and nobody who is able to vote. That difficulty can be resolved because the Minister can take part. The proposed subsection (7) reads—

> This section is in addition to and not in derogation of any other law relating to the duty or liability of the holder of a public office.

I do not know whether that allows all the other provisions to obtain. I do not think it does, but perhaps before the third reading the Minister would discuss with his advisers the limitations of this proposed subsection as compared with the greater flexibility in section 174 of the Local Government Act.

The member for Moore raised a very valid issue because there are so many people who have so many interests and we want these good people on the M.R.P.A. The M.R.P.A. will soon find out what needs to be amended. We hope the legislation will be workable and will carry out the intention behind it.

I ask the Minister to check with his advisers the point raised by the member for Moore and to check on the relationship between this proposed section and section 174 of the Local Government Act to see whether the proposed section has sufficient flexibility to be workable in reasonable circumstances.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.03 p.m.

Legislative Council

Thursday, the 18th October, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

SOCIAL WELFARE REGIONAL COUNCILS

Kimberley: Survey

The Hon. W. R. WITHERS, to the Minister for Community Welfare:

> My question concerns a letter dated the 18th October, 1973, which includes an invitation to members to attend a meeting to be held on the 24th October, 1973, when they will be given information on social welfare projects for the south-west region of Western Australia and the Eastern Goldfields region costing $304,000, provided from Commonwealth grants. The letter does not contain any reference to the northwest, the Kimberley, or the Pilbara. Does the Minister intend to have a similar programme carried out for those areas?

The Hon. R. THOMPSON replied:

> The Commonwealth Government invited the Department of Community Welfare to submit plans of surveys to be carried out in Western Australia. The department submitted three areas for such surveys; namely, the Fremantle area, the south-west and Great Southern area, and the Kalgoorlie—or the mining—area. The submission went before a committee set up for the purpose, and two areas were agreed upon. They were the south-west, and the Kalgoorlie areas. An amount of $20,000 was allocated for the Kalgoorlie area. Initially, we were not at all hopeful of having a full survey, but because of the excellent submission by the officers of the department we were lucky to obtain $284,000.
>
> This is a starting point and we hope to be able to expand on that sum from year to year. However, that will depend on Commonwealth funds because the Commonwealth is financing the whole of the survey.
>
> Many areas of the State will be considered, but those areas will be determined from time to time.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

MENTAL HEALTH ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and returned to the Assembly with amendments.

CENSORSHIP OF FILMS ACT AMENDMENT BILL

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.39 p.m.]: I move—

> That the Bill be now read a second time.

At a recent meeting of the State and Australian Government Ministers who deal with censorship the question of what should be the minimum age at which children may legally attend an "R" classification film was discussed.

At the present time all States except South Australia have a minimum age of six years whereas South Australia has a minimum age of two years. The question of lowering the minimum age was raised in August, 1972, by the Department of Customs and Excise as a result of numerous representations seeking a change.

This move was then supported by Queensland, followed by Victoria in March, 1973, when the then Chief Secretary of Victoria wrote—

> The Minister (for Health) has advised me that specialist psychiatric opinion available to him is that untoward violence affects susceptible children younger than six years, certainly down to four years. Difficulties of measurement and experimentation prevent convincing evidence being adduced at ages below four years but it appears that the expert opinion available supports the reduction or the elimination of the minimum age for entry to restricted films.

In May, 1973, I received a letter from Mr. Alan Richardson, Chairman of the W.A. Branch, Australian Psychological Society, an extract of which reads—

> Members of the W.A. Branch of the Australian Psychological Society have shown concern with respect to the possible effects of exposure to "R" certificate film viewing by pre-school children.
>
> It is a popular misconception among many people that young children are immune to the impacts of mass media because they are unable to understand the contents and implications of what they see. However, be this as it may, young children inevitably draw their own conclusions and their very inaccuracies may lead to more upsets and confusions than would be the case if they were capable of more accurate perceptions and understanding.
>
> As a consequence a working party under the chairmanship of Mr. R. L. Smith was set up to make a submission for your consideration. The recommendation arising from this submission is as follows:—
>
> > That the exposure of pre-school children to the influence of 'R' certificate films gives ground for concern and, in the opinion of the W.A. Branch of the Australian Psychological Society, is undesirable. We would urge that consideration be given to a downward extension of the age limit from 6 to 2 years.

The considerations in support of the recommendations are as follows:— In 1971, the Surgeon-General's Scientific Advisory Committee on Television and Social Behaviour (a committee set up by the U.S. Department of Health Education and Welfare to advise on issues of television and social behaviour), printed a publication entitled "Television and Social Behaviour". This is an annotated bibliography of research focusing on television's impact on children, that includes approximately 300 annotated and 250 un-annotated citations. A perusal of this document (a copy of which is available through the Technical Information Service and Library, Public Health Department) will provide many instances of research conclusion which emphasises the concern felt by the W.A. Branch of the Australian Psychological Society.

The views expressed in the findings of the United States Commission on the Causes and Prevention of Violence, which published its conclusions in December, 1969, would also appear to be relevant. Among other things the commission was concerned with violence on television and the final report stated:—

> "We believe that it is reasonable to conclude that a constant diet of violent behaviour on television has had an adverse effect on human character and attitudes. Violence on television encourages violent forms of behaviour and fosters moral and social values about violence in daily life which are unacceptable in the civilised society."

It is our opinion that if such a conclusion is a valid one, its validity is to be particularly stressed in connection with preschool children, whose capacity to distinguish between reality and fantasy is less than that in higher age groups. It is also felt that "R" certificate films are likely to have a much greater impact than television in respect to the qualities of colour, stereophonic sound, etc. and since they are set in a dark theatre where there is no competing stimuli to the presenting picture.

In July of this year the Secretary of the Commonwealth Attorney-General's Department made approaches on the subject to a number of organisations concerned with the early training of children and it is interesting to quote replies. Firstly we have one from the Kindergarten Teachers' Association which reads—

> In reply to your letter requesting any soundly based views on censorship of films for children, we would like to present the following report

Our concern with children under six being permitted by law to see "R" certificate films, arises from knowledge of the effects of such viewing on their future personality development.

It is true that a young child may understand, and hence remember, little of what he sees on the movie screen. It is also true that he is inexperienced and uncritical, accepting what he sees as the truth. The more exciting the film, the less critical the child's attitude and the more influenced he will be by what he remembers. Children with lower I.Q.'s retain less, but are more influenced than children with higher I.Q's.

For young children, films provide ideas to be used in play. In his study on "The Influence of the Movies on Attitudes and Behaviour", Fearing states, "The ideas he gets about people of different types may lead to tolerance or intolerance, depending on how the characters are shown . . . when the characters portray unfamiliar people, he is likely to stereotype groups with which the characters are identified." Whether this will lead to prejudice or tolerance in real life will depend on how the stereotype groups are presented.

Films may have a pronounced emotional effect on a child. They often frighten him, causing nightmares or daytime fears that are difficult for an adult to understand unless he knows the circumstances that have given rise to them.

Leroy-Boussien, in a study concerned with the emotions of child spectators aged from 4 to 14 discovered that a film which she regarded as "unequivocally comic" caused reactions of fear, at times even of terror, in children from four to eight years, thus indicating that there can be a real danger in exposing children to films not designed for their level.

A diet of crime, terror and cruelty will, in time, blunt the child's sensitivities; he will consider antisocial and destructive behaviour almost "normal". Furthermore, repeated exposure to crime and violence will eventually "blunt the child's sensitivity to human suffering."

Podolsky has pointed out: "Seeing constant brutality, viciousness, and unsocial acts results in hardness, intense selfishness, even in mercilessness, proportionate to the amount of exposure and its play on the native temperament of the child. The effects of habitation in the form of callousness to the suffering of others, begins as early as the sixth year, and it mounts year by year, leading to an ever-increasing amount of over-exciting horrors. Crime and horror are found to be upper-most in the minds of the addicts much of the time.

We stress these facts for two reasons:—

(1) Because we desire that young children be protected from present emotional disturbance,

(2) because we desire that their future behaviour as citizens be not jeopardised by their childhood experiences.

We ask you to give serious consideration to these facts when the matter of age restrictions on the viewing of "R" certificate films is before you.

Then the reply from the Commonwealth Department of Education states—

The pre-school office staff were asked to consider your correspondence in relation to the young child for which they are specifically concerned.

The view is that the admission age to restricted classification films should be lowered to at least three years.

Pre-school children are eager for new experiences; they are able to tolerate a certain degree of frustration and disappointment, but they are not all equipped to meet the demands life makes on them. Emotional difficulties are common at this stage of growth and are likely to persist if the child experiences many unfavourable experiences, or a severe shock or fright.

It can be the age of fear and anxiety and the child is not equipped by virtue of past experience to deal with situations familiar to adults but mysterious to him. A man with a mask, a clockwork toy, or Santa Claus may suggest a dangerous situation to the child. The child at this age has not learnt fully how to separate reality from fantasy. Aggressive cartoons and fictional spy and western dramas contain a large component of violence and we do not know as yet the cumulative effect on the sensitivity of an individual who watches these films. Yet a basic understanding of child development would indicate that viewing of "R" films is far from desirable and should not be possible.

Arguments advanced in favour of retaining the six-year minimum age level were—

(i) parents of younger children would not be prevented from attending films;

(ii) young children would be likely to sleep through a movie;

(iii) young children are not interested in watching a complete film.

However, although these points were given consideration it was the opinion of all States, in view of the medical evidence,

that legislation be introduced seeking approval to lower the minimum age to two years. Every State undertook to do this.

Debate adjourned, on motion by The Hon. V. J. Ferry.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [2.53 p.m.]: I move—

That the Bill be now read a second time.

During the 1972 session of Parliament, the Totalisator Agency Board Betting Act was amended to allow the Totalisator Agency Board to accept investments on greyhound racing. Further close scrutiny of the Act has disclosed that some other amendments are desirable.

The Act presently confines novelty bets to doubles betting and quinella betting. It is considered that this may prove somewhat restrictive, particularly in the field of greyhound racing—a sport which is comparatively unknown in this State at the present time.

Under the present legislation, to introduce other forms of novelty betting requires an amendment to the Act. This seems somewhat cumbersome and it is proposed to amend the Act to enable other forms of novelty betting to be prescribed by regulation.

