

# Legislative Council

Wednesday, the 9th September, 1964

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

## ADDRESS-IN-REPLY

### Acknowledgment of Presentation to Governor

THE PRESIDENT (The Hon. L. C. Diver): I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply:—

Mr. President and honourable members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

## QUESTIONS ON NOTICE

1. This question was postponed.

### MINE WORKERS' RELIEF ACT

#### Extension of Benefits to Widows

2. The Hon. D. P. DELLAR asked the Minister for Mines:
  - (1) Is it a fact that an amendment is contemplated to extend to the widow of a deceased mineworker the benefits of the Mine Workers' Relief Act?
  - (2) If so, when will this amendment be introduced?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) This session.

### RESEARCH STATION AT SALMON GUMS

#### Electricity Supply

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:
  - (1) What progress has been made in the planning of power and lighting for the Salmon Gums Research Station?
  - (2) Is it contemplated that power will be available in the very near future?
  - (3) If not, when will it be available?

The Hon. A. F. GRIFFITH replied:

- (1) Funds have been provided in the 1964-65 Loan Estimates to supply power and lighting to the Salmon Gums Research Station, and the Public Works Department has been requested to proceed immediately with the installation of a power unit at the research station.
- (2) and (3) Answered by (1).

### MALCOLM-LAVERTON RAILWAY LINE

#### Tenders for Removal

4. The Hon. D. P. DELLAR asked the Minister for Mines:

With reference to my question on Thursday, the 27th August, 1964, relating to the removal of the Malcolm-Laverton railway line, will the Minister advise—

- (a) Were tenders called for the purchase of rails?
- (b) If so—
  - (i) when and in which newspaper were the tenders called;
  - (ii) who was the successful tenderer;
  - (iii) what price per foot of rail was the accepted tender?

The Hon. A. F. GRIFFITH replied:

- (a) Yes. Tenders were called by the Tender Board subject to reservation of sufficient rails to meet local requirements.
- (b) (i) *The West Australian* of the 27th June, 1964. *Government Gazette* of the 3rd, 10th, 17th, and 24th July.
- (ii) Midalia and Benn.
- (iii) Tenders were called for rails, fastenings, and points and crossings in position at one price per ton railway weights, when despatched. The price tendered in position was £8 6s. per ton.

### PASTORAL LEASES IN ORD RIVER AREA

*Tabling of Agreement with Australian Investment Pty. Ltd.*

5. The Hon. H. C. STRICKLAND asked the Minister for Mines:

The Minister is requested to lay upon the Table of the House, the agreement between the Department of Agriculture and Australian Investment Pty. Ltd. relating to the contouring, planting, and fencing of pastoral leases in the Ord River area.

The Hon. A. F. GRIFFITH replied:

The agreements in question are tabled herewith for a period of two weeks.

*The agreements were tabled.*

### DAM AT GRASS PATCH

#### *Details*

6. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

- (1) Is it intended to excavate a larger dam at Grass Patch to serve the needs of the town and the rapidly expanding district?
- (2) If so—
  - (a) When can it be expected the work will commence?
  - (b) What will be the size and capacity of the dam?
  - (c) Will it have a bituminised catchment area?

The Hon. L. A. LOGAN replied:

- (1) Yes.
- (2) (a) Within the next two months.
- (b) One million gallons.
- (c) Not at this stage.

### T.A.B. AGENCIES

#### *Observance of Health Act Requirements*

7. The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) As the Totalisator Agency Board betting legislation does not supersede the Health Act, 1911-1963, will the Commissioner of Public Health take the necessary action to see that the requirements of the Health Act are observed and carried out at all T.A.B. agencies in both—

- (a) the metropolitan area; and
- (b) country areas?

(2) If not, why not?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) Answered by (1).

### MINING ACT AMENDMENT BILL (No. 2)

#### *Introduction and First Reading*

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

### BILLS (5): THIRD READING

1. Local Courts Act Amendment Bill.
2. Sale of Liquor and Tobacco Act Amendment Bill.
3. Justices Act Amendment Bill.
4. Evidence Act Amendment Bill.
5. Damage by Aircraft Bill.

