ing owners, sold to adjoining owners, or perhaps even ceded to them; or some other arrangement may be made with the local governing authority for a particular use of it.

As stated previously to the member for Beeloo, I will inquire in order to see what the water board has in mind if and when a main drain is cancelled as such.

Clause put and passed.

Clauses 31 to 63 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PHYSIOTHERAPISTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th August.

MR. NORTON (Gascoyne) [9.37 p.m.]: The measure before the House is quite small, but it contains a very important amendment to the Physiotherapists Act. It allows for temporary licenses to be issued to physiotherapists in this State, whereas previously the Act was very rigid and only allowed physiotherapists who were fully qualified under State laws, and some others who had qualifications from English colleges or universities, to practise in Western Australia.

The Minister told us when introducing the measure that it is identical to the amendment to the Medical Act which was passed in 1961. If he looks through his Statutes, the Minister will find that amendment was passed in 1965. In comparing the proposed amendments with the Medical Act, I find they are in fact, practically identical in every respect except that the words "medical practitioner" appeared in the first instance in lieu of the word "physiotherapist."

The idea behind the amendment is purely to allow physiotherapists from other countries who come to this State to obtain a temporary license to practise their profession. It has very good safeguards and, indeed, these were included in the Medical Act. First of all, as set out in the Medical Act, the person must be of good character and good fame. Obviously this is essential. It goes on to say that he must be engaged in teaching or research or postgraduate work, and that he must also do this under the guidance of a physiotherapist centre or a medical committee, or some such organisation, which is qualified within the State.

This will allow people to come from overseas and gain knowledge which is available in Western Australia, because we are recognised as one of the most advanced States—perhaps one might even say countries—in physiotherapy, especially in respect of paraplegics. It does not matter how little or how much a person knows on any subject, he can always gain more knowledge from other people.

I consider that when this measure becomes law, we will have an Act which will allow an interchange of views and thus each country, or each party, will gain more knowledge. The situation which existed previously was that a physiotherapist could come to the State and, whilst he might be able to lecture on the subject, he was unable to practise or demonstrate his profession. The same restriction applied to the Medical Act. This amendment will definitely allow people to practise in this State under the control of a physiotherapists' centre, hospital, etc. This is a very good and worth-while measure and it improves a very good Act. I support the second reading.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [9.41 p.m.]: Very briefly, I would like to thank the honourable member for his support of the Bill and for the clarity of his description. It is possible that someone may have tried to criticise the measure by saying that the Government was attempting, through a piece of legislation, to assist people who are not qualified. This is not the position. In regard to these amendments, the advantages do not always lie with the people who come from overseas. As a matter of fact, a great deal of benefit can be gained through people coming here, and this benefit can only be gained by the two amendments to which the honourable member has made reference.

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.

House adjourned at 9.45 p.m.

Legislative Council

Wednesday, the 20th September, 1967

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

QUESTIONS (2): ON NOTICE

MILK VENDORS

Names and Addresses

1. The Hon. J. DOLAN asked the Minister for Mines:

   Further to the answer received on the 12th September, 1967, to my question relating to the milk vendors who operate under the authority of the Milk Board of Western Australia, is the Minister able to

furnish me with a list of the names and addresses of these vendors outside the metropolitan area?

The Hon. A. F. GRIFFITH replied:

A list of licensed vendors outside the metropolitan area is tabled herewith.

The list was tabled.

LAND AGENTS SUPERVISORY COMMITTEE

Power to Investigate Disputes

2. The Hon. C. E. GRIFFITHS asked the Minister for Justice:

(1) Has the Land Agents Supervisory Committee the power to investigate a dispute regarding the sale of a property to a purchaser by a land salesman acting for a land agent, when the property concerned is owned by that land agent?

(2) If the reply to (1) is "Yes," would the investigation by the committee involve the land salesman or the land agent, or both?

(3) If the reply to (1) is "No," would the Minister explain the reason why the committee has not such power?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Both.

(3) Answered by (1) and (2).

QUESTIONS (2): WITHOUT NOTICE

POTATO MARKETING BOARD

Meeting with Department and Growers' Association

1. The Hon. V. J. FERRY asked the Minister for Mines:

(1) Is it a fact that a meeting was held on Monday, the 18th September, 1967, between the representatives of the Department of Agriculture, the W.A. Potato Marketing Board, and the Potato Growers' Association?

(2) If the answer to (1) is "Yes"—

(a) what was the purpose of the meeting; and

(b) what decisions resulted from the meeting?

The Hon. A. F. GRIFFITH replied:

The honourable member was good enough to indicate to my office that he intended to ask this question, so I am in a position to advise him as follows:—

(1) Yes.

(2) (a) To discuss a number of subjects appropriate to the potato-growing industry, including the growing of yellow fleshed potato varieties for export and the release of other new varieties on the local market.

(b) The official report of this meeting is awaited.

GOVERNMENT COMMISSIONS, TRUSTS, AND BOARDS

Membership and Remuneration

2. The Hon. A. F. GRIFFITH (Minister for Mines):

Some time ago Mr. Wise asked a question which was worded as follows:—

> Will the Minister submit to the House, in printed form, for the purpose of laying on the table, an up-to-date list of the personnel on all commissions, trusts, and boards, operating under State Statutes, together with the remuneration paid to each person?

I am now in a position to lay the list on the Table of the House.

The list was tabled.

The Hon. F. J. S. WISE: With your permission, Mr. President, I would like to thank the Leader of the House for that information, because all members will find it extremely interesting and useful.

EVIDENCE ACT AMENDMENT BILL

Introduction and First Reading

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

BILLS (2): REPORT

1. Electoral Act Amendment Bill.
2. Local Government Act Amendment Bill.

Reports of Committees adopted.

BILLS (6): THIRD READING

1. Marketable Securities Transfer Act Amendment Bill.

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

2. Albany Harbour Board Act Amendment Bill.
3. Bunbury Harbour Board Act Amendment Bill.

Bills read a third time, on motions by The Hon. G. C. MacKinnon (Minister for Health), and passed.

4. Indecent Publications Act Amendment Bill.
5. Police Act Amendment Bill.

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

6. Dog Act Amendment Bill.

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

LICENSING ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. A. F. Griffith (Minister for Justice), for the further consideration of clauses 5 and 7.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clause 5: Section 44G amended—

The Hon. A. F. GRIFFITH: Members will recollect that when the Committee completed all the clauses previously, I undertook not to proceed with clause 7 before it received further consideration. In the interim, however, the Australian Hotels Association has drawn my attention to the implication, so far as that association is concerned, as a result of the passing of clause 5.

Members will recall that this clause makes provision for a wine saloon licensee to make application to the court for a restaurant license; and I explained in my second reading speech that the indications were that some interests would be prepared to make such an application. The Committee obviously considered this proposition had merit.

However, the A.H.A. has drawn my attention to the fact that the amendment would not only give the restaurant licensee the right to sell Australian wine, but also to sell spirits and beer and thereby would give to the licensee, in respect of the restaurant license, a decided advantage he now does not possess.

I therefore believe that the license for which the wine saloon proprietor should be permitted to apply, should be one limited to the sale of his original product —wine—and not one to allow him to sell beer or spirits.

The A.H.A. rightly states that the Government of the day calls on the association under the Act to provide accommodation of an acceptable nature to the community, and by the activities of those in other directions in selling liquor, the potential income of the hotels is being broken down.

