposition. The work which those engaged in research into soil fertility are doing should be appreciated by all, because so many valuable contributions have been made that it will take a great deal of time to outline them.

If any request is made for the figures of expenditure, I will be quite happy to supply the information.

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.

FORESTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st August.

MR. GRAHAM (Balcatta—Deputy Leader of the Opposition) [8.28 p.m.]: In my view this is a most extraordinary Bill; and in saying that it is not to be construed that I am casting any reflection upon the present Minister. I use the term "extraordinary," because it was in the year 1919—or 50 years ago—that the Auditor-General first pointed out to the Government of the day that something was amiss, and that legislative action should be taken to put the matter right.

To outline the Auditor-General's observation, I quote from his report for the year ended the 30th June, 1968. He said, as he had said on about 40 previous occasions in almost identical terms—

Mr. Bovell: I was not the Minister for Forests during all that time.

Mr. GRAHAM: I am aware of that. The Auditor-General said—

> Attention was drawn in previous reports to the change in the basis of apportionment of the "net revenue" of the Department whereby interest and sinking fund contributions on Loan Fund moneys used for Forestry purposes have been excluded from the expenditure of the Department. The Solicitor General, in September, 1919, advised that, in arriving at the net revenue of the Forests Department, interest and sinking fund contributions on loan expenditure of the Department, should in his opinion, be taken into account. It would appear necessary that an amendment to the Act, defining the term "net revenue" along the lines approved, should be sought from Parliament to place the matter in order.

I suppose that an observation of the same kind was made to me for some years when I was Minister for Forests, as it has been made to the present incumbent. To me it is extraordinary that successive Governments and Ministers should have allowed the passage of so many years without attempting to do anything about this matter.

Accordingly, this is a simple little Bill designed for the purpose of excluding the payments—interest and sinking fund—from the revenue of the Forests Department when deciding what money should be available to it.

No doubt the Minister will have observed on the notice paper some amendments with which I hope he will agree. Unless my memory fails me, they would have the support of the Forests Department.

If members can cast their memories back to 1954 they will recall I was very much in the firing line in my forestry portfolio owing to what was to me then a painful necessity in having virtually to dismiss one who had been my boss only a few years earlier, and appoint someone else as Conservator of Forests.

In 1954 I introduced an amendment to vary the formula because previously three-fifths of the net revenue of the department was returnable to it to be used for forestry and, particularly, for reforestation purposes. The 1954 amendment increased the three-fifths formula to nine-tenths and if members care to read the debate which took place they will find that there was general approval of this amendment by my predecessor (Mr. Wild), who was speaking on behalf of the then Opposition —Liberal and Country Party—a position they will perhaps again occupy in another 18 months or so.

Mr. Bovell: Perhaps!

Mr. GRAHAM: That is so. I said it is a position they will "perhaps" again occupy.

When that amendment was before another place, the spokesman for the Opposition (Mr. Murray) expressed himself in favour of nineteen-twentieths instead of nine-tenths, as being an improvement on the three-fifths formula. In other words, the feeling from all quarters was that the maximum amount of money possible should be available to the Forests Department for reforestation purposes.

I demurred somewhat because, as I have already indicated, I was in the hot seat, and I had no idea what would be the response to the nine-tenths formula. I did not know whether it would be said that it was another illustration of a Minister seeking to help himself to Treasury funds, or something of that nature, because some reasonably extravagant language was being used about that time.

Mr. Ross Hutchinson: A little later than that!

Mr. GRAHAM: No. It was in 1954.

Mr. Ross Hutchinson: I am referring to what you termed as extravagant language on your housing effort.

Mr. GRAHAM: Perhaps we could have an interesting exercise on the housing question on another occasion. If I may digress for one moment, I remember that high-density or multi-storey accommodation to be constructed by the State Housing Commission was then described as the last gasp. However, the present Minister for Housing is taking great pride in his high-density activities in Bentley and

other places. But this indicates that even Liberal Ministers can learn. As I have said so often, this usually results in delaying progress for 10 to 20 years. Nevertheless, they ultimately do catch up with the facts of life!

