of all water-boring contractors to ascertain what bores are put down in what areas, and the result of the drilling.

So, very largely the department must be up to date with all the activity in this regard. There is also a provision in the annual agricultural statistics issued by the Government Statistician requiring landholders to indicate their water supplies. The information sought to be obtained by this amendment could be readily gained from that source, or else an amendment to the statistical sheet could provide for the information to be given by the landholders. That could be done annually.

Provision for prosecution is written into this measure in the case of landholders who fail to comply with these proposals. This is merely another method of bringing about more prosecutions. The Minister also indicated in his speech—and this is contained in the Bill—that he has the authority to exempt certain areas or to proclaim certain areas. I notice that both the member for Dale and the Minister have amendments on the notice paper designed to ensure that any proclamation made under this measure shall be laid on the table of the House before obtaining the force of law. Under those suggested amendments Parliament will be able to debate, area by area, the proclamation of such prescribed areas under the provisions of the Act.

When the Minister replies I would like him to clarify this point because I have some slight conflict in my mind as to just what is to be the procedure: Will the Minister proclaim the State area by area and bring it under the provisions of the Act, or will he exempt the State area by area from the provisions of the Act? I think that needs to be clarified.

In general the desire on the part of the Government to have control of all underground water is a good one in principle. However, it is quite unnecessary to exercise that control in certain areas and, conversely, it is quite necessary to exercise control in those areas mentioned by the Minister in his speech—I refer to the Goldfields areas and the drier areas of the wheatbelt. I repeat that I can see a conflict between the provisions of this Act and the desires of landholders in the South-West Land Division in particular where underground water is readily obtainable. I already have knowledge of a clash of interests between agriculturalists and the department over water boring in the Bunbury area. The department says that the undergound water is required for industry, and the landholders say they desire to tap the aquifer for stock water supplies or for irrigation purposes. So it will be of considerable interest to me to hear what the Minister has to say in this regard.

Also, I would like the Minister to make it clear just which Government department is vitally interested in the recording of data which will be supplied by landholders who are required to furnish information of their boring activities and their well-sinking operations. I would also like to know whether the Minister intends to prosecute landholders who fail to furnish a return within one month of servicing a bore. Farmers frequently have to service bores and clean them out or perhaps deepen them. On farming properties wells in particular have to be cleaned and sometimes deepened, and I would like the Minister to let us know whether he intends to prosecute a landholder who fails to furnish a return in this respect.

I imagine—and I feel sure I would be pretty accurate—that it will take sometime for this message to get through to the landholders. I imagine it will take some time before they realise that they cannot undertake any boring or wellsinking operations without furnishing returns. At this point I offer my qualified support to the measure. I can see some merit in it, but I can also see that it could well come into conflict with many farming communities.

Debate adjourned, on motion by Mr. Harman.

House adjourned at 10.09 p.m.

Legislative Assembly

Friday, the 19th November, 1971

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

BILLS (2): INTRODUCTION AND FIRST READING

1. Land Act Amendment Bill (No. 2).
   Bill introduced, on motion by Mr. H. D. Evans (Minister for Lands), and read a first time.
2. Abattoirs Act Amendment Bill (No. 2).
   Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th October.

MR. R. L. YOUNG (Wembley) [11.08 a.m.]: The Bill before us deals with the censorship of films and it has already passed another place unscathed. I think the speeches made in that Chamber indicate the general willingness of members

to accept the principles which underlie this Bill, and at the outset I would like to say that I intend to give the measure my wholehearted support.

However, I would like to comment on the contents of the Bill, and the manner in which it arose. It is the result of an agreement between the Commonwealth and State Governments. The Commonwealth has the right, transferred to it by the States, to be the censor of film material in this country.

The system of censorship in Australia at Commonwealth level consists of a board of censors headed by a chief censor. There is an appeal censor to whom appeals can be made, but the final word rests with the Minister for Customs and Excise.

I would like to say a few words about the present Minister for Customs and Excise, and the attitude he has brought to bear on the censorship of films in Australia. The Minister, Mr. Don Chipp, is known to all members as a young man with considerable vision. He is not the sort of person who would wish to impose any form of extreme liberalism in connection with the viewing of films. He is a person who desires to see the censorship system of this country, particularly in relation to films, progress out of the dark ages and into the light of modern scrutiny.

It is a great commendation to him and to the State Ministers with whom he conferred that at last the Commonwealth and the States have seen fit to introduce legislation that will enable mature audiences to see films of mature substance, without the standard of the films being set at the level of a 16-year-old person in the community. I believe he is to be congratulated for this.

The Bill achieves a number of objectives to make the "R" classification possible. Firstly, it provides for the classification of films into the category of "restricted" whereby people from six to 18 years will not be permitted to view them. The onus is on the exhibitor to ensure that people from the age of six to 18 years will not be able to view these films.

The onus is also on the viewer so far as people aged from 14 to 18 years are concerned not to enter a theatre while the films are being shown. I think this is a good thing, because it places the onus reasonably fairly and squarely where it belongs.

The Bill also provides for a member of the Police Force to make inquiries, as he thinks fit, as to the age of a person in any theatre where an "R" certificate film is being shown. If the policeman has reasonable cause to suspect that a person has not attained the age of 18 years, he may inquire of him his correct age, name, and address. If the policeman has reasonable grounds to believe that the age, name, and address so given are false he may require that person to produce evidence as to the correctness of his name, age, and address. This is reasonable, in my view, and I do not think the legislation could be effective unless members of the Police Force have the right to make such inquiries.

Another interesting aspect of the Bill is that an exhibitor may refuse to accept an "R" classification film from his distributor and not be liable to any breach of contract for doing so. This is very necessary, because many film exhibitors in the community will wish to retain the sorts of films they currently show. I refer particularly to drive-in theatres where young children attend. It would be extremely difficult to police the ages of occupants of vehicles entering drive-in theatres. Drive-in theatre operators, and other theatre operators, should have the right to refuse to accept an "R" certificate film. This will enable them to retain the sorts of films they wish to show; namely, those suitable for normal family viewing. I am quite sure they will not wish to enter into the realms of "R" certificate films.

In a sense, the Bill is an additional form of censorship inasmuch as under the Australian laws at the moment anybody can view any film. Classifications made by the chief censor are merely advisory so that a person who desires to see a film will know exactly what sort of film he will see before he enters the theatre. Any child may see any film and there is no onus upon the exhibitor or the child. Therefore, it has been necessary for the chief censor and the board of censors to classify films in accordance with the standards of what we might term the most immature people in the community.

This is, as I have said, an additional form of censorship inasmuch as it will preclude people between the ages of six and 18 years from entering a theatre. For all that, it will, of course, have the effect of preventing a lowering of standards to the most immature level in the community and it will enable mature audiences to view films which could be described as not readily acceptable to children between those ages. In that sense, it is a lessening of censorship so that more artistic and more mature substance may be viewed.

With censorship the situation, generally, is that times change. What may be acceptable to the general community at some time may not necessarily be acceptable at some other time. This is a pragmatic and historic aspect of censorship. Times change the other way, too, inasmuch as things which have generally been regarded over many years as totally unacceptable to certain age groups—and, for that matter, to mature audiences—may well become totally acceptable in a short space of time. Never before in the history of the world have times been changing so much as they have recently. It is a truism that there is

nothing new under the sun and that everything we have seen and done, everything we are doing now, and everything we are likely to do in the near future has all been done at some time previously. However within a short space of time attitudes have never changed as rapidly as they are changing in modern times and perhaps the last decade is unique in this regard.

Mr. Lapham: They will revert, too.

Mr. R. L. YOUNG: They can revert. It is the history of the world that these attitudes do revert, but we are in a period of rapidly changing times. When the bikini first became popular in 1946 or 1947 people were horrified to think that a woman's navel could be seen when she was on the beach. I do not think anybody nowadays would be shocked at the sight of a young woman in a bikini.

The same applies to films. Censors over the years have tended to say to the general public that they are not mature enough to see certain things. I should like to give a few examples of films that have been banned and the reasons for the banning. Back in 1928 a film called "Dawn," which was the story of Edith Cavell, was banned because it criticised Germany. It is an incredible thing that in 1928 a film was banned in this country for criticising Germany. How much better would it have been if the people at the time had been able to see the film.

In 1940 the film "Comrade X" was banned because it criticised Russia. At that time, of course, Russia was our ally and the censor would not tolerate any criticism of Russia. However within a short space of 12 years—in 1952—the film "The White Haired Girl" was banned because of its overriding content of communism. Within 12 years the situation was, firstly, that a film was banned because it criticised Russia and, secondly, a film was banned because it contained too many elements of communism.

The point I am trying to make in bringing this into the debate is that times are changing rapidly. We cannot reasonably say to people that they are not to view a particular film because it will have a certain effect on their political outlook or moral fibre. Attitudes which exist when a child is seven or eight could be changed completely by the time he is a person of 20 or 21.

The board of censors has set itself up really as protector of the public moral fibre. Unfortunately when we talk about morality the general public always tend to think of nothing but sex. However there are very many other aspects to morality. I am sure the film censor will be extremely careful to ensure that this country, as a result of the restricted certificate classification, does not become a country where hard-core pornography is allowed to be shown. I deal with hard-core pornography purely for the purpose of illustrating that morality is not only concerned with sex. I am sure there are very few people in the community who would wish to see Australian film theatres showing the sorts of films that are shown in other parts of the world where hard-core pornography exists because of the fact that no censorship exists.

Somewhere between hard core pornography and *Skippy* a range of films must exist containing a number of things which, in the past, the censor has not been able to allow to be shown but also containing some very worth-while material. The Censorship Board lists three issues which it has in mind when judging a film. They are—

(1) Is the film likely to impair moral standards of viewers by extenuating vice or crime or by depreciating social values?

(2) Is it likely to be offensive to a normal audience of reasonably minded citizens?

It is open to debate as to what is a normal audience and who are reasonably-minded citizens. The third criterion is—

(3) What will be the film's effect on children?

Fortunately, this legislation ensures that in respect of "R" certificate films the censor does not have to consider the third criterion. That is a step in the right direction. In regard to the other two issues the board is required to ensure that films for motion picture theatres do not contain scenes or dialogue which are blasphemous, indecent, or obscene, which are injurious to morality, or likely to encourage crime.

It may well be that a film contains one or more of a number of these things but still has a tremendous social message which should be seen by everybody; yet, because it contains passages of dialogue which are blasphemous, indecent, or obscene, up to now the censor has not been able to allow it to be shown because of the effect it would have on juveniles. I can think of many such films—for instance, films of works of D. H. Lawrence which could never have been filmed before. Under the "R" certification, perhaps even more works of important writers will be able to be shown because the messages of writers of our times and past times have been contained in books having passages of dialogue which, up to now, have not been for normal consumption.

I therefore think this Bill takes a step in the right direction and ensures that the general community will be able to see the sort of material that might begin to bring us into contact with some of the great problems of the world, despite the fact that the film might contain some aspects of life which are not condoned by everybody—but nobody has to go into a theatre and watch a film if he does not want to.

Mr. Lewis: Will this apply to television films?

Mr. R. L. YOUNG: No. If I want to see a film that might contain many blasphemous passages but also some very soul-searching comments on life in the world today, I shall be able to get that message, even if only to be able to judge whether or not it is right. That is one of the important things about censorship. It is not always a matter of saying the contents of a particular book, film, play, or whatever it is, are bad for the public and, therefore, should not be seen or read. The real test is whether or not the public will have the right to see it—not that it might do some damage to a person's psyche but that it might make him realise there are things going on in this world other than the simple, sweet life to which one is subjected on so many occasions in so many films.

I think everybody has at least the right to go into a theatre, see a film, and make up his own mind in a mature, adult way, without the *mores* of society being placed upon him before he even steps into the theatre. For that reason I support the Bill and I think it will be a step forward from the point of view of both film viewing and the film industry in this country.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.25 a.m.]: On behalf of the Chief Secretary, who initiated this legislation in another place, I would like to thank the member for Wembley for his very thorough analysis of the provisions of the Bill, for his assessment of the value of those provisions, and, arising therefrom, his support for the measure.

I agree with the member for Wembley that this piece of legislation represents maturity in the assessment of films on the part of the censorship authorities. I would like to think that in the not-too-distant future we in Western Australia who represent the conscience of the community might become sufficiently mature to arrive at the situation of considering changing the name of the censorship authority to "assessment authority," perhaps, or "grading authority." I think the word "censorship" has a Victorian undertone. In the year 1971 we have well and truly moved out of the Victorian era.

I agree with the honourable member that the Federal Minister who is interested in this subject has a refreshing outlook and, to my mind, he has acted quite responsibly and in a manner which reflects the conscience of the community. I feel this legislation also reflects the conscience of the community, in that it demonstrates or anticipates that the community is now in a position to recognise the good sense of the assessment authorities. The member for Wembley will note I did not use the expression "censorship authorities." This type of legislation and the approach we are now adopting in Australia reflect the changing influences which are at work and determine the quality of life we enjoy.

The honourable member mentioned that despite the changes in social attitudes the role of the Censorship Board is still that of the protector of public morality. I agree with him that morality, or the protection of morality, implies much more than freedom from aberrations in the realm of sex. I would like to think that those who protect public morality are also concerned with other forms of moral pollution.

As an ex-schoolteacher, I can well recall that the basic tools with which I was equipped to go out into the teaching world were some knowledge of and, I hope, some ability to teach the "three R's"—"reading, 'riting, and 'rithmetic." I am afraid that teachers who go out into the world today must also be equipped with the means of combating another trio of R's—revolt, rejection, and sometimes riots.

I do not wish to delay the passage of the legislation but I indicate that we appreciate the support of the member for Wembley, which, having regard for the ease of passage of the legislation through another place, indicates that we in this Parliament—at least on this occasion—are in fact well and truly in touch with the common pulse and the social attitudes of the community at large.

MR. HARTREY (Boulder-Dundas [11.30 a.m.]: I support the principles instituted in the Bill and its intentions as far as I understand them.

Mr. Hutchinson: Where are the Ministers?

Mr. HARTREY: However, there is a passage I do not comprehend and I would like this elucidated either now or in the Committee stage. The proposed section 12A, subsection (2), creates an offence but it is very vague regarding the person to be punished for the offence. *Prima facie* an innocent man would be punished. Where a film in this category is exhibited before a person who has attained the age of six years and not attained the age of 18 years, the person exhibiting that film in the picture theatre is guilty of an offence in respect of each such person who is present. *Prima facie* the person exhibiting that film would be, as we as children called him, the cinematograph man. He is the man operating the machine which displays the film on the screen. He is also the person least able to see who is watching the film in the theatre, and yet he is the person exhibiting it.

Turning now to proposed new section 12A, subsection (4), this contains a rather remarkable expression. It reads as follows:—

> Subject to subsection (6) of this section, where a person who has attained the age of eighteen years causes, permits or allows a person who has attained the age of six years

> and who has not attained the age of eighteen years to be present at the exhibition of a restricted exhibition picture in a picture theatre, he is guilty of an offence against this Act.

I can see no distinction between the words "permits" and "allows." There is a marked distinction between causing a person to do something and permitting him to do something, but I would like someone to explain the difference between permitting a person to do something and allowing him to do something. There would be an intelligible distinction between the words "causes," "permits," or "suffers." Permission is an active assent, but "suffers" is a passive refraining from preventing. These two words would be in contradistinction. Unless the wording is altered there is nothing to be gained by using both words, "permits" and "allows."

Who is the person who will be guilty of the offence? Is it the person who sells the tickets to admit the picture-goers, or the girl with the torch who takes the tickets and seats the patrons? This girl would have little chance to determine ages in the dark. Perhaps it is the fireman who sees a person he feels is between the age of six years and 18 years and does not put him out.

This is a serious matter; these people could be charged with an offence and *prima facie* they would be guilty of it. I do not think that is the intention of the Act. However, I think we should be told what is intended by these words.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 12A added—

Mr. T. D. EVANS: The member for Boulder-Dundas asked for some explanation regarding clause 6. First of all he drew attention to proposed new subsection (2) which reads—

> Where a person who has attained the age of six years and who has not attained the age of eighteen years is present at the exhibition of a restricted exhibition picture in a picture theatre, the person exhibiting that picture in the picture theatre is guilty of an offence against this Act in respect of each such person who is so present.

The honourable member asked for some comment as he felt that the person subject to penalty would be the person physically exhibiting the film—the film operator—as distinct from the management of the particular theatre.

I would like to refer to new subsection (5), paragraphs (a) and (b), where it is stated that a defence to the complaint of an offence under subsection (2) will be to prove certain things to the satisfaction of the court. One of these things is that the exhibitor took all such steps as were reasonable in the circumstances to avoid being guilty of the alleged offence. If the exhibitor is enclosed in his fireproof box, and it is his duty to be there, I am sure he could show that he took all such steps as were reasonable in the circumstances. Certainly the exhibitor would not be obliged to run his eyes over the people who are entering the theatre. Let us now look at paragraph (b).

Mr. Hartrey: Who pays his costs when he is found not guilty?

Mr. T. D. EVANS: Paragraph (b) states—

> he or his servant or agent had reasonable grounds for believing, and did in fact believe that the person in respect of whom the alleged offence was committed had attained the age of eighteen years, or had not attained the age of six years, at the time the offence was alleged to have been committed.

In this instance the person who is employed by the management of a theatre to operate the film equipment and to show the film would not be a servant or agent.

Mr. Hartrey: No.