The association contends, and I see its reasoning, that a further outlet of this nature could have a distinct tendency to break down still further the potential sales of hotels. It must be appreciated that a wine saloon license is one thing but a restaurant license will enable the restaurant associated with that wine saloon to stay open to a later hour than will the ordinary wine saloon license.

I think it is reasonable to accede to the representations of the A.H.A. in this matter, and, therefore, I ask the Committee to give further consideration to it. In anticipation of the Committee's agreement, I have placed certain amendments on the notice paper, the result of which, if passed, would be as I have explained; that is, to permit the court to grant a license to sell Australian wine and not have beer and spirits added. I submit the thought to members with the suggestion that the idea has merit and I hope the Committee will support the move. In order to test the feeling of the Committee I move an amendment—

Page 3, lines 2 to 13—Delete all words after the word "amended" down to and including the word "case" and substitute the following passage:—

(a) by adding, immediately after the word, "license", where appearing—

(i) in line four of subsection (1);

(ii) in line six and in line eight of subsection (3);

(iii) in line four of subsection (4);

(iv) in line two of item (I), and in line three of item (II), of subparagraph (ii) of paragraph (a) of subsection (6); and

(v) in line five of subsection (8),

the words, "or Australian wine license", in every case; and

(b) by substituting for the words, "any liquor", in line five of subsection (6), the passage, "in the case of premises that are the subject of a publican's general license, any liquor, and, in the case of premises that are the subject of an Australian wine license, any liquor that may be sold and disposed of under such a license,".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Section 46 amended—

The Hon. A. F. GRIFFITH: I am grateful to the Committee for the ready acceptance of the proposals. I would like to let the Chamber know how this helps the situation in respect of a story which I can now tell in connection with clause 7. When Mr. Willesee was speaking to the Bill he said he hoped nobody would be harmed as a result of the clause and the manner in which it was written. Mr. Baxter took up the matter and moved an amendment which did not suit the purpose on that occasion. It was then that I undertook to give further consideration to the matter.

The Hon. N. E. Baxter: I never moved an amendment.

The Hon. A. F. GRIFFITH: Mr. Baxter is technically correct. The honourable member did not move the amendment, but he had it on the notice paper and, in order to give me an opportunity, he agreed not to move it. I beg his pardon.

In the meantime, certain things have happened. It can be seen in the Press that a meeting of vignerons took place in Upper Swan. I know that one member of Parliament was present—that is, my colleague the Minister for Police. That area is part of his electorate.

The Hon. N. E. Baxter: This member of Parliament was there, too.

The Hon. A. F. GRIFFITH: Mr. Baxter has just advised that he was present at the meeting, too. Mr. Abbey brought some of the people concerned to see me the other night, although Mr. Abbey was not at the meeting. I could not say why he did not attend, but I understood that was the position.

After having listened to the explanation, and learnt a little more about the matter, I find that whilst the position I outlined to the Chamber the other evening has not, in fact, altered, we should provide for a little more amelioration in regard to the situation than is provided in the amendments in clause 7. The section of the Act which clause 7 amends is section 46. As I explained at the time, this clause, which is the exemption clause, is intended to give certain exemptions to people in respect of having to hold licenses under the Licensing Act.

One of the sections of the community involved comprises those people who have an area of not less than five acres of vines in full bearing. I believe that when this section was written, it was intended that those people should sell the produce of their vineyards at the door; that is, on the premises of the vineyards. I explained that, because there was a loophole in the Act, a custom had grown up whereby people delivered wine and sold it, not only from the premises but also by other methods. Indeed, some people have gone as far as opening retail stores in places which are sometimes a long way removed from their vineyards, and they have built up quite a business in this respect.

I simply said to the people who saw me that they could not expect to continue to maintain a retail shop which, firstly, is not licensed and, secondly, in respect of which they are not paying any tax. They are enjoying an advantage which licensed premises do not enjoy. As far as I am concerned, the No. 1 matter which must receive attention is that they must not continue to run these retail shops.

The Government has given further consideration to the whole matter. The effect of the amendments which I have on the notice paper is quite simple. In the first place, we will revert to five acres instead of two. If the number of acres was reduced from five to two, many little people who, at present, are not in this business would be brought in. For fear of its being said that we are disregarding the little people I mention that is not the case. The little people will still be able to sell their produce in some other form, and mostly it will be in the form of grapes, because small growers do not usually produce and sell wine. They sell grapes to somebody else who produces wine. We are not disregarding the little person.

In respect of the person with five acres or more, not only will the amendment permit him to sell on the vineyard, but it will also permit him to sell from the vineyard. Subject to the concurrence of the Committee, in the relevant section of the Act the word "on" will be changed to "from." Accordingly it will read—

> (b) being an occupier of a vineyard of not less than five acres of vines in full bearing, sells from such vineyard,—

The word "from" covers the word "on" as well. To continue—

> —in quantities of not less than one reputed quart at any one time, wine manufactured by such person or sells spirit in bond to another occupier of a vineyard;

These people pointed out to me, and it was made known at the meeting held the other evening in the Swan district, that the practice which was followed by the man growing grapes and making wine on his premises was that, in accordance with the Act, if a customer visited his premises he could sell a certain quantity of wine to that customer. Also, when asked by a customer making an order over the telephone to sell a certain quantity of wine, the vigneron could say, "I will deliver the wine to your house." This could properly be interpreted as both a sale on the vineyard and from the vineyard.

I have told the people concerned that in these circumstances the Government realises this is a local industry, and because of the keen competition from the Eastern States—often there is a certain quantity of wine from the Eastern States dumped here—the Government does not want to impair or handicap the local producer from holding his own or even increasing his sales of wine in order that he may grow more crops of grapes for Western Australia.

Members may well ask what happens at the retail stores. One could correctly say they are selling wine within the law, but only because they have found a way under the law, as it were. The people I spoke to said they were quite satisfied to close their retail stores, but they would be very unhappy if Parliament closed their other avenue of wine sales.

If these premises are suitable and acceptable to the Licensing Court, the

owners of them have an alternative; that is, the owner of one of these retail premises could be issued with an ordinary wine license after making application to the Licensing Court. Further, if members refer to section 34 of the Act it will be seen that such a person could be issued with an Australian wine bottle license if his application is approved by the Licensing Court. I have made it clear to the people concerned, however, that if they are successful in obtaining such a license they shall be taxed on their sales, as they should be. Section 28 (f) makes similar reference to Australian wine bottle licenses. That section applies to the administration of section 34.

That is the situation and, in accordance with the undertaking I gave to the Committee last time the Bill was before it, I consulted the parliamentary draftsman and he has prepared some amendments to the clause, which amendments appear on the notice paper. I think I have made all the necessary explanations, but I will be glad to answer any questions if I have not made myself clear. Accordingly, I move an amendment—

Page 3, lines 23 to 31—Delete all words from and including the paragraph designation (ii) and substitute the following:—

(ii) by substituting for the word, "on", where appearing in line three of paragraph (b) and in line two of paragraph (c), the word, "from", in each case;

(iii) by adding immediately after the word, "wine", in line one of the proviso, the passage, ", cider or perry"; and

(iv) by substituting for the passage, "prohibited.", being the concluding passage of the subsection, the following passage—

prohibited; and

(iv) is not sold for the purpose of being resold on other premises, except such as are licensed premises or another vineyard or orchard, and is not delivered from any premises other than the vineyard or orchard on which it is manufactured.