On this point of three-fifths *versus* nine-tenths—and, as I am suggesting, 100 per cent.—of the revenue to be returned to the Forests Department, this will make no impact whatever on the Treasury, because last year, for instance, as its one-tenth the Treasury retained $320,000. That was on the one hand; but, on the other hand from Consolidated Revenue it handed out more than $1,500,000. Exactly the same result would have been achieved if the net revenue of the Forests Department had been retained by it and only $1,200,000 made available from the Consolidated Revenue Fund.

I believe that the Forests Department should be left to enjoy its moneys. I cannot think of any good reason why a proportion of it should be retained by the Treasury, particularly having regard to the tremendous sum which, in any event, has to be made available from Consolidated Revenue for the purposes of this department. Anyhow, if the Minister is not in an accommodating mood, perhaps I will have more to say on that point in Committee.

Mr. Davies: He is always in an accommodating mood.

Mr. GRAHAM: I hope and trust he will be on this occasion. I would certainly welcome it.

I wish to raise one other point. I refer members to page two of the Bill, and particularly to the last few lines on that page, where it says that the proposed clearer definition shall be deemed to have had effect on and from the 1st January, 1945. The Minister made no mention whatever of this date. I have hunted through whatever is available to me, and for the life of me I cannot see any significance in that particular date. There may be a good reason for it, but to me it immediately suggests that it ought to be 1919.

Mr. Bovell: I will give the reason.

Mr. GRAHAM: It would have been far more helpful had the Minister obliged by supplying the information when he was introducing the Bill.

Mr. Bertram: Hear, hear!

Mr. GRAHAM: Those are the principal points I wish to raise in connection with this Bill. I desire the information which the Minister says he has available and, further than that, I hope and trust he will agree to a sensible procedure instead of hanging on to the remnants of a process which has outlived its usefulness, and which bit by bit is disappearing. If the Minister has not already consulted his department on this point, I hope he will do so, because I am sure there will be no disagreement, unless a change of heart has occurred.

It should be apparent to the Minister that I am supporting the Bill.

MR. BERTRAM (Mt. Hawthorn) [8.38 p.m.]: The Minister knows, or ought to know, what a legal opinion is.

Mr. Bovell: I think the Speaker might know that.

Mr. BERTRAM: At the moment I am concerned with the Minister because he introduced the Bill, the cornerstone of which was a legal opinion.

Mr. Ross Hutchinson: Whose?

Mr. BERTRAM: Normally that would be highly persuasive. It was not, therefore, greatly surprising that the other day I asked the following questions of the Minister:—

> (1) Relevant to his second reading speech on the 21st August, 1969, in support of the amendment to the Forests Act, 1918-1964, what are the circumstances which caused the Solicitor-General's opinion to be sought as to the method of determining the "Net Revenue"?
>
> (2) Will he table the said opinion?

It then emerged that there was no legal opinion, at all—this was purely a figment of the imagination.

Mr. Bovell: I was not sure of the date at the time, so I did not quote it; but the Solicitor-General in 1919! expressed his opinion, but only verbally, according to the records.

Mr. BERTRAM: That is enlightening! I assumed that as the Bill was submitted in 1969, the Solicitor-General had given an opinion of fairly recent origin. However, it goes back to 1919. That pretty well destroys what I was about to say, because what I was about to say was more or less along the lines that the trouble is that an item which I think any accountant, generally speaking, would accept as a debit against revenue—namely, interest —has not, in ascertaining the net revenue, been treated as a debit against this particular account. Naturally, when we find a blatant departure from the norm, we wonder why it has been made.

I would have thought that at that time the accountant, being a reasonably proficient and efficient accountant, would have obtained an opinion as to why he should not include interest as a debit in this account. Had he obtained an opinion, then as far as I am concerned, I would want a lot more in 1969 than a mere comment to persuade me that the Act required renovation and amendment.

An "opinion" has been defined as a formal statement by an expert when consulted on what he holds to be a fact or the right course. It is professional advice and is given after due deliberation, and after the expert concerned has acquainted himself with all the facts and circumstances of the particular case. He then gives an opinion which can be relied upon and which can be given due weight.

However, it now emerges that an off-the-cuff chance remark—if it amounted to that—was given by some legal officer in 1919. I suppose we can be thankful that in 1969 we are going to do something to correct the position.

Mr. Lapham: That sounds like a State on the move!

