Legislative Assembly

Wednesday, the 11th November, 1964

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

SITTINGS OF THE HOUSE

Closing Days of Session: Wednesday Starting Time

MR. NALDER (Katanning—Deputy Premier) [4.34 p.m.]: On behalf of the Premier, Mr. Speaker, I wish to inform the House that as from, and including, next Wednesday, the House will sit at 2.15 p.m.

The SPEAKER (Mr. Hearman): I would like to make one query of the honourable Minister. Does he mean that on Wednesdays and Thursdays we will be meeting at 2.15 p.m., or on Tuesdays as well?

Mr. NALDER: No; I said that we will be sitting at 2.15 p.m. every Wednesday, including next Wednesday, from now on.

The SPEAKER (Mr. Hearman): On all Wednesdays in the future we will meet at 2.15 p.m.?

Mr. NALDER: Yes.

WHEAT PRODUCTS (PRICES FIXATION) ACT

Tabling of Departmental Files

MR. NALDER (Katanning—Minister for Agriculture) [4.37 p.m.]: At this stage I wish to table some papers on the Wheat Products (Prices Fixation) Act Amendment Bill, in response to a question asked yesterday. These papers will remain on the Table for seven days.

The papers were tabled.

BILLS (3): INTRODUCTION AND FIRST READING

1. Married Persons (Summary Relief) Act Amendment Bill.
2. Interstate Maintenance Recovery Act Amendment Bill.
3. Justices Act Amendment Bill (No. 2).

Bills introduced, on motions by Mr. Court (Minister for Industrial Development), and read a first time.

QUESTIONS ON NOTICE

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

Expenditure and Construction

1. Mr. KELLY asked the Minister for Education:

(1) What amount has been spent by the Country High School Hostels Authority in the years 1960-61, 1961-62, 1962-63, 1963-64?

(2) Where were hostels built, and at what cost?

(3) At what centres are hostels under course of construction?

(4) At what centres are hostels planned for the years 1964-65, 1965-66, and 1966-67?

(5) What is the maximum amount of money which the authority can acquire for expenditure in the years 1964-65, 1965-66, and 1966-67?

Mr. LEWIS replied:

(1)

	£
1960-61	380
1961-62	129,439
1962-63	145,003
1963-64	302,916

(2) Hostels have been built as follows:—

	Cost £
Merredin	115,295
Narrogin	82,144
Geraldton	72,045
Carnarvon	73,935
Katanning	57,695
Northam Administration Block	55,383

In addition, buildings have been acquired and converted for hostel purposes at:—

	£ Cost
Albany	9,456
Narrogin	14,263

(3) Bunbury.
Narrogin (extensions).

(4) 1964-65—Bunbury; Narrogin—extensions.

1965-66; 1966-67—The Country High Schools Hostel Authority has not yet drawn up a programme for these years.

(5) For the years stated the authority's borrowing powers are at present limited to the following:—

1964-65—£100,000.
1965-66—£100,000.
1966-67—£100,000.

GOVERNMENT HOSPITALS

Wages Paid to Runners and Nurses

2. Mr. CURRAN asked the Minister for Health:

(1) What is the wage paid to a runner in government hospital employ until date of entering first-year training as a nurse?

(2) What is the wage paid to—

first-year nurse;

second-year nurse;

third-year nurse;

staff nurse?

Mr. ROSS HUTCHINSON replied:

(1) 15 years of age—£7 7s. 2d. per week.

16 years of age—£8 10s. 7d. per week.

17 years of age—£9 4s. 5d. per week.

(2) 1st-year student nurse—£10 0s. 4d. per week.

2nd-year student nurse—£10 17s. 11d. per week.

3rd-year student nurse—£11 16s. 7d. per week.

Staff nurse—

1st year—£18 0s. 11d. per week.
2nd year—£18 8s. 5d. per week.

Board and lodging deducted from above rates if employee lives in.

BENTLEY HIGH SCHOOL

Factors Governing Rise in Status

3. Mr. D. G. MAY asked the Minister for Education:

(1) In view of the answers given to question 26 dated Thursday, the 5th November, 1964, will he advise if the Bentley High School conforms to the three qualifications detailed in his reply?

(2) If not, will he indicate the particular category in which the Bentley High School does not qualify?

Raising to Five-year Status

(3) Can he give an assurance that the Bentley High School will ultimately be raised to a five-year school?

Mr. LEWIS replied:

(1) The Bentley High School does not conform with all of the qualifications detailed in my reply of the 5th November.

(2) (a) Kent Street Senior High School can cater for upper school students from Bentley High School.

(b) The availability of specialist staff is a criterion applying to all high schools.

(3) It is anticipated that ultimately most metropolitan high schools will become senior high schools.

BOXING DAY

Granting of Paid Holiday in Lieu

4. Mr. W. HEGNEY asked the Minister for Labour:

(1) Were representations made to him earlier this year by the Trades and Labour Council requesting that the Government take necessary action to ensure paid holidays to workers in lieu of Anzac Day and Boxing Day, both of which fall on a Saturday?

(2) What was the Government's decision in respect of each of these days?

(3) Is it a fact that the New South Wales, Victorian, and Tasmanian Governments have already granted a day in lieu of Boxing Day?

(4) As various industrial organisations are perturbed at the position which will arise in 1965-1966 when Anzac Day, Christmas, and New Year's Day will fall on a Saturday and Boxing Day on a Sunday, will he reconsider the decision not to grant a day in lieu of Boxing Day 1964?

(5) If not, what excuse can he advance?

Mr. WILD replied:

(1) Yes.

(2) The request was refused.

(3) I understand that this is the position.

(4) No.

(5) In regard to Anzac Day, the Anzac Day Act specifically provides that that day shall be celebrated on the 25th April.

In regard to Boxing Day, there is no power to declare an alternative public holiday. The same position operated in 1959, and no alternative day was granted. The attention of the honourable member is drawn to the decision of the President of the Arbitration Court in the 1961 inquiry into holidays, in which he said (and this principle is now included in the majority of our awards and agreements, plus our Factories and Shops Act)—

> The next claim by the Unions was designed to standardise the practice when any of the named days (with the exception of Anzac Day) falls on a Saturday or Sunday. Under the Bank Holidays Act Amendment Act, 1893, where Australia Day, Labour Day, Foundation Day or the Sovereign's Birthday (and also some other bank holidays—not generally prescribed as holidays under industrial awards) falls on any day other than a Monday, the next succeeding Monday is observed in lieu of the actual day, so that this claim only affects three of the public holidays usually described, viz. Christmas Day, Boxing Day and New Year's Day. The practice as to the observance

of these days when they fall on a Saturday or Sunday has varied from time to time in this State and there is no uniform practice in the other States which we could adopt as a model. On the whole, I think that when any of those three days falls on a Sunday, the following working day should be granted in lieu thereof and, similarly, when Christmas Day or New Year's Day falls on a Saturday, but that when Boxing Day falls on a Saturday it should be observed on that day.

It will be noted that the president was definite that when Boxing Day falls on a Saturday it should be observed on that day.

SEWERAGE FOR GLENDALOUGH

Finance Allocated for Construction

5. Mr. W. HEGNEY asked the Minister for Water Supplies:

(1) What amount has been allocated for sewerage construction in the Glendalough district?

Boundaries and Commencement

(2) What will be the approximate boundaries within which construction will proceed during the present financial year?

(3) When is it proposed to commence such construction?

Mr. WILD replied:

(1) £75,000 for 1964-65.

(2) An area bounded on the south by Powis Street, on the east by Rawlins and Pollard Streets and including Glendalough Home: lots on the western side of Harborne Street from one lot south of Leeder Street and north to the Balgay drain reserve. Also a small area south of Baden Street to Scarborough Beach Road approximately between Donovan Street and the alignment of the proposed northern access road.

(3) Construction is at present proceeding.

SUSPENDED FLASHING LIGHTS

W.A. Experiments, and Installation at Hurlingham Hill

6. Mr. GRAYDEN asked the Minister for Police:

(1) In view of the effectiveness in the Eastern States of flashing lights which are suspended over the centre of roads instead of being placed on either side at danger spots, will he outline what experiments, if any, are being carried out in Western Australia in respect of this type of warning signal?

(2) Will he investigate the advisability of having such a signal installed on Canning Highway, at Hurlingham Hill, instead of the type which is operating there at present?

Mr. CRAIG replied:

(1) I am not aware that the effectiveness of overhead flashing lights in some eastern States is proved. No experiments of this type of flashing warning device are in train in Western Australia. However, the Main Roads Department has set up an experimental installation of overhead traffic signals and the Perth City Council is also experimenting on these lines.

Mandatory signals of this type should not be confused with flashing (i.e., warning) devices.

(2) I will refer this matter to the Main Roads Department for consideration.

NARROWS BRIDGE: SOUTHERN APPROACH

Responsibility for Development

7. Mr. GRAYDEN asked the Minister for Works:

(1) What land on the southern approach to the Narrows Bridge is the responsibility of the Public Works Department and what portion is the responsibility of the South Perth City Council?

(2) Has any delay been experienced in having some of this land vested in the South Perth City Council and, if so, what portion?

(3) How does the department plan to beautify the area of land for which it is responsible and when is this likely to eventuate?

(4) Is it intended to bore for water in the area referred to and, if so, approximately when and where will this take place?

Mr. WILD replied:

(1) There are two main areas of land, excluding alienated land, which comprise the area immediately south of the Narrows Bridge. They are the freeway reserve and the areas to the west and east of the bridge approaches. The fenced area of the freeway is under the control of the Main Roads Department and the other two areas are, for the time being, under the control of the Lands Department. Until these areas are vested in the

South Perth City Council it has no responsibility for their beautification.

(2) There has been some delay in vesting in the South Perth City Council the land at present under the control of the Lands Department. A survey was necessary to properly delineate the areas concerned, and due to the complex nature of the survey this has taken some time to complete. However, the Lands Department now advises that the survey is finished and that design plans are being drawn, and when these are completed the Lands Department will have further discussions with the South Perth City Council. The areas the South Perth City Council is interested in comprise a strip along the foreshore to the west of the freeway and the open space to the east overlooking Perth Water.

(3) The Main Roads Department is preparing a plan for improving the appearance of the freeway. Boring is being undertaken to ascertain the availability of suitable water for reticulation purposes.

(4) Answered by (3).

SOUTH PERTH WATERFRONT

Responsibility for Control

8. Mr. GRAYDEN asked the Minister for Lands:

Which portion of the undeveloped waterfront land in South Perth, which is bounded in the north by the river, in the east by Coode Street, in the south by Mill Point Road and in the west by the Mends Street jetty, is the responsibility of the Government and which portion is the responsibility of the South Perth Council?

Mr. BOVELL replied:

The foreshore strip, varying in width between two and five chains, and containing about 18 acres, is vacant Crown land.

The balance of the land, extending to Mill Point Road and containing 36 acres 1 rood 27 perches, is held in fee simple by the City of South Perth.

CARAVAN PARK AT EXMOUTH

Enforcement of Caravan Annex Regulations

9. Mr. NORTON asked the Minister representing the Minister for Local Government:

(1) What regulations, if any, are there in respect of annexes attached to caravans on the caravan park at Exmouth?

(2) In respect of families who are employed on the V.L.F. project at Exmouth, is there any time limit on their stay in the caravan park and, if so, what is it?

(3) As there is no alternative accommodation for families in the area and as building blocks are not available for home building, is it his intention to rigidly enforce any regulations regarding period of residence and structure of annexes providing that these are neat and tidy?

(4) If the answer to (3) is "Yes," what are his reasons, taking in all factors such as isolation, climate, and the anticipated length of employment?

Mr. NALDER replied:

(1) The by-laws of the Exmouth Shire Council include the following:—

By-law No. 1 (1)—

the word "annex", when used in reference to a caravan, shall mean a framework of tubular steel or other material constructed so as to be easily and readily dismantled, with a canvas, plastic, oil silk or similar materials approved of in writing by the manager, so made as to fit neatly over the framework; and the maximum dimensions of an annex shall not exceed the overall dimensions of the caravan to which it is attached.

By-law No. 1 (10)—

No person shall . . .

(c) erect any structure, whether temporary or otherwise, except pursuant to and in accordance with the conditions of a license granted under this by-law;

By-law No. 1 (15) (3)—

Licensee may apply to the manager for permission to erect a light annex, but all such requests must be accompanied by details of the structure. Erection may not be commenced before permission is granted; such erection without permission may result in the Council requesting or authorising the structure removed, and the costs thereof will be a charge on the licensee. Any

annex erected under this condition must be dismantled on departure of the licensee from the park, and any concrete laid must be also removed.

(2) A time limit is fixed by the model by-law relative to caravan parks, which was adopted by the shire council, this being three months in any one year, but with power to have this extended with the express approval in writing of the Minister for Local Government.

(3) It is not the Minister's prerogative to enforce or otherwise the by-laws. This is a matter for the Exmouth Shire Council which is at present administered by a commissioner.

(4) Answered by (3).

FISH TRAPS

Use in Shark Bay

10. Mr. FLETCHER asked the Minister for Fisheries:

Will he make known departmental intentions regarding use of fish traps in Shark Bay area—
(a) continued use;
(b) partial use; or
(c) abolition when?

Mr. ROSS HUTCHINSON replied:

Recently a deputation from the Fremantle Fishermen's Co-operative requested that fish traps be banned for the catching of snapper. In addition evidence submitted by fishermen to the Fishermen's Advisory Committee recently in opposition to the use of traps is being checked and analysed.

The honourable member is advised, therefore, that the whole question of the use of snapper traps in Shark Bay is now under consideration.

FISHERIES RETURNS

Responsibility for Submission

11. Mr. FLETCHER asked the Minister for Fisheries:

Who is the person responsible for submitting a fisheries return—
(a) the owner;
(b) the part-owner;
(c) the owner-skipper;
(d) the skipper; or
(e) a registered accountant on behalf of any of the above?

Mr. ROSS HUTCHINSON replied:

Under section 18 of the Fisheries Act, all persons engaged in the taking of fish for sale are required to furnish returns. However, in practice it is the skipper who submits the necessary information.

SHANNON RIVER MILL CLUB

Ownership of Clubhouse Land

12. Mr. ROWBERRY asked the Minister for Lands:

(1) What progress has been made in the consideration of a grant in fee simple of the land on which the Shannon River Mill Club House stands, viz., Reserve No. 13305?

(2) As application for the above was made on behalf of the club by Mr. R. Brett Asplin, solicitor, of Bridgetown, on the 28th February, 1962, can he indicate when a decision will be made in this matter?

(3) Has any material alteration in the status of Reserve No. 13305 occurred in the meantime?

Mr. BOVELL replied:

(1) and (2) It is not proposed to grant the fee simple of the land on which the Shannon River Workers' Club is erected. The site is on sawmilling site permit No. 169-33 granted to Hawker Siddeley Building Supplies, and the company advised the Conservator of Forests on the 25th August, 1964, that arrangements were being made to lease club premises on suitable terms.

(3) No.

TOBACCO GROWING

Representation at Federal Conference

13. Mr. ROWBERRY asked the Minister for Agriculture:

(1) Was the State of Western Australia represented at the recent talks between the Minister for Primary Industry and representatives of tobacco growers on the question of stabilisation which took place recently in the Eastern States?

(2) If not, why not?

Mr. NALDER replied:

(1) No.

(2) Western Australia could not expect representation at discussions on a tobacco stabilisation scheme while it is not a tobacco-producing State.

However, representations have been made to the Minister for Primary Industry for provision for possible production of tobacco in Western Australia if, and when,

consideration is given to the question of tobacco production quotas for individual States.

DECENTRALISATION

Establishment of Portfolio: Minister's Criticism

14. Mr. TONKIN asked the Minister for Industrial Development:

(1) Upon what criteria did the Government come to the decision which he announced at the annual south-west conference that a Minister for decentralisation would prove to be a first-class farce?

(2) Does this opinion of the Government refer only to a Minister for decentralisation in Western Australia or to such a portfolio generally?

Inquiries in New South Wales

(3) Has the Government made an inquiry at all concerning the work of successive Ministers for Decentralisation in New South Wales?

(4) If "Yes," with what result?

Mr. COURT replied:

(1) The comment reported was my own and not the result of a specific government decision.
The reason for my comment was that one Minister trying to implement a role of decentralisation would be in a most difficult and, under some circumstances, an intolerable position.
In any government committed to a policy of decentralisation this policy can only be implemented if all Ministers in a government work to that objective. The decentralised development achieved by the present Government is because of this approach.

[*Laughter from Opposition members.*]

Mr. COURT: I did not think honourable members opposite would like that a bit, but it happens to be true. To continue with the answer—

(2) My comments referred specifically to Western Australia but would be equally applicable to most States or countries.

(3) and (4) The Government examines efforts at decentralisation attempted in other States and countries in a search for practical ideas suitable to this State.
It is fair to say that, within the resources at our disposal and having regard to the magnitude of the task in Western Australia our performance as a State compares favourably.

Mr. Hawke: A very poor effort.

Mr. Tonkin: It is a masterpiece of evasion.

ELECTRICITY SUPPLY FOR ALCOA

Cost of Provision

15. Mr. TONKIN asked the Minister for Electricity:

(1) What was the cost involved in providing for electricity to be supplied to Alcoa?

Generation by Company

(2) Has the company been taking a reasonable supply or is it generating some or all of its requirements?

Mr. NALDER replied:

(1) and (2) Alcoa generates its own electricity requirements. The State Electricity Commission provides emergency supply only. All costs were met by Alcoa.

Mr. Tonkin: By Jove, that is pretty rough! What did it cost to put the supply on?

The SPEAKER (Mr. Hearman): Order!

BUILDING BLOCKS AT MERREDIN

Ownership and Acquisition by State Housing Commission

16. Mr. KELLY asked the Minister representing the Minister for Housing:

(1) How many unbuilt-on building blocks in Merredin are owned by the State Housing Commission?

(2) Is the commission interested in purchasing lots 492 and 493 comprising roughly 10 acres?

(3) As there is a considerable housing lag at present, what is the delay in arriving at a decision to purchase these lots?

Mr. ROSS HUTCHINSON replied:

(1) The commission owns 15 sites and is finalising the acquisition of approximately 140 more.

(2) Yes; and inquiries have been made and should be finalised in the near future.

(3) As there are at present 33 applicants with 10 houses under contract and a vacancy rate of 25 per annum, it is considered that the position is reasonable, but it will be kept under review. Investigations regarding Lots 492 and 493 have been proceeding together with the negotiations to acquire other land.

SEWERAGE AT MERREDIN

Completion and Approximate Cost

17. Mr. KELLY asked the Minister for Water Supplies:

(1) What stage has been reached in sewerage extensions in Merredin—

(a) in the area bounded by Growden, Fifth, Duff, and Bates Streets;

(b) area bounded by Bates, Duff, Coronation, and Mary Streets;

(c) area bounded by Queen, Mitchell, Mary Streets, and Great Eastern Highway?

(2) When is it anticipated each section will be completed?

(3) What is the approximate cost in each section?

(4) In view of the extreme urgency of sewerage to this fast developing centre, would it not be possible to speed up the completion of the three sections?

Mr. WILD replied:

(1) Survey data is available to the department for the areas mentioned and within the next few months design will be prepared and financial aspects considered. If these are satisfactory the work will be listed for consideration in the 1965-66 financial year.

(2) Completion date depends on the date of commencement of construction.

(3) (a) £8,000.

(b) £6,000.

(c) £3,000.

(4) No provision has been made in the 1964-65 loan programme for this work but the matter will be reviewed in January, 1965.

FODDER PLANTS: GROWTH IN COMBINATIONS

Agricultural Department Experiments

18. Mr. KELLY asked the Minister for Agriculture:

Has the Agriculture Department carried out conclusive experiments to ascertain what yield advantages are possible by growing certain fodder plants together, such as in combinations of clovers, ryes, linseed, paspalum, etc., and, if so, with what conclusions?

Mr. NALDER replied:

The Department of Agriculture is continually testing fodder crops such as maize, sorghum, sudan grass, and millets. Pasture species such as the subterranean clovers, rose clovers, strawberry clovers, lucerne, rye grasses, brome grasses, and cocksfoots are tested alone and in mixtures. A breeding and testing programme is carried out with linseed which is grown as a crop for oil and meal production. The varieties, species, or mixtures which can be grown in an area, and the results obtained, vary with climatic conditions.

