There is also provision for a superintendent to submit a report on a teacher if he considers that the required standard of work or degree of professional development is not being achieved. In extreme cases the department may even find it necessary to dismiss the teacher. However, any decision in this regard would still be open to appeal under other provisions of the Act. The repeal of the aforementioned subsection therefore will not in any way detract from the teachers' existing rights. I commend the Bill to members.

Debate adjourned, on motion by Mr. Davies.

House adjourned at 9 p.m.

Legislative Council

Wednesday, the 18th March, 1970

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

QUESTIONS (9): ON NOTICE

1. EDUCATION

Thornlie High School

The Hon. J. DOLAN, to the Minister for Mines:

What Government Primary Schools will send their eligible students to the Thornlie High School when it opens in 1971?

The Hon. A. F. GRIFFITH replied:

Canning Vale.
Gosnells.
Gosnells West.
Maddington.
Orange Grove.
Thornlie.
North West Thornlie.
Portion of Kenwick on basis of parents' option.

2. *This question was postponed until Tuesday, 24th March, 1970.*

3. EDUCATION

Cannington High School

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

(1) Is it intended to complete the building of the gymnasium at the Cannington High School during this school year?

(2) If not, what is the anticipated date of completion?

The Hon. A. F. GRIFFITH replied:

(1) and (2) The provision of a Hall at the Cannington High School is listed on the 1970-71 building programme. However, until the Department's loan allocation for the next financial year is determined, it is not possible to say whether the work will proceed.

4. CARNARVON JETTY

Replacement

The Hon. G. E. D. BRAND, to the Minister for Mines:

(1) When will a new small boat jetty be erected at Carnarvon to replace the existing cyclone-damaged jetty?

(2) Was an amount, previously allocated for this purpose, removed from the annual Estimates, and if so, for what reason?

(3) Will the Minister regard the question asked in (1) as urgent?

The Hon. A. F. GRIFFITH replied:

(1) There is no current proposal to construct a new small craft jetty at Carnarvon; however, some repairs and modifications are about to be made to the main jetty which will facilitate unloading operations for small craft.

(2) No funds have been approved on the Loan Estimates of the Public Works Department for the construction of the above facility.

(3) The problems associated with the provision of a suitable jetty for the fishing industry at Carnarvon are being investigated by the Public Works Department.

5. MINING

Backlog of Mineral Claims

The Hon. R. H. C. STUBBS, to the Minister for Mines:

(1) Will the backlog on the processing of mineral claims be completed by the 31st March, 1970?

(2) If not, when is it anticipated the backlog will be overtaken?

(3) Will the normal procedures of the Mining Act, as it now stands, apply when the ban on pegging is lifted?

The Hon. A. F. GRIFFITH replied:

(1) It does not appear likely.

(2) It is difficult to say but the staff of the Mines Department is making every effort. The ban on the Civil Service from working overtime has made matters more difficult.

(3) As the Member is well aware, there is to be an amendment to the Mining Act introduced in this session and it would not be proper for me to reply to the question at this stage.

6. EDUCATION

New Schools in South-East Metropolitan Province

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

With regard to each of the following new schools:—

(a) West Bentley;

(b) North West Thornlie;

(c) Willetton; and

(d) Lynwood;

(i) when were tenders called for their construction;

(ii) what was the tendered price?

(iii) was any completion date called for in the specification, and if so, what was it;

(iv) does the specification provide for any penalty for non completion on the due date;

(v) whose responsibility is it to supervise the builder to ensure that the terms of the contract are adhered to;

(vi) has the Government any intention of imposing penalties because the schools were not completed in time for the commencement of the school year; and

(vii) if so, against whom are the penalties going to be imposed?

The Hon. A. F. GRIFFITH replied:

It is understood that the school mentioned in (a) is West Gosnells and the replies are as follows:—

(i) Tenders closed on the 8th July, 1969.

(ii) West Gosnells, Walliston. Group contract $168,199.

North West Thornlie, Willetton, Lynwood. Group contract $380,342.

(iii) Yes, 5th December, 1969.

(iv) The specifications provide for the application of liquidated damages.

(v) Public Works Department.

(vi) Consideration will be given to the application of liquidated damages when the contract is given practical completion.

(vii) Liquidated damages are a charge against the contractor.

7. *This question was postponed.*

8. DRAINAGE SUMP

East Victoria Park School

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

When will the Public Works Department commence the removal of the drainage sump in the yard at the East Victoria Park Infants' School?

The Hon. A. F. GRIFFITH replied:

A scheme has now been prepared and early action is to be taken to put the work in hand.

9. POLICE

Supervision of Eyre Highway between Norseman and Eucla

The Hon. R. H. C. STUBBS, to the Minister for Mines:

Owing to serious acts of violence, thefts and disorderly conduct that have occurred, and it is feared will occur in the future, along the Eyre Highway between Eucla and Norseman; the continued influx of criminals and undesirable people from other States; the bringing in by motorists of firearms, not licensed in Western Australia; the distinct possibility of drugs being brought into the State; the nuisance and embarrassment to travellers caused by penniless hitchhikers soliciting transport to and from Western Australia, and who in lots of cases have to be fed by the unfortunate traveller; the entrance into the State of unsterilised dogs brought in by travellers; will the Minister consider—

(a) increasing the police strength at Norseman;

(b) providing the station with a fully equipped fast and powerful vehicle to make regular patrols along the Eyre Highway between Norseman and Eucla; or

(c) alternatively, providing a fully equipped and manned police station at Eucla or at some point along the Highway?

The Hon. A. F. GRIFFITH replied:

Consideration has been given to the problems raised and the following action is being taken to provide better Police protection at Norseman and on the Eyre Highway:—

(a) Plans have been prepared for a new Police Station incorporating C.I.B. offices to accommodate proposed increases in staff.

(b) A special vehicle equipped with powerful radio equipment has been in use on the Eyre Highway for many years by the Norseman Police. A new replacement vehicle is at present being equipped and will be placed in service shortly.

It is not proposed at present to provide a Police Station at Eucla or at any other point along the Highway.

LEAVE OF ABSENCE

On motion by The Hon. W. F. Willesee (Leader of the Opposition), leave of absence for six consecutive sittings of the House granted to The Hon. H. C. Strickland (North) on the ground of ill-health.

BILLS (3): INTRODUCTION AND FIRST READING

1. Local Courts Act Amendment Bill.

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

2. Nurses Act Amendment Bill.

   Bill introduced, on motion by The Hon. G. C. MacKinnon (Minister for Health), and read a first time.

3. Termination of Pregnancy Bill.

   Bill introduced, on motion by The Hon. J. G. Hislop, and read a first time.

MARKETING OF CYPRUS BARREL MEDIC SEED BILL

Conference Managers' Report: Bill Laid Aside

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [4.51 p.m.]: I have to report that the managers appointed by the Council met the managers appointed by the Assembly, and failed to reach an agreement. I move—

That the report be adopted.

Question put and passed.

Bill thus laid aside.

WILLS BILL

Second Reading

Debate resumed from the 17th March.

THE HON. I. G. MEDCALF (Metropolitan) [4.52 p.m.]: One object of this Bill is to provide a new Wills Act. It is to put in modern language some of the archaic terms and expressions and references to obsolete laws which appear in the Wills Act of 1837. Another object is to codify the law in relation to wills and to draw together the relevant law relating to wills from various sources and Statutes.

I applaud these objects and I compliment the author of the Bill (Mr. P. R. Adams, Q.C.) who has already done a great deal for the cause of law reform in Western Australia, by having produced the Property Law Bill for us last year, and by having worked substantially on the production of other Bills which have, in previous years, become Acts of Parliament.

I also congratulate the Minister and the Government for having the perception to realise the need for this legislation and for having the good sense to bring it forward. This was not always so. In many ways law reform has been the forgotten child and it is only in comparatively recent years that Acts of pure law reform, such as this one, have found their way onto the Statute book.

There was a time when no Act of pure law reform could get a hearing before the Parliaments of the Australian States, or, indeed, of the Commonwealth Parliament; but that situation has changed, and in the last few years a number of very progressive pieces of modern legislation have done away with a lot of the deadwood which has resulted from the history of the law and of our society in past centuries.

The Leader of the Opposition suggested I think that at some time or another every person makes a will. I may have misunderstood him; he may have suggested that at some time or another every person should make a will. However, if he said that everyone does make a will, I think he would wish to clarify that remark because many people do not make a will. Perhaps he meant they should make a will.

The most surprising people fail to make a will, and these include judges, legislators, and even a few lawyers. Perhaps through forgetfulness, or because of preoccupation with the affairs of other people, these folk neglect their own affairs. Some other people make wills on printed forms which they buy from a stationer. It has long been a saying in the legal profession that this type of will—the printed form type—is the most productive form of income for lawyers.

It is a pity that will making is not as simple as it appears. It takes a great deal of training and knowledge before a person can acquire the facility for making someone else's will. It is not easy to work out all the situations which may arise when a person contemplates what will happen after his death. What appears to be at first a simple case, can well turn out to be one fraught with difficulties and problems.

I entirely agree that a simple will involving only a few lines should be within the province of every person to complete, but it is not only the form of a will itself which is important, but also the formalities which surround the execution

of a will. These formalities were laid down in the Wills Act of 1837 and, to a large extent, these have been repeated in the legislation before us now.

It would be pleasant if we could have a simple form in the schedule to the legislation which would enable the average person, upon completion of the form, to feel happy in the belief that he had attended to what should occur to his property and affairs after his death. However, there are all sorts of matters he may not have considered and sometimes these are concerned with the formalities attending the execution of a will.