Mr. T. D. EVANS: The court would construe the management of the theatre to be the ones exhibiting the film and not the film operator; and this is how it should be. In the legislation the onus is cast on the management of the theatre and not on the person who is physically exhibiting the film.

Mr. HARTREY: I am not at all satisfied with the proposition of the Attorney-General. It is quite true that if a cinematograph operator were charged he might well have a defence under this proposed new section; but as the operator he is the obvious man to be charged in the first instance. He would have to exculpate himself and if he did not succeed he would have to pay his own costs. We do not want to pass legislation in those terms. I want to see it made clear that the intention of this proposed new section is that the owner of the theatre or the person who is conducting the business and exhibiting films in the theatre is the person responsible.

There is no doubt at all that anybody who understands the English language must admit that, *prima facie*, the person exhibiting the films is the man who operates the machine by which the films are displayed in the theatre. Therefore, the police will start off by prosecuting the cinematograph operator. He must suffer the embarrassment of being prosecuted, engage a lawyer at

his own cost, and go to court to exculpate himself. We should make it quite clear that we are not talking about the operator.

Also, what is the intent of proposed new subsection (4)? This subsection is quite capable of applying to the ticket seller, the usher, the usherette, the fireman, or any other person of adult age who happens to be present in the theatre in any capacity. I suggest that the Minister report progress and reconsider the drafting of this proposed new subsection.

Mr. R. L. YOUNG: In the parent Act the word "exhibitor" is defined as meaning, in relation to films, every person who exhibits a film in a picture theatre; and the term "exhibit" and derivatives of that term shall have a corresponding interpretation. This makes me tend to believe that the argument of the member for Boulder-Dundas is valid.

Proposed new subsection (2) includes the words "the person exhibiting that picture" and the word "exhibiting" there is a derivative of the word "exhibitor" as defined in the principal Act. Therefore, it seems to me that it does include every person who exhibits a film in a picture theatre. I interpret that to mean every person who has anything to do with the exhibition of a film in a theatre.

Mr. T. D. Evans: Have a look at proposed new subsection (6). An operator employed to operate film equipment normally does not have a servant or agent.

Mr. R. L. YOUNG: I merely wished to draw attention to the definition of "exhibitor" in the Act.

Clause put and passed.

Clauses 7 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [11.44 a.m.]: I move—

That the Bill be now read a third time.

MR. O'NEIL (East Melville) [11.45 a.m.]: I think a rather unfortunate situation has developed in respect of this Bill. It is unfortunate that the Minister who represents the Chief Secretary in this Chamber was not present during the debate. It appears that some important queries raised by members on the Government side went unanswered. The Bill has already passed through another place and, therefore, there will be no further opportunity for those queries to be answered or corrected, and no opportunity for any appropriate amendments to be made. I suggest to the Minister who is acting for the Minister representing the Chief Secretary in this Chamber that he asks someone on his side to move that this debate be adjourned in order that the queries raised by members can be investigated before the Bill passes into law.

Question put and passed.

Bill read a third time and passed.

Mr. Hutchinson: Bad management again.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 7th October.

MR. MENSAROS (Floreat) [11.47 a.m.]: It is a fairly difficult task to comment on a highly technical and complex Bill of some 30 clauses without having a great deal of theoretical knowledge or practical experience of the subject matter. As the Minister mentioned in his second reading speech—and it was borne out in a very probing and substantial debate in another place by members who have considerable legal and departmental experience and knowledge—the Bill endeavours to enhance the interest of the adopted child, or at least it solemnly announces this.

At the same time it sets out to ease the complicated machinery of the process of adoption. The Opposition welcomes the principle and intention of this measure, and supports the Bill.

It would be an unnecessary waste of time, I think, to go through the provisions of the measure; they have been explained by the Minister in his second reading speech to a certain extent and no doubt members who are deeply interested in the matter will be well acquainted with them.

I might mention one provision perhaps, purely because I had personal experience in connection with it when I represented some constituents of mine. I refer to the reducing of the age difference in the case of single person adoption. In this particular case—and I suppose it could happen again—a comparatively young couple under quite normal and desirable circumstances adopted a baby. As it happened, by misfortune, one of the partners of the marriage died in an accident. The other partner was left as a single person with the child. At that stage the order had not been made. As a consequence, because of the compulsory 30 years age difference, the remaining widowed single person was unable to retain the child by obtaining an order of adoption. I think the child was physically with the family for some 18 months or two years before the death of the spouse. Unfortunate situations such as this will be avoided by lowering the age difference in varying degrees for males and females.

Mr. T. D. Evans: Has the order, in the case you mentioned, been made yet?

Mr. MENSAROS: That happened about three or four years ago, I think. Without detracting from the commendation of the measure, I would like to raise a few doubts about the Bill which may, perhaps, be dispersed by the Minister when he replies to the debate. Again, to prevent any unnecessary delay, I shall raise only those points which were not raised and dealt with either by way of explanation or by amendment in another place.

The fact that the Bill seeks to alter the age of adoption from 21 to 18 years is, of course, consistent with the same object sought by other measures. I suppose the decision was made for the sake of gradual consistency. As members recall, this has been done by this Parliament in various instances—for example, in regard to making wills; voting; borrowing money in certain circumstances—and yet the age of responsibility has not been generally lowered. This, of course, tends to cause some confusion and contradictory circumstances in some cases.

One possible effect of the lack of general uniformity in regard to the lowering of the age of maturity comes to my mind. This has relation to the power of committal the Minister has under section 47B of the Child Welfare Act. It is a question of whether this could or could not apply to a person between the age of 18 and 21, because the definition of a child on the question of age is different in this proposed Bill from that in the Act. On the point of committal it is observed that the Adoption of Children Act provides only the machinery for the adoption of children. It is hard to understand, therefore, why a child, considered unsuitable for adoption, should remain within the scope of the Act when already there are numerous provisions in the Child Welfare Act to commit such a child as destitute. The provision contained in clause 10 (11) of the Bill seeks to commit such a child to the care of the Child Welfare Department, which provision, so far, has not yet been inserted in any State or Commonwealth legislation. If I am right in saying so, this opens up a new avenue.

If, as I mentioned before, section 47B of the Child Welfare Act is inapplicable to a child between the ages of 18 and 21 years, the judge's power to commit would extend only to a child aged 18. Until now, guardianship rights could only be removed by committing a child to the care of the Child Welfare Department under the Child Welfare Act. There is a similar provision in section 18 of the Education Act, which has always puzzled me somewhat, because under this section the parents are charged, but the child is committed if the parents cannot show cause that he should not be committed. The tendency now seems to be to bypass the courts and give increasing power to the Minister. Now powers of committal are being extended in this measure before the House. The Summary Relief Court gives power of custody to the Director of the Child Welfare Department, but this is not the same as the committal which confers guardianship rights on the Director of Child Welfare.

Under the provisions of clause 10 a child given up for adoption would apparently become a potential State ward if it is not placed in a private home within 12 months. As was stated during the Minister's second reading speech, the amendment to the parent Act, introduced in 1964, was not proclaimed until the 1st May, 1970. During this time the staff of the adoption section of the Child Welfare Department was increased considerably from some two or three persons to about 10 or 12 to cope with the extra work that had been created by the provisions contained in the amendment which transferred the control of adoption of infants to the Director of Child Welfare. Despite this increase in staff, the majority of those employed in this section, although highly qualified, are fairly young people who, of course, do not have a great deal of experience in these matters.

Despite this fact, I understand that the department has a considerable backlog and it would appear that some of the provisions contained in the Bill before us are designed to "let the department out" by way of making unplaced children State wards with authority to recover the cost of the children's maintenance from various private individuals. It is worth while noting, perhaps, that in respect of clause 10 (7) one wonders whether the Summary Relief Court would be prepared to make an order for maintenance against, say, a single girl—if she were prepared to work—in favour of the Child Welfare Department. Such a situation is quite different from that surrounding the adoption maintenance order which is made in cases where children are made State wards as a result of neglect by parents.

In cases of adoption the department wants the guardianship and the natural mother gives up the child voluntarily. This right to recover costs was not sought under the original Act, nor under the amendments. Power to place babies with private agencies was taken away with an amendment to the Child Welfare Act some considerable time ago, and the department now pays foster rates to departmental officers to board these babies in their own homes, in some cases; and it also pays considerable amounts to private persons to care for babies awaiting placement. To control such programmes by legislation is very difficult, and an endeavour should be made to have them controlled with more efficiency by the department itself.

In referring to the proposed amendments to section 4H in subclauses (5) and (6) of clause 10 of the Bill, it is difficult

to understand why the department should want to be guardian of a child pending the adoption if the adoption is not successful, or for other reasons is not proceeded with.

Mr. T. D. Evans: Would the honourable member refer to that section again?

Mr. MENSAROS: It is section 4H.

Mr. T. D. Evans: Thank you.

Mr. MENSAROS: I was saying that it is somewhat difficult to understand why the director should want to be guardian of the child pending adoption, and if the adoption is not successful, or for any other reason is not proceeded with, he can choose to opt out of the guardianship. How this can be to the best interests of the child who is the subject of adoption is hard to follow. The child may have been living with the prospective adoptive parents for some considerable time and then finds itself transported to some other place at the behest of the Director of Child Welfare.

Furthermore, the mother who has never seen the child because she was under the impression that the child was to be adopted, may then receive a request from the director to take the child back as the director has chosen to exercise his powers under proposed subsection (6) of section 4H. Very little will be gained by serving a notice on the natural parent in such a case, as the service of the notice could be unsettling to the parent where she had disposed of the child at birth in the belief that the child would be sent to a proper home and would be looked after by its adoptive parents. In such a case, to all intents and purposes the natural parent has surrendered the right of having any say or any control of the child itself.

The amendment proposed to section 5 of the Act tends to make the director almost a judge in an application before the court; and we should bear in mind that it is not always the director himself, who is highly experienced of course, but the young and sometimes not very experienced officers of the department, who deal with these matters. For that reason I think this provision could be questioned. Of course, the courts have established over the years the principle upon which they decide whether or not an adoption order should be made. Therefore it is hard to see why it is appropriate for the director to dictate as to what should or should not be done, because under this measure the court has to accept his recommendation 100 per cent. and to rule accordingly.

The provisions of proposed new section 8 also present some problems. The ideal situation from the point of view of the child would come about if the provisions of that section could apply retrospectively; because if, for example, a parent adopts two children at different times, then of course these children would be regarded at law as being different. However, I realise the undesirability of the application of the principle of retrospectivity, and the tremendous difficulties connected therewith. In the circumstances, although I have made this remark, I think the present solution is possibly the best method which can be availed of.

I have one further point to raise. If one now equates natural-born children with adopted children, as is proposed under this legislation, the justification for being able to revoke an order for adoption is difficult to understand. What would happen, for example, when the disposition of property is made to come into effect at a later stage while a person is an adopted child, and then the adoption is subsequently revoked?

Difficulties would then arise as to whether such a child would participate in the disposition of property. In view of the new provisions relating to the entitlement of an adopted child, I think consideration ought to be given to dispensing with the power to revoke an order of adoption in such cases. If that were done, then the provisions empowering the Department of Child Welfare to take over the neglected children would apply as with natural-born children; and so there seems to be little justification for the revocation of orders of adoption.

I question the remarks made by the Minister during the introduction of the second reading of the Bill that this measure allows a right of inheritance from adoptive parents rather than from natural parents, because clause 14 provides that an adopted child may inherit property from his adoptive parents. When one compares the provision in clause 14 with a similar provision in clause 7 (1) (c) of the Inheritance (Family and Dependants Provision) Act Amendment Bill now before the House, one finds that the definition of a child is different in the two instances.

That being the position, one wonders whether the provision in the Bill before us will prevail over that in the Inheritance (Family and Dependants Provision) Act Amendment Bill. If it does, then the contention contained in the second reading speech of the Minister is correct; but if it does not then, in certain cases, combining the two provisions, the child, being an adopted legitimate child, would be able to claim from both the adoptive parents and the natural parents.

This is something which bears examination. It is a highly technical matter, and it may be necessary—whatever be the intention, and I think the intention as announced in relation to this Bill is that the adopted child should only come into consideration from the point of view of inheritance through the adoptive parents—to state expressly in the Bill before us that the provisions in the Inheritance

(Family and Dependants Provision) Act Amendment Bill do not apply. Perhaps the Minister will ask the Parliamentary Draftsman to examine the matters I have raised.

Those are all the remarks I have to make on the measure. I look forward to the reply of the Minister.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [12.08 p.m.]: I thank the member for Floreat for his general support of the Bill. It is quite clear that he has closely examined its provisions, and I agree with him that they are highly technical, but at the same time they deal with real human problems.

In this regard he was able to recall from his personal experience the unfortunate predicament in which two people were placed some two or three years ago in the process of adopting a child. This has some bearing on the proposal in the Bill to reduce the age of adoption from 21 years to 18 years. The member for Floreat rightly recalled what might be regarded as a piecemeal approach by the Legislature so far, in tackling the overall problem of reducing the age of majority to something below 21 years. As he has indicated, already we have reduced the voting age from 21 years to 18 years, and we have made a similar reduction under the Liquor Act. We have amended the most historic Statute of Western Australia, the Wills Act of 1937, in a like manner; this was one of the reforms which was written into that Statute in 1970.

As I indicated in answer to a question addressed to me, I believe by the member for Wembley, early this week, the proposal for overall legislation to reduce the age of responsibility at law from 21 to 18 years is now currently before the Law Reform Committee and it is hoped that a report will be furnished in sufficient time to enable legislation to be introduced in this Parliament during 1972.

The member for Floreat then went on to mention several aspects of the Bill and he expressed some doubts and raised several questions. I will have his questions examined. This Bill is to come into operation on a date to be proclaimed. I can well recall being in this Chamber in 1964 and debating the then principal Act relating to the adoption of children, but that legislation was not proclaimed until late in 1969. I do not believe any great hardship resulted, although I recall that as a practitioner I often wished certain of the provisions had come into operation earlier.

They have now been in operation since 1969 and the purpose of this Bill is to iron out a few wrinkles of which the Legislature was not aware in 1964. Problems often do not become evident until after the practical operation of a Statute.

As I have said, I will have the comments of the member for Floreat examined, but I would like to make reference to one or two of the matters he raised. He referred to clause 10 of the Bill which provides that in certain circumstances the Director of Child Welfare may relinquish guardianship. Subclause (5) reads—

> (5) Where the Director is, under subsection (1) or subsection (11) of this section, the guardian of a child but the Director is of the opinion that it is not possible or desirable to place the child in the custody of any person for the purposes of adoption or that the welfare and interest of the child would not be promoted by adoption, the Director shall serve notice to that effect on the Registrar of the Supreme Court and on every person known to the Director as a parent, or guardian immediately before the Director became guardian, of the child and thereupon the Director ceases for all purposes to be guardian of the child and the person who was the guardian of the child immediately before the Director became guardian is again the guardian of the child.

That is as it should be. When a child has no guardian it does not remain *in vacua*. The director would then follow the provisions of the Child Welfare Act, again taking into consideration what is the cardinal principle of this type of legislation; that is, the best interests of the child.

The honourable member then dealt with clause 14 which concerns the disposition of property and the right of an adopted child to inherit from his adoptive parents, and his right to inherit from his natural parents is extinguished. I am not quite clear on what the honourable member meant.

Mr. Mensaros: I was referring to the provisions of this Bill so they compare with the provisions of the inheritance by family and dependants legislation.

Mr. T. D. EVANS: I will have those comments examined and if it is considered necessary and desirable, I will invite the member for Floreat to propose an amendment to the other Bill when it comes before the Chamber. In the meantime I will have the matter examined and will confer with him.

I thank the honourable member for his support, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and passed.

PROPERTY LAW ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 7th October.

MR. MENSAROS (Floreat) [12.20 p.m.]: This small Bill is complementary to the measure we have just passed and as such, of course, it has the support of the Opposition. Were we not pressed for time one would be tempted to speak at length on this very interesting subject. However, it will be sufficient to mention that the legal presumption contained in this Bill is necessary in order to follow up the provisions of the amendment to the Adoption of Children Act. If dispositions of property made to adopted children are to infringe the rule against perpetuities then there must be such a limitation as that proposed, which, after all, is only presumptive.

The presumption is that a woman over the age of 55 years cannot adopt a child. That does not mean, in fact, that she cannot adopt a child; it means that the presumption of law—*presumptis juris*—is such unless otherwise approved or, in fact, she is allowed an order for adoption. In view of the current trend to equate adopted children with children of natural parents the amendment is quite acceptable, and I support the Bill.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [12.22 p.m.]: I thank the member for Floreat for his support of the measure. When this Assembly passed what became known as the Perpetuities Act in 1962, that Act provided a legal presumption—not a natural presumption—that a woman over the age of 55 years would not bear a child. No Parliament and no human power could determine that a woman of 55 would not, in fact, bear a child, but the Act of Parliament provided a legal presumption to that effect.

In this particular instance the Property Law Act Amendment Bill (No. 2) provides the legal presumption that a woman of 55, if she has not already done so, will not in the future adopt a child. However, this does not mean that a woman of 55 years or over cannot, in fact, adopt a child.

I commend the Bill to the House with the support of the member for Floreat.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and passed.

NATIVES (CITIZENSHIP RIGHTS) ACT REPEAL BILL

Second Reading

Debate resumed from the 26th August.

MR. LEWIS (Moore) [12.26 p.m.]: This is a very simple Bill which was introduced some three months ago. It seeks to repeal the Natives (Citizenship Rights) Act of 1944-1964. Prior to the granting of legal access to liquor, in July, 1964, no Aboriginal or part-Aboriginal had legal access to liquor.