DRAINAGE AT MERREDIN

Improvement and Assistance to Shire Council

19. Mr. KELLY asked the Minister for Water Supplies:

(1) Has the Government a definite plan to carry out an overall drainage improvement scheme to serve Merredin?

(2) If so, will the Government—

(a) totally finance the necessary works;

(b) find two-thirds of the necessary finance;

(c) assist the Merredin Shire Council on a £1 for £1 basis?

(3) If a definite plan has not already been developed, could he advise what action the Government is prepared to take?

Mr. WILD replied:

(1) No.

(2) Answered by (1).

(3) Government policy is that town stormwater drainage is a local authority responsibility. Following a ministerial visit on the 23rd July, 1963, arrangements were made for an investigation of the town drainage to be made by officers of the Public Works Department; and, as a result, a report thereon was forwarded to that authority on the 24th October, 1963.

ROAD SYSTEM ADJACENT TO PARLIAMENT HOUSE

Current Plans

20. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

What are the current plans for the road system embraced by Harvest Terrace, Parliament Place, and Havelock Street between Hay Street and King's Park Road?

Mr. LEWIS replied:

Closure of Harvest Terrace between Malcolm Street and Parliament Place was provided for in the Road Closure Act, 1961, subject to proclamation of the date at which closure was to take effect. Such proclamation has not, however, been made.

Further traffic studies and advice from traffic consultants retained by the Main Roads Department, with regard particularly to traffic which will be associated with the new government office development and to the design of access to and from the proposed Mitchell Freeway led the Main Roads Commissioner to recommend that it will be essential for effective traffic circulation to retain Harvest Terrace as a through road between Malcolm Street and Hay Street.

The current traffic plans as suggested by the Main Roads Department are therefore for Harvest Terrace, Parliament Place, and Havelock Street to be two-way roads. Havelock Street between King's Park Road and Parliament Place is proposed to be widened on the east side and Parliament Place widened on the south side. Turning movement at the intersection of Harvest Terrace and Malcolm Street should, it is suggested, be limited to left-hand turns into and out of Harvest Terrace.

ELECTRICITY SUPPLIES TO FARMING PROPERTIES

Details of Contributory System

21. Mr. H. MAY asked the Minister for Electricity:

(1) What are the conditions which people, living in rural areas, are required to comply with when seeking extensions of power to farming properties under the contributory system operating in the south-west of Western Australia?

(2) Will he give the details of the minimum extensions of power lines to farming properties?

Mr. NALDER replied:

(1) People seeking extensions must apply to the commission and give their full name, postal address, and lot or location number of the property on which electricity will be used.

(2) There is no minimum extension.

FLASHING LIGHTS

Installation at Verna Street Railway Crossing, Gosnells

22. Mr. D. G. MAY asked the Minister for Railways:

(1) Is he aware that approval was given to the provision of flashing lights at the Verna Street railway crossing, Gosnells, last April?

(2) Is he further aware that the installation of these lights was to receive high priority?

(3) In view of the mentioned information, is he in a position to indicate when the installation of these flashing lights will be effected?

Mr. COURT replied:

(1) Yes.

(2) Yes.

(3) Installation date is dependent on supply of material which is on order. Efforts will be made to try to expedite.

HIGH SCHOOLS

Establishment in Albany Electorate

23. Mr. HALL asked the Minister for Education:

(1) Has the Government made provision for the erection of a high school in the Marbellup-Elleker catchment area?

(2) What provision has been made in the Lower King-Bayonet Head area for the establishing of a high school?

(3) Has any provision been made in the Little Grove area, Albany, for establishing a high school in the overall education planning?

(4) Is there any proposal for the erection of a high school in the Frenchmen's Bay area in the overall education planning?

(5) Has the Government a proposal to erect a high school to serve the Chester Pass area, Albany?

Mr. LEWIS replied:

(1), (3), (4), and (5) No.

(2) None.

LONG SERVICE LEAVE

Conditions Applying to Railway Employees

24. Mr. BRADY asked the Minister for Railways:

(1) Are salaried staff and wages staff long service leave based on different methods; e.g., is leave period included in service period from salaried staff but excluded from wages staff?

(2) Why does wages staff have to work longer periods than salaried staff for each term of long service leave to be cleared?

(3) When were existing agreements made?

Mr. COURT replied:

(1) Yes.

(2) The condition under which the period of long service leave is excluded in subsequent calculations

has applied in respect of wages staff since wages staff were granted long service leave in 1927. In this connection conditions are common throughout government departments.

Long service leave conditions were first granted to salaried staff under provisions included in the Salaried Staff Regulations, 1905, and later by awards issued by the Railways Classification Board, pursuant to powers vested in the board by the Railways Classification Board Act, 1920-1959. These conditions have never stipulated that the period of long service leave taken should be excluded in subsequent calculations.

(3) Salaried staff—1905.
Wages staff—1927.

25. *This question was postponed.*

PEDESTRIAN TRAFFIC

Protection by Overways

26. Mr. BRADY asked the Minister for Transport:

(1) When will the Transport Department be in a position to state if overways will be used to protect civilians crossing roads?

(2) What is the reason for not trying out overways at present?

Cost of Supervision of Crossings

(3) What is the approximate cost of police supervision and traffic inspectors yearly on school and other crossings in the metropolitan area?

Cost of Bridge and Ramp

(4) What would a steel bridge, 30 feet long, 5 feet wide, and 18 feet high cost with ramp for ingress and egress to and from bridge?

Mr. CRAIG replied:

(1) Provision of overways for pedestrians is at present under serious consideration and investigation.

(2) The matters of siting, fencing and user control are so important in respect of these structures that extensive investigations are necessary before funds are committed.

(3) This information is not available at present but will be supplied to the honourable member at a later date.

(4) A structure as described would cost about £10,000 to construct in a 66-foot road reserve.

SINGLE TEACHERS

Number outside Metropolitan Area

27. Mr. DAVIES asked the Minister for Education:

What is the total number of single teachers employed by the Education Department outside the metropolitan area?

Mr. LEWIS replied:

Approximately 1,100.

MURDER OF JILLIAN BREWER

Contents of Purse

28. Mr. GRAHAM asked the Minister for Police:

(1) Was a purse found in the flat of Jillian Brewer following her murder?

(2) If so, what were its precise contents in detail?

Statement by Eric Edgar Cooke

(3) What was the statement of E. E. Cooke regarding the contents of the purse?

Mr. CRAIG replied:

(1) No.

(2) Answered by (1).

(3) No statement was made to the police by Eric Edgar Cooke in reference to a purse.

In an affidavit to his solicitor, on page 13, Cooke states he found a zipper purse containing 4s. 7d. in money and a cheque for about £6 with the name "J. Brewer" written on it; all of which he put back in the purse. He then put the purse and contents back where he found it, either on a cupboard or draining section of the sink.

QUESTIONS WITHOUT NOTICE

CAPITAL PUNISHMENT

Hanging of a Commonwealth Prisoner

1. Mr. HEAL asked the Deputy Premier:

Is there any truth in the rumour that due to the terrific outcry from the centre of Darwin, the Commonwealth Government has made an approach to the State Government to carry out a certain hanging?

The SPEAKER (Mr. Hearman): I do not think I can allow that question. It does not come under the administration of the Deputy Premier. It is a Federal matter.

Mr. HEAL: If the Commonwealth Government has made an approach to the State Government, I am entitled to ask a question in relation to that.

Mr. Graham: Of course he is!

Mr. NALDER replied:
There is no truth whatever in the rumour.

Mr. Graham: It will not be long!

SENATE VACANCY

Filling

2. Mr. HAWKE asked the Deputy Premier:

Has the Government of Western Australia received advice from the Governor-General that a vacancy exists in the Senate due to the death of Senator Vincent; and, if so, what action does the Government propose to take to have the vacancy filled?

Mr. NALDER replied:

No.

DECENTRALISATION

Interpretation of Minister's Remarks

3. Mr. CORNELL asked the Minister for Industrial Development:

With reference to remarks he passed at Busselton on Friday last during which he criticised people and suggested they get off the soap box in regard to decentralisation, am I to assume that that was an all-sweeping statement and that those who advocate the situation of industries in country areas are also to be categorised as soap-box orators; or did he only intend it to apply to those who criticise the Government's policy of decentralisation?

Mr. COURT replied:

The answer is simply that it was not meant as sweeping criticism of those contemplating industry in the country, because that is the policy of the Government.

Mr. Hawke: That was not the question.

Mr. COURT: Yes it was!

Mr. Hawke: Of course it wasn't.

Mr. COURT: Have a look at the transcript.

SITTINGS OF THE HOUSE

Wednesday Starting and Finishing Times

4. Mr. BRADY asked the Deputy Premier:

In view of the fact that honourable members of both Houses have a very important dinner engagement next Wednesday evening at 6.30, would it be possible for the House to meet at 2.15 p.m. and finish at 5 o'clock to enable honourable members to bring their wives to the dinner?

Mr. NALDER replied:

I have already, on behalf of the Premier, notified honourable members that the House will be sitting at 2.15 p.m. next Wednesday. The time at which it will conclude will be announced later.

Mr. Hawke: It will depend on how we get on with the Local Government Bill.

DECENTRALISATION

New South Wales Proposal: Application to Western Australia

5. Mr. CORNELL asked the Minister for Industrial Development:

In *The Australian* of yesterday appears this item—

> The N.S.W. Government would consider any reasonable proposition to promote the decentralisation of industry, the Premier, Mr. J. B. Renshaw, said in Goulburn yesterday. Mr. Renshaw said that £200,000, and possibly more, was available from the Government for the construction of factories in country areas. This meant that industry need not find initially the capital for factory construction.
>
> The Premier said that the Government was prepared to build houses for key personnel and to train operators for any new decentralised industry.

Would the Minister pursue inquiries with the Government of New South Wales to get more information on that proposal with a view to investigating the feasibility of its implementation in this State?

Seeing I am advocating the establishment of a super works in Merredin, I hope I am not to be categorised as a tub-thumper.

Mr. COURT replied.

The policy of the New South Wales Government in these matters is well known to the State Government, and if honourable members examine the Government's efforts in respect of decentralisation of industry, they will find it has done similar things—in fact, better—in our own State in the last few years.

Mr. Hawke: Don't be so modest!

MURDERS IN WESTERN AUSTRALIA

Confessions by Eric Edgar Cooke

6. Mr. HAWKE asked the Deputy Premier:

Yesterday, without notice, I asked the Deputy Premier four questions in the one set of questions about the confession made in the Fremantle Prison by Eric Edgar Cooke. The Deputy Premier partly answered the questions. I now ask him—

(1) Can he tell me which are the two murders to which Cooke made his confession a few moments before going to the gallows?

(2) If not, will the Deputy Premier make inquiries and try to have the information made available to the House tomorrow?

Mr. NALDER replied:

(1) and (2) I will endeavour to have the information made available to the Leader of the Opposition.

FISHERIES ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Fisheries) [5.7 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to protect salmon fishing beaches, and so enable salmon fishermen working at their age-old craft to be able to continue their industry. Most people know of the rather wonderful natural phenomenon of the annual salmon and herring run. These fish are migratory in their habits, and in the main their comings and going are predictable.

For a long number of years fishermen along Western Australia's south coast, and to a somewhat lesser extent on the deep south-west coast, have engaged in an important industry—one in which they themselves earn a livelihood by helping to satisfy a keen public demand for the fish and, in addition, keeping alive a valuable canning factory in the town of Albany. This factory in itself has value in that it provides a valuable source of employment. In short, the salmon fishing and canning industry is a decentralised industry which is not only of considerable importance to Albany and its people, but also materially assists in helping to balance the State's economy. The salmon run takes place from approximately mid-February to the end of April each year, and at various beaches fishermen keep watch for the schools of salmon to appear. As I have said, their movements are largely predictable, and they have favourite bays or beaches which they visit each season. Fishermen for generations have known of these places, and the industry has more or less flourished according to the type of the season.

Up till recent years no human activity, or, at the most, little human activity, disturbed the serenity of the industry. Of course some people knew of the salmon run and the favoured beaches, but these places were rather remote and the people who did go to them were sensitive to the situation that nothing should be done to frighten the fish away, and not infrequently assisted fishermen to haul their nets.

Recently, however, there has been a tendency for some people to use speed boats or boats with outboard motors at the very time when schools of salmon have been sighted approaching their favourite haunts. Also, some people in a rather irritating and frustrating fashion have in certain ways tried to prevent the fishermen from engaging in their craft. Any actions of this kind, or of the kind that will frighten the fish away, of course, affect the livelihood of the fishermen and the future of the canning industry at Albany, and they deleteriously affect decentralisation and to an extent the State's economy.

The prime feature of the legislation, therefore, is to enable the Governor to proclaim a defined area a fishing zone in charge of an inspector. In this zone for a specified period of approximately two and a half months no person would be allowed to prejudice the salmon run by such actions as I have mentioned unless such actions are approved by the inspector. By this I mean that when there is no salmon in the immediate vicinity, there will be a relaxation of the restrictions according to the situation.

Mr. Jamieson: You are giving the inspector greater powers than you have yourself.

Mr. ROSS HUTCHINSON: These are delegated powers.

Mr. Jamieson: They are extremely well delegated, too.

Mr. ROSS HUTCHINSON: The honourable member will have an opportunity to study this matter and determine whether the action contemplated is warranted, or not; and depending on his assessment of the situation so he will either support the provision, or not.

Mr. Jamieson: This is a greater power than the defence powers.

Mr. ROSS HUTCHINSON: I have just tried to describe the position. The honourable member can determine his course of action according to how he considers this provision fits the circumstances. That is his privilege, and I will be interested to hear what he has to say about it.

No great hardship should be caused to tourists, as comparatively few spots will be proclaimed fishing zones, and then only in the interest of the fishing industry and its continuation at such places as Cheyne Beach, or Hassell's Beach as it is sometimes called, and possibly Eagle Bay between Busselton and Cape Naturaliste.

I point out for the information of the House that earlier this year a widely representative committee was formed to discuss the matter of protecting salmon beaches and also, although it has no bearing here, certain other matters concerning townsites, but those matters have no bearing on the Bill. This committee comprised—

(1) Representatives of all local governing authorities whose districts touched on the south coast as far east as Doubtful Bay (east of Bremer Bay);

(2) a representative of the local fishermen;

(3) a representative of the canning industry;

(4) representatives of the Fisheries, Lands, and Town Planning Departments; and

(5) a representative of the Government Tourist Authority.

This committee, in brief, recommended that legislation be introduced to protect the salmon fishing beaches during the vital salmon run period, and it is largely because of this recommendation, and because the department felt there was a necessity to introduce this proclamation of fishing zones that the Bill is before the House at the moment.

Mr. Norton: Does it include beaches where whiting are netted?

Mr. ROSS HUTCHINSON: No.

Mr. Norton: It just says "any beaches".

Mr. ROSS HUTCHINSON: The beaches will be proclaimed. They are salmon fishing beaches.

Debate adjourned, on motion by Mr. Hall.

TRAFFIC ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Minister for Police) [5.15 p.m.]: I move—

That the Bill be now read a second time.

Honourable members will no doubt recall that in the last parliamentary session, whilst a Bill to amend the Traffic Act was before the House it included an amendment to shorten the period from three to two days by which a motor vehicle driver was required to produce his license, if asked to do so by a police officer or traffic inspector. This amendment was to conform with the National Traffic Code but it was not agreed to by the House. The honourable member for Balcatta then submitted an amendment to delete completely that section of the Act—as no doubt he recalls—

Mr. Graham: My word!

Mr. CRAIG: —it being claimed that it was often inconvenient for people to present the license within the required period of three days.

At the time I expressed opposition to the proposed deletion of this section of the Traffic Act because of the difficulties that would arise if the police or traffic inspectors did not have the right to demand the production of the license by the driver when requested to do so. In the intervening period, the views expressed have been shown to be well-based and, as a result, the Traffic Branch has now become responsible for satisfying inquiries made not only in the metropolitan area but also from all country shires.

We have something like 300,000-odd motor drivers' licenses in existence. It has become abundantly clear that where some 125 authorities are enforcing the provisions of the Act and regulations, with only one of them having a record of drivers' licenses, a chaotic state of affairs must result whilst the other 124 have no means of knowing whether or not a person—

(a) is the holder of a current driver's license;

(b) is the holder of a license appropriate to the vehicle he is then driving;

(c) if the holder of a license holds it on probation;

(d) if over 75 years of age, has been re-examined as required by the Act; and

(e) is the holder of a probationary license.

Apart from any increase in the number of vehicles in use, this situation will be aggravated by the growing number of licenses to be issued on probation, and by persons reaching the over 75 years of age group.

With the Act as it now is, practically every shire in the State has been caused inconvenience and the Police Traffic Branch has had a considerable burden of work placed on it and has requested that this provision be restored to the Traffic Act. Many of the country shires and the Local Government Association have made similar approaches. I might say, too, that this work now occupies an extra staff of three, full-time, to supply the information sought by the country shires and local police officers.

In the proposed amendment it is not suggested that the license be produced within a period of two or three days, if not in the possession of the driver at the time, but rather seeks to fulfil this requirement within a reasonable time. In other words, it seeks to restore the authority to the

police or to a traffic inspector to request the driver to produce his license when called upon to do so. By this means it is felt than no-one will be inconvenienced by the request, and country shires and the Police Traffic Branch will then be enabled to secure this necessary information with the minimum amount of trouble and inconvenience.

The Bill also seeks to tidy up an anomaly created by legislation passed in the last session of Parliament. During that session the Motor Vehicle (Third Party Insurance) Act was amended to restrict the field of liability upon the vehicle insurance trust. This was achieved by amending the definition of "motor vehicle" which has had the effect of excluding from its ambit a wide range of vehicles which previously were subjected to third party insurance, particularly road-making and earth-moving vehicles and street-cleaning vehicles used by local authorities.

Secondly, the traffic regulations were amended for the issue of permits subject to the production of insurance policies indemnifying the owners in an amount of not less than £100,000 against liability at common law in respect of the movement or use of such an "off-road vehicle" on a road. Subsequently the validity of the insurance policy required by traffic regulation 10B, which requires that the commissioner must be "satisfied the owner of the off-road vehicle is indemnified" was challenged. In this claim it was pointed out that the rights of redress of any person who might be injured by this type of vehicle were considerably less than similar rights under the Motor Vehicle (Third Party Insurance) Act.

Following a Crown Law examination of the matter it was agreed that an amendment was necessary and it was felt that, if the traffic authorities issued either full licenses or limited licenses to all vehicles, the problems of both the traffic authorities and the trust would be solved. To do this the draftsman has made an amendment to enable the Governor to make regulations prescribing classes of vehicle licenses and to designate the kinds of vehicles to which any class of license is to apply. The purpose of doing this by regulation is to avoid the necessity of amending legislation every time a new type of vehicle comes on to the market, a move that would be necessary if the types were written into the Bill.

Debate adjourned, on motion by Mr. Graham.

MARRIED PERSONS (SUMMARY RELIEF) ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.24 p.m.]: I move—

That the Bill be now read a second time.

There are three Bills which are completely interrelated; namely, the Interstate Maintenance Recovery Act Amendment Bill, the Married Persons (Summary Relief) Act Amendment Bill, and the Justices Act Amendment Bill. Normally a Bill to amend the Interstate Maintenance Recovery Act, 1959-62, would be handled by the Minister representing the Minister for Local Government; but in view of the fact that these Bills are so closely interrelated it has been thought preferable to have the three of them handled by the one Minister; namely, the Minister representing the Minister for Justice.

This Bill—the Married Persons (Summary Relief) Act Amendment Bill—contains some important amendments to the Married Persons (Summary Relief) Act which have been sought by the magistrates of the Married Persons Relief Court. The Minister for Justice had hoped to introduce to Parliament this session a Bill to repeal and re-enact the parent Act as a consequence of investigations which have been going on for some considerable time past, and which are now being examined by the Law Reform Committee of the Law Society. The society considers, however, at this stage, that the major changes should be allowed to stand over as it is not believed to be practicable to incorporate the numerous amendments comprising substantial provisions without the Act becoming virtualy unintelligible. As there are still questions of law arising out of the changes, which it has not yet been found practicable to resolve, it has been decided to proceed with this limited measure covering the most urgent requirements of the magistrates to enable them to better administer relief where required.