Mr. BERTRAM: It is certainly on the move. I am a little staggered that we should have caught up with it in 1969 with a conservative Government in office. However, I agree with the previous speaker that it is quite extraordinary that we should seek to make something retrospective to the tune of a quarter of a century without an intimation as to why this should be.

I was a little loth to inquire because half a dozen inquiries on a previous Bill did not seem to justify any comment at all in the eyes of the Minister concerned. However, nothing tried nothing gained, so in this case I would like to hear why we should make this provision retrospective to 1945 and not retrospective to 1925 or 1955. As I have said, it seems an extraordinarily odd date. Perhaps if we could be informed of the reason we will, at least, gain something out of the exercise of this debate.

MR. BOVELL (Vasse — Minister for Forests) [8.43 p.m.]: I thank the Deputy Leader of the Opposition and the member for Mt. Hawthorn for their comments. As has been correctly stated, this anomaly—if it is an anomaly—has been in existence since the Forests Act was enacted in 1919.

According to the records, in 1919 the then Solicitor-General—or one of his officers—expressed the opinion that some provision should be made in the Forests Act to provide for the clarification of the charging of net revenue. It is interesting to note that during the period of 50 years a number of the Premiers have at the same time been Ministers for Forests and Treasurers.

The late Philip Collier was Minister for Forests for a long time. The late John Willcock was Minister for Forests for a long time, and the late Sir Ross McLarty was also Minister for Forests. At the same time, those gentlemen were Premiers and Treasurers of the State, but no action was taken to rectify the position.

The situation has arisen now mainly because of the growth of the pine plantations in Western Australia and the charging of the interest on loan funds. The Treasury considered it necessary to rectify the position at this late stage, half a century after the Forests Act was enacted.

Reference has been made to 1945. The reason for the Bill referring to 1945 is that the then Premier, The Honourable Frank Joseph Scott Wise, approved of a proposal which appeared in the Auditor-General's report for the financial year ended the 30th June, 1946. On the 20th November, 1945, the Premier approved of a proposal that—

> The amount to be paid into the Reforestation Fund shall be determined in future by first deducting from the gross revenue of the Department, the amount provided for the Department on the Consolidated Revenue Fund Estimates (which at present amounts to approximately £31,000 per annum) and then allocating three-fifths of such balance to the Fund.

The amendment goes back to 1945 because the Premier of the State at that time—he is now a member of another place—authorised the procedure.

Mr. Graham: Can the Minister explain how the Premier and Treasurer of the day could authorise anything when the Act specifically lays down what the formula shall be?

Mr. BOVELL: As the gentleman concerned is still in Parliament I think it would be a good idea if we talk to him on another occasion. I cannot give any explanation other than that the procedure is referred to in the Auditor-General's report. It might have been proper for the Deputy Leader of the Opposition to have found this out when he was Minister for Forests for six years after 1945.

Mr. Graham: But the present Minister has been in office for 10 years.

Mr. BOVELL: Yes, nearly 11 years. However, in the process of time we catch up.

Mr. Tonkin: Is it the process of time, or scratching around for legislation to keep the House busy?

Mr. BOVELL: It is not becoming of the Leader of the Opposition to make such unworthy remarks. My colleague, the Minister for the North-West, has just suggested that the Leader of the Opposition is in a bad mood tonight. I think there might be something in that suggestion because the Leader of the Opposition is not usually in that frame of mind. However, to say the least, he has been a little difficult to get along with this evening.

Mr. Williams: Give him an early night tonight and he will be happy tomorrow.

Mr. BOVELL: The Deputy Leader of the Opposition referred to the amendments which appear on the notice paper,

but I regret that I cannot agree to his proposals. I have taken the precaution of conferring with the Conservator of Forests and seeking his opinion.

The SPEAKER: That discussion will be more appropriate when the Bill is in Committee and the Deputy Leader of the Opposition does, in fact, move his amendment.

Mr. BOVELL: Very well, Mr. Speaker. The Deputy Leader of the Opposition raised the matter during the second reading debate and you, in your wisdom, allowed him to proceed. I thought you might allow me to do the same. However, as we will be discussing the matter in Committee I will leave it until that stage. I commend the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bovell (Minister for Forests) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 41—

Mr. GRAHAM: I move an amendment—

Page 2, line 1—Delete the passage "Subsection (2) of".