The Act which was passed by Parliament in 1944 provided that a native could apply to a magistrate for a certificate of citizenship. He had to satisfy the magistrate that for two years prior to his application he had dissolved his tribal and native association, except with respect to lineal descendants or native relations of the first degree; or had served in the armed forces and was entitled to an honourable discharge; and that he was a fit and proper person to obtain a certificate of citizenship.

The magistrate had to be satisfied that for two years prior to the application the person concerned had adopted the manner and habits of civilised life; that he was able to speak and understand the English language; that he was not suffering from active leprosy, syphilis, granuloma, or yaws; that he was of industrious habits and of good behaviour and reputation; that he was capable of handling his own affairs; and that the granting of a certificate would be conducive to his welfare. The magistrate made the final decision as to whether or not he should be granted a certificate.

The certificate, when granted, had affixed to it a photograph in passport form. Henceforth, the person was deemed to be no longer a native, and had all the rights, privileges, and immunities and was subject to the duties and liabilities of a natural born or naturalised subject of His Majesty.

Members of this House will appreciate that in the 27 years which have elapsed since the passing of the Act in 1944, it has been amended four times, as is indicated in the schedule to the Bill. The amendments were designed to ease the conditions required for the granting of a certificate.

The 1950 amendment provided that the certificate may include the names of all the children until they were 21 years of age. The word "may" was amended to "shall" in 1958. A further amendment made in 1964 provided for the inclusion of the names of the children to be permanent. The 1951 amendment provided

for a board to replace the magistrate. The board consisted of a magistrate and a person nominated by the Minister.

The person to represent the Minister was invariably chosen by the local authority in the district concerned. The decision of the board was required to be unanimous. This ensured the certificate would not be granted unless the local authority approved.

I mention this because during my travels as Minister for Native Welfare I found some local authorities objected to the number of certificates granted in their own areas. I pointed out to them that the matter rested with them, because they nominated the Minister's representative, and also the decision of the board had to be unanimous. Consequently, unless the applicant obtained the approval of his representative, virtually, he could not obtain a certificate.

The parent Act provided that the certificate could be suspended or cancelled where a magistrate was satisfied that the holder—

(a) was not adopting the manner and habits of civilized life; or

(b) had been twice convicted of any offence under the Native Administration Act, 1905-1947, or of habitual drunkenness; or

(c) had contracted leprosy, syphilis, granuloma, or yaws.

We have become enlightened since that day and, in 1964, as a result of considerable pressure, I deemed it advisable to bring before Parliament, with the approval of Cabinet, proposals to grant legal access to liquor for natives in the south-west portion of the State. At that time I had made inquiries of many natives who wanted the rights granted as to the purpose of their desire. They were alleged to be two-fold. The first was the right to be registered on the roll and to vote. The second was the right to liquor. At that time they confessed they were not interested so much in the right to vote as in the right to liquor.

At the time I was very much influenced by the fact that many natives had access to inferior liquor. Many were drinking methylated spirits and all sorts of harmful substances. A great deal of this was purchased by white men who should have known better, but some was purchased by those who had obtained legal rights under the Act. Many natives were being exploited and were paying much more for the liquor than the price at which it could otherwise be purchased.

In consequence, Parliament granted legal rights to liquor. The area of the State where this was to apply was extended progressively until July of this year when the remaining areas were included and natives in those areas were granted the rights to liquor. Broadly, this was about half of the area of the State but it generally embraced areas in the Kimberley and eastern goldfields.

Looking back, I have had many occasions to doubt the wisdom of granting natives liquor rights. Whatever it might have done for them psychologically I have no doubts in my mind that none have benefitted physically or morally. Certainly they have not benefited financially.

At this point I shall refer to a comment made by The Hon. Frank Wise as recently as the 27th August, 1970. He was speaking in another place and his remarks are to be found on page 435 of *Hansard* of the 27th August, 1970. He said—

> I wish to deal for a moment or two with the problems associated with assimilation as a policy. I was most interested in the remarks made by Mr. House the other evening, and I feel, no matter what may be stated to the contrary, that one of the worst steps ever taken in this State's history in regard to the treatment of our Aborigines was the step we took when we granted them full liquor rights in many parts of the State.
>
> In many of our north-west towns nowadays, and in many of our pastoral regions, we can see evidence of sadness and despair; we see some of our best stockmen—men who were capable of becoming managers of properties—sitting idle, attracted by the so-called privileges that they have been granted.

I feel I have a little on my conscience; it was not intended that way. At the time we hoped the special instruction which we undertook would eliminate these problems. We had a fair amount of literature printed and distributed widely among Aborigines prior to the event. With extra supervision given by officers of the Native Welfare Department we had hoped that Aborigines would use their new rights in the same manner and with the same moderation as white men. I think that day will come but it will take very much longer than we anticipated.

I am told from my inquiries around the countryside that some Aboriginal women are, generally speaking, worse than the men in this respect. This is a great pity because we had hoped the influence of the women would have been a steadying factor on the menfolk in their drinking habits.

On my most recent trip to the Kimberley some time last year I recall visiting the Wyndham native reserve. By no means is this one of the best of our native reserves in this State. There were assembled a group of women—some 20 or 30—and a similar number of men a few yards away. I asked them what was the most urgent need as they saw it. The men said that they wanted access to liquor. I asked the women to hold up their hands if they agreed, but they gave a very poor response. No hands went up and they incurred the wrath of their menfolk as a result.

On looking at the more sophisticated parts of the State—the South-West Land Division and nearer areas—I cannot help but agree with Mr. Wise who was a man of great experience, not only as a representative of the northern areas of the State, as a Minister and past Premier, but also as Administrator of the Northern Territory on behalf of the Commonwealth. His remarks must always command some respect.

I cannot do anything but agree with him that, on the whole, the granting of liquor rights was a little premature. It is all very well to have hindsight and say what we should have done, but I repeat, we had high hopes that with the extra instruction on all sides the natives would quickly adapt themselves to the habits of the white man in this respect. Evidently it will take much longer than we anticipated.

I agree the Bill is not controversial. In fact it is a dead letter since legal access to liquor has now been granted all over the State. This being so, there is no further purpose in the Natives (Citizenship Rights) Act.

Long before these rights were extended to the remaining part of the State, I was criticised for retaining the Natives (Citizenship Rights) Act. It was held by unthinking people to be discriminatory. It was not discriminatory against the native. To have repealed the Act would certainly have been discriminatory against the native because in the Kimberley, as recently as 12 months ago, the existence of this Act enabled those who had obtained their citizenship rights to continue enjoying—if that is the right word—access to liquor. To have repealed the Natives (Citizenship Rights) Act at that time would have taken away from them a privilege they had enjoyed. But citizenship rights have now been granted over the whole of the State and there is no purpose in retaining the Act. I therefore support the repeal Bill.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [12.41 p.m.]: On behalf of the Minister for Community Welfare I thank the member for Moore, who spoke with a great deal of compassion and courage. Perhaps no-one in this Chamber could speak with more authority on this measure than the member who has just resumed his seat.

It is true this Statute was passed 27 years ago, and if we look back on its history it may well be said to be a history of 27 years of trial and error. There was much trial; there were certainly errors made; but improvements were also effected, and as each improvement was effected it became clearer that ultimately the Statute would have to be repealed before some degree of sophistication could be extended to our coloured people.

I hasten to add that the repeal of this Statute will not sweep away all the problems associated with the integration of our Aboriginal people. Problems will exist associated with the dignity that is due to these people—that is, problems regarding their acceptance into the community—and associated with the Aborigines themselves, having come so close to real citizenship that they also have to tackle and assume the responsibilities of full integration into the community.

I do not think the member for Moore should have any qualms of conscience about taking the action he did to break the barrier by extending drinking rights in certain prescribed areas of this State. I think that action was inevitable. The honourable member said it is easy to exercise hindsight and realise one was a little premature in taking that action. I think the member for Moore is a big man to admit that, but the action he took was inevitable.

The history of 27 years of trial and error has brought us to the present time, when we are asking this Parliament to repeal the Statute. I thank the honourable member for his support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Sitting suspended from 12.45 to 2.15 p.m.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. T. D. Evans (Attorney-General), and passed.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd September.

MR. O'CONNOR (Mt. Lawley) [2.19 p.m.]: This Bill is in line with the intention of the previous Government to reprint Bills of general application. Several amendments were necessary to do this, and we have no objection to the provisions in this Bill.

Clause 5 of the Bill sets out new districts for fire areas. Alterations in the areas have taken place in recent years and therefore this particular clause is necessary.

Section 65 of the principal Act allows the board to charge certain fees for attending fires on uninsured property, grass fires, or rubbish fires. This schedule

of charges has been unaltered for something like 30 years. Alterations have been effected in the Eastern States, and similar alterations are proposed here.

At this stage we would like to join in and offer our congratulations to the board for the wonderful job it has done in recent years.

We do not oppose the Bill in this House.

MR. J. T. TONKIN (Melville—Premier) [2.20 p.m.]: I thank the member for Mt. Lawley for his support of the Bill. As he says, the measure was initiated through action taken by the previous Government. The Bill is introduced solely for the purpose of updating the legislation. The Amendments Incorporation Act of 1938 requires the reprinting of this Bill and it is common sense to bring it up to date for this purpose. That is the purpose of these amendments.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. J. T. Tonkin (Premier), and passed.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [2.26 p.m.]: I move—

> That the Bill be now read a second time.

This Bill to amend the Supreme Court Act contains several amendments and I indicate that, with the exception of the increase in the protection afforded judgment debtors against seizure of goods by the sheriff, the amendments are to give effect to recommendations of the Chief Justice. As a preamble to this measure I would say that it is right to expect that from time to time court procedures should be reviewed to ensure that they meet the changed conditions which inevitably occur under the prevailing system of justice. It is interesting to note here that the principal Act has not been amended since 1964.

The time is opportune to give further consideration to updating the procedures to meet the requirements of the community. Provision is to be made for acting judges and for commissioners to complete the hearing of causes and matters which they had commenced but not concluded at the time their appointments lapsed. There is already power for judges who retire to conclude any business they had commenced before reaching the statutory retiring age of 70 years.

Section 17 of the principal Act is to be repealed as the court derives its power to deal with admiralty matters from the Colonial Court of Admiralty Act, 1890—an Imperial Statute.

It is considered that the court should have power to sit at any time and at any place. For this reason it is thought undesirable that sittings should be fixed by the rules of court as it might be argued that the court must sit at the places and times prescribed. The amendment before the House will allow the Chief Justice discretion in determining the sittings of the court outside the metropolitan area.

At present, Criminal Court sittings are not held in Perth during the month of January. The Chief Justice is to be empowered to direct that sittings be held to deal with matters which he considers fit. These would not involve jury trials but would be matters such as pleas of guilty, breaches of probation, and other similar business. The holding of jury trials would cause inconvenience to prospective jurors in view of the widespread practice in trade and commerce of requiring employees to take annual leave following the Christmas period.

The vacation judge under the existing provisions is limited to dealing with urgent applications only. The judges have agreed with the request of the Law Society that all applications which are required to be heard during the vacation period should be heard.

Circuit Court sittings are held regularly in the four principal towns of Albany, Bunbury, Geraldton, and Kalgoorlie. At the present time there is no need to provide for regular sittings at the remaining five circuit towns of Broome, Carnarvon, Derby, Port Hedland, and Wyndham. An amendment is proposed to enable rules of court to delegate to the Chief Justice the power to fix circuit sittings where not fixed by rule. It is intended that a better service will be available to these towns.

Although stipendiary magistrates may be appointed as commissioners there is no authority to appoint District Court judges. This anomaly is to be removed by an appropriate amendment.

The court or a judge is to be empowered to make orders without limitation referring assessments of damages to the master for trial. Section 167 (1) (c) enables rules to be made for prescribing what part of the business that may be transacted by a judge in chambers can also be undertaken by the master. However, it is doubtful whether this power can apply to orders which require issues of and questions of fact to be dealt with by the master in open court. The procedure is desirable to enable court business to be transacted as expeditiously as possible.

It is proposed to resolve any doubt that the Full Court can sit in two divisions at the same court. The amount of business now coming before the Full Court makes it desirable that the position be clarified.

Every judgment debt carries interest at the rate of 5 per cent. per annum from the time of entering of judgment until satisfied. The rate is low by present-day standards as a result of which defendants often seek to delay payment by fruitless appeals. It is reasonable that the rate should be reviewed from time to time and therefore the Treasurer will be authorised to fix the rate as required.

Section 159 providing for the protection of the sheriff and his officers in selling goods under execution without notice of the interests of a third party, is to be repealed and re-enacted in the interests of greater clarity.

Although justices of the peace are allowed to take affidavits without restriction in the fields of bankruptcy and divorce—these being within Commonwealth jurisdiction—they are not permitted to swear affidavits relating to matters being dealt with under State laws where there is a commissioner for affidavits resident and present within three miles of the Supreme Court, other than probate jurisdiction. There is no reason why all matters being dealt with by the court should not be subject to the same requirements. It is proposed to remove this anomaly.

In 1964 the present Attorney-General introduced a Bill to protect certain goods from seizure by the sheriff. The protection is as follows:—

> Wearing apparel of such defendant or other person to the value of fifty pounds and of his wife to the value of fifty pounds and of his family to the value of twenty-five pounds for each member thereof dependent on him; furniture and effects (including beds and bedding) used for domestic purposes to a value not exceeding in the aggregate two hundred and fifty pounds; implements of trade to the value of fifty pounds; family photographs and portraits.

Having regard for the inflation which has taken place since 1964, it is proposed that the amounts be increased by 50 per cent. in each case, making the protection more in line with present-day values.

Section 142 (2) provides that local courts judgments, where the amount of the debt or claim allowed exceeds $200, carry interest at the same rate as that for judgments of the Supreme Court. This amount of $200 was inserted in the Act in 1930. It is proposed to raise this amount to $750, having regard for changes in money value.

The Bill contains some amendments required as a consequence of the enactment of other legislation. The Bill is recommended for favourable consideration by members.

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

PARLIAMENTARY COMMISSIONER BILL

Third Reading

Bill read a third time, on motion by Mr. J. T. Tonkin (Premier), and transmitted to the Council.

ADMINISTRATION ACT AMENDMENT BILL (No. 2)

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [2.39 p.m.]: I move—

> That the Bill be now read a second time.

Members will notice that the Bill contains only three clauses and not many more words. The amendment sought in the Bill is consequential upon the amendment of section 176 of the Supreme Court Act, which will be effected by clause 19 of the Supreme Court Act Amendment Bill. If this measure is passed the need for section 138 of the Administration Act no longer exists, as affidavits for the purpose of any matter before the Supreme Court can be sworn before justices of the peace without restriction.

Section 138 of the Administration Act reads as follows:—

> Any affidavit required by this Act to be sworn before a commissioner for affidavits may be sworn before a justice of the peace where the deponent resides more than ten miles from the residence or place of business of the nearest commissioner for affidavits.

This provision applies only to affidavits, which have to be sworn and probably have effect within the jurisdiction of the Supreme Court. By clause 19 of the Supreme Court Act Amendment Bill it is sought to clothe justices with the authority to swear affidavits in all matters within the jurisdiction of the Supreme Court; and therefore section 139 of the Administration Act will become inappropriate. For that reason it is desirable that the section be repealed.

I commend the Bill to the House.

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

EVIDENCE ACT AMENDMENT BILL

Second Reading

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [2.43 p.m.]: I move—

> That the Bill be now read a second time.

This Bill to amend the Evidence Act is likewise consequential upon the intended repeal of section 176 of the Supreme Court Act. It proposes to repeal section 106A of the Evidence Act, and the marginal note is: "Swearing of an affidavit before a Justice of the Peace in the absence of a commissioner."

I do not intend to weary the House by reading the full provision, as it is quite lengthy. It, in fact, affects section 176 of the Supreme Court Act only, making it competent for justices of the peace in certain circumstances to swear affidavits, and only in those instances relating to matters within the jurisdiction of the Supreme Court.

As I have indicated, amendments to the Supreme Court Act which are the subject of a Bill now before the House will remove the restrictions placed on justices of the peace in taking affidavits for the purpose of matters to be dealt with by the Supreme Court.

Likewise, I commend the Bill to the House and hope for its early passage.

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

RAILWAY STANDARDISATION AGREEMENT ACT AMENDMENT BILL

Second Reading

MR. MAY (Clontarf—Minister for Mines) [2.47 p.m.]: I move—

> That the Bill be now read a second time.

The State is required to enter into a supplemental agreement and ratifying amendment Act to amend the Railway Standardisation Agreement Act, 1961. The Bill before the House approves the agreement amending the agreement that is scheduled to the Railway Standardisation Agreement Act, 1961. The supplemental agreement referred to also requires approval by the Commonwealth Parliament, and appropriate legislation has already been introduced in that quarter.

The Railway Standardisation Agreement Act, 1961, which provides for the Commonwealth to share the cost of a standard gauge line between Kalgoorlie and Kwinana, includes a completion date for the project which has been defined as being the date on which regular services commenced, and has been agreed between the State and Commonwealth as being the 14th June, 1969.

The completion date is of major significance in the agreement, because it limits the amount to be contributed by the Commonwealth to expenditure actually incurred by the State up to 12 months after completion date; that is, the 14th June, 1970, and makes no provision for any reimbursement beyond 24 months of the date—the 14th June, 1971.