There is one important amendment in addition, however, which is included in this Bill and this refers to orders for the maintenance of dependent children. At present, orders remain in force until a child is of the full age of 21 years, unless an application is made for the order to be discharged on the ground that the child is no longer a dependant. This has given rise to orders being enforced in respect of children who have long ceased to be dependants, and this has necessitated decisions of doubtful equity.

Apart from South Australia, the other States of the Commonwealth, and New Zealand, provide that orders for the maintenance of dependent children are effective only until the child attains the age of 16 years. After that age is reached the order needs to be extended or renewed for any further period of dependency. It is now proposed to follow the provisions of the other States by requiring the order to be extended where the child remains a dependant after reaching the age of 16 years. Though, on first thoughts, it might be considered that such change could bring about some hardship, this is not so, for dependency can easily be proved where the child continues at school, is undergoing training, or is an invalid.

The requirement for applications for extension of maintenance to be made beyond 16 years will, in most cases, be of great practical advantage to the wife inasmuch as it will bring about a review of the situation of the sufficiency of the order. In practice it has been found that many women are inclined to leave orders undisturbed although they have become totally inadequate.

The new procedure will also eliminate the situations where the women with orders, who have taken no action for years, are required to enforce them before they can be considered for a pension. As an example of the present position, it was incumbent upon a wife, in the case of an order in respect of a married daughter of 18 years of age, to have action taken for the arrest of the girl's father. When the defendant was arrested the warrant could only be satisfied by his application to have the order discharged on the grounds that the child was no longer dependant. This incurred costs to both parties, inconvenience, and the indignity of being arrested. There have been other cases of warrants being necessary in respect of children of ages up to 26, and this purely as a means of establishing that the order should be discharged. The amendment will also be of advantage where distance and other such difficulties preclude the parties making application to the court.

A further advantage will be in the matter of interstate enforcement of our orders, as, in many cases, collectors refuse to act on its appearing that the child is aged 16 and the order has not been extended. As a consequence of the amendment, orders shall cease to have effect on a child attaining the age of 16 and, when the court is satisfied that a child on attaining that age is still a dependant, and makes an order, the court will be required to specify in the order the date or the happening of any event on which the provision ceases to have effect.

It will be appreciated, therefore, that no serious change will occur by reducing the age from 18 years to 16 years as there is power elsewhere in the Bill to extend the operation of the order where the dependency continues after the child has turned 16 years of age.

Turning now to other amendments which will facilitate the practical application of the laws in respect of relief, at present a wife is required to go to the Police Court under the Justices Act if an interim order is required for her protection. This is now being rectified. Section 11 is being amended to make it clear that an application can be made on the original complaint for a person to be bound over. Another amendment will permit the extension of the operation of interim orders. This will have effect particularly in respect of one party being overseas where it is possible to delay the hearing for a greater period than the three months at present allowed, thus denying relief to the other party beyond that period.

There is also provision for an interim order to lapse on the complaint being dismissed or withdrawn, and where proceedings have been delayed for orders to be back-dated. The court should be able to suspend the operation of an order made on a warrant under section 26, because it would be anomalous to give relief to a person who has no means but still imprison him for failure to make payments under a suspended warrant. It is proposed to permit the court without limitation to suspend the operation of an order retrospectively for any period necessary. This applies in particular where the person against whom it was made has been unemployed for a long period and there has been a delay in making the application.

Hardship has been caused by the court not being able to back-date the variation of an order to the happening of the event which gave rise to the variation. This applies in the case of a change in the means or of the dependency of any of the parties or of any child of the family. There is provision also for any one or more of the provisions of an order to be discharged without affecting the other provisions and for such discharge to be dated back to the happening of the event which gave rise to the discharge.

Section 19 of the Act would appear to make a child a ward of the State and in those circumstances the parties would be precluded from applying to the court for custody to be reconsidered on changed circumstances as the court would have no further jurisdiction in the matter. An amendment accordingly makes it clear that custody only is to be given to the Child Welfare Department.

Though a defaulting party may have known assets within the State, execution may not be taken against these assets if the party is outside the State or his whereabouts is unknown. An appropriate amendment tidies up this provision to give access to all assets irrespective of where the defaulter resides.

The person who causes the most trouble is the persistently wilful defaulter who never makes a voluntary payment. This type pays regularly but only on the issue of a warrant of enforcement. The added burden placed mainly on the complainant but also on the court is quite unwarranted; and, on the passing of this measure, the offender may be brought to court to answer a charge of contempt of court.

There must be power for a person against whom an enforcement warrant has been issued to be able to come back to court under extreme or unusual circumstances, which demand relief against anomalous situations which arise, and this Bill makes the requisite provision.

Some courts have been allowing continual applications for progressive suspension of warrants, thus reducing the procedure to a farce, so an amendment is included to make it clear that only one application for suspension of a warrant can be made after it is executed.

A subsection is added to section 26 to give the court power to reissue a warrant where the defaulting party has failed to comply with any conditions under which its operation was suspended. Hardship sometimes occurs where the complainant is without means, and unable to meet the fees which would enable court action to be taken. It is therefore proposed that original actions and warrants be issued *in forma pauperis*, or waiver of fees completely, under other sections where hardship would be caused.

The amendments sought to be introduced by the Bill give rise to the requirement as a temporary measure to amend two other Acts. The first of these is the Interstate Maintenance Recovery Act, 1959, and the second is the Justices Act, 1902.

It is believed that on the passing of this measure the better administration of the Act will be greatly facilitated as it provides more effective means of dealing with the problems which come before the court.

Debate adjourned, on motion by Mr. Evans.

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill is consequential to the Bill already introduced to amend the Married Persons (Summary Relief) Act, and its purpose is to ensure that all moneys paid under an order must be paid in the first instance to the court, so that the accounting system can be properly maintained as regards the payment of arrears and current maintenance.

At the present time, the court, when making orders for the suspension of a warrant with money to be paid to someone out of court, has no record of payments made as they are made in the first instance to the collector in the Child Welfare Department. Payments will in future be made into the court where the necessary accounting procedure will be carried out prior to its being forwarded to the collector.

Debate adjourned, on motion by Mr. Evans.

JUSTICES ACT AMENDMENT BILL (No. 2)

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.39 p.m.]: I move—

That the Bill be now read a second time.

This brief amendment is complementary to the main Bill amending the Married Persons (Summary Relief) Act and its object is to bring the enforcement procedures under the Justices Act into line with those of the Married Persons (Summary Relief) Act.

Under the parent Act granting relief, it was overlooked that provision should have been made for a warrant to be reissued when the defaulter failed to comply with the order. In order that the position may now be rectified, it is necessary to amend the Justices Act to empower the court by endorsement of a warrant to direct that it be put into operation when a person has failed or ceased to comply with any direction or condition imposed by the court. The appropriate amendment is to section 155D of the Justices Act wherein it is proposed to insert a new subsection (4) which provides the necessary authority. This is the third of the three Bills which have to be considered in a related manner.

Debate adjourned, on motion by Mr. Evans.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed, from the 10th November, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [5.40 p.m.]: This Bill with a quite unpretentious title contains the genesis of a plan that has been designed to bring the Statute law of Western Australia into a more convenient, up-to-date, and readily accessible form. This is a worthy ideal. It is also quite necessary. These qualities can be best illustrated by a very thought-provoking quotation I have found in the foreword to the reprint of a Tasmanian Statute written under the hand of the Attorney-General of the Tasmanian Government (The Honourable Roy Fagan, M.H.A.), and which reads as follows:—

> Sir Cecil Carr has said that if English law will not allow us to plead ignorance of its contents the State owes a duty to its citizens to supply them with the means of knowledge. With that statement there can be no disagreement. One way in which the State can supply the means of knowledge is by publishing with reasonable

regularity the Statute law in a convenient and readily accessible form, with adequate indices and tables to facilitate reference to it.

The foreword then continues and says that with that object in view the publication of this work has been undertaken.

The Statute law of Western Australia consists of Acts and Ordinances which have been passed since the year 1832 to the present time. As has been pointed out by the Minister, in order to prepare for the publication of such a vast array of Statutes, so that we can present them in a more manageable form, the Legislature is being asked, in respect of this piece of legislation, to embark upon a programme with vision and purpose.

This Bill thus seeks legislative authority for the express removal from the Statute book of many enactments which, for various reasons, are no longer effective and which should, therefore, be excluded from future reprints. In all, the Bill lists 384 such enactments which have been passed by the Western Australian Legislature between 1832 and as late as 1900.

Honourable members will appreciate only too well the distinction between Statute law revision and law reform. The process of Statute law revision is not directed towards making any substantial change in the law; and of course we know that when changes in substance are made in the law it is the very function of law reform.

This Bill, then, is not directed towards making any alteration in the substance of the law. The present state of our Statute book, encumbered with much obsolete and exhausted legislation, certainly requires revision; and I might add that our present season, to my way of thinking, makes it propitious for us to embark upon some very appropriate spring cleaning.

In essence, the Bill seeks to repeal certain Acts and Ordinances which are completely inoperative, including those which show no glimmer of life, and many in respect of which the death certificates have been delayed.

If I may be allowed a few words of levity, may I hazard a guess that there are many in the community who would contend we should not only repeal these Statutes we have in mind, but should repeal them all and start again in retrospect and legislate for only those Statutes that have proved their desirability and necessity.

Be that as it may, I would like to reiterate what the Minister had to say and suggest that honourable members might pay some attention to the memorandum supplied with this Bill, because in it they will note an enlightening account of the social, financial, and historical development of Western Australia.

This Bill has already received the approval of another House and it only needs to continue its passage through this House to complete its legislative course, when these inoperative Acts and Ordinances will receive the guillotine.

I do not wish to delay such execution; therefore I will conclude by indicating my *imprimatur* and I support the second reading of this Bill.

MR. GUTHRIE (Subiaco) [5.47 p.m.]: It is not my wish to delay the House at all on this matter. The main purpose of the measure is, I understand, a first step in removing from the Statute book certain Statutes that are largely deadwood. There are, as has been explained by the Minister, five different types of Statutes.

Among the fifth type I was rather interested to find there are two Statutes which were passd but never received the Royal Assent; and, as a consequence, we are declaring they were never deemed to have been passed. The thing that interested me most in this matter was the explanatory memorandum. I think the Minister and his officers are to be commended for their work in producing this memorandum; and it is a great pity a lot of other Bills are also not accompanied by similar information. In other places this is done.

This memorandum is a very interesting historical review of Western Australia. If one cares to study the Statutes that are referred to from the start to the finish, one will find that in 1835 the total revenue in this State was only £4,565, 14s. 5d., rising to something like £5,000,000 in the last one that I noticed, although I do not say it is the last one in this schedule. There are also quite a number of things that are of historical significance. One is the fact that people could only be naturalised by private Act of Parliament; and one sees some very famous Western Australian names in the list of people who were naturalised.

Mr. Evans: There is at least one unusual name there, too.

Mr. GUTHRIE: I was surprised that some were not of British nationality. I think some of them may have been American, but I do not know. There is also a rather interesting piece of information concerning the wife of a former Governor who, I understand, was living in great penury; and after many years of battling, this Parliament, in its generosity, passed legislation providing for an annuity of £150. It is quite a story as to how long it took the people of Western Australia to make up their minds that they would give this noble lady £150 per annum.

I commend this memorandum to all honourable members; and suggest that it is worth keeping as it is an interesting reference for historical purposes.

MR. COURT (Nedlands—Minister for Industrial Development) [5.50 p.m.]: I thank the two honourable members who have spoken for their support of this legislation. There is no need for me to dwell further on it as those two honourable members have adequately covered the objectives of the Bill and of the Minister concerned who sponsored it in another place.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th November, on the following motion by Mr. Wild (Minister for Labour):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [5.53 p.m.]: The Bill now before us proposes to amend the Wheat Products (Prices Fixation) Act. The Act was approved by both Houses of the Parliament in the year 1938 and was assented to on the 1st December in that year.

The purposes of the Act were, briefly, to provide for the fixation of prices with regard to flour and any other product which was manufactured from wheat. In addition to flour, it included bran, pollard, bread, and so on. The law laid it down that there shall be a committee which was to be known as the Wheat Products Prices Committee. It was also laid down that the committee should consist of a chairman and two other members to be appointed by the Governor; and, further, that the chairman and members of the committee should hold office for such terms as were fixed by the instruments of their appointments.

It is clear from a study of section 6 of the Act that there was a legal obligation upon any government to set up this committee, to appoint one of the three members as chairman, with all of the three members being appointed by the Governor-in-Council. Every State government from the end of 1938 to May of this year carried out the inescapable legal obligations of this law. In other words, every government, including the McLarty-Watts coalition Government, continued the committee in legal operation and continued to give effect in Executive Council to such recommendations as the committee put forward from time to time even though there is a discretion in the law in relation to the issue or otherwise of a proclamation to give legal effect to the recommendations of the committee. In other words, no government could legally escape the responsibility of maintaining the committee in operation, even though a government might, if it were daring enough, refuse to have a proclamation issued to give legal effect to the recommendations which the committee might bring forward from time to time.

I think it is perfectly safe to say that no government, from the end of 1938 to the beginning of May in 1959, refused to give legal effect to any recommendations which were put forward by the committee. In May of 1959, the then term of the committee was due to expire under the law; and it was necessary for the Government to take action, before the term of appointment expired, to reappoint the personnel of the committee as it then existed, or to make such changes in the committee's personnel as might have been found necessary or expedient. By no stretch of imagination could the Government legally refuse to have a committee appointed and in operation.

On the 16th April, 1959, the Secretary for Labour (Mr. C. Reeve) signed a minute to the then Minister for Labour, and the minute reads—

> A direction is requested as to whether or not it is the intention of the Government to reappoint Messrs. Mathea and Ulrich and Dr. Sutton as members of the Wheat Products Prices Committee.
>
> Their present appointment lapses on the 9th proximo.

The Minister for Labour, who at that time was Mr. Perkins, unfortunately since deceased, put up quite a substantial Cabinet minute addressed to the Hon. Premier in Cabinet. The last paragraph of this minute reads—

> The practice has been to reappoint each year for a further period of 12 (twelve) months and the Committee has consisted of Messrs. Mathea, Ulrich and Dr. Sutton. The present appointment of the Committee lapsed on the 9th May, and I would like a decision as to whether any reappointment is desired.

Obviously this thing was talked about in Cabinet. No decision was made upon the point, but the Minister for Labour was asked to report back to Cabinet following some further inquiries which Cabinet told him to carry out, although there is no statement on the file of what those inquiries were to be, in actual fact.

Then the Bread Manufacturers Industrial Union of Employers wrote to the Minister and, in effect, said, "We want the existing proclamation in relation to maximum bread prices, which was issued by the previous Government, revoked." On the 3rd June, 1959, the Secretary for Labour sent a minute to the Chief Inspector of Factories. By this time the Secretary for Labour was getting very worried because the term of appointment of members of the committee had expired and no new appointments had been made. In part of this minute he stated—

> I do not want us to be accused of letting this Board lapse if it is the ultimate desire of the Government to re-appoint it.

Later, on the 5th June, 1959, the Bread Manufacturers Industrial Union of Employers wrote to the then Minister for Labour requesting the revocation of the proclamation to which I have already referred. The Solicitor-General was then asked for legal advice as to whether it was necessary to operate this law. The Solicitor-General, Mr. Good, in a long minute to the Under-Secretary for Law dated the 3rd August, 1959, set out his views. I do not propose to read the whole of this minute, but to refer to the essence of it dealing with the question whether there was still a legal obligation on the Government to operate the law. I quote as follows:—

> In my opinion the operative provisions of the Act are "clear and unequivocal" without the preamble and therefore the preamble can have no effect upon those operative provisions.

Finally,—

> For the above reasons, in my opinion, the Wheat Products (Prices Fixation) Act is still in full force and effect.

Mr. Tonkin: When was that?

Mr. HAWKE: That was the 3rd August, 1959. This was after the Government had allowed the committee to lapse and had, in fact, made it impossible for the provisions of the law to be operated in any respect; because, as I pointed out earlier, the operations of the Act depended primarily and basically upon the inquiries which the committee would carry out, and subsequently, of course, upon such recommendations as it would make, and finally upon such action as the Governor-in-Council would take regarding the issue of a proclamation to give legal effect to the recommendations.

On the 31st August, 1959, Cabinet made a decision following consideration of a further minute of the Minister for Labour. The Cabinet's decision reads as follows:—

> Cabinet agrees with the withdrawal of the Proclamation, on the undertaking given to the Minister for Labour by the industry that the same price fixing formula will be used.

That is the end of the Cabinet minute. It is clear from the Minister's minute to Cabinet that he had some talks with the representatives of the employers in the industry, and those employers or their representatives had given an undertaking that the employers in the industry would maintain the price of bread in accordance with the price-fixing formula which had been used hitherto by the committee when it operated under the law; and so a proclamation was issued by His Excellency's command on the 14th day of October, 1959, revoking the proclamation which had been issued by the previous Government on the recommendation of the committee, and which proclamation set down the maximum prices which could be charged for bread in various parts of Western Australia.

I am not suggesting the action in revoking the previous proclamation was illegal, because under the provisions of the Act the Governor-in-Council has power to take such action. He would only take such action, of course, on advice from the Government of the day; and it is clear the Government of the day had the necessary decision made and the necessary papers prepared and put before the Governor for his signature to revoke the then existing proclamation.

As Leader of the Opposition, I tried on several occasions to get the Government to do the legal and the right thing in this matter. I tried in each of the years from 1959 onwards. On at least one occasion in each of those years I tried to persuade the Government to carry out its legal duties in regard to this piece of legislation; but the success achieved until now was exactly nil, the Government taking the very foolish stand—the very stubborn stand—that it was not necessary for the Government to issue any proclamation.

That was not the issue at all. The issue was as to whether the Government, under the provisions of the law, had a legal responsibility upon it to appoint the committee; and there could not be any possible doubt about the legal responsibility which was upon the Government in that regard.

I do not want to indicate the several attempts I made over the last few years to get the Government to do the right thing in this matter. I will start on and as from Tuesday, the 27th August, 1963. On that occasion, by way of notice, I asked questions of the Premier.

I would like to break in here to say that I am sure all honourable members are extremely sorry the Premier is not enjoying good health at this particular time, and I am sure we all hope he will soon recover his normal health and strength and be on the move again.

My questions sought information from the Government as to its reason for continuing to refuse to operate the provisions

of the law. I also sought information as to whether the Government proposed to continue to refuse to carry out its legal obligations in this matter. I posed the question whether the Government, if it was not going to enforce the law, would in that situation do the right and proper thing and introduce legislation into Parliament to repeal the law.

The questions were answered by the Deputy Premier on behalf of the Premier who, for some reason, was not present on that date. The answer of the Deputy Premier—and it was, of course, made on behalf of the Premier and on behalf of the Government—was as follows:—

> After full investigation in 1959 the Government decided that there was no need to reconstitute the committee or retain the price-fixing proclamation.
>
> Parliament was advised of this on the 28th October, 1959, when the file was tabled.
>
> It was felt unrealistic to retain price control on bread when most other commodities are not so controlled and in any case only the standard loaf was controlled at the time.
> The Act permits but does not require the making of proclamations to fix prices.
>
> The breadmaking industry also agreed to give prior advice of impending increases and to continue the methods used by the committee for determining the price.

That was not good enough from my point of view. That was dodging the real issue altogether. That was continuing the policy of the Government of deliberately refusing to operate the law, despite the fact there was a compulsory provision in the law for the appointment of the committee.

On the 4th March this year, I wrote to the Premier in the following manner:—

> Dear Mr. Brand,
>
> Wheat Products (Prices Fixation) Act.
>
> As you know, I have protested in Parliament on behalf of members of the Labor Party regarding the non-operation by your Government of this law.
>
> There is no justification for its non-operation and it is the view of myself and my colleagues that the Government has no legal or other right for refusing to operate the law.
>
> Obviously the members of your Government are opposed in principle to the law itself, in which event the proper course for the Government to follow would be to introduce a Bill to repeal the legislation.
>
> I should be pleased to have the views of your Government in this matter.
>
> Kind regards,
>
> Yours faithfully,
>
> Leader of the Opposition.