This, of course, is the first of a couple of amendments designed to give effect to what I outlined earlier; namely, that the whole of the net revenue accruing to the Forests Department should be available to it for the purposes of afforestation and reforestation.

It would appear that the Minister for Forests does not agree with me. To be perfectly frank, I thought I had convinced him and that any doubts would have been removed. I will admit that I was drawing the long bow.

Certainly it is a long way back to 1954 when I wallowed in the glory of being one of Her Majesty's advisers. However, this seems to me to be a common-sense procedure.

I have said all that I think can gainfully be said at this stage and I await with eager anticipation the words of the Minister through which he will seek to demolish my proposition.

Mr. BOVELL: First of all, I would like to thank the Deputy Leader of the Opposition for putting the amendments on the notice paper. This action gives one an opportunity to research. I commenced to indicate in the debate on the second reading—but I was pulled up by the Speaker—that I have consulted my advisers.

Mr. Tonkin: You are not reflecting on the Chair, are you?

Mr. BOVELL: No, I am not reflecting on the Chair. Here again, the Leader of the Opposition is rather touchy this evening. It does not matter what one says, it seems to be wrong. This is not usual, because generally we seem to get along very well together. I wonder if he is anxious about the Sandover Medal and a little concerned that his nominee will not be successful.

Mr. Tonkin: I have no chance of winning it.

Mr. BOVELL: The position is that I have sought the opinions of my advisers, because I thought there might be some merit in what the Deputy Leader of the Opposition is trying to achieve. I have been convinced that the Forests Department is better off under its present system of revenue and expenditure than it would be under the system envisaged by the Deputy Leader of the Opposition. It may be in the process of time—and I hope it will not be 50 years—it will be advisable to allow the whole of the revenue from the hardwood forests to be placed in the afforestation fund.

I have a report from the Conservator of Forests which I will submit to the Committee. He says—

> Basically, the whole problem is tied up with plantation loan charges and the plantations' inability to return this *in toto* until the plantations are reaching maturity. This, of course, cannot occur for some years yet.
>
> From the department's point of view, I feel that the situation which has existed since 1945 and is now being legalised is in the best interests of the department.

I hope the Committee will note the word, "legalised". To continue—

> Treasury agrees with the Government's amendment and any action to return the whole of the net revenue to this department should not be raised until the time when revenue from plantations is such that it can carry the whole of the loan charges.

I tabled today the working programme of the Forests Department. I cannot be quite sure but, from memory, I think the proposed loan programme for this year is $1,100,000. Members will see that the Forests Department is relying on loan funds from the Treasury to maintain its pine-planting enterprise from which income is not yet readily available and is not sufficient to provide the overhead charges—that is, interest charges and so forth—compared with the one-tenth revenue that goes into the Treasury Department. It might sound a complicated

accounting exercise, but that is the position. I will continue to quote the Conservator's comments. He said—

> As an example of the situation over the past three years, the following figures show the position:—

	Loan Charges	One-tenth Revenue to Treasury
1966-67	$325,362	$317,959
1967-68	$344,210	$326,147
1968-69	$365,964	$306,797

It will be seen that the loan charges are in excess of the one-tenth revenue. To continue—

> The figure for the return to Treasury is, of course, very largely based on income from hardwood royalties and it could be argued should not be used to pay charges on loans used entirely for plantations.
>
> From another angle, the department's trading in pine shows a surplus which will remain reasonably static for the next few years at about 65 per cent. of the actual interest and sinking fund charges.

Surplus from pine operations.	
1966-67	$314,900
1967-68	$259,980
1968-69	$255,305

> This simply emphasises that although plantations show a partial return on loan money invested, they cannot, at this stage, carry the full loan charges and Treasury will still need to carry the deficit until plantations are self supporting.
>
> I have discussed the effect of the Deputy Leader of the Opposition's proposed amendment with Mr. Birks of the Treasury Department who has referred the matter to the Under-Treasurer and they still favour the existing amendment.

I have explained the position to the Committee. As I have said, I sought the opinions of my advisers. The conservator believes that, under the existing system, it is in the interests of the Forests Department to pay into the Treasury one-tenth of the income from hardwood revenues which, at least, assists us in obtaining Treasury grants to fund the interest and overhead charges on the pine plantations.

