If Mrs. Jones comes to the door—

"Oh, hello again, Mrs. Jones. Have I finally caught him in? May I come in and see him for just a moment?"

Move forward—

If Mr. Jones comes to the door, smile and stretch out your hand—

"Good evening, Mr. Jones. I've finally caught you in. I called to see you the other day . . .

"May I come in for just a moment, please?"

Move forward—

Do not discuss business on the doorstep . . . If customer inquires: "What's it all about?" answer—

"It's a private matter—I'd prefer not to discuss it on the doorstep."

This firm also issued a demonstration discussion between a salesman displaying volumes and Mrs. Jones. The following is an extract:—

Salesman: It's like a public library, isn't it?

Mrs. Jones: It certainly is.

And you need not worry, Mrs. Jones, if pages are torn like this; we replace them entirely free of charge.

All you have to do is write to us, and by return (put new book in top of torn one, with loud thump), comes the new page . . .

Isn't that a wonderful system, Mrs. Jones?

Mrs. Jones: Yes, it is.

Salesman: What is your first name, Mrs. Jones?

That is a preamble of what goes on and of what I have seen of the instructions that salesmen receive from their firm. What I have outlined will give members some idea of the complaints which are received about high-pressure salesmen. This represents a real problem. It has been discussed at length in other States. It has also been the subject of an extensive inquiry in England; and, as members know, I read out the conclusions of the investigating committee when I first commenced the second reading of the Bill.

I have endeavoured to indicate to the House instances of undue pressure being brought to bear on the householder by specialised canvassers; and, in the main, it is the women who are the targets for these salesmen. No doubt the majority of members have received complaints from time to time, and it is considered that this Bill is an effective and genuine attempt to control the present unsatisfactory position. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Court (Minister for Industrial Development).

House adjourned at 9.58 p.m.

Legislative Council

Thursday, the 10th September, 1964

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

QUESTIONS ON NOTICE

1. and 2. *These questions were postponed.*

AGED PEOPLE'S HOMES

Allocation of Land at Esperance

3. The Hon. J. J. GARRIGAN asked the Minister for Housing:

(1) Has the Government allocated any land at Esperance for the building of aged people's homes?

(2) If the answer to (1) is "Yes," where is such land situated?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) The Department of Lands and Surveys has surveyed 7 acres 3 roods 35 perches, being Esperance Lot 364 on Sims and Coolgardie Streets. This land has been allocated to, and will be ultimately vested free of charge in, the Recherche Aged Welfare Committee.

MAIN ROADS FUNDS

Amounts Spent in Country Shires

4. The Hon. F. D. WILLMOTT asked the Minister for Mines:

Would the Minister inform the House of the total main roads funds spent in each of the years 1954-63 inclusive, by the following shires: Augusta-Margaret River, Balingup, Bridgetown, Busselton, Capel, Collie, Dardanup, Donnybrook, Greenbushes, Harvey, Manjimup, Nannup, Upper Blackwood, and West Arthur?

The Hon. A. F. GRIFFITH replied:

Particulars of expenditure in the shires referred to are available only from the year 1959-60. The following statement sets out the details:—

Main Roads Department

Expenditure of Departmental Funds by Local Authorities

1st July, 1959, to the 30th June, 1964

Shire	1959-60	1960-61	1961-62	1962-63	1963-64	Total
	£	£	£	£	£	£
Augusta-Margaret River	20,442	22,852	21,546	17,405	19,336	101,581
Balingup	7,860	7,602	6,503	8,113	3,110	33,188
Bridgetown	17,010	12,781	9,140	10,830	10,743	60,504
Busselton	23,297	29,539	37,687	32,256	28,937	151,716
Capel	8,980	9,780	8,824	7,948	8,969	44,501
Collie	2,268	3,169	5,191	4,308	4,340	19,276
Dardanup	3,252	4,110	4,278	3,598	3,075	18,313
Donnybrook	5,906	8,489	7,361	8,796	4,445	34,997
Greenbushes	7,298	6,220	5,786	5,581	4,500	29,385
Harvey	16,862	15,838	15,059	15,997	19,959	83,715
Manjimup	24,679	30,371	29,782	32,350	28,235	145,417
Nannup	4,425	4,568	2,889	4,560	3,861	20,303
Upper Blackwood	13,000	13,927	15,888	18,037	16,314	77,166
West Arthur	9,483	11,344	10,152	12,584	12,557	56,120
	£164,762	£180,590	£180,086	£182,363	£168,381	£876,182

HOUSING FOR PENSIONERS

Single-unit Accommodation, and Applicants

5. The Hon. J. D. TEAHAN asked the Minister for Housing:

(1) What accommodation has been provided by the State Housing Commission for one-unit pensioners?

(2) Is there a waiting list of applicants for such accommodation?

(3) If so, what is the number of applicants?

The Hon. A. F. GRIFFITH replied:

(1) 110 units accommodating 117 elderly pensioner women.

(2) Yes.

(3) 420 eligible applicants.

HOSPITALS: STAFF ACCOMMODATION

Provision by Medical Department and Hospital Boards

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

(1) How many hospitals administered by—

(a) the Medical Department; and

(b) hospital boards;

have accommodation for staff?

(2) How many personnel can be accommodated in the categories referred to in (1) above?

The Hon. A. F. GRIFFITH replied:

(1) 42 hospitals administered by the Medical Department and 63 hospitals administered by hospital boards have some accommodation for staff.

(2) Not available. It is suggested that the honourable member contact the Under-Secretary, Medical Department, for detailed information, as this will entail a considerable amount of research.

7. *This question was postponed.*

CEMETERIES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Local Government), and read a first time.

WORKERS' COMPENSATION ACT

Provisions of Amending Legislation: Motion

THE HON. R. THOMPSON (West) [2.40 p.m.]: I move—

That, following upon the recent statement of the Hon. Premier that legislation would be introduced during this session to amend the Workers' Compensation Act, this House is of the opinion that the amending Bill should include, among other desirable provisions, the following:—

(a) Insurance cover for workers travelling to and from place of employment and place of work.

(b) Removal of all legal liability for payment by workers in respect of medicinal and hospital expenses incurred as a result of injury.

(c) Substantial increases in compensation payments including those contained in the schedules.

(d) Compensation for industrial diseases or disabilities not already covered by the Act.

(e) More reasonable treatment for partially incapacitated workers in certain circumstances.

Point of Order

The Hon. H. K. WATSON: Having regard for the terms of the motion and Standing Order No. 392, I would ask your ruling, Mr. President, as to whether the motion is in order. The motion expressly refers to impending legislation, and Standing Order No. 392 declares that no member shall in any debate allude to any measure impending in the Legislative Assembly.

The PRESIDENT (The Hon. L. C. Diver): I shall give my ruling at the next sitting of the House. We will proceed to the Orders of the Day.

MINING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [2.42 p.m.]: I move—

That the Bill be now read a second time.

This is the Bill I had in mind when members acceded to my request to withdraw the first Bill introduced this session to amend the Mining Act. It will be recalled that when explaining the original Bill I pointed out that its object was to add into the definition of "Crown land" in the Mining Act such land as is reserved for public utility. The necessity for this came about by a Lands Department procedure of changing a number of reserves from "Commons" to "Public Utility." The brief amendment in that Bill is retained in clause 2 of this Bill.

In clause 3 it is proposed to substitute for the word "reviewed" in line 2 of subsection (2) of section 277 the word "renewed." By way of explanation, I should point out that the word "reviewed" came to be inserted, seemingly as a phonetic error, when the section was repealed and re-enacted with amendments in 1957. Actually the error was discovered at the time and a motion paper was prepared to enable the word "renewed" to be substituted in the Committee stage, but this was apparently overlooked.