The Hon. W. F. WILLESEE: The Minister has explained the circumstances surrounding the new situation applying to this clause clearly and comprehensively, and in the light of the explanation we have a more acceptable Bill than we had before insofar as it relates to this particular problem. It is obvious the prime object of the Government is to encourage the growing of grapes and the making of wine by our local producers to offset the very keen and increasing competition from the Eastern States. That is a paramount consideration and is more important than the Government concerning itself over those people who are considered to be evading the law.

The Government made a mistake introducing the Bill in its initial form because it placed too much emphasis on the minority of those engaged in wine-producing in this State and not sufficient emphasis on the principle of encouraging all of those engaged in the industry to increase their production. However, the situation has been clarified by the Minister's amendment which appears on the notice paper. It is pleasing to note that the amendment, which provided for only two acres, has been altered so that the provision will now include five-acre properties.

The Hon. C. R. ABBEY: I commend the Minister for moving this amendment to improve the Bill. It did seem that the measure, as introduced in its initial form, was unfair; but on taking three representatives of the industry to meet the Minister last Thursday he gave us a very good hearing and he has been able to produce a solution of the problem.

The quantity of wine produced and distributed by local growers that was to be affected by the Bill was approximately 200,000 gallons. It would have been a serious blow to the wine growers if they had been unable to sell this quantity of wine. They have been placed in a position of having to deliver wine because of the intense competition from the Eastern States. Over the years they have found that, as the prices of Eastern States wines undercut, their position became untenable and they had to find a solution of this most unfair competition. As a result they decided to deliver wine to their clients, and so over the years they have built up a worth-while clientele.

It would be much better, of course, if the sale and consumption of Western Australian wines could be increased. I am told some producers of wine have large stocks on hand and they are finding it very difficult to sell their product. It appears to me the amendments the Minister has placed on the notice paper will meet the situation and I am sure the people affected will be very grateful if these amendments are agreed to.

Whilst it may not be within the intention of the law to allow the establishment of a depot to sell wine, as the Act stands at present the actions of the growers do not constitute a breach of the Act. Some have informed me that while they are able to deliver their product to their customers they will be quite happy to close their depots. However, as the Minister has said, if they wish to continue selling wine from the depots they will be able to apply to the Licensing Court for a license, and this will be the most satisfactory way

to overcome their present difficulty. They fully realise that if granted a license to sell wine they are subject to payment of tax and will be brought into line with all other retailers of fermented liquors.

I was not invited to attend the meeting held in the Swan district the other evening, so naturally I was not present. However, I believe the growers present accepted the principle put forward by the Minister. I feel certain they will abide by it in the future in the same manner as it has been presented. I support the amendment.

The Hon. C. E. GRIFFITHS: I am not so enthusiastic about the proposal, although I agree the amendments proposed by the Minister will be an improvement on the measure as printed. However, in my opinion, in view of the explanation Mr. Abbey and Mr. Willesee have given about the way the industry operates, and the difficulties it has experienced over the years, it deserves greater consideration.

I admit I do not know much about the wine-producing industry, but I do know it is the right of every person to be allowed to sell his product with the least possible restriction. I must emphasise that no-one has been breaking the law. In view of that, and the fact that the wine producers have gone to a great deal of trouble to build up their trade and encourage people to buy their product, it is not fair now to say to them, "You cannot continue to sell your wine in this way."

It has been suggested that the vignerons can sell their product in a limited way; that is, they can sell wine on the premises or from the premises. In other words, a customer can telephone a wine producer and submit an order which can be delivered to him by the producer. I have been advised that one man conducts a vineyard at Muchea, 35 miles from Perth. If that grower accepted an order for two gallons of wine to be delivered to a Perth suburb, he would have a long way to travel.

I do not know to whom these people will sell their wine when they live 35 miles from Perth, particularly as the person next door makes wine also. It is not a very practical way to do business for a person to have to telephone and buy wine from the premises. In actual fact, nobody will ring up. What has happened is that these producers have had depots in the metropolitan area, but the public have not necessarily gone to those depots to purchase wine. People ring the depot and ask for wine to be delivered; and, instead of the producer having to go back to Muchea, he delivers the wine from the depot in the metropolitan area. This is the only practical way he can do it.

I hope the Minister can tell me I am wrong, but I do not think he will allow the producer to do this. Whilst he does not actually sell it on the depot premises, he sells the wine from the depot premises. In other words, instead of receiving a telephone call at Muchea, he receives it at his depot in, say, Victoria Park. A person builds up his business over many years and we come along and tell him to do something else.

I do not know too much about the wine industry, but I know something about a person's right to continue to earn his living in the same manner as he has been earning it. Surely we should assist the people who grow grapes to make wine to continue doing so. I think we will do producers a great deal of harm if we agree to this provision. I would like the Minister to tell me if I am correct in thinking that these people will not be able to sell wine from their depots.

The Hon. R. THOMPSON: From the Minister's explanation, it would appear that the *status quo* remains. I would be of the same mind as Mr. Clive Griffiths if that were not so. To my knowledge there is only one person in my province who sells wine in the same manner as do the people on the Swan and at Muchea.

I, too, would be distressed if that person were not allowed to continue deliveries. In actual fact, the people who produce wine in the Swan Valley receive orders on a weekly basis, and deliver truckloads of wine, some of which goes almost daily to Fremantle and its surrounding districts. It is mainly Italian and Yugoslav people who buy this wine, and, generally speaking, it is an unfortified wine—the claret type, or a dry wine —and they drink it as a beverage rather than as an intoxicating liquor. My only concern is that there will be no interruption of such deliveries.

The Hon. A. F. GRIFFITH: Mr. Clive Griffiths cannot get over the fact that we are prejudicing the right of the person who produces something to sell it. That is nonsense. A man can grow poppies, but he cannot sell the produce in the form of opium.

The Hon. C. E. Griffiths: He has never been allowed to do this.

The Hon. A. F. GRIFFITH: A person can grow hemp, but he cannot sell the produce, which is marihuana.

The Hon. C. E. Griffiths: He has never been allowed to.

The Hon. A. F. GRIFFITH: Today we get fined $40 for something; but because of the prevalence of this particular offence Parliament says that the fine will be $80. So what one does today is different from what one does tomorrow.

It is always the bright fellow who finds a loophole in the law; and Parliaments in all parts of the world are tightening their laws because of this. I would point out to Mr Willesee that the Government has not made a mistake. It was suggested that we rushed into this. What, in fact, has happened is that this amend-

ment has unearthed a certain state of affairs, the prevalence of which is much greater than perhaps many of us thought. I was surprised to know that this outlet amounted to something like 200,000 gallons of wine a year.

Members must realise that this wine is being sold without tax. The original intention of the Act was that the grower would be exempt from a license and the wine would be exempt from tax to give encouragement to the grower. In order to make myself perfectly clear, I repeat: The man who has a retail shop will not be able to retain that retail shop because he has an advantage over the licensed man who has obtained a license from the Licensing Court, and who also pays his tax. So the person of whom Mr. Clive Griffiths talks, who produces wine in one part of the country, will not be able to keep a store in another part of the country from which to sell wine.

I think deliveries of standing orders will still continue to operate as I consider the sale could be interpreted as being made on the vineyard. As I said previously, I think a person will visit a vineyard and make inquiries about the sale of wine and the vigneron will agree to deliver the wine every month. This becomes a standing order.

If these amendments are accepted, then we have gone as far as we can be expected to go. Surely members cannot accept a situation where one person complies with all of the requirements of the Licensing Act, and another person, two or three doors away says, "I am going to set up shop because on the Swan I have five acres of grapes. I will have an advantage over the other person—I will not pay tax or go to the court to obtain a license"! Surely Mr. Clive Griffiths does not think that is a fair state of affairs!