When the pine plantations come to maturity and are producing income, perhaps consideration could be given to the proposal which the Deputy Leader of the Opposition has in view. In all the circumstances, I cannot support the amendment.

Mr. GRAHAM: I listened with intense interest to what the Minister had to say and what he read to the Committee. I can say that I disagree entirely with the conclusions which were drawn.

However, it is not my intention to debate the point except to say that surely it would be a very simple matter for the Forests Department, in its own accounting if it wished, to treat hardwoods and softwoods in two totally different categories instead of the exchanges which currently take place between two Government departments.

I will never be able to understand why it is not simpler for the Treasury to meet accounts totalling $1,200,000 instead of passing over $1,500,000 to the Forests Department which repays $300,000. The effect is exactly the same. I suppose Government departments have their foibles and characteristics and that is that.

Since the Minister has spoken in opposition, I can well appreciate what will happen to my amendment, for which reason I will not further press the matter.

Amendment put and negatived.

Mr. GRAHAM: I thought we were getting along famously by using as our authority—and this is the only one that has been quoted—the words of wisdom of the Solicitor-General in 1919, which so impressed the Auditor-General that he has been singing virtually the same song to Parliament for each one of the 50 years that have passed since then; namely, to indicate that the wrong procedure was being followed and it required an amendment of the Forests Act to validate or remove from any doubts the question that had been raised in connection with certain transactions.

If a Minister of the Crown in 1945 authorised something to be done, his authority cannot exceed the requirements or the conditions or the omissions of the Act. The only authority that has been quoted is the Solicitor-General. If it was wrong in 1919, it is still wrong, and therefore this legislation should be made retrospective to the year 1919.

If a responsible Minister—The Hon. F. J. S. Wise—could validate something at the stroke of a pen, notwithstanding the legislation, then the present Minister for Forests could do exactly the same thing and with the same authority. However, if it is necessary to amend the legislation then obviously it must date back to when it was first passed in 1918.

Therefore I would like some legal opinion on this. I think we are only half doing the job and some time in the future a Minister for Forests will be called upon to validate everything that occurred between 1919 and 1945. The only qualification I make is that if a Minister for Forests 24 years ago was able to put things right, why does not the Minister in 1969 do that and save bringing the legislation to Parliament?

I would like to hear the views of my colleague who is a lawyer, because I am as certain as I stand here that a mistake is being made.

Mr. BOVELL: Here again, I am guided by the Government's legal advisers, and I would remind the Deputy Leader of the Opposition that it was not the Minister for Forests of the day who did this, it was the then Treasurer.

Mr. Graham: He was equally bound by the terms of the Statutes.

Mr. BOVELL: I am not responsible for what happened in 1945—at that time I had not even been discharged from the services. Perhaps the Deputy Leader of the Opposition would care to read my notes to get a better idea of the situation. I will have his comments examined by my advisers and, if necessary, a further amendment could be brought down. However, I do not want to delay the passage of this Bill because I am proceeding on the advice of the Government's advisers, which came to me from the Treasury and from the Forests Department.

Mr. BERTRAM: I think the Minister could well offer a little leadership and courage here and accept an amendment to make the Bill retrospective to the time the legislation originally became law. What is wrong with doing the job properly?

I suspect that during the years 1919 to the 1940s, a series of Acts was passed, and section 41 as it now stands was suspended and some other formula operated. I am afraid I do not recall the precise details. However, if we are to clear up the position, why not let us go right back? I suggest to the Minister that we do this and then refer the matter to his advisers: I am sure he will not be disappointed. I do not think much attaches to this, but if some expert can show that it is wrong to make the Bill retrospective to 1919, we can worry about it then. However, do not let us do it back to front.

Mr. GRAHAM: It is obvious to me that a procedure has been followed which is at variance with the legislation, and this has been pointed out to Parliament by the Auditor-General every year from and including 1919. If a previous Minister was able to put things right from 1919 to 1945, then I say the present Minister could do the same; but, of course, he cannot because "net revenue" is referred to, and included in that would, of course, be interest payments which had been made by the Treasury Department.

