Opportunity is being taken, with the introduction of this measure, to improve the wording used in the Act in several places. Instances are words used in the interpretation section in relation to employers' indemnity insurance where words such as "workers" and "compensation" have been replaced by the words "employees" and "payments or allowances".

The Hon. F. J. S. Wise: Are not all employees worth it?

The Hon. A. F. GRIFFITH: I would not find it necessary to make any further comment on the matter, but the honourable member might be right. The words now being introduced are considered to be more appropriate. Their substitution does not affect in any way the cover under the policy. The term "manager" will be replaced by the term "general manager" resulting from the change in this title as from the Public Service reclassification effective from the 1st January, 1959. This is a change pertaining to the State Government Insurance Office Act and not to the previous matter mentioned.

The definition of "local authority" requires amendment because of changes made by Parliament to the legislation dealing with local authorities. Mention of the Employers' Liability Act, 1894, has been deleted, as this Act was repealed in 1951.

The foregoing amendments fall broadly into three categories: Firstly, extensions to the present scope of insurance business undertaken by the office to enable it to cater for modern demand and to allow for flexibility of operation within the current franchise; secondly, clarification of some of the current provisions of the Act, together with the deletion of certain provisions and requirements now determined to be unnecessary; and, thirdly, amendments designed to improve the wording as well as amendments in respect of references to other legislation which appears in the State Government Insurance Office Act, which legislation has been the subject of either amendment or repeal since the last occasion when this Act was before Parliament for review.

**Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).**

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [3.24 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 7th September.

**Question put and passed.**

*House adjourned at 3.25 p.m.*

# Legislative Assembly

Thursday, the 26th August, 1965

**CONTENTS**

CONTENTS—*continued*



The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

## QUESTIONS (23): ON NOTICE

1. *This question was postponed.*

### NATIONAL PARKS BOARD

*Files on Convictions for Unlawful Camping: Tabling*

2. Mr. GRAHAM asked the Minister for Lands:

Will he lay on the Table of the House National Parks Board File 319/65 and all other papers relating to a case where five persons were each fined £10 plus costs for having unlawfully camped on a reserve in the south-west?

Mr. BOVEL replied.

National Parks Board files 1927/42 and 2654/63 are relevant and I ask that they be tabled for one week.

There is no file 319/65 relating to this matter but this is the charge number in the name of A. Maloney.

*The files were tabled for one week.*

3. *This question was postponed.*

### IRON ORE

*Port Sites for Mount Newman Iron Ore Co., and Cliffs of W.A.*

4. Mr. BICKERTON asked the Minister for the North-West:

Will he inform the House of the latest developments concerning the port sites to be used by Mt. Newman Iron Ore Company and Cliffs of W.A.?

Mr. COURT replied:

Advanced technical studies are being undertaken by both Mount Newman and Cliffs as a necessary prerequisite to an early final decision on both location and the nature of port development.

Cliffs of W.A. is currently investigating the possibility of using Cape Preston as its port site but has not yet submitted its detailed proposals. Australian Hydrographic Surveys has been commissioned by the company to carry out a detailed hydrographic survey in the Cape Preston area. Mount Newman's work has been mainly at Port Hedland and directed at the respective merits of extensive inner harbour development and the approved location at Point Cooke.

Some navigation problems to seaward of Port Hedland are being further studied but present indications are that Port Hedland—either inner or outer harbour—will be their location. A final decision is expected by the 30th September, 1965.

### BOAT SAFETY

*Limitation on Voyages*

5. Mr. GRAHAM asked the Minister for Works:

In view of the uncertainties in the minds of present and prospective boat owners, in particular, and to some extent in the minds of boat builders and distributors, will he lay on the Table of the House a copy of the representations made by the Chamber of Commerce several weeks ago and the Government's reply thereto in connection with any likelihood, intentions, or proposals regarding limitations or controls on certain types or sizes of boats, particularly private pleasure boats, which might seek to voyage in the sea outside enclosed waters?

Mr. ROSS HUTCHINSON replied:

The file dealing with this correspondence is in use with the Harbour and Light Department.

As soon as the file can be obtained this information will be supplied to the honourable member.

### WORKERS' COMPENSATION

*Pneumoconiosis: Liability of Employers*

6. Mr. MOIR asked the Minister for Labour:

(1) Adverting to his reply to part (1) of question 12 on the 19th August, 1965, will he ascertain on what grounds the General Manager of the S.G.I.O. based his opinion as given to the Minister that "the liability of the employer is not affected by subsection 13 of section 8 of the Workers' Compensation Act in so far as quantum of liability and amount of weekly payments are concerned"?

(2) Is he aware that on the 26th July, 1965, a claimant for compensation for industrial disease was advised by letter from the S.G.I.O. that although the medical board appointed under the Act had certified him to be 20 per cent. disabled due to pneumoconiosis and that he had a further 80 per cent. disablement from other causes, his claim for compensation was declined because he was in receipt of the invalid pension?

(3) Will he not agree that according to this interpretation placed on the provisions of section 8 by the S.G.I.O., the employer is advantageously affected by the provisions of subsection 13 of section 8 of the Act and the position is not as stated to him by the general manager?

(4) As it is believed that grave injustice is being done to some claimants who have a degree of disablement due to pneumoconiosis and also a degree of disablement due to non-industrial causes and to assist in preventing any possible injustice to claimants in this category in the future, will he supply the information requested per question 12 of the 19th August?

Mr. O'NEIL replied:

(1) I am advised by the General Manager of the State Government Insurance Office that subsection 13 of section 8 of the Workers' Compensation Act does not affect the liability of the employer in so far as quantum of liability and amount of weekly payments are concerned. This subsection was inserted into the Act by section 4 of Act No. 34 of 1927. It was enacted for the purpose of imposing upon the employer a liability which did not previously exist. For example, prior to 1927, a mine worker suffering from a disability due to pneumoconiosis as to say 10 per cent. and who had other disabilities (e.g. cardiac insufficiency) did not receive any compensation as he was not considered to be disabled by pneumoconiosis. After 1927, the provisions of subsection 13 placed a liability upon the employer to pay compensation for the 10 per cent. disability and to continue payments further if the percentage of disability due to pneumoconiosis progressed as it does so often. Payment is therefore made for the quantum (10 per cent.) of disability due to the disease and the payment is made at full weekly rates. Hundreds of mine workers have received payments because of this subsection who would not have received compensation if that subsection had not been inserted into the Act. Some of those would, of course, have qualified at a later date if they had survived to that date. The opinion is based upon the practice of S.G.I.O. in accepting liability for these claims.

(2) The claimant mentioned by the honourable member in this part of the question appears to be the claimant mentioned by me in my answer to the honourable member on Thursday, the 12th August. He is the last claimant therein mentioned. My reply was—

> One claimant who is considered to be totally incapacitated due to other causes and whose industrial disease was not incapacitating at the time of ceasing his employment and receiving an invalid pension. This claim will be reviewed by S.G.I.O.

The claim was reviewed by the general manager on the 23rd August, when it was decided to approve of the claim despite legal advice that no liability existed. A letter informing the honourable member of this decision was sent by the general manager on the 25th August.

In explanation of the original decision to decline liability, this was not due to subsection 13 of section 8, but because legal advice was that the claimant was considered as totally incapacitated by other than pneumoconiosis at least since January, 1960, when he received his invalid pension and there was no evidence of incapacity due to pneumoconiosis until February, 1965. As he was totally incapacitated before February, 1965, the 20 per cent. of pneumoconiosis he was then found to have could not disable him further. This and other similar cases are now being paid pending a closer examination of the legislation.

(3) Answered by (1) above.

(4) It is not conceded that any injustice at all is being done to any claimant in the category mentioned. The information originally requested will be obtained and supplied by letter when available but this data will take some time to collect, as previously indicated.

*Cases: Reimbursement of Legal Fees to Crown Law Department*

7. Mr. MOIR asked the Minister representing the Minister for Justice:

(1) Does the Crown Law Department receive any reimbursement of expenses or legal fees for the services of officers of the department who represent the State Government Insurance Office in workers' compensation cases which are determined by the Workers' Compensation Board or other court of law?

(2) If payments are made in respect of these services, are they comparable with the fees that would be charged by a private practitioner for similar services?

Mr. COURT replied:

(1) Yes. The State Government Insurance Office, along with a number of other Government departments and instrumentalities pays an annual retainer to the Crown Law Department for legal services rendered by the department.
No separate payments are made in respect of legal services rendered in connection with particular litigations, except in so far as actual out of pocket expenses are concerned.

(2) No. If one were to evaluate the services rendered overall in terms of the charges made in private practice they would not be comparable. However, it is impossible to assess the extent of the difference as no legal costing records are kept.

*Pneumoconiosis Claim Forms: Responsibility for Compilation*

8. Mr. MOIR asked the Minister for Labour:

What authority is responsible for the compilation of the form used by the pneumoconiosis medical board for reporting the conditions as ascertained by examination of a claimant for workers' compensation under section 8 (1A) or (1C)?

Mr. O'NEIL replied:

The Workers' Compensation Board.

## DRUNKEN DRIVING

*Prosecutions*

9. Mr. CROMMELIN asked the Minister for Police:

(1) How many successful prosecutions were there for driving under the influence of liquor for the years ended the 30th June, 1963, 1964, and 1965?

(2) Of these offences and for each period, how many were—
first offences;
second offences;
third offences?

*Incidence*

(3) Is the incidence of drunken driving showing still further signs of increasing this current year?

Mr. BOVELL (for Mr. Craig) replied:

(1) Year ended the 30th June—

| | |
|---|---|
| 1963 .... .... .... | 514 |
| 1964 .... .... .... | 715 |
| 1965 .... .... .... | 697 |

(2) Records for 1st and 2nd offences are not kept separately.

| Year ended 30th June | 1st and 2nd Offences | 3rd Offences |
|---|---|---|
| 1963 .... .... | 492 | 22 |
| 1964 .... .... | 694 | 21 |
| 1965 .... .... | 667 | 30 |

(3) There was a slight decrease in the number of successful prosecutions for driving under the influence of drink or drugs for the year ended the 30th June, 1965, from the previous year.

## STATE FOREST LAND

*Release: Applications, 1960-65*

10. Mr. DUNN asked the Minister for Forests:

Of the 150,000 acres dedicated as State Forests between the years 1960-1965, how many acres were currently the subject of applications for land from private individuals at the time it was decided to dedicate this land as State Forests?

Mr. BOVELL replied:

The information sought is not kept in any form which would enable it to be readily compiled, and would require very intensive research by officers of both the Lands and Forests Departments. The dedication of most of the area of 150,000 acres as State Forest was the result of recommendations to this effect by the Crown Land Tribunal.

If the honourable member desires information on a specific location, every endeavour will be made to obtain it.

During the same period over 6,000,000 acres of Crown land have been released for agricultural development.

## RESEARCH STATION AT MANJIMUP

*Alternative Site*

11. Mr. ROWBERRY asked the Minister for Agriculture:
    (1) Is he satisfied that the present research station in Manjimup fully meets the requirements of primary production in the area?
    (2) With the loss of the tobacco growing industry, has not this station outlived its usefulness?
    (3) Are the soils of the station typical of the soils of the area?
    (4) Does the Agriculture Department have any plans for the development of an alternative site for a research station with soils more typical of the area?
    (5) If so, where is that site and when will steps be taken to put the new station into operation?
    (6) Is he aware that farmers generally, and potato growers in particular, have offered help in the choice of a site?

    Mr. LEWIS (for Mr. Nalder) replied:
    (1) and (2) The Manjimup Research Station was established to investigate problems of the tobacco industry. Whether a research station is justified in the district to cover a wider range of agricultural industries now that the tobacco industry has collapsed has not yet been determined.
    (3) All the important soils of the area are not represented on the existing research station.
    (4) This matter is still under consideration.
    (5) Answered by (1), (2), and (4).
    (6) While not aware of this offer, the advice will be sought if required.

## BOAT SAFETY

*Royal Commission's Recommendations, and Legislative Implementation*

12. Mr. TONKIN asked the Minister for Works:
    (1) What is the total number of specific recommendations made by the Royal Commission in relation to the safety of ships?
    (2) Of these, how many would require legislative action before they could be implemented?

    Mr. ROSS HUTCHINSON replied:
    (1) Fifty-five. In order to avoid any spate of questions hereafter, I would like to say it is quite possible that, if the Deputy Leader of the Opposition cares to go through the report of the Royal Commissioner as he did the other night, he might discover there are some more or fewer—according to how he feels about the wording of the report. The Royal Commissioner does say at times that he agrees with this or that and has made no specific recommendation. So far as my officers can determine the number is 55.

    Mr. Tonkin: A very comprehensive reply. Thanks very much.

    Mr. ROSS HUTCHINSON:
    (2) Two.

## CRAYFISH

*Processing at Sea: Supervision*

13. Mr. FLETCHER asked the Minister representing the Minister for Fisheries:
    (1) Is he aware of *The West Australian* newspaper comment, page 8 of the 23rd instant, regarding Geraldton Professional Fishermen's Association concern at "clandestine transfers of live crays to processing boats at sea"?
    (2) Is he further aware of my question 1 of the 10th November, 1964, wherein I asked, among other things, would he, with a view to conservation, ensure that only size crays were processed by having such processing supervised by fisheries inspectors when processing craft were anchored at agreed coastal points, ports, or anchorages adjacent to fishing grounds?
    (3) In view of—
        (i) the Press comment mentioned;
        (ii) the concern of reputable fishermen with large capital outlay in the industry;
        (iii) the progressive annual decline in catch;

    will he reconsider the reply of the then Minister that "such restrictions on freezer boats was neither practicable nor desirable"?

    Mr. ROSS HUTCHINSON replied:
    (1) Yes.
    (2) Yes.
    (3) In view of recent developments, the whole question of the use of freezer-boats is being re-examined.

## CONDITIONAL PURCHASE LAND: LEASES

*Number and Acreage*

14. Mr. NORTON asked the Minister for Lands:
    (1) How many conditional leases are held under section 47 of the Land Act?
    (2) What is the total area of above leases?

*Residential Conditions*

(3) How many conditional purchase leases issued under section 47 are not subject to the condition of residence?

(4) What is the total acreage which is held under conditional purchase lease and not subject to the condition of residence?

(5) Where the condition of residence has been exempted from a conditional purchase lease, does this in any way affect the issuing of a Crown grant when all other conditions have been complied with and, if so, how?

