

In general, the Bill is modelled on the Marketing of Barley Act which has proved so successful in stabilising and bringing order into barley marketing.

It is emphasised that the Bill is restricted to the marketing of Cyprus barrel medic seed and is not intended to embrace any other types of pasture seed. The referendum conducted referred specifically to the Cyprus barrel medic cultivar and accordingly the legislation deals with that seed alone.

The marketing board to be established under the Bill will comprise six members. These will be—

- (a) two persons who are producers elected by producers;
- (b) one person who is a producer nominated by the Minister;
- (c) one person nominated by the Minister to represent consumers of Cyprus barrel medic seed for other than seed production;
- (d) one person nominated by the Minister to represent pasture seed merchants and pasture seed selling agents; and
- (e) one person nominated by the Minister, who is a person not commercially involved in the pasture seed industry as a producer, consumer, merchant, or agent and who shall be chairman of the board.

The two elective members will hold office for a period of three years while the members who are nominated by the Minister will hold office during the pleasure of the Governor, who appoints all members of the board.

Unlike the Marketing of Barley Act, there is no provision in this Bill for control of production.

The usual provisions for the appointment by the board of licensed receivers who may receive and deal in Cyprus barrel medic seed on behalf of the board, and the establishment and maintenance by the board of a pool or separate pools for the marketing of seed, are included.

Provision is made for the legislation to come into operation on a date fixed by proclamation, and once proclaimed it shall remain in force for a period of three years from that date.

To some extent this Bill might be considered as pilot legislation for other small seeds and, depending on the results of this legislation for barrel medic seed, then organised marketing of other small seeds could be undertaken. At the present time, however, the producers of other small seeds are not wholly in support of a system involving a compulsory pool for their produce and the wiser course is to obtain the benefit of experience with barrel medic before considering or embarking on similar legislation for other small seeds.

I commend the Bill to the House.

Debate adjourned, on motion by Mr. Davies.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

House adjourned at 6.10 p.m.

Legislative Council

Tuesday, the 16th September, 1969

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

QUESTIONS (3): ON NOTICE

1. EDUCATION

Teachers' Salaries

The Hon. J. DOLAN (for The Hon. R. F. Cloughton) asked the Minister for Mines:

- (1) Is it a fact that the Minister for Education stated that he would average the salaries paid to teachers in New South Wales, Queensland and Victoria, when making the interim award to Western Australian teachers?
- (2) What salaries are paid to teachers in New South Wales, Queensland and Victoria, who are placed on a grade equivalent to grade A14 on the Western Australian scale?
- (3) What is the salary paid to a teacher in Western Australia on grade A14?
- (4) On what dates were teachers in the three Eastern States placed on their present salary scale?
- (5) What would be the gross salary of a teacher on grade A14 equivalent in New South Wales, Queensland and Victoria?
- (6) Does the Minister consider that teachers on that grade in the Eastern States merit higher salary payments than their Western Australian counterparts?
- (7) Is it true that Western Australian teachers must have higher qualifications to achieve grade A14 level than their colleagues in other States?
- (8) What differences in the Consumer Price Index were taken into account when determining Western Australian salaries as compared with those in New South Wales, Queensland and Victoria?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) New South Wales \$5,910
Queensland \$5,750
Victoria \$5,750
Average \$5,803
- (3) \$5,600 (with upper school allowance \$5,810).
- (4) New South Wales—1st July, 1969.
Queensland—10th March, 1969.
Victoria—17th November, 1968.
- (5) As in (2) above.
- (6) No.
- (7) Yes; a teachers' higher certificate or its equivalent is needed.
- (8) Differences in the Consumer Price Index were not considered.

2.

FRUIT

Imports

The Hon. V. J. FERRY asked the Minister for Mines:

- (1) (a) Is the Department of Agriculture aware that Australian grown fruit produced outside of Western Australia is being marketed in the north of this State;
- (b) if so, has it been brought to the notice of the department that some of the fruit may be carrying diseases which could be introduced into fruit growing areas of Western Australia;
- (c) what has been the nature of any diseases so far found to be carried by fruit brought into the north of this State; and
- (d) at what points has the diseased fruit been detected?
- (2) Are the points of entry of these consignments of fruit known to the department?
- (3) (a) What safeguards are being employed to control the situation;
- (b) has the department made any recent appointments of fruit inspectors to serve the north of this State; and
- (c) if so, where are they stationed?

The Hon. A. F. GRIFFITH replied:

- (1) (a) The department is aware that some Eastern States fruit was sold at Kununurra.
- (b) Yes.
- (c) No departmental inspections of fruit were made. South Australian exporters have been informed that entry of apples, pears, quinces and grapes into Western Australia is prohibited.
- (d) Answered by (c).

(2) Yes.

- (3) (a) The route has been sign-posted warning travellers and an Inspector has been appointed under the Plant Diseases Act to police the traffic of fruit. Suppliers in the Eastern States have been warned of the consequence of any future illegal trade.

(b) Yes.

(c) At Kununurra.

3. TEXADA SALT COMPANY

Port Facilities

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

- (1) Will the Minister advise the House the position with respect to the use of facilities provided at Cape Cuvier by the Texada Salt Co. as a port of entry for goods destined for use in the Carnarvon area?
- (2) Is it anticipated that a land backed wharf, protected by a mole, is to be developed?

The Hon. A. F. GRIFFITH replied:

- (1) The agreement between the State and Texada Mines Pty. Ltd. provides for the use of the company's wharf and facilities by third parties upon reasonable terms and at reasonable charges, provided such use does not unduly prejudice or interfere with the company's operations.

However, the wharf is a specialised one designed to permit the loading of bulk materials. Ships are secured fore and aft to permanent moorings with no contact between ship and wharf. Therefore it would be impossible to unload any cargo except bulk liquids such as petroleum products using a flexible pipeline to bridge the gap between vessel and wharf.

- (2) As the company's primary objects are to produce potash and salt for export, both of which materials can be loaded with the present facilities, it is unlikely that the company will construct a land-backed wharf protected by a mole.

LEAVE OF ABSENCE

On motion by The Hon. W. F. Willesee (Leader of the Opposition), leave of absence for 12 consecutive sittings of the House granted to The Hon. H. C. Strickland (North) on the ground of ill-health.

BILLS (3): THIRD READING

1. Dairy Industry Act Amendment Bill.

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

2. Wheat Marketing Act Continuance Bill.

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

3. Soil Fertility Research Act Amendment Bill.

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

FORESTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th September.

THE HON. F. J. S. WISE (North) [4.48 p.m.]: The Act which this Bill proposes to amend was introduced in 1918. It has a very expressive long title which those administering the legislation have certainly lived up to, because the long title of the Act is: An Act to provide for the better Management and Protection of Forests. Initially, this Statute was the result of the urgency for a plan to protect the future of the State forests which, until that time, had been indiscriminately cut over for 80 years and had been considered to be almost inexhaustible.

I think it may be said that this remarkable, natural, and national asset had been so savagely and rigorously exploited that control measures were very urgent and they were introduced in an endeavour not only to stem the heavy slaughter of our forests in those days, but also to ensure the perpetuity of our forests.

That was the basis of the 50-year old Act that the Bill now proposes to amend. This Act, having special features—new at the time in forestry, and I think this reflects most commendably on those who had the vision to introduce it—has been copied by other States of the Commonwealth and, indeed, by overseas countries. It is obvious, therefore, that many people have been able to take as a guide in forestry the foundation and basis laid down in our Forests Act.

The Bill proposes to deal with what is considered to be a major flaw in the section governing the income and expenditure of the department. It is in part V of the Forests Act that all the financial provisions are to be found. They are very short, very concise, and very explicit. Part V of the Act, which deals with revenue and expenditure, makes it clear that all revenue of the department shall be paid into a special fund at the Treasury; and after the revenue has been credited to that special fund, forming the basis for the improvement and reforestation of State forests and the development of forestry, certain sums, after administrative expenses have been met, are paid into this fund.

It now stands in the Act that nine-tenths of the net revenue of the department, to be certified by the Under-Treasurer, shall in every financial year be placed to the credit of the special account at the Treasury. Until 1954 the amount was three-fifths to the consolidated fund and the balance of the net revenue had to be paid to Consolidated Revenue. When the 1954 amendment to section 41—which section this Bill proposes to amend—was agreed to, it was made quite clear by the then Minister for Forests that the long-term view in the development of forests should be that all the income from the department should be expended by the Conservator of Forests.

I think it is interesting to observe that there is no other Act of Parliament on the Statute book of Western Australia quite like the Forests Act, in its provisions dealing with receipt and expenditure from special funds; and, indeed, those amounts are not included in the Budget of the State. The Main Roads Act has a sort of oblique comparison with this, inasmuch as sums are paid into a central fund which is administered by the Commissioner of Main Roads. This is, perhaps, the only affinity, because where the funds made available to the Commissioner of Main Roads are paid from State or Commonwealth sources, the funds of the Conservator of Forests are obtained directly from the revenues of a State asset.

Therefore in the provision, as we know it, of nine-tenths of the net proceeds being placed under the jurisdiction of, and to be used by, the conservator, a considerable advance has been made; and more money was made available by the amendment to which I have referred; and this was done at a time when the revenue from State forests was far below what it is today.

When the Act was introduced the revenue from the State forests did not exceed \$200,000, but the revenue projected for this year is around \$5,000,000. This nine-tenths of net revenue is earmarked, as the Act provides, for improvement and reforestation of State forests.