The difficulty inherent in allowing the error to continue uncorrected stems from the fact that it is possible to give an unsatisfactory construction to subsection (4) as it now reads. The word correctly appeared as "renewed" in the section when it was first inserted as 297A by Act No. 56 of 1937. The fact that it was altered when the section was repealed and re-enacted could give strength to the view that the intention of Parliament was to change it; and the courts might feel constrained to try to give effect to the subsection as it now reads.

It seems to me there is little more I can add in explanation except to say that section 277 contains special provisions relating to grants of right of occupancy of temporary reserves. Subsection (4) at present states incorrectly that a right of occupancy granted for any fixed period may be reviewed from time to time for any term not exceeding 12 months on each occasion of renewal, but if any such renewal is granted, then the provisions of subsection (3) shall apply, and so on. Quite obviously, from the context, the word should be, as originally passed in the Act, "renewed," otherwise the subsection just does not make sense.

I might add that this is a phonetic error which was discovered in the course of negotiations with the company, and the

company questioned it. We looked the matter up and found that the word was obviously intended to be "renewed." In the text as it now stands it says that the Minister shall review a temporary reserve. A Minister might be able to say, "Very well, I have reviewed it, and having reviewed it I will not renew it." But the intention was that the Minister should renew. This could be quite important in the scheme of things.

I realise that when I asked for the withdrawal of the first Bill a few days ago Mr. Dellar was on his feet to reply to the second reading debate of that Bill. I do not know whether the honourable member wishes an adjournment of this second reading. If he does, I shall have no objection. But it might be that he is in a position to go on with it. If he doubts that the word "reviewed" should be changed to "renewed," I am quite willing to adjourn the matter at any time the House so desires in order that it can be looked at.

The Hon. F. J. S. Wise: How did the Minister test the inaccuracy?

The Hon. A. F. GRIFFITH: I had Crown Law have a look at it, and the department said "Yes"; it thought the word should be "renewed"; and this was fortified by the fact that the actual amendment was prepared for introduction in 1957, but for some reason—I am unaware of the reason—

The Hon. F. J. S. Wise: Did any part of the debate indicate that there was an inaccuracy?

The Hon. A. F. GRIFFITH: I cannot accurately answer that question; nor do I know why it was not gone on with. It was just one of those things. It was missed and was not gone ahead with. I think we should correct it.

The Hon. F. J. S. Wise: It could have a much greater import.

The Hon. A. F. GRIFFITH: It could, undoubtedly.

The Hon. F. J. S. Wise: I think it should be looked at.

The Hon. A. F. GRIFFITH: I am quite happy for an adjournment of the debate.

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

MILK ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.48 p.m.]: I move—

That the Bill be now read a second time.

The Commissioner of Public Health strongly favours all milk or cream sold for our consumption being pasteurised wherever practicable. It is known the Act at present provides for the Milk Board to prescribe for the pasteurisation of milk from dairy herds other than those which have been tuberculin tested. However, the herds run by all licensed dairymen are subjected to regular testing for tuberculosis and, as a consequence, the existing section of the Act is inoperative.

There are, nevertheless, other circumstances affecting public health which make it desirable that enforcement of pasteurisation of milk and cream be made wherever practicable. There are, quite apart from tuberculosis, a number of other infections. Included among these is brucellosis and the streptococcal and staphylococcal diseases which can be passed from the cow to the consumer.

In addition to the expression of view by the Commissioner of Public Health, the Chief Veterinary Surgeon of the Department of Agriculture also considers that a hazard to health exists whenever raw milk is consumed. These two officials advise that brucellosis is prevalent throughout dairy cattle herds in the State and, like other disease carrying organisms, can be transmitted through milk to us.

Undulant fever and other sickness can result from contracting brucellosis organisms through milk and, though they may not prove fatal, can cause severe ill-health.

It has been established by the commissioner that raw milk taken from a licensed dairyman, a vendor in the Perth metropolitan area, revealed upon examination the presence of brucella organisms. It was then incumbent upon the Milk Board to prohibit the sale of this milk for consumption without pasteurisation, and the producer was directed to sell the milk under contract to a treatment plant where it would be pasteurised. Also, there was a similar case last year.

The Milk Board took the matter up with the only remaining dairyman selling raw milk in the metropolitan area. This dairyman, in addition to his ordinary license, held a shop licence and was disposing of raw milk to adjoining householders. As a result of the approaches made by the Milk Board, he voluntarily relinquished the shop licence, so that now there is no-one at present selling raw milk in the Perth metropolitan area.

While the present circumstances may be considered quite satisfactory, it is known that there is no legal enforcement to ensure a continuation of this situation. With the present and future development of milk treatment in other areas, it is considered most desirable that where practicable only pasteurised milk shall be sold; and this Bill has been introduced with that end in view. It is commended to members and should be a worth-while and quite necessary contribution to the safeguarding of our public health.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

CRIMINAL CODE AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. A. F. Griffith (Minister for Justice), for the further consideration of clause 8.

In Committee

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

Clause 8: Section 390B added—

The Hon. A. F. GRIFFITH: It will be recalled that when this Bill was previously in Committee the wording of subclause (b) drew some criticism, and I undertook to confer with the draftsman to see if we could get something more acceptable to members than the wording which appears in the Bill. I have done that but there has not been an opportunity to put the proposal on the notice paper. I have given a copy of it to the Leader of the Opposition, who has passed it on to Mr. Willesee; and Dr. Hislop also has a copy of it. Therefore, I hope we will be able to go ahead with the proposal.

The draftsman has done what was suggested: that is, he has put the offences concerned under three headings in the new paragraph (b); and, if the proposal is accepted by members, it will read as follows:—

(b) the offender at or immediately before or immediately after the time he so takes or exercises such control of the aircraft—

(i) uses or threatens to use actual violence to any person or persons in order to so take or exercise control of the aircraft or to prevent or overcome resistance to such control being taken or exercised; or

(ii) is armed with any dangerous or offensive weapon or instrument; or

(iii) is in company with one or more other person or persons; or

if the offender so takes or exercises such control by any fraudulent representation, trick or device, he is liable to imprisonment with hard labour for life.

If a person unlawfully takes or exercises control of an aircraft he is guilty of an offence and is liable to imprisonment for seven years. That is the proposal under paragraph (a). In paragraph (b), if at the time or immediately afterwards he takes control of an aircraft by using the devices that are set out in subparagraphs (i), (ii), (iii); or if he uses a fraudulent trick, he is liable to imprisonment with hard labour for life. But that is not an obligatory penalty; it is a maximum penalty, and it is left to the courts to decide.

The Hon. F. R. H. Lavery: It is really four different offences.

The Hon. A. F. GRIFFITH: We could put it that way. It is four variations of the act of taking control of an aircraft. It could be that the court would not impose any penalty whatever. It may put the person on a bond, or he could be affected by the new probation and parole legislation. I think the proposal more clearly expresses what is desired than the wording in the Bill.

Point of Order

The CHAIRMAN (The Hon. N. E. Baxter): I would refer the Minister to Standing Order No. 204a which reads—

> No amendment shall be made in, and no new clause shall be added to, any Bill recommitted on the Third Reading, unless notice thereof has been previously given.

The Hon. A. F. GRIFFITH: I gave notice of this the other day when I said I would take it back and have it redrafted.

The CHAIRMAN (The Hon. N. E. Baxter): But that does not mean notice has been given.

The Hon. A. F. GRIFFITH: You mean I must give formal notice?

The CHAIRMAN (The Hon. N. E. Baxter): Yes, on the notice paper before it can be proceeded with.

The Hon. A. F. GRIFFITH: We are not adding a new clause but merely redrafting an old one. However, if it is your ruling that I am out of order—

The CHAIRMAN (The Hon. N. E. Baxter): I must rule that way.

The Hon. F. J. S. WISE: Mr. Chairman, I am inclined to support the Minister in his view. Although I do not agree with the clause, I am prepared to support the Minister on the principle that what he is attempting to do is simply to redraft and reenact the same clause with very little different verbiage. The new paragraph simply recasts and rearranges the old wording.