The effect of the Bill, when passed, will be to enable the board, when suitable regulations are made, to accept any prescribed form of novelty bet, but only upon galloping and trotting horse races and greyhound races.

"Race" is defined in section 3 of the Act as meaning a galloping or trotting race or a greyhound race, and thus—even with the proposed amendment—the activities of the board will still be confined to these three particular types of racing.

If the Bill is passed, regulations will be prescribed to define four types of novelty betting: Double and quinella betting which are at present covered by the Act; and tierce and nomination tierce betting, which of course are akin to quinella and forecast quinella betting except that three horses are selected in lieu of two.

The Hon. A. F. Griffith: Could you give us more information about tierce betting? I do not know what it means.

The Hon. R. THOMPSON: Nor did I until a couple of weeks ago. I will explain as best I can before I conclude.

The Bill also provides for two other minor amendments which were overlooked in 1972. One clause of the 1972 Bill was intended to delete all reference to horses, thus widening the scope of the Act to enable the board to accept investments on both horse and greyhound racing. Unfortunately, one reference to horses was overlooked and the present Bill will rectify this omission.

The 1972 amendment was also defective in that it did not provide for the Greyhound Racing Control Board to receive funds accruing as a result of novelty betting on greyhound racing. The necessary amendment is included in this Bill.

Like the Leader of the Opposition I did not know what the word "tierce" meant when I first saw it. I am told tierce betting is much the same as quinella betting and is in operation in those States which have greyhound racing. Where a small number of dogs is involved there is more interest in novelty betting. Tierce betting is a type of three-structure betting. I understand one may pick three numbers, and if the third dog wins one still collects. If one of the dogs or horses is scratched—

The Hon. A. F. Griffith: There is more chance of a dog being scratched than of a horse being scratched!

The Hon. R. THOMPSON: That is so. I do not fully understand this form of betting, because I do not know much about racing. Probably Mr. Withers will be able to tell us about it because he seems to know all about greyhounds. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. W. R. Withers.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second Reading

THE HON. R. H. C. STUBBS (South-East—Minister for Local Government) [2.58 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Local Government Act is the fourth such Bill to be introduced during 1973. The Local Government Act has been amended many times since it was passed in 1960 and the great number of changes which have been made are indicative of the dynamic nature and growth of local government in Western Australia. The amendments proposed in this Bill have emanated from suggestions from various sources, including The Hon. R. F. Claughton, M.L.C., The Hon. J. J. Harman, M.L.A., the Local Government and Country Shire Councils' Associations, the Royal Australian Planning Institute, the Acting Director of the Western Australian Museum, the Town Planning Department, and the Registrar of the Metropolitan Valuation Appeal Court.

The Hon. A. F. Griffith: I made some suggestions regarding an improvement of the Local Government Act, but my name was not included.

The Hon. R. H. C. STUBBS: Well, if the Leader of the Opposition stands in the queue he might be fixed up. The proposals have received careful consideration by the Cabinet and the Department of Local Government and are now submitted as being desirable for Parliament's approval.

Clause 1: Is merely a preliminary clause containing the title, etc.

Clause 2: Provides that the Act or any provision thereof will come into operation on a date or dates to be fixed by proclamation.

Clause 3: The definition of "town planner" is added to section 6—the interpretation section—of the Local Government Act and is necessitated by the proposed amendments contained in clauses 4, 5, and 6 of this Bill.

Clause 4: This clause to amend section 158 of the Local Government Act is designed to afford city, town, or shire planners the same protection against dismissal as other defined categories of municipal officers. The proposed amendment applies to the senior town planner only, as defined in clause 3 of the Bill. At present under the provisions of section 158 of the Act, where a council proposes to terminate the services of a person holding office as town or shire clerk, engineer, treasurer, traffic inspector, or building surveyor, it may only order an inquiry or suspend him.

Where the officer is suspended the council must state the reasons for the suspension.

If within seven days from the date of his suspension, the officer calls for an inquiry, the council must order that such an inquiry shall be held. If the officer does not call for an inquiry within seven days of the date of his suspension, the council may determine the matter.

The proposal in this clause is to afford town planners employed by councils the same protection. The amendment was sought by the Royal Australian Planning Institute.

Clause 5: Section 159 of the Local Government Act provides power for the Governor to make regulations prescribing the respective educational and professional qualifications necessary to be held by a municipal officer appointed as town or shire clerk, engineer, building surveyor and treasurer.

The proposed amendment in this clause was requested by the Royal Australian Planning Institute and is designed to include municipal town planners among those officers to whom, regulations prescribing the necessary qualifications may be applied. The proposal is considered favourably by the Local Government and Country Shire Councils' Associations.

Clause 6: Section 160 of the Local Government Act provides that where regulations have been made not requiring the occupant of the respective offices of town or shire clerk, engineer, building surveyor, or treasurer to be qualified, a council must not appoint a person to any of these positions unless—

(a) he holds the appropriate certificate of qualification issued under the regulations, or

(b) in the case of a person not so qualified the Minister for Local Government approves of the appointment.

This clause proposes to place municipal town planners in the same position as those mentioned above and the amendment was requested by the Royal Australian Planning Institute.

Clause 7: The proposed amendment to section 173 of the Local Government Act contained in this clause was requested by the Local Government Association at the instigation of the Kalamunda Shire Council.

Subsection 9 of section 173 of the Act provides *inter alia*, that a member of a council, present in his seat when a question is put shall vote on the question, unless he is prohibited from voting through interest in the matter. Councillors must vote openly and not by secret ballot. The proposed amendment is to substitute the words "present in the council chamber", for the phrase "present in his seat". At present if a councillor, for some reason, wishes not to vote, he merely needs to move from his seat, even though remaining in the council chamber.

The amendment will ensure that all councillors present in the council chambers vote, whether in their seats or not.

Subsection 10 of section 173 of the Local Government Act provides that at council meetings "the result of voting openly is determined on the voices, unless a member of the council calls for a show of hands . . ."

The proposal is to substitute the words "may be" for the word "is" in this subsection which will then provide "the result of voting openly may be determined on the voices, unless a member of the council calls for a show of hands . . ."

The amendment will allow a council to choose whether it desires the result of voting openly at meetings to be determined by a show of hands, in all cases, or whether the result should still be determined on the voices, unless otherwise called for by a councillor.

The present mandatory provision that the result of voting openly at council meetings must be determined by the voices is very rigid, and it appears reasonable that a council should be given the alternative of deciding the manner in which the result of voting should be determined.

Clause 8: This clause repeals section 174 of the Local Government Act and re-enacts two new sections numbered 174 and 174A and was suggested by the Town Planning Board.

At present, under section 174 of the Act "common interest" is defined, *inter alia*, as an interest which is common to the public; or to the ratepayers of the municipality; or to the inhabitants of the district of the municipality. However, a "common interest" exists with councillors only where a matter relates to the consideration by a council of the adoption, modification, or revocation of a town planning scheme, or zoning by-laws for either—

(a) the whole of the municipal district; or

(b) a portion of the district comprising not less than one third of the area of the district.

For town planning schemes and zoning by-laws for areas less than those enumerated above, a councillor who owns property in the scheme area or the area to be zoned, must declare his interest, and cannot discuss or vote on these matters, except when the Minister, under the provisions of subsection 6 of section 174, exempts councillors from these prohibitions. This is usually done only on the condition that each resolution is forwarded to the Minister for approval before being acted upon.

It has been found that this provision has a restrictive effect on discussions on and implementation of town planning scheme and zoning by-laws, amendments, particularly in country areas, where one-third of the total area of a municipal district is rarely involved, because only the relatively small areas of townsites are the subject of such discussions.

The proposed amendments in this clause seek to ease these requirements to allow councillors to discuss and vote on matters pertaining to town planning schemes and zoning by-laws, unless they have an interest in—

(a) A lot to be rezoned or an adjoining or adjacent lot to be affected by the rezoning; or

(b) in another lot which although neither adjoining nor adjacent, would in the opinion of the mayor or president, be likely to be advantaged or disadvantaged by the rezoning.

The provision for the Minister to exempt councillors from the prohibitions of discussing and voting on matters, when declared interests affect so great a proportion of the council as to impede the transaction of business at a meeting has been retained. The Minister may also exempt councillors from these prohibitions, if for any reason, he is of the opinion that it is in the interests of the ratepayers or inhabitants of a municipal district.

The proposal has the support of the Local Government and Country Shire Council's Associations.

Clause 9: Section 181 of the Local Government Act allows councils to delegate power to a committee, whether the committee consists of council members or not, to manage a hall, cemetery, reading room, public library, or community centre.

The Acting Director of The Western Australian Museum has sought an amendment to this section to include museums as a type of institution where the powers of management may be delegated by a council to a committee.

Councils already have the power to provide, maintain, and improve museums, under the provisions of section 446(a) of the Local Government Act, and may raise loans for the provision of museums under the terms of section 598(14) of the Act.

Clause 10: Section 190(5) of the Local Government Act, in its present form does not make it clear that persons or bodies have the right to object or make representations to a council in respect of proposed by-laws.

A council must advertise its intention to adopt a proposed by-law, in a newspaper circulating in its district, and must keep the full text of the proposed by-law posted on its office notice board for a period of 21 days commencing on the date of the required newspaper advertisement.

The right to object or make representations to a council in respect of a proposed by-law during the 21-day period detailed previously, has been taken as implied, but this right is not specifically expressed at present, nor is a council required to include this information in the newspaper advertisement.

This clause seeks to amend section 190 of the Act, to require councils to prepare a notice making known to the public the right of objection. This notice must accompany both the advertisement in the newspaper and the text of the proposed by-law posted on the office notice board.

This proposal was suggested by Mr. J. J. Harman, M.L.A., who was concerned that an advertisement proposing zoning by-laws amendments, affecting a large number of people, did not mention any right of objection.

Clause 11: This clause seeks to amend section 217 of the Local Government Act, for the purpose of giving municipal councils power to regulate the hours during which hawkers, etc., may operate, and was requested by the Local Government Association. The Crown Solicitor to whom this question was referred suggested that

a more appropriate method of control would be in the Door to Door (Sales) Act, 1964.