It is also in section 41 of the Forests Act that provision is made for what is to be regarded as gross revenue; and the term "gross revenue" is defined in subsection (5) which reads as follows:—

The revenue of the department shall include all royalties and proceeds of the sale of forest produce, license fees, rents, and damages awarded for offences against this Act, and all rents and royalties payable under leases, licenses, and permits granted under any Act hereby repealed, or payable under any other existing timber leases or concessions, but shall not include rents derived from dwellings.

So gross revenue is properly provided for, and is explicit in the definition given in section 41 (5).

Although we know just what gross revenue means, there is no definition in the Act relating to net revenue; and this Bill proposes to overcome this disability by referring to one deduction of the future only. In that deduction, to be found in clause 2 (b) of the Bill, it will be seen that there is specific mention of payments, prior to net revenue being arrived at, for the deduction of interest and sinking fund charges on loan fund moneys made available to the Forests Department for the purposes of pine forests and many other things, which are shown quite clearly if members care to read any of the annual reports of the Conservator of Forests.

In regard to gross revenue, the latest figures available show that the income is expected to be in the vicinity of \$5,000,000 per annum; and the amount paid to the Treasury, according to the last annual report of the Conservator of Forests, was \$320,380. I suggest at this early stage of my comments that the use of the term "net revenue"—not being defined in the Act, and not being clearly defined in this Bill—will not improve matters, which improvement was intended by the Minister for Forests.

In introducing the second reading of the Bill in this House the Minister said—

The section I have mentioned—

He was referring to section 41—

—does not prescribe precisely how that revenue—

To interpolate, he was referring to net revenue—

—is to be determined. Expenses that have been taken into account for this purpose have excluded interest and sinking fund on loan funds used for forestry purposes. This method is contrary to an opinion of the Solicitor-General, and the Auditor-General has drawn attention to the need for an amendment to the Forests Act.

I would like members to bear in mind the comment of the Minister that the Solicitor-General and the Auditor-General had drawn attention to the need for amendment of the Forests Act. The Minister went on to say—

Provisions of this nature have been in the Act since 1919 and administered in the manner indicated by successive Governments.

The amendment now proposed will provide that the net revenue of the department shall be determined by deducting from the gross revenue, as defined under subsection (5) of section 41, the amount appropriated against the Consolidated Revenue Fund for the purposes of the Forests Act, but excludes amounts provided to meet interest and sinking fund charges on loan fund moneys used for forestry

purposes. Members will therefore appreciate that this Bill merely adjusts the method of accounting in the Forests Department.

If members analyse the position, and give a little thought to the statement that this amendment will provide that the net revenue will be determined by what is in the Bill, they must accept this serious position: that by specifying that one item for deduction we are restricting the legislation to that item, with no mention whatever of the other amounts which are taken into account for administrative reasons before net revenue is defined.

I draw particular attention to the danger within this amendment which specifies one deduction only and ignores the other valid deductions which are now made. I repeat that being specific it restricts. It specifies that net revenue will be determined by deducting interest and sinking fund charges on loan moneys. But what are the other valid deductions which have to be made in order to arrive at net revenue? The net revenue is not derived from taking the total earnings of the department and deducting the amounts chargeable for interest and sinking fund only. The Conservator of Forests' annual report for 1968 clearly shows the revenue and expenditure within the department prior to and after the gross revenue and net revenue are determined.

I shall not quote figures from the report, but some items which are valid deductions from the gross revenue are salaries, incidentals, Timber Industries Regulation Act, hardwood conversion, pine conversion, recoupable projects, tree nurseries, aboreta, printing and stationery, and excess of revenue over expenditure which, last year, totalled \$4,832,483. It is obvious that those administrative costs—and that is what they are—of the department, to which I have just alluded—and they are shown in the conservator's annual report, and have appeared in report after report—are deducted or are charged against gross revenue to arrive at the net revenue.

It is clear, therefore, that before the net revenue can be decided in the future the item specified in the Bill as a deduction, as well as all the other administrative and intended unavoidable expenses, will have to be taken into account if we are to prescribe in the law what may be deducted. We must define what is intended in the law.

I would point out that in 1945, although the practice of not taking loan money costs into account had up to that time not been considered, a halt was called by the Treasurer of the day. A direction was given, and that will be found in the 56th Report of the Auditor-General, dated 1946. I have somewhat of a recollection of that direction because I was the person who gave it. On

receipt from the Solicitor-General of advice that the law was not being given effect to, certain action was taken and the reference to this in the Auditor-General's report is as follows:—

On the 20th November, 1945, the Hon. Premier approved of a proposal that—

The amount to be paid in the Reforestation Fund shall be determined in future by first deducting from the gross revenue of the Department the amount provided for the Department on the Consolidated Revenue Fund Estimates (which at present amount to approximately £31,000 per annum) and then allocating three-fifths of such balance to the Fund.

The Auditor-General went on to comment on the action that was taken—and taken at the suggestion of the Solicitor-General, I would emphasise—as follows:—

The term "net revenue of the Department" is not defined in the Forests Act, but the then Solicitor-General advised the Under-Treasurer in September, 1919, that "in arriving at the net revenue of the Forests Department, interest and sinking fund contributions on the loan expenditure of the Department should in his opinion be taken into account."

In a memo, dated the 30th August, 1946, it has been suggested to the Under-Treasurer that, in view of the Solicitor-General's opinion of September, 1919, an amendment to the Act, defining the term "net revenue" along the lines approved by the Hon. Premier, should be sought from Parliament, to place the matter in order.

That is perfectly clear. There was a request that an amendment to the Act, defining the term "net revenue," be sought from Parliament. Let us proceed from that point in 1946 and, for a moment, I propose to dwell upon the term "net revenue." Does this Bill meet that requirement? Of course it does not. This Bill mentions only one portion of the deductions which are necessary to be specified and used before net revenue can be arrived at. Does the clause in the Bill give us a definition of the term "net revenue" as suggested by the Auditor-General in his annual report, year after year, for 30 or 40 years, or does it not? Of course it in no way meets the requirements of defining what deductions shall be made to enable net revenue to be decided, and in this regard there is another most important angle.

Is the opinion quoted by the Minister the opinion of the Solicitor-General of today? It is not. I would not be permitted to quote from a report of the current debates of another place on this subject, but I may be permitted to refer to a question asked and the answer given which make

it reasonably clear—and from my inquiries it is perfectly clear—that this Bill is based on the opinion of the Solicitor-General in 1919.

Without being facetious on a serious subject, the opinions of five learned High Court judges can vary from day to day, and they vary between the gentlemen concerned. Therefore, is it not likely that if the proposal before us were examined and commented upon by the Solicitor-General today we might be told that there is no need at all for the Bill? That what was done in 1945, and referred to in another place as the stroke of a pen by one Treasurer, could be continued in determining what shall be the amounts to be taken from gross revenue to make net revenue?

If the situation is as I think it is, and that the opinion of the Solicitor-General is 50 years old, and may not have been given in writing, is it not reasonable to ask that the Minister assure us and show us in documentary form the opinion of the Solicitor-General of today? In his annual report of last year, and presented to the House by you, Mr. President, the Auditor-General makes it perfectly clear. He uses exactly the same verbiage and says that it would appear necessary that an amendment to the Act defining "net revenue" along the lines approved should be sought from Parliament to place the matter in order. He states very clearly that it is necessary to define the term.

If members take note of the amounts that have to be deducted for administrative purposes, which are referred to in every report of the Conservator of Forests, they will see that net revenue cannot be determined if we prescribe, as we do in this Bill, that one item only shall not be taken into account.

I think we have a responsibility as a Legislative Council, and not merely as individuals, to look at every Bill that is introduced here to ensure that when a measure comes to us from another place, and it is introduced by one Minister on behalf of another, we have the right to make suggestions for the Government to consider. Not only have we the right but we also have the very great responsibility and I suggest in this case it may be necessary, in order to make the Bill effective, to define the term "net revenue."

I suggest in all good faith that an opinion from the Solicitor-General of today as to whether the amendment is needed should be sought. If it is needed we should ask what is necessary to enable the term "net revenue" to be properly defined. Even if the 1919 and 1969 opinions agree, are not the categories still required to be stated in an embracing form? In other words, what are the categories of the various statutory deductions which have to be provided for to arrive at net revenue?

The second point I make is that if retrospectivity is sought—as is outlined in paragraph (c) of the Bill—I would like members to realise that it is now 1969 and not 1919, or 1946.

I have mentioned what happened in 1945, and in the Auditor-General's report will be found the words, "This proposal was given effect as from the 1st January, 1946"—not 1945, as is in the Bill. It was in 1945 that a halt was called by a certain decision of the Treasurer at that time. My point on the matter is that if it was wrong in 1945 or 1946 and is to be corrected by harking back, as proposed new paragraph (c) does, should not the date be 1919; because all that has happened in the last 20 years happened also in the preceding 24 or 25 years? I think there is a necessity to look at whether 1945 is the correct year in order to make the Act absolutely correct on this point.

I would like the Minister to give serious consideration to an amendment which I suggest. There is no hurry for this Bill; it will not affect anything until the end of the next financial year, except to rectify the date. Whether it be 1919 or 1945, it will not have any effect on whether the loan fund charges are to be raised or not. So I would ask the Minister to have the Minister for Forests consider what I have said today and the amendment I forecast, which I hope to put on the notice paper tomorrow. I have the amendment in my hand and I will pass it to the Minister to enable him to scrutinise it before tomorrow's sitting, when it will be on the notice paper. This will give the Minister for Forests a chance to confer with the Solicitor-General, Treasury officers, and the Conservator of Forests, on all the aspects I have raised and, in particular, the proposed amendment.