That, as I have said, was on the 4th March this year. I had not heard a word by the 15th April, and so a reminder was sent to the Premier. One would have thought an early reply would come back to my letter. The issue was clear-cut. The Government had given consideration to it on several occasions previously. However, we had to send a reminder on the 15th April. On the 11th May the Premier sent me the following letter:—

> Dear Mr. Hawke,
>
> I refer to your letter of 4th March regarding the Wheat Products (Prices Fixation) Act.
>
> The views of the Government were set out in the answer to a Question which you asked in the Legislative Assembly on 27th August last.
>
> I reiterate that the Act permits, but does not require, the making of a proclamation to fix prices.
>
> I took this matter to Cabinet and it was decided that no action would be taken to repeal the Act this session.
>
> Yours sincerely,
>
> David Brand,
>
> Premier.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HAWKE: Before tea, I had made reference to the reply sent to me by the Premier on the 11th May of this year in which he stated the Act permits, but does not require, the making of a proclamation to fix prices, and in which he also said—

> I took this matter to Cabinet and it was decided no action would be taken to repeal the Act this session.

It was obvious from the consistent attitude which the Government was following in this matter that members of the Government had no intention of carrying out the law. They were dodging the real issue by talking about the Act providing that the issuance of a proclamation was discretionary. They were avoiding completely any reference to the compulsory duties imposed upon the Government in relation to the appointment of a committee, the laying down of a term, the provision relating to the number to serve on the committee, and the other compulsory provision which is in the law.

Obviously the stage had been reached where further appeals to the Government were just a waste of time, so it was decided by my colleagues and myself that I should take this matter up with His Excellency the Governor (Sir Douglas Kendrew). I did this in writing on the 6th

October, this year, and I think it is appropriate and justifiable in the circumstances to read the letter in full—

Your Excellency,

Continuing Refusal by the Government to Operate the Wheat Products (Prices Fixation) Act, No. 17 of 1938.

On behalf of the members of Her Majesty's Opposition in the Parliament of Western Australia, I am writing this letter to bring to your notice the continuing refusal of the Government of the State to operate this law.

You will know there is a very strict legal, as well as moral obligation on a government to operate the laws which have been passed by Parliament.

There is no justification whatever for a government to refuse to operate a law simply because some members of the government might dislike the law, or because some special vested interests outside the government, and outside parliament, do not want the law to be operated.

In this instance members of the present Government decided in 1959 not to operate the law, by adopting the subterfuge of not reappointing the committee when the term of appointment of its then members expired.

I attach a copy of questions asked by me in Parliament on Tuesday, 27th August, 1963, and of the answers then given by the Deputy Premier on behalf of the Premier. Also attached is a copy of a letter sent by me in this matter to the Premier on 4th March, 1964, and a copy of his reply dated 11th May, 1964.

The Premier's statement "that the Act permits, but does not require, the making of a proclamation to fix prices" is a rather poor attempt to dodge the real issue, which is—should the Government operate the law which was passed by Parliament and has never been repealed?

Even though the law gives the Governor in Executive Council discretion regarding the actual issue or non-issue of a proclamation to fix prices for bread or other wheat products, it gives no discretion whatever regarding the setting up of the committee which is covered in section 6 of the Act. Subsection 1 of that section reads: "For the purposes of this Act there shall be a committee to be known as the 'Wheat Products Prices Committee'.

Sub-section 2 states: "The committee shall consist of a chairman and two other members, all appointed by the Governor".

I think it right and fair to claim no government would advise any Governor in Executive Council to refuse to issue a proclamation to fix prices once the committee had made an appropriate recommendation.

So it is clear to us the Government is avoiding its obvious legal obligation and moral duty by continuing to refuse to operate this law, which requires that a committee shall be appointed and shall make recommendations when thought necessary for the fixation of prices for wheat products.

By refusing to operate the law, a refusal which is made even worse by the rejection of claims by Her Majesty's Opposition for it to be operated, the Government is placing Her Majesty the Queen, and you as her official representative in Western Australia, in a false and most unfair situation.

My deputy leader, Mr. Tonkin, would be pleased to join with me in waiting upon you at your earliest convenience to discuss this matter should you wish it, following the completion by you of such inquiries as you consider necessary.

With kind regards,
Yours sincerely,
(Sgd.) Leader of the Opposition.

On the 14th October Lieutenant-Colonel Burt, Official Secretary to the Governor, acknowledged receipt of the letter. Apparently His Excellency then had some words to say to somebody in a high place in the Government, because on the 22nd October, 1964, the Governor wrote to me as follows:—

Dear Mr. Hawke,

I refer to your letter of the 6th October, with enclosures, regarding the Wheat Products (Prices Fixation) Act No. 17 of 1938.

I am advised by the Hon. Premier that it is the intention of the Government to introduce legislation dealing with this matter during the present session of Parliament.

Yours truly,
(Sgd.) Douglas Kendrew.
Governor.

It is fair to say, I think—and I do not want to discuss the Governor in this situation much further—that His Excellency would have obtained advice from some reliable source as to the legal responsibilities and duties in this matter. Doubtless he realised it was totally wrong for a Government to take an action which would place him, as the official representative in the State of Her Majesty the Queen, in a wrong position; and I have no doubt he would have received advice which would indicate that the provisions

of this law, which lays down that a committee shall be appointed, and that it shall consist of a certain number of members who shall be appointed for a certain term should be observed; and, as a result of receiving advice of that kind and of subsequently having a discussion with the Premier, or the Deputy Premier, or possibly—and only possibly—with the Minister for Works, who is the appropriate Minister, he was soon assured that action would be taken to deal with the situation which this Government created some 5½ years ago and which it had stubbornly continued to carry on until the time we wrote to His Excellency, who subsequently made inquiries of the Ministry as to what the Government proposed to do about the situation.

It will be clear that our attitude all through has been that this law should be operated by the Government; or if the law in principle was opposed to the beliefs and policy of the Government, then the Government should have taken action long ago either to repeal the law or to make some alteration to it. Now the Government is moving by bringing down this Bill, which, should it become law, will leave with the Government a legal discretion as to whether the law shall be operated in the future.

The Bill, in its most important particular, proposes to delete the compulsory requirements of the sections of the Act which lay down that a committee shall be appointed and shall consist of so many members, and it will substitute for those provisions a new amendment which will leave discretion with the Government as to whether a committee shall or shall not be established in the future.

I have always agreed that it is not altogether fair or reasonable that only one essential commodity in the community should be singled out for price control. To that extent I have always considered the people in the baking industry have had a fairly good argument. However, that has not been the issue with me or with my colleagues. Our issue has been that the Act contains compulsory provisions making it a legal obligation upon the Government to carry out the law.

I cannot believe the Government has not known that. It has known it, because, as I quoted earlier, the Solicitor-General, away back in the early part of 1959, set it down clearly in a minute to his under-secretary—which later found its way to the Government—that there was undoubtedly a very strong legal obligation on the Government to operate the law.

Yet the Government, because it did some horse trading with the employers' organisations in the matter allowed the law to lapse altogether on an undertaking from the employers concerned that they would use the price-fixing formula which had been followed by the committee when it was in operation for making alterations in the price of bread from the time the Government issued a proclamation to revoke the other proclamation under which the maximum price of bread had been fixed.

Some later papers on this matter, on a Factories and Shops Department file No. 728/64 contained at least one very important feature. I refer to the last paragraph of a minute dated the 17th March this year and written by the Acting Chief Inspector of Factories, and addressed by him to the Secretary for Labour. That last paragraph reads—

> It should be remembered the price of bread was adjusted recently by the Master Bakers, mainly by the pressure of the realisation that the Wheat Products Fixation Act could be re-invoked; and it is thought that this could be kept in mind when considering the desirability of repealing the Act or letting it remain in its non-operative state, to be called into effect if required.

Then on the 24th March this year, the Minister for Labour signed a minute to the Premier which appeared on page 35 of this file, and which reads—

> Herewith comments from the Acting Chief Inspector of Factories and Shops. I quite agree with his submission and I think that the final paragraph sums up the necessity to allow the Act to remain on the Statute book so that if the need arose it could be brought into operation by Proclamation.

So after a long, long struggle and an extremely stubborn refusal by the Government to face up to the legal realities of the situation, we now find the Government doing what is, at least from its point of view, reasonable in the circumstances. However, it should be emphasised the Government is only taking this step because of an approach made to the Governor of the State; because of an appeal made to the Governor of the State. It is ever so clear from the contents of the letter which the Premier signed and forwarded to me on the 11th May this year that the Government was not going to do anything about this law; was not going to attempt to amend it in any shape or form, but was determined to go on refusing to operate the compulsory provisions of the law, using as an excuse—and a very thin one—and also as a subterfuge, the claim that the Act permits, but does not require, the making of a proclamation to fix prices.

Obviously, the existing law does provide in that manner; but over and above that, there are the provisions in the law as it now stands—and which will stand until it is altered by this legislation—which places squarely, beyond any shadow

of doubt, upon the shoulders of this Government, as it placed the legal responsibility squarely upon the shoulders of previous governments, the responsibility to set up a committee by appointing its personnel in the shape of three persons, and by giving each of those members of the committee when appointed a particular term of office during which they would serve as members of the committee and carry out the duties imposed upon the committee under this law.

So in all the circumstances this move by the Government, although it might not be 100 per cent. in accord with what I think should be done, is at least, on the part of the Government, and from its point of view, a move to put legally right that which the Government has deliberately kept legally wrong for 5½ years.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [7.52 p.m.]: It is not surprising that Ministers in the Government are not anxious to enter into this debate, because their position is indefensible. The Leader of the Opposition has made it clear that for more than five years every Minister in the Government has been acting in breach of his ministerial oath—every Minister! The Ministers in this Government have never been strong on the point of observance of the law. The first instance of which we had experience was in connection with the Electoral Districts Act when, on behalf of the Government, it was said here, "You cannot take a *mandamus* against the Crown. In other words, if we, as Ministers in the Government, choose not to obey the law you cannot make us."

It cost the Opposition a considerable sum of money to get a decision in the court to prove that the Government was not obeying the law, and then it was necessary to make representations to the Lieutenant-Governor—in the absence of the Governor—to force the Government to observe the law which had been declared unanimously in the court and which had been shown not to have been observed by the Government despite assurances given to Parliament that the law would be observed.

It is remarkable that the Ministers in this Government should think that they can set themselves above the law because they are, in effect, the representatives of the Crown, and it is clearly set out in the Statutes that the Crown must observe the law, and therefore, when a Minister fails to observe the law he is, by his non-observance of it, placing the Crown in the position of not observing the law in breach of the coronation oath.

It was clear that this Government had no intention of bringing amending legislation before Parliament this session because a Cabinet decision was made that it be not done. In other words, Cabinet decided that, despite the fact it had legal advice that the law was not being observed, it would not observe it. The Leader of the Opposition has indicated the various steps which were required in order to force upon the Government a realisation of its obligations; and now, some five years after a continuing breach of the ministerial oath, the Government brings legislation here, not of its own volition, but because it has been forced to do so by the constitutional position.

Lest there be any doubt about the situation, I propose to quote from volume 7 of the third edition of Halsbury's *The Laws of England*. On page 230 of that volume we read—

> Laws may not be suspended. The Crown may not suspend laws or the execution of laws without the consent of Parliament;—

The Government made no attempt to obtain the consent of Parliament for what it was doing, but despite protests from the Opposition; despite repeated reminders that the law was not being observed, the Government went on its merry way failing to observe the law—and, I repeat, in breach of the ministerial oath—and putting Her Majesty in the position that she was in breach of her coronation oath.

I proceed to quote from page 230—

> —nor may it dispense with laws, or the execution of laws; and dispensations by *non obstante* of or to any statute or part thereof are void and of no effect, except in such cases as are allowed by statute.

Despite the fact that it is mandatory that the Crown cannot dispense with laws or the execution of laws without the consent of Parliament, this Government, for five years, has continued to do just that and would still be continuing to do it if the Opposition had not made representations to His Excellency in order that the Ministers would be shown their plain duty in the matter.

I would also quote from page 233 of this volume of *The Laws of England*—

> Ministerial responsibility. Secondly, under the conventional law of the constitution the Crown acts only upon the advice of its constitutional advisers, and through the recognised executive departments and officers. Under the doctrine of ministerial responsibility, some minister is responsible to the House of Commons and, ultimately, to the electorate for everything done in the name of the Crown.

What these Ministers have done in the name of the Crown is to fail to observe the law; or, in other words, they have suspended the operation of the law, contrary to the Constitution, and contrary to their ministerial oath. The extract continues—

> All Ministers and servants of the Crown are civilly and criminally liable, in their individual capacity, for tortious or criminal acts; and this liability may be enforced either by means of impeachment or by ordinary criminal or civil proceedings.

I quote from page 232 of the same volume—

> Claims made by the Crown cannot be supported by mere pretence of prerogative, since the courts have power to determine the extent and the legality or otherwise of any alleged prerogative; nor may illegal acts be rendered justifiable by the plea of the Sovereign's commands or State necessity.

It would not matter how much a government felt it was expedient or desirable to suspend the operation of the law; it has no power to do so. But for more than five years this Government continued to suspend the law.

Back in 1250 the Sovereign sought at the time to get around the law by issuing dispensation in the form of what he called *non obstante,* which means notwithstanding. So the Crown began to issue licenses for doing such and such a thing *non obstante* any law to the contrary. The Bill of Rights soon put an end to that. At the time of the accession of the Sovereign, when the Bill of Rights was presented, it was laid down that that sort of thing had to cease.

But the Government of this State has revised the situation. So, despite the law to the contrary, it did what it wanted to do; and what it wanted to do was to suspend the operation of this particular law, because that did not suit it. I know that the Government will regard this matter lightly, as was shown by its conduct on other occasions; but to a democratic Parliament it could not be a more serious matter.

Mr. Hawke: The Minister for Lands looks a bit embarrassed and worried.

Mr. Bovell: I am trying to think who the monarch was at the time.

Mr. TONKIN: It was laid down as a result of the Bill of Rights and the coronation oath that the Sovereign could not by mere pretence of prerogative suspend the laws, or the execution of the laws, without reference to Parliament. But that does not mean a thing to the Brand Government. It uses its majority in Parliament to enable it to breach the Constitution, and to put Her Majesty in the position of breaching her coronation oath. Of course, the oath of the Ministers does not mean any more than a snap of the fingers to them.

The situation is absoutely indefensible. It cannot be excused in any way whatsoever. The Government was placed in the position of having to bring forward a Bill, because representations were made to Her Majesty's representative in the State—His Excellency the Governor—pointing out that the Government was acting contrary to the law. What a shocking state of affairs!

Every day in the courts individuals are being punished for non-observance of the law, and some of them for very minor breaches of the law. I remember one occasion when the Chief Justice on an appeal stated that a breach of the law had occurred and he had no option but to dismiss the appeal; but his sympathies were with the person who had been brought before the court. There was the law and it had to be obeyed.

This Government is responsible for enforcing the particular law, but so far as it is concerned it obeys the law only when it pleases to do so, or when somebody takes action to force it to do so; and that must be presumed to be the situation in this case. I repeat that it is a shocking indictment of a responsible government when Ministers, who have taken an oath upon the Bible to observe their obligations as Ministers, fail to observe the law. They wend their merry way, and for five years—not in ignorance, but deliberately—suspended the operation of the law. It could not be argued in this case that the Government had obtained legal advice, to enable it to rely upon such advice, because it failed to do certain things which it was required to do. Despite everything, the Government made a Cabinet decision which meant it did not propose to take any action. That would still be the position if the Opposition had not considered it requisite to apprise His Excellency of the situation.

The result was obvious. His Excellency could not allow Her Majesty to be placed in the position of not observing the law, in breach of her coronation oath. So things had to happen, and as a result we have this Bill before us. The Government is entitled to ask Parliament to amend the law in accordance with its views, but it was not entitled to suspend the law in anticipation of the amendment of that law at some future date; because, whilst the law remains on the Statute book, there is an obligation on the Government to observe it.

The position of the Ministers in this situation could not be worse. It is no wonder that so far no attempt has been made on their behalf to explain the situation or to defend it. The feature of far-reaching importance is not so much the action of the Government in this case, but the indication of the attitude of the Ministers to their ministerial oath. If it suits them to breach their oath in this instance they will do so again when it suits them on another occasion—as they have done on previous occasions.

How long will the democratic system of government last if Ministers who occupy the Treasury bench suspend the operation

of laws which do not suit them? In that direction lies anarchy. It is that sort of conduct which brings about the downfall of government, because the people lose confidence in the administration of the law. If it is right and proper that the law should be enforced against individuals in the community, then it is also right and proper for the Government to observe the law. It is given no option or alternative, because it is laid down in the Constitution, in the ministerial oath, and in the coronation oath, that the Crown has no power to suspend the operation of the law.

But this Government did, and for five years it acted on that assumption. The Government cannot say it had not been apprised of the situation previously, because there were other occasions when we reminded the Government that it was not for the Government to determine, as a matter of expediency, whether the law was to be observed. There is a clear obligation for the Government to observe the law.

There is a classic example on record in New South Wales, when the Government of the day acted contrary to the law. The Governor, Sir Phillip Game, drew the attention of the Premier of the day to the fact that his Government was not observing the law. As far as I can remember, his words were—

> By not observing the law you have placed His Majesty in the position of not obeying the law, and that is a situation in which I cannot permit His Majesty to be placed. Therefore I request you to observe the law, or hand in your resignation.

Because the Government declined to observe the law the Governor dismissed the Administration, and the dismissal of the Government was subsequently confirmed by Parliament, even though the new Government was in the minority. Parliament itself recognised that the law was paramount and above government, and there was a responsibility upon the Ministers to ensure the law was observed. That was a clear case in which the dismissed government had sufficient numbers in Parliament to defeat the new government at the first vote, but Parliament recognised that the situation was one which had to be dealt with that way, and the law of the realm had to be upheld.

The position in this instance is no different. Here in Western Australia we have had a Statute which requires certain things to be done, and the Government was advised by its legal advisers that they were required to be done. However, in the face of that the Government made a decision that it would take no action; in other words, that it would suspend the operation of the law. That suspension of the operation of this law has continued for more than five years, practically during the whole of the life of this Government. It is only at the close of this session, the last of the existing Parliament that the Government has made an attempt to legalise the situation, and only then because it is obliged to do so—not of its own volition, but because it is obliged to do so, the situation being untenable.

I would hope that this would be a lesson to Ministers. They may think they are all-powerful because they have a majority and then can rely on party discipline to carry them through whether they observe the laws or not. But, fortunately, there is a higher power in a democratic country and recourse can be had to that power when a situation such as this arises. One would find it difficult to imagine a situation which would bring more shame than the one in which the Ministers now find themselves. One has only to read the words of the ministerial oath to appreciate the enormity of this offence.

It is not for the Government to make any distinction as to which laws it will operate and which laws it will suspend. There is a clear obligation on the Crown to observe all laws, and their suspension can be brought about only by a decision of Parliament. I hope we will not have a repetition of this. It seems at long last we have been able to bring the Government to a realisation that it is not all-powerful and that it cannot take the stand that it is not going to observe a law, and no-one can make it do so. That was the attitude with the Electoral Districts Act and, up to now, it has been the attitude with regard to this Act.

Although the Opposition may not have sufficient numbers to make the Government take any line of action which is contrary to that which it desires to take, fortunately the Constitution has sufficient reserve power to enable it to be accomplished. I feel that the situation calls for an apology from the Government in connection with the matter and an undertaking—if any reliance can be placed on any undertaking by this Government—that it will not do this sort of thing again. I am pleased that at long last an attempt is to be made to legalise the situation which up to the present time has been a public scandal.