(6) When a conditional purchase lease has been exempted from condition of residence, can such lease be sold or transferred and, if so, under what conditions?

Mr. BOVELL replied:

(1) 10,347 as at the 30th June, 1965.

(2) 12,887,488 as at the 30th June, 1965.

(3) None—but residence is performed under a five-year qualification period.

(4) Leases under section 49, i.e., 599 with an area of 167,831 acres.

(5) Residence is exempted when land is selected under section 49. The issue of Crown grant is conditional upon the performance of improvements double those required under section 47.

(6) Yes, subject to improvements having been effected in accordance with section 49.

## MILLEN INFANTS' SCHOOL

*Additional Grades*

15. Mr. DAVIES asked the Minister for Education:

(1) Is it intended that the number of grades at Millen Infants' School will be increased in the foreseeable future?

(2) If so—

(a) what will be the additional grades;

(b) from when will any new arrangements operate?

Mr. LEWIS replied:

(1) No.

(2) Answered by (1).

## MARRON FISHING: DEVELOPMENT OF INDUSTRY

*Leasing of Moate's Lagoon and Goode River: Application from Mr. McRae*

16. Mr. HALL asked the Minister representing the Minister for Fisheries:

(1) Has the Government given consideration to the granting of leases as applied for by Mr. McRae of Albany for the purpose of developing a marron fishing industry?

(2) If consideration has been given to the application for leases of Moate's Lagoon and Goode River, what are the determinations as to same?

Mr. ROSS HUTCHINSON replied:

(1) An on-the-spot examination of Mr. McRae's proposals has been made by a departmental officer. His report is now receiving consideration.

(2) The Department of Fisheries and Fauna has received objections to what would amount to the virtual alienation of Moate's Lagoon for the purpose of artificially propagating marron. It appears it is now used in season by the general public for catching marron for private consumption. The question of leasing the lagoon for whatever purpose is, in the final analysis, one for the Lands Department.

## HOUSING AT ALBANY

*Rental Homes: Applications and Building Programme*

17. Mr. HALL asked the Minister for Housing:

(1) As it has been reported that there exists an acute shortage of family homes in Albany, can he advise the number of applications at present held by the State Housing Commission for three-bedroom homes, two-bedroom homes, and single-bedroom homes, including pensioner accommodation, single and double?

(2) What is the anticipated building programme by the State Housing Commission, in the respective categories, for the Albany district for rental homes this financial year?

*Purchase Homes: Finance, Applications, and Building Programme*

(3) What amount of finance will be made available through the State Housing Commission this financial year for the erection of homes either on applicant's own land or lease land through the State Housing Commission to be built at Albany as purchase homes?

(4) How many applications has the State Housing Commission received from Albany for purchase homes to be built this financial year and how many will be built?

Mr. O'NEIL replied:

(1) Outstanding applications for Albany are:—

| | |
|---|---|
| Families | 93 |
| Pensioner couples | 2 |
| Single pensioners | 1 |
| Total without wastage | 96 |

(2) The 1965-66 proposals in respect of housing these applicants are—

| | Units. |
|---|---|
| Vacancies in existing housing stock—estimated at | 60 |
| New Construction— | |
| Under Commonwealth State Scheme— | |
| 4-bedroom house | 1 |
| 3-bedroom house | 9 |
| 3-bedroom duplex units | 4 |
| 1-bedroom pensioner unit | 2 |
| Under State Housing Act— | |
| 3-bedroom house | 4 |
| Estimated total for allocation | 80 |

(3) Eligible applicants desirous of building on their own land under the provisions of the State Housing Act will be considered for immediate assistance upon lodgment of application. There are no Albany applications of this category on hand.

(4) Of the outstanding applicants, 14 have nominated to purchase, two of these being lodged in this financial year. While each applicant may elect to purchase the home offered upon turn being reached, there will be four State Housing Act houses available for purchase only.

## EFFICIENT SCHOOLS

*Action against Understandard Establishments*

18. Mr. JAMIESON asked the Minister for Education:

(1) How many so-called "efficient schools" have been found to be non-efficient during the last ten years?

(2) What action was taken in respect of their inefficiency?

(3) What were the names of such schools, if any?

Mr. LEWIS replied:

(1) One school which had received provisional registration only, did not reach departmental standards and closed.

(2) A school which does not qualify is not placed on the list of "efficient" schools, consequently attendance at such a school does not meet the requirements of the Education Act in regard to compulsory attendance.

(3) Kingsley.

## NAVAL BASE IN WESTERN AUSTRALIA

*Broome's Claim*

19. Mr. RHATIGAN asked the Premier:

If the Government is going to submit a case to the Commonwealth Government for a naval base in Western Australia, will he have investigations made as to the suitability of Broome as a site for such a base?

Mr. BRAND replied:

If following the various approaches made by the State Government, the Federal Government decided to establish a naval base on the western seaboard of Australia, it is certain that all potential sites would be considered.

## MOTOR VEHICLES SOLD BY USED-CAR DEALERS

*Roadworthiness: Legislative Control*

20. Mr. CURRAN asked the Minister for Police:

(1) Is he aware,—

(a) that motor vehicles unfit for the road are being sold by used-car dealers;

(b) that those vehicles are plying the highway until stopped by police traffic checks;

(c) that many are ordered off the road with mechanical faults, including brakes, etc.?

(2) In view of our terrible road toll, will he consider legislation to make roadworthy certificates compulsory with each vehicle sold from these sources?

Mr. BOVELL (for Mr. Craig) replied:

(1) (a) Yes.

(b) Yes.

(c) Yes.

(2) Proposals for compulsory inspection of vehicles are receiving consideration. However, statistics indicate that casualty accidents attributed to vehicle defects are not one of the major causes of persons being killed or injured in road accidents.

Car wreckers are included in the meaning of a used-car dealer under the Act about to come into

operation. Police will then have power to enter used-car yards and examine vehicles therein and attach stickers to vehicles found unfit for the road. The dealer will be unable to sell the vehicle as a whole unless the repairs are effected and the sticker removed by a police examiner.

## FERGUSON RIVER BRIDGE

*Opening and Cost*

21. Mr. I. W. MANNING asked the Minister for Works:

(1) Has the newly constructed bridge over the Ferguson River in Dowdells Road, Shire of Dardanup, been opened to traffic?

(2) What was the cost of construction of this bridge?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) £3,650.

## LEGISLATIVE ASSEMBLY DISTRICTS

*Quotas, and Electorates out of Balance*

22. Mr. CORNELL asked the Minister representing the Minister for Justice:

(1) On the enrolment figures supplied in answer to question 8 on the 5th August, 1965, what are the respective quotas for—

(a) metropolitan area;

(b) agricultural, mining, and pastoral area;

as at the 31st July, 1965?

(2) On these figures, what electorates are out of balance?

Mr. COURT replied:

(1) The quotas as ascertained for the last redistribution of Legislative Assembly districts, as published in the *Government Gazette* of the 14th December, 1961, and which still remain, are—

(i) Metropolitan area .... 10,405

(ii) Agricultural, Mining, and Pastoral Area .... 5,485

(2) The following information is based on the enrolment figure for each of the Legislative Assembly districts as at the 31st July, 1965:—

(a) Metropolitan Area—

The districts in which the enrolments exceed the quota by 20 per cent. are—

Balcatta,
Bayswater,
Belmont,
Cockburn,
East Melville,
Karrinyup,
Wembley.

There was no district in this area in which the enrolments fell short of the quota by 20 per cent.

(b) Agricultural, mining, and pastoral area—

The districts in which the enrolments exceed the quota by 20 per cent. are—

Albany,
Dale,
Darling Range.

There was no district in this area in which the enrolments fell short of the quota by 20 per cent.

## MIDLAND JUNCTION-MEEKATHARRA ROAD

*Priming and Sealing*

23. Mr. BURT asked the Minister for Works:

(1) Following upon his written advice to me of the 6th July last on the subject, would he name the sections of the Midland Junction-Meekatharra Road to be primed and/or sealed this financial year, in the Shires of Yalgoo, Mt. Magnet, Cue, and Meekatharra?

(2) Is it the intention of the Main Roads Department to eventually seal this highway completely southwards from Meekatharra?

(3) If so, when is it expected that this work will be completed?

Mr. ROSS HUTCHINSON replied:

(1) Sections to be primed in 1965-66—

Yalgoo Shire: 204.3m-208.2m., 219.55m.-221.65m., 228m.-240m.

Mt. Magnet Shire: 362m.-366m.

Sections to be sealed in 1965-66—

Mt. Magnet Shire: 358m.-362.m.

Cue Shire: 404.5m.-407.5m.

(2) Yes.

(3) No firm date has been fixed for completion of the surfacing of this road. Priorities for surfacing must be related to the overall needs of improved access to the developing north-west which are at present under study by the Main Roads Department.

## BREAD ACT AMENDMENT BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr. O'Neil (Minister for Labour), and read a first time.

## DEBTORS ACT AMENDMENT BILL

*Second Reading*

**MR. COURT** (Nedlands—Minister for Industrial Development) [2.39 p.m.]: I move—

That the Bill be now read a second time.

Orders of committal to prison may be made by a local court in respect of the non-payment of debts not exceeding £50 due under judgments of the Supreme Court. This is provided for in section 3 of the Debtors Act, 1871.

There has been a long-established custom of issuing judgment summonses in the local court on certificates of judgment of the Supreme Court regardless of the sum involved. Upon the question of jurisdiction being raised recently, however, where a certificate of judgment for a large sum was presented at the Perth Local Court, occasion was taken to look more closely into the provisions of the Debtors Act. As a consequence, an opinion was expressed by the Crown Solicitor that there was no jurisdiction in the local court to make committal orders where the judgment of the Supreme Court exceeds £50. This view was concurred in by the Master of the Supreme Court.

When the Law Society was approached in the matter, it transpired that the Law Reform Committee of the society, whilst agreeing that an increase from the present amount of £50 should be made, considered there was no reason why there should be any ceiling placed on the jurisdiction from a monetary point of view. The Master of the Supreme Court nevertheless expressed the view that the Supreme Court should retain control over the enforcement of its own judgments where the amount exceeded £500. He drew attention to the fact that there was a simple procedure under the Rules of Court for the examination before the master of a judgment debtor as to his property and means.

It might be mentioned in this regard that, of the 408 judgments made in the Supreme Court during the calendar year 1964, no fewer than 363 were for amounts exceeding £500, the remaining 45 being for amounts less than £500.

The Government, having given consideration to the matter, agreed to the removal of the ceiling of £50 from a monetary point of view placed on the local court and provision is contained in this Bill effectuating that decision. The second effect of the amendment arises from an examination of the portion of section 3 which infers that we have judges or deputy judges in the local court. Apparently, the draftsman in 1870 lifted the provision from the English County Courts Act and merely changed "High Court" to "Supreme Court" and "County Court" to "Local Court."

Obviously, the draftsman overlooked the fact that the colony never at any time had judges or deputy judges of the local court. It apparently has been necessary over the intervening years to read into the section the words "the magistrate" for the reference to a judge and a deputy judge. The Act has been brought into conformity by the simple expediency of deleting the words which are considered no longer necessary, though, in fact, the provisions of paragraph (c) of the proviso were rendered inoperable by section 134 of the Local Courts Act, 1904, and so they no longer have served any purpose.

**Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).**

## STIPENDIARY MAGISTRATES ACT AMENDMENT BILL

*Second Reading*

**MR. COURT** (Nedlands—Minister for Industrial Development) [2.42 p.m.]: I move—

That the Bill be now read a second time.

All magistrates in office when the 1957 Act was passed were permitted to continue in office to 70 years of age, but under that Act the retirement age for later appointees was set at 65. Ten of the 24 magistrates now serving come within the latter category. One of these reaches retiring age on the 1st October next and has expressed his willingness to continue in office as a stipendiary magistrate if so required.

The passing of this Bill would authorise the Governor to direct a magistrate, appointed after the 1957 Act, to continue in the office of stipendiary magistrate after reaching the retiring age or to resume office after having retired. There is the added provision ensuring a magistrate could not continue in office after having attained 70 years of age.

For the information of members, it is most likely that the magistrate shortly due to retire would be asked either to continue in office or to resume office from time to time, as circumstances may require, during the period from his 65th to his 70th birthday, should this Bill be passed. Because of a backlog in cases in the Perth Police Court, it was necessary recently to appoint as a temporary magistrate an officer not qualified for permanent appointment. He had been a senior clerk of courts for many years and is performing his magisterial duties efficiently.

It is not desirable that we should continue to appoint, even in a temporary capacity, persons who are not legal practitioners or not qualified by passing the prescribed examination in law under section 25 of the Public Service Act. The relative provision contained in that section appears in paragraph (c), which requires a clerk of courts or mining registrar, who has

served with diligence and fidelity in that office, to have undergone at least four years' continuous service as an acting magistrate prior to appointment to the office of magistrate.

That is, of course, the proviso in section 25 permitting a temporary appointment of any officer as a magistrate without examination, subject to the certification of the Public Service Commissioner that this course is desirable for the economy of the Public Service. But, as was stated previously, it is nevertheless undesirable to make a practice of appointing, even in a temporary capacity, unqualified persons.

Applications received in response to notifications of the existence of a vacancy in the ranks of stipendiary magistrates to serve in the metropolitan area are currently being examined and the appointment of this additional magistrate will meet the needs of the various metropolitan courts for the time being.

There is the added call, however, on magistrates from time to time for the performance of extraneous duties such as are entailed in their appointment as Royal Commissioners and in other duties, such as those of chairmen of statutory boards —the Public Service Appeal Board, the Promotions Appeal Board, the Railway Officers Classification Board, and punishment appeal boards—which are making an increasingly substantial demand on magistrates' time.

Relief must also be provided for magistrates during their absence on annual leave and long service leave and sometimes because of sickness and during prolonged absence on other duties. There will be occasion to appoint additional magistrates to provide such relief and to keep pace with the State's expansion. It is thought it would be convenient and indeed economical should a magistrate about to retire, or having actually ceased duty, be available to be called on when required to continue in office or to resume office should the need arise.

I might point out that there is contained in the Public Service Act, under section 61, a provision which empowers the Governor to direct an officer to continue in the service past the age of 65. The section reads as follows:—

> Notwithstanding that an officer has attained the age of 65 years, if the Commissioner certifies that in the interests of the Public Service it is desirable that such officer should continue in the performance of the duties of his office or of any office in the Public Service to which he may be appointed, and that such officer is able and willing to do so, the Governor may direct such officer to continue in the service for not exceeding such time as the Governor in each case directs or during pleasure.