Chairman's Ruling

The CHAIRMAN (The Hon. N. E. Baxter): If the Committee desires a ruling on this, I say it most definitely is an amendment even though the clause is being redrafted. It is amending what was originally passed during the Committee stage of this Bill.

The Hon. H. K. WATSON: I think your point, Mr. Chairman, is well taken. The Standing Order provides that no amendment shall be made to the Bill, but in this case an amendment is being made. It cannot be said that we have had notice of the amendment.

The Hon. W. F. WILLESEE: I submit that an amendment must either add to, or subtract from, the provision in the Bill. There is nothing in the proposal of the Minister which is different from the provision appearing in the Bill.

The CHAIRMAN (The Hon. N. E. Baxter): No motion has been moved to disagree with my ruling. And until such time as one is moved we cannot proceed to discuss the matter.

The Hon. A. F. GRIFFITH: Do you mean, Mr. Chairman, that we cannot talk among ourselves as to whether you are right or wrong, without moving to disagree? I do not know what notice has to be given in a case like this. Is it to be notice on the notice paper?

The CHAIRMAN (The Hon. N. E. Baxter): Yes.

The Hon. A. F. GRIFFITH: Rather than cause confusion, I shall give notice of the amendment on the notice paper.

The President resumed the Chair.

The CHAIRMAN (The Hon. N. E. Baxter): I have to report that the Committee can proceed no further until notice has been given of a proposed amendment.

Report adopted.

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. S. T. J. THOMPSON (South) [3.2 p.m.]: There is not a great deal I can add to the explanation already given by the Minister during the second reading. It is evident the pastoralists have an appreciation of the danger of vermin in their areas, and they are prepared to contribute more towards control measures.

I would like to make some remarks regarding an anomaly which has arisen in the vermin rate as it applies to the agricultural areas of the State. Periodically throughout the State, land revaluations are undertaken, and, while one shire council might be undertaking revaluation in one year, the neighbouring shire council might not do so until years later. In one instance the total ratable value of one shire council in the country was increased from £400,000 to £1,400,000 after revaluation. That meant the ratepayers were compelled to pay over three times the vermin rate they were previously paying.

It is high time some investigation was made into this anomaly; because I am quite confident that some system could be devised to have all the revaluations made in the one year—if not for the whole of the agricultural areas at the same time, then for a large section of them. That would be preferable to the existing haphazard system of revaluation.

At the present time a lot of friction is caused when two adjoining properties which are located in two different shire council districts are rated differently, and one has to pay a much higher vermin rate than the other. I have not given a great deal of thought to this matter, but now that it has been raised I hope someone will give consideration to it, so as to devise some means of improving the existing system.

The Hon. A. R. Jones: That is not only applicable to the country areas, but also to the city.

The Hon. S. T. J. THOMPSON: Until we can improve the present system of revaluation we will not get anywhere. I see no reason why a percentage increase cannot be tagged on to the valuations each year, instead of having one large increase every few years. I intend to take this matter up at party level to devise a more satisfactory system of revaluation.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.6 p.m.]: I appreciate the point raised by the honourable member who has just resumed his seat, but it has been with us for a long while. At the present time we find that one portion of the State is revalued at a certain time, but the next may not be revalued until four or five years later. In the meantime one section has to pay higher rates than the other. However, over the years the position balances itself.

The Hon. H. K. Watson: No-one is paying more than he should. Some pay less.

The Hon. L. A. LOGAN: That is true. In effect some pay less than they should. If the revaluation of land was made on the same date throughout the State, everybody would be paying on the same level. Let us not forget that the Government contributes on a pound for pound basis to the vermin rate; and if revaluations are not carried out the Government may be called upon to bear a greater portion of the funds required for vermin control. I am sure the Under-Treasurer will make certain that increases in valuations will not result in the Treasury being committed to more than it is prepared to pay.

The proposal was put forward that a percentage increase be added to the valuations each year. If we examine this proposition we will find that four or five years after a revaluation applying throughout the State has been undertaken, many properties will be out of balance; and that is because the valuations of those properties do not rise to the same extent each year. In the end we will have to get down to the total valuation of each property, and apply that as far as possible in determining the rate. I appreciate that more

thought should be given to the point raised. I assure members that many investigations have been made throughout the world on the existing method of valuation, but up to date no-one has come up with a better system. The existing system has stood the test of time, despite its deficiencies.

I thank the honourable member for raising this question. The fact is that an increase in land valuation affects some people more than others for a while; but, as Mr. Watson said, others might not be paying what they should pay. I am sure the Under-Treasurer will see that he is committed to no more than he should be.

The Hon. H. K. Watson: Will you put in a word for all ratepayers, generally, while you are on the job?

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.

UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.11 p.m.]: This Bill proposes to amend one of the State's very old Statutes, it having been passed in 1911. It is one which was introduced by members who were apparently inspired in their belief in the future of this great State. It is very interesting to study the preamble to the title of this measure, which reads—

Whereas of the States of the Commonwealth Western Australia alone is unprovided with a University:

From that point the old Act developed. Almost all of the provisions have lasted from that day until this. The major amendments—and most of them were made in the 1940s—dealt with financial arrangements, grants from the Government to the University, and provision for endowments.

It is also interesting to observe that the very section this Bill proposes to amend stipulates that all the provisions, benefits, advantages, and privileges of the University are to extend to women as well as to men; and that is a great tribute to those who were prepared to allow women to share with men the University of Western Australia, and who anticipated, as they did at the time, the important part women would play—by obtaining degrees in arts, science, and many other subjects—in education.

This Bill is seeking to amend section 40, which provides for this equal consideration of the sexes, so that any person may, either by bequest or gift, confer the advantages of such bequest or gift on men or on women. The particular reason is as the Minister stated to give the opportunity for endowments to apply to women only. I think this move is a very good one.

The Hon. A. F. Griffith: Or to one sex only.

The Hon. F. J. S. WISE: What did I say?

The Hon. A. F. Griffith: I think you said to women only.

The Hon. F. J. S. WISE: I meant to say to women only or to men only. The position will be rendered more specific when this amendment is written into the Act. I support the Bill.

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.

FIRE BRIGADES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (West) [3.18 p.m.]: As the Minister said in his introductory speech, this is a tidying-up Bill. It is necessary because in the original drafting the Sate Government Insurance Office was not included. However, my thoughts are directed back to the time when this measure was first introduced, and the remark which Mr. Willesee made when he was speaking on it. He opened his speech by saying it was a sneaky little Bill. That opinion would still remain with Mr. Willesee, and it is certainly my opinion, because the object of the legislation is to permit the Government to pay twice, but to let the insurance companies out of their liability.

As the amendment is so small, we will have to support it, but we do so with reluctance; because, although the Government contributes to the Fire Brigades Board at present, the State Government Insurance Office will also be called upon to contribute, and this will mean a double

payment. Although we are not happy with the legislation and this amendment, we have no alternative but to support it.

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.

ALSATIAN DOG ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. J. DOLAN (West) [3.21 p.m.]: Members may recall that in the last session I moved for the disallowance of regulations dealing with Alsatian dogs. However, following a conference on this subject between the Minister, Mr. Loton, and myself, the Minister gave certain undertakings and I withdrew my motion. The Bill before us honours the undertakings the Minister gave on that occasion; and for that reason, if for no other, I support the measure.

However, I wish to take advantage of this opportunity to make certain observations about Alsatian or German shepherd dogs, and to express the view that, as far as I am concerned, the whole Act is unreasonably discriminatory and should be repealed. I feel there are ample provisions in the Dog Act of 1903-48 to cover any dangers or other matters that are associated with all dogs, and I consider that special legislation of this nature is unwarranted.