For example, if a person has as an attesting witness to his will the wife or husband of one of the beneficiaries, such action invalidates the gift which he has so carefully included in his will in favour of the beneficiary. This is the most common mistake made and is repeated on many occasions. Many a father will make a will in favour of his daughter and then get the daughter's huband to witness the will. That action is, of course, the end of the gift to the daughter.

Many other mistakes are made. For instance, some people are in the habit of pinning a note to their will and that, of course, does not constitute a testamentary document unless it is executed in the proper way, but the person taking this action believes that this will effect a variation of his will. Other people make alterations to and deletions from their wills. They simply cross out some name and insert another name, or they change the name of an executor. Unless such action is carried out in the proper manner it has no effect whatever. In fact, not only does it have no effect, but it may also seriously impair the original will if it destroys the express intention in the original will.

Therefore it is just as well that the author of this Bill has not included a form in the schedule, attractive as that thought is from the point of view of simplicity.

Turning to the Bill itself, what does one see? Firstly, there is a definition section which defines certain terms which have a special connotation in reference to wills and in reference to this particular Bill.

These terms are ordinary English words or phrases, but they have a special meaning in respect of this particular Bill. Of course, the object of a definition section should not be to include every word which may be of a technical nature but only the words which have a special meaning in relation to that context. On that basis, therefore, it is hardly necessary to define words like "testator" or "testatrix" which can have only one meaning. A testator is a person who makes a testatamentary document to take effect after his death. A testatrix is simply a female testator.

The Hon. W. F. Willesee: More simply, a testator is a person who makes a will.

The Hon. I. G. MEDCALF: Yes; it cannot mean anything else and really it is not necessary to define the word in the Act any more than it is necessary to define the word "executor."

There is, I think, one small technical point in clause 5. However, it is such a minor point that I hesitate to raise it when I contemplate the fine work that has been done by the author of the Bill. I will mention it, however, because I think the author might well agree if and when the point is drawn to his attention. Clause 5 refers to the Act applying to the will of a person dying after the date of the Act coming into operation, but it says that it does not apply to the will of any person who died before that date. What about the person who dies on that date? This seems to be a slender technicality and I am sure the explanation is already in the wording, but specific mention would perhaps clarify the matter in a better way.

The Hon. A. F. Griffith: When does the day start?

The Hon. I. G. MEDCALF: The date of proclamation.

The Hon. A. F. Griffith: When does every day start?

The Hon. I. G. MEDCALF: At one minute past midnight.

The Hon. A. F. Griffith: There you are.

The Hon. W. F. Willesee: I wonder whether this doesn't just make more work for lawyers.

The Hon. I. G. MEDCALF: It could be. It is like people who have the misfortune to die on the international dateline. Nobody knows on what date they have died.

The Hon. F. J. S. Wise: Does not the fourth line in clause 5 cover the situation?

The Hon. I. G. MEDCALF: I think it still leaves the matter in some doubt and the words "on/or" should appear in one of two places in the amendment. The point is rather academic and I do not put it forward in any spirit of criticism of the work of the author of the Bill.

Clause 6 states that a testator may dispose of all of his property. This seems to be true and sensible enough today, but a testator could not always dispose of all of his property. In the very old days, of course, a person could not make a will at all. Later on he was able to make a will disposing of his personal effects but not of his land, which had to pass to his eldest son or heir at law. That was the law in the days of the feudal system which have long since passed and now a person can dispose of all of his property. Looking into the future, we might perhaps feel that we have gone only half way and the time might come when restrictions are imposed on a testator disposing of all of his property. Is this a sensible provision

today? I think it is just at the present time, but we might consider that there is perhaps something to be learnt from some of the European systems of law where restrictions are imposed on the amount of property which can be left when a testator leaves dependants. It might, perhaps, be sensible to consider at some future date that a dependent widow and children of a testator should have some statutory right to a share in the estate. Under our law at the present time such people have to make an application under the Testator's Family Maintenance Act for provision from the estate. They have to go to a court to obtain an order. Perhaps the time may come when we recognise that people who are *bona fide* dependants of a testator should have some statutory claim to an estate. I am not suggesting the time has come yet, but it is food for thought.

There was also a time, even in recent years, when certain classes of people were debarred from making wills. These included married women, idiots, lunatics, and infants. There is no connection between any of these classes of people although I have heard of some married women who have suggested with a twinkle in their eye that there may be. The law still debars a person of unsound mind from making a will. A married woman was permitted to make a will in 1892. Infants—that is, persons under 21 years of age—are still under a cloud and are debarred from making a will. This restriction is set out in clause 7 of the Bill.

This brings me to a consideration of the question of age. Is 21 years of age in fact the right age to lay down as being the age at which a person can make a will and before which a person cannot make a will? This matter was considered at very great length in 1964 by the Law Society when it had discussions on the question of the age of majority generally at two general meetings. The matter was also considered by the council of the society. Members of the Law Society were really concerned with the question of whether the age of legal responsibility should be brought down to 18 for all purposes and, if they did not agree with this proposition, whether a person of 18 or over should be allowed to mortgage property. They came to the conclusion that there should be certain safeguards; but, at the same time, they decided that as far as testamentary capacity was concerned, 18 was old enough. In other words, they decided that a person should be allowed to make a will at the age of 18. This was the considered view of people who had had a great deal of experience in discussing wills with testators and in dealing with people who wished to give effect to their intentions after their death.

When we think of it, is not a person of 18 old enough to make a will? When we consider the general standard of education in the community, does not a person who is 18 years of age have the mental capacity to make a will?

I am not suggesting at this particular moment that what I am saying about the age of 18 applying to wills should apply to anything else. I am trying to consider in isolation whether a person of 18 has the capacity to make a will. When we think of this, we should forget all about the drinking age, the voting age, the age of consent, the age of marriage, or any other age, and just consider the question of the age of testamentary capacity.

The Hon. A. F. Griffith: What about the age of legal capacity?

The Hon. I. G. MEDCALF: That is 21 years of age.

The Hon. A. F. Griffith: Don't you think we ought to have some regard for the age of legal capacity?

The Hon. I. G. MEDCALF: I am talking about the age of legal capacity for making wills.

The Hon. A. F. Griffith: But the age of legal capacity is of a general nature and is not just an isolated matter.

The Hon. I. G. MEDCALF: That is true. The age of majority, or the age of legal capacity for most purposes, is 21 years, but it would still be open to the Legislature to enact that a person could make a will at 18 in the same way as Parliament passed a law last year giving the right to mortgage to a person aged 18 years, subject to the lending institution being in one of the recognised categories quoted in the Act.

To my mind the real test of this is whether the law requires any safeguards. If the law requires safeguards then I do not think that Parliament can bring the age down below 21 years. If we say, "Yes, you can do this provided somebody examines it for you; provided there are certain terms and conditions; or provided something else" I do not think Parliament should bring down the age at all. I think we should decide whether the average person of 18 years is normally capable of making a will. If Parliament comes to the conclusion that a person of 18 is old enough, without any safeguards applying, I think that is the acid test. If Parliament comes to the conclusion that a person of such an age needs special advice, consideration, or protection, I do not think Parliament should bring down the age. However, if Parliament did bring down the age to 18 this action would reduce a number of undesirable intestacies where people die without a will because they are unable to make a will.

The Hon. F. J. S. Wise: Often considerable estates are involved.

The Hon. I. G. MEDCALF: Yes, often considerable estates are involved, particularly when the parents may be deceased. I admit this is basically a matter of policy rather than a matter of pure law reform. I do not doubt that the author of the Bill has not included it because it is a matter of policy. Obviously he thought it was not appropriate for him to insert such a provision and he has left this matter for the Legislature to consider.

Clause 8 deals with the question of the execution of wills and contains an important provision which differs from the old Wills Act. The old Wills Act stated that a will had to be signed at the foot or the end thereof. The new provision states that it may be signed in such place on the will that it is apparent on the face of the will that the testator intended to give effect by his signature to the writing signed as his will.

This is, in fact, a change in the original law, but it is in line with amendments and with the common law, because there are decisions which indicate that a will does not always have to be signed at the foot or end of the document so long as the testator's intentions are reasonably apparent.

Two witnesses are still required to witness a will and they must be present at the same time as the testator. Also, the witnesses must sign the will in the presence of the testator. These are formalities which can invalidate a will if they are overlooked.

Clauses 11 to 13 deal with witnesses and the matter of gifts to witnesses which I have already mentioned. In the cases where a witness receives a bequest in a will, the will is valid but the gift fails. Likewise a witness who is a husband or wife of a beneficiary can cause the gift to fail although the will is not invalidated.

Clause 13 provides some slight changes in the dispositions to witnesses which did not appear in the earlier Wills Act.

Clause 14 deals with the case of the revocation of a will by marriage. If a testator makes a will and marries, the marriage revokes the will. Before 1962 the position in Western Australia was that it was desirable to wait until the testator who was about to marry was in fact married before getting him to sign his will, because the will made before marriage was wasted, being automatically revoked at the time of marriage.

Act No. 83 of 1962 provided that a will could be made in contemplation of marriage. So long as those words "in contemplation of my intended marriage to Miss —" are used in a will, the will remains valid after marriage and is not revoked by marriage—always provided of course that the marriage takes place. If one likes, one could stipulate the time within which the marriage must take place, and that condition must be fulfilled.

The Hon. J. Dolan: You don't have to stipulate the person with whom the marriage is to take place?

The Hon. I. G. MEDCALF: No, but this would normally be done.

The Hon. J. Dolan: You could change your mind!

The Hon. I. G. MEDCALF: I think the honourable member had better take counsel's opinion on that one.

The Hon. A. F. Griffith: Either that, or you are a pretty hopeful sort of bachelor.

The Hon. I. G. MEDCALF: Normally the fiance would be named, and it usually gives the testator great pleasure to do this.