Completion date is of major significance in the agreement, because it limits the amount to be contributed by the Commonwealth to expenditure actually incurred by the State up to 12 months after completion date; that is, the 14th June, 1970, and makes no provision for any reimbursement beyond 24 months of the date—the 14th June, 1971.

At the time when the agreement was ratified it was reasonable to expect all financial matters to be concluded within 24 months of the date on which regular services commenced on the line, but because of increased requirements a revised plan was agreed to by both State and Federal Governments.

This plan made it physically impossible to award all contracts by the 14th June, 1970, and it became evident that the project would not be completed by the 14th June, 1971, by which date under the agreement all expenditure had to be finalised and the Commonwealth contribution obtained.

This meant that the State would fail to qualify for at least $2,200,000 of Commonwealth contribution, and the Act now proposed is designed to provide an extension of time for finalisation of claims after completion date and enable the Commonwealth to reimburse the State for expenditure incurred on the project without the limitation imposed by the original agreement. I commend the Bill to the House.

Debate adjourned, on motion by Mr. O'Connor.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 7th October.

MR. O'CONNOR (Mt. Lawley) [2.51 p.m.]: This Bill on its own could bring no complaints from this side of the House.

Sir David Brand: That's co-operation!

Mr. O'CONNOR: It seeks to amalgamate sections 9, 10, and 10A of the Traffic Act, and it deals with the introduction of days of grace and an increase in certain fees. Section 9 deals with licensing in country areas, section 10 with licensing in the metropolitan area, and section 10A with licensing in both the country and the metropolitan area.

In the past country licenses were issued on a quarterly basis, while the licenses in the metropolitan area were staggered; but in 1970, at the request of the Country Shire Councils' Association, the Act was amended to stagger the licensing in the country on the same basis as in the metropolitan area.

Clause 4 amalgamates sections 9, 10, and 10A into one section which will be section 9. I think this is desirable because it standardises the pattern throughout the State by putting the licenses of vehicles in both the country and the metropolitan area on the same basis. Sections 9 and 10 also relate to plates and the renewals of licenses.

The Act at present gives the impression that 15 days' grace is allowed in which a vehicle can be licensed, but some legal complications have arisen in connection with this and this Bill clarifies the position to leave no doubt at all.

Clause 5 allows for an increase in the amount to be retained by the Commissioner of Police from all licenses collected under his jurisdiction. The increase is to be from $1 to $3. It would appear this amendment has been submitted because of the possibility of an eventual takeover by the police of traffic throughout the State, and also because the present fees are considered insufficient. The country shires are permittid to retain $4 in respect of each vehicle up to and including 1,000 vehicles, and $3 in respect of each motor vehicle in excess of that number. In the metropolitan area the amount at the moment is only $1.50. It is understandable that if the police are to take over traffic in the country areas the fees will rise to a degree, and I think that an increase to $3 is not unreasonable.

Clause 6 relates to an increase from 25c to $1 for a learner's permit, and an increase to $2 for the transfer fee on all vehicles. At present the transfer fee on many vehicles is $2 but, in the case of some vehicles, only $1 is charged.

I said initially that this Bill on its own could not be complained about by those on this side of the House, but we must realise that since July of this year the Government has introduced a number of measures which have affected the motorists and those on this side of the House certainly hope that these increases will come to a halt. Although in the past a motor vehicle was considered a luxury, today it is considered to be more of a necessity. Most people find they cannot do without one any more than they can do without a refrigerator and other commodities in the home.

Mr. Lapham: I will remind you about that.

Mr. O'CONNOR: The honourable member can do so at any time he desires. The increase in the learner's permit from 25c to $1 is an increase of 300 per cent. When I realise that a person who qualifies and obtains a license must then pay an increased amount for that license, I have some doubts concerning whether this increase is actually warranted; but we have no complaints about this increase on its own. However other increases have been indicated. The 25c charge when a vehicle is licensed for six months instead of 12 months is to be increased to $1, which again is a 300 per cent. increase to the private motorist. Individually these increases do not amount to very much, but collectively they are mounting up against the motorist.

Mr. Lapham: It would be better if we could eliminate licenses entirely and recoup the money by a tax on petrol.

Mr. O'CONNOR: I thought the honourable member had enough troubles with the union problems in the Transport Department at the moment and would therefore be in Melbourne trying to sort things out. However, the point he makes is relevant, and approaches have been made to the Commonwealth regarding it, but for various reasons the Commonwealth is not prepared to let the petrol tax out of its grasp. I think the honourable member knows this and also knows that the previous Government made approaches in connection with this matter.

We expect people to pay for their use of the roads, but in some cases many people are expected to pay for use they do not make of the roads; and this is the point I am trying to make. At some time the total amount motorists are paying should be studied and a decision made concerning whether increases are warranted. I have already referred to the increase in the cost of a learner's permit which has gone up 300 per cent. and the increase in the license fee, when on a six-month basis, which also represents a 300 per cent. increase; and, since July there has been an increase in the third party insurance surcharge from $2 to $5 which is a 150 per cent. increase.

Mr. J. T. Tonkin: Not since July.

Mr. O'CONNOR: Since this Government came into office.

Mr. J. T. Tonkin: No. It has not been imposed. The legislation is before Parliament.

Mr. O'CONNOR: I referred earlier to indications of increases, and there are others to which I wish to refer, which it has been stated will apply to the private motorist.

Mr. J. T. Tonkin: Will you explain to me how the indication that a surcharge is to be imposed in July has any bearing on a charge which has not yet been imposed?

Mr. O'CONNOR: Is the Premier trying to tell me that this is not going to be charged?

Mr. J. T. Tonkin: No; but I am trying to indicate that the charge has not yet been made.

Sir David Brand: But it won't be long. That's the point.

Mr. O'CONNOR: It is something which will be charged to the private motorist, and while I am not opposing the Bill, I am trying to demonstrate that the motorist is being heavily hit.

Mr. J. T. Tonkin: Fair enough.

Mr. O'CONNOR: We are hoping that these increases will be taken into consideration and the motorist will not be hit too hard in future.

I was referring to the increases. The indications are that the third party insurance surcharge will go up 150 per cent., the learner's permit will increase 300 per cent., and the increase in the six-month license fee will also be 300 per cent. Because of the abolition of the road maintenance tax probably 60,000 or 65,000 vehicles will be affected.

The SPEAKER: The Bill does not deal with the road maintenance tax.

Mr. O'CONNOR: But the abolition of the road maintenance tax will affect the motorist. I do not intend to speak at any length on that point, but I do say that collectively the motorists in this State do not appear to have a very bright future financially.

We all believe that vehicles should pay for the damage they do to the roads or for their use of the roads, and no-one could cry about that in any way.

Rumours have been circulated—and I hope the Premier or the Minister will give some information about this during the reply to the debate—that negotiations have been taking place very recently between the Government and the Perth City Council for the Government to take over city parking and the control of the moneys collected thereby. The rumours may or may not be true, but the private motorist is entitled to know the situation. If the Government is to take over the control of traffic throughout the State it is not unreasonable that it should also take over the parking in the city.

This is something in connection with the Bill which I would like the Minister to explain. It may be another impost on the motorist, particularly if it is an increase as indicated. As I have already said, the Bill in its present form is acceptable to those on this side of the House. However, I wish the Governmennt to know that we will keep a close watch for any further imposts as far as motorists are concerned.

Debate adjourned, on motion by Mr. Harman.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd September.

MR. MENSAROS (Floreat) [3.01 p.m.]: The provisions contained in this Bill, in general terms, are not contentious. In fact, they genuinely protect the public where such protection is needed and, perhaps, where it is overdue. I say, advisedly, that it will genuinely protect the public because this expression has almost become a battle cry of late, and to my mind it is often related to cases where no protection is required at all. The protection of the public has been the excuse used—admittedly by both sides of the House—for the introduction of unnecessary and restrictive legislation for regimenting and registering all conceivable occupations. I have never agreed with this ill-conceived view of the majority, although I have often had to bow to it. I will never agree with restriction and regimentation, no matter from which side of the House it originates, unless it is proven to be absolutely necessary.

However, in this case a genuine protection is needed. It is not a matter of protecting someone—or the general public—against his own negligence or ignorance; because in most legal cases which involve monetary transactions members of the public have no option but to deposit money in the trust accounts of legal practitioners.

Although the profession in this State has the highest ethics, as was pointed out by the Attorney-General, there could be—and there have been—a few isolated cases of defalcation where preventive protection is necessary. Furthermore, the kind of protection incorporated in this measure will not be unnecessarily burdensome for the legal practitioners or legal officers. It will not grossly inconvenience anybody and it is, therefore, quite acceptable. Indeed, the principle is welcome. As the general terms of the Bill comply with the views of both the statutory and the voluntary representative bodies of the legal profession —the Barristers' Board and the Law Society—the Opposition does not object to the principles involved.

However, I do have a slight objection to what I will term "vague drafting" which leaves a number of questions open, and will inevitably result in problems with the administration of the provisions of the Bill. If it becomes an Act in its present form there will be complaints and the necessity for early amendments.

This is not the first experience we have had with vague drafting of Bills. It is my view that with this type of Bill if the Opposition finds some difficulty, it is hard for the Opposition to amend such Bills. It is not the job of the Opposition to move amendments and try to redraft a Government Bill. Nevertheless, I intend to point out a few items which I trust will merit the attention of the Attorney-General. He might then decide whether or not my suggestions are worth looking into.

Before I deal with the provisions contained in the Bill I will say, with respect, that I was not satisfied with some of the explanations given during the second reading speech. Members are not familiar with the terms used in this type of Bill

and neither are they familiar with the parent Acts. For that reason the only means available for members to become well acquainted with such measures is to be presented with a very comprehensive second reading speech.

The Bill contains three main provisions, and I will deal with them one at a time.

Clause 3 will delete subparagraph (i) of paragraph (h) of section 6 of the principal Act. The fee has been $20, but the amendment to section 6 will leave the position open so that the board will be able to set a fee. It will be of interest to inform members the reasons for the fees, which were not given in the second reading speech. The parent Act states that the money received by the board shall be applied, firstly, for the purpose of carrying out the functions of the board; and secondly—and this is important—any money remaining in the hands of the board on the 30th day of June in each year, over the sum of $200, may be applied by the board for the purposes of a law library. I understand the money has been applied to that purpose, and I am informed that has been the understanding of the profession.

I realise, of course, the unfortunate fact that costs are rising both for the carrying out of the board's functions, and for the carrying on of the law library. While there probably can be no objection to the Barristers' Board setting such fee as it prescribes for the issue of the annual practice certificate, one wonders whether this is not a step to obtain revenue for general purposes rather than the specific purpose of the library. This follows a well-known principle: wherever possible matters should not be dealt with by regulation.

If there was a good reason originally for setting a required statutory limit, whatever it was, perhaps the Attorney-General should explain why the original reason for setting the limit has now lapsed. We should also bear in mind that fees so paid and received ultimately will be borne by the general public.

The Bill will allow more flexibility, even within the accepted hours, for articled clerks to do outside work. The provision relating to articled clerks is interesting. As I understand it, currently they commence their articles on a salary of approximately $35 a week, which is increased by $5 a week at fixed monthly intervals with the result that they complete a two-year training period on a salary of $50 a week. I further understand that in the very near future articled clerks will commence training on a salary of $50 a week leading up to a salary of $64 a week towards the end of their training period. I find it difficult to accept the suggestion that they cannot live on such an income because very few are married when they commence their articles. For people of mature age provisions have already been set.

The general principle of articles is that an articled clerk devotes his full time and attention to his principal, but this concept will be made somewhat redundant if the proposed amendment is carried and executed in a fairly liberal way. In the first year of articles a clerk usually attends lectures given on behalf of the Barristers' Board and, subsequently, he sits for examinations. If they are to be permitted to carry out extra curricula activities the risk of inattention to the ground work leading up to those examinations would be enhanced. The Minister implied in his second reading speech that extra curricula activities are now prohibited, although they are not. According to the present provisions an articled clerk can apply for outside work and can appeal if the principal's written consent is not given.

What will happen as a result of the provisions in this measure is that the board will have discretionary power to allow an articled clerk to engage in some extra curricula activities if the written consent of the principal is secured and special circumstances exist. Further, the board can tie the permission to certain conditions. Again, appeal is allowed if the consent of the principal is not obtained.

Another impression gained from the second reading speech is that the measure will open wide the field for outside employment. It could allow for practically any employment on the part of articled clerks, such as attending petrol stations or something else of this kind. However, if the reason is as I have been told—that the extra curricula activities should be used in tutoring at the university—the provision becomes quite understandable and acceptable, although this was not said in the Minister's second reading speech.

There is the question of drafting which I mentioned earlier. I refer particularly to proposed subsection (2) of section 13. Many law firms work outside the hours mentioned herein. It is perhaps fair to say that a majority of firms start work at 8.30 a.m. and finish at 5.15 p.m. or 5.30 p.m. Therefore, the reference to offices of legal practitioners would leave it wide open for a clerk to contend that he should be given permission for outside employment. Irrespective of the normal hours of his office if the office hours generally of other firms are different he could object if written consent is not given to outside employment. Perhaps it could be considered that reference would be made to the offices of the clerk's principal instead of generally. Proposed subsection (2) appears to be the work of someone who either did not obtain information or who may, as a public servant, not be familiar with the practice of the profession.

The third and perhaps main provision which received the most publicity is twofold. The amendment proposed to section 38 (1) suggests that a notice which, so far,

has had to be given for the examination of accounts should be omitted and, thereby, there will be no possibility for legal practitioners, who are caught in defalcation, to prepare their books against such an examination.

New section 42A will provide that a certificate of a qualified auditor should be provided before a practice certificate is given. I can see some difficulty with this provision; indeed, difficulty has been pointed out to me in relation to the question of what the auditor's certificate will be like. I refer to the following wording:—

> . . . a certificate to the effect that the practitioner's books of account relating to his trust account have been kept in accordance with the rules, if any, relating to the keeping of trust accounts and that the practitioner has deposited to the credit of the Trust established under the provisions of the Legal Contribution Trust Act, 1967, such moneys as are required to be deposited under that Act.

If the auditor's certificate is concerned only with the fact that the books are in order and kept in accordance with the rules, I cannot see a great deal of merit in the provision. As we understand it, an audit is a report that certain books have been kept in order in every way for a certain period of time and do balance in every respect. I assume this is to be understood, although it is not explicitly stated and it was one of the reasons for my reference, earlier on, to loose drafting. If this is so, we must consider the difficulties of legal practitioners. Almost invariably they start their year on the 1st July; that is, at the start of the financial year. How could they produce the auditor's certificate, which presumably would have to relate to the previous year—for argument sake, from the 1st July, 1970, to the 30th June, 1971—and obtain a practice certificate, which they need for practice, on the 1st July, 1971?

No auditor could possibly audit the books in that time—within a matter of hours or even days. If the auditor's certificate relates to a previous year it does not seem to serve much purpose. On the other hand, if the provision only means that the auditor can do nothing else but say the books are in order, I cannot see what purpose that would serve.

What do the words "in accordance with the rules" mean? We do not even know the rules. Does it only mean that the books should be nicely bound and written legibly? That would not serve the purpose. I would like the Attorney-General to clarify this matter.

If the audit means a proper audit, the auditors must make themselves familiar with the rules. This will inevitably result in further expense which, again, will be passed on to the public; but I suppose we cannot complain about it because we cannot have it both ways; and if we want to protect the public some expense will have to be borne.

I wish to point out that there is obviously an error in the figures referring to a section of the Land Agents Act which the amendment standing in my name on the notice paper seeks to remedy. The reference to "section one hundred and forty-nine" should read "fourteen G." I wonder whether the clause should be redrafted, including the provisions *in toto* instead of making the reference to the provisions of the Land Agents Act, bearing in mind that, generally speaking, auditors are not concerned with the Land Agents Act or any other Act.

That is all I wish to say in connection with this Bill. I would be grateful if the Attorney-General would consider the points I have raised because the Bill as it stands appears to me to be somewhat loosely drafted.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [3.23 p.m.]: I thank the member for Floreat for his comments on this Bill and for his general support thereof. In the main, he spoke about three amendments, one concerning the removal of the limit of $20 being the maximum fee payable to the Barristers' Board by a practitioner for his practice certificate.

I would point out that the fee for the practice certificate has not as yet reached the maximum figure of $20 provided for in the Act. At the present time the fee is $16.80. However, the principal Act has provided a limit of $20 since 1926. In representations to my predecessor, by letter dated the 15th June, 1971, the Barristers' Board had this to say regarding the ceiling of $20—

> This ceiling has remained unchanged since 1926. Although there is no intention to increase the fee in the immediate future the Board desires to have the freedom to move the fee beyond $20 when its financial obligations make that course necessary. The figure of $30 is suggested as an appropriate maximum.

Mr. Mensaros: Why did you not insert a new ceiling?

Mr. T. D. EVANS: We left this to the discretion of the Barristers' Board.

Mr. Mensaros: You said they recommended $30.

Mr. T. D. EVANS: The Barristers' Board has suggested $30 should be the new ceiling.

Mr. Mensaros: Apparently that was not accepted. The Bill leaves it open.

Mr. T. D. EVANS: The Bill leaves the matter to the discretion of the Barristers' Board.

Mr. Mensaros: What was the reason for not providing a new ceiling?