Since the last session I have on all occasions read in *The West Australian* any references to dogs making attacks on animals, such as sheep, or on persons, in order to see how this breed of dog offends. I am quite honest in saying that in that time I have not seen any reference to unseemly behaviour by an Alsatian dog. I have, however, read where two boxer dogs were responsible for the death of a woman whom they attacked. I have also seen accounts of attacks on people by a Collie dog and by a kelpie. I also have in mind an incident that I am personally aware of, inasmuch as a grandnephew of mine was attacked by a kelpie and had 60 stitches inserted in wounds about his face and head.

I have no harsh feelings about kelpies; I feel that is the sort of thing that any dog might do. I would not feel that as a result of an attack like that it would be necessary to introduce legislation to deal with the particular breed of dog. Instead of reading reports which would lead one to the conclusion that Alsatian dogs should be banned, I have, on the contrary, read nothing but good in respect of them.

I wish now to refer to two matters in particular which might make members have other thoughts about this particular type of dog. I first want to refer to an article headed, "Saved by Dog" which appeared in *The West Australian*. It reads—

> Rexie the Alsatian saved her 20th human life in Sydney yesterday.
>
> Her sixth sense for danger led her more than 100 yards to the highest of The Gap at Watsons Bay where a man was poised to jump.
>
> She made friends with the man while her owner, Mr. John Nagy, crept up and pushed him to safety.
>
> Mr. Nagy said it was Rexie's 20th rescue in the two years he has kept her.

I have also read of the remarkable life-saving exploits of this dog. I feel that if a human were to do the things she has done, we would find some way in which to give him a reward.

In the current issue of the well-known Australian magazine, *The Australian Women's Weekly*, there is an article dealing with a dog called Bimbo, and in this article the dog is referred to as, "The dog with the heart of a nurse." If anybody reads the article—and the information in it is absolutely true—I feel they will be impressed by the intelligence and devotion of this dog to its master. Its actions were almost human. The owner was unfortunate enough to be injured in the course of his work. He was rendered paralysed from the hips down, and could not move. The dog attended him and kept the crows from him, and licked his face to keep ants and so on away from him, for 10 days. Her actions, when members read about them, will raise a little lump in their throats.

The owner of the dog has since been in the Princess Alexandra Hospital in Brisbane; and it is small wonder that the telephonists at the hospital are kept busy all day answering calls from people who want to see a man about a dog. They are anxious to get Bimbo and keep him for themselves.

I feel I had to take advantage of this opportunity to say a word in defence of these dogs. In my opinion the legislation is not fair. As I have said, there is ample provision in another Act whereby if any dog, irrespective of its breed, steps out of line, the owner can be punished and the dog destroyed. In addition, all sorts of other penalties are provided. If the same penalties were made to apply to all breeds of dogs, there could be no complaint on the score of discrimination or anything else.

I have given notice of an amendment to clause 3.

The Hon. A. F. Griffith: I think it is doubtful whether you have given notice of it or not.

The Hon. L. A. Logan: We are not in the third reading.

The Hon. J. DOLAN: This is evidently a carry-over from when the Minister was rebuked a short while ago. I accept this rebuke in the spirit in which it is intended.

The Hon. A. F. Griffith: It is not intended as a rebuke.

The Hon. J. DOLAN: Clause 3 provides for an insufficient period in which a dog may be left with someone other than the owner. The period is from 14 days to six weeks, because a person may be on annual leave for three weeks. I feel that provision has not been made for the special circumstances which would apply when the owner goes on leave for a longer period than six weeks; and I have in mind occasions such as long-service leave, sick leave and, perhaps, in the case of some people, study leave. I think the measure should make provision for those occasions.

I support the Bill for the reason that it does afford some relief to the owners of these very intelligent and deserving animals.

THE HON. C. R. ABBEY (Central) [3.29 p.m.]: I feel I should comment on some of the statements made by Mr. Dolan. Indeed, I think he has made out a very good case for the retention of the Act. He set out to prove the intelligence and sagacity of the dogs, and we all agree with that. We, as farmers, know that these dogs are extremely powerful and extremely intelligent, and that is the main reason for having control in respect of them.

The reason why there have been few reports in the Press of any misdemeanours by Alsatian dogs during the last 12 months is because, firstly, these dogs are sterilised. That, of course, prevents the animals being quite so savage, and also has other effects. Although it may appear unfair to select one breed of dog for the exercise of this control, it is, nevertheless, very necessary.

The PRESIDENT (The Hon. L. C. Diver): Order! I am afraid I was rather lax in allowing too much latitude when Mr. Dolan was debating this measure, and I hope other members will not stray from the contents of the Bill. I ask the honourable member, therefore, if he will confine his remarks to what is contained in the Bill.

The Hon. C. R. ABBEY: Very well, Mr. President, I accept your ruling. I realised that Mr. Dolan had got away from the Bill, and I thought I might, too.

Question put and passed.

Bill read a second time.

AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. N. E. BAXTER (Central) [3.32 p.m.]: This is a Bill which primary producers have been seeking for some time. As explained by the Minister, it provides that samples of fruit and other agricultural products that are not up to the required standard can be condemned. I think it could be taken, therefore, that if the agricultural products were not up to the required standard they would not be permitted to go on the market.

It has been the position for years that many avaricious fruit growers trying to obtain a better price for their fruit have placed a product on the market which has been still green. This also applies to other agricultural products that are in short supply. The growers are inclined to place them on the market when they are still unfit for human consumption. There is no doubt that this practice should be checked, because it has a deleterious effect on the sale of similar fruit on future market days.

There are one or two clauses in the Bill with which I am not entirely happy, and an amendment could be made to clause 2, in my opinion. However, I am going to suggest that the Minister, rather than my moving an amendment in Committee, might see his way clear to postpone the Committee stage of the Bill to enable him to have a further look at the particular aspects I am about to outline. As I have said, I do not entirely agree with the wording of clause 2, which gives the inspector power to take a sample of an agricultural product in sufficient quantity to determine whether it complies with this legislation.

The Hon. L. A. Logan: He has no power at the moment to do it.

The Hon. N. E. BAXTER: I realise that, and I want him to have that power, but it occurs to me that the words "sufficient quantity" are fairly wide. In the event of a case going to court, who is to rule or decide whether an inspector has taken only a sufficient quantity of an agricultural product to enable him to determine or ascertain whether that product was of the required quality? Should an inspector take a quantity over and above what would normally be sufficient, how would a magistrate rule what was a sufficient quantity if the case went to court?

The Hon. L. A. Logan: Many different fruits are involved; it would be hard to define.

The Hon. N. E. BAXTER: I realise it would be difficult to define the words "sufficient quantity" and, therefore, from the legal standpoint, it may be wise to insert the word "only" after the words "sufficient quantity." What brings this to my mind is that every one of us has purchased goods or commodities at one time or another, and on an order we have sometimes noticed the words "one particular article only," which, I take it, is a legal term for limitation.

What would be the position if a case came to a court of law, particularly in view of the proposed subsection which is to be added after subsection (5) of section 4 of the Act—this appears in the latter part of clause 2 of the Bill—which states that any inspector or person acting under the direction or supervision of an inspector is not liable for any loss or damage resulting from the performance or exercise of his duty? In simple terms, one pound of fruit may be a sufficient quantity for a sample, but if the inspector took 10 lb. of fruit, which could be a loss to the producer, the magistrate could not very well rule that that was not a sufficient quantity in view of the power given to the inspector in the latter part of clause 2. Therefore, the clause is worth reviewing to ascertain what is a sufficient quantity.

In addition, power is given to an inspector to determine whether, in his opinion, the agricultural product complies with the requirements of this legislation. Are these inspectors of their own volition going to determine whether agricultural products comply with the requirements of the Act, or will they have to approach other persons to get them to determine, or assist in determining, whether the products do, in fact, comply with the provisions of the law?

I consider that with the addition of the words I am about to suggest the clause would be clarified. That is, that after the word "determine" in line 6 of paragraph (a) of clause 2, insert the words "or ascertain." The clause would then read, "the inspector may take . . . samples of the agricultural products in sufficient quantity . . . to determine or ascertain whether the agricultural products . . . comply with the requirements of this Act."