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

### VERMIN ACT AMENDMENT BILL

#### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [4.47 p.m.]: I move—

That the Bill be now read a second time.

Most members will no doubt recall that, in response to representations from people living in the pastoral areas, the Government introduced legislation in 1962 to increase the maximum vermin tax on land held under pastoral lease from 2d. in the pound of the unimproved capital value of such land to 3d. in the pound. It will be appreciated that the setting of a maximum figure does not prevent a rate being imposed which is less than the maximum.

Prior to the introduction of the 1962 amendment, pastoralists favoured an increased contribution for vermin destruction in their areas. The maximum amount which could be assessed under the then

existing figure of 2d. in the pound was £12,000 a year. The effect of the increase then made enabled up to a further £6,000 per annum being collected. All collections are matched on a pound per pound basis by the Government and so, by increasing the maximum by 50 per cent., the additional collections available under that legislation increased by 100 per cent. the amount of money available for the destruction of vermin in pastoral areas.

The Pastoralists and Graziers' Association has again sought an increase in the vermin rate to a figure not exceeding 6d. in the pound. The amendment contained in clause 2 of this Bill is being introduced in order that the association's desires be implemented. The passing of this amendment will accordingly provide the Agriculture Protection Board with additional funds to carry out vermin control in pastoral areas if necessary.

The necessity for the next amendment, which is contained in clause 3 of the Bill, has come about through people domesticating classes of animals which have been declared vermin and, in some instances, removing such animals from vermin declared areas to other areas where their eventual release has constituted a vermin nuisance.

In one instance, wild goats were captured in their wild state and taken to a township. Some eventually escaped and others were released, as a consequence of which the town's outer environs quickly became overrun by wild goats.

In another case, not less than 240 wild goats were taken from a district where they were declared vermin to another district where their entry was permitted; and an endeavour was made to hold them on a property surrounded by an ordinary wire fence. As might be expected, most escaped right away; and, in point of fact, all but 30 of the entire 240 escaped into a district which previously had been entirely free of the wild goat pestilence.

The purpose of the amendment then will be to circumvent such activities by making it possible for any class of animal, bird, or insect, already declared to be vermin, by reason of it being at large or in a certain part of the State, to remain declared vermin as long as the particular declaration is in force.

As a consequence, if such vermin should be captured and kept or taken to some other part of the State, it will still remain vermin and be subject as such to the provisions of the Act.

The Hon. G. Bennetts: I noticed the other day that a lady was very worried about vermin being destroyed.

The Hon. L. A. LOGAN: There are many people who have a wrong conception of what vermin do, because, unfortunately, they have not experienced them. The

people who want vermin maintained ought to suffer some of the consequences of vermin. I think they would then change their mind.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

## UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

### Second Reading

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.52 p.m.]: I move—

That the Bill be now read a second time.

The University of Western Australia Act makes no provision for the University to accept any gift to be of benefit for one sex only. The purpose of this Bill is to make such provision; and, on its passing, the University will be able to accept gifts, donations, and bequests upon trust limited by the donor to be used for the benefit of a particular sex. A benefactor will thus be enabled to provide a scholarship or other award, or benefit any other purpose consistent with the University Act, when desirous of benefiting a particular sex.

Some time ago, a prospective donor, having in mind the encouragement of the establishment of farm management services, offered a scholarship in agriculture at the University and restricted it to male students. Unfortunately, the University was prevented from accepting the offer owing to the provisions in section 40. This section at present reads as follows:—

The provisions of this Act and all the benefits, advantages and privileges of the University shall extend to women equally with men,

and from the marginal note in the Act, it would seem apparent that the object of that section is to extend to women the privileges of the Act applying to men. The case quoted, however, clearly demonstrates the effect which this section has when applied to scholarships and, no doubt, some other benefits.