Mr. T. D. EVANS: In 1926 the Legislature saw fit to set a limit of $20 and gave the Barristers' Board discretion to move below that limit. As at 1971 the Barristers' Board has not reached that limit. I see very little merit in imposing a limit and removing the discretion of the Barristers' Board. I am sure that if the Barristers' Board made an extravagant demand on practitioners legislative action would be taken to remedy the matter.

The honourable member drew attention to the suggested amendments to section 13, particularly that contained in paragraph (c) of clause 4, which provides that with the written consent of a practitioner an articled clerk may engage in certain other forms of employment, but there is a proviso which reads—

> Subject to the provisions of subsection (3) of this section the written consent of a practitioner shall not be given to an articled clerk unless the hours of such other office or employment are outside the hours of between nine o'clock in the morning and five o'clock in the afternoon on those week days (excluding Saturdays, Sundays and public holidays) when the offices of legal practitioners are normally open to the public.

The honourable member drew attention to the fact that some offices work other hours. For example, they might begin earlier. No doubt some of them are beginning earlier now because of daylight saving experience, and they might cease earlier or later than 5.00 p.m. I feel that the provisions of the proposed new subsection (3) would, in those circumstances, enable the board to get around the legislative prohibition which at present applies. The proposed subsection (3) reads—

> Where, in the opinion of the Board, there are special circumstances and the written consent of the practitioner is obtained, the Board may determine that the provisions of subsection (2) of this section shall not apply . . .

I now come to the major provision contained in this measure, which can be said to be in the direct interests of the public and in the special interests of clients of legal practitioners.

The member for Floreat saw a difficulty in the situation where a practitioner must furnish a certificate from an auditor before he can be supplied with his practice certificate. I had a look at this matter and I am now convinced no great difficulty will be experienced. I find that the certificate issued to the practitioner by the auditor pursuant to clause 6 must relate to the practitioner's books of account, which must be kept in accordance with the rules—if any—relating to the keeping of trust accounts by the practitioner.

I am advised by letter from the Barristers' Board that the accountancy rules to be introduced should be promulgated by that body, and these would regulate the manner in which trust accounts are to be kept. Such rules are already in existence in the United Kingdom and Tasmania. Practitioners should be required to produce an accountant's certificate before they can obtain their annual practice certificate. This is the provision in the Eastern States and in the United Kingdom. This clause would apply only to those practitioners who are required by law to keep trust accounts. Some practitioners do not keep trust accounts if they are working for a salary.

The Accountants' Certificate Rules of 1946 of the United Kingdom provide that an accountant is required to do no more than—

> (1) make a general test examination of the books of account;
>
> (2) ascertain whether a client account is kept; and
>
> (3) make a comparison as at not fewer than two dates selected by the accountant, between the liabilities and the balances standing to the credit of clients.

This then becomes a spot check.

The Law Society, in a letter to my predecessor dated the 14th June, 1971, explained the philosophy behind such an amendment. The relevant part of the letter reads as follows:—

> The Council of the Law Society mindful that though there have been very few defalcations in this State since the inception of a legal service, nevertheless with the expanding economy and hence an expanding number of practitioners it would be inevitable that defalcations would take place.

Further on the letter reads—

> Before referring to the proposals in detail, may I say that the sub-committee came to the conclusion that there existed no system by which defalcations could be prevented. The criminal lawyer cannot be defeated by any form of audit.

The Law Society then suggested that the Barristers' Board could favourably consider adopting the Accountants' Certificate Rules as practised in the United Kingdom. The Barristers' Board has agreed to this and the Government has seen fit to implement the machinery to give effect to those recommendations.

Finally, Mr. Speaker, I would like to thank the member for Floreat for drawing my attention to what is obviously a printing error in clause 6. The clause refers to section 149 of the Land Agents Act, whereas there is no such section. However, there is a section 14G. The original draft referred to section 14G, but in the process of being printed it became section

149. This is obviously erroneous and the Government supports the member for Floreat in rectifying this patent error. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 38 amended—

Mr. MENSAROS: Before moving the amendment I would like to thank the Attorney-General for his explanation. I do not like to cause trouble but when I am in genuine doubt I like an explanation. This was a typical case where there were grounds for doubt. However, the Attorney-General has explained the clauses in his reply. He gave a very thorough explanation which shows that my doubts were ill founded—it is not a real audit; it is a spot check. That is a different matter, of course. This course was followed in England and elsewhere and it is worth while attempting to see what it achieved.

Having said that, I move an amendment—

Page 3, line 13—Delete the words "one hundred and forty-nine" and substitute the words "fourteen G".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Section 42A added—

Mr. MENSAROS: I move an amendment—

Page 3, lines 24 and 25—Delete the words "one hundred and forty-nine" and substitute the words "fourteen G".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

MILK ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th November.

MR. I. W. MANNING (Wellington) [3.40 p.m.]: As the Minister pointed out in his second reading speech, the need for this amendment to the Milk Act arises from the merger of two companies. The Minister stated that the merger is regarded as being in the best interests of the industry. However, the merger will take out of the dairy industry one of the pioneer butter and milk companies; namely, Sunny West Co-operative Dairies Ltd.

This company has been manufacturing in the south-west for a period of at least 70 years. It is most regrettable to see a company which has been so long in the dairy industry and has contributed so much to the development of the south-west virtually retiring from the industry. Undoubtedly the problem which faces the company is that of a reduction in the throughput of milk and dairy products, and this has brought about the need for the company principals to endeavour to merge with another company and so regain some strength.

The need for this has resulted from a reduction in production in the dairy industry in the south-west, and in particular that part of the south-west in which this company carries out its operations. I notice in the annual report of the Milk Board which is now before the House that the overall production of milk for all purposes within the State has dropped by approximately 1,000,000 gallons during the year ended the 30th June, 1971. I suggest that would have been a crucial period for the company concerned. When we assess the impact upon the dairy company of this fall in production, together with ever-increasing costs faced by all companies today, it is perhaps understandable that the company found it necessary to look for an opportunity to merge with another company.

A point which intrigues me a little in this situation is that as far as I can ascertain the company concerned offered its establishment to only one of its rivals. It did not at any time attempt to look around for the highest bidder. This may have been brought about, of course, by the fact that it is a co-operative company and it looked around for another co-operative company with which to merge. Probably that is the explanation. However, in the hard, cold business world it might be expected that the company would look for the highest bidder and even go outside the State looking for someone to take it over.

Another point which intrigues me is: How did the Minister get through Cabinet the wording of the amendment he has produced in the Bill? Section 30 of the Milk Act has been amended on previous occasions—the last occasion being in 1963 when the maximum number of licenses permitted any one company was increased from three to four to meet a particular situation at Albany. On that occasion the present Premier—who was then the Deputy Leader of the Opposition—and the present Deputy Premier—then the member for Balcatta—strongly criticised the amendment and expressed their grave concern at a trend in the milk industry which was—in their words—drifting towards monopolisation.

This prompts me to be quite intrigued because if we follow the line of thinking expressed on that occasion by those two gentlemen, then this is a further major step towards monopolisation.

Sitting suspended from 3.46 to 4.03 p.m.

Mr. I. W. MANNING: This drift in the milk industry towards a lesser number of companies has not passed unnoticed by the producers, and any drift to monopolisation is of major concern to them. The milk producers in the industry have always watched very closely the competition for their products among the dairy companies. The producers have always placed a great deal of credence in this from the point of view of maintaining a healthy atmosphere in the industry. There has always been a great deal of rivalry and competition for milk produced in the south-west in particular. This meant a great deal to the dairy companies because of the need to have the greatest throughput possible in their factories. Therefore the people farming in the south-west areas are greatly interested in the competition that exists in the milk industry as a whole.

As a result of this any amendment to the Milk Act which seeks to reduce competition in the industry is looked upon with major concern by the producers and they are always quick to express their opinion on it. Although the Minister in his speech referred to desirable rationalisation, this is a word of which the farmers are very wary, because it certainly suggests the removal, from particular areas, of the competition that now exists. I am sure any further move towards rationalisation would bring about a great deal of comment from dairy farmers.

The one redeeming feature in the merger of the two companies—Sunny West Co-operative Dairies Ltd. and Masters Dairy Limited—in this instance takes away from the milk industry one of the areas of greatest friction; that is the balancing of milk. As I view the position, the other major company engaged in the milk industry—the Peters group—is able to match up, fairly well, its intake as against its output, whereas in the past Sunny West Co-operative Dairies Ltd. has had a major intake of milk and a small output and Masters Dairy Limited has had a small intake and a major output.

So I repeat that this merger, in itself, has brought about a balance and has removed from the milk industry an area of friction. Therefore there is a great deal of merit in the fact that these two major co-operative companies have merged.

As was so strongly emphasised by the Premier when he was the Deputy Leader of the Opposition on this side of the House, I think the approach in the future should be that when any amendment to the Milk Act is required which will have an effect on this section of the industry we should only concede the granting of additional licenses inch by inch, and Parliament should have an opportunity to take a vote on the question, because at present we could not afford to have another grouping of major milk companies. If this were brought about we would then have complete rationalisation in the industry and a complete removal of any area of competition.

We should follow the principle enunciated by the member for Melville and the member for Balcatta on a previous occasion, which was supported very strongly by the Minister of the day—that is, the present member for Katanning—namely, that it should be the view of the Government as it was with those engaged in the industry that only a limited number of licenses should be granted. Therefore I am very surprised to find the Minister for Agriculture bringing before Parliament an amendment to the Milk Act which completely removes the limit in that respect.

With your permission, Mr. Speaker, I will read subsection (4A) of section 30 of the principal Act as it will appear if the amendment contained in clause 2 of the Bill is agreed to. The amended subsection will read as follows:—

> The Board shall not in any case issue a treatment license to any applicant therefor if by the issue of such license, such applicant shall become the licensee of treatment licenses exceeding such number, or proportion of the total treatment licenses issued or to be issued, as is prescribed.

I realise that provision is made for some limitation to be prescribed, but I emphasise again that in the past the limitation was written into the Act. Where a situation arose which required an increase in the number of licenses to any one company, and was considered to be of major importance, the matter had to be brought before Parliament for attention under this section of the Act. That gave Parliament the opportunity to consider that particular aspect of the industry, and to approve the request.

Both the member for Melville and the member for Balcatta, to whom I have made reference, place a great deal of importance on the point. I, too, emphasise that I have a great deal of regard for this aspect: that into the Milk Act a limitation should be written. I am surprised that the present Minister for Agriculture did not do as his predecessor did; that is, vary the maximum number of licenses that may be made available to any one company. That would have ensured that demands for an increase in licenses or for a greater percentage of the milk industry would, as was previously done, be brought to Parliament for approval. To me that seems to be the sensible way to deal with the matter.

I do not propose to vote against the Bill before us, because, as has been clearly

stated by the Minister, it provides for the merger of two major companies which are engaged in the industry and it will enable a transaction, which means a great deal to many of the shareholders, to go through. So, it would be wrong for us to place any obstacles in the way of the successful conclusion of that transaction.

All in all, I would very much like to have seen the amendment presented to Parliament in the form I have suggested. At the rate we are going, the structure of the industry, after this amending Bill has passed through Parliament, will be such that one of the two remaining companies could take over the other; or alternatively, some company from outside the State could come in and take over the two remaining companies. We see this type of takeover in other industries, and I think it would be highly undesirable if a takeover were to eventuate within this section of the milk industry.

A tremendous amount of money is invested in the industry, in the farms, in the production side, in the treatment side, and in the retail side. There are also the interests of the consumer to be considered. The milk industry is in a very healthy state at the present time. It enjoys a degree of stability, and this stability should be guarded jealously by all those who are in a position to exercise control. In the other agricultural industries we have seen many ups and downs; but over the years through good management and good legislation we have been able to keep the milk industry on an even keel. It is of real concern to the people, particularly the farmers whose interests lie in the milk industry, that their interests are protected. One way to protect that industry is to maintain competition among the treatment plants; and therefore a reduction of this competition is of concern to the producers.

I do not want to labour this point, but I emphasise again that I am very surprised indeed—knowing the thinking of influential people within the Government—that the Minister for Agriculture has brought forward such an amendment, instead of merely increasing the number of milk licenses that may be made available to any one milk company.

Debate adjourned until a later stage of the sitting, on motion by Mr. Harman.

(Continued on page 209.)

QUESTIONS (27): ON NOTICE

1. STATE HOUSING COMMISSION

Rental Account: Loss

Mr. O'NEIL, to the Minister for Housing:

(1) Since the answer to question (9) on Thursday, 29th July indicated that the State Housing Commission proposed to take action regarding the losses in the rental account of $577,864 in 1969-70 and an estimated loss of $560,000 in 1970-71, can he advise the decision made?

(2) Is he in a position to state accurately the loss sustained for the year 1970-71?

(3) If so, what is the figure; if not, is there a revised estimate?

Mr. BICKERTON replied:

(1) Information required for Government decision has been prepared for examination but decision has been delayed due to change of portfolios.

(2) No, as accounts are kept according to source of funds and not according to functional employment.

(3) It is assessed, after separating purchase activities, that the rental operations in 1970-71 showed a deficiency of $636,303.

2. HOUSING

Rents, Rebates, and Evictions

Mr. O'NEIL, to the Minister for Housing:

(1) Has the study regarding State Housing Commission policy relating to rents, rebates and evictions referred to in question (7) on 29th July, 1971 been completed?

(2) What decisions have been made?

Mr. BICKERTON replied:

(1) No.

(2) The study has not been completed as final details of new financial arrangements are still being worked out so rental and rebates formulae can be effectively redetermined.

As to evictions the commission's policies have been re-affirmed as a consequence of amending operational procedure.

3. BUILDING SOCIETIES

Allocation of Commonwealth Funds

Mr. O'NEIL, to the Minister for Housing:

(1) What sum of money will be allocated to building societies under the new financial arrangements with the Commonwealth?

(2) Has this allocation been made?

(3) If not, why not?

(4) If not, would he not agree that the early allocation of this sum would help to stimulate the cottage building industry?

Mr. BICKERTON replied:

(1) $4.35 million in 1971-72 for building societies and approved institutions.

(2) No.

(3) It has been necessary to wait on Commonwealth legislation (introduced on 8th November, 1971) before determining the manner of operating and what statutory and appropriation authorities are required.

(4) Not in any substantial degree.

4. ABATTOIR

North Dandalup

Mr. RUNCIMAN, to the Minister for Development and Decentralisation:

(1) Who are the principals involved in the feasibility studies being undertaken for an abattoirs at North Dandalup?

(2) What progress has been made in the company's studies?

(3) Is it the intention of the Government to assist the project by direct finance or by guarantee?

Mr. T. D. EVANS (for Mr. Graham), replied:

(1) L. C. Lack, P. Princi, F. H. Trinick, who are the shareholders in Pinjarra Abattoir Pty. Ltd.

(2) The company has completed a feasibility study.

(3) A decision has not yet been made as to whether financial assistance will be granted.

5. EDUCATION

Non-Government School Students

Mr. A. R. TONKIN, to the Minister for Education:

(1) Do any non-Government school students attend classes in Government schools?

(2) If so, what are the details?

(3) Under what conditions does this take place?

(4) Is there any financial consideration involved in any such arrangement?

Mr. T. D. EVANS replied:

(1) Occasionally non-Government school students attend classes in Government schools.

(2) As this is done by local arrangements the Education Department does not have details but it usually occurs in specialist subjects such as home economics, where a small group of non-Government students are permitted to join the classes in the Government school.

(3) The conditions are determined locally and the practice occurs where the non-Government students can fit without disruption into the existing Government school time-table.

(4) No.

6. *This question was postponed.*

7. NATIVES

Sunday Island

Mr. RIDGE, to the Minister representing the Minister for Community Welfare:

(1) What number of Aboriginal people are resident at Sunday Island?

(2) Is there evidence of additional people wanting to settle on the island?

(3) If "Yes" how many?

(4) What is the source of income of the Sunday Island inhabitants?

(5) From what source do the island inhabitants procure their basic necessities?

(6) If any, what medical services are available to the island people?

(7) How do the Aboriginal people gain access to the island?

(8) Is the island accessible from the air by fixed wing aircraft?

(9) Over the last two years can he state what Commonwealth or State funds have been provided to help re-establish the Bardi people at Sunday Island?

(10) For what purpose were the funds used?

(11) Does the Government accept responsibility for the maintenance of buildings at the settlement?

(12) Are the Sunday Island people applicants for a "grant in aid" for the current financial year?

(13) If "Yes" what form of aid is being sought?

(14) When will the application be considered?

Mr. T. D. EVANS replied:

(1) Until the water supply failed recently there was a fluctuating Aboriginal population of up to 50 on the island. At present there is none resident on a permanent basis.

(2) Yes.

(3) It is believed that the majority of the Bardi people, numbering about 160 men, women and children,

would like to live either on Sunday Island or on the adjacent mainland.

(4) Limited wages—limited social service benefits—subsistence marine activity.

(5) Broome, Derby and from local natural resources.

(6) Royal Flying Doctor Service.

(7) Small boats, usually with outboard motors.

(8) There is no serviceable airstrip on the island. The nearest airstrip is at Cape Leveque.

(9) The Commonwealth Office of Aboriginal Affairs has made a grant of $1,000.

(10) To assist in establishing a co-operative store.

(11) No.

(12) It is believed that an application has been made to the Commonwealth Office of Aboriginal Affairs for financial assistance.

(13) For the establishment of economic enterprises.

(14) This is a matter for the Commonwealth Department.