This section has operated satisfactorily, and it is suggested to members that a provision on similar lines as contained in this Bill should, for the reasons advanced, be inserted in the Stipendiary Magistrates Act.

**Debate adjourned, on motion by Mr. Hawke (Leader of the Opposition).**

## LAND ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 19th August, on the following motion by Mr. Bovell (Minister for Lands):—

> That the Bill be now read a second time.

**MR. KELLY** (Merredin-Yilgarn) [2.48 p.m.]: I had hoped that if amendments were to come before the Chamber from the Lands Department during this session, we might have an opportunity to go very much deeper into the department than has been signified in the amendments that are before us at the moment. Of course, I know you would not allow me at this time to discuss the matters I feel should be included, Mr. Speaker, but probably an opportunity will be afforded at a later stage.

As the Act now stands in connection with sections 47 and 143, we find that actually these sections conflict in the method of carrying out certain regulations in connection with the issue of land under conditional purchase conditions.

I think that section 47 lays down that land is transferable after a five-year period as long as the conditions have been complied with; and in the latter amendment—that is, to section 143—we find the conditions there are reasonably stringent and are up to two years. At that stage if the Minister cares to use his prerogative—as a matter of fact I think it is more or less obligatory on him to do so because he would have very little opportunity of refusing the transference of land—the Act lays down pretty clearly that it is his right to do so. So he finds himself quite often in the position that at the end of two years he is faced with an application for action that would enable the transference of this land; and to that extent this legislation could in some small degree clarify the position and make it more in keeping with what this Act originally set out to do.

I must say it has become very marked in recent times that permission is being sought for the transference of properties in ever-increasing numbers. As a matter of fact, a perusal of any property sale notice in any of the journals put out by the various companies would confirm that there is a very large percentage of sales that are coming under the jurisdiction

of the Minister, and he is being called upon to make a decision in special cases far more frequently than was ever intended.

These are the types of advertisements that are appearing in the journals. Literally hundreds of them could be dug up at the present time. This one I have here is under the heading, "Jerramungup-Ravensthorpe" dated the 5th August this year—this month. It reads, "East of Jerramungup, 3,150 acres C.P. mallee country, Minister's approval received for immediate sale, 540 acres cleared, of which 340 acres is pastured with clover and rye grass; no fencing; a timber shed 37 ft. by 20 ft., for sale at the price of £3 15s. per acre."

On this particular property there is neither a house nor living quarters. There is no subdivision whatever on this place and no boundary fencing. I understand the original value of this land two years ago, when it was allocated, was 11s. per acre, at which figure the land would be worth £1,736, but on the advertised price, with very few improvements and because the Minister is more or less placed in a cleft stick in giving his approval, this land has increased in value to £11,800. On going closer into this matter I find there is a good deal less than £2,500 in improvements. In other words, there is a very large rake-off for somebody. I am going to deal with that at a later stage; but as it appears there, it is not a very palatable case to have to face up to.

Another one for which the Minister's approval was obtained was at Ongerup. I have taken these instances at random from the several journals I have had the opportunity of perusing. This one is headed, "Property for Development;" and it reads, "2,939 acres C.P. of Mallee; 1,200 acres logged; 430 acres fallow; some fencing; shed 60 ft. by 30 ft.; price £6 per acre." The outlay on this property up to the present has been £3,000. Some of the property is apparently in a regrowth condition at the present time and yet the profit at the price offered for sale would be £14,634.

The final one of these cases that I am using as an example is advertised as land being at Badgingarra. It says, "Minister's approval has been obtained; £7,000 will negotiate purchase of this property with scope for development; 4,852 acres C.P.; 30 ft. by 40 ft. shed; materials for 5,000 gallon tank; cement for flooring of shed, plus timber and iron for lean-to; no other improvements." So virtually there are a few buildings and that is all, yet the total price is £14,556. Placing the improvements at £1,000—and that would be an ample figure at this time—there is £13,500 profit for the holding of this area for a period of two years.

It was originally allocated at 6s. per acre, giving a total of £1,455 12s. and the requirements in the allocation of this land were that £291 had to be spent per year. In a period of five years £1,455 12s. would have been spent, but in two years the amount spent was roughly £1,000, none of which had any application to the material working of this land. There is quite a large number of these cases. I had a figure given me recently, but at the moment I have no way of checking whether it is correct or not. However, I was told on a reasonably—I say reasonably—accurate authority that there are within the special cases category roughly 5,000 of these properties that have changed hands in five years. I think that is a shocking position for us to be in, because in many cases this land has not been transferred from one person endeavouring to create a farm to another person who has capital to carry out that work, but has fallen into the hands of speculators.

Undoubtedly, the Government must have realised something of this kind was going on, because of the fact that some few months ago initial steps were taken—or the Press informed us some steps were being taken —to prevent that rabid speculation taking place. If this were to go on much longer, a lot of the 1,000,000 acres the Government makes a big song about allocating each year—I might say during the regime of the previous Government there was that much and more in some years, prior to its going out of office, but this Government sees fit to lay a tremendous amount of stress on the 1,000,000 acres—I venture to say—

Mr. Bovell: Actually for the six years of the Labor Government the releases were under those of the six years of the present Government.

Mr. KELLY: That might be so. But I make this point: The 1,000,000 acres was not something achieved by this Government and something that had not been achieved before, because if the Minister looks back at the records—I think I have them here somewhere—he will find that in the latter years the figure was 1,000,000 acres.

Mr. Bovell: We have had a regular release.

Mr. KELLY: There is a great deal of comment in many quarters regarding the release of a good deal of land that has not had a vestige of work done on it. I have looked at a lot of this land, and if the Minister wants specific cases, I can supply them. That is the position in which we find ourselves; and yet the Government is making capital out of the release of 1,000,000 acres of land per year. Unless this land is put to some effective

use and some curb is placed on the possibility of its getting into the hands of speculators, it is a very forlorn achievement to be releasing the land.

Mr. Bovell: There were 1,100,000 acres of land last year brought into production, which is an Australian record. Therefore, the overall figures prove—

Mr. KELLY: I am not talking about land that has been held for years. I am talking about recently released land. We know there is a lot of land which has been held for many years. We do not have to go very far down the line to find it either. The Speaker is having a little doze, but in his electorate there is country that has been held for 25 years and very little has been done with it. However, now it is being found expedient to bring some of that country into production and I think that is quite commendable. After all, this practice of leaving land idle is not one which we wish to see perpetuated.

Those people are fortunate who own land such as this which lends itself to development if they have sufficient capital to invest in the development. They should make a total and determined effort to get the land into production because undoubtedly we have a world situation where the majority of our produce finds a ready market. It does not seem as if there will be any diminution in the market for the majority of the foodstuffs we are so capable of producing—not in the near future, anyway.

Therefore it does seem very wrong that we are faced with the unpleasant position existing in regard to the exchange of land. Without delving too deeply into the situation, we do know that the Land Board has allocated land to worthy people who, when they have become the lessees, have had very good intentions of developing it. However, it is almost impossible for the Land Board to make personal investigations concerning all the applications that are made. After all, it would be a very difficult task to check the ability of the applicants to work the land and their ability to provide the finance necessary, apart from many other aspects.

We know that many of those who come into possession of this land take it up with a great deal of gusto and in some cases they even mortgage their homes and possibly obtain an overdraft of £1,000 or £1,500 from the bank to develop the property, often with the assistance of neighbours. If they are fortunate enough to encounter a good season at the beginning they are able to proceed from that stage and become safe settlers.

However, many fall by the wayside because of a bad season. One or two have met this fate in my own territory at the end of two years because both years were very bad and consequently they had not been able to improve their land to any degree.

It appears wrong to me that if a person fails through no fault of his own, or because of lack of finance, the land must revert to the Lands Department. It is when things become difficult that the speculators appear on the scene. They are the boys I have a great set against. They have their ear to the ground in all districts. As a matter of fact some of them have a very close roster of all land allocated and they are able to trace from district to district the new land which is being brought into production.

It is not very long before they find out those people who are getting into a bit of deep water and the next step they take—and this is occurring more than we realise—is to make an offer to tide the unfortunate settlers over. However, they make a condition that they have a say in raising the improvements to a standard at which a transfer can be obtained.

Of course the person who is in dire straits for finance to carry on, and who possibly has a family to provide for is in no position to barter to any great extent with these people who are desirous of getting hold of the land. Therefore, if the landholder receives a proposition attractive enough to enable him to recover the finance he has put into the area, plus a few pounds over, he is very happy to accept the offer of the help.

In many cases the finance offered to these people is company-owned; but, with its help, the land is improved and developed and reaches a stage where it is almost obligatory on the Minister to approve the transfer. I say that is entirely wrong and we should not have allowed that situation to be reached. The quicker it is rectified, the better.

However, as I said earlier, this is only one aspect of a very big and wide-sweeping Act. A large number of outsiders are coming here virtually because the land is cheap. There are no two ways about that. A person can sell a property in the Eastern States for £50,000 and buy a comparable one here for £20,000, and thus have plenty left to invest.

Mr. Bovell: Would you favour the inclusion in the Act of a provision that the Minister have authority to refuse a transfer if in his opinion it was contrary to good practice?

Mr. KELLY: I would be very happy if such a provision were incorporated.

Mr. Bovell: It is in the Local Government Act.

Mr. KELLY: I see no reason at all why these speculators should be permitted to exploit our land. There is no doubt that they do, and I suppose every member here knows that. If any member does not it

would not take him very much effort to find out for himself. We are in a bad situation; but I am not blaming the Minister.

Mr. Bovell: I admit the Government is very concerned over the matters you are talking about.

Mr. KELLY: There is room for a lot of concern. I would have preferred a total revision of this Act, because there are other sections besides 47 and 143 which have a bearing on the matter and which require attention.

Mr. Bovell: As a matter of fact, attention is being given to a revision of the Act, but it was considered advisable to introduce this Bill now so as to at least curtail some malpractices.

Mr. KELLY: Yes; and the way the Bill is worded I feel it will do just that and will put an end to the practices indulged in at the moment. I think the only other thing that is needed to make it complete is to ensure entire vigilence in the department that is charged with the responsibility of reporting on leases, wherever they may be.

**MR. W. A. MANNING** (Narrogin) [3.11 p.m.]: I wish briefly to support the Bill because I feel it is a move in the right direction; but I, too, do not think it goes far enough, because the conditions certainly need tightening up.

I think the measure will give some relief and will, because of the longer time allowed, give the Minister a better standing in respect of refusal; but we should go a little further. I have in mind the case of a property adjacent to the Albany Highway which was granted to an applicant under conditional purchase conditions. This man had no intention of going on the property, himself, as a farmer. In the first place, a contractor came in and did about £200 worth of work. I will call him contractor No. 1.

Another contractor came in, and he did approximately £600 worth of work. I will call him contractor No. 2. Both of these men withdrew because they could see that the man who had the lease of the land had no money to pay them, and they could not see much prospect of getting any cash for any extra work that they might do. They could not afford to continue without payment, so they withdrew.

Then contractor No. 3 came in—a man with fairly unlimited resources, including a bulldozer, etc. He went ahead and did approximately £2,000 worth of work.

Now the two years have elapsed and the Minister has had to agree to a transfer of this land; but the original grantee is not the one who has received the land; it has gone to the No. 3 contractor. He is the one who is taking over the lease.

What amazes me is that No. 3 contractor in some way or other had a claim on this land as a result of which he now secures it. Yet the Act clearly lays down in section 143 that the lessee of any conditional purchase land shall not, without the approval in writing of the Minister being first obtained, sell, assign, or otherwise dispose of the lease, or agree to sell, assign, or otherwise dispose of it.

How this contractor No. 3 had some claim on the land, I do not know. I should say any claim would be subject to the wording of the section I have just read. Yet, by some means, there is a way of dodging around this point.

I feel closer attention is needed with respect to the terms applying to the transfer of land under conditional purchase. If I knew the answer to that one, I would be glad to give it to the House. I know what is happening, and what occurs amazes me, but it is happening before our very eyes.

In my opinion, action should be taken when the board hears the applicants. I have no reason to doubt the board, or its ability, but I do feel that it should demand from the applicants some proof of the facts which they place before it. It seems that the applicants are able to make verbal statements before the board and get away with almost anything. If they make misstatements which are ultimately found to be untrue, there does not seem power to impose any penalty. The applicants should be able to substantiate the facts they put before the board.

It seems to me fairly obvious that the decisions of the board are influenced, in many instances, because the applicants overstate their case and are not asked to prove their statements in any way. Verbal statements are simply made to the board without further evidence as to the applicants' ability to go on with the job, or that they have the necessary plant and machinery.

If an applicant overstates his case he is not liable to a penalty, and he may be granted the land. He can then get a contractor to go in and do some work on the land on the basis that the contractor says, "If I do this, can I have the land at so much an acre?" The man who owns the lease could make a haul of £2,000 or £7,000 without doing a thing. I think that is entirely wrong. If it is possible for this sort of thing to happen—and obviously it is, because I know of such things—the Act should be tightened up.

However, this does not stop me from supporting what is in the Bill, because the measure goes quite a way towards helping the situation. But I do express my disappointment that something further is not being done at present.

**MR. HALL** (Albany) [3.16 p.m.]: I think the Government is worthy of commendation on this occasion because of its endeavours to tighten up on the trafficking in conditional purchase land.

In the southern portion of the State we have a good deal of such land, and the opening up of this land is imperative for the development of that portion of the State and, indeed, of the State as a whole. I think that by extending the period of two years to five years we will give the holders of these leases a chance to develop the land according to their economic conditions.

I notice that the Minister in his remarks said that section 143 of the Act provides that, except in special cases to be approved by the Minister for Lands, no holding under part 5 of the Act shall be transferred. I am very pleased to know that that provision is included in the Act and that the Minister has that power, because we can have the circumstance where a husband passes away and the widow finds herself encumbered with conditional purchase land, and she does not know anything about the estate in respect of the payment of probate and the development of the land.

From my dealings with the Minister he has been very fair on all occasions in the lower portion of the State where such circumstances have existed. I know of one instance where he waited quite some time and allowed the widow to negotiate for a person to develop the land. He then permitted her to get the equity which the husband would have got from a normal sale of the property. That is quite good; and the extension of the period from two to five years will help in that regard.

Another point is that we must push on. The people who take up conditional purchase land must be forced to carry out the conditions of the purchase. When they purchase the land at a very cheap rate, or price, they assume an obligation to get on with the development of the property; they should not just hold it as a profiteering venture, as has happened very considerably in the past.