This view is borne out when it is recalled that many of the universities throughout the world did not admit women at the time of the establishment of our University, but the legislators here made this special provision in section 40 in order to assure equal opportunity for persons of either sex to avail themselves of a university education; and certainly there was no intention to prevent the University, through the insertion of this section, from accepting gifts which would enable a benefit to be bestowed upon a particular class of student.

It is thought that donors should be accorded their freedom of choice in bestowing upon the University, in the interests of higher education, benefits, the winning of

which might well be decisive in the pursuit of a particular course by a specially talented graduate or undergraduate; and, with the passing of this Bill, the University will be free and unencumbered in its acceptance of this type of assistance, and so enabled to foster the course of study or research desired by the donor and approved by the University itself.

The Bill does not, of course, alter the important provision which entitles members of either sex to admission to the University and enrolment in appropriate courses, but it will give to the University greater flexibility in dealing with bequests and offers of gifts and donations made in the interests of higher education.

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

## **FIRE BRIGADES ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [4.56 p.m.]: I move—

That the Bill be now read a second time.

Members will recall having passed an amendment last session to amend the Fire Brigades Act in order that the State Government Insurance Office should in future make contributions to the Fire Brigades Board in a similar manner to other insurance companies.

Apparently through an oversight in the drafting of the Bill, a provision to make the State Government Insurance Office legally responsible to make contributions to the board was not inserted. The purpose of this Bill is to rectify this omission by making the specific provision that the State Government Insurance Office come within the category of insurance concerns required to contribute to the board.

Debate adjourned, on motion by The Hon. R. Thompson.

## **ALSATIAN DOG ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [4.58 p.m.]: I move—

That the Bill be now read a second time.

This Bill was introduced by The Hon. Mr. Nalder in another place and contains four amendments of which the first two are in accordance with undertakings given by the Minister during last year's session of Parliament—firstly, to reduce the fee on transfer of a permit; and, secondly, to increase the time during which the owner of an Alsatian dog may leave his animal

with certain other persons without being required to transfer the permit to those persons.

Within three months of a person becoming the owner of an Alsatian dog, it is obligatory under section 6 of the Act for him to obtain a permit which is renewable annually. A fee of £5 is payable on the issue or on the transfer of each permit, and £2 each year for renewal.

The amendment contained in clause 2 reduces the fee of £5 payable to the Agriculture Protection Board on the transfer of a permit to £2. In view of the fact that transfer of a permit could well take place on more than one occasion during a year, it is considered the fee of £5 originally set is too high.

The next amendment affects section 8, which provides that Alsatian dogs are to be kept by the permit holder only and not to be allowed to wander at large. At present, the owner of an Alsatian dog is not permitted to allow the beast to be kept by any other person except a registered veterinary surgeon or a kennel owner, unless that person is his servant, his employee or a member of his household, and then for a period only of up to 14 days. In all other circumstances, if an Alsatian dog is to be removed from the care of its owner, it is required that the permit be transferred to whoever is to be responsible for the dog.

With the introduction of three weeks' leave for industry and commerce, generally, throughout the State, it is understood some employees on shift work would be getting as much as five weeks' leave in the one period and, as a consequence, the original 14 days set under this section would be insufficient to cover a period of holidays when it may be more convenient for the owner to leave his dog with another person.

The Hon. G. Bennetts: What about long-service leave of three months?

The Hon. A. F. GRIFFITH: That also would be covered. As a consequence it has been decided to extend the period to six weeks. The appropriate amendment is contained in clause 3 of the Bill. On the passing of this amendment, an owner may leave his Alsatian dog with a servant or his employee, or a member of his household, for any period not exceeding six weeks without the necessity of obtaining a transfer of the permit to that person.

Opportunity is taken to include in the Bill an amendment consequential on the amendments made to the original Act when it was in the Committee stage, and apparently overlooked. This amendment is contained in clause 4, and it removes section 11 from the reference to the powers conferred on local authorities in section 13. Section 11 is not applicable here

as it deals purely with the non-payment of compensation in respect of an Alsatian dog destroyed under the provisions of the Act.