This will leave the inspector free to determine or ascertain whether the agricultural products comply with the requirements of the Act, or permit him to go to some outside person to assist him to make such determination. I believe that the suggested amendment may be necessary to put this clause in correct form to enable it to operate in a proper manner. After all is said and done, the inspector is only one person, and therefore it is only one person's opinion that is being given as to what is a sufficient quantity; although the proposed subsection that is to be added, and which appears in the latter part of clause 2, does absolve the inspector from any liability. However, the producer has to be protected to some degree if circumstances such as those I have outlined occur. With those few remarks, I support the measure.

THE HON. C. R. ABBEY (Central) [3.38 p.m.]: I support the measure because I think it is legislation that we have needed for some time. I support it mainly because of the inclusion of citrus fruit. For some time I have been aware that the market has been suffering as a result of immature fruit being offered for sale. It is the experience of purchasers in the early part of the season when they buy fruit from various retail establishments—and citrus fruit in particular—that it is immature and unfit to eat. This, of course, has a detrimental effect on the purchasing power of the buyer, because he does not want to buy fruit which is unsuitable for himself and his family. Such a practice also means that our export markets suffer.

I have known, of course, of very immature citrus fruit put before the public for sale after it has been treated—fruit which initially was considered unsuitable. I would point out that it is possible to so treat fruit. In particular, oranges can be treated to cause the colour to come up in the skin and to provide what buyers consider to be a good quality orange. This Bill, however, will give an inspector an opportunity to ensure that such practices are stopped, and will improve the quality of the fruit sold to the public.

THE HON. F. R. H. LAVERY (West) [3.41 p.m.]: I support the Bill, but I also wish to refer to another aspect which has not been mentioned as yet in debate. I am not correctly informed on what I am about to say and perhaps the Minister, if he agrees to the suggestion put forward by Mr. Baxter to postpone the Committee stage of the Bill, will put me right when he replies to the debate. I refer not to immature fruit being placed on the market but to fruit that is over-mature. Would an inspector—an inspector such as is proposed in the Bill—have the power to condemn immature fruit? I will go so far as to say that on one occasion during the year I had to ask the stewards to remove the fruit from the tables in the dining room at Parliament House. I had some visitors from the Eastern States with me, and I was so ashamed of the fruit that was put in front of us, that I had to ask for it to be taken away.

I do admit that this was at a time when apples were coming out of cold storage. But, even so, surely something can be done to protect the position when apples are coming out of cold storage. Fruit is auctioned and sold, and the person who purchases the fruit tries, of course, to get every piece of fruit he can out of his purchase. I wonder whether the Bill goes far

enough, and whether it covers the type of business to which I have referred. I am not sure whether it provides the protection necessary.

I am also told that when shipments of fruit leave the State from the Fremantle wharf they are inspected by fruit inspectors. I would like to support Mr. Baxter in his remarks on this matter, particularly as they refer to the inspectors selecting so many apples per case, or so many oranges per case, and if the selected fruit is found to be unsatisfactory the entire shipment is condemned—even though only a few pieces of fruit have been tested.

Not so very long ago a grower of considerable repute had an entire shipment of apples rejected on the wharf at Fremantle; and in his case only one case of fruit in each hundred was inspected. That is the information I have. The entire shipment of 12,000 cases was rejected. I wonder whether the growers will be given any protection under this measure.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.44 p.m.]: The questions raised by Mr. Baxter and Mr. Lavery are, I think, covered in the principal Act. If members look at the principal Act they will find that an inspector is not allowed to take any of this fruit unless he has the owner present with him. It is necessary for precautions to be taken to safeguard the fruit until such time as it is tested or disposed of. If the owner is absent when the testing is done, it is necessary to have a reputable witness with the inspector before the testing is carried out. Surely this is a sufficient safeguard in relation to the quantity taken for examination.

I may be wrong, but I would say the inclusion of the word "only" would have no legal effect whatsoever. Mr. Watson might think I am wrong in this, but I do not think the inclusion of that word would make any difference at all. A "sufficient quantity" is still the legal phraseology necessary in the Bill. I am quite willing to delay the Committee stage of the measure if necessary; but when members look at the Bill and compare it with the principal Act, I am sure they will see that all we are doing is to give the inspector the right to take fruit in sufficient quantity.

Whether or not we include "only" in the Bill, it is still implied, because the fruit is taken in sufficient quantity; and that gives the inspector the authority to act if he is not satisfied with the fruit because it happens to be immature, or over-ripe, or whatever the case might be. It could be badly marked by hail or frost. There are many reasons why it might not be fit for human consumption.

But the case mentioned by the viticulturists is that of the grower who is picking his fruit too soon. Mr. Abbey mentioned the case of the citrus grower who was picking his fruit too soon and placing it on the market. This, of course, creates buyer resistance to this type of fruit, and instead of there being a sale there is a slump. I agree with the interjection made by Mr. Loton that these people were killing their own industry by doing this.

While I have not had much experience of the fruit industry, I have had some experience of the tomato-growing industry—but perhaps you, Mr. President, might tell me that that is outside the scope of the Bill. We find that the people in the tomato industry every day sell tomatoes which undoubtedly should not be sold; and I only hope they do not break down the market in Singapore because of the poor-quality fruit they send there.

The Hon. R. Thompson: This does not cover onions.

The Hon. L. A. LOGAN: Onions do not go off as quickly as tomatoes. If Mr. Baxter looks at the principal Act I am sure he will see that the word "only" will make no difference at all to the legal phraseology. I think members will appreciate the necessity for the Bill and I commend the measure to the House.

Question put and passed.

Bill read a second time.

FORESTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [3.48 p.m.]: I do not intend to address myself to this Bill for any great length of time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [3.49 p.m.]: This Bill has two or three good features with which one can readily agree. I do feel, however, that insufficient explanation has been given to the House in this matter.

The first provision in the Bill, which deals with the term of appointment for conservators or deputy conservators, is an alteration to ensure that those who relieve the conservator conform to section 8 of the Forests Act, which prescribes that no person can be appointed as Conservator of Forests unless he has obtained a degree or diploma from a forests school recognised by the Government.

Sitting suspended from 3.50 to 4.8 p.m.

The Hon. F. J. S. WISE: It seems to be a little difficult to get going on this Bill; and it is not a very big one, either. However, it contains some very important principles.

I think it is a good idea to have the provision regarding the deputy conservator, and also the one in regard to the term of appointment. It is, as far as my examination shows, on all fours with what was provided for in the case of the Rural and Industries Bank commissioners. It seems to me to be akin to that; so that even if a person is appointed for a term of seven years, on the expiration of the first seven years he may be appointed for a further term not exceeding seven years, which means that he may, at the expiration of his first seven years, be 63 or 64 years of age; and not even a very good man may then be appointed for a seven-year term, but if he may be appointed for a term not exceeding seven years, we will get the best use of such an efficient and capable person.

Whoever is the occupant of that office falls within that category and has the qualifications fitting him for the office, thus enabling him to give the best service for the State at the time he is appointed. We must accept that as a principle in the matter; but it is on the clause dealing with regulations that I would like some more information from the Minister.

As members know, the principles underlying the making of regulations, the tabling of regulations, the dealing with them in Executive Council, the publishing of them in the *Government Gazette*, and the procedural matters are provided for in the Interpretation Act. In section 36 of the Interpretation Act are all of the details which follow, and which it is expected shall be followed, in the matter of regulations generally; and the six-day provision is there; and the provision concerning 14 days after tabling, and so on, are also there. Members who are interested in this matter will find it on page 215 of the Standing Orders.