We will go a long way if these amendments are passed as written. The person who has a retail shop will be able to apply for a license if he wishes. In order that there will be no misunderstanding, I repeat: I am not going to guarantee that he will get a license; that is something for the court to decide.

The Hon. J. G. HISLOP: Ever since I have been in Western Australia I have noted that this industry is a struggling one. I think we might accept the Bill as presented to us and ask the Minister to ensure that for the first five years this tax is used for the purpose of assisting vignerons.

The Hon. A. F. Griffith: There is no tax.

The Hon. H. K. Watson: There will be if a person sells through his own licensed shop?

The Hon. A. F. Griffith: Yes.

The Hon. J. G. HISLOP: Who is the person not paying the tax?

The Hon. A. F. Griffith: The grower.

The Hon. J. G. HISLOP: That is the one I have been talking about. The tax is on the man who is growing the grapes.

The Hon. A. F. Griffith: Not in all cases.

The Hon. C. E. GRIFFITHS: I do not think the Minister was serious when he said a person might grow poppies, but could not sell the produce in the form of opium. That is no parallel whatsoever with the person who has been growing grapes for many years and who is told he can no longer sell the wine produced from them.

The Hon. A. F. Griffith: We are not saying he cannot.

The Hon. C. E. GRIFFITHS: He will be prevented from selling wine in the manner to which he has been accustomed. I agree we would be doing the industry less harm if every gallon of wine were taxed, but we allowed the vignerons to keep selling the wine. What will happen in the future to the grapes used for the making of wine if the wine cannot be sold? We must do great damage to the industry.

The Hon. E. M. Heenan: The growers could apply for a license.

The Hon. C. E. GRIFFITHS: They do not want to open up shops.

The Hon. V. J. Ferry: Not all growers have outlets now.

The Hon. C. E. GRIFFITHS: Some have. I have recorded my protest against what I consider to be an injustice.

The Hon. H. C. STRICKLAND: As a matter of curiosity, I wonder if the Minister could tell us something in relation to the outlets for Western Australian wines. As a result of the meetings he has had with hotelkeepers and wine saloon keepers, did he find out how many licensed wine saloons in Western Australia are prohibited from stocking local wines? We know that Eastern States' wine producers control a number of wine saloons in this State, in which only their brands are allowed to be sold.

We know that hotels are controlled very largely by the brewery, and perhaps the licensees are restricted with regard to the goods they are allowed to sell. If the people producing local wine are unable to find an outlet through the normal licensed avenues, it is only reasonable that they should be catered for within the Act. The Minister has said that those people have found a loophole in the Act, but I would not look at it in that light. I would think the Act has never covered them, and has never required them to register their sales or to become licensed to sell their products. I would be glad if the Minister could tell us what the position is regarding those who, I understand, have sponsored this legislation; and whether they sell or stock any of the products which they are opposing.

The Hon. A. F. GRIFFITH: I want to make it clear to Mr. Strickland that as far as I am concerned, nobody has sponsored this legislation. When I met the representatives of the A.H.A. I made a passing reference to clause 7 of the Bill, but nothing was mentioned about the contents of the clause.

I am not able to answer the question directly with regard to how much wine is purchased by wine saloons, hotelkeepers, etc. Perhaps I should try to emphasise that our collective interest—that is, of this Committee—is the grower. He is the man we are talking about and endeavouring to assist—the Western Australian grower. He grows his grapes at the vineyard and he crushes them and prepares his own wine. If we agree to this amendment, that grower can look for an outlet and he can sell to Mr. Strickland or to Dr. Hislop any quantity not less than one reputed quart, either at the vineyard or, on request, the wine can be delivered.

The grower will not pay any tax on such a transaction. Another avenue for selling his produce would be direct to a gallon licensee, and the grower would not be taxed on that transaction. In other words, the producer does not pay tax until he becomes the licensee of a wine saloon; to wit, Valencia Vineyards Pty. Ltd. and Sandalford Wines. Those two organisations have their retail outlets, and in their case they will pay a tax because the wine is retailed.

No new tax will be applicable to wholesalers who sell direct to the consumer. If a middle man is involved a tax will be paid, and I think it is 5½ per cent. at the moment. Does that answer your query, Mr. Strickland?

The Hon. H. C. Strickland: I am not worrying about the licenses; I am wondering how many shops stock this product.

The Hon. A. F. GRIFFITH: I cannot answer that, but I can relate an experience I once had. I went to a shop to buy some sherry and I asked the proprietor whether I was in a hotel—I knew full well I was not in a hotel. I was told by the proprietor that I was in a gallon license premises. I then asked the proprietor if the premises were a grocer's shop and I was told that no groceries had been sold there for the past 10 years. I then asked for a gallon of Western Australian sherry and I was informed that the shop did not stock "that rubbish." When I asked what "rubbish" it did stock I was told "Eastern States wine." That was an interesting experience.

Regarding other outlets for the producers, I do not know to what extent their products are sold in wine saloons. The people who were brought to me by Mr. Abbey told me—and this is for your information, Mr. Clive Griffiths—that they would not object at all to the retail shops being closed down. They were concerned about not being able to deliver their wine. I believe the same thing was said at the meeting which was held in the Swan area the other night. Those people said they did not mind the retail outlets being taken away from them. So it would appear the growers are reasonably happy and, perhaps, a little more than reasonably happy about the situation; that is, except for the person mentioned by Mr. Griffiths.

The Hon. W. F. WILLESEE: I cannot help but think that if the Minister had all this knowledge of the situation prior to the introduction of the Bill, we would not have had the Bill before us at all.

The Hon. A. F. Griffith: It is not like you to harp.

The Hon. W. F. WILLESEE: I think I am entitled to reply. The Minister denies emphatically that he is in a mess.

The Hon. A. F. Griffith: I am not in a mess at all.

The Hon. W. F. WILLESEE: If a large quantity of wine is being imported into Western Australia it is obviously not going to the clientele of the people with whom we are concerned. The imported wine must be handled by proprietary companies. There is a responsibility on Parliament not to limit the capacity of this industry, which is a borderline one. Apparently the industry needs some assistance to survive at all.

The Hon. A. F. Griffith: We are giving it that assistance.

The Hon. W. F. WILLESEE: The Minister believes he is giving assistance, but I think there is some doubt. I think Mr. Clive Griffiths has touched on a doubtful point. If we restrict the sales of the smaller producers, who are getting by because of their additional sales without tax, I think we could get into serious trouble.

The Hon. A. F. Griffith: Does the honourable member think we ought to close our eyes to the retail shops, which are unlicensed?

The Hon. W. F. WILLESEE: It depends on the circumstances. Why alter a situation which has applied for the last 20 years?

The Hon. C. E. GRIFFITHS: At no stage was I talking about retail shops.

The Hon. A. F. Griffith: You were talking about a store.

The Hon. C. E. GRIFFITHS: I was talking about a place to which bulk wine is brought and sold to the populace. There are no people in the vicinity of the property of the man I have mentioned.

The Hon. R. Thompson: He is not selling from the store?

The Hon. C. E. GRIFFITHS: No; he is delivering from the store. Orders are rung through to the store, where he has big vats, and he delivers from the store. The wine is originally brought from his pro-

perty where he manufactures it. I certainly was not implying, as the Minister has suggested, that this condition should apply to all retail shops.