The concluding amendment for the repeal of subsection (2) of section 13 will have the effect of invoking the provisions of section 41 of the Interpretation Act in the matter of proceedings against any person for an offence under this Act. That section of the Interpretation Act deals with the rights of persons generally to bring proceedings.

While subsection (2) of section 13 authorises local authorities to take proceedings against any person for an offence under the Act, there is some judicial authority for the supposition that the authorisation of a local authority to prosecute may be read as excluding the authority of the Agriculture Protection Board to prosecute. This was not intended, nor do local authorities wish this duty to be imposed upon them.

Briefly, then, this Bill reduces the permit transfer fee from £5 to £2; it will enable owners to make provision for their Alsatian dogs for an extended period without having to meet the expense of a permit transfer fee while still complying with the other requirements of the Act. It will rectify an irregularity which crept in during the Committee stage in another place; and, finally, the Bill will clarify the situation with respect to proceedings which may be taken against any person for an offence against the Act.

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

## AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—  
(Minister for Local Government) [5.3  
p.m.]: I move—

That the Bill be now read a second time.

The existing regulations under the Agricultural Products Act provide for the grading of products; but there is no power conferred under the Act to prohibit the sale of any product, though its quality would not, in effect, measure up to the lowest grade prescribed under the regulations.

For instance, fruit, if of extremely low quality, may be downgraded to the lowest grade, but, when even the lowest grading is higher than the condition of the fruit warrants, there is no means under the Act of preventing its sale to the public.

In the matter of grapes, the Viticulturists Union of Western Australia supports amending legislation to prevent the sale of immature grapes and the removal of

substandard fruit from the market. It has been brought officially to notice that the sale of immature grapes early in the season has tended to develop buyer resistance, with a consequent depressing effect on the market by the time the grape crop has approached the fully palatable stage. The practice of placing immature fruit on the market, while admittedly quite profitable to the growers, could not be considered in the best interests of the industry or of the public, whose loss of confidence in a seasonal fruit is not quickly restored.

It may be submitted that a somewhat similar situation could apply to almost all products of an agricultural nature, but it is desired to emphasise that fruit such as grapes and citrus fruit are particularly susceptible to these practices. The passing of this Bill will provide the means of preventing the sale of immature or substandard fruit and other agricultural products not complying with necessary standards.

The Bill will enable samples of agricultural products to be taken in sufficient quantity for examination to establish whether they comply with the requirements of the Act. In cases where it is possible for the authorities to bring the product into compliance with the Act, there is power for this to be done at the expense of the owner or person in charge of it.

In the event of this procedure being impracticable, the amendment contained in this measure will provide authority for the product to be destroyed or disposed of in a manner to be prescribed by regulation. There is, of course, provision that notice of any order for repacking, destruction, or disposal of any produce is to be given to the owner as soon as possible.

It is not intended that the powers contained in the Bill shall be used lightly. The written approval of the Minister, or an appropriate officer authorised by him, would first need to be obtained should destruction of an agricultural product be considered warranted.

As is usual in such measures, the appropriate clause indemnifies authorised persons carrying out their duties under the Act against any action for damages arising out of the exercise of their powers. Conversely, it would be an offence to fail to comply with any order made under the authority of the Minister in accordance with the provisions of the amended legislation. A penalty of £20 is provided, as it is considered necessary to ensure that the party concerned complies with the order. The penalty contained in this Bill is consistent with other penalties already provided for other offences under the Act.

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

## MILK ACT AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

## ANZAC DAY ACT AMENDMENT BILL

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [5.7 p.m.]: I move—

That the Bill be now read a second time.

It will be recalled that the original Anzac Day Bill introduced in 1960 after an R.S.L. referendum which favoured the holding of holiday activities on the afternoon of Anzac Day was introduced as a non-party measure.