8. STATE FINANCES

Effect of Government Decisions

Mr. COURT, to the Treasurer:

(1) What decisions have been made since the Consolidated Revenue Fund and General Loan Fund Estimates were introduced which have an impact on these estimates?

(2) (a) What are the amounts of money involved in each of these decisions;

(b) what other trends in expenditure and revenue are affecting the estimates?

(3) What is the total impact of—

(a) the decisions in (1);

(b) the trends in 2 (b),

on the estimated deficit?

(4) What revisions within Loan Fund allocations are necessary because of decisions or trends mentioned in (1), (2) and (3)?

(5) What effect will the change in method of imposing State Electricity Commission increased electricity charges as from 1st November, 1971 have on either the Loan Fund allocations or Consolidated Revenue Fund Estimates?

(Detailed information is only sought in respect of individual items of reasonable amount such as $50,000 and above.)

Mr. J. T. TONKIN replied:

(1) The only decisions taken by the Government to date which involve a sum in excess of $50,000 in 1971-72 are to increase charges in nursing homes to return an additional $55,000 in this financial year and a 50% reduction in rail freight on wool carried to Albany at an estimated cost of $136,000.

(2) (a) Answered by (1).

(b) The delay in enacting legislation to give effect to budgetary measures is the only apparent item at this point in time.

(3) An estimated increase of $661,000.

(4) Nil.

(5) Nil.

9. BOATS

Registration: Exemption of Tenders

Mr. MENSAROS, to the Minister for Works:

(1) Are tenders at present excluded from power boat registrations?

(2) Is it correct that tenders will be excluded from the proposed increased power boat registration fees?

(3) Will he give the definition of a tender for the purposes of registration?

Mr. H. D. EVANS (for Mr. Jamieson) replied:

(1) Tenders are not excluded from power boat registration but share the same registration as the parent boat.

(2) Tenders will continue to share the same registration as the parent boat.

(3) Consideration is at present being given to a definition of a tender for inclusion in the amended regulations which are currently being prepared to give effect to the decision to increase registration fees.

10. *This question was postponed.*

11. TRAFFIC ACCIDENTS

Cambridge Street-Selby Street Junction

Mr. MENSAROS, to the Minister representing the Minister for Police:

(1) Has his Department record of the number of—

(a) fatal;

(b) non-fatal,

accidents which occurred in the last six months at the corner of Cambridge Street and Selby Street, Floreat Park?

(2) If so, would he give this information?

(3) Has the Perth City Council approached him or his Department with a request to instal traffic lights at the intersection?

(4) What is his attitude towards installing the traffic lights?

Mr. BICKERTON replied:

(1) (a) Nil.
(b) 16.

(2) Answered by (1).

(3) No record of any such approach can be located.

(4) Traffic control signals in metropolitan area are installed on a priority basis having regard to volume of traffic using intersection and the accident record. These priorities are reviewed annually.
However, a recent check of accidents at this intersection has revealed an increase in right angle accidents since the 'Stop' signs were replaced by 'Give Way' signs. Consideration is being given to reinstating the 'Stop' signs.

12. HIGH SCHOOLS

Enrolments, and Land at Swan View

Mr. MOILER, to the Minister for Education:

(1) Does the Education Department have an optimum enrolment figure for senior high schools?

(2) If so, what is the considered optimum?

(3) Does the Education Department hold an area of land in Swan View, bounded by Weld, Salisbury, Marlboro and Morrison Roads?

(4) What is the acreage of land held?

(5) Does the Department consider this of adequate size on which a senior high school could be developed?

(6) What is the minimum area of land required for the development of a senior high school?

Mr. T. D. EVANS replied:

(1) Yes.

(2) Approximately 1,250 students.

(3) Yes.

(4) Between 30 and 31 acres.

(5) Yes.

(6) There is no absolute minimum but the department attempts to provide 25 acres for a full high school site and 30 acres for a combined high and primary school site.

13. TOURISM

Caravan and Camping Parks

Mr. RUSHTON, to the Minister representing the Minister for Local Government:

(1) Is he aware of the motions passed at a country tourist authority conference recently held at Rockingham relating to the caravan and camping by-laws?

(2) Is he aware of the difficulties and hardship being experienced by proprietors and lessees of caravan and camping parks in the southern part of the State who experience only short tourist seasons?

(3) Will he urgently review the caravan and camping by-laws to ensure the full range of holiday caravan and camping parks continue to be available to ensure families especially are not deprived of their economic holiday?

Mr. BICKERTON replied:

(1) No.

(2) No.

(3) Not unless it can be shown that existing by-laws are unsatisfactory.

14. BUILDING SOCIETIES

Allocation of Commonwealth Funds

Mr. W. A. MANNING, to the Minister for Housing:

(1) What is the allocation of Commonwealth funds to each of the permanent and terminating building societies for the current year?

(2) When will it be available?

Mr. BICKERTON replied:

(1) There are no longer any Commonwealth funds made available under a Commonwealth-State Housing Agreement. The new arrangements in respect of State funds were advised on answer to a question by the Member for Melville on 21st September, 1971.

(2) As soon as possible when statutory and appropriation authorities are arranged consequent on Commonwealth legislation introduced on 8th November, 1971, but not yet passed.

Mr. O'Neil: That should be "East Melville," I think.

15. *This question was postponed.*

16. LAND

Point Peron Reserve

Mr. RUSHTON, to the Minister for Lands:

(1) Will he demonstrate to the House how a bigger part of Point Peron will be available to the general

public under new tenancy arrangements than was intended with the expiring of leases in 1982, releasing the area for the public use?

(2) Has the Shire of Rockingham previously recommended the leases held by the social organisations should expire in 1982?

(3) Has the Metropolitan Region Planning Authority recommended previously leases held by the social organisations should expire in 1982?

(4) Was the transfer of Point Peron from the Commonwealth to State Government conditional upon the area being set aside for an "A"-class reserve for recreational and/or park lands?

(5) If "Yes" to (4) what are the Government's intentions in this regard?

(6) Has the Fremantle Port Authority plan for Mangles Bay involving Point Peron been scrapped?

(7) If "No" to (6) will he advise the Government's intentions for integrating the Fremantle Port Authority plan with Point Peron?

(8) Is it now intended to change the site for the Point Peron sewerage works as previously promised by the Premier?

(9) If "Yes" to (8) where is the sewerage works now to be sited?

(10) When the Government considered the extension of the leases to 1993, was the existing Fremantle Port Authority plan and siting of sewerage works given thought?

(11) What was the decision in this regard?

Mr. H. D. EVANS replied:

(1) The statement was not made. The recent reference to a larger part of the peninsula becoming available for public use related to the possibilities of improving access to beaches in the period 1972 to 1982.

(2) Not according to Lands Department records.

(3) Yes.

(4) No.

(5) See answer to (4).

(6) and (7) The public works reserve proposed by the previous Government is being retained under the present arrangements.

(8) and (9) The Metropolitan Water Supply, Sewerage and Drainage Board has no proposals in this regard.

(10) and (11) As previously advised, the decision reached had regard to all the factors involved.

17. INSTITUTE OF TECHNOLOGY

Bunbury and South-West Students

Mr. WILLIAMS, to the Minister for Education:

(1) What number of students from Bunbury are attending the Western Australian Institute of Technology?

(2) What subjects are being studied by these students and the number studying each subject?

(3) What number of students from the south-west region are attending the institute?

(4) What subjects are being studied by these students and the number studying each subject?

Mr. T. D. EVANS replied:

(1) to (4) Enrolments at the Western Australian Institute of Technology from Bunbury and other south-west areas are as follows—

Bunbury, 1970 49, 1971 50.

Other south-west areas, 1970 125, 1971 141.

Total 1970 174, 1971 191.

The subjects in which the students are enrolled are not readily available and would take some considerable time to extract the information.

18. EDUCATION

Bunbury Senior High School

Mr. WILLIAMS, to the Minister for Education:

What extensions, alterations, additions, improvements, etc., are to be made at the Bunbury Senior High School this financial year?

Mr. T. D. EVANS replied:

(1) A Commonwealth library is to be provided.

(2) Additional drinking points are to be provided and an archway enclosed.

19. *This question was postponed.*

20. POLICE

Kalamunda

Mr. THOMPSON, to the Minister representing the Minister for Police:

(1) What was the population of the area covered by the police officers stationed at Kalamunda—

(a) when the new office was built at Kalamunda;

(b) when the station was raised from one- to a two-man station;

(c) at the present time?

(2) Is it true that the Kalamunda Shire Council desires an increase in the number of police officers stationed at Kalamunda?

(3) Is it intended to provide more police officers in the area, and, if so, when?

Mr. BICKERTON replied:

(1) (a) 7,500 approximately.
(b) 8,500 approximately.
(c) 18,000 approximately.

(2) Yes.

(3) Yes, patrols of the area are also made from Midland. Staff will be increased when they become available, considering the police requirements of the State as a whole.

21. CENTRAL MIDLANDS NATIVE WELFARE COUNCIL

Mining Project

Mr. COURT, to the Minister representing the Minister for Community Welfare:

What was the result of the study of the submission made by the central midlands native welfare council referred to in my question (15) on 6th October, 1971?

Mr. T. D. EVANS replied:

The Aboriginal Advisory Council recommended the rejection of the submission as being socially undesirable and economically unsound.

As the department supported this conclusion, the suggestion was not adopted.

22. SECONDARY TEACHERS COLLEGE

Amalgamation with University

Mr. WILLIAMS, to the Minister for Education:

(1) Is he aware of the proposal for the amalgamation of the secondary teachers college with the University of Western Australia?

(2) If so, what is the Government's attitude to such a proposal?

(3) If in favour of the proposal, what are the reasons?

(4) If against the proposal, what are the reasons?

(5) Is the Government considering setting up an autonomous body to incorporate the operations, functions, etc., of all teacher training colleges in Western Australia?

(6) If so, what steps have and will be taken to implement this body and when will it be functioning?

(7) What representation will the investigating and/or final body have?

Mr. T. D. EVANS replied:

(1) to (4) The Western Australian Tertiary Education Commission with the help of a representative committee is working on a policy for the future autonomy of the teachers' colleges.

At the same time, the University of Western Australia is considering the possibility of the amalgamation of the secondary teachers' college with the University.

When the views of the University are reported to the commission they will be considered with other views on the future of the secondary teachers' college.

(5) to (7) The commission, as part of its planning, is considering a possible future statutory structure for the teachers' colleges to take the place of the present control of the colleges by the Education Department.

Planning for such a purpose was recommended by the Jackson Committee.

When the commission's preliminary report is ready it will be made available to teachers' college staffs and other interested bodies for an expression of their opinion.

23. PUBLIC WORKS

Deferment and Cancellation

Mr. RUSHTON, to the Minister for Works:

Referring to Question (25) on 17th November, 1971—

(1) What was the estimated value of each item of the public works deferred or cancelled?

(2) Which items of works listed in part (1) of the answer—

(a) are now under construction;

(b) are the subject of contracts which are—

(i) now to be awarded;

(ii) still deferred;

(iii) cancelled;

(c) are to be constructed by public works day labour?

(3) For works for which builders and contractors have been asked to requote on amended specifications and then contract not awarded, will the builders and contractors be compensated for their out-of-pocket expenses?

Mr. H. D. EVANS (for Mr. Jamieson) replied:

(1) Perth medical centre: Public health laboratories (north)—$2,887,000.
Perth medical centre: psychiatric unit and cafeteria—$1,390,000.
Perth medical centre: nurses' quarters—$1,500,000.
Perth police headquarters—$4,200,000.
Leonora police station and quarters—$120,000.
Tambellup police station and quarters—$95,000.
Kulin police station and quarters—$110,000.
Koorana child welfare day care centre—$178,000.
Bandyup women's prison: extensions—$105,000.
Byford inebriates' institution—$290,000.
Kalgoorlie courthouse—$400,000.
Bunbury courthouse—$350,000.
Wanneroo fauna research station—$120,000.
Kalgoorlie Mines Department offices—$63,000.
Meekatharra Mines Department offices—$25,000.
Port Hedland Mines Department offices—$45,000.
Bentley vehicle inspection centre—$329,000.
O'Connor vehicle inspection centre—$314,000.
Mandurah courthouse additions—$22,000.
Kondinin police station and courthouse—$85,000.
Bridgetown Agricultural Department store—$28,000.
Esperance Lands Department office—$19,000.
Government chemical laboratories workshop and rubbish area—$10,000.
Moora new high school—$480,000.
Camballin primary school additions—$36,000.
Dongara new school—$100,000.
Bentley primary school additions—$94,000.
Chidlows primary school additions—$65,000.
Mundijong primary school additions—$65,000.
Walkaway primary school additions—$14,000.
Karrinyup primary school additions—$83,000.
Wyndham primary school additions—$50,000.
Perth medical centre: public health laboratories (south)—$2,028,500.
Mt. Magnet police station and quarters—$92,000.
Coolgardie courthouse: toilets—$5,730.
Narrogin public offices—$330,000.
Lockridge police station and quarters—$45,000.
Wagin police station and quarters—$70,000.
Collie Mines Department offices—$32,000.

(Note: The above list incorporates works not listed in the reply to Question No. 25 of Wednesday, 17th November, 1971. This was due to a question of interpretation.)

(2) (a) Perth medical centre: public health laboratories (south).
Mt. Magnet police station and quarters.
Coolgardie courthouse: toilets.

(b) (i) Dongara new school, Tenders called.
Bentley primary school: additions. Tender recommended for acceptance.
Chidlows primary school: additions. Plans and specifications being prepared.
Mundijong primary school: additions. Plans and specifications being prepared.
Walkaway primary school: additions. Plans and specifications to be prepared.
Karrinyup primary school: additions. Tender recommended for acceptance.
Narrogin public offices. Plans and specifications being prepared.
Lockridge police station and quarters. Plans and specifications completed.
Wagin police station and quarters. Tenders called.
Collie Mines Department offices. Tenders under consideration.
Kalgoorlie courthouse. Plans and specifications being prepared.

(ii) and (iii) Although tenders had been called for a number of deferred projects, no contract had been awarded before the decision was made to defer the projects concerned. It has, therefore, not been necessary to defer or cancel any contracts.

(c) Prior to deferment of the projects listed under part (1) of the answer, none of the items

was to have been constructed by day labour. The decision as to how the various projects will be constructed will be made when they are included on the approved works programme.

(3) Any request for compensation will be considered on the merit of the particular case.

24. *This question was postponed.*

25. GUN LICENSES

Fees

Mr. GAYFER, to the Minister representing the Minister for Police:

(1) How many cheques were returned to the drawer by the Police Department by certified mail together with an accompanying letter stating that a double remittance was needed because of the increase in gun license fees?

(2) Why was the figure on licenses sent out not increased from one dollar to two dollars so that all this unnecessary expense both to the Department and the applicant (two 7 cents stamps and two cheques) could have been avoided?

Mr. BICKERTON replied:

(1) 784.

(2) A small number of licenses had been inadvertently forwarded before the amended fees were gazetted. However, the 784 licenses which were returned were due for renewal in October or prior, but were not remitted by the license holders until after the increased fee became operative on 1st November. Allowance was made for those in mail and return of short remittances commenced on Wednesday, 3rd November.

26. MILK

Price: Investigations

Mr. RUNCIMAN, to the Minister for Agriculture:

(1) Has the Milk Board completed its investigations regarding the price of milk?

(2) If not, when can it be expected that the investigations will be completed?

(3) Can it be expected that the Government will act on the recommendations of the board before the end of 1971?

Mr. H. D. EVANS replied:

(1) No.

(2) Following receipt of a submission on behalf of dairymen which the Farmers' Union has stated will be submitted at the earliest opportunity. The submission was referred to in the *Farmers' Weekly* of 28th October, 1971.

(3) Answered by (2).

27. LOCAL GOVERNMENT

Financial Aid Scheme

Mr. RIDGE, to the Minister representing the Minister for Local Government:

(1) Under the fund which has been established to aid local authorities in financial difficulty, which Shire Councils have been assisted?

(2) In each instance, what was the value of the aid?

(3) For what purpose were the funds required?

(4) Have local authorities been circularised with details of the scheme?

(5) If "Yes" will he table a copy of the circular?

(6) If "No" when will they be advised?

(7) Apart from those already assisted, which Shires, if any, have applied for aid from the fund?

Mr. BICKERTON replied:

(1) to (7) The method of distribution from the fund is still being determined and it is hoped that an announcement can be made very soon.

QUESTIONS (4): WITHOUT NOTICE

1. STATE SHIPPING SERVICE

Debate on Motion

Sir DAVID BRAND, to the Premier:

(1) In view of the urgency of the matter, will the Premier reconsider his earlier decision and permit immediate debate on the motion concerning the State Shipping Service operations to Darwin, notice of which motion has been given by the member for Vasse?

(2) If not, is he prepared to agree to the proposed delegation going to Canberra without awaiting debate on the motion?

It is not necessary for me to emphasise the importance of an early decision, because I believe a decision in Canberra is imminent now that the Prime Minister has returned. For that reason I urge upon the Premier the necessity for reconsideration to be given to this matter regarding the debate.

The actual debate is not so important, but I ask whether he will give consideration to arranging for the delegation to go to the Prime Minister before a definite decision is made in Canberra.

Mr. J. T. TONKIN replied:

I thank the Leader of the Opposition for adequate notice of his question, the answer to which is as follows:—

(1) No, because debate would not be at all fruitful. No advantage would be derived from the amount of time which would undoubtedly be involved because a number of members would take advantage of the opportunity to speak. The time involved would not be justified in the circumstances.