This is the justification for this Bill, and the authority for seeking to amend the Act stems from what was said in 1919: that a procedure was being followed which was at variance with what the law of the land provided. Even assuming that there was some merit in what the Minister has submitted—and, of course, I deny that—then no harm will be done by making the Bill date back to the 3rd January, 1919, when the original Act was assented to. If the Minister thinks that Mr. Wise was able to put things right, then Parliament will also be putting it right in case there is any shadow of doubt about it. Therefore, I move an amendment—

> Page 2, lines 23 and 24—Delete the words "first day of January one thousand nine hundred and forty-five" with a view to substituting the words "third day of January one thousand nine hundred and nineteen."

Mr. BOVELL: Although attention was drawn to it by the Solicitor-General and the Auditor-General in 1919, the practice was not commenced until authority was given by The Hon. F. J. S. Wise in 1945. This is the information I have—

> This section does not prescribe precisely how net revenue is to be determined and since 1945 the expenses that have been taken into account for this purpose have excluded interest and sinking fund on loan funds used for forestry purposes. This method is contrary to an opinion of the Solicitor-General given in September 1919 and the Auditor-General has regularly drawn attention in his annual report to the need for an amendment to the Act to place the existing practice in order.

Mr. Graham: Whose advice is that you are quoting?

Mr. BOVELL: It is advice given by the Treasury and the Conservator of Forests.

Mr. Graham: You are accepting that advice over and above that of the Solicitor-General?

Mr. BOVELL: The Deputy Leader of the Opposition has said nothing to convince me that the Auditor-General's report said that this was in practice in 1945.

Mr. Graham: Why does he not mention it?

Mr. BOVELL: I do not know. This is the way the information has been presented to me, and the matter has been throughly examined by the Treasury and the Conservator of Forests and, as much as I would like to oblige the Deputy Leader of the Opposition, I cannot agree to his amendment.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

WATER BOARDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st August.

MR. TONKIN (Melville—Leader of the Opposition) [9.13 p.m.]: There is one principle in the Bill with which we can readily agree. There is not much to the measure, and I cannot help but think, when I examine the notice paper and consider the Bill in relation to the others with which we have dealt, that the Government has been scratching around for something to keep the House busy.

The Bill represents a very remarkable change of thinking on the part of members of the Government, and it has taken six years for this to eventuate. I am sorry the member for Stirling has found it necessary to leave the Chamber for a moment, because I propose to have something to say on his attitude towards Bills of this kind. In 1963, the Minister for Works advocated the appointment of a retail trade advisory committee, and whilst it was being discussed the member for Stirling put forward a suggestion that it would be a good thing to have a woman on this committee. At the time of his making the suggestion the member for Victoria Park was absent from the Chamber, but he had similar thoughts to the member for Stirling and, when he returned to the Chamber, without knowing what the member for Stirling had said in his absence, the member for Victoria Park moved an amendment to provide for a woman to be appointed as a member of the retail trade advisory committee.

The member for Stirling then promptly opposed the amendment, as did the Government, which used its numbers to defeat it. So in 1963 the Government was opposed to the idea of appointing a woman as a member of a retail trade advisory committee; but what more appropriate committee could there be to have a woman sitting upon it? But no, the Government did not believe that was a sound move. But now, in 1969, it believes it is a very good move to have a woman appointed as a member of a water board, and the interjection by the Minister for Lands when the Bill was being introduced makes me a little suspicious of the amendment, because he said the Busselton Water Board is principally involved.

I hope there is no possibility of nepotism in this amendment. Has the Government some particular lady in mind whom it wants to appoint to the Busselton Water Board? Is that the reason for the amendment? Or, has the Government now come around to adopt the idea, generally, that it is a good thing to have women on boards? Because if that is so one can expect to see, before long, a number of Bills being introduced to amend various Statutes to provide for women to be on boards where they are now excluded?

Of course, it would appear to be a very strange procedure for the Minister to provide for a woman on a water board, if he did not consider it desirable to have women on other important boards.

Mr. W. A. Manning: Has a woman been appointed to the Busselton Council?

Mr. TONKIN: I do not know, but, if so, she could be the same woman who is to be appointed to the water board.

Mr. W. A. Manning: I thought the Busselton Council was the Busselton Water Board.