The purpose of this Bill is to implement some improvements which have from time to time been considered desirable as a consequence of the progression of events which have occurred since the original Act was proclaimed. The introduction of this amending legislation was in prospect when the Act was before Parliament in 1960; and, indeed, an undertaking was given to introduce amending legislation after the Anzac Day Act had been on trial for at least a year.

An undertaking was also given to review provisions affecting sporting bodies on account of Anzac Day falling on Saturday this year; and a review of the position as a result of the day falling on a Sunday in 1965 was also predicted.

The effect on sporting bodies of Saturday Anzac Day fixtures was closely examined last year and, as a consequence, a decision was made not to alter the relevant provisions in the Act. So Anzac Day, 1964, differed not at all in proceedings under the Act from those of the preceding three years. The W.A. National Football League, and a number of other sporting bodies, paid 60 per cent. of net proceeds from that Saturday's fixtures to the Anzac Day Trust Fund in accordance with the provisions of the Act. No complaint was made in official quarters; and, in point of fact, considering the number of years intervening between Anzac Days falling on a Saturday, no great hardship as a result of such payment is thought to have been imposed.

As previously mentioned, Anzac Day falls on a Sunday next year, but only on five other occasions before 1999, so there is no intention now to amend the Act because of the day falling on a Sunday. Under the Act, racing or trotting meetings may not be held on a Sunday Anzac Day, nor may occasional licenses be operated. It is considered these prohibitions should continue to apply. When sporting activities are held on a Sunday Anzac Day

however, the organisers would be required to contribute 60 per cent. of the net proceeds to the trust. The Act does not prohibit the holding of sporting activities after 1 p.m. on a Sunday.

It may at this point be desirable to refer to the definition of "sports" in the Act. The several activities mentioned in the definition are defined as "sports" only when persons are admitted on payment of a fee or charge for admission or after any donation has been sought from them for the purpose of their witnessing those activities. Sometimes no charge is made for admission, organisers depending on monies collected during the progress of the sports; or, perhaps, donations are sought after the sports have concluded. There is an amendment proposed in this measure to widen the definition so as to encompass these latter groups.

Racing and trotting meetings may be held on any Anzac Day, except when it falls on a Sunday, but the convenors are obliged under section 5 of the 1960 Act to pay the full net proceeds to the Anzac Day Trust. The effect of this provision in country areas is considered to be somewhat harsh. This Bill limits the amount to 60 per cent. of net proceeds to be paid to the trust in respect of meetings held in places outside a radius of 30 miles from the Perth Town Hall, so that in future the full net proceeds will be payable only in respect of meetings held within the metropolitan area.

The trust may, under the Act, prosecute a sporting, racing, or trotting body which fails to submit returns and proceeds to it, but may not take action to enforce payment of the proceeds due. This Bill contains an amendment which will permit the trust to take suitable recovery action in regard to such proceeds.

The Act at present contains no provision to enable donations, devises, and bequests made to the trust being paid into the Anzac Day Trust Fund. An appropriate amendment to permit of this being done is included in the Bill.

The basis of distribution of proceeds has been widened in respect of homes for ex-servicemen and ex-servicewomen in order that there be no doubt that proceeds may be distributed for the purpose of helping existing establishments.

It is understood some difficulty has been encountered by the trust in establishing an organisation's qualification to participate in the distribution of proceeds of the trust fund. The difficulty arises, apparently, out of the interpretation of the words "principal object" contained in subsection (3) of section 10. This subsection deals, amongst other matters, with the distribution of trust funds for assisting institutions, organisations, and associations, the principal object of which is the financial assistance and relief, or the amelioration of conditions, of ex-members

of the forces and their dependants. It is considered the difficulty would be overcome by substituting for the words "principal object" the words "object or one of the objects".

Whatever views may be held by individual members regarding organised sport and the sale of liquor permitted by the Act on Anzac Day, it is generally agreed, I should think, that proceedings on Anzac Day which are governed by the Act have been satisfactory.