The Interpretation Act is of great use to all of us; and I find in some Statutes recently amended, the Interpretation Act is to be relied upon rather than the authorities which may be expressly stated in the Acts. For example, we are getting into the habit of deleting the word "Minister" from definitions and from the text of Statutes simply because it is covered by the Interpretation Act. I have never been very confident that that is the right thing to do, because in an Act, whether it be the Electoral Act or any other Act where the Minister is in authority, I can see no harm in expressly stating a definition of the Minister in charge of the Act; because invariably one will find the Minister is referred to through the text of an Act. But this is a case entirely opposite to that to which I am now about to refer.

When the partial revocation of State forests is recommended by the conservator and dealt with in Executive Council, it has, under section 21 of the Forests Act, to be tabled in both Houses of Parliament, and immediately the provisions in the Interpretation Act become operative. But this is a case where Parliament is to have some procedural matter attended to; and if the disallowance of an Order-in-Council, once tabled here, has taken effect, there is a succeeding provision in clause 4 of this Bill that the disallowance of the Order-in-Council shall not affect anything done in good faith by the Minister or any officer exercising powers, and so on.

I am wondering why that is so, because there never has been any trouble, whether it be in the case of revocations or in the case of other requirements and actions within the limitations of the Forests Act, in respect of providing all the necessary information to Parliament. There is never a thought that Parliament should be advised of the minutes of Executive Council or of all of the Orders-in-Council that are not published. There are thousands of them dealt with annually, as all Ministers and ex-Ministers know; and it is only when there is a prescribed requirement in the law that they shall be tabled that they are tabled. I would like the Minister to explain the meaning of proposed subsection (1b) in clause 4. There is considerable variation from past practice.

The Forests Act is a wonderful Act of Parliament. It deals with an industry which is of tremendous importance to the State's economy. The conservator has enormous authority. He deals with revenues of his own and with enormous revenues of State. The regulation requirement goes far beyond what has always been considered the exacting influence—that is how I would describe it—in the Forests Act as it now stands.

There may be some aspects that I have overlooked; but if members will read proposed subsection (1b) in clause 4 of the Bill they will see why I am concerned about the nature of the expressed words and their meaning. In the meantime, I support the Bill.

THE HON. J. MURRAY (South-West) [4.18 p.m.]: It would be strange if I did not rise to say something about this Bill. I cannot anticipate what the Minister is likely to say in his reply to the Leader of the Opposition, but as one who was progressively informed regarding this legislation before it entered the House, I would like to say something about why this particular clause was inserted.

It is a very important clause in its way, but it is much more innocent than thought by Mr. Wise. In 1954—some 10 years ago—when the first real amendments were made to the 1918 Forests Act, there were some very extensive and serious provisions introduced. Before 1954 people thought that the conservator had unlimited powers, but after the amendments of 1954 he did indeed have unlimited powers.

There is a provision in the Act of 1918, which has been carried on as a result of the amendments introduced in 1954, which says that the Governor may by Order-in-Council dedicate as a State forest any Crown land including any area which might hitherto have been a timber reserve.

I am not going to say that Mr. Baxter's figures were right when he spoke the other night about the enormous areas of unclassified land which have not been thrown open for agricultural purposes. However much land there is unclassified as a State forest, it is open to be dealt with by the Lands Department and the Minister for Lands. If the area is large, the Minister has to get approval from the Land Utilisation Committee or get the Conservator of Forests to bring down a report.

People who have studied this question of agriculture versus forest have come to the conclusion—and rightly so—that the Forests Act, as it now stands, gives the conservator power to dedicate as a State forest any quantity of land overnight, with a stroke of a pen. That is what it amounts to. We know that the Minister is unable to do such a thing without the recommendation of the conservator.

Once land has been dedicated as a State forest, it does not matter how poor is the timber on that land, it is a permanent reserve as a State forest for all time. The situation can be altered only by the conservator—not the Minister—approving revocation of part of the land.

Some of the larger areas would have to be treated with trace elements to enable jarrah to be grown. Jarrah cannot be grown on them at the present time. If those large areas of land that are not taken up for agricultural purpose can be removed from a field of usefulness by a stroke of the pen, then people feel there should be provision in the Act to cover the situation. There might be an urgent reason for the action of Executive Council but, having been done, the matter should come before Parliament at the earliest opportunity to enable members who represent the areas to have a look at it to see if harm is likely to occur.

The Hon. F. J. S. Wise: That is provided for now under section 21.

The Hon. J. MURRAY: State forest dedications cannot be revoked under section 21 without the recommendation of the conservator.

The Hon. F. J. S. Wise: Yes.

The Hon. J. MURRAY: The Government takes action on the recommendation of the conservator.

The Hon. F. J. S. Wise: That's right.

The Hon. J. MURRAY: The conservator, by reference to the Order-in-Council, can arrange to have dedicated as a State forest, land which might be more valuable for agriculture. The conservator having taken that step, it would be unreasonable to expect anyone to make a sufficiently strong recommendation that the land revert back to Crown land and thereafter be dealt with by the Minister for Lands and his officers. It would be unreasonable to expect the conservator, after having taken some action, to reconsider the matter in a short period of time.

The provision in the Bill is a direct one; and it is not mandatory for discussion to take place in the House so long as the matter is tabled and members have an opportunity of preparing a case so that the Order-in-Council is revoked to enable the land to become Crown land or a timber reserve.

The matter will be controlled by the conservator, and the Lands Department will have to approach the conservator if it wishes to sell any of the land. That has always been the custom. It is then permissible for the department to deal with the matter in terms of free sale without having to wait for a revocation Bill to be introduced at the end of the session.

The Hon. F. J. S. Wise: That goes on now.

The Hon. J. MURRAY: It is unlikely that this would be availed of to any extent. There are reasons why the provision should be there; because there is no provision in the Forests Act, or in any other Act, providing for a committee to be set up to advise the Minister on subjects of this nature. To pick a Minister out of the blue—say, the Minister for Forests—and expect him to know all aspects of forestry and to know the difference between timber values and land values is unreasonable.

At present the conservator must be consulted before any land that is dedicated as a State forest can be granted to an applicant for agricultural use. There is nothing in the Act to say that the Governor-in-Council can get a report from an outside body to say that the land would be more valuable as State forest than for agriculture.

Once action has been taken by the Governor-in-Council to dedicate land as a State forest, it is very difficult for anyone inside, or outside, Parliament to get hold of even small areas of that land. I think the provision in this clause of the Bill is most advisable.

THE HON. F. D. WILLMOTT (South-West) [4.30 p.m.]: I was interested in what Mr. Murray just said regarding the provision in the Bill giving members, and particularly members representing the forest lands of the State, an opportunity to examine areas which it is proposed should become State forests. At the present time neither members nor anyone else, in many cases, gets an opportunity to do that.

This matter was highlighted, so far as I was concerned, only in the last week because of a piece of land in the forest areas in the lower south-west which the conservator had applied to have included in the State forests. Had it not been for a resident of the district drawing my attention to the fact and asking me to do something about only a small portion of that large area, it would have undoubtedly gone into the State forests and, having done so, there it would have stayed. There is little or no opportunity to do anything about land once it is included in the State forests.

In this particular case the person concerned made his representations to me, and when I looked at the land in question I realised, or I was quite sure that the Forests Department was not aware, that this land carried absolutely no timber at all. It was to be included because it had previously been agricultural land which had reverted to the Crown and had remained in its present state for years. Because it had been lying idle for so long, the conservator made application to have the land made into State forests.

I approached the Forests Department, and I must say that once the matter was drawn to its attention the departmental officers were most co-operative. The Forests Department officer in the district concerned examined the proposal and only yesterday, when I went to see the conservator, he wrote out a release for this land without any hesitation whatsoever. Now it is available, or it will be available shortly, for selection for agricultural purposes. However, had it not been for the representations made to me, without anybody's knowledge, and certainly without the knowledge of members representing the district, that area of land would have been included in the State forests.

Because of this I think it is extremely wise that a provision such as is in the Bill should be agreed to so that applications will at some time be laid on the Table of the House to give members an opportunity to have a look at them and correct any mistakes which might or could be made.