I know of many persons who have left Australia and gone on a trip with £1,000 in their pockets without having tilled the soil in any way, and without having cleared the land. The Bill will prevent that sort of thing, and I think that is its purpose.

We have to watch out for trafficking in this sort of land. We do not want to let it get into the hands of a few people who form themselves into groups or companies; and that is actually happening today. Such people have taken over holdings where the lessees were in indigent circumstances and were unable to develop the land. As the member for Merredin-Yilgarn has said, we find that these people seem to know when these circumstances exist. Just how they know, I am not aware, but they do find out. Then letters are sent to the person who holds the lease of the land saying that if that person is not complying with the conditions the writer of the letter will be prepared to purchase at a price.

If the leaseholder is prepared to negotiate a sale, he writes back and offers the property at a fabulous price, or if he is in poor circumstances he takes what he can get. This has actually happened, and I think the measure will tighten up the position in that regard.

Another point I asked the Minister to consider is where there is an old settler, or a family of settlers, and conditional purchase land is made available around the perimeter of their property, and they make application for the land. When the allocation goes before the board it is open to everyone, and some of the early pioneers have found they have no chance of expanding their small holdings of 100 or 120 acres, despite the fact that they have sons and daughters growing up who wish to strike out on their own. Some consideration should be given to the allocation of such land when the settler already in the area developed the land in the early days without the aid of bulldozers or outside financial assistance. Therefore, when consideration is given to this question, I ask the Minister to consult the board with a view to its extending leniency towards such settlers because they are entitled to some consideration in view of the fact that they are pioneers of the district.

There is only one further point I wish to draw to the attention of the Minister and the House. As I view the position, a company can take over other companies to create a monopoly and engulf large areas of land. I would say to members of the Country Party particularly that they should carefully watch this trend, because we will lose the character of land development as we know it today. They should ensure that these companies are not given the opportunity to take over large tracts of land in Western Australia as a monopoly.

I would like to see the board being a little more careful in its allocation of land. An area of 3,000 to 4,000 acres may be a little too much for a settler to acquire because of the cost of extra fencing and other requirements. The board, however, may give thought to permitting two or three settlers to band together to form a company which may not have been their intention when they first made their separate applications. I would ask the Minister to be warned on this point; that is, to ensure that when these applications are made they are based on acreage and production and that the allocations will be made on equal terms. I support the Bill.

**MR. GAYFER** (Avon) [3.23 p.m.]: I support the measure. However, during the summing up and before he closes the debate, I would appreciate the Minister answering this question: Will this Bill, when

passed, affect those properties to which consent for transfer has already been given, but without the transfers having been effected? As the Minister is well aware, consent has been given to many of these transfers, but their actual implementation is likely to be delayed for many months, especially in regard to those transfers which concern English buyers who are unable to have their transfer papers put into full effect.

MR. BOVELL (Vasse—Minister for Lands) [3.24 p.m.]: I thank the member for Merredin-Yilgarn, the member for Narrogin, the member for Albany, and the member for Avon for their contributions to the debate on this Bill. The Government has been most concerned for some time over illicit transactions in agricultural land and it has devised this method, as a start, to act as a curb. It must always be borne in mind that the genuine farmer has to be protected, and we cannot make laws too harsh when attempting to do this.

When the member for Merredin-Yilgarn was speaking, I indicated, by way of interjection, that the Government was giving consideration to other measures which could prevent trafficking in land to a degree—this trafficking, to all outward purposes, having grown as the result of the keen demand for agricultural land today.

As far as I can see, the only way to achieve this would be, as is done in other Acts, to give the Minister the right to refuse any transfer if, in his opinion, it was not in the best interests of the industry and the State. This is, of course, a great power to vest in the Minister. If we amend other sections of the Act and say that valuations and various matters are to be considered and approved or disapproved, the Act may have a detrimental effect on the genuine farmer who is endeavouring to develop a home and property for himself and his family.

In effect, the member for Merredin-Yilgarn also mentioned the price of land, and I have given some consideration to this. We are allowing agricultural land to be released at a price lower than its real worth.

Mr. Kelly: A good deal lower.

Mr. BOVELL: But we must take into consideration that we have to give everyone a reasonable chance. Today conditions on the land are entirely different to what they were a generation ago when one was able to go out with an axe, a mattock, a tent, and £50 in one's pocket and develop a property. Today a reasonable amount of capital is needed to bring a property from a virgin state to a productive farm, and therefore all the money available should be channelled into development.

The provisions of the Act enable me, as Minister, to decide what shall be the minimum amount—I do not think the maximum amount is mentioned—but I do not think that would be in the best interests of a genuine applicant who wanted to develop a farm for his own use and make a home for his family.

Mr. Kelly: A sympathetic Minister would overcome that if he had the authority.

Mr. BOVELL: Maybe. The Government has been concerned over the rising prices of town property land and it does not want this spiralling of prices to have an effect on the value of virgin land provided the genuine applicant receives the land and continues to develop it.

The member for Avon has asked me to clarify the position on consents given for transfers before the proclamation of this Act. If consent is given it will be given in good faith and will be honoured. I realise the concern of the member for Narrogin when he says that whilst the Bill goes a certain way it does not go far enough. To a degree I concur in his remarks; but the problem is not to penalise the genuine person, and if we impose too many restrictions we will find that the genuine person may be handicapped.

I believe this is a move in the right direction. It has received general support from the House, and I hope that when the Act is proclaimed it will have the effect of stabilising the general development of Crown land in the interests of the individual. I have been confronted with problems, and the reason the Bill has been brought before Parliament is that an application was submitted to me for a transfer by a certain applicant, with a consideration of the transfer being excessive. I told the Under-Secretary for Lands that I would not approve of the application, but I was then informed that legally I was obliged to give my approval if the developmental condition had been fulfilled, regardless of the amount of the consideration.

I thought then that there might be some legislation to cover amounts of consideration; but that would result in valuations being made, in transfers being held up, and in genuine cases being penalised. The only way which we could see at the outset was to decide that a period of five years had to elapse before a transfer could be approved, except in special circumstances, such as those to which the member for Albany referred.

There are occasions when the breadwinner dies or becomes physically handicapped through unforeseen circumstances, and it is necessary to make an exception. As the member for Merredin-Yilgarn, who was a former Minister for Lands, knows, many such cases come before the Minister, and he has to make a judicial decision to do the right thing. The provision

which will be included in the Act will give the Minister authority to approve of transfers in special cases, before the five-year period has elapsed. Again I thank the House for its consideration of this measure. I trust it will have the beneficial effect which is desired.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

## DOG ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr. Lewis (Minister for Education), read a first time.

## MARKETING OF ONIONS ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 19th August, on the following motion by Mr. Lewis (*Minister for Education*):—

That the Bill be now read a second time.

**MR. FLETCHER** (Fremantle) [3.35 p.m.]: The expression has been frequently used in this House that a certain Bill is not a very big Bill. Although the Bill before us is not very big, there is considerable import in the provisions in the four or five pages. In introducing the Bill the Minister stated in his final remarks that the representatives of the growers had been appointed and re-elected to the board for many years. He referred to the fact that there were slightly in excess of 400 growers, and that only 50 signatures were required to start the machinery moving to oust the representatives, if the growers were not receiving satisfaction; or to present a petition.

If I do not handle the Bill to the satisfaction of the growers south of Fremantle and elsewhere, I hope they will turn their attention on the Minister, the Government, and their representatives on the board, rather than on the member for Fremantle. I give the undertaking at this stage that if any irate grower were to descend on the member for Fremantle I would point him in the direction of the Government and the Minister.

Mr. Lewis: And you will support the Minister?

Mr. FLETCHER: The extent of my knowledge of onions and the industry is very limited; but I do know that a stew or grilled steak is lost without the addition of onions. Likewise one can lose one's friends if they are in receipt of same after they have been consumed.

I took the adjournment of the debate not through my own choice, and not for the purpose of hearing myself talk. Arising out of an interjection the other evening I believe I have acquired the soubriquet of "pepper and salt", thus implying that I am in everything in this House. If I have acquired that title it is not because I like talking, or because I flatter myself that members opposite like listening to me. However, I suggest that onions are not an inappropriate kind of vegetable to be associated with pepper and salt.

Mr. Crommelin: You know you have another nickname as well.

Mr. Hawke: Pepper and salt would go well with the noisy scrub bird.

Mr. Bovell: That is most unbecoming of the Leader of the Opposition.

Mr. FLETCHER: I am paid, among other duties, to talk in this House, and in all modesty I suggest that those who pay my salary receive reasonable value through my services. I would like to say this in reference to the Bill: When the Labor Party attempts to increase the authority of a board, accusations of a socialist venture are hurled at us; yet the Bill before us does just that. I do not object to this increase in the board's authority, because I believe there should be order in marketing and in many other respects. We cannot leave this or any other industry just to chance.

I believe that boards are very desirable. This Bill does remove some limitations on the existing board. This, I would suggest, might cause resentment among growers who believe in their freedom of right to do what they like with their own onions. That is something that does not apply only to onion growers; it is a justifiable right that belongs to all farmers who produce primary products.

No doubt the Country Party section of the coalition has vetted this Bill to make sure there will be no encroachment on the rights of growers. I am relying on them to have done so. In other words, I hope I am not putting my neck out in condoning something to which they object. As I said earlier, I hope those members will carry the responsibility.

This Bill repeals the 1953 amendment, which prevented the board having control over the sale of onions to merchants. I understand that amendment was never proclaimed; and as the board requires the Act and the regulations to be consolidated, the repeal or proclamation was necessary; hence the repeal was sought. A second amendment attempts to banish any ambiguity that exists in relation to who is a grower. In the Act at present residential blocks of a quarter-acre are included.

However, under the amendment the area will not be relevant; but where onions are grown for sale will be relevant. The quarter-acre qualification regarding the area harvested in the preceding season as a prerequisite to vote or to petition, is

taken out by this amending Bill. To enjoy that democratic right to vote or petition, a grower in future will be eligible if he has during either of the two preceding seasons sold through the board at least three tons of onions. This seems to me to clarify the eligibility of *bona fide* growers.

Another amendment adds a new subsection to section 4. Section 4 at present permits the Governor on board request to proclaim growers' onions as the property of the board, exempting onions for interstate trade. This Bill, by repealing subsection (3) and inserting a new subsection, will require a grower to give notice to the board by way of declaration that he intends indulging in interstate trade. There was previously a loophole in the Act and growers did what they liked with their onions by stating their crop was for interstate trade.

The existing subsection (4) of section 4 excludes from board control onions harvested during the period the 31st July to the 1st November of any year. At the time, it was hoped that this would be to the advantage of Carnarvon growers. If the repeal of this subsection disadvantages those growers, no doubt we will hear something from their member who, I believe, was responsible for the amendment dealing with that matter. It was thought at the time that out-of-season onions could be grown at Carnarvon, York, and Kalgoorlie. Representatives of those areas, including the member for Avon, may have something to say on that aspect.

*Sitting suspended from 3.45 to 4.4 p.m.*

Mr. FLETCHER: Before the afternoon tea suspension I was speaking about out-of-season onions which are grown at Carnarvon, York, and Kalgoorlie, and I made reference to the fact that only a small percentage of the onion crops comes from these areas. I also said that members for those respective areas might have some objection. I have only one onion grower in my electorate that I am aware of, and I will make reference to him later.

The board has made arrangements for the cool storage of onions for the out-of-season period to prevent the importation of onions from the Eastern States and the subsequent exploitation at public expense that flows from that importation. As a result of premiums paid by the board the different varieties of cultivation methods are encouraged to enable crops to be grown during this otherwise normal out-of-season period. I say at this stage that some growers might resent the Minister's comment as follows:—

> The board is in the best position to judge at which time the growers should receive encouragement.

However, I believe the Minister is justified in his comment in that there are growers' representatives on the board, and I think they would advise those they represent well as a consequence. Nevertheless, there are several aspects which are taken into consideration in this Bill—the fact that seasons vary as do crops and the fact that the board can, by orderly marketing, assist growers and the public alike. If this Bill does not help such a situation then the growers have their representatives on the board to whom they can air their grievances.

This measure will insert a new subsection (4) requiring returns to be submitted to the board indicating the quantities of onions grown for other States consequent upon notice and declaration mentioned earlier in the proposed new section 3. Proposed new section 4(5) gives the board authority to acquire onions ostensibly for Eastern States trade and not used for the purpose of Eastern States trading.

This also may be interpreted as being an intrusion into private enterprise. Let me here relate, if I have time, the story concerning the resentment of a grower who considered that the board was intruding into his private affairs; and who sought my assistance. He was an invalid pensioner who owned an area of land. He was drawing his pension and, at the same time, with his family's assistance had some few acres under an onion crop.

Because both the pensions department and the Onion Marketing Board took exception to the fact that he was obtaining income from both sources, he resented the fact. I will admit that is an extreme case, but it is indicative of the attitude of some people. They feel they are entitled to resent the board's interference in telling them when, how, and where they shall grow onions.

I suggest to the House that we must have orderly marketing. Where would farmers be without orderly marketing, for example, of wheat and—soon, I hope—wool?

Mr. Gayfer: Hear, hear!

Amendments relating to section 11 regarding bailment are sought to provide protection for proclaimed onions during the period of notice to deliver and actual delivery. During this time under the present Act the onions appear to have been, as it were, in a vacuum, belonging neither to the board nor to the producer.

Another amendment increases the penalty from £50 to £100 for any private bailee entrepreneur channelling onions to any other source than the board without authority. The same penalty would apply to those receiving without the board's authority. The amendments are hoped, I assume, to deter those who have been acquiring onions and disposing of same at such a profit—and at community expense—that the existing penalty has been no deterrent. Hence the increase from £50 to £100.

Another small amendment to section 11 concerns the small growers previously alluded to as "those the board may think fit," and which now refers to "sales by

those harvesting in excess of three tons," or at least words to that effect. Other small amendments generally tidy up the Bill, and they may have implications to which some may object but of which I am not aware, and of which the member for Cockburn is also not aware. As I have said, I have only one constituent within my electorate who grows onions, but there are many within the area of Cockburn.

I refer members to a Press comment on the 20th August under the heading "Government Strengthens Onion Control." The Press reference was quite prominent, and if any onion growers from the area of Cockburn or from the area of Fremantle had taken umbrage at this measure then I assume they would have notified their respective member. However, we have not had any representations made to us on this matter. In future there will exist provisions in relation to the deliberate underestimation of crops where the underestimation is made for the purpose of disposal of the excess through channels other than the board.