The Hon. C. R. ABBEY: I think the Minister has very fairly stated the case. The growers, on finding that these amendments were to be presented to Parliament, naturally approached the members they felt would help. The Minister agreed to have a look at the amendments contained in the Bill, and has amended them accordingly. The growers with whom I have been in contact accept the situation and are prepared to close up their depots.

The Hon. G. E. D. BRAND: I was wondering about a situation which may arise from the transport point of view. I refer to those places which store goods, such as Wridgway North Pty. Ltd. Wine could be stored at such an establishment and a person could ring and ask for the wine to be delivered from that store. I suppose this would be the same as the case mentioned by Mr. Clive Griffiths. One could ring such a firm and ask for five tons of wine to be delivered, and it would be taken from the stocks on hand.

The Hon. R. Thompson: You are making a cocktail out of this problem.

The Hon. A. F. GRIFFITH: I cannot give members legal advice, but I think that such circumstances would be legal. That would be part of the delivery process. I understand the wine goes north in trucks, and to certain parts of the country in trains. If the wine travels by train it cannot be left at the railway station and will have to be delivered from premises. Someone has to pick up the wine from the station.

Finally, I would like to draw the attention of the Committee to one matter. Section 154 states—

> Any person not actually holding a license under this Act who keeps up any sign, writing, painting, or mark on or near his house or premises which may imply or give reasonable cause to believe that such house or premises is or are licensed for the sale of liquor, or that liquor is sold or served therein, commits an offence against this Act.

I have already said that not only do some of these people have retail shops but they also have signs on them for advertising purposes; and by doing this they are committing a breach of section 154. I am certain this section was intended to be read in conjunction with section 46 when both sections were framed.

The Hon. N. E. BAXTER: I understood the motion before the Chair was whether the words to be deleted should be deleted. After listening to the debate, with a good deal of interest, I cannot recall having heard any member speak to the motion. However, I support the Minister's amendment very strongly and I thank him for having introduced it.

The Hon. H. K. WATSON: I was interested in the Minister's story of how he went into a shop with a gallon license but was unable to buy any Western Australian wine. If that was typical of the closed market generally available to Western Australian growers, I am not at all sure the existing holders of wine licenses, or gallon licenses, deserve the consideration which the Minister has suggested they are entitled to get by reason of the fact that they have licenses. So far as the growers who do some of their selling through a shop are concerned, it seems that so long as the revenue or tax is collected from that shop there is no reason why, particularly in the instances mentioned by the Minister, the local producer ought not to be entitled to sell his products from a shop. I would therefore express the hope that if any such producer does apply to the court for a license for such a shop it will be readily forthcoming.

The Hon. A. F. Griffith: That is a matter for the court.

The Hon. N. E. BAXTER: As I said, I thank the Minister for giving consideration to the matter and for introducing amendments to cover the position. There is only one query I have and it is in relation to the words "being resold on" in line 2 of proposed new subparagraph (iv). I think the words "resale from" would be better in this instance; because in the two dictionaries I have studied the word "resold" is not used, or it is not commonly used, whereas the word "resale" is commonly used. Therefore, I move—

> That the amendment be amended in line 2 of proposed new subparagraph (iv) of paragraph (c) of subsection (1) of section 46, by deleting the words "being resold on" and substituting the words "resale from".

The Hon. A. F. GRIFFITH: Having decided to recommit the Bill I got hold of the draftsman and asked him to come to my office to consider the proposed amendments. I told him what I wanted and he came back some time later with the amendments I have moved, and he explained them to me. The word "on," after the words "being resold," is the important word. It covers the retail shop—the other premises. I do not know what the honourable member means by his amendment but I know what my amendment, as it is worded, means.

The words "resale from other premises" could mean a further shift to somewhere else—to the store to which Mr. Clive Griffiths was referring—and they could also refer to somewhere else again. That is what we are trying to avoid—the removal of wine from vineyards to other premises, and being resold on those premises.

Will the honourable member please leave the amendment as it is, because I have sufficient faith in the draftsman to give effect to what I have told the Committee I want. I think the faith I have is justified.

The Hon. R. F. Hutchison: That is right.

Amendment on the amendment put and negatived.

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported, with further amendments.

BILLS (2): RECEIPT AND FIRST READING

1. Iron Ore (Hanwright) Agreement Bill.

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

2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.

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

PHYSIOTHERAPISTS ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

FAUNA PROTECTION ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Fisheries and Fauna) [5.56 p.m.]: I move—

That the Bill be now read a second time.

Before explaining the primary purposes of this Bill, which seeks to make some far-reaching amendments to the Fauna Protection Act, I will comment briefly on fauna conservation generally. In these days, when the world population is galloping rapidly towards the four billion mark, we must stop and ask ourselves what room there is and how much room we must make for wildlife. In a world where two-thirds of the population is undernourished, and one-third is starving, it is only reasonable that we should question the need to expend our resources or to set aside good agricultural and industrial land for the preservation of wildlife which, to be blunt, contributes next to nothing to the world's food supply. Even in a State as large as ours, the pressures to open up new land, or to release that which is already reserved, are very great. There is competition for land and we might well ask why then should we set some aside for what a few people regard as useless animals.

There are, of course, many good and sound reasons. Man has long sensed a moral responsibility as the dominant animal on earth to protect those incapable of protecting themselves. In the last century we have also grown to accept the aesthetic and recreational values of the fauna, and to recognise a need to maintain wild places in their natural state, for their own innate beauty, and to retain diversity in the appearance of the countryside.

In more recent times the world has come to appreciate the educational and scientific values of the fauna, and of wildlife generally. We are now beginning to recognise that our wildlife is an invaluable and irreplacable resource. Man cannot yet create life, and even when he does one day suceed in doing so, he will require examples of the infinite variety of nature to enable him to make full use of his own powers. Every living species represents a natural resource that we cannot afford to waste.

It has been well said that man's survival in space and time might well depend, one day, on his ability to create self-perpetuating environments in which he can survive. To do this he will need much additional knowledge that can be gained only from the study of the natural environment and life system within that environment.

Some critics have questioned the wisdom of setting aside some 500 acres of land for the short-necked tortoise. Similarly, the spending of money on research into the Rottnest quokka has been trenchantly criticised. We can answer that by saying that out of the quokka work has come a probable cure for muscular dystrophy, a frightful disease that affects children. I might also add that some work on immunology, currently being pursued in regard to the quokka, is of world importance. As recently as yesterday morning I was discussing this with Sir Macfarlane Burnet, who regards certain aspects of this avenue of scientific research as some of the most important being done in Australia.

The short-necked tortoise is known to be able to depress its basic metabolism—I am sorry about the phraseology, but there are really no other words I can use—and aestivate, or shut down the works, all through the summer, and to go into temporary hibernation in the coldest part of our winter. Other tortoises have been known to live for 24 hours in pure nitrogen, and in frozen-over pools for months on end; while others are known to be quite content to breathe once every two hours and yet remain active. In these days, when man is venturing into the hostile environment of the moon, and into space itself, these abilities of the tortoise assume major importance. If we can learn how the tortoise is able to do these things, it will be the first step towards enabling man to do them also.

Every living creature is the product of millions of years of nature's experiments, and of its harsh law that only the fittest and the best adapted will survive. Wild-

life, therefore, is a precious and irreplaceable asset that we must not squander. To meet the need of a booming world population, much wildlife must be sacrificed, but let us not endanger any species lest we throw away one of the keys to our own survival.