Mr. President, I do not know whether you would permit me to relate what I propose to do in Committee; however, I can say this and not transgress: my amendment will deal with net revenue being arrived at after all administrative costs are provided for and also—as the Bill relates—the amounts appropriated to meet interest and sinking fund charges on loan fund moneys used for the purposes of forestry. That takes in the words which are in the Bill, and my proposed amendment would come in after the word "section," in line 11. The position would then be clear. There would then be no doubt, past, present, or future as to what "net revenue" means. My amendment would, firstly, answer the request of the Solicitor-General that net revenue should be defined; and, secondly, it would make certain that, in defining net revenue, proper and allowable deductions would be made.

I have nothing more to say on the Bill. I hope the Minister will concede that some of the points I have raised are of sufficient import to have the debate on the measure

adjourned after those who wish to speak today have spoken. I would ask the Minister not to proceed with the Committee stage, but to have the Minister for Forests consider the amendment which I will hand to the Minister shortly.

Debate adjourned, on motion by The Hon. V. J. Ferry.

BILLS (2): RECEIPT AND FIRST READING

1. Exmouth Gulf Solar Salt Industry Agreement Bill.

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

2. Weights and Measures Act Amendment Bill.

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

WATER BOARDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th September.

THE HON. J. DOLAN (South-East Metropolitan) [5.22 p.m.]: In introducing this Bill the Minister used the term "earth-shattering." I could use a few simple words to describe it without using a compound word, but I feel, Mr. President, you might call me to order for using them. Mr. Wise interjected then and referred to the measure as a "nation-rocking" Bill. I think he must have had in mind the fact that the hand that rocks the cradle is the hand that rules the nation, because the Bill seeks to make women eligible to sit on water boards.

I think the amendment to remove the word "male" from the Act so that there is no possibility of females being excluded is a very wise one, and the principle which is involved is one which we support. It has been suggested to me that the necessity for this Bill could have been challenged under section 26 of the Interpretation Act. However I feel the Interpretation Act does not apply in this case. Of course, it is generally applied in the use of adjectives and pronouns, but in this case a male person is definitely specified and I feel that the removal of the word "male" to make it possible for women to sit on water boards is the correct procedure.

I would think that the Government, because it has decided to remove the word after such a long time, must have in mind an appointment along the lines suggested by this move, and I feel this is wise. I think the principle could be extended even further to all sorts of boards and commissions, and so on, because I feel women can play their part adequately.

In conclusion, I would say there is sometimes a doubt about just what the position really is regarding the eligibility of women for these sorts of appointments. I would like to read section 2 of the Women's Legal Status Act, No. 56 of 1923. The Act has never been amended since that time. Section 2 states—

A person shall not be disqualified by sex from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from being admitted and entitled to practise as a practitioner within the meaning of that term in the Legal Practitioners Act, 1893, or from entering or assuming or carrying on any other profession, any law or usage to the contrary notwithstanding.

I mention that just to show how broad-minded were the male members of the Parliament when they passed legislation to ensure that women's rights were protected. With those few words I support the Bill.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5.25 p.m.]: I would like to remind all members in this House that women have fought long and hard for their real rights in the community. I think women are now allowed to take their full share in the matters of boards and public committees. Women are the full half of life after all, and many intelligent people are excluded from important positions in public life because they are women.

There is nothing to say that the intelligence of women is in any way inferior to that of men. I think that at this stage we should set the foundations to ensure that society is carried on by men and women together, just as families and homes are carried on—and it takes two to do this successfully.

I think the water board, the Egg Board, the Milk Board, the Potato Board, and other consumer types of boards, are important bodies for which women are particularly suited, because they use all those common products in daily life. It would be a benefit to society to have more women on boards which deal with day-to-day products.

I think it is about time we lost the male-female complex with regard to the carrying on of the affairs of countries. It takes two to make a home successful, and it takes two to do most things in life; but when it comes to laws and so on, only men can make them. This is all wrong. I know that most members here would agree with me that women are slowly getting more rights. However, it is time we moved a little faster, and when these boards are set up we should see that there

is some equity between men and women to administer the laws of the country. With those few words 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.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4).

Second Reading

Debate resumed from the 11th September.

THE HON. J. DOLAN (South-East Metropolitan) [5.30 p.m.]: By comparison with the last Bill to which I addressed myself I suppose I could say that this measure is in the Cassius Clay class! The Local Government Act comprises no fewer than 694 sections together with 27 schedules. It can be seen, therefore, that there is a necessity, probably annually, for amendments to be made to keep the legislation up with the times.

I think the amendments that have been proposed and the matters that have been raised in connection with this Bill are necessary because of changing circumstances. Clause 3 of the measure exempts from disqualification as a member of a municipal council a person who supplies certain materials to the council—he is exempt as long as he observes certain conditions.

I feel this is a wise move, because we could get a bit too finicky if objections were constantly raised about a member of a council supplying that council with certain products. So long as the conditions laid down are being observed, and no favouritism exists, I think the whole matter is quite in order.

Clause 4 relates to the voting system and has particular application to voting for the president and vice-president. It ensures that the preferential system of voting will prevail as against the principle of "first past the post." For example, if there were 18 members entitled to vote for a president or a mayor of a city, and the preferential system were not adopted, and there happened to be three candidates, the voting could be seven, six, and five, which would mean that the person with seven votes would be first past the post and consequently become president. This would be so even though he may have the other 11 against him.

Apart from this, the person who received five votes may wish to give his second preferences to the person who had six votes. In all the circumstances I think this is a desirable amendment.

Clause 5 relates to committees. It has been customary on local governing bodies for committees to consist of half the members, but it has also been the custom that, apart from half the members, the president or mayor is *ex officio* a member, which could make the committee a little disproportionate. It is now proposed that the president or mayor will be included as one of the number on the committee—at any rate the members, together with the president, will not exceed half the number.

The Hon. L. A. Logan: That is, if they elect to be appointed to the committee.

The Hon. J. DOLAN: That is right. I may skip a few clauses, but the next clause with which I wish to deal is clause 7. In order to prevent accidents which often occur at some corners where the view of the motorist entering a busy street is obscured either by fences, trees, or a large hedge, I feel the local governing body should have power to order the owner or occupier to remove the hazard in question.

This brings to mind a hazard at the end of my street at the point where I enter Canning Highway. Blocks of single unit flats have been built in that area and along the front of the flats a stone wall about 6 feet high has been erected. As a result, when I come to the corner I have to approach very carefully and get my head well out to see what traffic might be approaching along the other road.

The Hon. L. A. Logan: You are at a cross roads?

The Hon. J. DOLAN: I approach a T-junction. Previously an open picket fence was erected around this site and it provided visibility for about 100 yards; it was possible to see any traffic that might be coming along and, as a result, it was much safer.

The stone wall was erected before the amendment was considered or possibly something could have been done about it. I would certainly not raise any objection to this aspect.

Clause 11 provides for the necessity to have standard specifications for roads in subdivisions. By making such proposals standard a pattern is set and this is most desirable, particularly in town planning of any kind. There appears to be conflict in regard to the use of traffic signs. The conflict exists between sections 313 of the Local Government Act and 301 of the Traffic Act. It has been decided that the words "and traffic signs" should be removed from the Local Government Act and left only in the Traffic Act.

This is also a desirable amendment because where traffic matters are concerned the Traffic Act should take precedence over the Local Government Act.

Clause 13 relates to the temporary closure of a street; the position to apply to the district of a shire. The action pro-

posed by this amendment will make the particular section applicable to all municipalities.

Clause 14 of the Bill deals with the demolition of buildings and the new section 374A, provided for in clause 14, gives the local governing body power to regulate the demolition of buildings. When an application is made for a license certain conditions will be laid down. If, however, the conditions appear to be too stringent, the applicant has the right of appeal and if the Minister thinks the local governing body is making the conditions too onerous, no doubt he will, in those circumstances, uphold the appeal. The Minister is given the prerogative to do this.

There have been several comments about the verbiage of clause 16, and I do not want to buy into this argument, though I feel the wording could be simpler and include a dragnet clause to cover fines, and everything else connected with building. The wording could say that this clause covers all cases for all persons, or something to that effect. But this is not desirable when we are dealing with all manner of people and varying types of cases.

The Hon. L. A. Logan: As a matter of fact, the verbiage is the same as that in section 190 (7).

The Hon. J. DOLAN: That is right. If the Parliamentary Draftsman feels this provision is sufficient to cover all the cases legally, I am prepared to go along with it and I do not propose to enter into an argument about the verbiage being more than is necessary.

Clause 18 has particular reference to the overway which is to be built as part of the city building development—I think this refers to the old site of the Perth City Council building, where it is desired to place an overway over Murray Street. At the moment the Act precludes this being done because it provides that an overway must go from land on one side to land on the other. This provision will enable the Act to be complied with and it will permit the authorities to proceed with the building of the overway. In this connection I might refer to an overway which exists at Bassendean; it stretches from land on one side of the road to land on the other side. If this overway were to stretch from the second storey of a building across to land on the other side, it would be possible under the amendment proposed in the Bill.