Mr. TONKIN: If this legislation is to be restricted to the Busselton Water Board, we should be told; but, of course, in accordance with the Government's general practice of keeping secret most of the things it intends to do, we cannot expect to be told, so there may be more in this than meets the eye.

Mr. Ross Hutchinson: Good Lord above!

Mr. Court: It applies to all water boards, does it not?

Mr. TONKIN: Yes, the amendment does, but apparently the Government has in contemplation only one appointment, and that is the appointment of a woman to the Busselton Water Board.

Mr. Ross Hutchinson: Who says this? The only one I have heard say this is yourself.

Mr. TONKIN: If that is so, this legislation has been introduced for a specific purpose; to suit one woman.

Mr. Ross Hutchinson: No-one said that.

Mr. TONKIN: No, but it is a fair deduction from what has been said from the Government side by interjection only.

Mr. Ross Hutchinson: It is just nonsensical!

Mr. TONKIN: Is it? Well, let us take it step by step. Was the Minister for Lands anywhere near the mark when he said the Busselton Water Board is principally involved?

Mr. Ross Hutchinson: That area drew attention to the fact that women were barred from water boards.

Mr. TONKIN: But they are barred from all boards.

Mr. Ross Hutchinson: All water boards.

Mr. TONKIN: Well, how can the Busselton Water Board be the one principally involved?

Mr. Ross Hutchinson: I did not speak for the Minister for Lands.

Mr. TONKIN: He is a member of the Cabinet. No doubt he was speaking on

behalf of the Government and he was saying something which the Minister for Works omitted to say.

Mr. Court: He was only pointing out an anomaly.

Mr. TONKIN: Or, to put it in milder language, he let the cat out of the bag. So I suppose we can expect from this legislation that there will be only one appointment of a woman on a water board and that will be to the Busselton Water Board; the other water boards will remain the same.

Even if that be so, I suppose we could welcome it, because it is the thin end of the wedge and it indicates a considerable change of heart on the part of the Government which, six years ago, would have nothing to do with women on boards.

This is a principle which I think might very well be extended, because I feel women bring to discussions which take place on boards a freshness of outlook which is to be welcomed, and I would like to see a woman serving on the Fremantle Port Authority, to mention one such body. We might also appoint a woman to the Metropolitan Market Trust. This would be another admirable place where a woman's point of view would be most acceptable.

Mr. Jamieson: And the Transport Trust.

Mr. TONKIN: And so we could go on, and I recommend to the Government that, having indicated this change of attitude, it should follow this trend as quickly as possible and bring forward a number of similar amendments to make provision for women to be appointed to the various boards I have mentioned. I think it would be a very good thing. It would certainly improve some of the boards.

Mr. Court: I think the main purpose of this amendment was to remove a straight-out prohibition.

Mr. TONKIN: The Minister for Industrial Development might think that, but the Minister for Lands does not think it. He thinks this is principally for the Busselton Water Board, and the Minister for Lands usually says what he thinks and what he means. He might, of course, be under a wrong impression, and if he is I would like to know who gave him that impression. Was the Minister for Lands, in his support of this proposal in Cabinet, misled into believing that it was principally for the Busselton Water Board, because undoubtedly that is the impression under which he is labouring?

He might not have been quite as enthusiastic about the proposition if it were for some other purpose. So it will be seen there is considerable doubt about the real intention behind this legislation, but that does not make any difference to our support for the principle of it.

We welcome this breakthrough on the part of the Government, because it shows that some enlightenment is at last being experienced in the right quarter. That being so, I hope we can confidently anticipate that this spark which is now coming forward will be allowed to develop until it becomes a really bright light which might, as a result, give us something truly worth while.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Water Supplies) [9.25 p.m.]: In the circumstances outlined by the Leader of the Opposition I wonder whether I can even thank the honourable gentleman for his support of the legislation.

Mr. Jamieson: Come on, be gracious.

Mr. ROSS HUTCHINSON: I suppose one should be grateful for small mercies, but the Leader of the Opposition seems to find some sinister motive behind the introduction of the Bill.

Mr. Bertram: Your silence worried him.

Mr. ROSS HUTCHINSON: I do not know how that could worry him. Among other things, the Leader of the Opposition mentioned that perhaps the Government was at such a loss in regard to its legislation that it introduced this Bill to keep the House busy.

Mr. Court: He took the opportunity to keep us entertained.