Clause 15 refers to the various ways in which a will can be revoked—by marriage or by a later will containing a revocation clause. A will cannot be revoked except in a specific manner. However, it can be revoked by some writing which is executed like a will and expresses a clear intention of revoking the will. A will can also be revoked by a testator burning, tearing, or destroying it, or by getting some other person to do any of these things for him in his presence and by his direction.

I think the reference to "in his presence" is important, because clearly a testator does not want people destroying his will and later claiming that he told them to do it. But if his will is destroyed accidentally or inadvertently it is still possible to prove it, provided evidence can be supplied of the contents of the will. This is normally provided by a carbon copy of the will from a file, but if the original will has been accidentally destroyed, one can even supply a document that has not been signed by the testator and prove that it is his will. In other words, the testator must have the intention of revoking his will before that revocation takes effect.

Part VI of the Bill deals with privileged wills and these are wills of persons in actual military, naval, or air service, or the wills of seamen or mariners at sea. A person on actual military, naval, or air service does not have to be overseas—that is to say, outside Australia—in order to obtain the benefits of this part of the Bill; nor does he have to be, in fact, on a military expedition—so long as there is some imminent danger of operations taking place. So this clause could be invoked in Australia if such a situation arose.

This part provides that a person to whom the clauses apply may make his will irrespective of age without any formalities whatever. He does not even have to write out the will; it may simply be spoken and conveyed to his comrades and duly conveyed by them in due course to the probate authorities. That would be a valid will in the circumstances.

The Hon. W. F. Willesee: In effect, though, in the armed services a person makes his will almost at the same time as he enters the service.

The Hon. I. G. MEDCALF: That is so; in Australia the services are most careful to see that every person who enters the services makes out a will. Nevertheless, that privilege exists and no doubt in the old days, before those responsible were as careful as they are now, the provision was more important.

Part VIII lays down some general and fairly recognised rules for the construction of wills. One of these rules is that a will speaks from the time of death of the testator. In other words, the will is taken to have been executed—irrespective of its date—immediately before the time the testator died, even though he might have executed the will 20, 30, or 40 years before. The will takes effect in respect of the property he owned at the date of his death, including the property he might have acquired since he executed his will. So the date on the will does not matter, because the material date—the date from which it operates—is the date of death of the testator.

Also, a general disposition of land includes leasehold land, and there is a distinction between leasehold and freehold, leasehold for some purposes being considered to be personal property as distinct from real property. The part also contains a number of other well-recognised rules which need not concern us here.

Clause 27 contains a provision for a substitutional gift, and this has an interesting history. Originally, section 33 of the Wills Act of 1837 provided that where a testator made a disposition in favour of his child or children who predeceased him, leaving issue of their own, it was assumed that the child or children did not predecease the testator but that they survived him so that the property which would have gone to the children had they actually survived him would pass under the children's wills. In other words, there was an artificial extension of the date of death of the child who predeceased the testator to ensure that what the child would have received had he survived the testator would pass under the child's will.

However, that is not what this clause provides. When the law was changed after the Trustees Act of 1962, it was provided that where a testator makes a gift to his children and the children predecease him leaving issue, the property now goes to the children of the children—that is, to the testator's grandchildren—instead of passing under the wills of the children. So there is a subtle, but most important, distinction in that since 1962 substitutional gifts operate in favour of the grandchildren of a testator instead of passing under the wills of the testator's children.

Mr. President, I hope I have not wearied you by dealing with somewhat technical matters at too great a length. Once again, I commend the Government for bringing forward this legislation and I would like to say that I have much pleasure in supporting it.

The Hon. J. M. Thomson: Before you sit down could you answer one question? You mentioned the matter of will forms earlier, and I would like to know if the will forms that one is able to purchase are all right.

The Hon. I. G. MEDCALF: Yes, they are mostly quite all right provided they are completed properly.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.23 p.m.]: I am grateful to Mr. Willesee for the remarks he made and for his support of the Bill, and I also acknowledge the assistance given to me by Mr. Medcalf in his examination of the Bill. I think the points raised by Mr. Willesee have been rather substantially answered by Mr. Medcalf. Therefore, I do not propose to weary the House by going over them again except to say, of course, that I agree with the remarks Mr. Medcalf made in connection with the point raised by Mr. Willesee concerning the lack of a definition of the word "testator."

In my second reading speech I said there were two main objectives of this Bill, and I then went on to say—

> Secondly, the intention is to draw together and codify in one Bill much of the existing law relating to wills, now to be found in various Acts and, to some degree, in the common law.

It was not proposed that this Bill should change the law relating to wills; it was proposed simply to codify into one Bill what at present is contained in no fewer than six or eight Statutes. I say this because of what has been said concerning clause 7 in the Bill, and it applies particularly to the suggestion of Mr. Willesee that a person of 18 years of age should be able to make a will. He foreshadowed that he would, during the Committee stage of the Bill, test the Committee concerning the reduction of the age from 21 to 18.

I did not alter the present position for two main reasons. One is that—again I repeat—there was no intention to change the law, and the present law is that a will made by a person under the age of 21 years is not valid. To my way of thinking there is no basic reason why a person of 18 years of age should not, in fact, be able to make a will. Although we agreed last year to certain amendments enabling a person of 18 to enter into a contract of mortgage, there is no reason to believe that the best way to tackle this problem is to do it in a piecemeal way. I know I may well be interrupted and told, "What about the liquor inquiry report which suggests lowering the drinking age to 18?" but I cannot comment on that matter yet because it is not

before the House. However, I will say that once again this is not something which is affected by the law; it is a matter of policy and should be attended to by Parliament.

I would make the point that the whole question of the legal capacity of minors has been under consideration by the Standing Committee of Attorneys-General for some little time now. However, that committee does not concern itself with the question of the age at which one should be able to make a will.

The Hon. F. J. S. Wise: How many of the Attorneys-General are legal men?

The Hon. A. F. GRIFFITH: All but two. I am one who is not, and the Minister for Justice in Queensland, who is also the Attorney-General, is the other. We have known for a short time that, as a result of work done by the New South Wales Law Reform Committee, the Attorney-General in that State will introduce a Bill to implement the recommendations of the committee on the question of the legal capacity of minors.

However, when reporting on the work of that committee to the Standing Committee of Commonwealth and State Attorneys-General, the Attorney-General for New South Wales made the point that the questions of the voting age and the drinking age did not come under the consideration of the Law Reform Committee in New South Wales. He said this was a political matter and one to be decided by the legislators. I merely mention that to give weight to the fact that in due course I shall give consideration to the recommendations of the New South Wales Law Reform Committee.

With that in mind, I think it would be undesirable to change the law regarding the age at which a person can make a will, because the subject is a little broader than merely making a will, as Mr. Medcalf will agree.

The Hon. I. G. Medcalf: Yes, but you might come to the conclusion that 18 is all right for some purposes but not for others.

The Hon. A. F. GRIFFITH: I think that is a conclusion one could come to on many matters.

The Hon. I. G. Medcalf: Then would it not be advisable to attack this when we have the opportunity?

The Hon. A. F. GRIFFITH: Not necessarily; although I want to make it clear that I am not opposing such a proposition with any vehemence, if I could use that expression, but I do say that I was not attempting to change the law in relation to the making of wills or to the wills legislation; therefore I did not alter the age at which a will could be legally made by a person.

The Hon. F. R. H. Lavery: Is not the effect of this Bill to change the law in some aspects?

The Hon. A. F. GRIFFITH: I do not think it is a change. I think it codifies the law. Would not Mr. Medcalf agree?

The Hon. I. G. Medcalf: There are a few minor changes.

The Hon. A. F. GRIFFITH: Such as the one mentioned by the honourable member relating to the place where one appends one's signature to the will. It is a major change to reduce the age from 21 years to 18 years at this point. Without desiring to have myself reported that I am in opposition to this change, I say once again that I am not opposed to changes which might be made.

As a matter of fact this afternoon the Leader of the Opposition in another place asked a question of my representative in that House, which I had answered. He asked whether I concurred with an opinion that was apparently expressed by the Tasmanian Attorney-General to the effect that he thought the legal age for Australians would drop from 21 years to 18 years within 18 months.

The Hon. R. F. Hutchison: I think that nowadays adolescents of 18 years of age are more informed than those who were 21 years of age at the time when I was young.

The Hon. A. F. GRIFFITH: Only the honourable member can express such an opinion. To continue with my remarks, the Leader of the Opposition in another place also asked whether it was the opinion of the conference of Attorneys-General in New Zealand, when the committee met in New Zealand a couple of weeks ago, that all categories were expected to change at the same time giving 18-year-olds the right to vote, drink, make wills and sign legal contracts. I answered his question to the effect that it was possible that the expectations of the Tasmanian Attorney-General could be realised. I think that is possible.

The Hon. I. G. Medcalf: The legislation might be defeated, also.

The Hon. A. F. GRIFFITH: It might be.

The Hon. I. G. Medcalf: Then we would not even have this reform.

The Hon. A. F. GRIFFITH: The general opinion at the meeting of Attorneys-General in Wellington was that the question of the voting age was a matter separate from matters like the capacity to make legally binding contracts and wills. The Attorneys-General felt that the question of the voting age was a political one, and that it was not within their competence to deal with it.

If we look at the Commonwealth Constitution we will find it is so worded that it mentions an adult person. It does not mention the age of that person; it merely mentions an adult person registered to vote in one of the Australian States, or something of that nature.

I know this has nothing to do with wills, but if we decide unilaterally to prescribe the age of 18 years as the age to vote, then I do not know how the Commonwealth elections will get on when it comes to a test of the interpretation of the Commonwealth Constitution.