Though the greater part of the proceeds from racing and trotting have comprised refunds of betting taxes collected on meetings held each Anzac Day by the W.A. Turf Club and the Western Australian Trotting Association, it should not be overlooked that they were special meetings held by those bodies for the purpose of helping ex-service organisations.

The establishment of the trust fund under the 1960 legislation has resulted in substantial assistance being given to worthy causes. More than £37,000 has been distributed to ex-service organisations during the first three years of its operation, and a further amount of £20,000 is to be distributed this year. It would seem evident, therefore, that the purposes of the Act have been fulfilled; and the slight alterations which three years' experience of its provisions have indicated are desirable are contained in this Bill.

Debate adjourned, on motion by The Hon. D. P. Dellar.

## **RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [5.15 p.m.]: I move—

That the Bill be now read a second time.

The Radioactive Substances Act at present specifies that the Commissioner of Public Health, or his deputy, be the chairman of the Radiological Advisory Council. Since the retirement of Dr. Henzel, a reallocation of duties has occurred in the Public Health Department, and radiation control has been developed under Dr. Letham, who administers the Occupational Health Division.

Dr. Letham is the logical choice to act as chairman of the council, but under the terms of the Act this is not at present possible. The purpose of this Bill, by enabling an alternative to the deputy commissioner to act, is to enable Dr. Letham to act as chairman of the Radiological Advisory Council.

A further amendment has reference to the supervision of radiological apparatus owned by doctors and dentists. The Act originally required the owner of irradiating apparatus to be licensed and provision was

made for safeguards in the equipment and use of machines. Though medical practitioners and dentists were originally exempted from registration, an amendment passed in 1960 required members of those professions to register their apparatus.

It was considered that this action would suffice to ensure that machines operated by medical practitioners and dentists would be equipped and maintained in use with proper regard for all the necessary precautions. It has been found by experience, however, that further strengthening of the Act in this direction is necessary.

This is being done through amendment to section 15A to make it an offence to use an unregistered machine. There is provision in the amendment that registration may be granted subject to such conditions as the Minister may impose on the recommendation of the council; and, finally, it will be competent for the Minister to cancel registration of apparatus on the advice of the council that its use might imperil the health of any person.

Debate adjourned, on motion by The Hon. J. G. Hislop.

## **INQUIRY AGENTS LICENSING ACT AMENDMENT BILL**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [5.18 p.m.]: I move—

That the Bill be now read a second time.

The Inquiry Agents Licensing Act requires that when a person is paid a fee or reward for procuring evidence for proceedings under the Matrimonial Causes and Personal Status Code, or the Married Women's Protection Act, he has to be licensed to secure such evidence.

These people, often referred to as private inquiry agents, mainly concentrate on obtaining evidence later to be used in divorce proceedings under the Matrimonial and Personal Status Code. This Code of 1958 has, however, been superseded by the Commonwealth Matrimonial Causes Act of 1959. Also, the Married Women's Protection Act has been repealed and, as a consequence, the inquiry agents Act may now be inoperative in its present form.

There was a case of a particular inquiry agent engaged in procuring evidence for use in divorce courts having his license cancelled as, owing to his behaviour, he was considered an unsuitable person to be licensed for this sort of work. It was subsequently ascertained that this particular person was still continuing with this type of inquiry, despite the fact that his license had been cancelled.

When the matter was placed before the Crown Law Department with a view to suitable and appropriate action being taken against the delicensed agent, it was

ascertained that our Inquiry Agents Licensing Act would not prevent any person from engaging in this type of work in respect of evidence for use in proceedings under the Commonwealth Matrimonial Causes Act of 1959, because the 1959 Act does not prescribe the manner in which evidence may be secured for use in proceedings under it.