The general trend of this Bill is to strengthen the hand of the conservation authorities without causing any erosion of the basic responsibility of the Minister. While there are many consequential amendments, and others of minor importance, there are seven main objects in the Bill, which may be listed as follows:—

(1) to retitle the principal Act as the Fauna Conservation Act;

(2) to delete section 5 which gives precedence to other Acts over the Fauna Act;

(3) to retitle the Fauna Protection Advisory Committee "The Fauna Board of Western Australia and to enlarge its membership;

(4) to direct the board to undertake a system of classification of sanctuaries and the preparation of working plans;

(5) to introduce two additional licenses—firstly, a game or duck shooter's license, the proceeds of which will be credited to the fauna conservation trust fund; and, secondly, a license that will give direct contact with the processors of fauna such as the kangaroo meat processors;

(6) to increase penalties;

(7) to give more specific regulatory powers in relation to the control of sanctuaries.

I will deal with each of these serially.

The Fauna Protection Act was a good title in those days when protection was the best understood means of preserving wildlife.

While protection remains as an end in itself that is justified on moral grounds alone, it is also one of the means by which species are preserved. In this respect, however, it is now a comparatively minor facet of conservation, which nowadays is more concerned with the study, management, and control of wildlife and its environment. The term, "conservation," is generally accepted as incorporating the wise use, the rational exploration, and the public enjoyment of the fauna. Conservation necessarily includes protection and preservation.

Deletion of section 5: The development of the State has reached the stage where much of the fauna now exists only in isolated pockets in the sanctuaries so far set aside, in other reserves, and in the remaining sections of uncleared land. The days when the need to protect fauna was of less importance than the need to develop the agricultural areas is now largely past, and the fauna needs to be protected in its own right if we are to save it at all.

Any inconsistencies between the Fisheries Act and the Whaling Act on the one hand and the Fauna Act on the other, can be satisfactorily dealt with at departmental level, and there is no need to say one has automatic precedence over the other. Which should receive first consideration is best left for decision according to the particular circumstance.

The chief vermin control officer, the executive officer of the Vermin Act, is a member of the Fauna Protection Advisory Committee and is to be a member of the fauna board. Co-operation between the departments administering these Acts has been good and may safely be expected to remain so. Similarly there is little conflict between the Zoological Gardens Act and this Act, and the rescission of section 5 will not, to any material extent, affect the administration of any of the other Acts named in it. The recission will, however, deprive our critics of the opportunities to say that Western Australia regards its fauna as something to be conserved only if any remains after all other interests have been satisfied.

Retitling and enlarging the committee: The existing legislation provides that the Fauna Protection Advisory Committee of Western Australia shall consist of six members, each with a deputy. The six members include three *ex officio* members, the chief warden of fauna, the chief inspector of vermin, and the Conservator of Forests. It requires that of the three appointed members at least one shall be a person other than a civil servant, with a wide practical knowledge of the fauna of Western Australia.

It is proposed to retitle the committee, "The Fauna Board of Western Australia," a more succinct title and one which is more appropriate to the increased standing and responsibilities of this authority. The change of its title will not give it any additional powers.

The constitution of the committee is to be enlarged by the addition of an extra *ex officio* member who is to be the Director of Fisheries and Fauna, who will be chairman of the board, while the chief warden of fauna will be the executive officer of the board.

The number of appointed members is to be increased from three to six to consist of one botanist, two zoologists, and three persons who are not State public servants. The provision for deputy members will be repealed.

The appointment of a botanist is required to advise the board during its discussions and in the performance of its other duties—notably the classification of sanctuaries and the preparation of working plans. A taxonomic botanist—one who is skilled in the classification of species—with a wide knowledge of Western Australian flora and its distribution becomes essential, not only because the fauna are totally dependent on the flora for cover

and food, but also because various species have different needs as regards the stages of regrowth and associations of various plants. Additionally, much of the flora in sanctuaries needs to be preserved in its own right, and scientific advice must be continuously available to the board.

Increasing from one to three the number of non-public servant members will allow the reappointment of the existing member together with two additional persons. Thought will be given to a number of suggestions that representatives of various interests, previously not represented on the committee, be appointed to the board. While there are sound reasons why various interests and sciences should be represented on the board, we must keep its numbers down to a reasonable level and ensure that it has sufficient representation of interests without being too cumbersome.

New work to be undertaken by board: The proposed new section 12A in the Bill gives the board power to classify sanctuaries according to the fauna they shelter, and the amount and type of use that may be made of them by the public, or sections of the public. This amendment is framed in accordance with the principle of multiple use—that is, of allowing any area to be used for as many different purposes as possible. In the case of fauna sanctuaries, the deciding factor must always be the well-being of the fauna.

While some reserves have been set aside specifically for duck hunting, for example, the overriding principle in their management must be conservation of the fauna. If too much shooting were allowed on one of these areas, the ducks could desert it and the reserve would then no longer serve the purpose for which it was set aside.

In most reserves the first things to be affected by human use are the fauna; and, secondly, the flora which further affects the remaining fauna. Parts of sanctuaries, however, have less value to fauna conservation than others—perhaps because they are holding species which are represented on another reserve, or perhaps because they are not rich in wildlife, or for some other reason. Such areas might be set aside for various public uses suitable to that reserve.

In the preparation of working plans for any sanctuary, a considerable amount of scientific survey and research will be required if it has not already been done. The surveys will take note of the flora and fauna, soils, geology, hydrology, and so on; but will also take into account the land and water use, the history of the area, and other public interests.

The board will have to decide what objects it wishes to achieve from its management programme. It will also need to determine the needs of neighbouring farmers or other land occupiers in relation to fire and vermin control on the reserves. The degree of public access, of rights of way, and public hazards will need to be determined and set forth in the working plan, together with arrangements for wardening or enforcement, the composition and allocation of suitable signs, and the preparation and publication of reports in respect of each area.

It is intended ultimately that booklets on each of the reserves will be published for public information, setting out their size, location, fauna and flora, and other natural history details, together with information on what public use can be made of the area and where it may take place. This will be particularly important as far as wetland sanctuaries are concerned in respect of aquatic sports, and also, of course, of game shooting.

Sitting suspended from 6.11 to 7.30 p.m.

The Hon. G. C. MacKINNON: Licenses and trust funds—(a) game licenses: The Bill also provides for the prescribing of any species of wild ducks, geese, or quail as "game birds" which may be taken by the holder of a game license. It is intended that the license should be prescribed by regulation, and the fee we have in mind is the same as the charge for similar licenses in Victoria and New South Wales; namely, $2 per year. The Bill prescribes that under section 17C the fees from such licenses shall be paid into a special fund to be established and to be called the fauna conservation trust fund. This fund will be administered and controlled by the Minister. Other moneys which may be credited to the fund include gifts and bequests, and income derived from the investment of any money forming part of the fund.

(b) Trust fund: The fees from all other licenses and other revenue gathered by the department will continue to be credited to the Consolidated Revenue Fund. The Bill provides that the Minister may use moneys in the trust fund for research and other purposes recommended by the board or for those purposes laid down in the conditions of gifts or bequests to the fund. It is intended that the moneys obtained from licenses should be applied to such things as the acquisition and improvement of additional wetland, and to the improvement of existing wetland already reserved. Thus in Western Australia we are tending to follow the very successful programme initiated by the U.S. Fish and Wildlife Service and by the Department of Fisheries and Wildlife in Victoria. Each of these authorities has financed its programme from funds contributed by shooters.