The proposal was then referred to the Minister for Labour for possible action to introduce appropriate legislation. The Minister for Labour indicated that he did not favour the inclusion of the proposal in the Door to Door (Sales) Act, and suggested that if the operating hours of hawkers, etc., are to be controlled they should be uniform with those prescribed in the Door to Door (Sales) Act; that is—

Monday to Friday 9.00 a.m. to 5.00 p.m.

Saturday 9.00 a.m. to noon with Sundays and public holidays excluded.

Clause 12: For some years, a committee representing various Government departments, the Local Government Association, the Perth City Council, and the advertising industry has been examining the question of review of regulations relating to advertising signs and after careful consideration has agreed on a draft of uniform by-laws relating to signs, hoardings, and billposting.

At present, signs, hoardings, and billposting are covered by by-laws adopted by councils, including local government draft model by-laws.

In order to obtain uniformity in matters relating to signs, etc., it is intended that uniform general by-laws should be capable of being applied to councils, and this clause seeks to amend section 218 of the Local Government Act to provide for the following—

(a) The power for the Governor to make and publish uniform general by-laws for all or any of the purposes for which councils may make by-laws under that section, and for the application of those uniform general by-laws to councils. Section 218 of the Act gives councils the right to make by-laws relating to bills, placards, advertisements, and hoardings.

(b) The requirement that every advertisement of any kind shows the name of the person authorising it, and the name of the person printing it.

Section 244A is proposed to be added to the Local Government Act to facilitate the proposals already detailed and provides additionally for uniform general by-laws made relating to signs, etc., to provide for the establishment of an appeal tribunal with power to hear and determine appeals in respect of—

(a) the conditions under which a license is issued;

(b) the refusal of a council to grant a license;

(c) the revocation of a license by a council;

(d) any order of a council for the removal of nonconforming signs, etc., in existence prior to the enactment of the uniform general by-law.

The appeal tribunal is to consist of—

(i) a chairman appointed by the Minister for Local Government;

(ii) a person who is a councillor, nominated by the Local Government Association;

(iii) an architect who is recognised as an expert in the field of town planning, nominated by the W.A. Division of the Royal Australian Planning Institute; and

(iv) a person who is the building surveyor appointed by a council; this member is to be appointed by the Minister for Local Government.

In order to introduce State-wide uniformity in respect of signs, hoardings and billposting it is desirable that this amendment should be made to allow the newly drafted uniform by-laws to be applied to the whole of the State or to such specified portions of the State as the Governor directs.

Clause 13: This clause is complimentary to clause 10 which amends section 190 of the Local Government Act, to notify the public of the right to lodge objections with a council, when proposed by-laws are advertised. Section 190 relates to by-laws drafted and produced by councils.

Section 258, which this clause seeks to amend relates to the adoption of local government draft model by-laws by councils. The same requirement for a council to notify the public of the right to object to a proposal of a council to adopt a draft model by-law, is as necessary as when a council adopts a by-law it prepares itself.

Clause 14: Section 561 of the Local Government Act allows pensioners to defer the payment of municipal rates and The Hon. R. Claughton, M.L.C., has suggested that where a pensioner is required by a council, under the provisions of section 360 of the Act, to construct or repair a crossing over a footpath from the street to the pensioner's property, and the crossing is constructed or repaired by the council, the pensioner should be allowed to defer half the cost of the works, which is correctly chargeable to the pensioner, in the same manner as pensioners' rates are deferrable.

Under section 360 at present a council has power to require a crossing to be constructed or repaired and to serve a notice on an owner or occupier of the land concerned for the work to be done. If the work is not carried out, or the person concerned does not show cause to the council

within 21 days of the service of the order why it should not be carried out, the council may do the work and charge half the cost to the person on whom the order was served.

It is under these circumstances, when the council carries out the work and the person concerned is a pensioner, that the amendment is desired to allow deferment of the payment of half the cost of the work.

Clause 15: The Local Government Association has sought an amendment to section 374 of the Local Government Act to allow a council at its discretion, to delegate powers to approve, according to the predetermined policy of the council, building applications, which comply in all respects with the building by-laws and the councils predetermined policy.

The same powers were requested for city, town or shire planning officers on purely planning matters under the same conditions as for building surveyors.

In support of this proposal the association stated that on many occasions there have been considerable delays to persons wishing to construct buildings, or commence development of land, because, despite the fact that the applications were in accord with council policy, the building by-laws, and, where appropriate, town planning schemes, the applications had to wait for a council or committee meeting.

This clause seeks to amend section 374 of the Act to allow delegation of powers to the officers specified and under the conditions enumerated.

Clause 16: The Local Government Association has sought an amendment to section 460 of the Local Government Act to provide for the sale of unclaimed stock, which has been impounded on private property, and for arrangements for the sale to be carried out by a person appointed by the municipal council of the district.

At present, section 460 provides that an owner may impound stock trespassing on his property, but shall not keep the stock longer than 72 hours. If the stock is not claimed within that time and damages and sustenance fees are not paid the person may impound the stock in the nearest public pound. Where the council concerned does not operate a public pound, presumably the stock should be impounded in the nearest district possessing one. The association considers this is not convenient and suggested that where the trespass occurs on a road reserve, arrangements could be made with the adjoining landowner to impound the straying stock on his property.

The proposals were referred to the Commissioner of Police and the Farmers' Union of W.A. The former expressed the view that an amendment was desirable and raised no objection provided the conditions of sale and the revenue therefrom are strictly controlled by the council concerned, with no profit to the private person impounding the stock.

The Farmers' Union is not opposed to the proposal provided that there is no mandatory requirement as far as the landowners of the private property are concerned, in cases where stock trespasses on an adjoining reserve or road.

This clause seeks to amend section 460 of the Local Government Act in accordance with the request of the Local Government Association.

Clause 17: Section 512 (h) of the Local Government Act permits councils to erect or purchase houses to be let to, and used as homes by, employees of a council, but prohibits councils from selling or granting the fee simple in the land to an employee.

The Country Shire Councils' Association and the Victoria Plains Shire Council have proposed an amendment to this section to allow the fee simple of the land, upon which residences exist for employees, to be transferred to an employee.

The reason for the present provision may have been to ensure that a council's staff position was not adversely affected by a council disposing of an employee's house, which may subsequently be required to house other employees. The association points out that some council employees may desire to purchase the staff houses they occupy so that they have a secure home if their employment should become doubtful. Similarly the ownership of a house may tend to keep a good employee in the employ of a council.

The position could also arise where it may be advantageous for a council to dispose of property and it may be that a council employee is the most likely purchaser.

This clause seeks to amend section 512 (h) of the Act to allow councils to grant the fee simple in the land upon which an employee's residence is built to an employee subject to the prior written consent of the Minister.

Clause 18: The Country Shire Councils' Association has sought an amendment to section 513 (h) of the Local Government Act to provide for a fixed fee for councillors attending a meeting of a council or a committee of a council, as well as travelling expenses necessarily incurred.

The association feels that farmers and other self-employed persons, who lose time while attending meetings, but cannot readily certify to an actual amount in loss of earnings, are entitled to the same conditions as councillors who are wage and salary earners, and therefore able to assess the amount of loss of earnings in attending meetings and be recouped for that loss. The fee suggested is $20 per meeting of a

council or of a regional or county council, or a committee of a council or of a regional or county council.

This clause seeks to delete the payment of loss of earnings currently contained in section 512 (h) and to substitute a fixed attendance fee for meetings of $20. This places all councillors, either employed or self-employed, on an equal basis.

Clause 19: The Local Government Association has sought an amendment to the Local Government Act to provide power for a council to require the lopping or removal of a tree on private or public land where it is considered that the tree is a potential danger to people or property.

The association's request follows the falling of a large tree on a lot in Medina. The tree fell across the fences of two adjoining lots causing considerable damage and involving costly repairs and removal charges. Fortunately the tree did not fall on the houses or residents of the adjoining lots.

This question has also been the subject of a complaint to the Parliamentary Commissioner for Administrative Investigations in respect of a tree reported as being in a dangerous condition in a property adjoining that of a pensioner. No redress is possible, because at the moment such a problem can only be resolved by private action.

There is no provision to deal with the nuisance and danger created by some trees standing on private land and it is considered that councils should be given power to serve an order on the owner of land, on which a tree exists which is considered to be a potential danger to property and people, to have the tree removed—and, in default, for the council to have the tree removed and to recover the cost from the owner of the land.

This clause seeks to add section 516A to the Act to allow the foregoing action, and contains the right of appeal against an order of the council, to the Minister.

Clause 20: In the last session of Parliament, the Local Government Act was amended to provide for the valuation of leases under the Mining Act, with the exception of coalmining leases, to be calculated at $10 per 4000 square metres. Previously all such leases were valued at 20 times the annual lease rental. The amendment had the effect of reducing valuations on goldmining and mineral leases by 75 per cent.

Unfortunately, the effect on the valuation of miners' homestead leases has been the reverse. The annual rentals on this form of lease are only 20c per acre—for an area no greater than 20 acres—and 5c per acre—for an area greater than 20 acres. The valuation of the smaller leases has thus been increased by 150 per cent. and of the larger by 900 per cent.

This clause seeks to amend section 533 (3) (eb) to revert the valuation of miners' homestead leases to the same position as before the above amendment during the last session of Parliament.

Clause 21: The Registrar of the Metropolitan Valuation Appeal Court has suggested that section 556 of the Act be amended to provide for the appointments of deputies to both the person or persons appointed to constitute a Valuation Appeal Court and to the person appointed Registrar of a Valuation Appeal Court.

It has been suggested that the appointments of such deputies would expedite Valuation Appeal Court hearings because of the absence from time to time for various reasons of the magistrate who is chairman of the court and of the officer who is appointed as registrar.

This clause is designed to amend section 556 of the Local Government Act as explained, to allow valuation appeals to be dealt with more expeditiously.

Clause 22: The purpose of the recent Government decision to pay municipal councils the amount of the interest at long term bond rates on municipal rates deferred for pensioners was to ensure that councils were not financially embarrassed by the deferment of such pensioners' rates, and to enable them to borrow the equivalent of the amount which was deferred for this purpose.

Section 599 of the Act enables a council to borrow on overdraft one-third of its ordinary revenue for the year preceding and section 600 of the Act provides for works to be approved by the Governor for which money may be borrowed from a bank on overdraft.

It is considered that neither of these sections is strictly applicable to the present situation, where an overdraft is to be obtained merely to offset the amount of the pensioners' deferred rates.