MR. W. HEGNEY (Mt. Hawthorn) [8.19 p.m.]: I would briefly like to support my Leader and Deputy Leader in the sentiments they have expressed in regard to the introduction of this Bill to amend the Wheat Products (Prices Fixation) Act. What the previous speakers have said is quite true, and I am satisfied that had not the Leader of the Opposition taken the action he did in submitting the matter to the Governor, this Government would not have moved. It would have continued to

ignore the law as it has done—as the Leader of the Opposition stated—for the last 5½ years.

I am under no illusions personally as to what the Government will do when it passes this Bill. It will take no action whatever. It has taken none up to date, and its lack of action is a very definite indication of the indifference, if not the antagonism, of the Liberal Party members of the Government to this legislation.

I am not going to suggest that the master bakers, as an example, have increased the price of bread unfairly. They have increased the price of bread on a number of occasions; and up to the time this Government was elected to office, the price of bread was fixed after an examination of certain figures and a consideration of the formula laid down by the Wheat Products Prices Committee. I am quite satisfied that the consumers of this State—more particularly of the metropolitan area—were somewhat satisfied when they knew that the price of bread was to be increased as the result of a decision or recommendation of the Wheat Products Prices Committee.

I repeat that I am not charging the Master Bakers' Association with having increased prices unfairly; but I suggest that had the position as I just outlined it continued, the public would have been more confident and satisfied with having to pay increased prices for bread. The fact that the Government, during the last five years, has refused to carry out the law is somewhat in accordance with its attitude in 1952, the year before it went out of office, when the Prices Control (Continuance) Act was introduced. That legislation was introduced to carry on price control for the time being; but the Government, believing that the people were going to discharge it from office, put in the Bill a provision repealing the Profiteering Prevention Act, 1939-1941.

I have here a copy of the Prices Control (Continuance) Act, which was No. 28 of 1952. It was a brief measure and gave the Price Control Commissioner authority to carry on. It contained only four sections, the fourth reading—

> The Profiteering Prevention Act, 1939-1941 is repealed.

That is a very definite indication to me of the attitude of this Government in regard to the protection of the people in this State in connection with prices generally. Had not the Leader of the Opposition communicated with His Excellency the Governor, I am satisfied that this very short Bill would not be before the Chamber, and its verbiage leads me to believe that the Government will pass the Bill and then do exactly nothing. If the master bakers want to increase the price of any of their commodities tomorrow, they will be entitled to do so.

The present Act was passed in 1938, and that has a very interesting history too. I know the Country Party members and farmers are most interested in this particular measure. It contains the definition of "flour" as follows:—

> "Flour" means any substance produced—
>
> (a) by gristing, crushing, grinding, milling, cutting, or otherwise processing wheat or by any one or more of those processes applied to wheat combined with any other commodity . . . .

It then goes on—

> The term includes—
>
> (d) any mixture of any such substances; and
>
> (e) self-raising flour . . . .

It also defines "Wheat products" as follows:—

> "Wheat products" mean flour, bran, pollard, and bread and such other substances produced by gristing, crushing, grinding, milling, cutting or otherwise processing wheat as are declared by proclamation to be wheat products.

Under that Act the government of the day was obliged to appoint a commtttee, which functioned for quite a long time. It was a very competent committee. It was not incumbent upon the government of the day, of course, to adopt the recommendations of the committee because a proviso was added that the "Governor may by proclamation"—in other words gazette the recommendations of the committee.

As the Government has for the last five years implied that it was not going to carry out the law—as a matter of fact it is quite evident it has not carried out the law—it has now been forced to do something and it is going to give itself discretion to appoint a committee. If the Government wants to give itself discretion to appoint itself a committee that is its business; but as far as I am concerned, I am perfectly satisfied that it will do nothing in regard to this particular measure.

There are two differences of opinion regarding price control, and I go a long way with the Leader of the Opposition when he says that it is not proposed to single out master bakers for price control. However, the Act is there and has been in operation for some years and I believe that as an association the master bakers would welcome the carrying on of a formula which has been set up over the years and which I do not propose to go into now. I am not accusing the master bakers of ignoring that formula in the determination of their prices, but what I do suggest is that when a measure on the Statute book is designed to grant some small amount of protection to the consumers, we should hesitate to remove it.

I know that some members of the Government will say, "Why the price of bread?" I am quite satisfied that if bread were the only commodity, there might be something in the argument that it did not matter much. However, there are plenty of people living on low incomes and they have to look twice at every penny over a period.

I suggest the Government would have been well advised to carry out the provisions of this Act instead of ignoring it over so long a period. So far as I know—I am open to question here, the Minister for Agriculture not being here—the price of milk in the metropolitan area is controlled by the Milk Board which is set up under the Milk Act. What would be the attitude in regard to that commodity and in regard to the price of butter?

I am convinced that as the Government took the action it did before in regard to repealing the Profiteering Prevention Act, and it has not carried out the provisions of the Act under discussion at the moment, it will continue to demonstrate its inactivity. However, I agree with the Deputy Leader of the Opposition who expressed the view that the Ministers of the Government should be ashamed of themselves for ignoring for so long the obligation to carry out the law. Either this Act should have been carried out and the committee should have been functioning from time to time, or the particular measure should have been repealed. But there are more than Liberal interests mixed up in the provisions in this Bill; and if the Government did not want to have anything to do with the Wheat Products Prices Committee it should have done the other thing and repealed the whole Act, and not introduced at this late hour a Bill which will give it discretion to appoint a committee, or not appoint a committee, as it wishes.

I do not intend to have any more to say other than to express the view that Cabinet must have felt very small; its members must have had to eat humble pie when, after five years of ignoring the law, and five years of repudiation, they had to sit around the Premier's Cabinet table in a huddle and decide that, as they had some indication from the Governor, the time was ripe for them to sit up and take notice and either repeal or amend the law. The few lines in the Bill are the result.

MR. BRADY (Swan) [8.31 p.m.]: I am disappointed that not even one member from the Government side is going to reply to the Leader of the Opposition regarding the matters he brought forward when he spoke to this Bill. I think it is an appalling situation for a responsible Assembly to find itself in. The Leader of the Opposition went to great pains to show where the Government had ignored the Parliament of Western Australia but no-one from the Government side has so far seen fit even to attempt to reply. There is an old saying that silence means consent. It would seem that by their silence Government members have admitted everything the Leader of the Opposition said.

As a Government it has fallen down badly despite the fact that the Opposition has been drawing its attention to the position and to the fact that this Act should have been put into effect over the last five years. If the Government wanted to do the honest thing and repeal this Act it should have listed it among the 300-odd other Acts that are to be deleted from the Statute book of Western Australia under the authority of a Bill which we have recently been discussing. But the Government has not done that. It has continued to ignore the fact that it is under an obligation to go into the matter of increased prices for products which are derived from wheat and flour. The Government has not appointed a committee for this purpose.

It may be that the Government was conscious of the fact that the committee would have far-reaching powers and, among those powers, would be the authority to investigate the activities of certain trading concerns in relation to their costs. It could well have been that the committee would be able to prove, without any doubt, that the recent increases that have been made in prices for products made from wheat and flour were not justified. Probably it is for those reasons the Government did not carry out its obligations.

Some other speakers have already referred to the fact that the Government is being consistent in its attitude in regard to legislation. It refused to carry out its obligations under the Electoral Districts Act because it obviously knew such action would be to its disadvantage. It had to be forced into the courts before it would put the law into effect. Also, recently, the Government short-circuited an Act of Parliament passed in 1959. It did this by way of a regulation which was drawn up within six months of an amendment to that Act becoming law—I refer to the Natives (Citizenship Rights) Act. That is typical of the attitude of this Government towards matters which have been dealt with by this responsible Assembly and which affect the democratic rights of the people. That is the point with which I am concerned.

It may be that the Government is quite right in not appointing a price-fixing committee, and it may be that the Government was right in what it did in relation to the native welfare legislation. However, it was proved that the Government was doing the wrong thing under the Electoral Districts Act, and perhaps it could be proved wrong in the other two cases to which I have just referred, and

it has not got the right to ignore the Parliament of Western Australia, as it did in this particular instance.

I think the honourable member for Mt. Hawthorn was quite correct. There are certain basic or stable commodities which people must have—I refer to such items as bread, milk, and a few others. Unfortunately there are some families which, because of their size, or their economic circumstances, are forced to purchase a great many more loaves of bread than the average family. They are the people who should be protected by this type of legislation.

I think it is as well to tell the House that this legislation was originally enacted to protect the wheatgrowers. The parent Act was introduced in 1938. Although the price of flour was fixed when wheat was 9s. a bushel, it remained at the same price when wheat was 1s. 9d. a bushel; and just as the farmers were being exploited in those days—and apparently that induced the government of the day to introduce the legislation to protect the wheatgrowers —so we on this side of the House hope to see the users of wheat and flour products protected now. If it is fair to protect one section of the community affected by legislation of this kind in one year, it is just as reasonable to ask that the other section of the community, who are also affected by this legislation, be protected.

The position was reached where His Excellency the Governor had to be asked to consider the position. What a shocking position to place him in! The Queen's own representative in this State had to be asked by a responsible Opposition to have a look at the whole position to see whether the Queen's own Government was carrying out the laws which its members had taken an oath to see were carried out. The Government has not carried out the law, and it has not said why it has not done so. Not one Government member has attempted to reply to the Opposition's case in this matter. Is it any wonder that certain people with militant ideas are able to get a story over to some people when responsible Governments do not carry out the laws of the land? That sort of thing does a great deal of harm.

If the Government feels that it is entitled to do what it is doing, why does it not justify its actions in this House and let the community generally know what it is doing? But no; it continues to ignore the legislation; it has continued to ignore Parliament; and it has gone on its own sweet way because, apparently, certain people are getting an advantage from it. Maybe it could be proved, although I could not prove it, that those certain people are helping the Government in a certain way, and that might be another reason why the Government will not carry the law into effect—it does not want to upset its friends.

But that has nothing to do with the argument we have put forward. Our argument is that if we are going to have a Parliament worthy of the name, and if we are going to have an Assembly with Government members and Opposition members, and they are to pass legislation, whether it is right or wrong the Government should carry that law into effect. If it does not do that, then the Government cannot blame anybody but itself for anything that happens as a result.

Whilst there is a remote possibility some people in my electorate are being exploited by unscrupulous and avaricious bakers, I want to add my protest about what the Government has done. I would take the same attitude whether it concerned the price of wheat products, the price of petrol, the price of clothing, the price of transport, the price of houses, or the price of anything else. If legislation is passed we are entitled to see that the Government carries it into effect and does not ride roughshod over the people simply because it is the Government.

If in the eyes of the Government a law is redundant it should amend it or get rid of it altogether in a similar fashion to the Acts which were passed in the years between 1835 to 1900, and which are covered by a Bill now before this Chamber. If the Government felt that the wheat products legislation should have been treated in that way it should have been listed along with the other Acts.

As I said before, the Government does not want a committee prying into the costing of certain organisations in the metropolitan area. We know that in recent times bakers have increased the price of bread. Was that justified? I do not think it was. But the bakers got away with it. Such an increase was not recommended by the price-fixing commission; and therefore, from the hundreds of thousands of loaves of bread that are baked each day, the master bakers are getting an extra ½d. or 1d., as the case may be, and that is going into their pockets. This is making it difficult for some families who are in economic difficulties to carry on. So long as I represent people like that I will voice my protest whether or not honourable members like to hear what I have to say.

The parent legislation was introduced in 1938, and at the time the powers that be considered it to be very important. That is obvious from some of the penalties that were provided. In one instance there was a penalty of £200, or £300, for failure to supply certain information; and there was also a penalty of £500 for refusing to do certain other things. When in 1938 this legislation was introduced to protect the farming community it was considered major legislation, as can be seen from the

penalties involved, which are far heavier than are provided in hundreds of other Acts passed since that time.

Yet, as I said previously, the Government has not seen fit to appoint a committee to make recommendations in regard to the matter now. One can only infer from this that there is some nigger in the woodpile; and the nigger in the woodpile seems to be that it does not suit the Government to appoint a committee, probably because some of its friends are getting a tidy rake-off to which they are not entitled.

Maybe some responsible member of the Government will get up and endeavour to justify the Government's action over the last five years. Personally, I do not think the Government should be allowed to get away with it. If it suits the government of the day at one time to protect certain people, it is equally right for the government of the day at some other time to protect another section of the community which, in this case, would be protected by the appointment of a price-fixing commission.

MR. JAMIESON (Beeloo) [8.44 p.m.]: I would like to indicate my opposition to this Bill. One of the two amendments proposed is to bring the price of flour more into line with what is considered to be a realistic price, or to give the Government power to proclaim a more realistic price under the terms of the Act. However, I think the other amendment is by far the more important in that it will give the Government of the day the Queen's prerogative to grant mercy, as it were, to the various people who could be affected by this Act.

It is my firm belief that if an Act is no longer required to be effective in the community it should be repealed. There is no doubt about the action that should be taken by the Government. If the Government wants to repeal the Act and does not want it enacted it should say so and repeal it. The Government should not be half-hearted about this.

It becomes more and more obvious that when a Labor Party government is in power certain action is taken, but when a Liberal Party coalition government is in office from time to time another course of action is followed. Nothing confuses the public more than to have one law interpreted in two different ways by different parties when they are in power. We are relegating this Act to the same category as the legislation dealing with capital punishment, where certain action is taken by one government and entirely different action is taken by another government. That is surely not desirable in the scheme of things.

We must either have the Act so that it will work, or should work, or get rid of it altogether. We might examine the reasons why the Government has not gone to the full extent and got rid of this Act. It could probably be summed up in three letters of the alphabet; namely C.D.L., because I should imagine that that particular part of the coalition may not be altogether happy because of certain protections which it has for its wheaten products and the people it represents. The protection it has is there but it is stored away in the back room until it is required. But that is no reason to keep the Act in cold storage.

The Act is either operative or it is not. It is ludicrous that it should be administered differently when administrations change from time to time. The stage could be reached where administrations could change rather quickly, and we could have something taking place one minute and something quite different taking place the next. As a result of this the people most affected do not know where they stand. We should tidy this whole business up, and for that reason it is my intention to vote against the Bill. The Act should be repealed, or put into operation, so that it will become an effective Statute of this State.

MR. WILD (Dale—Minister for Labour) [8.49 p.m.]: I first want to thank honourable members for addressing themselves to this measure; although I must say that the Leader of the Opposition and the honourable member for Mt. Hawthorn were about the only two who mentioned the fact that we have a Bill before us containing two clauses. I do not think any mention was made about the Bill itself. As far as the Deputy Leader of the Opposition was concerned, for my part I felt I was receiving a lecture and I was rather glad that I came along with a thick pair of pants as I might have been getting a whipping for I felt like a naughty schoolboy.

As far as the Government is concerned in this legislation it is purely a question of legal interpretation of the Act. The position is that the Leader of the Opposition continued writing to the Premier requesting that the Act either be repealed or taken off the Statute book; and, as there was some division as to the legal opinion, the Government decided to put the whole matter beyond all doubt; so we now have two small amendments, one of which has nothing to do with the main subject which is the topic of discussion this evening. The price of flour referred to in the original Act now has no bearing as it is considerably higher and the section is therefore useless.

The honourable member for Mt. Hawthorn and the honourable member for Swan should get it out of their minds that the master bakers' federation, or whatever they call themselves, want to see this piece of legislation on the Statute book. I can assure those honourable members

that if the master bakers had their way they would have it off the Statute book altogether.

In fairness to them, however, I would point out that during the 2½ years I have been Minister, and on each occasion when they have made an attempt to change the price of bread they honoured the undertaking they gave to my predecessor, Mr. Perkins. They have come along and indicated that there has been a slight increase in costs, or a change in the price of flour, and they produced exactly the same type of figures which they were producing when the Act was proclaimed, and which they were compelled to produce when the committee was operating.

These people have honoured their undertaking and I can assure the honourable member for Swan that it has caused not only myself but the officers of the Labour Department a considerable amount of worry and concern, naturally, to have these figures checked. I would say that these people have not been given one small bit more than that to which they were entitled.

My mind goes back to some months ago when they requested a rise because of increased costs; but as it is not possible to charge less than one half-penny I was able to persuade them to increase their price, on only one section of standard bread. This amending Bill only validates action which the Government has in the past deemed to be correct.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Labour) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 6 amended—

Mr. JAMIESON: I find this clause most objectionable. I have already stated my case. I saw some merit in another amendment that the Bill proposes, but I see no merit in this whatever. I feel we are justified in voting against this clause. It is not at all clear whether or not the law will be put into operation. We should not have such laws on the Statute book. I oppose the clause.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Wild (Minister for Labour), and transmitted to the Council.

AGRICULTURAL PRODUCTS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 10th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. ROWBERRY (Warren) [8.56 p.m.]: This small Bill seeks to amend the Agricultural Products Act in certain ways. Members will recall that in 1962 an Apple Sales Advisory Committee was set up for the purpose of protecting the apple growing and apple selling industries.

This committee was given certain powers, some of which were to inquire into the size of the anticipated apple crop and the quality, grade, and types of apples being harvested or expected to be harvested; to investigate and assess the demand for apples to be consumed within the State; and to make recommendations and submit proposals to the Minister from time to time with respect to the grades of apples that should be marketed.

It has been found that there is some doubt whether the regulations set up in this section of the Act are indeed valid. They are the regulations which determine the sizes of the various grades; but whether these sizes are in fact valid under this legislation has become very much in doubt. I think it is reasonable that we should resolve that doubt, and give this committee the power that it necessarily requires to enforce the regulations under the Act. The Bill does now include in the regulation by amendment to the parent Act a reference to the sizes and varieties of apples which I think should validate the regulations made to determine sizes.

It should remove all doubt as to whether proceedings under the Act are indeed legal. Because of these things I support the Bill. It is necessary that the apple growers and the public should be protected from unscrupulous people; from people who in the past have unloaded inferior fruit on to the market; and who have not only done harm to the consumers, but who have done, and are doing, harm to their fellow growers. For these reasons I commend the Bill to the House and give it my support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

DOOR TO DOOR (SALES) BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by Mr. D. G. May:—

That the Bill be now read a second time.

MR. COURT (Nedlands—Minister for Industrial Development) [9.2 p.m.]: As the honourable member who initiated this Bill pointed out when introducing it, it is, as its title implies, a measure that has specific application in the matter of door-to-door sales. The honourable member went further and stated its main purpose is to safeguard certain credit agreements induced by high-pressure itinerant salesmen. The Bill is submitted to the House as a measure which will permit people who have been subjected to high-pressure sales tactics and as a consequence entered into contracts, to deny these contracts when given time to reflect.

As we know, this is not the first occasion on which problems associated with door-to-door salesmen have been raised in this Parliament or this Chamber. Indeed, there is a long history in Australia to give legislative effect in respect of this particular subject. If I might be permitted to digress a moment, Mr. Speaker, I should like to make some passing reference to legislative action taken in other States.

A Bill was introduced into the Victorian Parliament and was duly passed; and, from my understanding, the Bill introduced by the honourable member, to a large extent, follows the Victorian Act. Some of us are inclined to think this type of problem is fairly new and that this sort of legislation is peculiar to the twentieth century when we experience high-pressure and pressurised sales tactics. However, it is interesting to note that New South Wales has had a Book Purchasers Protection Act since as early as 1890. I do not know whether it has had any practical effect, but it is on the Statute book of that State.

The Government has had inquiries in train for a considerable period; and the Minister for Justice and his Crown Law officers have been examining this particular type of legislation in the other States; and, as a consequence, about mid-May of this year, did assemble the appropriate information and recommend to the Government that legislation be brought in. An appropriate Bill was, in fact, prepared; and, as a consequence, the Minister for Justice, in another place, moved earlier in the session for leave to introduce a Bill entitled the Purchasers' Protection (Door Sales) Bill. Therefore, there is one Bill in another place and another here which have a similar objective, but vary in their methods of trying to achieve a particular result.

I understand there has been discussion between the honourable member for Canning and the Minister for Justice regarding this particular matter; and, although as far as I know they have not been able to reach agreement on the details of the amendments the Government would seek, nevertheless, the honourable member for Canning has been advised by the Minister for Justice that the Government is prepared to give priority to his Bill. That is the reason why this Bill is being proceeded with in this place and the Government's Bill is not being proceeded with at this juncture in another place.