I mentioned these matters in passing, and I have no desire to infringe the Standing Orders. I see that you, Mr. President, are looking at the new book of Standing Orders to see whether I have been infringing them. I merely wish to explain my thoughts on this matter. My view is not one of grave opposition to it; my feelings are that we should proceed slowly, because this matter is currently receiving a great deal of consideration throughout the country. I assure members that it is. I content myself by repeating my thanks to the two members who have spoken to the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Repeals—

The Hon. F. J. S. WISE: I think some clarification is necessary in relation to the effect of the repeal of the Acts specified in the schedule, which Acts are to be repealed if the clause is passed. I was very interested in the comments of the Leader of the Opposition, Mr. Medcalf, and the Minister, who all spoke to the Bill. If we align this clause with the effect of clause 5 I think the Chamber is entitled to some clarification on the extent and the effect of the repeal of laws which are now in operation.

At the present time, and until the passing of the Bill, the laws mentioned in the schedule to the Act control all the provisions relating to the making of valid wills. If we expunge from our Statute book all the specified Acts, what law is there to control wills made prior to the coming into operation of the Bill when it becomes an Act, as specified in clause 5?

The Hon. A. F. Griffith: When it is proclaimed.

The Hon. F. J. S. WISE: In future clause 5 will govern all wills made subsequent to the proclamation of this legislation. All wills made prior to that will be governed by the provisions of the Acts which will be repealed when the clause is passed.

The Hon. A. F. Griffith: In mentioning the proclamation of the Act I think I mislead you. This legislation will come into operation when it is assented to.

The Hon. F. J. S. WISE: That makes no difference to my argument. The point I make is that all wills which are in existence are governed by laws which will be repealed, and on the repeal of those laws such Acts are not only redundant but become wholly inoperative. Let us suppose that a challenge is made to a will after the Bill is assented to, and some question governed by some of the Statutes mentioned in the schedule arises. What will be the legal position in deciding the legal issues so involved?

The Hon. A. F. GRIFFITH: In relation to clause 3 and in relation to what Mr. Medcalf said in respect of clause 5, it strikes me that I should have clause 5 examined more closely. That is what Mr. Wise has really suggested. What I propose to do is that when we come to clause 5 we postpone it, and deal with the other clauses. I will then ask leave for progress to be reported. In the meantime I will clarify the position and, if necessary, move an amendment.

The Hon. F. J. S. WISE: I thank the Minister for his suggestion, but it might not meet the situation if we passed clause 3.

The Hon. A. F. Griffith: We could postpone clause 3 also.

The Hon. F. J. S. WISE: I would like to hear Mr. Medcalf on this. If we pass this clause we will pass the schedule, and that will repeal all the Acts in relation to the making of wills up to the present time. If those Acts are repealed how are we to obtain satisfactory legal treatment in the courts of law in respect of valid points raised?—points which are valid now.

The Hon. A. F. GRIFFITH: I do not mind postponing clause 3.

The Hon. F. J. S. Wise: I say it is dangerous to pass it at this juncture.

The Hon. A. F. GRIFFITH: If I find it necessary I could recommit the Bill for the further consideration of clause 3, so it does not matter whether it is passed at this stage.

The Hon. I. G. MEDCALF: I feel the situation could be met by the Minister having a look at clauses 3 and 5, if they are postponed.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 4 put and passed.

Clause 5: Application of Act—

The Hon. A. F. GRIFFITH: I move—

That the clause be postponed.

Motion put and passed.

Clause 6 put and passed.

Clause 7: Age of capacity to make will—

The Hon. W. F. WILLESEE: The relative merits of the age of 21 years as against the age of 18 years have been brought out in the three speeches made in the second reading debate. It is recognised that the age of 18 years is being accepted and approved of as the age of realisation and the age to undertake contractual obligations. The age of 18 years will replace the age of 21 years which has been in legislation for many years. If this legislation is passed, and the age of 18 years is adopted, there will be a need to amend the clause.

I cannot see why the Committee should not substitute the age of 18 years for the age of 21 years appearing in the clause. In no sense is this a political concept. It is purely a recognition of the greater training which the young people receive today, and of the modern concept of teenagers. In effect, we say that today a person of 18 years of age has as great a capacity to accept responsibility as did the person of 21 years of age when the present legislation was enacted. This will have the effect of thrusting upon a young person at a much earlier age the responsibilities as to what he could do with property.

Many people of 18 years of age have nothing to bequeath; some will have a very meagre amount to leave. The fact is that some of them will have a meagre estate to bequeath, and they should be permitted to leave it to those of their own choosing rather than to their next of kin.

I cannot see that by altering the age we would affect, in any way, the thought that has gone into drafting the machinery of this Bill. In fact, I would say that had the Queen's Counsel concerned inserted the age of 18 in the Bill it would have been accepted unquestionably by the authorities which subsequently examined it. The fact is that the age of 21 has been included and nobody has taken any notice of it.

From the remarks made by the Minister and Mr. Medcalf, I believe there is every reason for very serious consideration to be given to the alteration of the age at this stage. We would be saying that we have confidence in 18-year-olds to dispose of their property legally.

The Hon. A. F. Griffith: Would the Leader of the Opposition desist from moving his amendment until he has heard the views of some other speakers?

The Hon. W. F. WILLESEE: Yes.

The Hon. R. F. HUTCHISON: Young people of 18 years are more widely educated now than they were when I was that age. Children know of matters about which I was not taught when I was a child. People of 18 years of age are accepting responsibilities which would not have been thought of 20 or 30 years ago. Young people are able to own their own businesses, and many of them have property to dispose of.

The Hon. A. F. Griffith: These questions are not under debate.

The Hon. R. F. HUTCHISON: I am giving my thoughts on the validity of reducing the legal age. I think a youth of 18 is just as confident as a youth of 20 years of age.

The Hon. A. F. Griffith: Nobody says they are not.

The Hon. I. G. MEDCALF: I have given a good deal of thought to this matter over the years and I have reached the conclusion that one cannot necessarily get one rule to cover all aspects of legal capacity. It appears to me that one might well come to the conclusion that a person could make a will at a certain age, or could become eligible to take over a conditional purchase lease, but there may be certain responsibilities from which he should be protected. It occurs to me that one of those responsibilities is in relation to hire-purchase agreements. A young person could be led astray by flamboyant advertising and get into financial difficulties.

It could be argued that the problem of hire purchase will prevent us from coming to a conclusion. The time might arrive when we decide to allow the age to be reduced for certain purposes but not for other purposes. I think this is an argument for taking advantage of the opportunity when we see it before us, provided we are satisfied that the average person of 18 years is able to make a will.

Soldiers, sailors, airmen, and seamen are able to make privileged wills. They are not privileged people; the privilege is allowed because those men might be killed on service. Now we have the situation where young people can be killed in civilian life almost as easily.

The Hon. G. C. MacKinnon: Statistically, easier.

The Hon. I. G. MEDCALF: In this situation we should face facts. To some people it is a rather dramatic step to change the legal age from 21 years to 18 years. No doubt, it is a dramatic step and serious people are concerned. It seems to me that we have to decide whether the average person of 18 years is able to make a will.

A young fellow might be married and he would want to provide for his wife. The Minister has indicated that he has a completely open mind on the matter. Perhaps the Committee might come to the conclusion that while we have this Bill before us we have an opportunity to make a forward move.

The Hon. C. R. ABBEY: This matter is wide-ranging and I support the views expressed by Mr. Medcalf. I think the

young people of today have reached the stage where the making of a will is a must as far as they are concerned. It is true to say that the hazards of life have increased for young people. Many young people are killed in motorcar accidents and the disposal of their assets must be a complicated matter.

It is not to be suggested that all young people would want to make a will when they reached the age of 18 years. However, those who feel they have a responsibility, and who desire to make a will should, in my opinion, have the opportunity to do so. At this stage I would support a change in the law to allow such a step to be taken.

The Hon. A. F. GRIFFITH: I have already stated—and would like to reiterate it as plainly as possible—that the arguments put forward are not under question. I have brought down a Bill to codify the law in relation to the making of wills. It was the opinion of the Attorneys-General —five of whom were lawyers—that it would be just as well to leave this question until the recommendations of the Law Reform Committee were brought down in the form of a Bill.

It may well be that New South Wales will not introduce a Bill to allow the legal age to be 18 years in all respects. As a matter of fact, what I have read of the committee's recommendations leads me to believe that the contrary will be the case. I find myself in a difficult situation. I do not want vehemently to oppose this move. I asked Mr. Willesee not to move his amendment so that I would have an opportunity to suggest the postponement of this clause in order that further consideration could be given to the matter. I move—

> That further consideration of the clause be postponed.

Motion put and passed.

Clauses 8 to 16 put and passed.

Clause 17: Persons entitled to make privileged wills—

The Hon. F. R. H. LAVERY: I would like some information from the Minister. On a number of occasions during my parliamentary career I have come across the situation where a widow believed that her late husband did not leave a will. However, on investigation it has been found that the husband made a will while serving in the Army.

Many times it has been suggested that a will made while in the Army is made purely for Army purposes and when the person is discharged the will becomes invalid. Can the Minister advise me if this is so?

The Hon. A. F. GRIFFITH: As I understand the situation a will made under the circumstances set out in clause 17 of the Bill is valid unless it is revoked. If a person of 17 years makes a will and during his service in one of the forces he dies before he is 21, then I imagine that will would be valid.

The Hon. W. F. Willesee: Absolutely.

Clause put and passed.

Clauses 18 to 28 put and passed.

The CHAIRMAN: I would like to inform members that I have instructed the Clerks, as is the normal practice, to alter the date in the Bill from 1969 to 1970.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Justice).

Sitting suspended from 6.3 to 7.30 p.m.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed from the 17th March.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [7.30 p.m.]: I feel it incumbent upon me to make a few remarks in connection with the research which Mr. Dolan obviously engaged himself in prior to making his speech last night. I think I should endeavour to clarify one or two of the points that he raised.