A particular portion of the Bill to which I wish to make reference is in clauses 19 to 23. In clause 19 we find the following interpretation:—

"farm land" means any single lot or portion of rateable property which is not less than five acres in area and

which is wholly or mainly maintained or used for the time being for carrying on one or more of the following businesses or industries,

It then sets out a number of businesses and industries. All the businesses and industries named are carried on in my province. For example, in my province I have graziers, dairy farmers, pig farmers, poultry farmers, bee keepers, viticulturists, and horticulturists; apart from this all kinds of market gardening is carried on. All the aforementioned businesses and industries are affected by the interpretation in clause 19. Instead of referring to the land of the people concerned as being in an urban area, the property will be referred to as urban farm land and provision is made for the local governing authority to rate these properties accordingly.

Application must be made to the local shire council for the properties in question to be classed as urban farm land and for a rating to be struck. Should the shire council not accept the proposition in the application, the applicant is given the right to take the matter before a court in order that the merits of the case might be argued.

Since the declaration of the Cannington-Armadale corridor as urban land the position is that the people to whom I referred come into an urban area and they could be saddled with rates which would be too high for them to withstand.

I feel that the shire councils have played ball with the people concerned by allowing their properties to be rated as rural land. But although the properties are being rated as rural land, irrespective of the occupation of the people in question, unfortunately I have received many complaints—and I have spoken about this previously—that the rates are becoming a tremendous burden, particularly on a certain section of people engaged in orange growing.

Unless the owner of such a property can find work to supplement his income, and unless he has a family which can help him carry on, particularly during packing time, he finds the burden far too heavy. The land, of course, is valuable because of its proximity to the city. Some of the land I have seen used for orange growing and as market gardens, is ideal for home building. I daresay, however, that the people who own such land have been market gardeners for three or four generations and they have no desire to change their occupation or mode of living.

If alternate properties were situated further away from the city than they are at the moment, it would mean that the consumers would have to pay more

for their produce because of the extra transport costs and other charges which might be involved.

I can, however, visualise the possibility of certain people deriving an indirect advantage from this clause, and I would like the Minister to inquire into this position and see whether I am on the right track.

Certain people whom we might call speculators or developers have bought areas of land in the Cannington-Armadale corridor—which is now urban land—and instead of their being rated as they should they are getting around the Act by putting in a few cattle or pigs and indicating that the land is being wholly maintained for such a purpose. This is being done while they are awaiting the chance to subdivide and there is the possibility that they might be able to get around the provisions of the Act. If this is so, I would like the Minister to consider the matter with a view to circumventing this possibility.

The Hon. L. A. Logan: We do not want any loopholes.

The Hon. J. DOLAN: No; we must not encourage people who take advantage of every possible loophole in a Bill or an Act.

Some points may have to be ironed out. For example, a limit of five acres has been included. I know a couple of poultry farmers who are amongst the five top producers of eggs in the State, and their properties would not involve five acres. I know other poultry farmers who have 10 acres and they come under the provisions at present.

There is no differentiation between rating because in the opinion of the shire these properties are rural. However, once the amendments in this Bill are included in the Act, the interests of these poultry farmers and other primary producers will be safeguarded for all time, because the law will be definite then and the poultry farmers and others will not have to rely on the goodwill of the shire concerning rating.

I will have to organise these groups and arrange for them to approach the shire at some time in order to see if some formula can be evolved to ease the burden of increased rates so that they can continue in the avocation for which they are definitely suited and from which the State obtains an advantage.

I support the Bill, but probably during Committee I will have a few minor questions to ask. I repeat the main point now: I ask the Minister to look at the possibility of people holding an area of land for speculation or for future subdivision; but, in the meantime, using it for a small number of stock and thereby claiming, under the Act, that the land is urban farm land instead of just urban land.

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

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 9th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.47 p.m.]: When introducing the Bill, the Minister prefaced his remarks by saying it was necessary to keep this Act up to date, and all of us I would say would be in accord with this. The Minister also said that the proposed amendments were important and, indeed, they are, when the far-reaching effects of the Act are realised.

The Minister referred to "battered babies" and, in order to afford some protection for them, certain amendments are to be effected. We could refer to these babies as "neglected," but the truth of the matter is that some impulsive parents hit their children and the fact that we must legislate to prevent such occurrences leaves me somewhat at a loss for words.

The Hon. L. A. Logan: But it does happen.

The Hon. W. F. WILLESEE: I am quite sure the Minister would not have introduced this legislation had it not been necessary, and I have no hesitation in supporting it. The definitions found at the beginning of the Bill clearly enumerate aspects which were previously covered in a general manner, but not covered specifically by law. The proposed amendments are necessary to endeavour to prevent the ill-treatment of some children in this State. I must point out that I understand the ill-treatment of children occurs to a lesser extent in this State than elsewhere.

The Bill also deals with the necessity for some young people to come under the care of the department because of their illegal use of drugs. These children are afforded no protection by their parents, and consequently the only solution is to legislate in Parliament in order that they may be cared for. The Minister explained that the principal intention of this amendment is to provide early preventive action and the necessary supervision during childhood to encourage a child's rehabilitation and thus prevent its involvement in a later more serious situation.

I would not like to suggest that the parents involved should be castigated, but the situation must be serious indeed when we find it necessary to legislate along the lines proposed.

I approve of the provision concerning the cumulative sentence. Why should a child be compelled to serve a total sentence when this law has no application to the hierarchy of this State?

The Bill provides wide scope for the detention of children pending a court determination. I believe this to be an advantageous provision, and it will make the actions of departmental officers legal.

I could go on for some time reiterating the information the Minister has supplied. The principle is that something should be done through Parliament to halt the deteriorating situation applying to our young folk. Whether this situation has arisen as a result of lack of parental control or because of our present society, I know not; but I must support this legislation because it is making an attempt—however drastic it may appear to be—to assist in the rehabilitation of those who have reached a degraded situation.

I do not like the principle of placing people in an institution, but no-one asks to come into the world, and if the parents of a child cannot look after it, then surely it is the responsibility of the State to do the best it can in all the circumstances to give such a child a better opportunity in life. I therefore support the Bill.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5.57 p.m.]: This Bill is of great interest to me because for many years, when I was rearing my own family and was also in business, I was engaged in the activities of child welfare. I have taken many children, but especially boys, from the Children's Court, where I was well known. I undertook to find work for them and tried to help them to rehabilitate themselves. On many occasions I was successful, and there is nothing I do not know about child welfare.

I still do what I can in this field, but times have changed and it is far more difficult now to assess the position of children who have gone astray, particularly in regard to their home life.

I know that what the Minister said during his introductory speech is true, and especially his comments on "battered babies." A great deal of cruelty is in evidence now and I always attribute this to drink and drugs at the parent level. I know many of these parents personally and so I am conversant with the subject.

I do not know how we could deal with the situation better than we are dealing with it now. We have very good field officers whom I know personally, and I do a good deal of work myself; but it seems impossible somehow to impress upon some mothers that they cannot go out all day and leave their children alone and not expect trouble. This is what happens. I would like to see something done in this respect. Parents now receive more help from the Governments of the day than they ever did in the early days to which I have referred; but this assistance does not seem to have made any difference, and

it is a sad reflection on our society that we are experiencing this trouble with child welfare.

As I have said, I do not know the cure. Conditions change but that does not seem to alter the fact that we have delinquent children. Children are still being ill-treated, and many children could be better cared for at all levels. The present conditions are a reflection on our society and I do not know how to arrive at a solution to the problem.

I often think that women might do a better job than men in children's welfare courts. I have no objection to men sitting on the courts but I know some women who are doing this work now, and I think it should be placed more in the hands of women. Women know the running of a home and have a better judgment than men in these matters.

When it is known that parents take drugs something should be done to see that the children are looked after. The parents should be given a certain time in which to rehabilitate themselves before the children are returned to them. If the parents want their children, they should refrain from taking drugs or from drinking. However, at the present time, one cannot attend very many functions without seeing a great deal of drink. People do not notice the passage of time when they are drinking and they often leave their children at home for long periods. I know this to be a fact, and I do what I can to assist those people and their children.

Those are the problems which should be looked at. I know the child welfare authorities are aware of them, because I know many of those people. However, as I said, I do not know that there is a cure, unless we teach the parents to be better. When parents are charged with drug offences, or drinking, then not too much latitude should be allowed with regard to the children of those people. The children should be taken away from the parents for a while. It is nonsense to say that people cannot stop drinking; I would never believe that.

It is the Government's duty to protect children, but I do not think the cure is in placing children in reformatories. Such treatment does not achieve what we desire. It is far better to leave a child in a home which is not very good than to put the child in a home away from his parents and his family surroundings.

I have worked in this field, and I have reared seven children, alone, so I can speak on the matter. If the Government has to take children away from their parents then we should have better institutions in which to place them. The Government could go further into the matter of recruiting good officers. I know we think we have good officers, and they do their best, but they are not always as understanding as they could be. The main

requisite of a person who has to look after children is to have understanding and sympathy. I know that many of the officers have understanding and sympathy because I have worked amongst them. However, something is missing, and more effort should be put into providing better homes for the children.

If I had my way I would impose a penalty on parents who did not look after their children. Instead of taking the children away from the parents it might be better to take the parents away from the children. I have had many years' experience with this problem, but it is difficult to stand up in this House and tell members what one has done.

I wish the Minister for Child Welfare all the success he deserves in introducing a Bill of this nature. The reference to battered babies seems most shocking to me. When a child is battered the person responsible should be punished very severely. There is no excuse for any parent to ill-treat a child; that is a cowardly and despicable action.

As I said earlier, some children are better off in a poorer class home than being placed in an institution. It does not matter what one does one cannot make an institution into a family home. Life in an institution is hard, lonely, and miserable. While the law remains as it is then such action has to be taken. However, we should provide better institutions than those we have now. I am not implying that the children are ill-treated, but the institutions are lonely and cold places.