Amendments that have been requested by the Minister for Justice and his officers following consideration of both Bills, have been on the notice paper for some time. So honourable members will have been able to form an idea of the differences in principle between the Government's Bill and the Bill introduced by the honourable member for Canning. The honourable member's Bill is based almost entirely on the Victorian legislation. The approach of the Government to the legislation is very much the same, but there are some very important differences.

It could, I think, fairly be said that the basic approach of the Victorian legislation has been followed in both instances, but there are differences in methods that have been foreshadowed by the Government's amendments. The Bill introduced by the honourable member for Canning applies to goods which are defined as including "all chattels personal other than money or livestock and includes any fixtures severable from the realty." It will be appreciated that the definition in the Bill which applies to all chattels, real, could include a lease; and this, I think, was not intended.

It is noticed there is no provision in any amendments for widening the scope of the definition of goods by regulation should such necessity arise at a later time. It is thought preferable that a Bill of this nature should contain a definition more restrictive to the purpose at present in mind covering such articles as books, engravings, pictures, and so forth, but with authority for the Minister in charge of its administration to prescribe other goods from time to time for the purpose of control under the Act. One of the reasons why this is thought to be necessary is the fact that it will give greater flexibility and it will have less impairment to *bona fide* trade, or less threat to it.

Not all of this type of trade is harmful; and the Government suggests that through the amendments on the notice paper it will obtain greater flexibility; and the government of the day will have the power to embrace any types of things within the legislation that come to the notice of the administration where there are undesirable practices.

Mr. Brady: Do you think pest control agents might come under "undesirable agents"?

Mr. COURT: I could not be specific on the legal interpretation and how they fit into this picture; but I think the honourable member is referring to pest exterminators and not the type of person one calls a pest who goes from door to door. I do not think we would be inclined to give the Government power to exterminate that type of pest.

Whilst this Bill only applies to credit purchase agreements made at the place of residence of the bailee or purchaser, good reasons may be advanced to include purchases made at a person's place of employment and also at a technical school. I do not think I need to emphasise this further because that will be self-evident to honourable members.

In the matter of the termination of certain credit purchase agreements, there is no exclusive provision in the Bill for termination by the purchaser or bailee as the case may require, and it is suggested an appropriate amendment could be considered in this regard.

There is need to add a provision aimed at preventing circumvention of the Act by a vendor writing into the agreement a provision that the agreement was made as a result of an unsolicited request made by the purchaser or bailee to the vendor. This matter is clarified in the proposed amendment on the notice paper. This would insert into the Bill, in a very comprehensive manner, the provisions, terms, conditions, or covenants in an agreement to which this Act applies, or any offer in respect of an agreement to which the purchaser or bailee is a party, which under this legislation would void such agreement; and an offence under this proposed section could incur a penalty of up to £200.

This Bill will come into operation on the Royal assent; but it is preferable—at least in the opinion of the Government—for the measure to come into operation on a date to be proclaimed to permit sufficient time for notices, etc., to be printed, regulations made, and the business public forewarned of the measure before the Act comes into operation. I have already made passing reference to the desirability of inserting an appropriate clause permitting the making of regulations.

Mr. D. G. May: What time do you think would be sufficient for notification to all the firms?

Mr. COURT: I have not discussed this in detail, but I know the Minister has in mind that a reasonable period of notice should be given before the legislation is proclaimed. If the Assembly so desires I will be more explicit and obtain some indication of the exact time that the Minister might have in mind; but I think in fairness to all concerned we should allow a reasonable period so that not only the public might be forewarned of their rights and privileges under the legislation, but also traders will know that the legislation will be in force on a certain date. In other words, the Act will be proclaimed and become effective on a certain date and if traders then trade outside the law, it will be at their peril.

If a government brings down a law of this nature which introduces fairly drastic changes, if it takes effect from the date of the Royal assent, that government could be accused of being precipitous about it. When making a change such as this, it is better to allow for a degree of education on both sides. I do not think it will be a ridiculously long period, but it will need to be a reasonable time.

When the previous Government had legislation before this Chamber in respect of hire purchase, I think Mr. Emil Nulsen was in charge of the Bill, and he indicated the period he had in mind before the law would operate. One of the reasons given was to allow for new forms to be printed to conform with the new law. I think he stated when he would proclaim the legislation before the Bill left the House. I forget the exact circumstances, but I know a date was agreed to as being a fair thing, by which time new forms could be printed and new practices could be developed before the law was made enforceable.

I do not want to labour this matter, because it is the Government's desire to expedite consideration of this Bill, not only here but in another place, because there is a common objective between the Opposition and the Government. I do not know the attitude of the honourable member toward the amendments on the notice paper; and no doubt he will indicate this, either in reply to the second reading debate, or during the Committee stage. However, it is the Government's desire, now there have been these discussions between the Minister and the honourable member concerned, to give the honourable member's Bill as speedy a passage as it can, both through here and another place.

I think we all appreciate there are these glib persuasive people in our midst, and we have housekeepers who, either in self defence, in trying to get rid of these people, or for other reasons, fall for their wiles; and we want to introduce something practical and effective to cope with the situation. I support the measure and at the appropriate time will move the amendments I have mentioned.

MR. NORTON (Gascoyne) [9.15 p.m.]: I wish to say a few words in support of this Bill, because I have had some experience with door-to-door salesmen. In

1961 I received a phone call from a salesman asking if he could come along to see me. He said he had a special offer to make to me. Being curious, I let him come along. This man was not a salesman at all. He was simply a man who had been trained by a firm to present its product in a certain manner.

When he came, he had with him a very nice satchel on which his initials were printed in gold. The sachel contained quite a lot of literature. The man took out this literature piece by piece and told a story about it. As he was telling his story he kept glancing at his watch. He said, "When I have finished this I will have a good proposition to put to you: something which is worth while." I kept asking him what the proposition was, but he refused to tell me. I then put him off his sales talk by tossing in several interjections while he was speaking; and once he was off his line of patter he was absolutely lost.

Mr. W. Hegney: You have been trained here.

Mr. NORTON: That is so; but I had also had some experience of selling. There is no doubt that this man could sell only in the manner in which he had been trained, which was high-pressure salesmanship. When he came towards the end of his sales talk he said, "Well, do you want it? This is the only opportunity you will get"; and he tried to force me to sign an order form.

I eventually told him in clear terms that I had no intention of buying his product; that his line of talk had put me off. I told him that his special offer was not a special offer; that it was something put up as a catch.

Mr. W. Hegney: Was he selling books?

Mr. NORTON: He was selling encyclopaedias. At that particular time I asked questions in the House regarding encyclopaedias, particularly in respect of various statements which such salesmen made. One statement was that this was the only encylopaedia recognised by the Education Department in connection with secondary schools' education. This was denied by both the Minister and the Director of Education. My questions received quite a lot of publicity at the time in *The West Australian.*

Within about 24 hours I had received a letter from the firm concerned asking for an interview in order to clear up anomalies which had appeared in *The West Australian.* I sent a copy of the questions which I had asked in the House. I said that I had nothing to hide and that I had nothing else to add. About nine months later this same firm had representatives travelling through the pastoral areas of the north.

One of the company's salesmen came to a station and asked whether he could stay the night. He was offered the hospitality of the homestead. After tea he started on his sales talk. He finished up by saying, "Do you want to buy it? This is the only opportunity you will get. Take it or leave it!" He was told that he could take his leave the first thing in the morning; that the people at the homestead did not want to buy the encyclopaedia.

If this salesman had adopted different tactics the people at the homestead would have bought the encyclodaedia for their grandchildren. However, the sales talk had put them off. Other companies who have representatives going through outback areas selling books use similar tactics, although not quite such harsh tactics as the firm I have mentioned.

Another firm had representatives travelling in the north-west selling manchester. One salesman went around showing samples. The price was somewhere around £50. I believe this was around about 1960. The salesmen were asking for a deposit of 30s. and the balance could be paid off in instalments of 10s. to 15s. per week. However, when the parcels of manchester were forwarded to the purchasers, the quality was not the same as the samples; and the company refused to take back the parcels when people complained.

I was approached by a resident of Carnarvon to see the firm, which had given an address in Murray Street. I had much difficulty in finding the address and eventually I found an office of accountants on the second storey of a building. The office was located up a narrow stairway. This office of accountants admitted knowing the firm concerned, but I was unable to obtain the exact address although I heard somebody in the accountants' office telephone this particular company. Eventually the company concerned was persuaded to accept the parcel of manchester. The parcel had been forwarded to Perth but had been returned to the sender. The company threatened to summons the people concerned for the balance of the payments. There was a certain amount of litigation and I was asked to look into the matter. However, the company eventually took back the parcel and wiped off all debts connected with it.

There was another salesman who travelled through the north selling dresses. He was in the nature of a hawker. These men go from house to house with these dresses and they leave half a dozen samples. They ask that for purposes of goodwill there should be a deposit of 5s. or 10s. and they leave a receipt for that amount. However, they do not return for the dresses and the people who have the samples receive a bill for the dresses.

The honourable member for Canning mentioned companies concerned with pest control. Some of these companies are quite genuine. Although their charges are high, they do good work. However, there are other companies who are not quite so genuine. Their representatives are very persistent, and if one is not fully awake one can easily get caught. These people should have a certificate or license to show that they are *bona fide* representatives and that the companies are absolutely genuine. I have much pleasure in supporting the Bill.

MR. BRADY (Swan) [9.24 p.m.]: I wish to say a few words in connection with this Bill. The honourable member for Canning is to be congratulated on bringing the measure before Parliament in order that there can be control over unscrupulous salesmen.

I do not believe that every salesman who goes on to a person's verandah is unscrupulous. In fact, I think that the majority of salesmen are honest citizens who are trying to eke out an honest existence. However, there are unscrupulous ones who prey on unsuspecting householders, whether they be women or men. We do not want a bar of those people and the sooner we get rid of them the better.

Genuine salesmen will welcome this measure. They know that their products are of good value and they will not resent a cooling-off period of one week. I do not think we shall have any difficulty with the genuine salesman.

In my opinion this measure should not be confined to books. There are unscrupulous salesmen who sell goods other than books, and the public must be protected against such salesmen. The honourable member for Gascoyne mentioned a firm which was selling women's frocks. I do not know whether it is the same firm, but there was a firm operating in the Midland district.

A friend of mine, who recently came out of Heathcote, was persuaded to accept some frocks and to make a deposit of a few shillings in good faith. When her husband saw the price of the frocks they both decided that the frocks were not wanted. However, the people concerned were unable to return them to the company. The address given at the time was Parliament Place, but the company's doors were closed every time the couple tried to make contact. The man lost time from his work in trying to return the frocks. He later received a letter threatening to prosecute him if he did not pay for them.

The man came to me and I telephoned the company and explained the situation. I advised the firm that it would be better if it accepted the goods. I explained that the couple could not afford to pay for them and the wife was not in a position to commit her husband because her mental powers were such that she had no power of attorney. Eventually the company accepted the goods by mail.

That is typical of what is going on. Regarding companies which specialise in pest control, a woman showed me an account for £30 which she had paid to protect her home from white ants. However, the white ants practically ate out her front door and she could get no redress. People should be protected against such companies. At a later stage we may be able to do something about unscrupulous pest control companies. As the honourable member for Gascoyne said, some of them are quite genuine; and they would sooner lose money than feel they were getting a bad name as pest control experts. At the same time, there are others who will make an agreement and accept money, but then they will make excuses and not live up to the agreement. I support the legislation. However, if the honourable member so desires, I think the ambit of the Bill could be widened to include goods other than books in order to protect the public.

If we include the words "other goods prescribed by the Minister," half a dozen smart aleck firms could go through the State and take in the general public, and by the time the Minister was approached and regulations were prescribed, the offenders would be in Darwin or Queensland, and we would have no protection for the public. I hope the ambit of the Bill will be widened.

Mr. Ross Hutchinson: You could not include white ants.

Mr. BRADY: Not very well, but on another occasion we could bring down a Bill to deal with those people.

MR. D. G. MAY (Canning) [9.31 p.m.]: I thank the Minister and honourable members on this side of the House for their contributions to the debate. As the Minister said, there have been certain discussions between the Minister for Justice and myself; and whilst we believe in the principle of the Bill, there are certain amendments that we have not been able to agree on. Naturally those amendments will be dealt with when the Bill is in Committee.

The Minister mentioned that in New South Wales this matter is covered by the Book Purchasers Act, and in South Australia it is dealt with by the Book Purchasers Act of that State. In Victoria—and the Victorian legislation is the most recent—the Government saw fit to extend the proivsions of the Act to include all goods.

The South Australian Bill was introduced by a private member, and one honourable member, The Hon. B. H. Teusner, on the 30th October last year, had this to say at page 1364 of the 1963 *Hansard*—

> I think the time may come sooner or later when it may be necessary to go even a step further. This legislation applies only to the sales of books, pictures, and similar articles, but many high-pressure salesmen operate in South Australia selling other articles, such as household gadgets.

I have been in touch with several members of the Victorian Government since the Act came into operation—it has only been operating for the last 12 months—and they are quite happy with the way the legislation is working out in regard to goods.

If we restrict the definition of "goods" to what is required by the Government then we will leave the housewife without much coverage, because the Minister has indicated in his amendment that the Governor may make regulatons from time to time. I would say that if the provision were reversed and certain goods were exempted from the provisions, we would be going a long way to assisting the people who are frustrated by high-pressure salesmen. Quite a lot will be said on this subject when we are in Committee.

The Minister did mention the termination clause. I point out that this matter is provided for in the schedule which states that the agreement must be signed by the purchaser or the bailee. That is quite definite. There are other similar amendments which will have to be looked at.

Most of the Government's amendments are an extension of the Bill and not a restriction of it. As the Government is prepared to extend the Bill quite considerably, I think it should go the whole way in extending the coverage of goods. It seems rather strange that we should have a terrific number of amendments to the Bill, yet we restrict the provisions relating to goods.

I again thank all honourable members who contributed to the debate. I feel everybody agrees that this is a necessary social measure. I know there has been quite a spate of this type of selling during the past few weeks, and I point out, as other honourable members have done, that recently such things as frocks, electric lights, vending machines, kitchenware, and other items have been peddled around the suburban area. I think we should extend the provisions of the Bill to cover the present situation. I would like the Minister to give some thought to that aspect when the measure is in Committee.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. D. G. May in charge of the Bill.

Clause 1: Short title—

Mr. COURT: I have an amendment on the notice paper. This amendment is necessary if my second one is to be agreed to, and the second amendment provides that the Act shall come into force on a date to be fixed by proclamation.

During the second reading of the Bill I gave reasons for this amendment. I have since conferred with the Minister concerned in regard to being more specific in respect of time. He has expressed the view that the time necessary to give notice to the trade in ample form and to have the regulations drafted and promulgated would be three months; and I suggest we accept that period. To be more specific we could say the 28th February or the 15th March, 1965. Having regard for the holidays that will be intervening, the 15th March would, perhaps, be the more appropriate date. I do not suggest that as the minimum date, but the latest one by which the proclamation would be issued and the regulations promulgated to give effect to the Bill in the form that we suggest. I move an amendment—

> Page 1, line 7—Insert after the section number "1" the subsection designation "(1)".

Amendment put and passed.

Mr. COURT: I move an amendment—

> Page 1—Insert, before line 9, the following new subclause to stand as subclause (2):—
>
> Commencement. (2) This Act shall some into operation on a date to be fixed by proclamation.

I have already explained the significance of this amendment.

Mr. FLETCHER: Line 9 of the Bill seems to terminate with the word "the". I am having difficulty in deciding where the amendment is to be inserted.

The CHAIRMAN (Mr. I. W. Manning): It will go in before line 9; it will be inserted between lines 8 and 9.

Mr. FLETCHER: Thank you.

Mr. D. G. MAY: I agree with the Minister, but the date in March seems to be a considerable way off: I do not think it would take that long for the necessary machinery to be put into motion for the purpose of the legislation. There are many people who are waiting to see how the measure will be applied, and because of the spate of selling that we have had recently I hope the Minister will give consideration to expediting the proclamation date.

Mr. COURT: I make it quite clear that the Government is also anxious for the legislation to become effective. It is not a question of trying to delay it, but in the past there have been difficulties in the drafting of regulations. Rather than indicate a tighter date, such as the middle of January or February, I would prefer to play safe on behalf of the Minister who will deal with this legislation. I assure the honourable member that the Minister wants to get the measure operating as soon as possible.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 2: Interpretation—

Mr. COURT: I move an amendment—

Page 2, line 17—Delete the passage: "or

(d) any agreement which relates to the disposition of an estate or interest in land:"

I have on the notice paper subsequent amendments in respect of the interpretation of "goods," and they are, to a large extent, interrelated.

The honourable member has referred to the fact that the Government proposition provides for the Bill to start with books, and then it includes machinery for the extension of the measure to an almost unlimited extent, by regulation, as circumstances dictate. It is felt desirable to delete these words, and then later I will move the insertion of a new definition of "goods."

I think I can demonstrate that the Government's intention is to make the Bill more flexible and more practical in its implementation so that it will achieve the results the honourable member seeks, and perhaps something more. We do not want to find later that we have something so restrictive that it is impossible to achieve our original objective. The small minority with whom we are dealing would be only too pleased to take advantage of a loophole in the law, but with the proposal we have here, by regulation the government of the day would be in a position to deal with the situation without any delay.

Mr. D. G. MAY: Whilst I do not oppose the amendment, it should be pointed out that it would be hardly likely that high-pressure salesman would have anything to do with that type of transaction. Firstly, they would encounter difficulty in the Titles Office and other places when attempting to finalise such a sale. Therefore I cannot understand why the deletion of this passage is necessary. It has been working quite satisfactorily in Victoria. I feel the Minister has not given sufficient explanation to justify the deletion of this passage from the Bill.

Mr. COURT: As I said earlier, it is impossible to consider this amendment without considering the new definition the Government proposes to insert in the Bill in respect of goods. I draw the honourable member's attention to the new definition that is proposed, and I think he would agree that it goes as far as any Parliament could reasonably be expected to go, and does place the government of the day in a position to deal with the unexpected situation. Also, I have to foreshadow other amendments whereby we take the effect of the Bill further than was intended by the honourable member. He only refers to the home, whereas we intend that this shall apply to technical schools and places of employment. However, I do not want to elaborate on that at the moment.

In view of the wide nature of goods as prescribed in the new amendment, after this amendment is agreed to it will be necessary to remove paragraph (d); otherwise we could make the law almost unworkable and, in fact, it could laugh at itself.

Mr. FLETCHER: I, too, am a little concerned about the deletion of this clause. By law, could land be interpreted to mean goods or articles? Having in mind the fact that some astute business person might take this as being the legal interpretation, I think it is quite conceivable that a legal interpretation would state that land does not constitute goods or an article, and as such the retention of the clause in the Bill would afford protection in land sales or any interest in land.

I also have in mind the impossible prices which people are being asked to pay for land even in areas which are well outside the metropolitan area in consequence of the speculation that is associated with the sale of land. Therefore we could well afford to retain this clause in the Bill in the event of its being found to be some protection against speculation in land. If it is removed and subsequently it is found that land cannot be considered as being goods or an article, this clause would afford some protection.

Mr. COURT: I suggest that if the honourable member for Fremantle looks at the earlier part of the clause he will realise that the deletion of paragraph (d) will not weaken the clause, but strengthen it. This is part of a list of types of agreements that are not covered by legislation, and it is important that the restriction should be removed. Therefore, by deleting paragraph (d) we are strengthening rather than weakening the position.

Amendment put and passed.

Mr. COURT: I now come to the important amendment dealing with the definition of "goods". Honourable members will see from the notice paper the definition as contained in my amendment. That is a wide and far-reaching definition which we favour against the more restrictive one

set out in the Bill. We consider it would give greater flexibility to the government of the day in administering this particular type of law, bearing in mind that we are not out to bedevil the trader who is fair and just. We are trying to legislate against the smart fellow. It is better to leave the government of the day in a position to handle the situation as and when it arrives. Therefore, I move an amendment—

> Page 2, lines 21 to 23—Delete the interpretation of "goods", and substitute the following interpretation:—
>
> "goods" means any books or parts of a book, or engravings, lithography or pictures or any other like matter whether illustrated or not and includes any articles prescribed to be goods for the purposes of this Act;

Mr. D. G. MAY: I must oppose this amendment from the outset, because this is one of the amendments I am not happy with. I have not been convinced by the explanation given by the Minister. I have discussed this provision with the Minister in another place and the same interpretation was given by him, as was given by the Minister for Industrial Development. Over the past 2½ years I have acquired a great deal of knowledge of these cases as between the housewife or householder and the people who are selling the goods, and if we are going to extend the Bill we have to make it one which will be clearly understood by the ordinary person.