The first point concerns the choice of the Cue-Big Bell railway as the identifying title of the Act now to be repealed. I do these things not by way of criticism but merely in the interests of the record, as I think the honourable member himself raised these points. To quote from *Hansard*, Vol. 157, page 3120, in November, 1960, Mr. Logan, when explaining that Bill to the Chamber, had this to say—

> Services were subsequently discontinued on all the sections listed—

this refers to the other railways mentioned by Mr. Dolan—

> —with the exception of the Cue-Big Bell line, operations on which had already been terminated in 1956.

Consequently, in the titling of the Bill, the draftsman merely put first things first, and the Cue-Big Bell railway line being the first of the group to be terminated the Act took its title from that line.

Another matter that Mr. Dolan mentioned—and I think it is fair to say that I endeavoured to have these points clarified during the course of the day's work—was the Rottnest Island prison legislation. He was prompted by the proposal now formally to repeal Act 4, Victoria No. 1, which was passed to constitute the island of Rottnest as a legal prison. Members may have noted in the newly bound J.H.C. James version of Statute law on the shelves in the corridor outside the Chamber that this Act is already omitted.

The first Act of the fourth year of the reign of Victoria included in that volume was No. 5, restricting the amount of banking bills or notes to be issued by partnerships or companies to pounds in full and not fractions thereof. That volume was published in 1896, so it is apparent that quite early in our history it was known that Act 4, Victoria No. 1, was inoperative for lack of royal assent. However, we are all aware that Rottnest was a penal establishment for quite a lengthy period and began no doubt in anticipation of receiving the royal assent to the 1840 Act, which assent was never given. The statutory authority for its establishment as such can be found in a later Act assented to on the 26th November, 1841. This Act was 4th and 5th Victoria No. 21, and the second Rottnest penal Act was repealed by the Prisons Act, No. 14 of 1903.

I would like to interpolate here by recalling to mind the first time I introduced one of these law revision Bills and the comments that were made by Mr. Wise at the time in relation to the very interesting history that pertained to many of these old pieces of legislation.

I think that probably Mr. Dolan has not quite correctly interpreted the reason for repealing the 1840 Act, 4 Victoria No. 8, which proposed to allow Aborigines to give information and evidence in criminal cases. The honourable member understands that this legislation is no longer necessary because it is listed under enactments not in operation, but that is not quite so. It suffered the same fate as the original Rottnest prison Act in that it also failed to receive royal assent. As the accompanying memorandum explains, on page 12, they never received royal assent and, strictly speaking, they never operated as Acts.

I think the amendments on the notice paper are the only other matters about which I should make some comment. I could either do this now or leave it until the Committee stage, but perhaps now might be an appropriate point at which to comment about them.

The best that can be said of this change, which, in effect, eliminates 10 of the Acts Amendment Acts that were to have been repealed, is that the draftsman has had a change of thinking regarding the repealing of those Acts. It appears that certain provisions of the Interpretation Act, 1918, that were thought to take care of the position if the repeals were effected may not be apt for this purpose. Accordingly, it is thought safer to leave the 10 Acts on the book until they can be more appropriately dealt with by an alternative method of Statute law revision. All I can say is that it is quite competent for the honourable member to question me upon this point, but I think it does go to show—repeating Mr. Dolan's words—that meticulous care is taken in these matters, and that meticulous care that is exercised is confirmed.

I think that when this sort of thing happens, if the draftsman does have another look at it and feels dissatisfied with his first conclusion, it is as well to come forward. Rather than leave any doubt, it is better to play it safe. I therefore intend to move in the Committee stage to delete reference to these particular Acts and they will be caught up in some later legislation dealing with Statute law revision.

I thank the honourable member for his support of the Bill and in doing so I would like to add that a good deal of work has gone into the matter of Statute law revision. I think we are gradually moving forward to a point where we will be able to complete this task. It may yet be some considerable time before it is completed. Law reform, as opposed to law revision, is another matter, of course, but good progress is being made. I join with Mr. Dolan in thanking the people who constitute this committee for the work they have done in the matter of providing these law revision Bills for our consideration.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1: Short title—

The Hon. A. F. GRIFFITH: When we were dealing with the previous Bill it was necessary to change the year from 1969 to 1970, and I imagine I must move, in order to have the matter correctly recorded here, the same amendment now.

The DEPUTY CHAIRMAN: The Clerk advises me that this will be done by the Clerks without any necessity to move an amendment.

The Hon. A. F. GRIFFITH: I just want to make sure that the Clerks have the authority to do this. I just heard a whisper that it is all right as long as the Committee authorises the Clerks.

The DEPUTY CHAIRMAN: To be on the safe side, I would advise the Minister to move an amendment.

The Hon. W. F. Willesee: I thought we came to an arrangement on this point last year.

The Hon. A. F. GRIFFITH: The Legislative Assembly sent us back a host of changes to be made—for us to change the year from 1968 to 1969.

The Hon. W. F. Willesee: I thought it was at that stage that the matter was fixed up.

The Hon. A. F. GRIFFITH: I do not think so as far as the Legislative Assembly is concerned. I thought it was a lot of humbug at the time, and I want to make sure that the alteration to this Bill is made correctly, and I move an amendment—

Page 1, line 8—Delete the numerals "1969" and substitute the numerals "1970".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Short titles amended—

The Hon. J. DOLAN: I think this is an appropriate time for me to thank the Minister for his explanation in regard to part IV, particularly. We ran into something similar when we were dealing with the last Bill that was before us. It is necessary for us to show that there is nothing left in an Act to be repealed. I thank the Minister for his explanation.

Clause put and passed.

First schedule—

The Hon. A. F. GRIFFITH: As all the necessary explanations have been made, I move an amendment—

Pages 3 and 4—Delete part IV of the schedule and substitute the following part:—

PART IV—ACTS AMENDMENT ACTS

Year	Act	Title
1947	No. 52 of 1947	Acts Amendment (Allowances and Salaries Adjustment) Act, 1947
1949	No. 17 of 1949	Acts Amendment (Increase in number of Judges of the Supreme Court) Act, 1949
1950	No. 2 of 1950	Acts Amendment (Increase in number of Ministers of the Crown) Act, 1950
1950	No. 16 of 1950	Acts Amendment (Allowances and Salaries Adjustment) Act, 1950
1953	No. 71 of 1953	Acts Amendment (Allowances and Salaries Adjustment) Act, 1953
1955	No. 47 of 1955	Acts Amendment (Allowances and Salaries Adjustment) Act, 1955

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 8, penultimate line of the schedule—Delete the numerals, "31" and substitute the numerals, "30".

Amendment put and passed.

First schedule, as amended, put and passed.

Second and third schedules put and passed.

Title put and passed.

Bill reported with amendments.

SALES BY AUCTION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th March.

THE HON. J. M. THOMSON (South) [7.49 p.m.]: I support the Bill for reasons I will now explain to the House. Following the practices of some people connected with the sale of cattle and sheep by auction at various stock sales, particularly those held in the lower great southern area in 1968, the evidence put before the court last year concerning three or four people who were engaged in such practices disclosed that, as a result of the inadequacies in our present legislation, it was very simple for anybody to indulge in illegal stock sales such as those to which I have just made reference.

Investigations by the Police Department revealed that these practices resulted in some individuals making an illegal profit from the sale of stock that was presented on the occasions to which I have referred. I might add that the people who were brought before the court were subsequently punished.

The purpose of the amendments in the Bill is to discourage such practices and to maintain the ethics that are generally observed in that particular line of business. There is no doubt that unless some of the deficiencies of the Act are rectified, as time passes, once again the temptation will prove too strong for some people and they will commit a breach of the Act and so make for themselves a few quick dollars and, in this instance, they may not be apprehended.

Therefore it is most desirable to take immediate action to discourage such tactics by dishonest people. I understand, on reliable authority, that it was claimed by one of the offenders during conversation prior to his apprehension, that the Sales by Auction Act contained little to discourage anybody from indulging in the practice of making a few quick and easy dollars by questionable methods. The present Act was assented to on the 18th January, 1938, and the penalty prescribed for the first offence was to be no more than £10, and, for the second offence, no more than £25, or a term of imprisonment for one month.

When there were good profits to be made from a day's operations in stock sales, amounting to perhaps a few hundred dollars, how could such penalties prove to be a deterrent to anyone so inclined to indulge in such practices? Under proposed new section 3A set out in clause 4 of the Bill, it is provided that every auctioneer who conducts sales by auction of cattle or farm produce shall keep a register. For the information of members I quote the relevant provision—

> Every auctioneer who conducts sales by auction of cattle or farm produce—
>
> (a) shall keep a register or book in the form in the Schedule to this Act;

In section 4 of the Act there is no provision which states that an auctioneer shall keep a register and this omission and the

extremely light penalties provided certainly would not discourage anybody who had any inclination to commit a breach of the Act. As I have said, at present there is no provision that an auctioneer shall keep a register, and if members were to have a look at some of the books that are kept by auctioneers, as I have done, they would find that in most instances they consist of notebooks which anyone can buy from any stationery firm. Further, the entries made in the books I inspected were made only to suit the particular clerk who was engaged on that duty at the time.

Therefore, because there is no provision that an auctioneer shall keep a set record or register, it is just too easy for anyone to alter the name of the person to whom a particular line of stock is sold and to record a price for such stock at a figure higher than that originally agreed upon. As a result of such a practice an illegal profit could be made.

In proposed new section 3B, appearing on page 3 of the Bill, there is provision for any member of the Police Force at any reasonable time to inspect a register or book that will be required to be kept under this amending legislation. Under the existing legislation there is no authority for anybody to demand that proper books be produced, and, in fact, such documents, if they were produced, would have to be the subject of a warrant of execution.