This clause seeks to add section 599A to the Local Government Act specifically to authorise councils to borrow from a bank, without further authority, an amount equivalent to pensioners' rates deferred at the 30th June in the previous year.

The interest now being paid by the Government on deferred pensioners' rates could be utilised to pay the interest incurred on any such overdraft.

Clause 23: Section 669A of the Act places a duty on the Commissioner of Police and a council to jointly and severally regulate and control traffic in a parking facility to which by-laws made by the council apply under the provisions of section 231 of the Act.

The Commissioner of Police has indicated that once a council has adopted parking by-laws it would be undesirable to have two authorities duplicating one

task, and that the council should accept sole responsibility for the enforcement of its by-laws.

The Commissioner also indicated that he would be loath to instruct police personnel to give attention to parking offences under local authority by-laws.

The Crown Law Department has advised that if the dual control envisaged by section 669A is undesirable an amendment to the Act would be necessary.

This clause releases police officers from the duty of controlling parking where councils have made parking by-laws.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. L. A. Logan.

BILLS (10): ASSENT

Message from the Lieutenant-Governor received and read notifying assent to the following Bills—

1. Property Law Act Amendment Bill.
2. Firearms Bill.
3. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.
4. Nurses Act Amendment Bill.
5. Dental Act Amendment Bill.
6. Coal Mine Workers (Pensions) Act Amendment Bill.
7. State Electricity Commission Act Amendment Bill.
8. Western Australian Arts Council Bill.
9. Trade Descriptions and False Advertisements Act Amendment Bill.
10. Juries Act Amendment Bill.

BILLS (2): RECEIPT AND FIRST READING

1. Church of England (Diocesan Trustees) Act Amendment Bill.
2. Mine Workers' Relief Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

RAILWAY (KALGOORLIE-PARKESTON) DISCONTINUANCE AND LAND REVESTMENT BILL

Returned

Bill returned from the Assembly without amendment.

DAIRY INDUSTRY BILL

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Arrangement of Act—

The Hon. N. McNEILL: I would like to point out to the Committee that a considerable number of proposed amendments appear in my name on the notice paper. Perhaps, Mr. Deputy Chairman, you will be indulgent for a moment to let me make an explanation. Members will note that many of these are consequential amendments and will be dependent upon the Committee's attitude to three or four particularly vital provisions, two of which are contained in the clause we are discussing. The first relates to the dairy industry prices tribunal, and the second concerns the duties and functions of the Department of Agriculture.

The consideration of my first amendment virtually constitutes a test of the Committee's attitude to the whole question of the inclusion of these provisions in the Bill. Therefore, any resultant division after the debate on those provisions will decide the future of a considerable number of consequential amendments.

The vesting provision in clause 3 was also the subject of much debate during the second reading stage. Clause 66 deals with the vesting of the milk in the authority. No amendments appear in my name on the notice paper in relation to this clause. However, I would like to inform members of my intention to foreshadow amendments to this clause. Because of the complications which arose, the drafting of appropriate amendments to this clause has not been easy, and I am still awaiting the final draft.

The proposed amendments to clause 66 will in no way affect the reference to vesting in clause 3. It is not my intention to move for any deletion of the power of vesting and, therefore, the reference to vesting in clause 3 may still have application even if the Committee agrees with the amendments I will propose in due course to clause 66.

Having made those comments by way of introduction, I wish to address myself to the first amendment appearing in my name on the notice paper in regard to the deletion of the reference to the dairy industry prices tribunal in line 13.

Of necessity I must refer to the reply the Minister made to the debate on the second reading in the Chamber yesterday evening in his endeavour to justify the inclusion of the provision to establish a dairy industry prices tribunal.

Members are aware that I entirely disagreed at the time and took exception to some of the reasons advanced in support of the contention that a prices tribunal as provided in the Bill would be a more satisfactory procedure than that presently in operation with the Milk Board.

I wish to make it clear that I will be referring to the uncorrected copy of the Minister's speech when he made his reply to the second reading. The Minister said that the tribunal will relieve the proposed authority of the responsibility of reviewing prices. Those are important words because we must bear in mind that the purpose of the legislation is to create a single authority and there should be no necessity to relieve the authority, by some statutory provision, of any of its responsibilities. If that were done it would divide the powers of the authority and this would lessen its total administrative power over the entire industry.

A few words later the Minister pointed out that the authority would examine the policies and guidelines for the industry. He went on to say—

> Its members, who are part-time on the authority and have their own businesses to attend to, will not want to be involved in sorting out all the details for a price review.

I do not know whether that really justifies any further explanation, because for the life of me I cannot consider that this can be advanced as a reason.

The Hon. G. C. MacKinnon: It is an expression of opinion advanced as a fact.

The Hon. N. McNEILL: I believe the persons appointed to the authority will be appointed because of their capacity, ability, knowledge, and so on, and having been appointed surely they would not want to be relieved of the chore of having to sort out details for a price review. I would think that any responsible person appointed to the authority would jealously guard his right to sort out these details. Surely that would be part of his function! Once again, that, in itself, is a further illustration that whilst apparently the desire may seem to be to set up a single authority, in fact every endeavour is being made to try to lessen the power of the proposed authority by some statutory means.

Further, I regard the explanation given by the Minister as being completly hypothetical. Until those people are appointed who can assume they will not want to be involved?

The Minister also referred to the existing situation relating to the price reviewing procedures of the present Milk Board. He said—

> In practice it is the Milk Board officers who do this at the moment, and not the board itself.

How can any Milk Board member decline the responsibility of decisions or judgments made by one of its officers?

Sitting suspended from 3.46 to 4.03 p.m.

The Hon. N. McNEILL: Before afternoon tea I was referring to the comments made by the Minister in his reply to the second reading debate relating to the manner in which the Milk Board at present undertakes price reviews. In particular, I drew attention to his comment that the officers of the Milk Board did this, and not the board itself. I made the point that the officers constituted the board, and therefore one could not discriminate between the responsibilities in this respect.

The Minister went on to say that the proposed tribunal would remove the responsibility for the employees to determine their employers' income, and he mentioned all the problems this could involve. I do not want to comment on that other than to say I do not believe it is a valid contention.

If we assume that the dairy industry prices tribunal is not in existence, and the authority is charged with the total responsibility of fixing prices, rates, and margins, then its members—personally and individually—would be identifying themselves with the activities of all those who are engaged by the authority to produce the material in order that the authority may determine the prices. What the Minister has said is too far fetched, and clearly his comment would have no application.

If, as a result of the proposed amendment the tribunal was dispensed with the provision would still remain to enable the Minister to direct the rural and marketing section of the Department of Agriculture to undertake surveys. These officers are not the employees of the persons constituting the authority.

I now want to deal with a further comment made by the Minister which I find to be rather objectionable because it imputes something presumably from some comment I made in the second reading debate. Of course the Minister's imputation is quite incorrect. He said it had been suggested that the Minister would be able to influence the price determinations, because the department was involved in the cost surveys and with the tribunal. He asked whether we could seriously imagine any Minister risking the consequences which would arise in asking departmental officers to prostitute their professional competence.

I certainly did not imply anything of that nature. However, I did say that by virtue of the fact the rural and marketing section of the Department of Agriculture had some part to play in price determinations and price reviews, and because that section was responsible to the Minister for Agriculture, here was another instance of ministerial influence operating through the totality of the operations of the authority. Under those circumstances can it be suggested that I used the words

that the departmental officers would prostitute their professional competence? I find that to be a rather objectionable inference to draw.

To go back to my basic objections to the establishment of a prices tribunal: Firstly I consider it is to be a price-fixing mechanism. In being so established it will, in fact, give a deal more emphasis to the attitude of the Minister in making the announcements, and to the attitude of the consumers. In other words, it is a price-fixing commission to be established essentially for the purpose of protecting the public against what might otherwise be regarded as unacceptable price increases.

Because some references have been made to the similarity, in certain respects, of the Bill before us to the legislation applying in New South Wales, and because the Minister might make some reference to the fact that the New South Wales legislation does provide for a tribunal, I suggest if he compares the particular provisions relating to the operations of the tribunal in New South Wales with those proposed in the Bill before us he will find great differences.

The prices tribunal proposed under the legislation before us would have the power to determine and recommend prices —minimum in some cases, and maximum in others—and in particular to fix maximum retail prices. The New South Wales legislation is directed more towards fixing minimum prices that shall be paid to producers and manufacturers; and towards the granting of power to fix wholesale prices, and to minimums which manufacturers and producers may receive. I contend this is very different from what is proposed in the Bill before us. The New South Wales legislation is designed to protect the interests of the producers; but I believe the Bill before us aims more at protecting what might be regarded as the interests of the consumers.

In my view the prices tribunal proposed in the Bill is another price-fixing commission, which is not necessarily directed towards the interests of the dairy producers.

Another point which I wish to make and which is basic to my objection to the establishment of a prices tribunal is that such a tribunal will reduce the power of the dairy industry authority. It will serve as an additional means of fragmenting that authority. I move an amendment—

Page 2, line 13—Delete the words *"and Dairy Industry Prices Tribunal"*.

The Hon. R. THOMPSON: I oppose the amendment for very good reason. Mr. McNeill said that I should justify the remarks I made last evening in respect of the tribunal. I do not think I have to justify my comments at all, because they have been justified in letters sent to members of this Chamber by the Farmers' Union. In these the union points out that it wants this legislation passed without amendment.

The Hon. A. F. Griffith: Ministers introducing Bills are obliged to justify their legislation.

The Hon. R. THOMPSON: This has been justified by all sectors of the industry. If we had not taken the Bill before the industry and sought its views, we would have been accused of not consulting the industry. If members read the literature that has been sent to us they will find that this legislation has been under discussion for five years. It is only in the last 2½ years that some progress has been made; and the progress was made after full discussion with the industry. The Bill has been accepted by those engaged in the industry, and it is the desire of the Farmers' Union that the Bill be passed without amendment.

That being so, I asked Mr. McNeill from where the opposition is coming. I have not received any letters or any advice that anyone within the industry is opposed to the legislation. Is this an academic exercise, or a personal exercise? I am not denying Mr. McNeill his right but I think the Committee is entitled to know why there is some opposition.