A new subsection will give the court authority to impose a penalty on an offender to the extent of the retail value of the onions in question. The penalty imposed will be paid to the board, and this penalty applies to the person buying or receiving. The grower is dealt with by the £50 to £100 fine.

The Act had its origin from this side of the House, and I think the Minister made reference to that when he introduced the Bill. The late Tom Fox, M.L.A., was responsible for the Act. Mr. Tom Fox represented the area now well represented by the member for Cockburn. The industry has now developed, as have markets in Australia and overseas. In view of this development, chaos would occur without orderly marketing. The grower and the public would suffer if the industry were left to the middleman and others to exploit the market.

Any 50 of the approximate 400 growers can petition to abolish the board, or require a referendum. Neither the member for Cockburn nor the member for Fremantle has been approached by any one of those 400 growers, and the Minister assured us that on no occasion had any 50 growers taken exception to the management of the board by way of petition. There was no opposition manifested as a result of the Bill being mentioned in the Press.

Country Party members who have onion growers in their areas may raise points during Committee. At the present time I do not see any reason for them to do so, or why this Bill should not receive a smooth passage through this Chamber.

Mr. Lewis: Hear, hear!

Mr. FLETCHER: I said I do not see any reason, but I do not give any undertaking. If, for example, the member for Balcatta were to show that growers in his area were at a disadvantage, I do not give any undertaking to the House not to support my colleague.

A province member in another place told me that 87 per cent. of the onion crop is grown in the Spearwood-Hamilton Hill-South Coogee area, and if necessary he can seek to amend the Bill in another place to the satisfaction of those he represents. That, in effect, lets the member for Cockburn and the member for Fremantle out, as it were, of the responsibility of objecting. However, we have heard no objection from that source. As I said, a member in another place is in close contact with the growers in the Spearwood-Hamilton Hill-South Coogee area and he is in a better position to seek amendments if they are required. I support the Bill at this stage.

MR. GAYFER (Avon) [4.19 p.m.]: Like the previous speaker, I also agree with the Bill in principle. I am a great believer in orderly marketing, and a great believer that all the products of the soil should be under a system of orderly marketing inasmuch as the prices and disposal are agreeable to all concerned. However, I can talk about commodities that keep, such as wheat and wool, but I understand that onions are not necessarily a commodity that does keep very well in all cases.

I also understand, from what the member for Fremantle said, that some 87 per cent. of the onions grown in Western Australia are grown in the district of Spearwood, and that is all the more reason why I should make one or two comments in respect of the other 13 per cent., some of which are grown in my electorate at York.

In York a peculiar set of circumstances prevail inasmuch as now that water has to be purchased at considerable expense, following the introduction of the pay-as-you-use system, growers are forced to produce their onions in the winter months and to do that they grow a variety known as the White Crown. I understand this variety is grown at Kalgoorlie also; and a similar type, which I understand is a blue, is grown at Carnarvon. This variety is a quick grower and it reaches maturity normally in a period of three months as compared with five months for other types of onions.

This is a considerable advantage to the York market gardeners because they are able to grow their onions in the winter months. The yield from these onions in the York area, over a period of nine years, has been only four tons 17 cwt. per acre, which differs considerably from the average of 12 tons mentioned by the Minister in his second reading speech. As I have said, the onions grown in York are a select variety. They are also very juicy; and because of these features they will

not store for any length of time either in a shed on the farm or under cold storage conditions, such as those to which the board may direct them. Therefore it is fairly obvious that an onion such as that must be marketed fairly quickly after it is harvested.

On page 3 of the Bill, under clause 6, the responsibility of the bailee is defined and the clause in fact says that the onions shall be kept by the grower until such time as he is notified by the board to deliver the onions. As the onions I have mentioned are not suitable for storage I feel an amendment should be made to this clause to cater for the particular variety that is grown in York, and possibly in Kalgoorlie. Therefore, during the committee stage of the Bill, I intend to amend clause 6 by inserting after the word "writing" in line 29 on page 3 the words—

> Excepting that the board shall take delivery of certain prescribed non-keeping varieties of onions upon availability unless exemption under subparagraph (ii) of paragraph (d) has been granted.

Then I will further amend clause 6 by adding after subparagraph (i) of paragraph (d) a new subparagraph which will be numbered (ii) to read as follows:—

> Sales of certain prescribed varieties of onions during the specific period of the year providing the grower gives three months' notice to the board in writing of his estimate of production and approximate availability of such varieties.

Mr. Hawke: Have Standing Orders been suspended?

Mr. GAYFER: I think the Leader of the Opposition should direct his question to the Acting Speaker and not to the member for Avon.

Mr. Hawke: The member for Avon says he is going to amend the clause.

Mr. GAYFER: Pardon my phraseology. Those are my intentions, and I ask the House to be good enough to consider these two amendments at the appropriate stage.

Mr. Lewis: Before you sit down, how long did you say it takes to grow this particular variety?

Mr. GAYFER: Approximately three months as compared with five months which, I understand, is the time it takes to grow the city variety, or the variety that is grown in Spearwood.

MR. GRAHAM (Balcatta) [4.27 p.m.]: I think we have reached an extraordinary stage, as I trust members will appreciate after I have spoken to them for a short period. It would appear that the only interest which seeks these amendments is the Onion Marketing Board; and the Minister is prepared to accept the word of that body without going further into the matter.

I know that the purists could say that the board was largely representative of the growers and it was therefore their eyes and ears, and their spokesman; but with regard to this board I am of the opinion that instead of being the servant of the growers it has become the master of the growers; and, furthermore, has become the master of the Minister, and of the previous Minister, of this Government, and the previous Government, and of this Parliament.

We noted an extraordinary statement by the Minister that this Parliament passed amendments to the Marketing of Onions Act in 1953, and that the board had never recommended, and is not likely to recommend their proclamation to bring them into operation. This legislation was passed by Parliament in 1953 and apparently the board does not like it and so it is a matter of "To hell with Parliament and its view; we, the board, will have none of it." That is the situation that has prevailed for the past 12 years.

Mr. Lewis: Do you know who the then Minister was?

Mr. GRAHAM: The Minister for Agriculture at the time was Mr. Hoar; it was a Government measure which was introduced and not a private member's Bill. This was legislation introduced by a Government which had a bare majority in this Chamber and which was in a considerable minority in the Legislative Council. Among other things that legislation provided for an alteration of the personnel of the board—to increase its numbers from five to six, for instance, to give greater grower representation, and there were other provisions as well.

I have not always represented a primary producing constituency, such as Balcatta, and accordingly did not interest myself as directly as perhaps I am now in the matter of onions and allied foodstuffs. But if my memory serves me well, shortly after the passage of the legislation the Government of the day appointed a Royal Commissioner to investigate the activities of the Onion Marketing Board, and among other things, to determine and recommend whether the board should continue in operation.

It so happens that the Royal Commissioner, in the strongest of terms, recommended that the board should be disbanded and the legislation repealed. It is probably on account of the delay, firstly, in getting the Royal Commission constituted and the Royal Commissioner actually making his inquiries—which, incidentally, were not confined to onions, but the products of other boards, too; and subsequently the state of the Government—I do not know what happened after that; but after several years, in any event, there was a change of Government—that after all this time nothing has been done.

Even at this late hour I suggest that something should be done and the Minister should make a close study of the reasons why this body set up by Parliament has not carried out its duties in making submissions to the Minister and, among other things, a proclamation of the amending Bill which was passed by both Houses of Parliament and with the sanction of all parties.

Mr. Lewis: Your remarks could be taken as a reflection on the then Minister.

Mr. GRAHAM: No more than they could as at present. I have indicated that there were certain circumstances and moves made by the then Government in respect of these inquiries. I do not want my remarks to be judged on a party political basis, because I am concerned with the matter as a whole. I think it is necessary to give some support to my earlier remarks, because the Minister is apparently prepared to go to great lengths to oblige the Onion Marketing Board; apparently it does not matter much about anyone else.

Some members may recall that on the 27th August, 1964, I asked the Minister for Agriculture a number of questions, which were brought forward as a result of dissatisfaction expressed by the Market Gardeners' Association of Western Australia. This association has several hundred members, all of whom are engaged in the production of vegetables, as against the Vegetable Growers' Association, which has a comparatively small membership—almost insignificant by contrast.

The letter I received from the Market Gardeners' Association contained this passage in the early part of it, and I quote—

> A vote of registered onion growers concerning a proposed amendment to the Marketing of Onions Act, 1938, has been conducted by the Electoral Department. The result:
>
> | | |
> |---|---|
> | For the proposed amendment | 92 |
> | Against | 85 |
> | Informal | 7 |

It will be seen that constitutes a majority of only seven for the amendment. The letter continues—

> Our members in Spearwood feel very dissatisfied with the methods adopted by the Onion Marketing Board in connection with the vote.
>
> The Market Gardeners' Association had no idea that a vote was being taken until the voting papers had been circulated and we were informed by Spearwood members that they had attended a meeting held by the Onion Marketing Board at Spearwood in connection with the proposal at which a generous supply of liquor was on hand at which a brawl, subsequently quelled by the police, had taken place.
>
> Members attended the meeting with the object of obtaining information on the proposal but came away disappointed.
>
> Many of our members were confused and voted yes when they actually intended to vote against increased powers for the Board.
>
> As you are aware in questions of this nature the case for and against is generally set out so it can be readily understood.
>
> Attached is the circular issued by the Onion Marketing Board. The wording on the ballot paper confused a number of voters.

This letter is signed by the secretary of the Market Gardeners' Association. Many of those who are engaged in the growing of onions are of European extraction, and their knowledge and appreciation of the English language in many instances would be extremely limited.

However, I intend to put to the members of this House who are accustomed to legal terminology the circular that was distributed among the members of this association, to see what they can make out of it. This circular was biased 100 per cent. in one direction, notwithstanding a denial by the Minister for Agriculture; and I now quote from the *Votes and Proceedings* of the 27th August, 1964, when I asked, among other things, the following:—

> Has he knowledge of the circular of the board advocating 11 amendments to the Act?

and the answer was "Yes". My next question was—

> Does this advocacy, setting out one viewpoint only, conform with the proper functions of the board?

To which the Minister answered—

> No single viewpoint was expressed. The proposals showed the existing sections of the Act and the amendments suggested. The Western Australian Onion Marketing Board did not canvass the growers for a "Yes" vote.

I regret to say that that reply did not conform with the situation, as members can judge either from the extract from the circular which I will quote to the House, or by perusing the complete document which I am prepared to make available to them. This circular reads as follows:—

> The Western Australian Onion Marketing Board.
>
> Circular.
>
> Hereunder this Board submits to you amendments it seeks to the Marketing of Onions Act, 1938, with its reasons for their necessity.
>
> Each reference is given—present wording with amended wording shown opposite—words relevant to amendment being in bold type.

It then goes through section 2, section 3, subsection (3), and so on. I want to quote one example which is headed, "Section 11 paragraph (a)," because I want members to see if they have any idea what this is about, even after listening to the Minister and taking into consideration that they have some knowledge of legal jargon. It reads—

Section 11.

Paragraph (a).

Present.

By virtue of such proclamation every grower shall become and continue to be a bailee in possession on behalf of the Board of all onions produced by him and to which the proclamation applies until such time as the Board requests in writing, served on the Grower, delivery of such onions either to the Board or its agent or to a purchaser from the Board of such onions.

Amendment.

Until such time as all his onions have been delivered and accepted in accordance with the Board's written orders.

Reason: Bailment ceases on issuance of request in writing which is too early and is better terminated when onions are accepted for distribution.

Could anyone suggest that a Yugoslav, or any other person not well versed in the details of the Act, could have any conception of what was intended in that circular? Of course he could not! In every case there is given a reason, or reasons, for amendment or deletion, as the case may be, and without exception there is the one viewpoint given—that of the Onion Marketing Board.

Accordingly I say the Minister was not as accurate as he might have been when he replied to my questions last year. Subsequently, on the 5th September, 1964, the Market Gardeners' Association addressed a letter to the Minister for Agriculture (The Hon. C. D. Naider) in these terms—

> At the Executive meeting of the above Association held last evening the following resolutions were carried for your consideration:—
>
> (1) That members take strong objection to the opinions expressed in the Onion Board's circular concerning amendments to the Marketing of Onions Act, 1938, which accompanied the ballot paper in connection with the recent referendum. We consider such opinions lacked foundation and unduly influenced the vote taken. We therefore respectfully suggest a ballot in an impartial manner be conducted on these important proposed amendments.

So it will be seen that in addition to a beer party, at which there was a brawl, a biased version and only one side of the case was presented by this partisan Onion Board that the circulars favourable to the referendum accompanied the ballot papers.

Mr. Brand: Was a report of the beer party made to the Minister of the day following the meeting?

Mr. GRAHAM: I cannot say. The Minister for Education has the files and perhaps he can check.

Mr. Brand: I was wondering what action you took.

Mr. GRAHAM: There was a subsequent letter dated the 11th September, 1964, saying—

> At a meeting of onion growers held at Spearwood on Wednesday last, which had been arranged by the above Association and which drew an attendance of 90, it was decided on a unanimous vote to endorse the two resolutions carried by our Executive on the Friday last, 4th September.

There were two resolutions. I have read the first at which the executive of the association expressed strong objection to the attitude of the onion board in connection with its proposed amendments, and at which a meeting of the growers—90 of them—unanimously passed a resolution endorsing that decision: That steps be taken by their executive. On the 16th September last I addressed a number of questions to the Minister for Agriculture and asked him—

> Is he aware that on the 9th September a meeting of onion growers held at Spearwood and attended by 90 persons unanimously voted against the nature of the board's circular, also the intention to proceed with deletion of section 4 (4)?

The answer was "Yes." The Minister had already intimated to me, in answer to questions that, come hell or high water, he was in favour of these amendments and would probably proceed. The Minister, confirming my earlier point in a letter dated the 26th October, 1964, to the Secretary of the Market Gardeners' Association said, amongst other things—

> A circular setting out the amendments requested by the Board clearly indicated these, and growers at the referendum voted in favour of the proposals.

I again say that the growers—many of whom had already marked their ballot papers—did not have a clue as to what the ballot was on, or what it was all about. As to whether they were influenced by the amount of alcohol they consumed at the party I know not, but certainly the purport of the board's intention was never conveyed to them. But after the association meeting, at which their members had explained

the significance of the proposed move, there was no doubt in the minds of the growers at all.