(2) The answer is "Yes." However, I would point out that a few days ago the Leader of the Country Party spoke to me privately and suggested it was quite possible that the Prime Minister could make a decision on this question immediately he returned from abroad. The Leader of the Country Party emphasised the desirability of a personal approach to the Prime Minister.

Following that approach I considered it was essential to ascertain just when the Prime Minister would be available to discuss the matter. I asked an officer of the Treasury Department to endeavour to ascertain from the Federal Treasury just how imminent a decision was. It was my intention to ring the Prime Minister on Monday next to ask him whether he would receive a delegation comprising the Leader of the Opposition, the Leader of the Country Party, and myself. I believe that if we are to have any chance of success at all, without in any way disparaging the representation which private members could make, the question is of such vital importance to Western Australia that the representation should be at the highest level. Subject to the acquiescence of the Leader of the Opposition —the Leader of the Country Party has already indicated his readiness to go—I would suggest that the three of us should proceed to Canberra if the Prime Minister is prepared to delay his decision until he has heard what we have to say. I had written a second letter to the Prime Minister and pointed out that this matter was important to Western Australia, and requesting a reconsideration of the previous decision. I am informed that following the receipt of that letter the Prime Minister appointed an interdepartmental committee for the purpose of going further into this question. The committee is due to make a report.

2. ADULT EDUCATION

Summer Schools

Mr. HARMAN, to the Minister for Education:

In view of recent changes in adult education, is it intended that the adult summer schools will continue?

Mr. T. D. EVANS replied:

I thank the member for Maylands for adequate notice of this question and I am very pleased to answer, "Yes."

3. LEGISLATIVE PROGRAMME

Remaining Bills

Sir DAVID BRAND, to the Premier:

Before I ask my question, and with your permission, Mr. Speaker, I would like to indicate that I am quite prepared to go to Canberra with the Premier whenever it can be arranged. My purpose for rising a second time is to ask the Premier how many new Bills have to be introduced. I appreciate that he has already indicated that there would be three or four new Bills, and I clearly understand the reason for his not being able to be aware of all the Bills which come to light at this particular time of the session.

Would he take advantage of the next Cabinet meeting to ascertain what new Bills are yet to come forward? In view of the predicament in which we find ourselves, could individual members who take the adjournments be given some consideration if they require an extra day to study the contents of the Bills?

I realise the need to expedite the passage of Bills, but in the event of the introduction of controversial matters, or matters of real interest, would the Premier avoid the need for Bills to be introduced during one afternoon and proceeded with on the next afternoon? It does appear that we are making some progress.

Mr. J. T. TONKIN replied:

In reply to the Leader of the Opposition, I say quite definitely that it is not my intention to approve of the printing and introduction of any further Bills which are likely to come before Cabinet.

The only Bills which could be brought before Parliament would be those which have already been approved and printed. I understand the number is minimal. I have one myself—an amendment to the Traffic Act—which is complementary to the road maintenance legislation. I expect to be able to give notice of its introduction on Tuesday. Beyond that I would be surprised indeed if there were more than another two Bills or, at the most, three.

As the Leader of the Opposition readily appreciates, it is not possible for me to be definite without making an inquiry from the various Ministers. I am quite prepared to ask at Monday's Cabinet meeting what Bills have yet to come forward of which notice has not been given. I shall supply the information on Tuesday next.

4. PARLIAMENT

Sittings in 1972

Sir DAVID BRAND, to the Premier:

In view of the need for private members to make arrangements for their movements and holidays at the end of this year and in the early part of next year, can the Premier give an indication of arrangements intended for the session in the early part of next year?

Will the Premier say when it is to start and whether there are to be any changes from the traditional arrangements to which we have become accustomed in this House?

Mr. J. T. TONKIN replied:

In reply to the Leader of the Opposition, consideration has been given more than once to the desirability of altering the method of calling Parliament together in an endeavour to overcome the difficulty which occurs in connection with the Statutes. This difficulty comes about when a session is continued from one year into the early part of the following year, and there is a further session of Parliament—including an opening of Parliament—in the latter part of that year.

We are giving consideration to the desirability of closing this session at the end of the year and opening Parliament at the beginning of next year. This would mean that if we met in February or March that would be the opening session of the meetings of Parliament for 1972. We would sit for several weeks at that period, adjourn, and resume the session some time later in the year. However no firm decision has yet been made in connection with the matter.

MILK ACT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. STEPHENS (Stirling) [4.43 p.m.]: Like the member for Wellington I, too, am concerned about the terms of the merger and have some doubts as to whether every endeavour was made to protect the interests of the shareholders in Sunny West, or at least to see that they obtained the best possible deal, particularly as the shareholders in Sunny West will lose 50 per cent. of their capital under the proposed merger. Doubtless this is a matter for the shareholders themselves.

I do concede the merger could lead to a rationalisation in milk collection and treatment which should be in the best interests of the industry, as this no doubt will lead to a lowering of costs or at least to a containment of any further cost increases. For this reason, I support the Bill.

I know the intention of the legislation is to prevent any monopolisation. However, the treatment licenses which can be held by any one licensee have already been increased from the original 25 per cent., to 45 per cent., and under the proposed amendment they could be increased to 70 per cent. Of the 11 licenses issued three are currently held by Sunny West and three by Masters which is a wholly-owned subsidiary of Wesfarmers. Further, Wesfarmers has a 50 per cent. share in Wesmilk which holds an additional license. Of the 11 licenses issued at the moment, therefore, 6½ will virtually be controlled by one company.

The Minister has also indicated in his second reading speech that when the legislation is amended special circumstances will be dealt with as they arise. No doubt this could lead to further trends towards monopolisation and fears to this end have already been expressed. However, in this instance I do not think a monopoly would be harmful. Members will agree, I am sure, that in itself a monopoly is not necessarily a bad thing, but it is a situation which can lead to abuse if there are no safeguards. In this instance I feel the interests of the milk producer and consumer will be adequately protected by the operations of the Milk Board. This board sets the minimum price to producers, the maximum price to consumers, the maximum wholesale rate, and the maximum rate to milk shop resellers. As I have already said, I think the operations of the

board will protect the producer and the public from any adverse effects which could come from a monopoly situation.

While referring to the operations of the Milk Board, I would like to bring to the notice of the Minister how the operations of the board disadvantage the producers in the Albany-Denmark area. This region contains some of the best dairying country in the State in my opinion. It has a very long growing season and this means production can be carried on for a great length of time without any irrigation. There is no irrigation of any great extent in the area. Nevertheless the region is denied access to the expanding metropolitan market.

I do not wish to criticise the formation of boards for the handling of primary production. I am all in favour of boards and orderly marketing. However, I do not think a board should use its powers to protect one area of the State to the disadvantage of another. I suggest this is happening at the present moment.

It is regarded as a minimum economic unit that a milk producer should have 62 gallons and any new supplier in the coastal strip south of Perth receives this quota. Nevertheless, in the Albany-Denmark area producers who have been licensed for a number of years have received a cut-back in their quotas and some of them now have a quota of only 55 gallons, which is below the level regarded as economic. I suggest this situation could be overcome if dairying areas in the State were divided into regions and each region granted a percentage of the State's increased consumption, the percentage to be in proportion to the base production in each area.

Perhaps the Minister may give consideration to this last point when drafting legislation for a single authority on milk. With those few remarks, I support the Bill.

MR. NALDER (Katanning) [4.50 p.m.]: Some very interesting points have been raised by the two speakers who have made contributions to the second reading debate. First of all, it is probably with regret that we see the cessation of operations of a company that has made such a valued contribution to the development of an industry in this State. I can think of many people who have taken a great deal of interest in the establishment of this industry and who have spent much of their valuable time in encouraging it. The member for Wellington indicated that the company had been in existence for a period of many years during which great strides have been made in this industry.

I can recall the thirties, when the rural sector was going through a very difficult period. At that stage—and probably even earlier—almost every farmer in the wheat and sheep areas was producing a quantity of cream, although it might have been only a small quantity. Some of the existing companies had depots in the great southern and cream was being sent in from outlying areas—from as far away as Lake Grace and further north, from the central wheatbelt, and even the northern wheatbelt. I suppose it was a matter of life and death to many people engaged in rural production.

I mention that because it indicates that the present situation has been brought about by the changes in the industry. No doubt those changes contribute to the survival of the industry, inasmuch as increased costs have caught up with some sections of it, necessitating review of the whole situation. We are at that stage at this moment.

In the early sixties, when changes were taking place, I think the tenor of the debate that took place in this House was to preserve as many competitors as possible in the industry. I can recall the lively debate that ensued, when not two or three members only took part but, indeed, a dozen or 15 members took part because of their interest in the industry and the urgency of making it possible for the greatest number of competitors to survive.

I can see the points made by the two speakers who have discussed this Bill. It is a pity the Minister has not been able to say, "We will increase the number of licenses this other company may have," and leave it at that. I have no doubt the Minister has given a great deal of consideration to this matter and has discussed it with industry leaders. Because of the changes that are taking place in the industry, it is necessary to have a completely new look at the situation in which the industry is being placed today.

I am confident that one of the greatest problems is the cost structure. In the past there has been criticism of the fact that each company had trucks travelling over the same roads and picking up a few drums of milk, which certainly increased the cost to the industry. Perhaps one truck only could have travelled over many of the roads in order to pick up the milk and take it to the depot, which would have reduced the cost to the producer.

I do not know all the facts, but I presume this is one of the factors that have brought about the closing down of one company or the amalgamation of two companies which have reached agreement, thus allowing the industry to continue to make its contribution to the developments taking place in that particular part of the State. However, the system that has been in operation for so long has made a great contribution to the stability of the dairying industry and to the production, distribution, and consumption of milk in Western Australia.

The proposals contained in the Bill under discussion probably represent a commonsense approach. I have the greatest confidence in the people involved in this venture. It is hoped that in the future there will not be even the suggestion of a takeover

by overseas companies, and I think the fact that we have a Western Australian company involved in this exercise reduces the possibility of that happening. I hope that, through the combination of the two companies, such a thing will never happen. I hope there will be a sufficient number of people to guide the industry and that with the assistance of the Milk Board the industry will continue to thrive and hold its own and produce the commodity which is required, in the main, for local consumption.

You would not permit me, Mr. Acting Speaker (Mr. A. R. Tonkin), to discuss the proposals the Minister has outlined. I presume at some later stage we will have the opportunity to discuss them in detail. However, I would like to say we owe a great deal to those people who were instrumental in setting up the Sunny West cooperative, which has greatly assisted development in the many years it has been in existence in Western Australia. I am sure the move will be successful and I hope it will continue to contribute to the development of a very important industry. I hope the people involved—the producers, in the main—will not be greatly inconvenienced but that they will be able to participate in the increased production that will be necessary to cater for the demand that will continue to increase in the milk industry in Western Australia.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [4.58 p.m.]: I rise to express some brief comments in connection with this measure. I am sorry the Minister has brought in the amendment in its present form. However, I hasten to say that I would be one to support the merger that is inevitable at the present time.

The Leader of the Country Party has referred to the question of costs and the ever-increasing embarrassment they bring to the industry. The Minister himself also referred to costs. Unfortunately, this is one of the trends throughout the world—the trend towards bigness in industry—and the processing side of the milk industry or any other industry could run into exactly the same problems when the economies of scale become increasingly important.

I am sorry the amendment has been introduced in this form for two reasons. First of all, it has always been very important in the mind of this Parliament that Parliament should have control over the allocation of licenses on a basic formula principle.

If we go back we will find that this was based on the fact that no-one could have more than 25 per cent. In 1963, because of changing circumstances, it was to be 40 per cent. Now, of course, the Minister is asking us to leave it to the discretion of the Government to prescribe what it considers to be desirable at any given time. It is true the Government would have to table this, and Parliament could then consider it, but we all know in matters of this kind there are problems because of the hiatus involved. If I understand the law correctly, anything which is done in the period betweeen the issuing of the proclamation and Parliament's considering and deciding on the particular issue, would have to be allowed, even though the Parliament actually rejected the prescribed form proclaimed by the Government.

I am sorry this came forward in this form for another reason. Prior to the introduction of this Bill and in his introductory speech, the Minister publicly foreshadowed the fact that very far-reaching legislation concerning the dairying industry is to be introduced. We have heard all sorts of rumours and comments about the changes which are to take place in this very important industry. I would hazard a guess that when the legislation eventually finds its way to the House it will be a fairly controversial measure. It will be interesting to find out the fate of the Milk Board as we know it. Matters of this kind are usually negotiated at Cabinet level and not disclosed until the Bill is introduced, unless there are special circumstances. If some of the rumours we hear are correct, of course we have misgivings. However, it would be unfair to the Milk Board, the Minister, and his department, to prejudge the matter. I hope when the Bill is finally introduced the Government will have put it through the wringer and made sure that it is in the best interest of the industry in its broadest concept. The consuming public must also be considered.

The ACTING SPEAKER (Mr. A. R. Tonkin): I wonder whether the Deputy Leader of the Opposition would get back to the Bill.

Mr. COURT: I happen to be talking about it, with respect, Mr. Acting Speaker. This is the particular matter the Minister mentioned in his speech. He made special reference to that legislation.

The ACTING SPEAKER: It seems to me you are dealing with legislation which might be brought down in the future.

Mr. COURT: Very well, Sir, I respect your request in the matter. However, I also respectfully suggest that I was talking about a subject to which the Minister made specific reference. It is my understanding that one can refer to something that has been introduced by a Minister. However, I have made my point about this, and that is the second reason for my concern that the legislation has been introduced in this form.

In view of the attitude adopted by the present Ministers up to and including 1963, I would have thought the wisest course

would have been to bring down a Bill to deal with the present situation. This would suffice until the major changes were made. I would like to hear more from the Minister as to why he has gone about it in this way. I know it is expedient from the Government's point of view, but we have had hours and hours of debate in this House because Governments have brought down this type of legislation. In other words, they have left something to be prescribed instead of being specific about it.

If the Minister has good reason for its being brought down in this form, I would like him to indicate this so that the House can understand Government policy in the matter. What is the type of prescription he intends? What is the maximum proportion of license ownership the Government will prescribe? Just to pluck a figure out of the air, he must know it would be Government policy not to go beyond, say, 60 per cent. It may be 70 per cent., but we are entitled to know.

It is practicable, and in my understanding possible, for additional licenses to be issued. This could change the balance in a number of ways. Whilst the present number of licenses exists, we have a fairly clear and safe situation. We have two groups and we know the two groups. We have a fair idea those two groups will remain in the foreseeable future. However, if additional licenses are issued—and I do not know why they could not be issued under certain circumstances—there could be a change in the balance. I would prefer to see legislation which copes with the present situation. There is no objection to this at all on this side of the House. We acknowledge a fact of life as mentioned by the Minister and my colleague, the Leader of the Country Party, and it would be quite foolish to resist the merger. This is not an unusual situation throughout the world—sad though we might be to see a company which was so closely identified with the State virtually disappear. It is desirable for the Government to declare itself so that we are not confronted with a situation where the prescribed ratios of ownership have provided no restriction on amalgamation at all.

I invite members of the Government and their supporters to read the *Hansard* debates of 1963. I am sure the Leader of the Country Party must have a quiet chuckle in listening to the Minister, as he can probably remember the hours of travail he had in trying to get the 1963 Bill through. The present Premier, who was then the Deputy Leader of the Opposition, and the member for Balcatta, as he then was, really went to town on this. They said, "What about the poor consumer?" This was a heinous act to increase the percentage from 25 per cent. to 40 per cent. The then Deputy Leader of the Opposition waxed almost hysterical over the fact that this group of three could become a group of two.

Sir David Brand: We live in changing times.

Mr. COURT: The then Deputy Leader of the Opposition said, "One of these days the Government will come here with an amendment wanting to reduce it to one," or words to that effect. He instanced the trend towards monopoly throughout the world.

Sir David Brand: The member for Balcatta made a very long speech about it.

Mr. COURT: He got really histrionic.

Mr. J. T. Tonkin: This is involving a co-operative company; it is a different proposition.

Mr. COURT: As a matter of fact I was about to say that perhaps the changed attitude was due to the fact that we were then dealing with a public company in which there was a very large Western Australian shareholding. However, on this occasion we are dealing with a co-operative company. The Premier came in and made the statement before I could pose the question, so he has answered the riddle. However, it does not alter the principle because at that time he was concerned about a monopoly, regardless of whether it was a co-operative company or a public company, like the Peters group, which assumed ownership by one means or another of the whole set-up.

If the Government is still supporting the same basic philosophy, I find it very difficult to understand how this Bill got through Cabinet in its present form. In any case, it seems to me to be a matter of just plain good sense in dealing with an industry of this kind. Changes should be made in steps so that the matter can be kept under review.

I come back to my point: as far as I am concerned I do not oppose the action which has become necessary to meet the present situation. However, I believe it is desirable to bring down an amendment to cope with this and even allow some tolerance to the Government, as was intended when the original percentages were prescribed. If the Government finds the ceiling of the formula is pierced at a later date, it could be considered again. I assume that no later than March of next year we will have before us this very comprehensive piece of legislation which has been foreshadowed by the Minister.

Quite frequently the consumers are mentioned when we are talking about the milk industry. It is true that in this industry there is protection which is not so in many other industries. I believe the board and the industry as a whole have done a remarkable job in holding the cost,

maintaining the supply, and maintaining the quality of supply in some very difficult circumstances.