The incentive to make a quick dollar is always uppermost in the minds of some people who are keen to get on and build up a decent-sized credit balance in the bank, irrespective of what measures they adopt to achieve their objective; and therefore, because the looseness of the present Act offers a great temptation to such people, it is considered most desirable that the provisions contained in this Bill should become the law of the State.

Paragraph (b) of proposed new section 3A, on page 2 of the Bill, reads as follows:—

> (b) on each day he conducts such a sale, shall, under the respective headings in the register or book that are applicable, make an accurate entry of the particulars in respect of all the cattle or farm produce he has sold on that day or cause such an entry to be made and sign or initial it; and

I think in the Committee stage another subsection could be added to this proposed new section to provide that any stock that failed to reach the reserve price placed upon it by the owner may be sold by private treaty, but that the appropriate entry shall be made in the register. As I peruse the Bill, I appreciate the difficulties we are creating in paragraphs (b) and (c) of proposed new section 3A which relates to the keeping of a register or book.

Further, I think that perhaps the provisions in clause 6 of the Bill, relating to restrictions placed upon the auctioneer, could be clarified a little more in regard to their application, and be amended so that they are not so severe in their application that it would result in any disadvantage or inconvenience to the owner of the stock for whom the provisions in the Bill have been designed to protect. To achieve this I find it is not so easy as we thought when we considered the Bill initially. No doubt in the Committee stage the measure could be altered so that it will achieve the purpose for which it was designed.

The Hon. F. J. S. Wise: You could propose an amendment, anyway.

The Hon. J. M. THOMSON: At the inquiry, on the question of the sale of sheep at various country centres, it was revealed that by a mutual agreement, the auctioneer knocked the stock down to Mr. A instead of to the name of the firm concerned. I will not quote the exact figure because I cannot recall it but, for example, let us say the stock was knocked down at $1.50 and entered in the clerk's book to be debited to the business firm So-and-so. However, later on, the auctioneer instructed that the name of the business firm be crossed out and Mr. A's name be inserted. In turn, on the very same day, because of the alteration in the clerk's book, the stock was sold back to the business firm at, say, $1.75.

As a result of all this I maintain that, on the one hand, the owner of the stock was cheated, and, on the other, the company was defrauded with regard to the margin of profit between $1.50 and $1.75. The profit went into the pocket of a person not entitled to it and therefore the owner of the stock, to whom the ultimate purchaser would no doubt have been quite prepared to pay the higher price, received the lower figure. The person in between was obviously working illegally because he was ultimately dealt with according to law.

I think if we were to make a survey of the situation we would find that this practice has been in operation for some considerable time. However, because of the affluent society in which we have been living, and because of the associations between those concerned, no-one was prepared to say very much about the situation. However, now, because the price being obtained for primary produce is falling and the pinch is on, a complaint was made and an investigation carried out. It was proved that the system had been operating and that the law certainly required revision. It is for this reason the present Bill is before us.

I would like again to refer to the profit being made by this particular individual. No doubt he made the same profit on many

other occasions at other sales for months previous and therefore his profit amounted to somewhere in the vicinity of $300, which, for a few days' work, is not a bad turnover.

The Hon. E. C. House: I think he bought an aeroplane.

The Hon. J. M. THOMSON: I do not think that was this particular individual; but, as Mr. House has said, this is a state of affairs which enables people to do exactly that.

In relation to the case at Albany, the cattle involved were never at the sale yard on the day of the alleged sale. The cattle were sold and the Albany Shire received the commission for the penning of a certain number of cattle. They appeared on the pen slip and they also appeared in the clerk's book. They were sold to this particular business at the sale and it was eventually disclosed, of course, that the cattle had not, in fact, left the property on which they had been grazing until nightfall after the sale, when they were conveyed by the carrier to the particular works.

If I remember correctly, the sale of the cattle was made to a particular individual under the practice to which I have referred and under which a handsome profit was made.

This kind of practice cannot be permitted to continue. I fully realise that just as certain people have found a way of getting around the provisions of the Act, because of its looseness, so, even with our proposed amendments, some people may find ways and means of indulging in, for want of a better expression, shady practices. I would be prepared to wait until that situation arose and then allow the Parliament of the time to attend to it.

I believe we should deal with the position as we see it today and endeavour to prevent a recurrence of the practice we know has been followed. Under this Bill the penalties have been increased greatly and I think they are in keeping with the present-day value of money and also in keeping with the present-day value of the stock involved. I will admit that at present the price of sheep is down, but the price of cattle is up and it looks as though that situation will continue for some time to come. We trust, too, that before long the price of sheep will also rise.

The Hon. E. C. House: It has gone up again.

The Hon. J. M. THOMSON: That is pleasing to hear. However, the fact remains that when we are dealing with this type of legislation we should ensure that the penalties for the offences committed should be severe enough to indicate to other would-be offenders that the practice is not as profitable as it might appear to have been up to this point of time.

On page 5 of the Bill are set out restrictions concerning the auctioning and purchase of cattle. Proposed new subsection (3) reads in part—

> . . . in addition, the auctioneer shall be ordered by the adjudicating court to account for and pay over to his principal—

I would prefer the word "owner" to be used. However, to continue—

> —all profits resulting from the purchase in respect of which he failed to comply with those provisions.

I believe that this provision would act as a deterrent because a person indulging in this type of practice would know if he were apprehended he would be compelled by law to return the profits to the owner he had cheated or defrauded.

I have referred to the question of a provision in the Bill for private treaty and therefore I believe the schedule should be amended to read "register of cattle sold by private treaty." Other necessary alterations to the schedule would need to be made accordingly.

I therefore support the Bill with the reservation concerning the amendments which will be submitted in due course.

THE HON. I. G. MEDCALF (Metropolitan) [8.12 p.m.]: I, too, support this Bill, and I think it is a good thing that legislation covering stock auctions is to be tightened up to prevent malpractices in the same way as there has been a growing consciousness in respect of auctions of land and sales of land by licensed land agents. It is not so very long ago that a licensed land agent lost his license because he did not reveal to an inquiry committee —I am not sure whether it was not the local court—that he had an interest in a company which purchased certain land. He did not reveal this to the vendor.

I think the same thing applies to at least clause 6 of this Bill. I believe it is essential that we should tighten this point up and do what we can to enforce the keeping of a register and appropriate records of sale by auction.

I am not quite sure that I fully understand what Mr. Jack Thomson was referring to in the latter part of his remarks concerning private treaty because I do not believe he would want to prevent farmers from engaging in private treaty following an auction sale. Therefore I feel there will have to be a considerable amount of care regarding any proposed amendments which might affect an owner's right to sell, by private treaty, stock he has bought at auction.

I listened with great interest to what Mr. Jack Thomson had to say because I know he has been the mainspring behind this Bill and that, as the Minister indicated, the honourable member requested him to do something arising particularly

from a series of cases which occurred at Albany and which were known generally as the Borthwick cases. Of course, the same thing could have occurred anywhere in the State. The Sales by Auction Act applies anywhere in the State.

Perhaps it is worth while to recall the facts of some of the cases to which the honourable member referred. As he has indicated, some very dishonest practices were engaged in, particularly by personnel employed by Borthwicks. The livestock buyer of that company and also the submanager of the works were convicted.

The Hon. J. M. Thomson: That is true.

The Hon. I. G. MEDCALF: They were duly punished according to law. As I recall, the livestock buyer had established a liaison with some of the stock auctioneers who presided at stock sales in various districts. This was not confined to Albany. He had been given authority by this company to purchase stock on his own behalf, or on behalf of a company in which he was interested. Although he was the livestock buyer for Borthwicks, he was also authorised by Borthwicks to purchase on his own account and Borthwicks permitted him to resell to them. Borthwicks had no objection to his reselling to them the same stock he had bought privately, provided he agisted them on one of his properties for a period.

The Hon. J. M. Thomson: Borthwicks stipulated from whom he was not to purchase.

The Hon. I. G. MEDCALF: No doubt the company made conditions. He had to agist the stock for a period of six weeks, or for some other minimum period, and he was then permitted to resell to Borthwicks. This practice was allowed by that company.

I am not aware that Borthwicks ever objected to the prices which they paid for the stock. I will come back to that point in a moment. As far as I know, Borthwicks did not object to paying 100 per cent. more than the price paid to the individual livestock producers.

The Hon. E. C. House: Are you telling the whole story?

The Hon. L. A. Logan: The company was still getting them too cheaply.

The Hon. I. G. MEDCALF: I am endeavouring to tell the whole story. I am not aware that the company ever objected. If that is so, it does seem to indicate that farmers were being quite seriously deprived of the prices they should have received.

The Hon. J. M. Thomson: That has been the whole complaint.

The Hon. I. G. MEDCALF: I realise that, and it is a most legitimate complaint, because it is quite hopeless for farmers to have to suffer the increasing cost squeeze —which exists in the farming community and has gone on for many years—coupled with declining overseas export prices when they do not receive export prices in selling to a buyer of stock for export.

Borthwicks were buyers of stock for export, but it was prepared to pay more than twice the price which the farmer received without raising any objection. I hope I am telling the whole story.

The Hon. E. C. House: Part of it.

The Hon. I. G. MEDCALF: This being so, it indicates that the farmers were not getting a fair go. This situation was appreciated and dealt with by law in due course. While we can tighten up this legislation and mend our fences, we must make sure that we try to cure the overall problem. To my mind there are not adequate facilities in Western Australia for killing stock, and this applies particularly in country areas. Also, I believe there is not adequate competition to stimulate local prices up to export parity.