Mr. Tonkin: I did not want the Government to run out of business.

Mr. ROSS HUTCHINSON: In his contribution to the debate on this measure the Leader of the Opposition made rather a strange speech. At one time I thought he was trying to be funny, while on another occasion I thought he was trying to be serious. I still cannot quite determine the angle he adopted.

If members look at the Bill, however, they will see it is a measure which seeks to delete from section 10 of the principal Act the word "male." The purpose of this is to enable women to serve on water boards.

Mr. Tonkin: Could not they do that before?

Mr. ROSS HUTCHINSON: As the Minister for Industrial Development said, the amendment seeks to take out of the Act a prohibition in regard to women serving on water boards.

Mr. Tonkin: Are you sure about that?

Mr. ROSS HUTCHINSON: They are prohibited because of the wording of the Act.

Mr. Davies: How was it brought to your notice?

Mr. ROSS HUTCHINSON: It was brought to notice by someone in the Busselton area.

Mr. Tonkin: Ah, now we are getting it.

Mr. ROSS HUTCHINSON: It is quite incredible that the Leader of the Opposition should seek to impute sinister motives because someone in Busselton wanted the prohibition taken out of the Water Boards Act to enable a woman to serve on such a board.

It is certainly possible that when the word "male" is removed from the Act some woman in the Busselton area will seek election to that water board. There are only four boards concerned in this matter—the Dunsborough Water Board, the Busselton Water Board, the Bunbury Water Board, and the Harvey Water Board.

In the other bodies about which the Leader of the Opposition was speaking there is, to my understanding, no prohibition or bar to women serving, but it so happens that there is this bar in relation to this particular piece of legislation.

Mr. Tonkin: Are you sure of that?

Mr. ROSS HUTCHINSON: I really cannot see any need to go on and have a foolish argument about nothing.

Mr. Bertram: What about section 26 of the Interpretation Act?

Mr. Court: This particular piece of legislation refers to the word "male."

Mr. ROSS HUTCHINSON: The Interpretation Act does not cover this situation.

Mr. Jamieson: Is there any other Act that might?

Mr. ROSS HUTCHINSON: This is a specific fact and I do not want to enter into an argument. Before I formally commend the Bill to the House I would like to say that I would be surprised if anybody gave any real credence to the remarks made by the Leader of the Opposition in connection with what he was pleased to call the sinister behaviour of the Government in relation to a Bill of this kind.

Mr. Tonkin: Where will the first appointment be made?

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Water Supplies) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 10—

Mr. TONKIN: The Government should smarten up its legal advisers, because this is another Bill which is not really necessary. The Women's Legal Status Act of 1923 provides—

> A person shall not be disqualified by sex from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from being admitted and entitled to practise as a practitioner within the meaning of that term in the Legal Practitioners Act, 1893, or from entering or assuming or carrying on any other profession, any law or usage to the contrary notwithstanding.

So without this Bill it is quite competent for the Government to appoint the lady from Busselton to the Busselton Water Board.

Mr. Court: I do not think that is quite right in this particular case. You are quoting a 1923 Act.

Mr. TONKIN: Earlier there was the Act of 1891.

Mr. Court: This particular section in the Water Boards Act refers to a male, and it is unusual language to use in an Act.

Mr. TONKIN: Surely the Minister is not arguing against the 1923 Statute! My understanding of the language used in the section I have read is that it is all-embracing. It covers not only any law, but also any usage to the contrary notwithstanding. That means every usage. There are a few lawyers in this Chamber who might have something to say about this Act. It seems to me to be crystal clear that the appointment of a woman to a water board, or to any other board—whether or not a male is specified—can be made.

Mr. Williams: Does not that section which you have read refer to a profession?

Mr. TONKIN: It refers to everything. It would seem that the opinion I formed earlier is correct: that the Government is scratching around for subjects to form the basis of Bills in order to keep the House engaged. If we are not careful we will run out of business and have nothing left for next Thursday.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.35 p.m.

Legislative Council

Wednesday, the 3rd September, 1969

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

STANDING ORDERS COMMITTEE

Report Presented

The Hon. N. E. Baxter presented the report of the Standing Orders Committee.

Ordered: That the report be printed and its consideration made an Order of the Day for the next sitting.