Last Thursday this Bill was introduced into Parliament. The following day, Friday, I despatched a copy of it to the Secretary of the Market Gardeners' Association, who happens to be resident in my constituency, as is also the president of the association. A couple of days ago, in a communication dated the 23rd August, 1965, the secretary of the association replied. Before I quote from his letter let me hasten to assure the Minister and the House that my communication was merely an intimation that a copy of the Bill was enclosed, and that I would like to have his comments on the proposals, emphasising the urgency of the matter, because the Bill could have come up for debate on the Tuesday of this week. In other words, I did not indicate in any way whatever what I thought.

Mr. Lewis: Did they understand what the Bill was about?

Mr. GRAHAM: The executive would.

Mr. Lewis: I want to be sure that they fully understood it, because you said earlier they did not understand these things.

Mr. GRAHAM: I was referring to the individual grower. I should like to make the position quite clear. When amendments are proposed to the Industrial Arbitration Act, or when there are details of logs of claims submitted to the Industrial Commission, there would be very few of the rank and file members, or workers, who would know what it was all about; but they have the implications explained to them by their responsible union officers and then take a vote on the issue. The officers are the ones who are the leaders and who are looked to for some direction. The same thing, of course, would apply with regard to this matter. Anyhow I now quote from the letter of the Secretary of the Market Gardeners' Association dated the 23rd August, 1965—

> Spearwood growers have phoned me expressing concern that the amendments now before Parliament may become law. As you are aware, the executive of our Association called a special meeting of onion growers in the Spearwood Agricultural Hall on the 9th September, 1964, to discuss these proposed amendments. Also to explain that we had received no intimation that a referendum on the question of the proposed amendments was to be held.
>
> We felt we had an obligation to call this meeting because we had 100 Spearwood members in our Association who would look for some guidance from their association because the proposed amendments would affect them.
>
> The 90 growers who attended the meeting expressed themselves overwhelmingly against the proposed amendments.

There are then a whole lot of comments, largely criticisms of the activities of the Onion Marketing Board, which is adjudged to be operating contrary to the best interests of the onion growers. The letter from which I have been quoting concludes—

> A little investigation by responsible Government representatives among merchants of the metropolitan markets would, we feel, endorse the contention of our members that the Onion Marketing Board is a burden and not a blessing on the onion industry, and that the Royal Commissioner, Mr. A. G. Smith, was correct in his findings that there was no reason for the continued existence of the Onion Marketing Board. Members of our Association are emphatically opposed to an increase in the administrative powers of the board.
>
> Yours faithfully,
>
> A. Cruikshank,
> Secretary.

There is nothing ambiguous or half-hearted in the attitude of the Market Gardeners' Association speaking as it does on behalf of these people.

I would point out that when the referendum was taken last year, although beer and propaganda were supplied—I suggest it was slanted to one side—it was carried by seven votes only. The responsible association, according to the spokesman for the onion growers, was not aware of the fact that there was to be a referendum until it was half over. They were certainly not advised officially. That might be a courtesy which could be expected, even if there was no obligation on the board so to do.

I am entitled to say what I said in my opening remarks: This legislation has not been introduced at the behest or request of the onion growers; it is not necessarily designed in their interests—indeed the growers have expressed the utmost hostility towards it. This Bill has been promoted by the Onion Marketing Board. I am, therefore, entitled to conclude that the board, which has been set up by this Parliament to serve the interests of the growers, and to have regard for the consumers and the industry generally, has, in fact, become the master of the industry and the master of the growers, and, unfortunately, the master of Ministers.

I challenge the Minister to submit any evidence, other than this referendum, which I do not accept—for reasons previously stated—to indicate there has been

pressure or authoritative representation made by the growers for the granting of further powers to the board, for the implementation of restrictions, or for an increase in penalties or anything else.

The member for South Perth delivered to the House last evening a homily on what is happening to members of Parliament, particularly to private members on both sides of the House. Here we have another example of where a subordinate body is apparently content to allow things to proceed, as long as they go in the direction of that body. I am unaware of the proper course that is followed in respect of marketing boards such as this, but I would hazard a guess that the notes from which the Minister read when he introduced the Bill were prepared by the Onion Marketing Board, or by an officer of the Department of Agriculture after close consultation with the board.

To me it is extraordinary that this subordinate body should say that it cannot bring its regulations and by-laws up to date because a certain Act has not been proclaimed, and that it has no intention of taking any action to ensure that the Act is proclaimed. I repeat that that piece of legislation was adopted by members of all parties, and it was introduced by a Minister of the Crown.

We should make up our minds on the broad principle, apart from the details contained in the Bill, which could be dealt with in Committee should the Bill reach that stage. We should determine whether or not we have set up some sort of monster which has taken charge of us and of everybody else. I hope and trust that before a vote is taken on the second reading the Minister will agree to an adjournment of the debate in order that he might confer with his department, and that some endeavour might be made to get in closer touch with the growers.

Mr. Lewis: How do you suggest we do this?

Mr. GRAHAM: I shall get to that later on. You, Mr. Speaker, and other members will agree with me that, by and large, what I have done this afternoon is to submit from the records which are available to me certain facts and opinions which have been expressed by the people who are directly affected by the measure; and that I have not expressed a personal opinion in respect of the merits of the legislation. The Minister has asked how could he find out the attitude of the growers.

Mr. Lewis: I am asking you how you suggest that be done.

Mr. GRAHAM: I would suggest, in the first place, that the Minister take the Market Gardeners' Association into his confidence, discuss the matter with the growers, and interrogate that organisation, which has some hundreds of members, in order to find out whether there is any substance in what it said, and whether the board has *bona fide* obtained the opinon of the onion growers. If the Minister desires it, another meeting of the growers can be called at which members of the Onion Marketing Board and members of the Market Gardeners' Association can express the opposite points of view. At the conclusion of the deliberations the Minister could be the judge as to who was in front.

In view of the fact that legislation passed by this House could be deferred for some 12 years, and that last year the Minister for Agriculture was in favour of the proposals in the Bill—but allowed them to hang over until 1965—he should delay the Bill until next year in order to obtain the views of the growers. If at that time he is still of the opinion which he now holds, no great harm will be done by the delay. Frankly I do not think it will take as long as that to ascertain the true position.

I am not criticising the Minister, except in this respect: In my view neither he nor his department has taken sufficient action to ascertain the viewpoint of those who will be directly and most affected. I am asking him, because of what has been submitted to me and what I have placed before the House, to cause full inquiries to be made into the situation.

Apparently the Onion Marketing Board does not have much of a case, because the referendum was carried by only seven votes. I am told that seven informal votes were cast, and if they had been allowed they would have been against the proposals so there would have been a deadlock. Surely if the board has a case there is a responsibility devolving on the Minister to inform all of us—whatever our decision might be ultimately—of the attitude of the growers themselves.

It could be, even if the members of the Market Gardeners' Association, or the onion growers, raised objection to certain aspects of the Bill which is now before us, that in the public interest action should be taken in certain directions; in other words, we do not necessarily have to become "Yes" men to the onion growers. We have a responsibility which goes beyond that. But this Bill has very largely been paraded before us as though it is something which has been approved by the onion growers. It is not; it is something which has been approved by the Onion Marketing Board.

That is something entirely different. Therefore I hope and trust the Minister will permit an adjournment before a vote

is taken, not only to acquaint himself, but to give other members who might be interested an opportunity to inform their minds as to whether the statements I have made on behalf of the Market Gardeners' Association—which suggests it speaks on behalf of the onion growers—convey the correct attitude or whether they do not.

I reserve comments on individual clauses of the Bill and their portent until the Committee stage, if it be the wish of Parliament that the Bill proceed as far as that; but at this stage I do not think the Bill should, without further investigation, be accorded a second reading.

**MR. NORTON** (Gascoyne) [5.1 p.m.]: I wish to say a few words on this Bill, particularly in regard to the section which I was responsible for having inserted in the Act. First of all I want to support the remarks of the member for Balcatta. I was closely in touch with things that went on last year, and what that honourable member has said is quite correct. I think the circular which was sent around with the referendum was very misleading and hard to understand. It did not read sense to a person who understood English; and how those growers without a full grasp of the English language could understand it is beyond me.

With regard to section 17 that was inserted into the Act, dealing with the limitation of the operations of the Onion Marketing Board, sales of onions by the board did not take place from the 31st July to the 1st November in any year. This was done to encourage, if possible—apparently it did not do a great deal in this respect—the growing of onions out of season, particularly, as far as I am concerned, at Carnarvon, but also having in mind, York and Kalgoorlie.

Looking at the records of importations —they are not completely up-to-date— since I introduced my Bill in 1956, they have certainly dropped. In 1954-55, 1,500 tons were imported into Western Australia, whereas in 1961, this figure had dropped down to about 860 tons. In looking through the months in which onions are imported, one finds that imports are greatest in the months of July, August, September, and October. That is why I made the period from the 31st July to the 1st November in each year.

The Onion Marketing Board has not yet proved—and it will be a long time before it can do so—that it can successfully store Western Australian onions. The Western Australian market gardeners have tried over the years to grow the same onion that is grown in the Eastern States —one with a very hard shell. Unless they can grow an onion with a hard shell, it cannot be kept for any length of time. The characteristics of onions change very quickly when grown in different areas. An onion grown at Spearwood would be quite different from one grown at Osborne Park, even though it be of the same variety. Likewise, an onion grown in Perth and taken to Carnarvon would change its characteristics and be unrecognisable.

As explained by the member for Avon, onions grown out of season are a soft variety and cannot be kept. They have to be put on the market immediately they are harvested. Therefore they should be entirely removed from the control of the Onion Marketing Board.

Another thing is this: Growers of out-of-season onions are faced with bigger costs than are market gardeners in the metropolitan area. I refer to the costs of irrigation, transportation, and labour which are considerably higher. These people should be allowed to market their onions and pay only the commission to the auctioneers, because the charges and costs of the Onion Marketing Board are very substantial.

I trust the Minister will heed the request of the member for Balcatta that an adjournment of this debate take place before the Committee stage, because there is quite a lot more evidence that can be produced which I am sure would convince him that the amendment before the House is not warranted. I hope he will see an adjournment is moved.

**MR. RUNCIMAN** (Murray) [5.6 p.m.]: The Onion Marketing Board came into operation in 1940. In that year 1,000 tons of onions were marketed at a value of approximately £8,000, while last year—1964—6,771 tons of onions were marketed in Western Australia for a total value of nearly £250,000. I think that represents remarkable progress.

There are 438 onion growers in Western Australia, with 308 of these in the Spearwood area. These people have done remarkably well over the last few years; and if they are dissatisfied with the board—as pointed out by the member for Balcatta—I would remind the House that it only requires 50 growers to seek a referendum amongst themselves in order to have something done, or have the board dissolved. However, that has not been done. In these circumstances I feel the honourable member has grossly exaggerated the case against the board.

The board is composed of two grower representatives, one consumer representative, one person representing the merchants, and one representing the Department of Agriculture. As we know, the Government has a research station at Medina which helps growers considerably with various problems connected with

their industry. It is rather difficult to discuss problems with a lot of the Spearwood growers because they are mostly Italians or southern Europeans. They become excited very quickly and one does not know what they are talking about.

I feel the board has done a very good job over the years since it has been in operation. Nevertheless, it is quite possible, and it happens very often, that growers or people with a product which is controlled by a board do, at different times, want to get around that control in order to make a quick pound. This has been the position in regard to other boards; and it has been in evidence to a great extent amongst a lot of growers in Western Australia.

Quite a number of onions have been sold on the black market, and this Bill, which gives stronger powers to the Onion Marketing Board, seeks to prevent that . I support the Bill just as it is, because I feel it is in the best interests of the industry. The remarkable progress that the industry has achieved under this board shows that there cannot be a great deal wrong with it; and as I pointed out previously, if the growers felt they were being unjustly treated by the board, they had the opportunity to seek redress; but no move has been made to do this.

Another item in the Bill refers to the definition of "grower." The new definition is more specific. Under the old Act a "grower" was one who grew onions on a quarter of an acre of land. Now it is three tons. In the Spearwood area it is considered a poor crop which does not yield 15 tons to an acre, so I think three tons would be a full quarter of an acre.

Mr. Gayfer: But that yardstick does not apply to York.

Mr. RUNCIMAN: No. It is a different area, and also the Spearwood and Balcatta areas have an abundance of water and it does not cost a great deal.

The member for Gascoyne referred to the storage of onions, and the board has been experimenting in recent years in this direction.

Mr. Norton: Over the past 10 or 12 years.

Mr. RUNCIMAN: Yes; but the experiments have met with a good deal of success over the last two or three years. However, as with apples, onions have to be selected for cold storage. As I have said, the efforts have met with success over the last two years, and consequently the period during which it has been found necessary to import onions from the Eastern States has been reduced. Last year the board exported something like 4,000 tons of onions to Singapore, Hong Kong, Japan, and Mauritius; and I feel that it is doing a good job. I support the Bill.

MR. LEWIS (Moore—Minister for Education) [5.11 p.m.]: After listening to the debate I am reminded of the saying, "I have never wronged an onion. Why should it make me cry?" I thank members generally for their support of the Bill, with one exception.

I would commend the member for Fremantle who, quite evidently, made an extensive study of the Bill, especially since, as he said, he only had one commercial grower in his constituency. I think this is to be commended. At the same time the honourable member claimed he had a very limited knowledge of onion growing.

The member for Avon, while also claiming he had a very limited knowledge of onion growing, claimed he had an extensive knowledge of orderly marketing and made some reference to the special difficulties of the York growers.

Having listened very carefully to the member for Balcatta, I am satisfied he knows even less about onion growing than I do myself; and I admit that my knowledge is not very extensive. It is all very well for the member for Balcatta to complain and say this is not the will of the growers. I have read the file extensively and have had discussions with the Chairman of the Onion Marketing Board. Let me point out, as the member for Murray did, that the board consists of five members. Two of them are direct representatives of the growers, one is a consumer representative, one is not a merchant as such but is merely a man with commercial experience, and the other member is nominated by the Minister. They elect their own chairman.

Although changes have been made in the personnel of the board, it has been in existence for 27 years, and it is up to the growers themselves to take action if they are not satisfied. Fifty of them can demand a referendum; and if the growers have this widespread dissatisfaction with the board which we are told they have—references have been made to the octopus and so on—fifty of them can demand a referendum and the majority of the growers at the poll can wipe the board out of existence if they so desire.