We must remember that a farmer has to compete on the overseas market for his wool and other produce. How can he cope with the cost squeeze which is going on all the time if he has to suffer depressed prices for his stock on the local market, because there is not adequate competition or an adequate demand created for his stock? There cannot be adequate competition until such time as there are adequate killing facilities and until such time as appropriate steps are taken to stimulate the export market. It is very easy to make this comment but much more difficult to cure the complaint. I hope I am trying to look beyond this legislation and see some of the underlying causes of the malaise which afflicts the farming community and make it desirable to endeavour to tighten up these legislative fences, at least.

The Hon. E. C. House: Borthwicks had overseas contracts based on certain local purchase prices. That is why the company was able to condone the extra cost. The prices paid were still well within the range.

The Hon. I. G. MEDCALF: That remark is along exactly the same lines as I am saying, and proves my point. A very serious situation was brought about through this practice and I do not know that the situation has yet been overcome. This situation was referred to in a report which I read recently with great interest. I will crave your indulgence, Sir, to read the report, because I believe it is appropriate to this subject. I refer to a statement made by Sir Norman Giles at the annual general meeting of Elder Smith Goldsbrough Mort Limited on the 4th November last. Sir Norman Giles had this to say about the depressed condition of livestock sales in Western Australia—

> W.A., as the State in which the fastest rate of development and stock-population increase has been taking

place, now finds itself at the crossroads so far as its rural industry is concerned.

Drought, to which all have long become unaccustomed in its farming areas, has hit with considerable severity, and the State is experiencing the same difficulties that it did in the late "thirties" when it found itself fully stocked, and without adequate ability to dispose of its surplus livestock at economic prices.

Growers, and the State Government, are now realising the very real economic disadvantage of isolation by distance.

The State Government would do well to consider the "insurance" analogy of increased fodder and water conservation on the individual farm, and apply it to the meat export area in a State form.

Extra storage of water and fodder on the farm means the provision of something which may not be needed every year but is essentially there when it is needed. This is an "insurance" which each individual farmer must pay for himself.

In the case of meat export, the "insurance" need is the deliberate provision of "surplus" killing and "boning" facilities, strategically placed, in order that additional exporter competition can be readily attracted to the State whenever prices drop below a reasonable level. This is an "insurance" which the Government should provide—and pay for.

In S.A. and the Eastern States, price levels are well protected by inter-State exporter competition because of the availability of adequate metropolitan and country abattoirs and the close proximity of the facilities to the interstate supply.

In W.A., sheer distance precludes the use of interstate facilities, except at give-away prices, and inadequate abattoir "insurance" surplus killing capacity within the State, precludes the entry of new competition whenever prices fall to too low a level well below export parity.

This is not only the problem of a drought year. It applied in 1968—a bountiful year; and it will apply again in the future because of the big annual surplus resulting from the rapid rise in the State's stock population, and its costly isolation by distance.

The provision of "insurance" in the form of excess capacity is no more than should be provided by a Government whose policy has deliberately done so much to drive ahead its State's rural development and expansion. The inevitable chickens of the policy are now coming home to roost, and will continue to, until the real problem and need is faced up to, and an adequate answer provided.

I do not suggest that everybody has the insight into these problems which is possessed by the gentleman who wrote that report and who is well qualified to do so. He is intimately connected with the stock business and knows from the inside some of the problems faced by the farmers.

We have become aware of this situation only recently. We cannot all be aware immediately of solutions to problems. Often it takes some time before we can even define a problem. However, it looks to me as though we have now well and truly defined the problem; we have to stimulate export competition and provide more adequate killing facilities.

I am delighted to see that steps have already been taken in this regard by the State Government in that the Minister for Industrial Development along with the Minister for Agriculture has been asked to join a committee to investigate and inquire into the provision of more adequate killing facilities, and the stimulation of more export orders and buyers for our surplus livestock. This is quite essential and the need is illustrated by the Borthwick case.

While I am entirely in favour of this legislation, we should not overlook the main problem. The amendment is a step in the right direction. I would like to draw the attention of the House to one point in clause 6, which refers to the restriction of an auctioneer purchasing cattle or farm produce. This matter was mentioned by Mr. Jack Thomson.

Proposed new section 4A(2) provides that an auctioneer who is selling any produce for an owner must secure the consent in writing of the owner to the purchase if the auctioneer is interested in any way in making a purchase—either himself, through a partner, or through any other person. This means that if an auctioneer is buying stock himself he must obtain the owner's consent. I entirely agree with this provision. It is consistent with the comment I made about the land agent who lost his licence because he did not reveal he was an interested buyer. There can be no quarrel with this provision and it is an excellent safeguard. Unfortunately, I think it has overlooked a customary practice which is engaged in at all stock auctions in this State. Not only does the auctioneer himself auction the stock but the company which employs him frequently sends other representatives, personnel, and members of the staff from other parts of the State to buy at the very same auction. These people go to the auctions and support them by providing buying strength which pushes the prices up and ensures a decent sale.

I am informed that they scrupulously refuse to disclose to the auctioneer what their price limits are. In fact, secrecy between the auctioneer and the various buyers who attend the sale is scrupulously observed, even though they are members of the same organisation. They arrive at the sale perhaps a few minutes or half an hour before the sale commences. Frequently the auctioneer does not know for whom they are buying. They tell him as soon as the sale is over. By virtue of the buying support which they themselves bring to the sale they greatly increase the sale price of the stock.

I emphasise that I am not talking only about the Borthwick case which dealt with export stock; I am talking about all cases of stock auctions. It is most important that there should be no room for ambiguity in clause 6.

In the light of what I have just said, a close examination of clause 6 indicates that any stock company which was conducting through its stock auctioneer an auction in, say, Gnowangerup, or anywhere else, could not send staff members from other areas to support the sale in the same way as has been done in the past. Under clause 6 it seems to me that, before such persons make a bid or a purchase, the auctioneer would have to reveal to the principal that he might be technically classed as an interested purchaser. The auctioneer is not interested on his own behalf, of course. He is interested because of his connections through the company on behalf of its customers. I think the clause is worded so that there is very grave doubt as to whether it would not include purchasing, even on behalf of someone else. It seems to me that it would be an impediment to the sale and that it is totally unnecessary to have to obtain the consent in writing of the principal on every occasion when an auctioneer conducts a sale and other employees of the company attend and buy on behalf of somebody else and not on their own behalf.

This could result, in cases where for some reason or other the consent was not obtained, in either the company breaking the law or in the company failing to bid at the auction. Both situations would be lamentable.

The Hon. E. C. House: That is clause 6 (4) is it?

The Hon. I. G. MEDCALF: It affects proposed new section 4A, subsections (2), (4), and (6). It would seem to me that the simple addition of the words "on his own behalf" twice in each of those three new subsections would cure the situation.

The Hon. L. A. Logan: He is often there with buying orders in his own pocket.

The Hon. I. G. MEDCALF: Nevertheless, that is not quite so bad, as if he is dealing with the owner he can at least get his consent. I point out that the owner would normally give his consent to stock agents.

The Hon. L. A. Logan: But very often the auctioneers have buying orders, too.

The Hon. I. G. MEDCALF: I think it is important that we should have this amendment for the reasons I have mentioned. I have already mentioned this to the Minister and he conceded the point I made and said that it could be dealt with in Committee. I propose to collaborate with Mr. Jack Thomson in that respect.

The Hon. A. F. Griffith: I am a little intrigued when it is suggested that an auctioneer has buying orders in his own pocket.

The Hon. I. G. MEDCALF: It was Mr. Logan who suggested that.

The Hon. A. F. Griffith: How does he use these buying orders which are in his own pocket?

The Hon. L. A. Logan: The clients of the firm ask an auctioneer if he can—

The PRESIDENT: Order, please. I would suggest that these interjections take place in the Committee stage.

THE HON. E. C. HOUSE (South) [8.32 p.m.]: I, too, would like to support the Bill. I do not doubt that it contains many flaws, and I suppose it would be difficult to design a Bill without certain troubles in trying to restrict this practice and yet still allow for a general free flow of trading. I think it is most important that we should not be too restrictive on the selling of stock because this would probably have a detrimental effect on the price of the stock at the various sales. There is no doubt that the men who were involved in the Borthwick case were well aware that the Act as it stood had so many loopholes that it would be difficult to catch them at the practices in which they were engaged. It was only because they became overconfident and far too cheeky about the whole business that they were caught eventually.

I know that although the police had been watching the men for a long time, they were reluctant to move in because they were frightened they would not be able to substantiate their case. However, there is no doubt that this sort of practice in different forms has been rampant for a long time and the Borthwick case frightened many auctioneers and managers of firms throughout the whole State. In itself, this is a good thing because I am quite sure that in future people will think twice before they engage in trading exercises on their own behalf. I do not think it will be possible to stop this practice; it has not been stopped in the Eastern States where the Statutes are fairly comprehensive. There are many ways around this sort of thing. Of course, the most common practice is to have a farmer act as a stooge. The stock is bought in his name, taken to his property, and then dealt with

privately or taken back to auction, but not necessarily to the same sale where they were bought. A good deal of the stock is traded up and down the line, and this is going on all the time.

I think the main thing is to have legislation which puts some doubt in the minds of those who engage in this sort of practice, and makes them feel there is a possibility they might be caught. I think this is all we can expect to do. Once we have the legislation, and the penalties are fairly severe, we will at least dampen down the trading which goes on. The penalties are not all that important; I think the greater deterrent is that one might be caught and given a gaol sentence. The stigma attached to this is not very pleasant, and the ones who were caught this time indicated that very point.

I am rather disappointed at the fact that in the proposed new section 3A(b) the word "sundown" is not used to indicate the time by which the writing-up of the transactions must be completed. This provision is included in the Victorian legislation and I think it is a good point. There is no reason at all why all of the entries cannot be completed and the signatures recorded by sundown on the day of the sale.

I have spoken to various auctioneers on this matter and they agree that it is possible to do this because the trucking of stock often goes on until midnight, and lots of things can happen in the time between the sale and when the stock eventually leaves the yards for various destinations.