The only correspondence I have has been from the Farmers' Union and it is to the effect that the union desires the legislation to be passed without amendment. I am at a loss to understand why this argument is taking place.

The Hon. G. C. MacKINNON: I have never heard an argument as weird and wonderful as that put forward by the Minister. The Farmers' Union has made it perfectly clear that it desires the industry to operate under a single authority. There is no gainsaying the fact that whatever political party had been in power—

The Hon. R. Thompson: I am not dealing with politics.

The Hon. G. C. MacKINNON: Politics come into everything; let us accept that. Whatever political party had been in charge of drafting this legislation there would have been variations. That goes without saying.

There is a need to justify certain provisions in the Bill, and the prices tribunal is one of them. A prices tribunal of this nature is not necessary for a single authority to run the industry. If the Minister had said the provision is in the Bill because it is Labor Party policy that would have been an acceptable argument.

The Hon. R. Thompson: Well, it is not our policy.

The Hon. A. F. Griffith: Well, what is your policy?

The Hon. R. Thompson: This is an industry Bill and it provides what the industry wants.

The Hon. A. F. Griffith: If this is not the Labor Party policy, what is its policy?

The Hon. G. C. MacKINNON: There is no justification for this provision in the Bill. Price adjustments have been made from time to time. I made the point that a prices report put forward some 2½ years ago by Mr. Frankland was extremely thorough. If this is an industrial Bill then let us reflect the needs of the industry and allow the authority to make decisions on prices, or make recommendations to the Minister.

To use a hypothetical case, a political party could draft a Bill for an industry on the condition that the industry accepted certain provisions. That is a possibility and it has historical precedence.

The Hon. R. Thompson: That would probably apply to all political parties.

The Hon. G. C. MacKINNON: I am prepared to accept that. I think there is a need for a better argument to justify the prices tribunal. As Mr. McNeill said, all aspects of the industry ought to be under the control of the industry. Costs are an accountancy procedure and no-one would be better fitted to work out costs than the authority itself. It is quite illogical to say that a single authority set up to run the industry—a principle with which we all agree—requires a completely separate group to determine prices. I consider that the material put forward last night by the Minister was fantasy gone crazy. The idea that Mrs. Jones in Dianella would accept a price increase if it were recommended by three people constituting a prices tribunal, whereas she would not accept it if it were recommended by the authority, seems to be beyond the realms of belief.

The Hon. A. F. Griffith: Wishful thinking.

The Hon. D. K. Dans: Why does the industry not recommend that the provision be taken out of the Bill?

The Hon. R. J. L. Williams: Did the industry include the provision?

The Hon. G. C. MacKINNON: I am quite prepared to accept the word of the Minister, but it is possible that the industry did not want the provision in the Bill.

The Hon. A. F. Griffith: It is not the policy of the industry, so why should it want that provision in the Bill?

The Hon. G. C. MacKINNON: The Minister agreed with me that all political parties have probably applied conditions to Bills at some time or other.

The Hon. R. Thompson: That can happen in agreements.

The Hon. G. C. MacKINNON: I require a better explanation than that put forward by the Minister. I think the authority will be able to submit to the Minister all the information which is available to any tribunal. As a matter of fact, it will be able to do the job better, more efficiently, and more frequently.

The Hon. L. A. LOGAN: The Minister is using as his argument for the retention of the provision in the Bill the correspondence received from the Farmers' Union, which represents the dairying industry. As a result of the Farmers' Union Conference full support was given to the executive to secure the passage of the Dairy Industry Bill in order to set up a dairy industry authority. The Farmers' Union desired that the Bill be passed without amendments which would affect the main principles of the Bill. The Farmers' Union did not say it would not accept amendments. It simply desired that the main principle of the Bill should not be affected, and the main principle of the Bill is the setting up of a single authority. The desire of the Farmers' Union was that the authority to manage their own industry should not be taken from the producers.

It is a waste of time to tell me the price of a commodity has nothing to do with the industry involved. The price of a product is most important to the producer. Under the provisions of this Bill the control of prices will be taken out of the hands of the producers and will be placed in the hands of three people; the chairman of the authority, a public servant, and one other person, who could be a union secretary.

It is essential to know what the industry desires. It desires a single authority to control the industry. If prices are to be controlled by three people outside of the industry, then control will be taken away from the industry. In those circumstances I support the amendment moved by Mr. McNeill.

The Hon. R. THOMPSON: It is important to understand the meaning of "prices tribunal". The tribunal, consisting of three people, will make a determination, and its recommendation will then go to the authority. Seven of the eight members on the authority will derive their income from the industry and will, therefore, be concerned with the prices decision. Only one member of the Milk Board, out of three members, derives his income from the industry and will be affected by the prices decision.

The tribunal will examine all aspects of the industry, and all submissions put to it. The members of the tribunal would not have a vested interest in the industry whereas the members of the authority would have a vested interest. Therefore,

a decision from the tribunal would receive greater consumer acceptance than otherwise would be the case.

The tribunal will relieve the authority of the responsibility of examining submissions and reports. It will bring forward a report which will go to the authority for its approval, and then be forwarded to the Minister for final approval.

The Hon. A. F. Griffith: Why should the authority be relieved of the responsibility?

The Hon. R. THOMPSON: As pointed out by Mr. MacKinnon, this becomes an accountancy exercise. In all probability the people who will assist the tribunal will receive submissions.

The Hon. G. C. MacKinnon: They will not; submissions will have to go to the staff of the authority and they will probably be looked at on Sunday mornings.

The Hon. R. THOMPSON: Let us examine what the Farmers' Union has to say about the prices tribunal. It says—

> Experience in the past has shown that when the determination of price is left to the industry authority there is a danger of political interference in price reviews. It is considered that if an independent tribunal is appointed to recommend prices to the authority this would make future price reviews more acceptable politically to the consumers.

I am not trying to play politics. My understanding is that the Bill has been accepted by the industry and, in accordance with the correspondence I have received from the Farmers' Union, my aim and desire is to get the Bill through this Chamber without amendment, as requested by the Farmers' Union. The proposed amendment takes away one of the basic principles of the Bill. I do not wish to fight about whether or not we have a tribunal. As far as I am concerned, it is the request of the Farmers' Union.

The Hon. A. F. GRIFFITH: I do not really want to enter into this debate except to say that if we as a Committee are to accept the Bill *in toto*, without amendment, on the basis the Minister suggests—that is, because it is requested by the Farmers' Union or some other organisation—we are completely wasting our time and we are not serving our purpose. I, for one, would not be prepared to accept any piece of legislation on that basis, even if it were an amendment to the Legal Practitioners Act which was supported by the legal fraternity. The other day a Bill to amend that Act was introduced into the Legislative Assembly, where it was amended, and it came down here in a different form from that in which it was introduced in the other place. Surely we are not expected to pass the Bill, word for word, because some organisation says we should do so. If that is to be the principle, I am not prepared to accept it.

The Hon. R. THOMPSON: I am not saying the Opposition should accept it. I said the Bill has been chewed over for some five years, it has been accepted by the industry, and it has been fully explained. I can only be guided by what the Farmers' Union has written in its letter to me and all other members.

The Hon. A. F. Griffith: You are arguing that the Bill should not be amended.

The Hon. R. THOMPSON: I am saying that my duty is to get the Bill through the House on the recommendations that have been put forward. The Government has drafted the Bill. When he was a Minister over here for 12 years, the Leader of the Opposition did not accept many amendments because he was quite sure the Bills brought forward were in order.

The Hon. A. F. Griffith: But you used to give us "larry-doo"!

The Hon. R. THOMPSON: But the Leader of the Opposition did not accept any amendments. He fought violently against them. On most occasions I know I was right, but unfortunately the amendments I proposed were not accepted.

I do not think a Bill of this nature should be destroyed when it has been canvassed by all sections of the industry. I asked whether some qualification of the attitude of the Opposition could be offered—whether any dissatisfaction had been expressed by the industry, the manufacturers, or anyone else concerned in this Bill—but no-one has told me of any dissatisfaction in any quarter. I asked whether it was an academic exercise or a genuine belief of Mr. McNeill that the Bill was not in order, but I have not received a reply.

The Hon. N. McNEILL: The Minister will receive one now. I remind the Minister that during the course of the second reading debate I gave a qualification as to why I was expressing certain views, dissatisfaction, and misgivings. They are in *Hansard* and on record. In fact, I think the Minister has already commented on some of them in his reply to the second reading debate. I said sections of the industry felt apprehension and misgivings.

The Hon. R. Thompson: Which section?

The Hon. N. McNEILL: I represent the province in which the industry operates and I am aware of the concern which has been expressed. This in itself is sufficient reason for my advancing some arguments as to why the Bill should be amended.

The Minister said he could not understand where the opposition to the Bill was coming from. I thought those who spoke

to the second reading had made it abundantly clear that we are not opposing the Bill—we have already given it a second reading—but on some aspects of it we are expressing disquiet and we intend to suggest some improvements to the legislation.

I turn the argument the Minister has used back upon him. He said he had no information that dissatisfaction with or opposition to the legislation had been expressed. I suggest he go back to the Minister for Agriculture, who is responsible for the Bill. I would have thought that kind of information had been conveyed to him. I know it has been conveyed to the Minister for Agriculture. Why else has it been necessary to hold all the meetings with the various sections of the industry which the Minister recited to us? I ask the Minister in turn whether the Minister for Agriculture, during the course of all the meetings and discussions which have been held and upon which he places some emphasis, has at any time received any expressions of dissatisfaction with or opposition to the operation of a dairy industry prices tribunal, as provided for in this Bill. Has the Minister for Agriculture or any of his officers at any time received or heard any comment in relation to that matter?

The Hon. R. Thompson: He may well have, but I have no knowledge of it.

The Hon. N. McNEILL: I am not aware that the Farmers' Union or anyone else has necessarily asked that in the preparation of this legislation provision be made for a dairy industry prices tribunal. The power under the constitution of the authority to fix prices and rates is a very different matter and one we are not arguing about. I am saying the power to fix the prices and rates should be the responsibility of the authority. My amendment is not intended to take that power from the authority. All I am saying is that power should not be exercised by a prices tribunal and in fact there is no need for a body such as a prices tribunal.

I want to make another point with regard to the Minister's reference to the vested interests of the members of the authority. It seems he is suggesting it would be inappropriate for the people on the authority, who have a vested interest in the industry, to examine the proposals for price reviews.