That is the position; but, as I have said, the board has been in existence for 27 years, and during the whole of that time no group has asked for a referendum to do something about the continuance or otherwise of the board.

Unfortunately it is not as easy to contact the growers as the member for Balcatta would have us believe. He drew an analogy with a trade union. We all know that if there is an industrial matter to be dealt with it is referred to the executive of the union concerned and the executive decides

the issue on behalf of all members. If there was one organisation associated with the onion growers, this procedure could be adopted; but that is not the position.

As is the case with many growers—and as was the case with the wheatgrowers of this State a few years ago when they were divided into two organisations spending as much time as possible fighting each other, and not in the interests of the industry—we find the onion growers are in separate camps, and it is not possible to go to any one camp and ask its executive whether it reflects the views of the onion growers.

Mr. Graham: What about the Market Gardeners' Association?

Mr. LEWIS: The member for Balcatta has mentioned the Market Gardeners' Association, but not all the members of that association are onion growers. As a matter of fact I understand from my research into this matter that a minority of them are members of the Market Gardeners' Association. Therefore we cannot go to any one organisation and ask it whether it reflects the views of the majority of the growers, or all of them, in the onion growing industry.

It is true, as the member for Balcatta said, that a meeting was held at Spearwood. I have no knowledge—there is nothing on the file to indicate it—whether it was a beer party or anything else he suggested.

Mr. Graham: The police files would show that.

Mr. LEWIS: I have not access to the police files, but I do know there is a report on this file which does suggest that a meeting was held there, but because of the nationality of these people they were excited. They do speak languages other than English despite the fact that I am informed that 90 per cent. of them have a very good understanding of English, both spoken and written.

However the meeting ended in disaster. The chairman could not keep order and the meeting ended in chaos. That was an attempt made to address a meeting to put before the growers what was proposed. Bear in mind that the Onion Marketing Board has direct representatives of growers on it and has been in existence for over 27 years and has operated for that time to the satisfaction of onion growers, despite the remarks of the member for Balcatta this evening.

So the Onion Marketing Board decided that the fairest and the only democratic way to obtain an expression of opinion from the onion growers was to conduct a secret postal ballot. In that way the grower would have put before him what was proposed, and he would have an opportunity in his own home, away from the excitement of a gathering where all sorts of influences might be brought to bear—whether they be beer or anything else—to study the matter and vote according to his own desires.

Mr. Graham: That presupposes that an opportunity would be given for both sides to be presented—something that never occurred.

Mr. LEWIS: I ask the member for Balcatta to be reasonable. Let us suppose the executive of a trade union for instance is going to put forward certain proposals to members of the union—and we must remember that the executive is elected by the members of that union—which it feels are in the best interests of the industry. Is that executive going to submit the employers' side of the argument—something that is not in the interests of the union? That is a preposterous proposition.

As is the case with many ballots in growers' industries and in other fields, this ballot was conducted with the assistance and co-operation of the Chief Electoral Officer. Therefore there is no question of the ballot being conducted by what might be called vested interests.

Mr. Graham: There was no suggestion that there was anything wrong with the ballot.

Mr. LEWIS: No; but I want to make it clear—

Mr. Graham: What was wrong was the influencing of the minds first.

Mr. LEWIS: —that this was not foisted on them. There was no influence brought to bear except that a questionnaire was sent out, and I will deal with that in a minute.

Before the ballot was held a circular was sent out to onion growers. It has no signature, but it has on it the letters S.G.P.C. Whether that conveyed anything to onion growers, I know not; but the circular was sent out in two languages. It was sent out in English and in a foreign language. The circular reads—

> Circular to Onion Growers:
>
> As you are all aware the Onion Board has issued a circular with new regulations and changes in the existing Act. This will give the board more control over the sale of onions and the majority of us feel that there is enough control already and we would prefer that the Act remain as it is now. We work hard for our living and deserve our full rights. Therefore we urge all growers to vote "No."

and there is a cross alongside the "No." There is no argument at all, and no reason. The circular just said, "We work hard for a living. This is going to give the Onion Board more control. We should vote, 'No.'" Whether the circular went to all growers, I do not know.

The ballot was held; and it was a postal ballot. The Chief Electoral Officer, in his report, stated that the number of voters on the roll was 428. The number of poll papers admitted to the count was 184. So we can see that 244 were too apathetic to vote. They could not care less, in other words.

Mr. Graham: Perhaps they had been to the beer party.

Mr. LEWIS: I cannot answer for the behaviour of the market gardeners to whom the member for Balcatta refers. The board rejected, for various reasons, 13 ballot papers, which means that the total number received was 197. The figures supplied were as follows:—

> Papers received, 197; 13 rejected for various reasons, leaving 184. The result was: Approval 92, not approving 85, and informal 7.

That is the report of the returning officer; and, of course, there was a definite majority. I have yet to learn that the member for Balcatta has any complaint with an issue of this kind being decided by a simple majority.

Mr. Graham: There were only 92 out of 400.

Mr. LEWIS: We know that only 85 objected out of 400. We could all make a play on figures.

Mr. Graham: The board made no attempt to inform the growers properly.

Mr. LEWIS: That surely is not to the detriment of the majority who voted in favour of the proposal. How the others would have expressed themselves we do not know.

Mr. Graham: They have certainly expressed opposition since.

Mr. LEWIS: Some have since, quite obviously, from what the member for Balcatta says. I am not doubting his word, but I have yet to be satisfied that those who have complained are in any way the majority of the onion growers.

Mr. Graham: The Minister does not know, and neither do I.

Mr. LEWIS: It does not matter what the marketing system is, there will always be the minority who object to something done by the majority. This happens all through life and we cannot do anything about it.

Mr. Bovell: Even in Parliament.

Mr. LEWIS: So this is one of the things we have to go along with. Unfortunately, there are people engaged in industry —and this includes primary industry— who want the best of two possible worlds. They want orderly marketing when it will do something for them, and they do not want orderly marketing if they think they can get some advantages outside the system. It is because of this that the Onion Board, representative of the growers and consumers, is seeking now to block some of the loopholes.

The point was put to the growers that what was done was not done arbitrarily by the board, as the member for Balcatta would suggest when he referred to the master mind of the Minister, and so on: this was done in the only democratic way we know—by having a referendum of the individual growers; and the result is obvious.

Mr. Graham: Perhaps it was the free beer; there was a majority of only seven.

Mr. LEWIS: I would not know anything about the free beer. The ballot was not taken on the occasion to which the honourable member refers.

Mr. Graham: I think the Minister ought to inquire into the matter.

Mr. LEWIS: If free beer was available it was not on the occasion of the ballot, because the ballot was held by postal vote. So any beer, either the week before or the night before the ballot, had nothing to do with the result of the ballot.

Mr. Hawke: The beer might have caused the small total vote. Perhaps some had not recovered.

Mr. LEWIS: I have no knowledge of any beer party, but I would discount that any beer party that might have been held had any influence on the resultant ballot. For those reasons I do not agree that there should be an adjournment at this stage.

I understand that the member for Avon envisages an amendment, and I want to hear what he has to say with regard to the amendment. What he says might influence me to seek to report progress on the Bill so that any amendment put forward can be very carefully examined. I am not proposing to bulldoze this Bill through; I am trying to express the opinion of the growers as it was put to their board.

The only other comment I wish to make applies to the member for Fremantle. I have already commended him in his

absence, and I might say that I think the addition of pepper and salt does something to improve the palatability of onions.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

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

**Clauses 1 to 5 put and passed.**

**Clause 6: Section 11 amended—**

Mr. GAYFER: As previously intimated, it is my desire to move an amendment to clause 6. This is the exemption clause, and it would follow that a complementary subparagraph would have to be included after subparagraph (i). I move an amendment—

> Page 3, line 29—Insert after the word "writing" the words "excepting that the board shall take delivery of certain prescribed non-keeping varieties of onions upon availability unless exemption under subparagraph (ii) of paragraph (d) has been granted."

Mr. LEWIS: I am prepared to have this amendment looked at. My advice from the Onion Marketing Board is that it has been the board's practice, and will continue to be its practice, to exempt early onions, which include the non-keeping variety of onions mentioned by the member for Avon and the variety of onion generally referred to as a spring onion, from the obligation on the grower to store them. The board's practice, I am informed, is to allow the growers to market these varieties immediately. They do not have to be marketed through the board and this is permitted because the board is appreciative of their non-keeping qualities and the restricted market. However, I would like to look at the amendment to see if it impinges on the principles in the Bill.

*Progress*

**Progress reported and leave given to sit again, on motion by Mr. Hawke (Leader of the Opposition).**

## MARKETING OF EGGS ACT AMENDMENT BILL

*Second Reading*

Debate resumed, from the 19th August, on the following motion by Mr. Lewis (Minister for Education):—

> That the Bill be now read a second time.

**MR. JAMIESON** (Beeloo) [5.34 p.m.]: This is another Bill which deals with orderly marketing and it is a principle which I strongly support—and I am sure all of my colleagues would support it—because it is a further move along the long, hard road to the ultimate socialisation of production, distribution, and exchange. Although we hear various speeches about this matter, and moves have been made in regard to it in Parliament over the years, I daresay in another 150 years there will be little that will not be covered completely by that short phrase and, to that end, I give this legislation my support.

This Bill has been bought forward because of the action of C.E.M.A.—the Council of Egg Marketing Authorities—which moved rather quickly to get the Commonwealth to bring down this legislation when it was finally able to get the approval of the Ministers of the two States that had been holding out. It is rather interesting to realise that owing to a change of Government in two States this legislation is able to go on to the Statute book. It could not be passed while there was a Labor Minister for Agriculture in New South Wales and a Liberal Minister for Agriculture in South Australia, because they were both against it, but when the Governments in those two States changed, and there was a Liberal Minister for Agriculture in New South Wales and a Labor Minister for Agriculture in South Australia agreement was reached and both of those two new Ministers gave the legislation their sanction.

It is true, of course, that when the proposition was brought forward in the Federal Parliament it caused a great deal of comment, and all this Bill does is to give our local Egg Board the right to go ahead and implement the provisions of the various Acts which have been passed by the Commonwealth Parliament. I believe this is a good measure and it appears to me that if it were not passed we could ultimately be in a great deal of trouble.

It is obvious that section 92 of the Commonwealth Constitution has been breached by many of the Eastern States egg dealers because of their close proximity to another State. We have not had any trouble here because it would be difficult to trundle eggs across the Nullarbor and expect to get a good return from them. However, this was not the position in the Eastern States, and to get away from the orderly marketing system all sorts of dodges were used, and it is interesting to hear what some of the bigger establishments have been doing to get over the orderly marketing system.

Some establishments which were operating in both New South Wales and Victoria, for instance, would supply eggs from their own sources in each of those States and tickets would be

issued from the other State, and it was hard to prove that the eggs were not coming from the State in which the tickets were issued. There was no way the local egg board could find out except to watch every egg that was produced; and, in many cases, when there was a shortage in one State these firms would transport the eggs to the other State and then bring them back again to get around the provisions of section 92 of the Federal Constitution, which states that trade between the States shall be untrammelled.

So it would appear that there was no possible way for the Australian egg industry to get a completely organised marketing scheme operating until a move was made through C.E.M.A., and that move was made earlier this year. As I have already said, this is a very good scheme and I imagine that overall we will receive a great deal of benefit from it.

I am indebted to the Federal *Hansard* for some very interesting statistics on this industry. It appears that the Western Australian Egg Marketing Board went to a lot of trouble to seek out markets for its product, particularly in the Middle East; and, of course, when the other States found that these markets were available, and they had a surplus of eggs, they started to dump those eggs on the established markets of the Western Australian Egg Board. Those States were selling their eggs at a lower price and it put this State in a rather bad light. Despite the fact that there are other places to which our eggs are exported, such as Christmas Island, Nauru, Papua, Hong Kong, and Malta, our main overseas markets have been Bahrein Island, Kuwait, Qatar, and Saudi Arabia.

According to the latest available statistics, which are for the year 1963-64, no fewer than 810,030 dozen eggs were sent away to Saudi Arabia and no fewer than 3,599,221 dozen eggs were exported from the Commonwealth. Referring further to these statistics it is interesting to note that for that year Western Australia, which exported 938,472 dozen eggs, was the second highest exporter in the Commonwealth, only being surpassed by New South Wales which is a very large egg producer and which consigned over 1½ million dozen overseas. So it would appear, to the benefit of the people in this State, that we must ensure that the production of a large quantity of eggs in this State is dispersed; and by joining forces with these other people that will be done and this measure will assist to that end.

There is one problem associated with orderly marketing that occurs to my mind. I think we all agree that the day and year has passed when people were prepared to sweat and toil for long hours on primary production or on any other work and then find that their just reward was not forthcoming. Because of this we must have an orderly marketing scheme. A worker, whether he be skilled or unskilled, is assured of his reward in cash; and, what is more, he knows exactly what to expect. Unless a primary producer knows what he will receive for his product he will finish up in a great deal of financial difficulty, particularly if he anticipates receiving a certain amount and then finds that, in the net result, he receives only half that amount. This was actually the case many years ago when many farmers had to walk off their properties as a result of not being protected with an orderly marketing scheme.

There is one thing that seems rather strange, based on the remark made by Mr. Wilson, member for Sturt in the House of Representatives. He had these well-thought out words to say—

> Obviously, the purpose of this legislation is to make the poultry industry profitable to the producers. If it does not do that it is of no value at all. But if it does do that, obviously more eggs will be produced, more eggs will have to be sold overseas at a loss and a higher tax will have to be imposed.

So if one organises an orderly marketing system one finds oneself caught up in a merry-go-round, but that would be better appreciated than being caught up with a disorderly system where the grower does not know what he is going to get for his labours.

As has been indicated by the Minister, a poultry farmer who has over 20 hens and who is producing commercially will be responsible for the payment of a levy of 7s. per bird per annum as from this year's production. This would seem to be quite excessive when one considers the flocks of hens that are run by a large poultry grower. Nevertheless, it compares favourably with the charge made last year when the Egg Board, in operating its own system to market its products, used to deduct a variable amount per dozen for its handling of the eggs and to ensure that a set price was maintained for the benefit of the growers. That deduction averaged 8d. a dozen, working on the production of 18 dozen per capita for the year.