I support the Bill in many respects, but I point out that while we think we are doing the right thing we are not getting the results we desire. I know it is a difficult problem and that living conditions are different today from what we knew in our younger years.

I pay tribute to our present Minister for Child Welfare because he is a good man, as I know. I suggest that the situation could be improved by the appointment of women to courts, and the establishment of institutions different from those we have at the moment. I support the Bill with reservations.

Sitting suspended from 6.10 to 7.30 p.m.

THE HON. I. G. MEDCALF (Metropolitan) [7.30 p.m.]: I would like to commend the Minister and the Child Welfare Department for what they are doing and also for what they are trying to do by the introduction of this Bill. The Child Welfare Department has a very difficult task. Like all departments which carry out a social service, it is short of funds and could certainly do with more money. Also, the Child Welfare Department is short of trained staff and I know it faces a tremendous task in keeping up the number of its welfare officers.

One frequently sees advertisements in the Press and I know it is very difficult for the Child Welfare Department to get people of the right calibre, and who are sufficiently dedicated, at the standard of salary—which, unfortunately, the department has not been able to better—to carry out the difficult task which child welfare officers have. Often they have to go into most unsavoury places where drugs and alcoholism are rife in order to carry out their duties for the benefit and protection of the children whom it is our obligation and, indeed, our wish to look after.

Therefore, I commend the department and the welfare officers. Like most members, I am sorry that the department does not have greater success in attracting the number of people of the right calibre to carry out these very difficult duties. I support the Bill and its aims and objects. I merely wish to draw attention to one or two matters which, I think, could perhaps be tidied up a little more effectively in this Bill.

I will do this not in any spirit of criticism at all and I would like to make it clear that the odd critical remarks I make about some of the words which are used in the Bill should not be misinterpreted. I feel that if, as a legislator, one believes a section is not being expressed as well as it could be expressed, one should speak and should give one's views. Some people, I know, regard criticisms of this nature as being pettifogging and not very constructive. I do not believe that attitude is true; otherwise I would not offer the small submission which I will offer. I believe the law should be as clear as possible and that the words used should be those which most clearly express what the department and the Legislature has in mind in attempting to protect the children who are the subject of the Act.

First of all, I would like to draw attention to the definition which appears in clause 3 under "neglected child." It is proposed to amend section 4 of the principal Act, and paragraph (b)(ii) of clause 3 of the Bill refers to the addition of a passage relating to an ill-treated child. The original section 4 of the principal Act defines a neglected child. The tenth category of a neglected child, as set out in the Act, is one who is living under such conditions as to indicate that the mental, physical, or moral welfare of the child is likely to be in jeopardy.

Clause 3 proposes to add immediately before the other words in category (10) the words—

"is so ill-treated, or suffers such injuries which may reasonably be suspected to have resulted from ill-treatment," ;

The effect of this will be that a neglected child will, in future, be defined, amongst other things, as—

a child who is so ill-treated, or suffers such injuries which may reasonably be suspected to have resulted from ill-treatment is living under such conditions as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

The Hon. L. A. Logan: Do you think it should have been a separate paragraph?

The Hon. I. G. MEDCALF: I do not think that matters so much as it is all the same sort of thing. The words proposed to be added refer to a child who has been ill-treated and, therefore, they do relate to the tenth category. I query the phrase, "injuries which may reasonably be suspected to have resulted from ill-treatment." I think this could have been more happily expressed. It is a rather obtuse way of describing injuries which apparently result from ill-treatment. I would think it would be quite a simple matter for this to be amended in a way which will make it more readable and understandable to the average person who reads it.

I would not think that one suspects injuries. One suspects people and one suspects a state of affairs. One might suspect that somebody—a child, perhaps—has been injured. However, to say "injuries which may reasonably be suspected to have resulted from ill-treatment" is not normal usage and I think it could be improved in the way I have suggested.

The next definition is one which appears in paragraph (c) of clause 3 of the Bill. I am referring to the definition of "public place." This is a new definition which has been inserted for very good reasons, as the Minister has explained. "Public place" is now defined in the Bill to include a vessel, a vehicle, a room, a field, or any other place whatsoever to which the public are permitted to have access, or words to that effect.

I think this is a little clumsy. I would not normally define a vessel or a vehicle as being a place. I would think it would be much easier simply to define the meaning of a public place as any place whatsoever to which the public, for the time being, has access, leaving out the reference to the other items. However, if it is felt that if the legislation simply refers to a public place it could not very well include a vessel or a vehicle under that term, then this proves what I am saying; namely, that it should not be described as a vessel, a vehicle, or any other public place. If it is felt that the legislation needs to contain words which particularly refer, or could be held to refer, to a vessel or vehicle, what is wrong with saying that a public place includes any

place or thing to which the public could have access? This is just a small matter of tidying up.

The Hon. W. F. Willesee: What constitutes "public" in regard to numbers?

The Hon. I. G. MEDCALF: The clause simply says "to which the public for the time being . . ."

The Hon. W. F. Willesee: What would your version be?

The Hon. I. G. MEDCALF: I would say any people who normally do not have some proprietary rights over that thing.

The Hon. L. A. Logan: The trouble is that a child is frequently neglected in a motor vehicle.

The Hon. I. G. MEDCALF: The words "a place or thing" would include a vehicle. If one says "a vessel, a vehicle, a room, a field, or other public place" there is a rule that where a phrase such as "or other public place" is used, this is interpreted in the same way as the words which have already been used. In a sense it would be limiting the meaning of "other public place" by first referring to a vessel, a vehicle, a room, or a field. There is a rule of law called *ejusdem generis* whereby, if certain words are used and then a general word, the general word is interpreted with reference to the particular words which are first used. This could well be tidied up or, otherwise, it might be found that a restricted interpretation is put upon a definition which is intended to have a wide interpretation.

The Hon. L. A. Logan: Would not "any other place whatsoever to which the public . . ." be sufficient?

The Hon. I. G. MEDCALF: One would think so.

The Hon. L. A. Logan: It seems to me to be pretty wide on top of the reference to a vessel or a vehicle.

The Hon. I. G. MEDCALF: It may be interpreted, by virtue of this rule, to be restricted to the meaning of the particular words which are first used. I suggest that a definition such as "a public place includes any place or thing whatsoever to which the public have access" would cover the position.

The Hon. L. A. Logan: The public do not have access to a private vehicle. A great deal of the neglect takes place in private vehicles.

The Hon. I. G. MEDCALF: By putting it in this form, the legislation would say that the public does have access to a vehicle. The Bill says that a public place includes a vehicle or any other place to which the public have access.

The Hon. L. A. Logan: But they do not have access to a private vehicle unless you definitely say they have access.

The Hon. I. G. MEDCALF: I do not know that the Bill covers what it is intended to cover. Perhaps the draftsman might have another look at that wording; because I think that, quite inadvertently, the provision may unduly restrict the meaning of what it is intended to convey.

The next point refers to clause 5 which provides for amendments to section 29 of the Act. Section 29 says—

Any officer of the Department authorised by the Minister and any police officer may, without warrant, apprehend any child appearing or suspected to be a destitute or neglected or incorrigible or uncontrollable child, and when any such child is apprehended, pending the hearing of the application, charge or information, and during any adjournment of the hearing or during any period of remand, such child shall be . . .

Then it defines a number of different places where a child can be taken. It could be taken to its place of residence, to a reception home, to a place belonging to a respectable person or, finally, to a place of detention. This is a perfectly proper section, but the clause proposes to add a second portion to this section to be known as subsection (2) which reads—

Where any child is apprehended and charged with the commission of an offence,—

Note the words "an offence" which I presume means any offence, and not only the offence I have referred to under section 29 of the Act. Continuing—

—he shall, pending the hearing of proceedings against him for the offence charged or during any adjournment thereof or during any period of remand, be dealt with in accordance with the provisions of subsection (1)—

which is the one I have just read to the House.

So I assume, by the addition of proposed new subsection (2), it is not intended that, where a child is apprehended and charged with the commission of any offence, he shall be taken to any one of the places to which I have referred. However, under existing section 29, if he is apprehended on the charge of being a neglected child, but not yet charged, he can be taken to one of those places. There are two distinctions between the two. The first one, in existing section 29, is that a child can be taken to one of those places when he is apprehended and before he is charged, whereas, under proposed new subsection (2) he can only be taken to one of those places after he has been charged; and, under what will become subsection (1)—that is, the existing section—he must be charged with being a neglected child, but under proposed new subsection (2) he can be charged with any offence.

This is probably quite proper and I think the motive here is a good one. Further, I support it if I have interpreted the amendment correctly. However, here again, I think this could be tidied up in such a way as to make it more understandable by any person reading the section as it will be when amended. So I suggest that, in those three instances, there could be a little tidying up to make it easier for people to understand the law, which I think should be one of the motives we should always keep in the forefront of our thoughts.

The other matter to which I wish to refer is the amendment proposed in clause 8. This deals with the position of a child who was fined or became liable to a penalty of some sort after he attained the age of 17 years and has failed to pay the fine or the penalty on the attainment of 18 years. As I understand it, the present position is that if a child is fined or suffers a penalty whilst he is a child he would be committed to a proper institution for children. If he does not pay the penalty that could be the worst that could happen to him. But as I understand the proposed position, if he is fined, or suffers a penalty after the age of 17 years, and does not pay it and attains the age of 18 years, he could be committed to imprisonment.