I refer the Minister to that portion of the Bill which provides for the constitution of the authority. It is my belief—and I am sure it is the belief of every person in the dairying industry in Western Australia—that the various members of that authority—who, I emphasise, are representatives—will be on the authority for the purpose of representing the interests of the organisations or groups of people whom the Bill provides shall be represented. They are there to represent the producers, the consumers, the vendors, the manufacturers, and the processors. That is their purpose.

If the Minister is arguing that any member of the authority who has a vested interest would therefore not be in a position to make determinations, that is a totally unacceptable argument. I am sure the Farmers' Union itself believes that in its representation on the authority it will have a degree of control over the operations of the authority, including price fixing and the fixing of margins and rates. It is a useless exercise to set up an authority, the members of which have vested interests, and say those members do not represent the industry. I believe it is the intention of the Bill and the intention of the people who dreamed it up in the first instance to secure that type of representation in order that they can be adequately served by it.

The Hon. R. THOMPSON: I am advised that some differences of opinion were indicated in the discussions held in relation to whether dairy produce, or milk only, should be subject to price fixing. I am not aware of any opposition to the establishment of the prices tribunal as such. That is the advice I have received.

As pointed out today, and also in my reply to the second reading debate, an independent prices tribunal, with a chairman who is a member of the authority and two other people, would be more acceptable to the consumers and, probably, to the authority because it would not be a matter of Caesar appealing to Caesar. I think it would be less subject to criticism. Irrespective of its findings, the authority still has to agree with them. It is laid down in the Bill that the authority will do the exercise.

The Hon. A. F. Griffith: It is the Minister who does the final exercise.

The Hon. R. THOMPSON: The findings go to the authority. If the authority does not agree with them, they do not go forward to the Minister. So the authority may send the matter back to the tribunal to have another look at it. As has been pointed out, the growers have four of the eight votes on the authority, and in the event of the voting being equal the question is resolved in the negative. Therefore I cannot see how it can be said that the authority will not fix the price.

The Hon. A. F. Griffith: What would be the position if the members of the tribunal did not make a recommendation to the authority for a long period of time?

The Hon. R. THOMPSON: It is laid down that the tribunal must make a recommendation at least once in every three years.

The Hon. G. C. MacKinnon: But if there were a marked movement in wages there is nothing the authority could do about it.

The Hon. R. THOMPSON: The authority may direct the tribunal to forward a recommendation.

The Hon. A. F. Griffith: The more you say the more I am satisfied that the authority is the body which will make the decision.

The Hon. R. THOMPSON: That is right. The tribunal must prepare the recommendation and obtain submissions from the consumers in order to make the recommendation more acceptable to the consumers.

The Hon. A. F. Griffith: To make it look better for the consumers?

The Hon. R. THOMPSON: No, to have a more balanced effect.

The Hon. A. F. Griffith: You said it is to make it more acceptable to the consumers.

The Hon. R. THOMPSON: No, an independent authority would make the recommendation more readily acceptable to consumers; otherwise it would be rather like me fixing my own wages. I am prepared to await the decision of the Committee.

Amendment put and a division taken with the following result—

Ayes—14

Hon. N. E. Baxter	Hon. N. McNeill
Hon. V. J. Ferry	Hon. I. G. Medcalf
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. Heitman	Hon. W. R. Withers
Hon. L. A. Logan	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. R. J. L. Williams *(Teller)*

Noes—9

Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. S. T. J. Thompson
Hon. J. L. Hunt	Hon. D. K. Dans
Hon. R. T. Leeson	*(Teller)*

Pairs

Ayes	Noes
Hon. C. R. Abbey	Hon. S. J. Dellar
Hon. G. W. Berry	Hon. W. F. Willesee

Amendment thus passed.

The Hon. N. McNEILL: My further amendment to this clause relates to the role proposed to be played by the Department of Agriculture in the general operations of the dairy industry. Despite what the Minister said last night, I think I made my point as clear as possible in my second reading speech. At no time did I say anything which was intended to be disrespectful to the department or critical of the integrity or professional ability of its staff. I think the Minister drew a fairly long bow last night in justification of the part proposed to be played by the department, which is largely responsible for the economic position of the industry at the moment. The Minister recited to the Chamber a good deal of what I have already said regarding the economic position.

The Hon. R. Thompson: I put it in more concise terms.

The Hon. N. McNEILL: I think the Minister intended to convey that the role the department has played in achieving the present economic position of the industry, is sufficient justification for the role it is intended to perform under the Bill. Under no circumstances would I suggest the department has not played an important part in achieving the present economic position. In fact, the Minister by his reference to this matter acknowledged that the industry is in a fairly sound position in comparison with other States.

The Hon. R. Thompson: Very sound.

The Hon. N. McNEILL: Yes. The reason I referred to the quarterly review of the Bureau of Agricultural Economics was to illustrate that the fact the industry is in a sound position would be used as an argument as to why we need have no change in its structure and administration. I did not claim that would happen, but I suggested it might be claimed.

My objection to the proposed role of the department is that it will lessen the opportunities for the single industry authority to administer its own affairs. The Minister said that if members referred to sections 7 and 10 to 28 of the Milk Act and compared them with clauses 9 and 45 of the Bill they would find virtually no difference between them.

I agree with that, but there is some significance in the provisions of clause 9 of the Bill because the clause refers to the fact that part III of the Bill shall be administered by the Department of Agriculture. That is a significant difference between the Bill and the present Milk Act, because section 7 of the latter provides that the Minister is ultimately responsible. I have always said that I believe the Minister must be ultimately responsible for the operations of any authority such as this. However clause 9 of the Bill clearly contains a marked difference from section 7 of the Milk Act.

I believe the department has an important part to play in the dairy industry. I indicated this during the second reading when I referred to the advice, the extension services, and the technology it provides. When I referred to technology I was referring to the functions of the department relating to supervision, quality control, grading, the inspection of premises and treatment plants, and so on. However, let me remind the Committee and the industry as a whole that the purpose of the Bill is to repeal the Milk Act, the Dairy Products Marketing Regulation Act, and the Dairy Industry Act. In other words, we will start anew.

Because there happen to be provisions in the Acts to be repealed which are repeated in the Bill is no justification, necessarily, for their acceptance. We are creating new legislation; a completely new administration.

I was asked to produce any dissatisfaction there may have been with the operations of section 28 of the Milk Act and if there were no objections I was told it was sufficient justification that these provisions should be included. I do not think that is a valid contention at all.

We want the industry constituted, as it is proposed to be constituted, as a single authority able to run its own affairs. There was a wonderful opportunity available to the Government when drafting the legislation to provide for certain functions to be allocated to the Department of Agriculture, but not those functions which include administration.

I think the proper function of advice and extension to assist the industry on the production side is a valuable one which could well have been spelt out. There are certain functions in administration which are best left in the hands of the completely new authority it is proposed to establish; bearing in mind again that the industry is so constituted of representatives that it is well qualified to carry out these functions.

I have given a great deal of thought as to how it might have been possible to amend the Bill to distinguish between some of the functions of the Department of Agriculture; in other words, to provide that the Department of Agriculture would carry out certain duties on behalf of the authority.

I think it will be well recognised, however, that the Bill is such that amendments of this nature are virtually an impossibility, particularly in connection with some of the clauses to which we are referring—clause 3 for instance; which specifies the functions of the department in relation to part III of the Act. I want the Department of Agriculture to be active and prominent in the promotion and development of the dairy industry. It should not confuse its functions with the functions of administration within the authority itself, bearing in mind the original concept of a single industry authority.

I move an amendment—

> Page 2, line 27—Delete the words *"Department of Agriculture"* and substitute the word *"Authority"*.

The Hon. R. THOMPSON: Did I understand Mr. McNeill to say that he did not think the role of the department should be administrative?

The Hon. N. McNeill: In relation to this authority, yes.

The Hon. R. THOMPSON: Administration is one part and a separate entity from the supervisory and advisory side.

The Hon. A. F. Griffith: I am sorry but the Minister is extremely difficult to hear.

The Hon. R. THOMPSON: Let us see what is done by the department. It carries out all advisory work which the Milk Board supervisors do not carry out and are not expected to carry out, such as farm advisory activities and the improvement of such aspects as solids-not-fat content of milk, etc. This is partly supervisory but also largely an advisory problem and illustrates the need for them to go together.

We could look further at what the Farmers' Union says about this. It refers to the role of the Department of Agriculture and states—

> The Bill represents a consolidation of a number of Acts relating to the dairy industry. The Department has been closely involved in the industry for over fifty years under the Dairy Industry Act 1922-1969. During this time it has been responsible for the inspection of premises and for the grading of dairy products, and has earned the confidence and respect of the industry.
>
> The role set out for the Department in the new Bill is, therefore, largely a continuation of the part it presently plays within the industry.

That was dated the 2nd October, 1973. I have a document which is dated February, 1971. It is the report from the Farmers' Union Joint Dairy-Wholemilk Committee. I will give the questions and answers as follows—

> Q. Should the industry be re-organised to remain viable and give maximum return to the State and the people in it in respect to (a) single integrated authority, (b) composition of such authority?
>
> A. It was generally agreed a single industry was desirable. However, there was no concrete agreement on how the authority should be defined. It was felt any control of the industry should be divided into two categories, one administration and the other advisory, supervisory and technical. There was disagreement on whether the two categories should remain under one authority or two separate authorities or alternatively should the advisory, supervisory and technical services become a separate branch of the authority.

The Hon. I. G. Medcalf: You are quoting Mr. McNeill's second reading speech.

The Hon. R. THOMPSON: I am quoting from a decision of the Farmers' Union Joint Dairy-Wholemilk Committee.

The Hon. I. G. Medcalf: He said that.

The Hon. R. THOMPSON: The honourable member spoke for two hours and I cannot be expected to remember all he said.

The Hon. A. F. Griffith: Last night you said you had listened to every word and that you understood what was said.

The Hon. R. THOMPSON: I said that I listened but I could not understand what was said. I said that the honourable member had failed to make his point; so the Leader of the Opposition did not listen to what I said.