I agree with Mr. Murray when he says that he does not think the provision will be availed of on many occasions. It will be similar to the procedure with the revocation of State forests. Revocations are laid on the Table of the House, but very seldom is there any disagreement with them. I think the same sort of thing will happen with the proposal in the Bill; but there are odd times when an opportunity will be taken to correct any mistakes which are likely to be made. The instance I have just quoted is one where a mistake could have been made, not purposely but through a lack of knowledge about what was going on.

The proposal in the Bill will give all members, and particularly those representing the forest areas, an opportunity to study the proposals when they are laid on the Table of the House.

The Hon. F. J. S. Wise: Your point is that it is just as important to have laid on the Table of the House dedications as well as revocations.

The Hon. F. D. WILLMOTT: Yes, I think it is just as important. I think Mr. Wise will agree it would be inadvisable to provide for the revocation of State forests without reference to Parliament; and I think the same should apply to dedications. If proposals to dedicate certain areas are laid on the Table of the House it will be the only advice members, including those who represent the districts concerned, will have of what is to be done. As the honourable member well knows, members are not notified of any applications by the Forests Department to the Lands Department to have any particular Crown lands placed under the jurisdiction of the Forests Department. Therefore I am sure the honourable member will realise the necessity for this provision to be included in the Act.

The Hon. F. J. S. Wise: I think you have expressed a very important point of view.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.36 p.m.]: I wish to thank the two honourable members who sit behind me for explaining the position, although I did in fact summarise it while Mr. Wise was speaking. It is perfectly obvious when one looks at section 20 of the Act that it is difficult, when an area of land has been dedicated as a forest reserve—

The Hon. F. J. S. Wise: To "undedicate" it.

The Hon. L. A. LOGAN: Yes, to "undedicate" it. I think members will appreciate that Mr. Bovell has had a committee operating for a number of years endeavouring to encourage the Forests Department to "undedicate" a lot of land which should never have been included in the State forests. One of the difficulties is that if an area of land is dedicated as a State forest, under the present procedure, one might not know about it or get an opportunity to have a look at it for maybe five to 10 years. I do not think it is the right of the individual, or a member of Parliament, to initiate a revocation. I think that is the prerogative of the Conservator of Forests.

The Hon. F. J. S. Wise: He is the only one who can do it.

The Hon. L. A. LOGAN: Yes; and that is the reason why the provision has been placed in the Bill. It is to give members an opportunity to stop something before it goes too far.

The Hon. F. J. S. Wise: Revocations are covered completely in section 21.

The Hon. L. A. LOGAN: Yes, revocations are covered; but this deals with dedications, and I think that is the reason why it has been included. It is to help members of Parliament; and I think it is of benefit to the State that an opportunity should be given before it is too late to do something about a proposal. If everybody is satisfied that the dedication should take place, then nobody is affected; but I think it is only right that Parliament should have a look at it. I hope that explanation will satisfy Mr. Wise.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 20 amended—

The Hon. F. J. S. WISE: I think members are aware that I am very conscious of the responsibility for examining all Bills, and I make no apology for endeavouring to get a clearer explanation than was originally given on the point I raised. Perhaps I should not have provoked Mr. Murray—particularly because of his health—but all of us are always anxious to hear him on this subject. I would say to the Minister that because of what Mr. Murray and Mr. Willmott said—even if I exclude the Minister—I am completely satisfied with the clause.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 9th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

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.

BRANDS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. A. R. JONES (Midland) [4.44 p.m.]: I have had a look at the amendments in the Bill and there is nothing in them to which one could object. In fact, the amendments suggested are commonsense ones, and I give the measure my wholehearted 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.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.48 p.m.]: This Bill deals with very important matters associated with estates; with the limitations imposed in regard to sureties to be paid or given; and with the percentage of penalties which shall be met by persons who do not pay the prescribed fees, the specific death duties, or other charges.

In the case of an estate being left to a spouse, the Bill also provides for the easing of the situation in respect of the handling of money in savings banks and the like. The limit provided in the Bill will lift the exemption from £1,000, which was established many years ago, to £2,500, in the case of estates awaiting probate where surety is required for their administration.

The other matters to which I have referred briefly follow in the respective clauses of the Bill. They seem to be associated with easing the circumstances in the administration of small estates, and in making money available to the spouse to whom the estate is left. Analysing the Bill with a lay mind I find no objection, but there might be some legal circumstances which are not discernible to me. The Bill is straightforward, and should be supported.

THE HON. J. G. HISLOP (Metropolitan) [4.50 p.m.]: I draw attention to what I consider to be an anomaly in the Bill. During the second reading the Minister said that as the value of money had increased a great deal in recent years, the £1,000 which was fixed originally as the figure of exemption should be increased to £2,500.

When it comes to stocks and shares, we find that the exemption was fixed at £200 originally; and, although the same reasons were given for increasing the figure, it is to be increased five times to £1,000. In the case of property or cash, the exemption is increased only 2½ times.

In these days £2,500 would not be sufficient to buy a house, but years ago £1,000 was sufficient for that purpose. It might be more equitable to increase the figure of £2,500 proposed in the Bill to £3,000. At the present time small houses can be built for around £3,000 to £3,500. To fix the figure at £2,500 would be to impose a hardship on the person to whom a house has been left.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [4.52 p.m.]: Since introducing the second reading of the Bill, representations have been made to me in respect of another matter, but the point raised by Dr. Hislop seems to be reasonable. The increases do not seem to have been assessed proportionately, and for that reason I do not intend to proceed with the Committee stage of the Bill today.

It will be appreciated that the request made by Dr. Hislop affects the Treasury, and I would like an opportunity to consult the Treasury officers to find out if there is an explanation for the difference. In the case of property the figure has been increased from £1,000 to £2,500 while in the case of stocks and shares the figure has been increased from £200 to £1,000. The question of life insurance policies has been brought to my notice. However, I shall make the necessary inquiries.

Question put and passed.

Bill read a second time.

PUBLIC TRUSTEE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.53 p.m.]: To a major degree this Bill seeks to ratify something which has been happening for many years, and through successive governments. The principle in the Bill is that the interest earned by estates handled by the Public Trustee in accordance with the Public Trustee Act is paid into a common fund, less certain deductions for administration costs, and the like, at rates previously decided upon.

These rates have been varied on more than one occasion. Now we find there has been a considerable lift in the interest earning capacity of funds held by the Public Trustee, and there is an excess—above the requirements to meet the needs of the estates concerned—which has to be paid into Consolidated Revenue.

The Hon. J. G. Hislop: That was based on the old figures.

The Hon. F. J. S. WISE: Yes. There are new figures, which have lifted the interest to 4 per cent. on moneys held in trust for persons under 21 years of age and for other specified legatees, as in the case of a child who inherits property or money from an estate administered by the Public Trustee. Although there is no specific obligation for such moneys to earn a set rate of interest, nevertheless a reasonable rate of interest is prescribed and credited to the relevant account. The surplus—and not a very big one—from the general earnings of money held in trust and invested in approved securities, such as Commonwealth loans, S.E.C. loans, or those prescribed in the schedule to the Act, is paid into Consolidated Revenue. This Bill will authorise that to be done, in case there is any doubt; and that is the real reason for the Bill.

One could pose a very interesting question in this connection: Is the Public Trust Office performing a very cheap service to the public? I am sure that the Public Trust Office administers estates very cheaply for beneficiaries and for people awaiting the disbursement of endowment moneys. Proof of the satisfaction of the work performed by the Public Trust Office lies in the fact that many people continue to arrange their legacies through it.

I am wondering whether the costs and charges levied by public trustee companies —which make profits from their operations, and which handle tremendous estates—under comparable circumstances, can be made known. If that could be done, a great service to the public would be rendered.

The Hon. J. G. Hislop: Do you think the collections of the Public Trust Office are sufficient to meet the expenses?