In other words, if I am correct in my interpretation of this, we propose to substitute the word "imprisonment" in the existing provisions of the Child Welfare Act, and we intend to make this child, on the attainment of 18 years—when under the Act he is no longer taken to be a child—liable to imprisonment in the same way as any adult who does not pay the penalty and who suffers imprisonment in default. It is true, as the Minister said, that there is provision here for something to be said on his behalf.

Proposed new subsection (4) in clause 8 of the Bill, reads as follows:—

The court before which a person is brought pursuant to subsection (3) of this section shall hear and determine the matter and may—

(a) issue a warrant of commitment of the person to gaol . . . or, the court may—

(b) decline to issue such a warrant, . . .

I rather doubt the necessity to provide whether a court shall decline to issue a warrant, because if we give the court a permissive power, by using the word "may," to issue a warrant, it may not issue a warrant. However, to put the provision beyond doubt, the words, "decline to issue such a warrant" have been inserted so that the court can see quite clearly that it is a permissive power and it does not have to issue a warrant in every case.

Finally, as the Minister has indicated—

The Director or some officer of the Department may be present at, and if present is entitled to be heard on any matter concerning, any proceedings brought before a court pursuant to subsection (4) of this section.

It is necessary to insert those words, because this person is no longer subject to the Child Welfare Act in the sense that the person is no longer a child under the provisions of the Act.

The Hon. L. A. Logan: That deals with it generally.

The Hon. I. G. MEDCALF: Yes. So, in effect, it does make it quite clear that the court or the department is entitled to be represented and to give some evidence which may well be favourable to the child. On the other hand, it may well be unfavourable, but the department is entitled to be heard and the provision does give a measure of protection. I frankly admit there is a measure of protection implied in this proposed new subsection. I merely draw the attention of the House to it.

I sometimes wonder whether it is intended that a person who is a child under 18 years and who has not paid a penalty, should be committed to prison, or whether there is not some better way of dealing with a person who is still of tender years. However, I appreciate there are, undoubtedly, some young people who would not co-operate even if they were given the chance. Nevertheless I am not at all happy in my mind that, in all cases, the alternative should be imprisonment for persons who have been fined or suffered some penalty when they were in fact children under the age set out in the Child Welfare Act.

THE HON. F. R. H. LAVERY (South Metropolitan) [7.53 p.m.]: I wish to make some remarks covering a rather wide field, although they are related to the Bill. With your indulgence, Sir, I would like to comment on some of the institutions which are covered by the Act. Firstly, I want to draw attention to an item which has already been mentioned by the previous speaker; namely, as I read proposed new subsection (3) in clause 5, it means that once a person who has committed an offence becomes 17, and before he is 18, he is liable to pay a penalty of a fine prescribed by the court, and if he fails to pay that fine before attaining the age of 18 years he shall be brought before the court and committed to imprisonment. I cannot agree with that provision.

The Hon. L. A. Logan: What would you do; let him off? No-one will pay his fine in those circumstances.

The Hon. F. R. H. LAVERY: No. If I am only 17 years of age and the court makes an order against me, after a

decision has been reached, circumstances may apply where I am unable to pay the fine imposed. By this time I may have reached the age of 18, and immediately a bench warrant or something of that nature can be issued against me. I cannot agree with a provision such as that.

I now wish to speak about the existing position in relation to the housing of children who have been charged with various offences. I hope the Minister will not blush at what I am about to say, but during the past 18 years, since I have been in Parliament, it is my opinion that this State has been blessed with the type of men who have been appointed as Minister for Child Welfare. I refer to The Hon. Arthur Watts, who is now retired from Parliament; The Hon. A. R. G. Hawke, who was also a Premier of this State, and, of course, The Hon. L. A. Logan, the present Minister.

I also agree with the remark of the previous speaker in that the department has had some extremely fine officers, but because of the lack of finance, increased population, and the greater opportunities children have to commit misdemeanours, I do not suppose the present would be a likely period in which there would be sufficient institutions established to house various types of offenders so that they could be given the type of education that would be of advantage to them in the future.

I now want to speak of four institutions which the Bill will affect when it becomes operative. First of all I refer to Longmore, a modern institution at Bentley, to which young children who commit certain types of offences are sent. They are held at that institution for about 30 days, during which period an assessment of them is made to ascertain what has caused them to commit the offence; to ascertain whether they have a mental deficiency; or whether the trouble lies in the home, at the school, or at the places where the children may play.

Having visited Longmore more than once, and having been involved in a couple of cases where children had committed offences and been sent to that institution, I think it is a credit to those who brought the relevant plans for Longmore into being. I can only hope that the Act will be widened to cover children of a greater age. At present I think they are admitted only up to the age of 12.

The Hon. L. A. Logan: There are 64 children there.

The Hon. F. R. H. LAVERY: I am referring to their age. I think the institution caters only for children up to the age of 12 years. Of course, there is the other side of the picture in the form of Riverbank where young, wild men are sent. We know that one of the dreams of

the Minister and the officers of his department is to establish another institution similar to Riverbank where young girls can be committed.

What I want to refer to mainly is the new group of buildings that has been erected at Applecross, called Bridgewater. These buildings are situated on an area of land taken up many years ago by the Child Welfare Department.

I think the Minister for Works at the time was The Hon. J. T. Tonkin. Over the years the people of Applecross had the idea that this would be another Riverbank, or similar type of institution. I was involved in this matter quite a bit, but the set-up of cottage homes in this area has much to commend it. To those members who have not seen these homes, particularly country members, I suggest that they make an inspection of them. They will be able to see the way in which the children are being looked after by cottage fathers and mothers. These are children who are not wanted by their parents, or who are orphans. I do not think that the set-up could be bettered.

I would not like this Bill to go through without taking this opportunity to point out, as the member representing the Applecross area, how successful this group of buildings, the planning, and the operations have been in a short space of time. The superintendent has told me that he would be pleased to show members over the place, and that he would make arrangements if they would contact him by telephone. I offer this as a general invitation to members, particularly country members. With those remarks I support the Bill.

Debate adjourned, on motion by The Hon. J. M. Thomson.

LAND ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 11th September.

THE HON. F. J. S. WISE (North) [8.2 p.m.]: This Bill to amend the Land Act presents five or six proposals in the different amendments involved. It is strange that this Bill also deals with section 41, as did the Forests Act Amendment Bill. The first principle in this Bill deals with blocks of land remaining unsold at auction which, under the terms of the Act as it now stands, will be available for purchase at the upset price for a period of 12 months. Under the existing circumstances of high demand for land it is thought that such a period involves the prospect of speculation, and of land lying idle, because in many instances in the case of suburban or other town land we have to seek advice from the land office as to what is available from an auction previously held.

The proposal in the Bill is that within 14 days after auction, lots may be withdrawn from sale. I think there is something in the contention that a proposal such as this gives a better opportunity to control price changes and the availability of land to persons who are desirous of building under the conditions applying in section 41A. These are very different from the provisions in section 41; and it means that land submitted by the Lands Department for sale by auction on terms may be acquired on a deposit of 10 per cent, on the fall of the hammer, and such deposit is to be considered as part payment of the purchase price.

It is proposed in the provision in clause 3 that a refund of moneys may be made where an application has been lodged for land previously available through auction. So when section 41A is amended by the addition of new subsection (4), it will mean that where blocks are unsold and persons have applied for the land, the provision in proposed new subsection (5) will enable the deposit of the applicant who purchased the land to be more easily refundable than it is at the present time. It is a most difficult task to have refunds made by any department, no matter how valuable the deposits might be. I am sure members have had experience of this. The provision in clause 3 will simplify the position, and I think the intention is good and valid.

The next provision in the Bill applies to lots which are forfeited because of non-compliance with the conditions. Members no doubt have knowledge of land which has been sold subject to a license to do certain things with that land within a specified time. What the Minister is seeking in clause 4 is that where land has been sold under license with the responsibility for certain things to be done by the purchaser, if the failure of the purchaser to fulfil the requirements under the license can be justified, and if the circumstances are unforeseen, the money given as part payment for the purchase may be refundable, as the Minister thinks fit.

These may appear to some to be rather generous terms to apply to persons who have contracted to do certain things with the land they purchased, the requirements of which they have not complied with; and for such moneys paid as deposit to be refunded. I think in reality it presents quite a satisfactory approach to what could be a harsh provision, because very many people have had experience of the inability of purchasers to comply with the requirements of the Lands Department under the license—and quite validly—and of the difficulty they experienced in having the high deposits refunded to them.

I think that where a person has acted in good faith and is able to justify to the Minister that the circumstances were beyond his control, it should be left to the

discretion of the Minister, because all of us who have knowledge of this from having served long terms as Minister for Lands will agree that such a case can be left to the Minister's discretion.

The Hon. L. A. Logan: The land has to be sold again as a safeguard.

The Hon. F. J. S. WISE: That is right. That is the condition in paragraph (b) of proposed section 42A.

The next amendment which the Bill proposes affects section 38 of the Land Act. This section insists that all land submitted by the Crown as town lots shall be sold by auction. New section 45B provides that land may be made available by the Crown if it is advertised in the *Government Gazette*, and in such circumstances the land may be made available in fee simple. This is a departure from the rigid principles in section 38 to which I have referred; and when applications are lodged—if there are two or more for the same area—they shall be judged to have been received on the same day. So there is a provision for equality of time in applications. That, too, is something which is best specified in legislation of this kind.

The final provisions in the Bill are interesting. One of them deals with a subject which in the past had been very contentious. Members representing country constituencies, especially those in the higher rainfall areas, are aware of cases where properties considered in years past to be economic units have proven—because of the nature of the industry for which they have been used—to be not as lucrative as at first thought; and it is therefore necessary to have an additional area added, wherever practicable, and especially if the additional area adjoins the first subject area.