I think what follows hinges on what is meant by advisory and supervisory. Evidently this is a particularly important part of the Bill which is considered most desirable by all sectors because the interpretation of clause 87, which is the operative clause, as given in my second reading speech says—

> The Department of Agriculture will assist the authority by registering all dairies and dairy produce premises and being responsible for the inspection and supervision of these. The authority may then grant licenses to persons to operate registered premises or facilities in the production, manufacture, treatment, packing or storing of milk or dairy produce, or as vendors or dealers in milk or dairy produce.
>
> The supervisory and laboratory staff of the Milk Board will be integrated with those of the dairying division of the department. This will allow the supervisory and quality control activities for the entire industry to be co-ordinated with the specialist advisory and extension services provided by the department to farmers and to factories. This integration and co-ordination is essential to obtain maximum economies within the supervisory and advisory services as well as throughout the industry because a fully comprehensive approach to farm or factory problems can then be adopted.
>
> The Department of Agriculture has provided advisory and supervisory services for the manufacturing sector of the industry for very many years. This has meant supervising the majority of dairy farmers as these are butterfat suppliers.
>
> There are considerable advantages in having both supervisory and advisory activities combined in, and controlled by, the one organisation as is the case with the Department of Agriculture in Victoria and other States. This not only ensures proper co-ordination of these important activities but also allows the inspectors to take on some advisory and servicing activities. This casts the inspector in a much better role than the rather negative one of merely carrying out inspections.
>
> There are also considerable advantages in having these services in an organisation which is able to offer highly trained professional supervision and the necessary associated back-up services such as those of veterinary scientists, soil scientists, chemists, bacteriologists, and economists.
>
> It does not mean that highly qualified officers trained in, say, advising on farm problems will be required to inspect dairies. It provides, however, that officers who are concerned with different aspects on farms will have a joint approach so that all advice is balanced to meet the needs of the farmer. This will not result in any relaxation of quality standards but will ensure that requirements are soundly based and attainable in practice.
>
> The Department of Agriculture is the most appropriate organisation to advise and supervise the technical operations because of the greater depth of expertise at its disposal.
>
> The authority itself will set the standards of quality required in milk delivered to it and the department will assist by providing quality control.

That is the complete function of the authority and to remove that provision from the Bill will defeat the measure—we might just as well not proceed with the Bill if we do this. It would remove the substance of the legislation in the true sense of the word if we were to take out the Department of Agriculture; because this schedule repeals the other Acts and if those other Acts are repealed the department will have no role to play. The Committee would be ill-advised to support Mr. McNeill's amendment.

The Hon. N. McNEILL: I hope the Committee has not been persuaded by the remarks of the Minister to believe that support for the amendment will, in fact, remove the department from the conduct of the dairy industry. The purpose of the amendment is to ensure that those functions specified in the Bill as belonging to and to be carried out and performed by the department will, in fact, be performed by the authority and its officers. However, this will not deny the department any opportunity to carry out the functions for which it is responsible under its own legislation. If my amendment is carried the authority will become responsible for supervision, administration, and inspection in relation to the conduct of the dairy industry, and surely this was the intention of those who conceived the legislation to create a single authority.

At present under the Bill all the functions and responsibilities are divided between the authority and the department. My intention is simply to restrict the responsibility to the one authority. Nothing in my amendment precludes departmental

officers from performing their functions of a professional nature to assist the industry. In fact, the members of the Committee are well aware that in many instances other legislation dealing with agriculture provides for references to be made by a particular body to the Department of Agriculture. The Minister has referred to the availability of various professional services none of which will be denied to the people in the industry if my amendment is carried. Those services will still be available to the total industry.

The Hon. R. Thompson: Will you answer me a question? If the authority is to carry out all these functions would it not have to employ a larger staff? Would this not be more costly to the producer instead of having it done under the one department?

The Hon. N. McNEILL: I can imagine that it could be more costly, but we must bear in mind that the Bill provides that all the officers of the bodies concerned will, in future, be considered to be members of the department or authority, as the case may be. Consequently there will be a combination of the Dairy Products Marketing Board and the Milk Board and such officers of the department as it may be necessary to transfer. In other words, it is proposed that it will be an integrated body and so it is quite likely it will be larger than the present Milk Board. Therefore it will be more costly than the present Milk Board.

However, under this Bill we are repealing all the Acts under which those bodies operate and we are starting with something new. This is part of the price to be paid. However, let me add this very important consideration: the Bill provides that for the performance of all its duties as provided for in the legislation for the authority or on behalf of the authority, the department will charge the authority. In other words there will be no saving in cost. In fact, I venture the opinion that there may be an increase in cost.

Not only will the authority as a total industry become responsible for its own institution as an authority as a whole, but it will also be responsible for the payment to the department for charges for such services it finds must be performed by the department.

Some months ago my colleague in another place asked the Minister if he could provide any indication of these costs. My recollection of the situation is that the Minister was unable to give this information.

The Hon. G. C. MacKinnon: I dealt to some extent with that in my second reading speech.

The Hon. N. McNEILL: I come back to the question the Minister asked me regarding the cost. At a first glance I would say, "Yes". However, we must bear in mind that irrespective of what occurs, the department will still make its charges for the services it performs. Those charges will be made irrespective of whether or not my amendment is carried. Under my amendment the charges against the industry should be considerably less because the control of all the services associated with the performance of the duties of the authority will be for the one authority and therefore there could be economies instead of overlaps and duplications.

The Hon. G. C. MacKINNON: I am alarmed because so early in the debate the Minister has suggested that the Bill might just as well be defeated if an amendment is carried. I am at a loss to understand this attitude, and I ask the Committee to look at clause 43 and bear in mind the point Mr. McNeill was at pains to make; that is, that the responsibility should rest all the time with the authority.

Unless my understanding of clause 43 is astray all the functions mentioned by the Minister as being properly conducted by the department could still, in fact, be done by the department, but the responsibility for them would rest where it ought properly to rest, which is with the authority. This is what the Farmers' Union desires; that it should be the master of its own fate. Because of clause 43, I can see no reason whatever for the suggestion that under Mr. McNeill's amendment the authority could not request the Department of Agriculture to carry out a certain function. Then, so long as the department performs that function to the satisfaction of the authority, the department would continue to do so. However, if the department failed to carry out the work to the satisfaction of the authority then, under clause 43 (1), the authority could revoke the delegation.

The members of the Farmers' Union want to be masters of their own destiny and what Mr. McNeill suggests is the proper and correct thing to do.

The Hon. R. THOMPSON: I repeat that it is necessary to have extension and advisory services together with supervisory services in one organisation to facilitate the operations and make them more efficient and effective. My own personal belief is that if the amendment is carried the authority will have to employ extra staff to carry out some of the functions.

The Hon. G. C. MacKinnon: Have you read clause 43?

The Hon. R. THOMPSON: Yes.

The Hon. G. C. MacKinnon: Tell us why it will not apply.

The Hon. R. THOMPSON: I have spoken about this three or four times now. The department acts in a supervisory and

advisory capacity. If these powers are removed it will merely perform the same functions as it does under the present Milk Act.

The Hon. G. C. MacKinnon: They could delegate division one could they not?

The Hon. R. THOMPSON: The authority might find it has to pay for this, too. At present under the Milk Act, the advice to the butterfat section of the industry is completely free.

The Hon. N. McNeill: It is completely free to the whole-milk section.

The Hon. R. THOMPSON: I think the amendment is casting a responsibility on the authority. I still oppose the amendment, but I am prepared to allow the Committee to make a decision on it.

The Hon. L. A. LOGAN: I think it is fair enough to say that the single marketing authority proposed under the Bill could not operate without the advice and assistance of officers of the Department of Agriculture.

It would be fair enough to say the authority would ask the Department of Agriculture for its assistance and that the department would expect to be paid for the work it did for the authority. However, by virtue of clause 58 of the measure it is the department, not the authority, which has the power.

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

The Hon. L. A. LOGAN: Clause 58 says that the authority cannot issue a license unless the Department of Agriculture says it can.

The Hon. G. C. MacKinnon: That remains.

The Hon. L. A. LOGAN: This is distinctly stated.

The Hon. R. F. Claughton: Where?

The Hon. L. A. LOGAN: In clause 58 which reads, in part—

> 58. (1) The Authority shall not issue any licence under this Act unless it has received a written notification from the Department . . .

The Hon. R. Thompson: That relates to the premises.

The Hon. L. A. LOGAN: Yes, it relates to the premises. However, the clause deals with the issuing of licenses and a man's living is involved—not to mention his farm. The department, not the authority, issues the licenses in actual fact.

Which body will actually control the industry—the authority or the department? It seems to me that with the provision with respect to the prices tribunal and other actions which are to be carried out by the department it would be possible to do without the authority and let the department run the whole show.

Clause 63 states that the authority shall suspend a license on notification from the department. I refer members to subclauses (1) and (2) of clause 63. We have three instances of the department overriding the authority. The authority shall not issue licenses unless it receives notification from the department. Also, it shall suspend a license on notification from the department.

I want to know whether the department or the authority will control the industry. In my opinion one cannot do without the other. If we are to have a single authority, let us have it. It would have been far better had the measure been worded differently to enable the department to fulfil its functions properly but with the authority having the final say. Perhaps the Minister should consider redrafting the legislation to enable this to be done. I am sure we would all agree to the legislation if it were done.

The Hon. N. McNEILL: There is some merit in what Mr. Logan has just said. I remind the Committee that a short time ago I mentioned that an appropriate amendment should be made in respect of the duties of the department. However, because of the structure of the legislation this is a virtual impossibility.

The duties of the Department of Agriculture can be most important in the conduct of the industry. Those duties should have been catered for in the legislation.

I agree completely with Mr. Logan in regard to his comments concerning the issuing and the suspension of licenses. This is a matter of fact.

When I commenced speaking to the second reading I drew attention to what is now history, if one likes to term it that. I referred to the bone of contention over who is responsible for what in relation to the conduct of the milk industry, in particular. Is it the Health Department, the Department of Agriculture, or the Milk Board? From my own personal knowledge and experience I believe that this was originally probably one of the main reasons for the attempt to constitute a single authority to sort out the respective functions of the various bodies. I also said, at the second reading, that, by omission, this all-important task has not been attended to in the legislation. It is a genuine personal disappointment to me—a great disappointment—that this problem has not in fact been resolved.