The proposal to introduce a duck license and to credit proceeds to a trust fund has the overwhelming support of the organised shooters in this and other States. All the gun clubs have been contacted and apprised of the proposals. Earlier this year a deputation of representatives from gun clubs waited upon me and urged the introduction of these measures. I told them

clearly then that there was no possibility of the license being introduced unless duck shooters requested it, and this they have done. If members will bear with me I will now read a letter which I received from the honorary secretary of the Victorian Field and Game Council. It is as follows:—

> I have been advised that there is a move to introduce a licence to shoot ducks in your State.
>
> Hunter/conservationists here are hoping that your Parliament will approve of the licence, and that the fees raised will form the **basis for** conservation funds.
>
> Since the introduction of the game licence in Victoria, which coincided with the formation of our Association, some of the joint benefits for our Fisheries and Wildlife Department and our hunters have been:—
>
> $450,000 licence money plus Government grants used for conservation.
>
> More than 120,000 acres of wildlife reserves set aside, of which a significant proportion is for Game Reserves open to shooting in season.
>
> Additional game management officers appointed for the Fisheries and Wildlife Department.
>
> Lines of communication opened between responsible sportsmen and a sympathetic Government.
>
> Three thousand duck nesting boxes constructed in and around swamps.
>
> Approximately 40,000 small trees planted around wildlife reserves to re-afforest the areas.
>
> Improved relationships between Wildlife Department Officers and hunters who work together for conservation on co-operative projects, replacing the old policing attitude of inspectors looking for game regulation offenders.
>
> With the tremendous development in your State, it is essential of course, to reserve as many recreation areas, including wetlands for wildfowl, at the earliest opportunity, for any delay makes the reclamation far more expensive at a later date. Reservation of wetlands, and development by way of game management and conservation of such useful birds as the ibis, require continuous funds. The hunter/conservationist should contribute.
>
> To conclude, the licensing system, in conjunction with an Association such as ours, is effective in converting hunters into hunter/conservationists.
>
> Yours faithfully,
>
> R. K. Bryant,
>
> Honorary Secretary,
>
> Victorian Fowl and Game Council.

Other letters received from local clubs and individual shooters have stressed support for these proposals, provided that the fees from the licenses were spent on conservation measures.

(c) Processors' licenses: The exploitation of kangaroos for their meat commenced early in the 1950s, originally for the gourmet trade, but later, and in increased amounts, for the local pet-food and overseas meat export trades.

According to information received, the net weight of kangaroo meat processed is about 3,000,000 lb. a year. Although not a large industry, it is of some value to the State and to the individuals engaged in it, and it should be allowed to continue, if this is possible. The department has had to appoint a research officer to undertake a study of the grey kangaroos to ascertain the effects of this exploitation and to gather accurate statistics concerning the kangaroos being marketed. If we are to know what effects this shooting is having on the kangaroo population we have to know the age, weight, sex, and condition of all the kangaroos being taken; and this costs money to obtain.

It is known that in the past a good deal of illegal destruction of kangaroos in protected areas has taken place, and that a lot of the carcases have ultimately been processed for the local and export trades. It has been virtually impossible to control the situation because kangaroos were declared to be vermin in some parts of the State, but not in others. The declaration of kangaroos as vermin has meant that no license was required to take them or to sell them, or to sell their meat and skins. When intercepted in a closed area, shooters have maintained that the kangaroos in their possession were taken from areas where they were declared to be vermin.

In the past, we have not worried a great deal about this, but we now feel the situation has been reached where the industry needs to be put on to a proper instead of a fly-by-night basis. Provided that the take can be controlled, there seems to be no reason why the cropping of surplus populations should not be allowed to continue, especially in districts where kangaroos are reported to be causing damage to property. On the other hand, we need to be able to enforce conservation measures. The proposed licenses will give the department direct contact with the industry which will lead to a better appreciation of the whole situation.

Increase of penalties: The principal Act was passed in 1950. Since then, money values have more than doubled and hence it is only reasonable that penalties should be doubled likewise. Although the maximum penalty provided under the Bill is $400, it must not be thought that the courts are likely to apply this except for

a most flagrant breach, and probably not even then unless it is a second or subsequent offence.

It must be realised that, with one exception, the Bill will allow the courts full authority to apply their discretion in determining the amount of the fine. A minimum penalty is only being asked for in one case; that is, where a processor has not taken out the requisite license and continues to process after the Minister has served notice of the offence on him. In this case there will be a daily penalty of not less than $5 nor more than $20 for each day the offence continues. That is the only minimum fine imposed under the Bill. All other cases are left to the discretion of the court to decide in the light of the circumstances.

Members may be interested to know that the absolute maximums in other States for offences against protection and conservation Acts are as follows:—

(a) Victoria: Absolute maximum of $400 or imprisonment for three months, or both. These penalties were fixed in an amending Bill passed in the Victorian Parliament in 1958. It is of interest to note that the Protection of Animals Act passed in that State in 1966 provides for a maximum fine of $1,000 or 12 months' imprisonment in the case of cruelty to animals.

(b) Northern Territory: Under the 1963 Act a maximum of $400 or six months' imprisonment.

(c) New South Wales: Under the 1940 Act a maximum of $200 or 12 months' imprisonment, or both.

(d) Queensland: Under the 1952 Act a maximum penalty of $300 but an irreducible minimum of $8 is imposed in respect of each bird or other animal concerned in some offence.

(e) South Australia: Under the 1965 Act a maximum penalty of $200 or six months' imprisonment.

(f) Tasmania: Under the 1953 Act a maximum penalty of $200 for general offences, but $200 in respect of each animal in the case of the illegal importation of any fox or wild dog or dingo.

In the light of penalties inflicted under the legislation of the other States, the proposed penalties in this Bill do not appear to be unnecessarily harsh. In any case, as I emphasise, minimum penalties are not set, and it is left to the jurisdiction of each court to decide, according to the circumstances, the fine that should be imposed. It must also be kept in mind that the maximum fine must serve as a deterrent in many cases, and no court would be likely to impose the maximum fine for, say, the illegal destruction of a magpie compared with the illegal capture for sale of a rare species, such as a noisy scrub bird or a short-necked tortoise.

I think members also need to keep in mind that Australian birds fetch high prices on overseas markets. For instance, the current price of our parrots and cockatoos on the European market runs as high as £200 to £400 sterling a pair, if not higher. There is a great incentive for persons to engage in the illegal bird trade, and penalties need to have a high maximum. I made no mistake in reading out the prices; they run as high as £200 to £400 sterling a pair, if not higher.

Control of reserves: The Bill provides that section 28 of the principal Act will be amended by the addition of a number of paragraphs to authorise by regulation the control of sanctuaries. The need for these regulations follows on the previously mentioned responsibility of the board to classify and produce working plans for sanctuaries. Members will understand that reasonably broad powers will be required by the board to allow it efficiently to manage the lands under its control. There is nothing in the new regulation-making powers that one would not expect to find in the by-laws controlling city gardens or national parks.

I think it is fair to say that, nowadays, most people appreciate the need to protect and conserve our fauna. We conserve it not only for our own use and the use of our children, but also for the rest of the world for which we hold it in trust. Indeed, keen interest has been shown overseas in conservation measures enforced in Western Australia—particularly in relation to the noisy scrub bird and the short-necked tortoise.

Members will appreciate, too, that land is an asset which must not be wasted. The fauna board has a considerable area under its charge and needs clear guide-lines within which it must devise its conservation programmes; and, once they have been approved by the Minister, it will require adequate authority to carry them out. In the Committee stage we will, of course, have an opportunity to discuss in detail the general purpose of the proposed amendments. I now present this Bill to the House, confident that its clauses will find ready acceptance.