If we accept the interpretation as proposed by the Minister we are getting away from the whole purpose of the Bill. In this State, at the moment, salesmen who are selling books are in the minority, but there is a definite spate of selling of other types of goods. High-pressure salesmen selling books have been the subject of so much publicity that there has been a definite falling-off of their activities. The housewife has become so conversant with this type of salesman she is now fully aware of what to expect when a salesman comes to her door. It is the other type of salesman about whom I am worried. This is the salesman who has been operating in the Eastern States but who, finding that the sales have reached saturation point there, has transferred his activities to Western Australia.

If we intend to amend the Bill as indicated by the Minister we should go the whole way. If the Minister considers that his amendment is necessary, there is the possibility that we could reverse the procedure proposed in the amendment. I feel that if we were to provide that goods shall include all chattels other than livestock; that goods include any fixtures and realty we possibly could, later in the amendments, provide for exemptions. Further on in the amendments that are proposed, the following provision appears, which shall be embodied in the regulations:—

> The Governor may make any regulations necessary or convenient for carrying this Act into effect and in particular may make regulations for all or any of the following purposes:—
>
> (a) prescribing any articles to be goods for the purposes of this Act.

If we were to turn that provision around in relation to the interpretation of goods as set out in the Bill and, with the approval of the Governor, exempt any article from this provision, we would achieve the intention of the Minister. If, in the case of selling goods, we were to exempt certain articles, we would achieve the same object, but would still give full coverage to allow the householder to know where he stands. If a great deal of publicity were given to the selling of a certain item and its exemption was justified we would be giving the public what it requires.

I would like the Minister to have a look at this because for people who are frustrated by high-pressure salesmen it is very difficult to understand what is going on. We have gone a long way in accepting the amendment relating to the period of seven days. Why not go the whole way and exempt certain goods which we feel could be exempted from the provisions of the Bill? I oppose the amendment.

Mr. TOMS: I argee with the sentiments expressed by the honourable member for Canning. The definition in the amendment proposed by the Minister rather limits the scope, and restricts this legislation to penny dreadfuls and similar articles. It relates only to books and associated publications.

In these days complaints are often made of the practices indulged in by door-to-door salesmen. Some salesmen go around selling electrical equipment and similar types of articles, and for that reason the definition should be much wider than that proposed in the amendment before us.

With the passage of legislation governing door-to-door sales, the average housewife thinks adequate protection is provided in respect of all types of goods. However, the definition in the amendment limits the type of goods to books and associated articles.

The Minister should realise that door-to-door salesmen offer many other types of goods than books. He should be agreeable to a wider definition. Complaints have been made of sales of articles like washing machines by high-pressure salesmen to housewives. Under the definition in the amendment this type of goods would not be covered.

Mr. FLETCHER: The amendment of the Minister covers books and allied articles, but it is rather tenuous when we have in mind the coverage of high-pressure sales of many other types of articles. The definition in the amendment is too limited. In the motion previously introduced by the honourable member for Canning, under the definition of "goods" all types of articles were included, to cope with malpractices which have been adopted by some door-to-door salesmen.

I refer to the case of a pensioner who paid a weekly rental of 12s. 6d. on a television set. When he expressed dissatisfaction the firm sent out another set with more papers for signing. Instead of being charged 12s. 6d. a week, he found he was committed to £4-odd a month.

I am also aware of another similar incident relating to the sale of a piano under hire purchase. Pianos are included in the definition of "goods" in the Bill, but not in that appearing in the amendment before us. An invalid pensioner who had one of her legs amputated was visited by a door-to-door salesman, who talked her into impossible financial commitments for the hire purchase of a piano. The papers were signed in haste, without study, and the piano was delivered.

Some months later the ostensibly new piano was found to have a structural fault, and an expert was called in. He discovered the instrument was not new, and had been repaired previously. This lady demanded a new piano, but she was told she had signed for the one that had been delivered and the condition of the piano was attributed to carelessness on her part. I was called into the case to try to retrieve the position. I found the piano was not in the house, but had been taken away for repairs. The lady demanded another piano, and she refused to pay.

Some months passed, without the instalments being paid, and on investigation I found that as a consequence of interest and the penalty clauses in the agreement she owed more. I rang the vendor who stated that the matter was out of his hands, because a hire-purchase company had acquired the debt. The vendor did not want the instrument back, nor did the hire-purchase company. The lady in question was hounded for payment for an instrument which had been taken away for repairs. Everyone regretted that she had signed the papers.

The definition in the Bill would cover transactions of that type, but the definition in the amendment will not until pianos are prescribed. Parliamentarians should not become involved in this type of case. If the Bill is passed in its present form parliamentarians will not be so harassed, because the range of goods will be widened.

Mr. COURT: The Government's amendment gives the definition of "goods" a tremendous scope. The honourable member for Fremantle and others who spoke before him gave the impression that it is a very limited amendment; on the contrary, in practical effect it could go further than the definition in the Bill.

The sponsor of the Bill suggested that we should reverse the procedure by adding, and then making deletions. That is well-nigh impossible. In dealing with this type of legislation, such as in the days of price control, it was found from experience that it was easier to add to than to make deletions. If we started off with an all-embracing definition and tried to take out some types of goods, we would have a never-ending list which should not come under the control of the legislation.

Mr. D. G. May: Don't you think we should be more concerned about the public than with administrative difficulties?

Mr. COURT: As a Government we have to have some regard for the smooth running of trade. In this legislation we are not after the legitimate trader or salesman who conducts a legitimate business in a legitimate manner. We are after the door-to-door salesman who dodges the law and takes the purchaser down. With the expanded definition of goods, as proposed in the amendment, some of the circumstances which could arise—and these are unpredictable when some people try to pull a smart trick—could be coped with by the simple expediency of promulgating a regulation. If the regulation is regarded as too severe Parliament has a remedy, because it can be dealt with through the disallowance and amendment procedures.

The Government felt that instead of coming down with too heavy a hand, and possibly interfering with legitimate business, it was better to deal with the matter in the way proposed in the amendment: that is, firstly to deal with the main problem of books and associated articles, and then in the light of experience to deal with the other situations. Once an illegitimate trader knows that this legislation is on the Statute book and that a remedy is available to the Minister, he will think twice before embarking on an unethical sales scheme. I think it is much better to leave the matter flexible as proposed by the Government so that legitimate trade can flow. Then if we find illegitimate trade develops we can deal with it quickly and effectively.

Mr. D. G. May: Like the Minister, I do not desire to labour this particular clause but would point out that the definition of "goods" which I have included has been in operation in Victoria for 12 months and, from the correspondence I have received, I have ascertained it is operating very well. I cannot see the Minister's reasoning on this matter. I say right at the outset that

if this amendment is adopted, regulations will have to be introduced immediately for frocks, vending machines, kitchenware, and so on. My proposition is a much better one than that suggested by the Minister.

One minute the Minister talks about administration difficulties and the next minute he immediately makes difficulties. All this session I have listened to Ministers introduce Bills and many times it has been said, "Let us see how it works. This is new legislation." I know that numbers are what count; but, by the same token, if it is good enough for a Minister to make that proposition, surely it is good enough for someone in opposition to do likewise and ask honourable members to give it a go!

The Minister should give this a lot of thought because, as I have said, it has worked very well in the Victorian legislation. If it is necessary to alter it later on, we have the power to do so. Therefore I strongly oppose the amendment. I hope that honourable members will vote according to their consciences. I know that some of them have received inquiries on this matter from people in their electorates.

Amendment put and a division taken with the following result:—

Ayes—21.

Mr. Bovell	Mr. Hutchinson
Mr. Burt	Mr. Lewis
Mr. Court	Mr. W. A. Manning
Mr. Craig	Mr. Mitchell
Mr. Crommelin	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Guthrie	Mr. Williams
Mr. Hart	Mr. O'Neil
Dr. Henn	*(Teller.)*

Noes—22

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. D. G. May
Mr. Cornell	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May
	(Teller)

Pairs

Ayes	Noes
Mr. Brand	Mr. Graham
Mr. O'Connor	Mr. J. Hegney
Mr. Hearman	Mr. Curran

Majority against—1.

Amendment thus negatived.

Mr. COURT: I move an amendment—

Page 2—Add, before line 29, the following interpretations:—

"technical school" means a school for technical instruction whether under the control of the State Department of Education or otherwise, at which the purchaser or bailee is a student and includes a University, Government school, within the meaning of the Education Act, 1928, and a school registered as an efficient school under that Act, at which the purchaser or bailee is a student;

"the bailee" in relation to a credit purchase agreement means the person to whom goods are bailed under the agreement;

"the purchaser" in relation to a credit purchase agreement means the person to whom goods are sold or agreed to be sold under the agreement;

This amendment is self-explanatory. Later on, "place of employment" is to be added and this will further extend it.

Mr. D. G. MAY: I am not opposing this amendment, because it will extend the provisions of the Bill. However, I would point out that over the last few years no reports have been received concerning salesmen interfering at technical schools or places of employment, although it could occur. However, a lot of literature has been sent by the Education Department advising parents that these salesmen are operating and claiming that they have been authorised by the Education Department to sell certain types of literature.

The reason "bailee" and "purchaser" were not included in my Bill was that I included "vendor", which means a person by whom, or on whose behalf, the goods are bailed or sold. As I have said, I have no opposition to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3: Credit purchase agreement to be in writing, etc.—

Mr. COURT: I move an amendment—

Page 3, line 3—Insert after the word "residence" a passage as follows:—", at his place of employment or at any technical school".

This is self-explanatory and ties in with the definition of "technical school."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Power to terminate certain credit purchase agreements—

Mr. COURT: I move an amendment—

Page 3, line 20—Insert after the word "residence" the passage ", at his place of employment or at any technical school".

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 3, line 20—Insert after the word "terminated" the passage "by the purchaser or the bailee, as the case may require,".

Mr. D. G. MAY: This is only an extension to the Bill as it is now drafted. I would point out that this is already provided for in the appendix in the schedule to the Bill. I have no objection to the amendment, because I suppose it makes it clearer.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Act not to be applicable to agreements initiated at the request of the purchaser or bailee—

Mr. COURT: I move an amendment—

Page 5, line 1—Insert after the word "bailee" the passage ", his place of employment or at any technical school, as the case may be,".

This is a consequential amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

Page 5, line 3—Insert after the word "residence" the passage ", his place of employment or at any technical school, as the case may be,".

This, too, is a consequential amendment.

Amendment put and passed.

Clause, as amended, put and passed.

New clause 7—

Mr. COURT: I move—

Page 5—Insert after clause 6 the following new clause:—

7. (1) A provision, term, condition, or covenant in an agreement to which this Act applies, or in any offer to enter into or make, or relating to the entering into or making of, such an agreement, or in any other document to which the purchaser or bailee under such an agreement is a party, is void if—

(a) it excludes, limits, modifies, or restricts the right to terminate the agreement conferred by this Act on the purchaser or bailee;

(b) it provides or declares that the agreement or offer—

(i) was, or is to be treated as having been; or

(ii) was not, or is to be treated as not having been,

entered into, made, signed, or accepted at any particular place;

(c) it provides that a dealer, or any person acting, or purporting to act, on behalf of the vendor in connection with or in the course of any negotiation, transaction, or dealing leading to the entering into or making of the agreement or the making of the offer is or is not, or is or is not to be treated as, or declares a dealer or any such person to be or not to be, the agent or servant of the vendor or to be acting under the authority of the vendor;

(d) it provides or declares that a dealer, or any person acting, or purporting to act, on behalf of the vendor in connection with or in the course of any negotiation, transaction, or dealing leading to the entering into or making of the agreement or the making of the offer—

(i) called on the purchaser or bailee or carried out, effected, or took part in any such negotiation, transaction, or dealing at the request of the purchaser or bailee; or

(ii) is, or shall be treated as being, the agent of the purchaser or bailee, or authorised by the purchaser or bailee to make to the vendor any offer on behalf of the purchaser or bailee;

(e) it relieves the vendor from liability for any act or default of the vendor or any other person acting in connection with or in the course of any negotiation, transaction, or dealing leading to the entering into, making, signing, or acceptance of the agreement or offer;

(f) it provides or declares that the agreement or offer—

(i) is, or is not; or

(ii) is or is not to be treated as being,

subject to, or enforceable in accordance with, the law of any particular State or Territory of the Commonwealth or of any place outside the Commonwealth;

(g) it provides or declares (either expressly or impliedly) that any warranty, privilege, right, or protection to the benefit of which the purchaser or bailee would or might otherwise be entitled by virtue of the provisions, effect, or operation of any law (other than this Act) or of any rule of law is waived, abridged, abandoned, excluded, limited, modified, or restricted; or

(h) it excludes, limits, modifies, or restricts the effect or operation of all or any of the provisions of this Act.

(2) Where any agreement, offer, or document referred to in subsection (1) of this section contains a provision, term, condition, or covenant that is void under that subsection, the vendor under the agreement is guilty of an offence against this Act.

Penalty: Two hundred pounds.

I explained the significance of this, and the new clause which I propose to move after this is agreed to, during the second reading. Some of the provisions are consequential on the amendments that have already been made.

New clause put and passed.

New clause 8—

Mr. COURT: I move—

Insert after new clause 7 the following new clause:—

8. The Governor may make any regulations necessary or convenient for carrying this Act into effect and in particular may make regulations for all or any of the following purposes—

(a) prescribing any articles to be goods for the purposes of this Act;

(b) exempting from the provisions of this Act any goods or any goods the purchase price of which is not in excess of an amount prescribed;

(c) imposing penalties not exceeding fifty pounds for breach of any regulation.

New clause put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ANNUAL ESTIMATES, 1964-65

In Committee of Supply

Resumed from the 4th November, the Chairman of Committees (Mr. I. W. Manning) in the Chair.

Vote: Legislative Council, £18,612—

MR. HART (Roe) [10.40 p.m.]: There are several points I would like to raise on the general debate on the Estimates, and the first two are mainly concerned with the Minister for Health and his department. Firstly, I should like to commend the work that the Minister has done during the year; and I listened with interest to the remarks made regarding the progress achieved, particularly in regard to the commencement of new hospitals and the improvement of existing hospitals throughout the State. I think we all take pride in the fact that many new hospitals have been erected in Western Australia, from the north to the south. However, the first point I wish to raise concerns the school dental service in country districts. I think this is one aspect of the Minister's department which needs a little improvement and for which more money could be allocated.

The CHAIRMAN (Mr. I. W. Manning): Order! There is too much conversation and we are having great difficulty in hearing the honourable member.

Mr. HART: The number of dental clinics visiting schools may not have lessened but considerable progress has been made with country schools throughout the State in that many of them have been increased in size; more classrooms have been built, and more children have to be catered for.

Unfortunately, we all know that the condition of the teeth of Western Australian children, in the main, is very bad. I do not want to stress that point too much, but it is a fact that our children's teeth need a good deal of attention, and parents who live in small country centres removed from resident dentists find the problem difficult to cope with. In November 1962 I was advised by the Minister for Health that of the 13 mobile dental clinics operated by the department five were laid up because of a lack of dentists. I was also advised by the Minister that every effort was being made to get more dentists.

I have watched the position since that time and I know that every effort is being made to improve the service. However, the position in August of this year, almost two years later, is that this section of the department still has only 13 units, two of which are laid up because of a lack of dental personnel, despite the fact that many more schools have been commenced

and there are many more children to be attended to. I understand it is departmental policy to try to visit country schools at least once in every two years. I put it to you, Mr. Chairman, and to the Minister: Surely that is the very minimum.

In August of this year 123 country schools had been waiting over two years for a visit while 35 had been waiting over three years and 50 had been waiting over four years. I emphasise that to show that this service is really falling down on its job a little; and, to emphasise the serious position regarding children's teeth, I would like to quote what Dr. Peverill of the Perth Dental Hospital told me about 12 months ago. At that time I was concerned about teeth and what he said to me on that occasion brought forcibly home to me the bad condition, generally speaking, of children's teeth. He told me that he had carried out a special survey of 900 children to see what children's teeth generally were like. He took a cross-section of children.

In that cross-sectional survey of 900 children in the 6 to 15 year age group it was found that 6,750 teeth needed attention. I was also told at that time that that particular group of children were above average in their general health and so on. I now come back to the position of the dental clinics in our country schools and I would ask the Minister to have a look at this to see what can be done to establish a visit at least once in two years for all classes. I would point out here that it is not a question of finance; it is a question of getting the dentists.

It is very difficult for these people to come down to the city, because when they do they first have to make an appointment, and after having their teeth seen to they then have to make a series of further appointments. That is quite impossible for people who live out in the country areas. Those who live perhaps 60 or 70 miles from the larger country towns where there is a resident dentist also have the same trouble. They make appointments and travel in with the family and lose a day. The dentist looks at the teeth in question and then says that that is all he can do for the present, and that they must come back in a fortnight's time.

It is most important that the service given by the school dental clinic should be stepped up. I would quote the case of the south-eastern wheatbelt, where there is a resident dentist at Katanning. He is the only dentist there. The Perth Dental Hospital clinic gets around fairly frequently to the larger towns, but it does not visit the smaller schools and, as I have said,. the smaller schools are missing out rather badly. I would accordingly ask the Minister to try to improve that service.

A further point I wish to make also concerns the Minister for Health. I am very pleased in some ways that I have these two points of importance to put to the Minister for Health, because I remember seeing that he is the best spender we have.

Mr. Ross Hutchinson: Education beats me.

Mr. HART: The Minister seems to have a lot of money, and I appreciate that he has a lot to do with it. The next point I want to make, however, is that concerning country hospitals and the problem of staffing; of getting nurses for these hospitals. Several country hospitals have raised the point with me, and they maintain that the local chairman of the hospital board, and the matrons of the hospitals, have a very great load to carry in their endeavours to keep these hospitals going. Perhaps some bigger incentive could be given to the nurses who go to the country, and perhaps they could be required to stay there for a certain period.

I wonder whether something cannot be done to have a survey made to see whether sufficient nurses are being trained to keep pace with the requirements of country hospitals, and the ever-increasing demands being made for nurses by new hospitals that are being established. These must be taking a lot of extra nurses; and the question asked is whether enough nurses are being trained. Something should be done to alleviate the burden that is being placed on the hospital boards and the matrons of country hospitals—particularly the smaller country hospitals. I would be glad if the Minister would have a look at this, and check up to see if a survey cannot be undertaken to establish whether sufficient nurses are being trained to keep pace with the demand from country hospitals.

I would now like to refer a couple of matters to the Minister for Native Welfare. First of all I must commend the work he is doing. I have a great admiration for what he is doing. He is facing up to a terrific task which involves all sorts of pressure groups, some resisting and others helping. There is no doubt that overall the picture is certainly improving. The point I wish to make concerns the problem that exists in many of our great southern country towns particularly with regard to the employment of young coloureds after they leave school. The fact is that the educational facilities have been improved considerably for these young coloureds, and due to these improved conditions they are able to attend the various schools. We now have the position where they are being fairly well educated in a number of our schools in the lower great southern towns, but the problem is to know what to do with them after they leave school.

I believe that the question of employment for these young people after they leave school is something on which we must develop a completely new line of thought if we are to cope with it. I would quote the case of a town like Gnowangerup, which is pretty well known, and has a large coloured population. The junior high school at Gnowangerup has approximately 470 scholars of whom 120 are coloured. There are 63 pupils in the post-primary classes of whom nine are coloured; and I would point out here that the top girl of the school, who hopes to take her Junior this year, is also coloured. The point I am trying to make is what these children are going to do for employment once they leave school.