Many members have found that problem to be a difficult one. In experience we have found that land boards, considering cases of very worthy young applicants already in possession of a farm of a restricted area, have not allocated additional land because in their opinion the land requirements of the applicants had already been met.

This provision in the Bill is an important one, because it endeavours to ensure that where there is any marginal prospects so far as an economic unit is concerned, not only will the applicant be entitled to apply for the adjoining land but also, when blocks are so conveniently situated—in some cases they may be a mile or two away—that they can be used as one holding, they can be applied for. The particular words used in the Bill in relation to this are—

and also land which is so situated in relation to the lands open for selection that the Minister is of the opinion

that the land and lands open for selection may be conveniently worked as one holding.

So it applies to land in reasonable or in close proximity to the land possessed by the applicant. I think this is a good provision.

It works somewhat in reverse where persons are large holders of land, but who very rarely disgorge their land. Where adjoining uneconomic units obtain, it is usually the small man who is swallowed up by the larger landholder. It is pleasing to me to see provision being made in the Bill for these worthy small landholders—many of them sons of farmers who are seeking more land in the vicinity—to acquire more land; and this provision will enable them to do that.

If I may digress, in the case of the pastoral areas I am all for land being taken from the million-acre holdings and given to the man holding 100,000 acres who is working a property as a family unit. In this way some of the unused country of the vast properties could be added to the holdings of those who to me are the salt of the earth—people who are permanently resident with their families on those smaller holdings. Therefore I hope the attitude that is implicit in this clause is one that will be observed in respect of the suggestion that an area that is considered not economic should be destroyed by having it absorbed into the larger million-acre holding close to it. In my view the opposite should happen. Some parts of the larger holdings should be joined onto the smaller properties. I would like to see much more of that obtain in the pastoral areas instead of squeezing out the small man.

The Hon. W. F. Willesee: There is no harder worker than the man you have mentioned.

The Hon. F. J. S. WISE: And there is no better citizen. They are the people who have their children educated under great disabilities. Those children, as a rule, are willing and anxious to return to the remote areas and live as their parents did in a pioneering atmosphere.

The last provision in the Bill provides that before a Crown grant can be given, especially in conditional purchase country—and this clause refers particularly to C.P. leases—an adequate water supply shall be provided. Whereas in earlier days the Land Act specified that before a Crown grant was given, development, fencing, clearing, ploughing, cropping, and so on had to be proceeded with, this measure proposes that there must be adequate provision for water as well.

Water is life for both humans and animals and, when the Bill is passed, subsection (4) of section 47 of the Act will provide that no Crown grant will issue in respect of any lease unless provision is

made for water. The provision of water is considered to be so imperative that after the Bill becomes law, no matter what improvements have been made, unless there is adequate provision for water, no Crown grant will issue.

That is my analysis of the Bill and I can see much to commend it. I do not intend to delay its passage any further but simply say that I support it.

THE HON. V. J. FERRY (South-West) [8.19 p.m.]: I rise to support the Bill. I suppose the Land Act is one of the most important pieces of legislation that we have on our Statute book and I do not propose to speak at length tonight on the Act itself but simply to make some comments on one or two provisions in the measure before us.

I commend the Government for what appears to me to be tidying up a situation in respect of lots unsold in towns or suburban areas. I realise there has been a great deal of difficulty over this sort of situation for some time and that under the existing provisions certain areas have in fact been held back from development. This applies particularly, to my knowledge, in some coastal resorts where certain relatively small resorts have had their development stifled by the present situation. Therefore I believe that the amendments in the Bill are timely.

I would like particularly to comment on two provisions in the Bill; one applies to adjoining owners, or landholders, within a reasonable distance of land being thrown open for selection. The second point is in reference to the provision of adequate water on certain blocks. I know, and I am sure many other members know—and Mr. Wise certainly would have a great knowledge of this matter—that smaller farming areas have been stifled because they have had no latitude in which to develop. I think in this regard Mr. Wise referred to some areas in the south-west and with his remarks I concur.

Many of the small subdivisions in the south-west of this State are a legacy of the earlier group settlement days and because of this I believe the amendment in the Bill is quite a good one. Under the Act at present areas up to a total of 500 acres of Crown land may be made available to adjoining landowners. It is apparent that there are some landowners in a number of districts in the south-west, particularly, who could be and are precluded from applying for this type of Crown land when it is available for selection, by reason of the fact that they may be separated from it by a relatively small tract of country—in some cases it would be a matter of only a few chains, and in others a little more than that.

In this day and age, and particularly where people are engaged in rural pursuits and are endeavouring to exist on small

rural properties, those to whom I have just referred should have every chance of expanding. Therefore I commend the proposal that where a landholder is within a reasonable distance of land being thrown open for selection he should have a chance to apply on the same terms and conditions as the landholder whose land physically adjoins the area in question.

I believe this is probably an historical departure from what has been the case in the past, and I commend it, because I believe it is an enlightened move in an effort to try to help those engaged in agriculture in this State.

The last point to which I wish to refer is in respect of providing adequate water on certain conditional purchase blocks if so required by the Minister. In view of the fact that we in this State at this very moment are experiencing what may be one of the worst drought periods in our history, it rather surprises me to think that we have waited until 1969 to introduce the provision. We well know the value of water and I would think that the provision of adequate water on any rural holding would be a prime requisite and it would be just as necessary, if not more so than fencing or maybe some additional pasture.

The Hon. W. F. Willesee: It has not been the case before, though.

The Hon. V. J. FERRY: No.

The Hon. W. F. Willesee: In fact, people have gone broke chasing water.

The Hon. V. J. FERRY: That is so. In this case it is at the discretion of the Minister and it will not be insisted upon in every case. It is a discretionary power and I believe it will be used in that context. With those few remarks I support the Bill.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.25 p.m.]: I intend to speak only in respect of the last clause in the Bill, and I make particular reference to the word "shall" in relation to an adequate water supply. The clause proposes to add certain words to subsection (4) of section 47 of the Act, and these words include the following:—

... the lessee shall provide an adequate water supply before a Crown grant is issued to the lessee under subsection (5) of this section.

I have had many dealings with the Lands Department in the last 10 to 12 years and, from the Minister down, every consideration has been shown to me, and I know the same applies to every person who has a conditional purchase block, provided he makes a reasonable attempt to carry out the requirements laid down in regard to fencing, and so on. However, I do not think we ought to apply our thoughts only to the present time. I am thinking of the future—to the days when perhaps I shall not be on this earth.

What is "an adequate supply"? The Bill leaves the position as wide open as the Indian Ocean, in which there is a fair amount of water—water that cannot be used except for certain things. We have only to look at the millions of dollars that have been spent on sinking dams all over the State, particularly in the south-eastern area where new land development has taken place.

As regards the reference to an adequate water supply, how will it be provided? Do the lessees have to bore for it? Do they have to bring it over certain distances by a pipeline, or does one have to trust to the elements? If one has to trust to the elements, what about the present situation? We have some thousands of dams with very little or no water in them.

The Hon. W. F. Willesee: You cannot legislate for droughts.

The Hon. F. R. H. LAVERY: How does the provision in the Bill protect that situation?

The Hon. V. J. Ferry: It would be a matter of discretion, would it not?

The Hon. F. R. H. LAVERY: That is so, and while the present officers remain in the department I am not so worried about the position. However, I am worried as to what will happen in the future.

The Hon. A. F. Griffith: What alternative word would you suggest?

The Hon. F. R. H. LAVERY: I am concerned about the words "adequate water supply." I have heard debates in this House over what certain words mean. Some of those debates have gone on for hours.

The Hon. A. F. Griffith: What word would you suggest?

The Hon. F. R. H. LAVERY: What would the water supply have to be adequate for? If a dairying property were involved it would be a matter of common sense. The water supply would have to be sufficient to provide for the dairy. With sheep country sufficient water would have to be provided for the sheep running on the property. However, I am sure that even with the knowledge that Mr. Wise has, and other members have, it would be difficult to define what the word "adequate" means. The provision leaves the matter wide open.

I am quite happy to support the Bill because I think it is a good measure, but the provision to which I am referring does worry me. At first I did not notice the word "shall" but when I did I started to think about the position of what is "an adequate water supply." It is all very well for the Minister for Mines to ask me what I think. He has some mines under his control in which there is too much water and he would do anything to get rid of it. He has more than an adequate supply in those cases.

He could open up some very big mines in Western Australia—and some have been opened up—if he could get rid of the water. I heard a whisper on my right to the effect that an adequate water supply would be so many gallons per animal, or so many gallons per human being. If this is what is meant, why not say so? It does not say that in the Bill.

I am not upset over this clause, but I would like to see this done because once something goes into the Land Act it is very carefully adhered to. The Land Act, as has been said by other speakers, is probably as important as any other Act in this State. It provides for people to have the sole right to the use of their own land, although in an area in my electorate which is embodied in the Kwinana settlement the people do not know whether they have any rights or not at the moment.

However, getting back to adequate water supplies, I would like the Minister, when replying to this debate—or even later, at the third reading stage—to give a definition of the term “adequate water supply.”

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [8.31 p.m.]: I would like to thank those members who have supported this measure. I think it is fair enough to say that knowing how Mr. Wise zealously guards the Land Act, his support of this Bill is very much appreciated. I think Mr. Lavery was jumping around a little when he talked about the word “shall” because if he goes through the Land Act he will find the word “shall” is used all the way through.