The Hon. F. R. H. Lavery: How many inspectors are now employed by the Fauna Protection Committee?

The Hon. G. C. MacKINNON: I will let the honourable member know in due course. It varies from day to day.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [7.45 p.m.]: I move—

That the Bill be now read a second time.

In moving the second reading of the Bill, I would mention that the amendments contained in it were submitted to the Minister for Transport by the operators of taxis and through the Taxi Control Board.

The measure contains two main amendments and a number of minor amendments to the parent Act, which have been drafted to obviate some deficiencies affecting the administration of the Act, which have become evident during the three years or so that the Taxi Control Board has been operating.

It may be helpful, I suggest, if I run through the clauses *seriatim* for the information of members.

The Bill contains several consequential amendments necessitated by the recently proclaimed Road and Air Transport Commission Act of 1966. Clause 2 contains one of these, having reference to the Commissioner or the Deputy Commissioner of Transport, who is the chairman of the Taxi Control Board.

Paragraph (a) of clause 3 likewise contains a nominal amendment as affecting the title "Deputy Commissioner."

The amendment contained in paragraph (b) of clause 3 has reference to representation of the two members of the board who are elected by taxi-car owners and operators. With respect to industry representation on the board, one of the members is a representative of the Taxi Operators' Association and two other members are elected to represent the industry. It is required under the Act that each elector shall be a taxi-car owner or operator, but it is not required that the two elected persons be so qualified. The Bill seeks to correct this anomaly while, at the same time, enabling all taxi-car owners and operators to have a vote. Up to the present time, members of the Taxi Operators' Association have been excluded from such voting. I would mention that, in this latter connection, a letter was forwarded to each taxi operator and out of 136 replies received, 97 favoured giving a vote to all taxi operators. In the past, when these vacancies have occurred, certain members of the association have resigned in order that they could occupy one of the other positions on the board. The provisions contained in the appropriate amendment referred to are apparently acceptable to the majority of taxi operators.

Members will note that there is provision under paragraph (a) of subsection (3) of section 5 of the Act for a deputy to the chairman and this person is the Deputy Commissioner of Transport constituted under the State Transport Co-ordination Act of 1933.

There is no such similar provision, however, for the appointment of deputies to members appointed under paragraph (c) of subsection (3) of that section; namely, the members elected by taxi-car owners and operators.

By the insertion of an additional subsection (6) into the section, and as contained in paragraph (c) of clause 3, provision is now proposed for the appointment of deputy members to represent the same interests of that member appointed under subsection (4) (c).

The next amendment, that contained in clause 4, is just a complementary amendment necessitated by the foregoing authority concerning deputy members.

Clause 5 amends subsection (2) of section 8 in order to provide that, in the event of the absence of the commissioner or deputy commissioner from a meeting of the Taxi Control Board, members present may choose one of their members to preside. These amendments are, I suggest, very desirable, for, should a member of the board be absent for a prolonged period on account of illness, or for any other good reason, there is no means under the Act of his respective organisation being represented by a deputy for the period of his absence. An instance of this occurred last year when the association's representative on the board was absent through illness for about seven or eight months, yet it was not possible to elect to the board another representative of that section of the industry. The appropriate amendments contained in this measure have been drafted to rectify this position.

Section 17 of the Act specifies that approved number plates shall be issued for and affixed to a licensed taxi-car and when a licensed taxi-car is off the road and is undergoing repairs, which usually take some time to complete, it becomes necessary to authorise the owner to use a substitute vehicle. There is no specific provision in the Act for such authorisation and a provision is accordingly being made under clause 6 for the insertion of an appropriate new section numbered 17A. This is being done with a view to facilitating the keeping of the maximum number of licensed taxi-cars operating on the roads. Of course, the taxi-car or vehicle replacing the damaged vehicle will have to be approved by the police traffic office in the usual manner before it can

be fitted with taxi license plates and allowed to operate.

One of the more important amendments contained in this measure appears in clause 7. This concerns documents, such as a bill of sale, given as security on loans for the purchase of taxis. The amendment proposes that the board be enabled to endorse the taxi license to give some security to the lender and with safeguards in respect of the transfer of the license in the event of the default of the borrower. It is thought that, through this provision, operators will be helped in the purchase of better taxis and this could well be to the advantage of the travelling public generally.

The amendment provides that, where a person, for the purpose of becoming the owner of a licensed taxi-car, borrows some of the money needed towards its purchase, and uses the whole of the money so borrowed in the purchase, the board's endorsement of the license will indicate that it will not refuse any application for the transfer of the license which is made by the licensed operator with the consent of the other parties to the transaction. These requirements are, of course, subject to existing provisions concerning persons of good repute and being fit and proper persons to operate a taxi-car as contained in paragraph (c) of subsection (2) of section 16 of the Act, nor is there any obligation upon the board to effect or transfer a license to a person who holds two or more licenses under the Act.

Any person, who operates a taxi-car, is required under section 21 to carry in the taxi-car the license issued in respect of that vehicle.

Under the provisions of clause 8 of the Bill, this section is to be repealed and reenacted to require that such a person shall carry in the taxi-car such documents as are prescribed. The intention here, with a view to protecting taxi patrons, is to require an operator to display in the taxi-car such documents as would indicate the amount of flagfall, the fare charged, and various other requirements.

In clause 9 attention is given to the matter of minor offences. This amendment affects existing provisions contained in section 22, which authorises a court convicting an offender for any offence other than a minor offence within the meaning of the Traffic Act, to require either in addition to or in lieu of imposing any other penalty provided by law, order the cancellation of the taxi-car license.

The effect of the amendment contained in clause 9 will be to introduce a system of modified penalties for minor offences committed by taxi operators against the regulations. These would be similar to those contained in the Traffic Act and the City of Perth Parking Facilities Act, providing the alternative that any offender, should he so desire, may elect to be dealt with by the court. A considerable period of time elapses quite often between the date of an offence and the hearing, in view of an increasing volume of cases dealt with by the local courts. Also, because of the relatively high legal costs incurred by offenders, the board is firmly of the opinion that a system of prescribed penalties for minor offences would be a more satisfactory manner of approach than that at present operating.

It should be mentioned, I think, that instances have come forward of taxi drivers having committed an offence, yet in view of all circumstances, the board has been loth to take action because of its minor nature. In previous circumstances, the board has taken action and the cost involved in court proceedings has been substantial by comparison with the minor nature of the offence. The board, accordingly, desires to prescribe penalties for minor offences and give the offender the option to pay the monetary or other penalty or elect to go to court in the normal course, should he so desire.

Clause 10 adds new provisions after section 23 with respect to vehicles being caused to be unlawfully operated.

By inserting a new section 23C, the Bill proposes that it should be an offence for a person knowingly to cause a licensed taxi-car to operate in a manner contrary to the Act or regulations, or for a person to operate a vehicle as a taxi-car when it is not licensed for that purpose.

The board, at times, requires an owner or registered taxi driver to attend at the board office. In the administration of the Act, it has come to the board's notice that there is need for the insertion of a statutory provision in the Act, authorising the board to direct any owner or person registered as a taxi-car driver to attend the office of the board within such reasonable time as may be required. Accordingly, a person without reasonable excuse, failing to comply with such direction of the board, would commit an offence.

Clause 12, which is the last clause in the Bill, contains complementary amendments permitting the making of regulations with respect to minor offences and modified penalties and permits the prescribing of penalties not exceeding the sum of $10.

Debate adjourned, on motion by The Hon. J. Dolan.

House adjourned at 7.55 p.m.