I have a letter which was sent to me by the Gnowangerup Shire Council. I think this letter amply covers the points I am trying to make, and it may be as well if I ran through it. The shire council points out that there appears to be a grossly inadequate effort to train young coloureds to be useful citizens; and it adds that employment opportunities in these areas for young males are next to non-existent, while the opportunity for the employment of young females is completely non-existent. There are in that town a pretty large group of young people who are fairly well educated compared with what they were a few years ago. We have made that advancement, but these young people are in their most formative years, and they are being trained to live on unemployment benefits. The end result of this sort of environment is to produce a not inconsiderable core of useless individuals.

Those are the conditions which confront these unfortunate people. It is a simple matter to condemn their mode of living, but I point out that only an individual of extraordinary character can emerge from the squalor and social background with which these folk have to contend. The council stresses the point that for many years it has recommended the establishment of farm training centres of several thousand acres, not merely to train the people to be farm labourers or domestic servants but to train them in a variety of occupations.

The council contends that such reserves would provide scope for training and would to some extent be self-supporting; but the department, whilst condemning such proposals as smacking of segregation, is prepared to herd these people on to small reserves, within small townsites, with all the attendant lack of objectiveness which is now obvious. The council is emphatic that in addition to farm training centres some real effort must be made to locate the majority of natives within, or contiguous to, large centres of population where the people can be housed and be trained to take their place in the community as self-reliant citizens.

I have read that letter to emphasise the point I am trying to make; namely, that we must get some new line of thought in keeping with present-day educational standards to help these young coloured people find employment after they leave school. They are pretty healthy, active, and strong; but they do not seem to be able to make any headway; and I hope the Minister and his department will do all they can to assist these young people to find jobs after they leave school. I must say that I acknowledge the great efforts and achievements of the Minister. He certainly has made a great deal of progress. The question of employment, however, is becoming worse, particularly for these young people who are leaving school.

I would now like to touch on the question of water supplies. I have been trying to get better water supplies for our eastern wheatbelt country towns, particularly those beyond the comprehensive scheme. I must say that there has been quite an improvement in a number of places over the last few years, and a number of small local water supplies have been installed. If the Government can continue as it has been doing over the last couple of years, it will bring to the small country towns something which they have urgently required for many years past.

I would commend the Minister for the number of water supplies that have been installed in the outback areas. I think honourable members would be surprised if they knew just how many have been installed. I do not know the total number, although I do know those that have been installed in my area. In some of these towns, which are very small—not much larger than villages—their first and most urgent need is a supply of water, and they are being helped to some extent in this regard.

I now want to touch briefly on a point raised the other night by the honourable member for Avon. He put forward the idea that we should have an agricultural authority set up on a State-wide basis to advise and promote our great potential in the agricultural field. I do not wish to speak in detail on this matter, because it has been covered very well by the honourable member for Avon. He spoke at great length on this point. I am sure that such an authority would be of great assistance to the Government in its future planning, and especially in assisting it to put forward the claims of Western Australia. At present our Department of Agriculture is starved for finance, and the Federal authorities must be convinced of this fact.

In making that statement I am not in any way endeavouring to criticise the Minister or the men in his department for what they are doing. I think they are doing a particularly good job. I have been to many field days and the young men in the department that are coming forward

are doing a tremendous job; but I make the statement that we need a lot more money in the light of the fact that W.A. is a tremendously big place and very widespread. We all know what development is taking place in Western Australia.

Getting back to the authority recommended by the honourable member for Avon, it would be of great benefit to our various departments in giving well co-ordinated advice on problems associated with what they are trying to do. On the question of finance, we saw last year where the Department of Agriculture was criticised by the Loan Council because it spent a little more money than was apparently spent before. In my opinion, it is ridiculous to say that the expenditure by this department should stay at a pegged level.

At the present time the Department of Agriculture is trying to cope with all that is taking place in Western Australia. At present the professional officers on the field staff number about 46. There are 39 non-professional officers, and 25 general advisers throughout the agricultural areas. When we remember the vastness of Western Australia, we must appreciate, on that score alone, how inadequate 25 general advisers must be.

Western Australia is now a big agricultural State and many of our developmental problems are far beyond the capacity of any one department to cope with. By that I mean there is a need for a co-ordinating overall authority to dovetail activities and look back at these particular problems from a top level, or have a bird's eye view of them, in an effort to try to solve them. It is something that is beyond a particular department.

Another point is this: We must remember that agriculture in Western Australia owes a lot to men engaged in scientific research; and the further development of this State will be greatly dependent on these men and other economic advisers. I consider a summary of their opinions should be available to the Government; and that could best be effected by the authority recommended.

In advocating and supporting the idea that has been put forward for this overall authority, I feel that unless it is done many of our departments will find themselves snowed down, if one could put it that way. With the progress that is being made departments will have to have a lot more top-level advice and co-ordinated advice or they will have to slow down a little bit. They have made tremendous strides forward over the last five or six years; but what they have started is now catching up with them. The demand for the release of further land in Western Australia is unequalled in the State's history. The number of inquiries and applicants for land have been pointed out recently and we must take advantage of the demand on our doorstep. We cannot ease up; we must go forward with this demand and learn to cope with it.

I feel there is no better way to do this than to bring into being an overall authority. We have a Department of Industrial Development and also a Tourist Development Authority. We probably have others about which I have not inquired. However, I know that both of the departments I have mentioned have strongly proved their worth regarding the development of the particular spheres in which they are interested. Therefore I strongly urge this Government to set up an overall agricultural development and promotion authority which I feel would be the best means of furthering the objective we have before us.

MR. SEWELL (Geraldton) [11.5 p.m.]: In rising to speak on these Estimates, first of all I would like to quote some figures supplied by the Department of Agriculture through the Geraldton advisory district. These figures have been compiled from statistics supplied by the Bureau of Census and Statistics in Perth under the authority of Mr. G. L. Throssell, the officer in charge at Geraldton. I do this to show honourable members the progress that has been made in the district in the last 12 months.

This area comprises the shire councils of Geraldton-Greenough, Chapman Valley, Northampton, Mullewa, Morawa, Perenjori, Three Springs, Mingenew, and Irwin, and the area given is 13,087,360 acres. Anyone who is familiar with the districts at all knows the best land was taken up some years ago and cleared; and, in later years, the development has been in scrub country or sandplain country. I intend to quote certain figures because I think they are most important.

Most of this district is represented by the Premier; some by the Minister for Education; and some is in the electorate of Geraldton. The increase of land cleared during the year 1963-64 was 1,456,475 acres, which is an increase of 62.4 per cent. Active rural holdings increased by 135, representing 10.1 per cent. Established pastures are something, which you, Mr. Chairman, would regard as an important item, particularly in the years to come, because of the proposed establishment of abattoirs at Geraldton. We know that without proper established pastures we cannot do very much in the matter of getting stock.

Established pastures increased by 459,851 acres; and top-dressed pastures showed an increase of 193,842 acres. The sheep population increase was 553,549 heads; while the increase for lambs was 163,707. The wool clip was 6,461,580 lb.; while the average clip per head was 9.2 lb., or an increase of 0.7 lb. This could have been due to seasonal conditions, as most farmer honourable members would know; but it

could prove that better husbandry has been going on in the area, and they are going in more for pasture and obtaining more wool per head of sheep. The increase in cattle was 9,969, and in pigs it was 4,757.

In regard to the figures I have just quoted, we have a long way to go in order to bring them up to anything like a satisfactory level for the establishment of the abattoirs, although the abattoirs would have a call on a far larger district than that which I mentioned in my opening remarks.

In dealing with the railways, an interesting situation has arisen in the last couple of years. First of all there has been an improvement in the whole system in the northern area, mainly on account of the introduction of the diesel engines and the improvements which were made to them after they nearly proved the ruination of the country when they were put in service some few years ago. I understand they are now giving satisfactory service; and the purchase of rolling stock and engines has certainly helped a lot.

I understand a cutting has been put in two miles out of Mullewa. Although I have not seen it, I have it on the best authority that the Railways Department and the contractors concerned have made an excellent job of that cutting. The line has been lowered considerably; and it will make a wonderful difference to train crews in pulling heavy loads out of the townsite and railway station at Mullewa. This job has been needed for quite a number of years, and apparently it is now completed in what I understand to be a very satisfactory manner. We know from the Minister in this House that it is proposed to go on with the reconditioning of the Geraldton-Mullewa-Morawa line to carry the iron ore which we hope to get from Koolanooka hills next year.

I would now like to make reference to the purchase of the Midland railway line which, I understand, was taken over by the W.A.G.R. on the 1st August of this year. It would seem to me that in some regards the Government has saddled the W.A.G.R. with another white elephant. I am referring to the costs which were required to put that line in a suitable working condition. I understand from the Minister concerned and from officers of the Railways Department that the staff of the ex-Midland Railway Company are working well with the W.A.G.R. I understand that they are giving satisfaction generally; and it bears out what I said last year when certain predictions were made in regard to trouble and strife, that it would be only a matter of time and patience and all these things would work themselves out.

Last week I asked the Minister—

> What amount of money was expended by the Midland Railway Company for the purpose of maintaining the permanent way between Midland Junction and Walkaway for the the twelve months to the 1st July, 1963.

The answer to that question was—

	£
Maintenance of permanent way, including sleeper renewals	193,163
Maintenance of bridges and culverts	8,499
Re-laying with new 63 lb. rails—	
It is nice to know that they put in 63 lb. rails. Continuing—	
(£94,427, less credit for sale of old rails, £19,957)	74,470
Total	£276,132

My second question was—

> How much money has been expended by the W.A.G.R. on the same section since the takeover of the line by the Government?

The answer to that question was—

	£
Maintenance of permanent way, including sleeper renewals	27,166
Maintenance of bridges and culverts	1,048
Re-laying	10,394
Total	£38,608

My third question was—

> What expenditure is anticipated by the Government to bring the mentioned permanent way up to the standard required by the W.A.G.R. for the purpose of main line traffic for the years ended the 30th June, 1965, and June, 1966?

The answer was most interesting, and it is as follows:—

> Estimated expenditure for 1964-65 is:—

	£
Maintenance of permanent way, including sleeper renewals	137,475
Maintenance and renewal of bridges and culverts	3,750
Re-laying	150,000
I take it they would be 60 lb. rails—	
Reballasting	50,000
New bridge at Upper Swan	30,000
Total	£371,225

That amount of money, together with the amount spent by the Midland Railway Company the previous year seems to be a lot of money to be spent so early on what should have been classed as a main line.

Mr. Court: That was all provided for when we submitted it to Parliament.

Mr. SEWELL: It is all to the good if it was, but it would seem to me that the Midland Railway Company did not do so bady out of the deal. As far as the railway system itself is concerned, I think it will be, without question, a benefit to the people along the line, and it will certainly be an advantage to the department in regard to staff, train crews, and those in the goods sheds at the terminus at Geraldton.

For a great number of years a good deal of trouble has occurred in one way and another, and it always seemed that the company had the best end of the deal while the W.A.G.R. was doing the work and getting nothing for it. However we can thank our lucky stars that the company is out of the picture now and the department has taken over completely. It seems to have set its sights at making a first-class main line from Midland to Geraldton for which we can be very thankful.

The bus service has continued to operate and my experience up to date has been that it is a very good and efficient service. Of course, we do hear of grumbles over this and that from people in various parts of Australia; but I think that, in the main, the public generally appreciates the job being done.

The next subject about which I wish to speak is the Geraldton Harbour. Honourable members will, of course, have heard quite a lot about the Geraldton Harbour over the last 12 months. At this time last year a motion was before the House in connection with proposed improvements and dredging. All sorts of people in Geraldton were trying to get on to the band wagon and were making all kinds of suggestions as to how the work should be done.

The bar outside the harbour in the ocean is still the main trouble and I understand the Government has called tenders all over the world for the removal of the bar. Whether or not it is removed satisfactorily, we know that the port of Geraldton will continue to function although not as we would wish it to; and the town and the district generally will continue to thrive.

Last year the Treasurer made available for harbour improvements—that is, dredging inside the harbour and the harbour basin, which is quite separate from the bar outside—an amount of £240,757. This year an amount of £259,000 has been set aside for that work. It would seem to me that would be a reasonably satisfactory figure considering the fact that a lot of the dredging has been done and the earth works or the back filling of the new berth is in progress. We only hope that the work will continue expeditiously and that a satisfactory price will be tendered, either overseas or in Australia, for the removal of the bar so that the port will be capable of taking the larger vessels which will be calling to take away the various products of the area.

The subject of water supplies is not only a hardy annual as far as Western Australia as a whole is concerned, but it is also a particularly tough one for Geraldton. We have not received any satisfactory indication from the Government as to its intentions. I asked the Minister some questions with regard to the proposed abattoir and the service along Edward Road to Narngulu. He stated that the proposed works would not be started for a while and that in the initial stages the water would come from Wicherina. This will be all to the good at this stage, because the people who live along Edward Road, will at least, after all these years, receive a water supply. That area is badly in need of water and it is an area which would grow, not straightaway as far as residents are concerned, but it is a very suitable area for gardeners.

An amount of £25,000 has been listed for Geraldton, and beside this amount is an explanation that this is for the Wicherina bore which is the existing water supply. This indicates that the Allanooka area supply will be delayed for some time. I would like to say now that I have watched the water supply position in Geraldton very closely over a great number of years and anyone interested in geology and earth formation, etc., would find it a very interesting subject. I am sure that the information obtained by the officers up there has been collated and recorded, but it is interesting to know the amount of water taken from the bores up there.

These bores are comparatively shallow, being only about 200 feet deep, and at the peak period two years ago, 1,000,000 gallons a day were being used. I understand that amount has increased considerably since then. Anyone with any experience of bore water—and particularly shallow bores—will realise that that is a mighty amount of water to come out of the ground. I do not want honourable members to think that the water is artesian or subartesian. It is more or less surface water. Even though I may be criticised in some quarters in Geraldton for saying so, I believe we have been very fortunate over the years that the water was discovered and that the supply has continued. We wonder sometimes just how much longer the supply will remain, especially when we take into consideration the growth of the town and district.

As far as the programme is concerned, I think it is quite satisfactory in the main. I know what the planning would be as far as Allanooka and Dongara are concerned, but it would seem to me that the sum of £40,000 in 1964-65 is too small an amount to be set aside. That is the amount

which will be spent on the Allanooka-Narngulu water supply. Allanooka is approximately 35 miles from Geraldton east of Walkaway on what is called the Burma Road. An amount of £1,120,000 has been allocated for that water supply and this will include the installation of machinery and pumps, and the supply of electricity which will come from the Geraldton council. The Deputy Leader of the Opposition will recall that when he was Minister for Water Supplies he was responsible, following representations from me, for that area being tested to ascertain what water was in the basin.

It would appear that the bores are quite satisfactory; and this Government proposes to continue with the practice. For 1964-65 there is an amount of £40,000 set aside; for 1965-66 the amount is £441,000; for 1966-67 the amount is £525,000; and for 1967-68 the amount is £114,000. Of course, included in the amount of £40,000 would be the supply of water for Dongara which would not cost many thousands of pounds. It would be pleasing to the people of the district if the Minister could increase the amount to £60,000 or £100,000 and if an earlier start could be made than that announced by the Treasurer. This subject is an important one in the district.

The area served by the port of Geraldton is very badly off for water supplies. Over 5,000,000 tons of iron ore will be delivered to Japan under contract. My understanding is that there is a considerably larger quantity available for sale to Japan if the Japanese feel like buying it. Something will have to be done, and done quickly, to improve our water supplies. The Minister for Housing will tell us there is a continuous demand for government houses. There has been quite a lot of building activity on the part of private builders and in the way of levelling for building sites. A large firm in Perth is undertaking a building programme in Geraldton at the present time. If we have a long, hot, dry summer our water supply will be severely tested. With the new system of water rating which has been introduced, we would not be assisted in any way should we run short of water.

I turn now to the matter of schools, in view of the fact that the Minister for Education is in his seat.

Mr. Lewis: As usual.

Mr. SEWELL: I have travelled throughout my district and the State and I could say that we in the Geraldton area would be better served for schools than any other area of Western Australia.

Mr. Lewis: They all think that.

Mr. SEWELL: A new school is being erected at Bluff Point. Another has been erected at Rangeway. Although it is small, it has been built on the right lines. The Minister for Lands spent a great many of his younger years in Geraldton and would appreciate the improvements.

Mr. Bovell: And very happy years they were too!

Mr. SEWELL: The Geraldton High School is a credit to the architects and builders. There have been additions to the school, and I can tell the Minister for Education that we are now getting used to the last addition to this school and it now does not seem quite so bad. A high school hostel was recently erected, and also a junior high school at Northampton. I should mention the facilities which are provided by the sisters of the Presentation Convent Order in Geraldton. The convent there is an excellent one and pupils come long distances to attend. There are also excellent facilities at St. Patrick's College conducted by the brothers; and students come from Malaysia and from all points of the compass.

I hope the honourable member for Albany is in his seat, because he will probably have something to say about this at a later stage. We have heard a great deal about a second university in Western Australia. We know that this is not possible at present. There is no doubt at all that there is only one suitable spot in Western Australia for another university, and that is Geraldton, where there is everything. This would be a practical location.

Schools in my area appear to be well staffed. The grounds are well looked after, and the general position is quite satisfactory. We have heard and read a lot about iron ore and I have mentioned the work being done on the harbour. Recently we authorised a Bill for the construction of a railway to the Koolanooka hills. We hope it will not be long before railway trucks are carrying iron ore down to the port of Geraldton.

The discovery of oil and gas at Yardarino could completely alter the face of Western Australia. The company responsible for drilling operations has done a good job. If we have our sights set on something and we think it is worth while, money does not really matter. Anyone who has had the pleasure of being around these oil and gas derricks cannot fail to feel optimistic.

When the Hawke Government was in office arrangements were made for the Muja power station to supply electricity to the area. I would say that instead of Collie supplying us with electricity, we could supply Collie with electricity at a cheaper rate. I do not know where the honourable member for Collie is, but I hope he is not in the Chamber.

Mr. Ross Hutchinson: He is; and he is nearly exploding!

Mr. SEWELL: We have to take these things as they come. There is much wealth along our shores so far as oil and

gas are concerned; and honourable members do not need me to tell them what this means to Western Australia and to Australia. We should guard against our gas and oil being taken away. We should guard against our oil being refined elsewhere and against our being in the position of paying the same price for it as is being paid in New Zealand or the Eastern States.

I think that is something the Legislature will have to look to in the future. One could say that we are being a little too optimistic, but we can only hope for the best. I certainly wish the company concerned, which has battled so hard, and has spent such a large sum of money—many millions of pounds—good luck in the drilling for oil and gas.

There are many other matters which are of great interest to the people of the district of Geraldton, which is the headquarters of the area I mentioned when I quoted figures from the Bureau of Census and Statistics. I cannot see how in the future anything but success can come to an area such as that. There is no doubt it will have its ups and downs because of seasonal conditions. But with the improvements that are being made every year in the production of superphosphate, and with more scientific farming, and the proper conservation of water—we will need more than bore water, and honourable members will hear some more from me on that score at a later stage—the district must go ahead.

We in that area should have the cheapest electricity, certainly in Western Australia if not in Australia, and that should be a great help in getting the industries that are so urgently needed to build up the population of this State. We hear a lot about decentralisation and immigration, but if we have industries and provide the necessaries of life we will find that we will not have to worry unduly about getting the right type of person to come to this country, and to stay here.

This year we passed legislation dealing with iron ore. Two areas in the northern part of the State, in the district of the honourable member for Pilbara—Mount Newman and Mount Goldsworthy—were referred to. Also, the pelletising of iron ore has been mentioned and in future years it is quite possible that on the shores of the Indian Ocean at Champion Bay, we will have a processing plant pelletising lower-grade iron ore which has been obtained from various parts of the Murchison. That is the sort of thing we should work for, although I think our main aim should be to see that the money provided for in these Estimates is spent in the right way.

We should do everything possible to see that the growing of food for home consumption and export is kept right up to the mark; because I think that is our primary function, particularly in the area which is represented by the Premier, the Minister for Education, and myself, and which is serviced by the port of Geraldton.

Progress

Progress reported and leave given to sit again, on motion by Mr. Ross Hutchinson (Chief Secretary).

House adjourned at 11.40 p.m.

Legislative Council

Thursday, the 12th November, 1964

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