The Hon. F. R. H. Lavery: I was referring to the word “adequate.”

The Hon. L. A. LOGAN: Of course, this amendment involves the addition of words, which are already included in other sections of the Land Act. In part V of the Act section 47 (4) (f) states—

The lessee—

- (i) shall provide an adequate water supply within the first two years of the term of the lease, if required by the Minister to do so;

So in this Bill we are using virtually the same wording as appears in another part of the Act.

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.

ORD RIVER DAM CATCHMENT AREA (STRAYING CATTLE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

THE HON. F. J. S. WISE (North) [8.36 p.m.]: This Bill is quite clearly to make provision to permit the former owners to muster for an extended period on the property which is the subject of regeneration in the soil eroded areas and potential soil eroded areas of the Ord.

I will deal firstly with the proposed amendment to the schedule which is contained in clause 3 of the Bill. I examined the *Government Gazette* today and found that in the case of paragraph (a) of proposed part II of the schedule, the area referred to is the pastoral property known as Gordon Downs. Of that property 30,000 acres was the specified area over which mustering could proceed during the regeneration process. I would mention to the House that Gordon Downs is well south of the major part of the headwaters of the Ord; indeed it adjoins the edge of the desert at its southern extremity, and adjoins Crown land which is north of that area and which members have heard of in this Chamber—Balgo Mission. It is as far south as that.

However, I think it is a very wise provision to add to the area previously specified; and this addition is 400,000 acres in the particular area governed by the Bill.

Paragraph (b) of proposed part II of the schedule deals with a part of Lissadell Station, which is one of the oldest of the station properties on the Ord. Indeed, it was to Lissadell that one section of the Durack family journeyed at the end of that remarkable trek late last century—about 1885. In more recent years Lissadell Station came to the ownership of the Naughton Estates. In the designing of the parent Act, the Ord River Dam Catchment Area (Straying Cattle) Act, of 1967—which this Bill amends—great care was taken in dealing with that part of Lissadell which abuts on to the Ord for many miles. Care was also taken to specify certain areas from which stock had to be removed, and that section deals with Lissadell and Dixon Road.

Paragraph (c) of proposed new part II of the schedule deals with that pastoral region formerly owned by Vesleys and known as Flora Valley, to which the Crown has paid particular attention in recent years. I wish the Minister had given the House the benefit of a scrutiny of a plan of these areas. I think it is most warranted, and it is a sad omission because members would be able to see at a glance, if a plan were submitted with a Bill of this kind, just how far the provisions being made by the Department of Agriculture go to avoid the dreadful happenings of past years due, in the main, to overstocking.

This Bill, in going as far away as it does from what we recognise to be heavily eroded areas, is another indication of the

progress being made and the work being carried out by officers of the Department of Agriculture. I commend those men heartily for their activity and the work they have done in the process of regeneration. Many members present have flown over that country, and I hope that they will do so again and see pasture on the ground before very long. I propose to be there myself in November. I repeat: It is a remarkable tribute to the men who have handled this very difficult prospect.

There are areas which I have described in this Chamber as having changed from cattle pads in the 1930s to chasms which would easily swallow this Chamber in the late 1950s. The whole of this Parliament House would disappear in some of the gulleys eroded from cattle pads of 30 years ago. Therefore it is of national importance to realise what has been done in that area. I think it is most necessary for members who have an interest in this subject to realise how fortunate we were that in the 1920s—or just before; from 1918 to 1920—the first sign of buffel grass was found at Port Hedland, after having been brought in in a camel pack.

There is another plant much talked about now which is likely to be a saviour in the tropics which are almost empty of natural leguminous crops, and that is Townsville lucerne. I know that the first seed of this plant was brought to this State in the early 1920s in a matchbox, and it now obtains over wide areas of the tropical north of Australia, in Kalumburu, in the main streets of Broome, and also in Derby. It is harvested for hay crops. It has to be seen to be believed to appreciate what Townsville lucerne has done at Katherine and Adelaide River in the Northern Territory.

So I repeat something which I said many years ago: It is within the competence of one plant brought into this country at the right time to mean so much to our pastoral industry that everyone engaged in it is assured of prosperity. I think the work that has been done in this direction throughout the years by the Department of Agriculture is very heartening. The search still goes on, whether it be in humid climes similar to ours, with rainfalls comparable with our own; or whether it is in Israel or north of the Sahara Desert. Any semi-arid country is a field for search and research to bring plants into this country. I suppose I am digressing but this all has to do with the regeneration process which is taking place.

This Bill provides that on and after the first day of January, 1970, unless the cattle on the country subject to regeneration are mustered by the people who formerly owned or, indeed, still own them, they become the property of and are vested in the ownership of the Crown. Of course, the 1st January is a time when no

mustering will be possible. One cannot muster anywhere in the Kimberley at any time between November and the end of March because of the heat and rainfall circumstances. However, the 1st January was the date selected and after that date any cattle not then mustered will be at the disposal of the Crown.

I am going to digress again, with your permission, Mr. Deputy President. In 1952 the Northern Territory Administration resumed from Victoria River Downs Station an area large enough to make four stations. These people were given two years in which to muster in the area—so I am able to tie this in with the Bill—and after two years the Administration was advised their claim on the cattle had been renounced; they had no further interest.

The four properties in question were allotted—three to returned servicemen and one to a Northern Territory identity versed in cattle raising. It is interesting to observe that without the introduction of more cattle on two of those properties they have been built up to stations of heavy carrying capacity. The people concerned did not breed from a mule or a mule team; they bred from the cattle left after two years of mustering.

While this will not obtain on the headwaters of the Ord, it is a remarkable thing that parts of these areas in which the cattle were raised are almost inaccessible; the beasts only come out periodically; and then it is the older ones which are marketed.

In this case I am sure the Crown will find that there are a number of cattle which it has not been possible to muster. Unless one has visited this sort of territory and is able to visualise how difficult is the terrain adjoining the river flats it is not easy to understand how so many cattle can get away.

I am pleased with the provision in the Bill because it will help to create newly-cropped country; it will provide new growth in country which will be protected from the ravages of cattle. I most fervently hope that the people who were responsible in the main through selfishness and overstocking for the condition of the country will not be given this land once it is regenerated.

It is important that this country be as productive as it was well into the 1930s. A short while ago the Antrim Plateau had become as bare as the floor of this Chamber and yet in earlier years one could not see a motorcar from 20 yards because of the prolific growth of grass.

I hope the department will be able to concentrate not only on the properties at the headwaters of the rivers to be used for irrigation, but that individual properties may also be handled to the best advantage. There is scope there for years of work if

the owners or holders of the leases will become interested in the reclamation or regeneration of the country which they cannot now use because of soil erosion. There are many properties so affected, especially where there is an outflow of rivers.

There are two properties to the north of the Canning stock route where the Sturt River, in particular, empties which will soon be the subject of heavy erosion unless something is done.

Accordingly I hope that any extensive work which will be done by the Department of Agriculture in this connection will not merely apply to vast areas in which the Crown is interested as a result of irrigation works, but that it will also apply to individual properties, because there is already a great need for attention to be given to such places.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.50 p.m.]: I thank Mr. Wise for his support of the Bill. I think the suggestion he made about the provision of a map is a very sensible one and I will certainly bring this to the attention of the Minister for Lands should any similar Bills be introduced; because, as Mr. Wise has said, it would give us an idea of the area we were discussing.

Like Mr. Wise I hope the regeneration of the areas that have been ravaged will proceed through the work done by the officers of the Department of Agriculture. I again thank the honourable member for his support of 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.

House adjourned at 8.53 p.m.

Legislative Assembly

Tuesday, the 16th September, 1969

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

WOOROLOO HOSPITAL

Closure: Petition

MR. McIVER (Northam) [4.32 p.m.]: I present a petition containing the signatures of 10,000 people in Western Australia in opposition to the closure of the Wooroloo Hospital. I certify that the petition conforms to the rules of the House, and it is signed accordingly.

The petition having been read,

Mr. McIVER: I move—

That the petition be received.

Question put and passed.

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

QUESTIONS (21): ON NOTICE

1. TRAFFIC

Motor Vehicle Drivers: Eye Tests

Mr. GRAHAM asked the Minister for Traffic:

(1) Has he seen the July copy of the Australian Road Safety Council report which states that in the United States of America of some thousands of motor vehicle drivers subjected to a one minute eye test, 23 per cent. failed to meet the minimum vision requirements and as a consequence had their drivers' licenses immediately revoked?

(2) In view of this experience, is any consideration being given to periodic eye tests in this State?

Mr. CRAIG replied:

(1) Yes. The article refers to only one State of U.S.A., Massachusetts.

(2) No. However, in Western Australia an eyesight test is carried out—

(i) Where a motor driver's license has lapsed for twelve months or more.

(ii) Before re-issue of a cancelled probationary license.

(iii) When retesting persons over 75 years of age.

(iv) Where the physical condition, such as the result of injuries from an accident, may come under notice.

(v) Where information is received justifying such action.

2. INDUSTRIAL DEVELOPMENT

Nickel Refinery: Effluent

Mr. RUSHTON asked the Minister for Industrial Development:

Are any revised plans under consideration for the handling of effluent from the Western Mining Corporation Nickel Refinery?

Mr. COURT replied:

Revised plans for handling residues from the Western Mining Corporation Nickel Refinery have received favourable consideration by the Government Chemical Laboratories, Public Health Department, and the Metropolitan Water Supply, Sewerage and Drainage Board.