However, the one party who has not been emphasised today and who is vitally interested in this closing of the gap of ownership is, of course, the producer. It so happens that I was closely associated with this industry in the days when the whole-milk industry in the form in which we now know it was being formulated. Those were very fiery days—physically fiery as well as otherwise. The industry was trying to sort itself out of an awful mess and to achieve a degree of stability. Of course, once one sets out to do this by Statute one upsets many people who would rather have Rafferty's rules than Statutes.

Mr. Brady: There were many strikes and they threw milk over some of the people.

Mr. COURT: Yes, tipping milk over people was one of the less violent things they did. It happened to be my lot in those days to go down in the wee small hours of the morning in connection with my own practice, which was being established in those times. So I have personal, physical experience of some of the violence which used to occur at the corners where the trucks met. Three main parties were involved: the producers, the people who carried the milk, and the people who processed it. It was more or less a case of oil and water, except that in this instance it was milk and violence.

However, the position settled down and some people—including Mr. Stannard—made wonderful contributions. Mr. Stannard was very acceptable to the people. The original chairman was Mr. A. J. H. Wilson, and Mr. Stannard was the secretary. He subsequently became secretary and manager. He was always very fair, and he ruled with a firm hand. He earned a great deal of respect from those in the industry.

The point I want to make is that the main people being considered in connection with this control over the processing side of the industry were the producers. The great fear all along was that they would finish up supplying milk to a monopoly. The first figure of 25 per cent. which was put in as the limit appears to be very low today; but at the time there was a lot of argument as to whether or not it was too high. We know the history of this; it subsequently became 40 per cent., and now we do not know what it should be.

In conclusion, I repeat that we support the principle making it possible for this merger to take place. I, for one, do not like the Bill in its present form. I would rather see a formula declared and, if the Minister finds that it is unworkable it can be considered on its merits. Thus we can retain the control in the hands of Parliament whilst at the same time facilitating the merger which has become quite inevitable if the company is to survive and the stability of the industry is to be maintained. I hope the Minister will give consideration to this suggestion.

MR. RUSHTON (Dale) [5.14 p.m.]: I would like to add a few words to this debate. Like the previous speaker, I do not object to the merger despite the fact that it is something I would rather not see. I would like the Minister to accept the suggestion that a limiting factor should be introduced into the measure in another place because in the near future we are to be faced with legislation to more or less rationalise this industry. In the meantime I think Parliament should be protected in this manner.

This is one of the few occasions on which I would agree with the Premier. I think it would be remiss of me not to state that I agree with the remarks he made in 1963. I would like to refer to what he said and to make some short quotes because his thoughts in this regard are similar to mine. Like others, I am amazed to think that a Cabinet over which he presides should produce legislation such as this. The following remarks of the Premier—then the Deputy Leader of the Opposition—are recorded on page 3534 of the 1963 *Hansard*—

> . . . it contains at least one very disquieting aspect; in fact, one major disquieting aspect. I refer to the provision which is tending towards monopoly.

Of course that is something which we do not want to see. If we take this rationalisation of the industry to its logical conclusion we would finish up with one treatment plant owned by the State and one producer owned by the State. We do not want that.

Constant thought must be directed towards the cost of the industry. Also, the independence of the industry is its very strength and this constant erosion of the independence of producers is a principle to which I do not subscribe at all. Therefore, I agree with the remarks made by the Premier on that occasion.

Mr. Court: You did not quote his classic remark when he said that one day we might get down to one holder of all licenses.

Mr. RUSHTON: I think it is well worth recording in 1971 what the Premier said in 1963 because his remarks were factual and there is still tremendous strength in them. He continued.

> One of the factors against which a Government must guard the people is the establishment of monopoly which may be handling a product in universal use. Such products are bread, meat, and milk. I saw many years ago the tendency which was

> developing in Western Australia, and I was responsible for getting Parliament to agree to put a limitation in the law so that at no time would the number of firms holding treatment licenses be reduced below four. I felt that if we could say that there would always be four different firms in operation we would have the advantage of competition and not the disadvantage of monopoly. The Parliament of the day saw the wisdom of that suggestion and agreed to it.

I think we would all agree to a similar situation.

Mr. Brady: What about the oil companies and the petrol companies? There is a lot of competition there!

Mr. RUSHTON: The then Deputy Leader of the Opposition continued—

> The Minister's proposal in this Bill will allow the number of firms holding treatment licenses to be reduced from four to three, and he intimated that, at some future time, it may be necessary to give further attention to that number. I suppose he meant that there was a possibility of reducing the number from three to two; and then, God help the consumer! Why is it necessary to allow this industry to tend in the direction of monopoly? I am surprised the Country Party members are falling for this because it is just as much in their interests to ensure that there is keen competition—that is, in the interests of the dairymen—as it is to ensure that there is keen competition in the interests of the consumers.

I believe those remarks still apply. That is why in my opening remarks I asked whether the Minister would agree to an amendment being made in another place to ensure that the Parliament does at least have a say in further movements in this direction. I would like to quote just a few more of the Premier's words in 1963. He went on to say—

> It will not be as keen when there are only three, or when it gets down to two, or even one. It has been the tendency the world over for a large industry to buy out the smaller ones so that the industry is in the hands of only the big operators. So it will be in this industry when it falls into the hands of only one or two operators, and then instead of the Milk Board controlling the treatment plants, the treatment plants will be controlling the Milk Board.

Of course, those remarks will be apt in regard to further legislation which has been foreshadowed. I would like briefly to refer to my own experience in relation to the question of competition.

I have already mentioned the question of rationalisation. Everyone seems to be keen to talk about the introduction of rationalisation to cut costs and to make things easier for those in the industry. However, they are inclined to forget the inspirations of individuals which bring far greater results than is the case when the individual producers are tied down by red tape and controls.

I appreciate we must have rationalisation for the benefit of all, but we have to be careful how it is brought about. I have seen the results of the keen competition that has been created in the treatment plant industry. Certain people decry this aspect of the industry and deny that it occurs. I have seen milk producers become very prosperous because, at the appropriate time, they have been able to get a helping hand. The whole existence of the individual is tied up in this move.

In the course of his replying to the second reading debate I appeal to the Minister to indicate to the House that he will consider an appropriate amendment being made in another place to effect the protection which the Premier was so keen about when he was Deputy Leader of the Opposition in 1963. I would ask that the Minister give us this undertaking when he replies.

MR. H. D. EVANS (Warren—Minister for Agriculture) [5.21 p.m.]: I thank members opposite for the contribution they have made to the debate. The several points which arose from their remarks do them credit. Firstly, the member for Wellington referred to the part played by one company which has done so much for the dairying industry. With his background and his considerable experience of the dairying industry the member for Wellington showed that he has been close to the existing situation and appreciates the problems that have arisen.

Likewise, the Leader of the Country Party showed that he, too, joined with the member for Wellington in acknowledging the part played by the firm in question. He also expressed his appreciation of the economies that have been effected in a very short time. This has brought about a change in the entire situation and the need for a new approach. Probably the member for Katanning did not go far enough, and I will make further reference to that point.

The member for Stirling, whilst supporting the measure with some enthusiasm, introduced a new aspect; namely, the plight of the whole-milk producers on the lower south coast. This is a different issue but it is one that has not been overlooked, and nor will it be, but at the moment it is outside the scope of the debate. The Deputy Leader of the Opposition brought in an element of concern to the debate and probably he has every justification for doing so. This concern was shared by another two speakers, but it depends largely upon the fears of monopolisation.

Whilst this is a very real consideration, at the same time they should not discount the part played by the Milk Board in its regulation of the industry. The Milk Board, in its present role, even if only one company were in existence, would certainly not see the producer nor the consumer placed at a disadvantage. I do not think there is any member in this Chamber who could offer any criticism about the manner in which the Milk Board has discharged its duties.

The role of the Milk Board is to ensure that in the metropolitan area there is an adequate supply of whole milk at the cheapest price. It would be very difficult indeed to indicate how its present approach or policy could have been improved in the last few years. So, in this sense, an inbuilt protection against monopolisation already exists. Without the existence of a Milk Board, particularly one as strong and effective as the one we have in this State, a real fear of monopolisation could exist. Therefore, I draw attention to that fact in the hope that it will allay the fears of some members.

The Deputy Leader of the Opposition referred to the legislation that I had foreshadowed. He said it had been bandied about, but that is not altogether correct. It has already been determined in those areas that are most affected that there should be some consolidation of the dairying industry, and therefore the cooperation of everyone involved is necessary if this is to be brought about. As a consequence the representatives of the whole-milk producers and the representatives of the manufacturing section of the industry have been approached. They have held a number of meetings. Opportunities have been presented to those on the manufacturing side of the industry to participate in discussions and those members of the Opposition who represent country districts have had a similar opportunity to have discussions with those who have been planning.

This legislation will not be sprung on anyone. That is not the intention. The fear expressed by the Deputy Leader of the Opposition is no argument against the legislation being discussed and passed around before it is presented to the Chamber, especially when the legislation is of the magnitude and the controversial nature that this measure could well be. Therefore, I consider that the proper approach has been made and it will continue to be made until the final product, by way of an amending Bill, can be introduced.

I wish to refer to one point made by the member for Wellington when he pointed out that the milk industry production had declined to the order of something like 1,000,000 gallons. Let me hasten to add that the decline of 1,000,000 gallons—if we look at the milk industry as a whole—has occurred in the manufacturing section of the industry. Whilst the whole-milk trade has increased steadily at the rate of approximately 6 per cent. per annum, the figures relating to the manufacturing section of the industry have declined at an even greater rate.

Mr. I. W. Manning: That is what I said.

Mr. H. D. EVANS: The principle of placing a ceiling on the number of treatment plants within the industry may or may not be desirable and this is a subject that is watched very closely indeed and, in fact, has been an item for considerable discussion. The industry is changing. Several speakers mentioned that, but I do not know whether they fully realise the extent of the change.

We have superimposed upon the natural trend in Western Australia that which is happening in the Eastern States. At this stage Western Australia is an importing State as far as dairy products are concerned. Our import bill for dairy products each year is quite substantial. Superimposed on this again is the question of Britain entering the European Economic Community. If Britain does so, it means that a great surplus of dairy products—something to the order of 65,000 tons—which traditionally has been placed upon the United Kingdom market, will be available on the home market.

As a consequence, fears have been expressed both here and in the Eastern States as to the effect this will have. Victoria is the major exporting State of the Commonwealth and it could well be that some Commonwealth-orientated organisation of the dairying industry is imminent, and indeed several schemes on a national scale have been put forward. This, in itself, tends to suggest that the dairying industry will be reorganised whether we in this State want it or not. It may be impcsed upon us as a result of the concern and overall fears of the Australian dairying industry as a whole.

In regard to the percentages or the proportion of milk treatment plants which might be permitted in Western Australia there needs to be a certain amount of elasticity. There has not been an expansion within the industry; in fact there has been a decline. Therefore the operations referred to by the Deputy Leader of the Opposition and the economics of scale must be taken into account.

We should bear in mind that the merger referred to will not become effective until June of next year, by which time I hope that at least the legislation to consolidate the dairying industry will have been presented and thoroughly discussed in this House. In view of that, the desirability of pinning a hard and fast upper limit is not totally acceptable at this stage.

The member for Dale asked whether an amendment could be made in another place. I would prefer not to give any assurance or deep consideration to that point. However, I give him an assurance that if this merger in the middle of next year takes place, and if the consolidating legislation which is foreshadowed is not passed, then very earnest consideration will be given to applying some limitation of the kind he has suggested. I feel that is a better approach.

The industry is in a state of flux, and I feel it is desirable that legislatively we should maintain the existing situation until at least this merger has been finalised. With those remarks I thank members opposite for the keen interest and the deep knowledge they have displayed of the industry.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. H. D. Evans (Minister for Agriculture) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 30 amended—

Mr. COURT: The Minister went part of the way in giving the assurance that we sought. As I understand his assurance, he said there will not be any basic change in this part of the industry at least before the major legislation has been introduced. I understand there are 11 milk treatment licenses.

Mr. H. D. Evans: It is conceivable that one could close down.

Mr. COURT: When the Minister says one could close down it would only be as a result of the contemplated merger.

Mr. H. D. Evans: And as a result of the natural consequence arising from the decline in the industry. This is the sort of change I can see rather than an expansion in the industry.

Mr. COURT: I thought the Minister indicated that he could not see any change taking place before the major legislation came in. My understanding is that at present there are 11 licenses, and when this merger takes place there would be either six or seven licenses in one group —because there is argument as to whether or not one is a full license. If we assume there will be seven licenses then working on a percentage basis it is about 65 per cent. of the total. The Minister indicated there would be no basic changes in this part of the industry before the major legislation was introduced, but I would have liked to hear him say that the Government policy is that not more than eight licenses—or expressed as a proportion, not more than 70 per cent. —will be allowed to accumulate in one company; and this is a fairly generous tolerance.

If we could obtain some assurance from the Minister that the position would not be worse than that, we would be reassured in accepting the amendment.

I assume that when the merger takes place approximately seven licenses will come under one control, and four will remain under another control. At that stage the company holding the seven licenses would have roughly 65 per cent. of the total licenses. To allow for some elasticity which might arise from the issue of an additional license, I feel the Minister should give us an assurance that not more than eight licenses would be permitted to accumulate under one control; that is, not more than 70 per cent. of the total. That is all we are seeking.

Had we moved an amendment to the clause it would have been a proviso along these lines—

> Provided that such applicant shall not become the licensee of treatment licenses exceeding eight in number or the whole number equal to or nearest but not exceeding 70 per centum of the total treatment licenses issued or to be issued whichever of those numbers is the greater.

Mr. H. D. EVANS: The spirit and the intention of the Government are very close to what the Deputy Leader of the Opposition understands to be the situation. There is no intention to issue licenses beyond the existing number, and certainly there is no intention to issue more than eight licenses to any one company. However, a degree of flexibility and manoeuvrability is required; and if a situation arises which suggests something to the contrary is desirable I undertake to let the committee know. I can give that asurance.

Mr. I. W. MANNING: These assurances are far more vital than the Minister possibly appreciates, because in certain quarters within the dairying industry it has been said that some difficulties confronting one of the companies have been occasioned by decisions of the Milk Board. For that reason we should give the closest attention to movements within this section of the industry. I think this is certainly the responsibility of the Minister. From the comments he has made I am led to believe that he has a pretty close knowledge of the situation existing, and that he could meet the problems as they arise.

However, because of the points I mentioned, and because the livelihood of so many people is involved, it is extremely vital that this aspect of the industry be closely watched. I would have liked a provision such as the one suggested by the Deputy Leader of the Opposition. However, if the Government's intention is to achieve the same objective, then, in the interests of the speedy passage of this legislation, it might be as well to retain

the present wording in the Bill. The merging of the two companies hinges so much on this legislation.

Mr. NALDER: I can see the necessity to try to control the number of licenses issued under this legislation, but I can also envisage the difficulties which would occur if we tried to do that at this stage. When the two companies amalgamate, it is quite possible that some of the licenses will not be required and that two or three of them may be cancelled. This may not occur immediately, but it could quite easily be the situation in the next 18 months or so.

I still have quite a deal of confidence in the board. The experience which has been gained over the years is not lost when the personnel changes. The information gained has been passed on, consolidated, and strengthened, and the board is conscious of the need for a very close surveillance of the situation.

Mr. Rushton: The foreshadowed legislation may mean there will be no Milk Board.

Mr. NALDER: The honourable member should not say what might happen. I am dealing with the present situation. The Milk Board has done a remarkable job and I am happy to leave the situation as it is for the time being. This time next year we may be engaged in a full-scale debate on the situation, but in the meantime I am prepared to allow the board to watch the position closely.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. H. D. Evans (Minister for Agriculture), and transmitted to the Council.

House adjourned at 5.45 p.m.

Legislative Council

Tuesday, the 23rd November, 1971

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

QUESTION ON NOTICE

WATER SUPPLIES

Gascoyne River Dam

The Hon. G. W. BERRY, to the Leader of the House:

(1) Has the feasibility study of the damming of the Gascoyne River at Rocky Pool been completed and in the hands of the Government?

(2) If so, has the Government given the study consideration, and when will its decision be made public?

The Hon. W. F. WILLESEE replied:

(1) No.

(2) Answered by (1).

BILLS (5) RETURNED

1. Censorship of Films Act Amendment Bill.
2. Adoption of Children Act Amendment Bill.
3. Property Law Act Amendment Bill (No. 2).
4. Natives (Citizenship Rights) Act Repeal Bill.
5. Fire Brigades Act Amendment Bill.

Bills returned from the Assembly without amendment.

PARLIAMENTARY COMMISSIONER BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

ROUTINE OF BUSINESS

Questions Without Notice

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.47 p.m.]: Mr. President, during the routine of business you called for notices of motion but, instead of asking for questions without notice, you went on to questions on notice. I wish to ask a question without notice. Do I have your permission?

The PRESIDENT: Yes.

QUESTIONS (2): WITHOUT NOTICE

1. STATE SHIP *KOOJARRA*

Sale Price

The Hon. A. F. GRIFFITH, to the Minister for Transport:

In view of the charges of secrecy made against the previous Government from time to time, can the Minister appreciate the feeling of irony which came upon me this morning when I read *The West Australian* newspaper under the heading, "Koojarra Sold—Price A Secret," where the following appeared:—

> Arrangements were completed yesterday for the sale of the State ship Koojarra to a syndicate that plans to use her as a floating hotel near Rottnest—but the price paid remains a secret.

I repeat: Can the Minister appreciate my feeling of irony?