It has become apparent that now any person, though he be considered unsuitable to do so, may engage in securing evidence to be used in divorce proceedings; and any person who wishes may engage without a license in the inquiry agent business for the purpose of securing evidence to be used in any court. This is considered a most unsatisfactory state of affairs by the Commissioner of Police, for it would enable any convicted or other undesirable person, for instance, setting himself up in business as an inquiry agent.

The purpose of the amendment contained in this Bill is to provide a law of general application covering the whole field of private detection or investigation for reward without any specific reference to any Act.

Exemptions made are set out in subsection (2) of the repealed and re-enacted section 3. Enumerated amongst those persons who are exempted while acting in the exercise of their functions are members of the Police Force, defence force, employees of the Crown or of Government departments, members of the legal and medical professions, and insurance operators.

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

## FORESTS ACT AMENDMENT BILL

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [5.22 p.m.]: I move—

That the Bill be now read a second time.

There are three proposals in this Bill to amend the Forests Act, 1918-1954. The amendment in clause 2 relates to the term of appointment of the Conservator of Forests under the provisions of section 8. In paragraph (b) of subsection (2) of the section there is a provision that the conservator shall hold office for a term of seven years and at the expiration of his term be eligible for reappointment. This implies reappointment for a further period of seven years, and Crown Law advice is to the effect that it must be so under those provisions.

It is agreed that a term of seven years on initial appointment is desirable. On the other hand, circumstances could arise requiring subsequent appointments for a shorter period. The Bill repeals and re-enacts paragraph (b), retaining eligibility

for reappointment, but for a term not exceeding seven years as the Governor specifies at the time of reappointment. The amendment conforms with the provision in the Rural and Industries Bank Act in relation to the appointment of its chairman and other full-time commissioners. The relative part of that Act is contained in subsection (1) of section 10, which reads—

The Chairman and the other full time commissioners shall hold office for a period of seven years from the date of their appointment and thereafter shall be eligible for appointment for a period (not exceeding seven years) to be fixed at the time of such appointment.

It is further proposed that the deputy conservator be eligible for appointment as conservator for a first term for a period not exceeding seven years. This is designed to enable a deputy conservator who may have given long and faithful service to the State to be eligible for appointment as conservator, though at the time of his appointment his age may be against a full initial term of seven years.

The next amendment, by repealing and re-enacting section 12, will permit the appointment of a full-time deputy conservator, instead of the existing provision for appointment of a deputy in the case of the illness, suspension, or absence of the conservator.

The final amendment provides for a copy of any Order-in-Executive-Council relating to the dedication of State forest to be laid on the Table of each House of Parliament within the first six sitting days of the House after the publication of the Order-in-Council in the *Government Gazette*. Should each House then pass a resolution of which notice has been given within the first 14 sitting days of the House after a copy of an Order-in-Council has been laid on the Table of each House that the Order-in-Council be disallowed, it ceases to have effect.

However, such disallowances would not affect or invalidate anything done in good faith by the Minister or any officer exercising any powers or performing any duties under the Forests Act relating to the land referred to in the Order-in-Council.

The Act at present provides for Parliament to approve of excisions from dedicated State forest. This amendment will give Parliament the opportunity of reviewing dedications.

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

## BRANDS ACT AMENDMENT BILL

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [5.25 p.m.]: I move—

That the Bill be now read a second time.



It is required under the Brands Act for a brands directory to be published every 10 years. The first issue was published this year on the conclusion of reorganisation of the brands registration system. The amendment in this Bill has to do with the "decennial year" which is nominated in the Act as being 1965, and, under this requirement, a new edition of the directory would have to be published next year instead of in 10 years' time. In order to avoid this unwarranted expense and unnecessary work, it is proposed, by amending the Act, to make 1964 the "decennial year" and also the commencing year of the publication of the brands directory.

This will cause no inconvenience to anyone, because the Act also provides for a supplement of brands registered, transferred, and cancelled during each year to be gazetted annually.

Debate adjourned, on motion by The Hon. A. R. Jones.

House adjourned at 5.26 p.m.

## Legislative Assembly

Wednesday, the 9th September, 1964

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