The Hon. F. J. S. WISE: No; the collections are a contribution to the expenses. The Public Trust Office gives a very wide service to the community, in accordance with the Act. Members who have had dealings with the Public Trust Office will realise how helpful it is in the adminstration of estates. I support the Bill, and I would ask the Minister to advise me on the points I have raised.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [4.59 p.m.]: The Public Trust Office is a statutory office, and it has an obligation to carry out certain functions in the administration of estates. Further, if it is the desire of anyone in connection with his will or the administration of his estate, to approach the Public Trustee, then he is at liberty to do so. There is no restriction; and a person can make arrangements with the Public Trustee, a private trustee company, a solicitor, an accountant, or other qualified persons, to handle his estate.

I am not at this time able to advise the House what trustee companies charge or what other persons who handle estates charge. However I suggest that we do not impede the progress of the second reading or the Committee stage this afternoon. I will find that out and give the House what information I am able to before the Bill passes the third reading stage.

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.

WILLS (FORMAL VALIDITY) BILL

Second Reading

Debate resumed, from the 27th August, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.2 p.m.]: Though a small Bill, this could be a very important one in matters affecting the validity of wills made and properly executed under unusual and difficult circumstances. It will affect a person who may have made a will in a country having its own law and nationality outside Australia. It may concern a person making a will in transit—while travelling in a plane, or something of that sort; and in that regard certain provisions in this Bill apply.

The text of the Minister's speech gave very clearly and broadly the many disabilities that could arise, and must have arisen I submit to have provoked a Bill of this kind providing for such unusual circumstances as outlined by the Minister. The measure assists in determining that the construction of a will shall not be altered by reason of any change in the testator's domicile after the execution of the will; and, in addition, it states that provided the will conforms to the laws in force in the place of its execution, the will is a valid one, dealing with a person who at the time was a national of the place where the will was executed. I support the Bill.

THE HON. H. K. WATSON (Metropolitan) [5.4 p.m.]: The Bill states in clause 1, "This Act may be cited as the Wills (Formal Validity) Act, 1964." It then provides that the Bill, when it becomes an Act, shall be read as one with the Wills Act, 1837, being 7 Will. IV and 1 Vict., c.26 as adopted by Act 2 Vict. 1.

Two years ago when the House was considering legislation of this nature, and in respect of trusts, and the rule against perpetuities, which also amended the Wills Act, I expressed the view that instead of our law in relation to wills being contained in an Act of the United Kingdom passed as far back as 1837, we should have an Act passed in our own Parliament. A copy of the Act to which I referred is, among other things, very difficult to obtain.

Just as we have not, over the years, operated under the Sale of Goods Act of the United Kingdom, but under the Sale of Goods Act of Western Australia, and so on in respect of other legislation, I suggested that in respect of wills, we should have an Act of our own Parliament on our own Statute book, a precise copy if we like, of the English Act. I feel it would tend to orderly government, to the convenience of the legal profession, and certainly to the convenience of the average citizen, if the law relating to wills was contained, as I have said, in our own Statute book and not in the archives of the Parliament of the United Kingdom, and passed as far back as 1837.

The Hon. F. J. S. Wise: Hear, hear!

THE HON. J. G. HISLOP (Metropolitan) [5.7 p.m.]: I wonder whether it is necessary to make the wording of this Bill such as to confuse those who have not had a legal training. I can see this Bill being a very fit one for quite lengthy legal discussion, probably on many occasions. Use is made of certain words in this Bill that do not usually come within the scope of normal English.

Who can tell me what the word "falls" means on page three, line six? It reads, "Where a law in force outside this State falls." What is meant by "falls"? Does anyone know? There is nothing whatever in the Interpretation Act to suggest this is a word that might be defined.

The Hon. H. K. Watson: I would say that the law, like the rain, falls on the just and the unjust.

The Hon. J. G. HISLOP: This will fall on the plain in Spain maybe, some day.

The Hon. A. F. Griffith: I hope the English that goes with it is all right.

The Hon. J. G. HISLOP: Let us consider clause 5. I think I have an idea what it means, but the English is so involved that I am certain some people will want to argue about it. If anything is done along the lines suggested by Mr. Watson, it would be a good idea to have a look at

the wording of this Bill to see whether there is any way of making it more easily understood by the layman in the street. He is the one who is going to worry about it, and he is the one who is going to pay for the discussion that occurs because of the verbiage of Bills of this type.

I agree that some people cannot understand medical jargon, but it is used purely so that it will have world-wide acceptance. The same might apply here, but I do not think this could be accepted as a Bill which would be understood and interpreted accurately by people who do not speak the English language. It is not simple enough for them to understand.

The Hon. F. J. S. Wise: It comes from using words of antiquity with those of the present day.

The Hon. J. G. HISLOP: It possibly occurs through trying to preserve what was provided in 1837 instead of having a clear conception of what is wanted today. However, I suppose the Bill will pass like all Bills will pass, no matter whether they have opposition or not, so what does it matter?

The Hon. F. J. S. Wise: Depends where the opposition comes from.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [5.10 p.m.]: I think it matters a great deal really, and I do not think that is the atmosphere in which we should receive and deal with legislation. If something is not clear to a member, opportunity should be given to clear it up; and I am always very anxious —and I am sure Mr. Logan is, too—to assist in such circumstances.

What struck me when Dr. Hislop was speaking was how difficult it would be—to me anyway—to convert some of the strange medical terms I have heard into language I could understand.

The Hon. F. J. S. Wise: Or have seen written!

The Hon. A. F. GRIFFITH: Yes, or that I have endeavoured to decipher when seen written. How strange it would be to write in plain language that the average person would understand the specifications of a £1,000,000 building, or even a small house.

The Hon. W. F. Willesee: I know a doctor not sitting far from me who writes in a most indecipherable language.

The Hon. A. F. GRIFFITH: I know a doctor who sits not far from me who gave me something the other night which he thought was a well-framed amendment to a section of the Criminal Code with which we were dealing at the time. However, when I took it to the draftsman he—perhaps it will be sufficient to say he did not think it was English. He did not think it was draftsman's English, so he put it into much plainer language.

The Hon. J. G. Hislop: Most of what I wrote reappeared in the amendment.

The Hon. A. F. GRIFFITH: The point I want to make is that as I understand the law as a layman, there are accepted practices adopted in writing the law, and there are accepted practices adopted by those people skilled in the interpretation of the law.

The Hon. F. J. S. Wise: There would be a lot less litigation if lawyers made it clear.

The Hon. A. F. GRIFFITH: That may be so; but there could be a lot more litigation if lawyers skilled in law did not write the law and we tried to write it in plainer language. We, as members of Parliament, know how we want to change the law; but it is the function of the draftsman to put it into intelligent legal language so that not only we might understand it, but, the people who interpret it in many years to come might also understand it.

I cannot tell Dr. Hislop the meaning of the particular word to which he referred. However, if we looked at a lot of our Acts I think we would find ourselves in the same position. Frequently I go back to Crown Law officers and ask them to explain something to me, and often when I am going through Bills with them I ask for explanations. When I get the legal interpretation and explanation things become a lot clearer and more easily understood.

The Hon. H. C. Strickland: It usually finishes up that a judge must decide.

The Hon. A. F. GRIFFITH: Not usually, but quite frequently, I will agree. Some of these laws have stood the test of time for a long while. A short time ago Mr. Wise pointed to a law which was enacted in this country in 1911 and which was amended on very few occasions—I think the last time in 1957; and we have hundreds of such Statutes.

In respect of the point raised by Mr. Watson, I do recall his talking about our having a Wills Act of our own; and I think this will come about in the course of the law reform that we are now undertaking in Western Australia. This law reform is a colossal job, but it is gradually getting under way. I think we will get the Law Reform Committee to have a look at this Act and a lot of others as time goes by.

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.

House adjourned at 5.17 p.m.