Apparently the problem comes into the "too hard" classification, because it involves the relationships between the various bodies and also the question as to which body shall have precedence over the other. I suggest that it virtually became an insoluble problem. Consequently we have finished up with a net result which is less than satisfactory. The end situation is that the measure is divided into

separate parts, several of which are the responsibility of the authority and the other part is the responsibility of the Department of Agriculture. This may well be a retrograde step in relation to the problem which, as I have said, has historically existed within the dairy industry and, more particularly, throughout the milk section of that industry.

The Minister said that the Committee could virtually defeat the Bill if it carries the amendment. I hope that is not the Government's attitude, because the measure is far too important. The industry is far too important for the Minister or the Government to adopt that attitude. I believe a single industry authority—and the industry itself—will function more effectively if the amendment is carried. I hope the Minister was not conveying to the Committee the sentiments of his Government by making that statement which almost amounts to a threat to the Committee not to pass the amendment. I hope that is not the impression the Minister intended to create.

The Hon. R. THOMPSON: That was not my intention. The way the measure is being hacked around I believe it will be ruined in any case. Extra staff will be required by the authority to control the industry and carry out its functions.

From my understanding of the measure I do not think that Mr. McNeill clearly realises what the effect would be of the amendment he has moved. If Mr. McNeill ruins the legislation it is his fault.

The Hon. G. C. MacKinnon: Cut it out!

The Hon. N. McNeill: Now we are coming to it!

The Hon. R. THOMPSON: It will be his fault and the Committee's fault. I encountered some argument earlier today because I wanted to see the Bill passed as it is written.

In all probability amendments will need to be made. With any new legislation amendments are made from time to time in the light of experience. We all know this.

I wish to answer a query raised by Mr. Logan. The reply I have states that the department merely tells the authority if the premises concerned are satisfactory so that the authority may decide that it is satisfactory for the authority to license the person to operate the premises. The authority issues the license, not the department.

The Hon. L. A. Logan: The department has the first say. If the department says, "No" that is the end of it.

The Hon. R. THOMPSON: The department reports on it. A right of appeal is provided for in the legislation.

The Hon. A. F. Griffith: Mr. McNeill's amendments will not prevent the Bill from doing what you said.

The Hon. R. THOMPSON: Mr. Logan raised the query.

The Hon. A. F. Griffith: I am saying that Mr. McNeill's amendments will not prevent the Bill from doing what you said.

The Hon. R. THOMPSON: I said I was replying to a query raised by Mr. Logan.

The Hon. A. F. Griffith: You have answered your own question.

The Hon. R. THOMPSON: I am prepared to let the Committee make the decision.

The Hon. S. T. J. THOMPSON: I am really concerned over clause 58 and its implications. I refer the Committee to the wording of 58(1) down to and including the word "prescribed" in line 14.

I am a consumer and I am quite concerned that some body, other than the authority, will inspect the premises and say whether they are up to standard. Perhaps we should delete this provision and leave this to the Health Department. From the point of view of the general public an independent authority should inspect the premises.

Clause 62 (4) gives the right of appeal against an adverse decision. From the point of view of the consumers—who are the general public—I do not think the sole right of issuing licenses should be left with the authority. There should be some overriding body when it comes to health regulations and specifications.

The Hon. L. A. LOGAN: We are suggesting the opposite of what Mr. Syd Thompson has said. I am worried about the mandatory conditions of the provision. The authority cannot do anything at all of its own volition. The provision states that the authority shall not issue any license unless the department has notified the authority in writing that the premises comply with certain conditions and that the premises are registered with the department. The department tells the authority whether it can issue a license. Which is the licensing body under those conditions?

Health inspectors will, I am sure, continue with this work because, if they did not, the authority would have to appoint somebody else to do it.

We are worried about the mandatory provisions which take away from the authority some of its power. Why have the authority at all if we are to go about it in this way?

The Hon. N. McNEILL: For the benefit of Mr. Syd Thompson I should make an explanation. At the present time the inspection of dairy premises is carried out by persons authorised under the Health Act and in relation to the manufacturing side of the industry the responsibility is covered by the local health authority. The local government health authority takes

the action under the powers of the Health Act. When I refer to the manufacturing side of the industry, I am not referring to the whole-milk suppliers but only the butterfat suppliers.

In relation to the whole-milk industry the registration and the licensing of premises is carried out by officers of the Milk Board, because this happens to be the convenient way to do it. In any event, whoever carries out the inspections—and whoever authorises the inspections—is an officer authorised under the Health Act.

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

The Hon. N. McNEILL: For goodness sake, do not let us retain—or revert to—the situation which has been applying. Up to date the Health Department has been responsible for the registration of premises in one area; the Department of Agriculture has been responsible for the registration of premises; or the dairy industry authority has been responsible for the registration and the licensing of other premises. As I have tried to emphasise previously this must all be brought under one head and one department. In this case the department I refer to should be the authority responsible for the industry.

In order to carry out a proper investigation of dairy premises which are to be licensed, the inspector must be a qualified person. It is not unreasonable to assume that to be a qualified person he must be qualified under the provisions of the Health Act. This is all I am stating here. The authority should be responsible for the performance of this duty. At the moment we are seeking to provide that an inspector must be a qualified person under the provisions of the Health Act.

The Hon. R. THOMPSON: I believe this matter has now been made clear. I am advised that the local health authorities do not exercise their powers in relation to dairies. This is a duty of departmental officers acting under the model by-laws of the Health Act. I believe this is sufficient.

The Hon. G. C. MacKinnon: They are authorised health officers because they each carry a card signed by the Minister.

The Hon. N. McNeill: That is no different from what I said.

The Hon. A. F. Griffith: They continue to do so.

Amendment put and a division taken with the following result—

Ayes—13

Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. Clive Griffiths	Hon. F. R. White
Hon. J. Heitman	Hon. R. J. L. Williams
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. V. J. Ferry
Hon. I. G. Medcalf	*(Teller)*

Noes—10

Hon. N. E. Baxter	Hon. R. T. Leeson
Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. L. D. Elliott	Hon. S. T. J. Thompson
Hon. J. L. Hunt	Hon. D. K. Dans *(Teller)*

Pairs

Ayes	Noes
Hon. C. R. Abbey	Hon. S. J. Dellar
Hon. G. W. Berry	Hon. W. F. Willesee

Amendment thus passed.

The Hon. N. McNEILL: I move an amendment—

Page 2, line 17—Substitute the word "Authority" for the words delected.

Amendment put and passed.

Clause, as amended, put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. R. Thompson (Minister for Police).

QUESTIONS (9): ON NOTICE

1 and 2. *These questions were postponed.*

3. PHOENIX STREET

Dual Carriage Way

The Hon. G. C. MacKINNON, to the Leader of the House:

(1) When was work commenced on converting Phoenix Street, Spearwood, to a dual carriage way?

(2) For what length of Phoenix Street is it proposed to convert to dual carriage way?

(3) When is it anticipated that the road will open as a dual carriage way?

The Hon. J. DOLAN replied:

(1) to (3) Phoenix Street, Spearwood, is the responsibility of the Cockburn Shire Council which is carrying out the work on a dual carriageway. It is suggested that the Hon. Member seek the required information from the Shire Council.

4. TRAFFIC

Peak Hour Congestion: Perth-East Perth

The Hon. I. G. MEDCALF, to the Leader of the House:

(1) Is the Minister aware that the conversion of more one-way streets in the Perth City-East Perth area has increased the traffic danger at a number of intersections in the area, one of the worst being the intersection of Hill Street and Adelaide Terrace?

(2) Will the Minister arrange for manual traffic control by police at peak periods at any such intersection considered dangerous at peak periods until such time as either traffic lights are installed or the situation improves?

The Hon. J. DOLAN replied:

(1) The conversion of more streets to one way in the Perth City-East Perth area, while improving the traffic flow at a number of intersections, has aggravated the problem of allocation of right of way during peak periods at a few, including the intersection of Hill Street and Adelaide Terrace.

(2) This intersection and others affected by the re-direction of traffic, have been kept under observation during morning and afternoon peak periods, and manual control has been carried out when necessary. This will continue until the situation improves.

5. WATER SUPPLIES

Carnarvon

The Hon. D. J. Wordsworth for the Hon. G. W. BERRY, to the Leader of the House:

Referring to the State's submission to the Commonwealth Government for finance to implement stabilising water supplies in the Carnarvon area—

(a) has any decision been made by the Commonwealth;

(b) if not, can any indication be given when this is likely to be made?

The Hon. J. DOLAN replied:

(a) No.

(b) A decision is expected in the first half of 1974.

6. *This question was postponed.*

7. BUSH FIRES BOARD

Radio Equipment

The Hon. V. J. FERRY, to the Leader of the House:

(1) Has the Government received a recent submission from the Bush Fires Board setting out the need for assistance to enable radio units with AM transmission used for bush fire control purposes to be replaced with units having single side band transmission?

(2) If so—

(a) what action is being taken; or

(b) if a decision on the submission has not yet been made, and as the control and suppression of bush fires is often dependent on an efficient radio system, will the Government expedite attention to this matter?

The Hon. J. DOLAN replied:

(1) Yes.

(2) (a) A Government contribution is being considered.

(b) Yes.

8. *This question was postponed.*

9. BEEF

Export Tax

The Hon. W. R. WITHERS, to the Leader of the House:

(1) In view of the answer to part (5) of my question 2 on 16th October, 1973, which infers a suggestion by me, would the Minister please confirm I did not suggest a levy on export beef would channel beef from Kimberley exports to the metropolitan market?

(2) Will the Minister accept the fact that the suggestion was made by the Minister for Primary Industry, and I consider such suggestion to channel Kimberley beef to the metropolitan market to have no practical merit whatsoever?

The Hon. J. DOLAN replied:

(1) and (2) The Hon. Minister for Agriculture acknowledges the Hon. Member's views on this matter in consequence of the precise expression of these which has now been provided.

The Hon. Minister has no knowledge of the particular suggestion which is attributed to the Minister for Primary Industry.

House adjourned at 5.55 p.m.

Legislative Assembly

Thursday, the 18th October, 1973

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

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

MR. TAYLOR (Cockburn—Acting Premier) [11.03 a.m.]: I move—

That until otherwise ordered—

(1) Standing Order 224 (Grievances) be suspended; and

(2) The Standing Orders be suspended so far as to enable Bills to be introduced without notice, to be passed