It would appear that the requirements of the Commonwealth legislation, which is to impose a levy of 7s. per bird per annum, would be nearer the charge of 6d. a dozen and would be a lesser amount than the growers had to pay previously for the administration of their marketing scheme. However, it would also appear that it will affect some people more than

others and some organisations more than others, and I draw the Minister's attention to the fact that some people who had been producing eggs as a means of revenue for their particular organisations will now, almost certainly, have to cease production. I have been given to understand that one of the missions was almost the sole producer of eggs for Norseman and it could not hope to enter this proposed scheme, and yet it must because there is no provision for it to contract out.

The Commonwealth legislation does not provide for such an eventuality, because there are constitutional difficulties against permitting one person to stand out whilst others must stand in. As I have stated, such a mission produces eggs for Norseman, and there is a similar set-up at Carnarvon, where another mission supplies eggs to the hospital. No doubt some way will have to be found to overcome the problem if that mission is to continue selling eggs to the hospital, because if it continues to run a flock of hens above 20 it will be required to pay a levy of 7s. per bird per annum and, if it did so, it would be uneconomical for the mission to attempt to continue on that basis.

However, these are only minor sidelights of the scheme. I also understand that in Kalgoorlie and Esperance producers were outside the egg marketing scheme and so were able to continue to sell eggs a little cheaper than the price that would be fixed by the Egg Board. They could put eggs on the market at these centres and make a small profit from their production, but if they are subjected to an impost of nearly 6d. a dozen on their eggs it will prove to be completely uneconomical to the producers in those areas to continue in production.

I have made inquiries from people in the industry, and while they are not happy with the idea of being associated with this scheme, they would like to see it operating for a trial period. With all matters such as this, it is a question of "take it or leave it," and I feel that the weight of evidence indicates they should accept the position as it is presented to them.

It is interesting to note that the various overseas markets that are fostered for the export of eggs from this State through the Western Australian Egg Marketing Board, disappear very quickly. For a time Ceylon used to be a market for the surplus of eggs produced in Australia, and for the information of the House I would like to quote an extract from a speech made by Mr. Giles, member for Angas in the House of Representatives, on the 5th May, 1965. He said—

> During a visit to Ceylon some years years ago I met a geneticist named Dr. Amarasinghe, who, almost single-handed succeeded in raising egg production in Ceylon, from a level 40 per cent. below requirements to a level 10 per cent. above requirements in the space of about two and a quarter years.

It would appear to me that if that can be done in a country such as Ceylon, the prospect of continuing the export of our surplus eggs to some of these countries that are fast improving their lot will not last for much longer.

No doubt they want to do the same as other countries have done and make themselves self-sufficient in primary production as much as they possibly can and, what is more, I feel sure they will endeavour to achieve that objective within a very short time.

However, I understand there are many places in the world, including the Middle East, where it is not practicable to raise poultry. Apart from the heat, there are other problems that are created for poultry farmers, and so there is the possibility that the Middle East and other parts will remain a market for surplus eggs from Western Australia for a long time. The introduction of the vegetarian egg has also had a marked effect in eastern countries where religion plays a big part in the eating habits of the people. By being able to prove that the vegetarian egg was not fertile and therefore was not a living organism, the producers of this product have been able to sell such eggs to the people in India and have shown that, being a good type of food, it should be consumed by the public.

As a result there have been quite a number of sales in those countries. There is, however, a certain amount of confusion among people who keep various types of poultry; and here I would like to say that I am indebted to the member for Swan who handed on to me today a letter that had come from a man in the Midland poultry society. It shows how little they know about these matters, because he was worried that he would have to pay 7s. a year per head on his show poultry. That, of course, would not be the case. It is claimed by him that none of them sell their eggs. They have only so much poultry on the premises, and if eggs were found there for sale they would, no doubt, receive a please explain. It is quite obvious that there is no clear indication to the people, and it is a pity that our local Egg Board which deals with such things as poultry assistance and the breeding of birds has not advised these people more clearly of the implications of the C.E.M.A. scheme, because the local people appear to be very much in favour of the proposal.

There is one section of the industry that will be hit a little hard. Quite an industry was developing for day-old chicks

in the far east, and also around Indonesia. Our hatchery people, who have developed this field quite well, now find themselves in the position of having to impose a further 5 per cent. increase on their prices, and at the same time be competitive with the markets and hatcheries in Japan and other places. They will not be given any relief under this Act. It is indeed significant that the Egg Marketing Board of this State has made overtures on behalf of the hatcheries concerned. I hope the department will also make such overtures to see whether something cannot be done to provide some exemption in the case of hens that are being used for breeding.

I would now like to quote from a publication entitled, *Egg and Fowl* published in July, 1965. It is headed "C.E.M.A. and the Breeding Hen." It is a very interesting article and is not very long. I feel it is appropriate that the information contained in it should be made available to the House during the course of this debate. It reads as follows:—

> The C.E.M.A. Plan embracing the principle of taxing the hen instead of the egg has finally come into being: that it will lend some stability and dignity to this Industry will be the hope of all engaged in it; that it will create some confusion and uncertainty in its early stages is natural; that its previously unpublished details have revealed certain anomalies is already apparent and it will be to the credit of those framing its policy if these anomalies are corrected at the earliest possible moment.
>
> One unfortunate victim of the PLAN is the breeding hen used for producing the commercial flocks which provide the poultry farmers livelihood; although the major portion of her eggs are used for hatching and do not go to human consumption she has nevertheless been subject to full tax without rebate; that a suitable rebate system could be applied is evident from the fact that the plan has provided for a rebate on broiler breeders hens to the extent which their eggs are used for hatching. A rebate system would obviate the need for an Australia wide increase in chick prices.
>
> A close look at the facts reveal that the breeding hen—despite only a minor connection with egg surpluses and prices—is being called upon to bear a higher tax than her Commercial egg producing daughter pro rata to the number of eggs they lay.
>
> 1. Because the Hen Tax is basically a tax on production it is therefore related to an amount per dozen eggs which the hen lays according to her production rate. Farmers fully appreciate the necessity and advantage of keeping their hens laying at the highest possible rate and "culling" passengers every week. They will therefore strive to "push" as many eggs from the hen in as short a time as possible to minimise the tax effect per dozen eggs. A farmer's management and techniques should be geared to this end.
>
> 2. The breeder who is to supply this stock capable of being "pushed along"—usually the Cross type bird—has to carry pure bred Australorp and Leghorns which do not lay as many eggs as the Cross they produce, the latter being imbued with the hybrid vigour and qualities of the crossing.
>
> 3. Management methods for breeding hens are not designed at pushing the most eggs from the hen in the shortest time; but rations, lighting methods and general techniques are aimed at producing eggs which will hatch into robust, viable chicks. The number of eggs produced by a breeding hen is therefore somewhat less which makes the pro rata tax per dozen eggs so much higher.
>
> 4. It is a generally accepted breeding principal that in order to make genetic improvement for tested production, liveability, disease resistance etc., the hen must be carried into a second year of breeding.

This, incidentally, is not done in the case of ordinary laying production; where as many eggs as possible are taken out of the pullet, or the first-year hen, after which it goes to the meat industry. The article continues—

> This involves a "moulting" period of some 6 to 8 weeks of rest during which no eggs are laid; the present system of tax means that full tax will be paid against a NIL production.
>
> 5. In the second laying season the rate of lay is considerably lower which means a higher pro-rata levy per dozen eggs.
>
> 6. In W.A. any fertile eggs from breeding hens which have to be sold through the Egg Board are already penalised by (a) not qualifying for any export quality bonus, (b) being subject to a fertile egg levy at periods of the year, last summer this was 1s. per doz.
>
> 7. Breeding hens also incur a cost for compulsory blood testing.
>
> Poultry breeding in Australia has become a highly technical industry to which large amounts of capital and

skilled "know how" are being applied and compares favourably with any overseas country in the progress which is being made; any unfair and inequitable imposition of the Tax on breeding hens can only act as a brake on this progress; it is in the interests of all sectors of the industry that the anomaly of taxing the breeding hen on that portion of production used for hatching should be corrected.

Mr. Lewis: Who is the author of that?

Mr. JAMIESON: The author is not quoted but my inquiries indicate that it is Norman Bell who runs the Altona Hatchery. He would certainly know what he is talking about, because he has been in the business for some time. If overtures were made from the department it might ease the lot of these people, and allow them to go ahead and be given some additional assistance.

That is about all I feel it is necessary for me to say. The overall scheme is a very good one. It stops us from fighting every other State to find a market for our surplus eggs. It makes sure that they will all be handled well. I am certain that so far as the local scene is concerned the Western Australian Egg Marketing Board will be able to handle it. I believe trouble is already being experienced with the people in the Eastern Goldfields. A meeting was held there last night, but I do not know the result. The whole scheme has obviously been brought about by people who want to be in this industry—as the member for Avon said—to reap the benefits on the one hand, and to avoid the responsibilities on the other. This Bill will certainly overcome the problems associated with that aspect.

The Bill will also help to get rid of those who are inefficient in the industry. Those who cannot run their flocks efficiently and keep the birds healthy cannot produce enough eggs to make the occupation pay, and they will get out of it. The measure will be a source of worry to many smaller poultry farmers who carry small flocks, and who operate near the city. In the past many of them had been selling eggs to the storekeepers, outside the scope of the marketing board. With the passing of this Bill the board will face many problems in this respect. It will be required to inspect and make a count of the hens, to ensure that the provisions of the Act are complied with. I understand that inspections have already been carried out on a limited scale.

The payment of the levy will be on a fortnightly basis so that when a poultry farmer culls his flock he will have to pay the levy on the reduced number only. In the case of hens which have not reached six months of age the farmer will not have to pay any levy. Many people do not realise that this measure will have the effect of forcing the smaller operators, who run hens as a sideline, out of the industry. As soon as a person owns over 20 hens and markets eggs, he is classified as a commercial producer under the Commonwealth authority, and he will be required to pay 7s. per head per annum.

This is a good scheme to bring about the orderly marketing of eggs. There has not been one instance in the whole of Australia where organised marketing has failed the grower. In respect of another measure which we discussed earlier the Minister said complaints had only been received from the minority of the growers. I suppose there will always be complaints from the minority, but organised marketing has come to stay. It has been put into operation in the sugar industry—the first to which it was applied in Australia—in the wheat industry, and to a lesser extent in the wool industry. The experience of those who have conducted orderly marketing of produce in Australia has indicated that exploitation of the producer during times of glut and times of scarcity has been done away with, to the advantage of this country. We should continue to sponsor schemes for organised marketing, otherwise the primary producer cannot be expected to improve his lot.

Everyone in this country desires to aspire to a higher standard of affluence. It is wrong that one section of the community should poll on another; all sections should do the work equally and efficiently. So long as efficiency is maintained we will reap the just deserts which are available to us. In view of what I have said I support this measure wholeheartedly, and hope this scheme will operate successfully in Western Australia. I also hope that the teething problems which may arise with the introduction of the measure will be overcome in the shortest possible time.

**MR. RUNCIMAN** (Murray) [6.5 p.m.]: The basic purpose of this legislation is to ensure that all persons engaged in the sale of eggs make a fair contribution to the equalisation of losses incurred by the sale of surplus eggs overseas, and also the loss which may be incurred through the dumping of eggs from one State to another. The Bill is designed to bring about a better equalisation in the price of eggs. It has been introduced at the request of the egg producers, in conjunction with the Commonwealth egg marketing authority.

Everyone realises that the poultry industry in recent years has had a trying time. Eggs have been overproduced, and

of necessity markets had to be found overseas. For some years egg producers have paid a levy into a pool; under this method all producers registered with the egg board have paid the levy. There are, however, many producers who have, more or less, been selling their eggs on the blackmarket; and not only has this applied in the country, but also in the city. It is for a fairer equalisation in prices that the scheme embraced in the Bill is being introduced. I consider it will be of great benefit to the industry in general.

With the larger number of producers paying the levy under this scheme—of 7s. per hen per year, and this applies to all producers who sell eggs—those who are dependent on the egg industry for their livelihood will not, in the future, have to pay as much into the fund.

The levy, of course, will be discontinued. A flock limit of 20 is quite an adequate number for the average householder to enable him to keep his family supplied with eggs. However, I understand the levy will only apply to those people who sell eggs. I feel this legislation will be of great benefit to the poultry industry in general and have much pleasure in supporting it.

**MR. LEWIS** (Moore—Minister for Education) [6.8 p.m.]: I want to thank the member for Beeloo and the member for Murray for their contribution to the debate and support of the Bill. As has been mentioned, the Commonwealth legislation was the result of representations that were made over a period of three or four years by the several poultry growers' associations in Australia, each in their own State combining under the Council of Egg Marketing Authorities; and with the support of the Government of each of the States they gave support to the Commonwealth in bringing about this legislation.

As the member for Beeloo stated, the legislation I am dealing with today is an amendment to our own State Act to give the State Egg Marketing Board authority to act as agent for the Commonwealth in respect of the collection of the 7s. per hen levy, or whatever tax may be brought about within the maximum of 10s as stated in the Commonwealth Act. For the time being it will be 7s. per hen for those hens which are over six months of age and in flocks of over 20 in number.

Mr. Jamieson: Do you know how they tell when a hen is over six months of age?

Mr. LEWIS: I do not wish to be drawn into that one. There are other aspects about which I can see difficulties, but I do not profess to have a great knowledge of this. This tax, as mentioned by the member for Beeloo, will be payable fortnightly; and at the 7s. stage will amount to 3½d. per hen. This is based on the assumption that the commercial poultry egg producers' hens will each lay an average of 15 dozen eggs per year; and the 7s. tax spread over the 15 dozen eggs per year will about equal the amount of the per dozen egg tax that is levied now. It will replace that tax and will cost the egg producer no more. In fact, it is considered that he could pay less, because this levy will have a bigger coverage. There are those who are now dodging the tax, and they will be brought into it.

In regard to the points contained in the letter from the Hatcherymen's Association, which was read by the member for Beeloo, I would inform the honourable member that they have been very earnestly considered by representatives of the Poultry Growers' Association and the Ministers for Agriculture in each of the States, as well as the Federal Minister, and have been rejected owing to the great difficulty in policing them.

As to the policing of this Act, the number of over 20 implies there is to be a count. I can visualise great difficulty in effecting a count, as a result of inquiries I have made. I assure the member for Beeloo that the representations he has made about difficulties experienced by Kalgoorlie growers and those north of the State—there are some in the north of Queensland—are being currently considered by the Federal Minister. I thank members for their support of the Bill.

**Question put and passed.**

**Bill read a second time.**

*House adjourned at 6.13 p.m.*