Mr. Ron Thompson made mention of the fact that we could apply this legislation to other sorts of produce. I think he has a good point, although it is mainly in the dealing of cattle and sheep that we are vitally interested. However, I can see no reason why we should confine the legislation to stock only.

It is very interesting to note that one company came out of this almost unscathed, owing to its general principles, the way it works, and the rules which the managers have to observe when buying stock on behalf of other people. There is no doubt that if all stock companies ensured that their work was carried out under a definite formula many gaps would be closed.

I think this sort of practice probably goes on right through the companies. The men at the top now probably did it before they got to the top, and it is difficult for them to be too critical in their condemnation of the men who have now taken their places in the lower ranks and who are indulging in this sort of practice. As Mr. Medcalf said, farmers these days need to get as much as possible for their stock, and a good auction system does help to bring this about.

Most of the sales from the abattoirs are made under overseas contracts. The buyers lay down a certain average price they think they will have to pay for the stock, giving or taking a bit. Sometimes it is up and sometimes it is down. There is no reason why they should be capitalising on this, but they have been doing that to a certain extent.

Whatever we do with this legislation, it is most important that an auctioneer can keep the sale flowing so that it does not go dead, and there must be some provision for resale, if necessary. I do not think it matters much if stock is resold afterwards, provided it is entered in the books and the people concerned have signed the books so that the transaction is there to see if there is an inspection. This alone would help because if the people know there could be a spot inspection they will be more careful. I think spot inspections should be carried out often. I support the Bill and I hope it is amended in some way.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [8.41 p.m.]: The necessity to effect an amendment to an Act is usually discovered after somebody has found a loophole in it, or as a result of a prosecution. In the case of this particular Bill it is true to say that the idea of amending the Sales by Auction Act arose out of the practices being employed at Albany. To give credit where it is due, if I remember correctly Mr. Jack Thomson asked me a question without notice last year. I cannot remember the exact wording, but he asked me whether I had read of the prosecutions and whether I would look into the possibility of introducing a Bill to amend the Act in such a way that it would at least have a sobering effect on the situation.

Following that, the honourable member was good enough to send me a suggested draft of a Bill, and this was very much in line with the draft of this Bill. I did not include one or two of his suggestions in the measure when it was prepared. One of those has just been mentioned by Mr. House, and it is the question of closing down at sunset or sundown. The Chief Crown Prosecutor pointed out to me, after I referred the matter to him for his comment, that he thought if a prosecution was taken, with those words it might be difficult to prove what time the sun set on a particular day.

The Hon. W. F. Willesee: It could be raining.

The Hon. L. A. Logan: The sunrise and sunset is printed in the Press every day.

The Hon. A. F. GRIFFITH: Anyway, that was the opinion of the Chief Crown Prosecutor. It appeared to me to be a logical conclusion and I therefore got the draftsman to place the present words in the Bill. At the time, the Chief Crown

Prosecutor told me that he prosecuted in the several trials involving dealings by stock agents and employees of the firm that has been mentioned. He said that during the trials it was obvious that there had been fairly serious misconduct on the part of the employees of the firm, but in each case the misconduct was instigated by the employees themselves, who were dishonest.

Then he made this interesting remark, and I think it is quite fitting: I mention this because it does not necessarily follow from these trials that such misconduct will occur in the future. It might well be a salutary lesson to other people who think that profit can emerge out of these nefarious practices. However, as a matter of policy, in looking into the position, I think we should do something about it.

I am a little perplexed. After listening to the speech made by Mr. Ron Thompson last night I thought he assumed we had gone much too far and that we would affect other auctioneering practices—practices which he seemed to suggest, if I understood him correctly, had been going on for years, but because of the special set of circumstances which prevailed at the Metropolitan Markets a blind eye was turned. It does appear that in the drafting of the Bill these practices could be caught up with. However, I cannot find it in my makeup to say that because illegal practices are going on in other respects, other than the sale of stock, a blind eye should be turned. What we should do is to have a closer look at the practices, to determine what they are, and if they do not infringe the law to the same, or nearly the same degree as the cases in Albany infringed the law, then we should do something about the matter.

If I understood Mr. Ron Thompson correctly, he said by all means something should be done about stock, but the practices at the Metropolitan Markets should be left as they are, because it is necessary for the producers to do what they are doing. I am perplexed at the situation, and I want the opportunity to look into it.

I will not involve myself in the interjection made by my colleague, the Minister for Local Government, in relation to the auctioneer who attends the auction with buying orders in his pocket. I do not understand it, and perhaps I will leave it at that.

The Hon. S. T. J. Thompson: It is quite simple. We often hear that 50 per cent. of the stock sold at our market has been knocked down to the Narrogin, the Bruce Rock, or some other office of a particular company.

The Hon. A. F. GRIFFITH: It sounds too simple for me to understand. I have always thought that if a person placed stock in the hands of an auctioneer for sale the auctioneer would get the best possible price for it.

The Hon. S. T. J. Thompson: He does. I would not want to attend a sale if I could get my agent to buy the stock at a figure.

The Hon. E. C. House: It is not a good practice to buy on behalf of a particular office, because that is where all the trouble occurs. It should be on behalf of a person named, and that is covered in the Bill.

The Hon. A. F. GRIFFITH: In my small way I will do what I have done many times in the past; that is, to attend an auction myself.

The Hon. R. F. Hutchison: Do not sell yourself at the auction!

The Hon. A. F. GRIFFITH: I will not do that.

The Hon. I. G. Medcalf: You will not know what goes on until you have attended more than half a dozen auctions.

The Hon. A. F. GRIFFITH: I have been to many more than half a dozen, but I must confess that I still do not know what goes on. What confuses me more than anything else is a wool sale. One has to have a quick ear and a quick brain to follow what goes on. Sometimes I have found it difficult to determine whether a particular lot of wool had been sold. Invariably it had, because the auctioneer turned to the next lot.

The Hon. F. D. Willmott: The Stock Exchange is similar to that.

The PRESIDENT: Will the Minister please address the Chair? If he does we will make progress.

The Hon. A. F. GRIFFITH: I do not have anything to do with the Stock Exchange, but I have observed what goes on.

The Hon. E. C. House: Do not forget there are brokers with buying orders in their pockets.

The Hon. A. F. GRIFFITH: What I propose to do is to ask the House to agree to the second reading of the Bill. Obviously there is no opposition to it. Between us we could then work out what amendments are necessary. Mr. Medcalf has suggested the insertion of the words "on his own behalf." I will have that amendment examined; it appears to be acceptable. Mr. Ron Thompson has foreshadowed to me privately that he might proffer some other amendments, but I have not had an opportunity to examine them. Whatever else we might do we should look at the situation which has been related to us by Mr. Ron Thompson, to ensure that we are not doing the wrong thing.

I thank members for their support of the Bill. I do not propose to deal with it in the Committee stage at this point of time. I will leave it at the bottom of the notice paper until we have had a chance to confer with somebody to arrive at amendments to suit the purpose.

Question put and passed.

Bill read a second time.

DOG ACT AMENDMENT BILL

Order Discharged

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.50 p.m.]: I move—

That Order of the Day No. 4 be discharged from the notice paper.

Question put and passed.

Order discharged.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.51 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 24th March.

Question put and passed.

House adjourned at 8.52 p.m.

Legislative Assembly

Wednesday, the 18th March, 1970

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

SUNDAY TRADING IN LIQUOR

Referendum: Petition

MR. BATEMAN (Canning) [4.31 p.m.]: I present a petition from the Seventh Day Adventist Church of Gosnells, Western Australia, containing 726 signatures, asking for a referendum to be held. I certify that the petition conforms to the rules of the House, and I have signed it accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

QUESTIONS (51): ON NOTICE

1. *This question was postponed until Tuesday, the 24th March.*

2. ALBANY HIGHWAY

Resumptions at Maddington

Mr. BATEMAN, to the Minister for Works:

(1) What development is to take place in the widening of a through road through Maddington?

(2) Is there any intention of resuming land for main road requirements on Albany Highway between Maddington Road and the railway crossing at Stokely?

(3) If (2) is "Yes" when can it be anticipated resumptions will be made?

Mr. ROSS HUTCHINSON replied:

(1) No widening is envisaged at the present time.

(2) Plans are being developed for the provision of an overpass crossing the railway at Stokely. Some land resumption will be necessary.

(3) As soon as plans are finalised property owners will be approached with a view to acquisition of land. This is likely to be within the next few months.

3. BYPASS ROAD

Gosnells

Mr. BATEMAN, to the Minister for Works:

In view of the increased shopping activity on either side of Albany Highway, Gosnells, and the increased vehicle activity, will he advise when it can be anticipated the bypass road through Gosnells will be constructed?

Mr. ROSS HUTCHINSON replied:

As I advised in answer to Question No. 12 on the 30th October, 1969, the date for construction of a bypass road for Gosnells townsite has not been determined as the justification for the necessary funds for construction must be related to other priorities throughout the metropolitan area.

4. VERMIN TAX

Gosnells Area

Mr. BATEMAN, to the Minister for Agriculture:

(1) Have vermin rates in the current assessment in the Gosnells area been increased by up to 850 per cent.?

(2) If so, what is the reason for such an increase?

Mr. NALDER replied:

(1) The vermin rate per dollar of unimproved value has been decreased and not increased. However, the Taxation Department valuation has been accepted by the Shire of Gosnells and this will result in increased vermin charges.

(2) Answered by (1).

5. AIR POLLUTION

Dust Nuisance: Gosnells

Mr. BATEMAN, to the Minister representing the Minister for Health:

(1) Has the Air Pollution Council taken any counts of the incidence of dust fall-out from Readymix Quarries at Gosnells?