Mr. CRAIG: It is unfortunate that the honourable member has adopted this attitude because when I give an undertaking I stand by it. All I can do now is to give my interpretation of it. I said earlier that I felt the matter warranted some explanation from the draftsman as to the reason for wording the clause in this fashion. However, I come back to my original explanation and trust the Committee will accept it.

The member for Victoria Park quoted the existing section 80 of the principal Act and said it more or less runs into one long paragraph and includes the provisions of this clause. The last part of the existing section 80 states—

> Provided that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of; nor to any trespass, not being unlawful or malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not been passed.

That is more or less condensed into what is contained in the clause before us. It has been redrafted in the terms of proposed new paragraph (2) (b) in the Bill. I undertake to obtain for the member for Victoria Park an explanation from the Parliamentary Draftsman.

Mr. JAMIESON: I would remind the Minister that there is no suggestion of trespass in the clause to which we are referring.

Mr. Craig: It does not need to be there.

Mr. JAMIESON: That is the difference; the damage is done without trespass. If the damage is done with trespass it is an entirely different situation. If people damage things without trespassing I think some action should be taken against them.

Mr. Craig: That is covered in other sections of the Act in relation to trespass.

Mr. JAMIESON: The Minister quoted the existing section which deals with the matter of trespass. This clause does not deal with trespass; it deals with the matter of malicious or wilful damage that might be done by a person. I think it is difficult for us to say we will agree to it because the Minister wants it done this way, and that we can come back to it another time. The Minister said he will look into it, and we have to take him at face value. I hope he will tell the draftsman that the situation is confusing the legislation, and I hope we have a chance to look at it again if the explanation of the draftsman is unsatisfactory.

Clause put and passed.

Clauses 8 to 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.38 p.m.

Legislative Council

Tuesday, the 3rd November, 1970

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

BILLS (4): INTRODUCTION AND FIRST READING

1. Commonwealth Places (Administration of Laws) Bill.
2. Disposal of Uncollected Goods Bill.
3. Sale of Land Bill.

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

4. Poisons Act Amendment Bill.

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

QUESTIONS (5): ON NOTICE

1. AUTOMATIC TELEPHONE

Carnarvon

The Hon. G. W. BERRY, to the Minister for Mines:

When is it anticipated that the automatic telephone will be operating in Carnarvon?

The Hon. A. F. GRIFFITH replied:

It is anticipated that the automatic telephone exchange will be brought into use in Carnarvon during February, 1971.

2. POLICE

City Discotheque

The Hon. R. F. CLAUGHTON, to the Minister for Mines:

(1) Is it a fact that a non-profit discotheque conducted by the Anglican Church in the interests of youth, has been closed because of lack of police supervision?

(2) Was police supervision requested by the organisers of the discotheque?

(3) Was this request refused?

(4) Do the events leading to the closure of the discotheque indicate that city police patrols are inadequate to protect the Public?

The Hon. A. F. GRIFFITH replied:

(1) No.

(2) Yes.

(3) No.

(4) No.

3. CARAVAN PARKS

Duration of Tenancy

The Hon. CLIVE GRIFFITHS, to the Minister for Local Government:

Further to my question No. 2 of the 21st October, 1970, would the Minister advise—

(a) How many appeals have been submitted for permission to remain in a caravan park for a period longer than three months since the 21st October, 1970;

(b) how many of the appeals have been—

(i) upheld; or

(ii) rejected; and

(c) in which caravan parks were the appellants resident?

The Hon. L. A. LOGAN replied:

(a) 79 received at Local Government Department.

(b) (i) Nil.

(ii) Nil.

(c) Perth Caravan Park, Caravan Village, Karratha Caravan Park, Glade Caravan Park, Coogee Caravan Park, Kinburn Caravan Park, Palm Beach Caravan Park.

4. EDUCATION

School Aids: Outer Areas

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

In view of the Government's proposed policy to provide various teaching aids, including television sets, to Government schools, and because many schools are in outer areas of the State where television is not available, will consideration be given to providing these schools with a film projector and other necessary equipment for showing educational films?

The Hon. A. F. GRIFFITH replied:

Visual Education equipment will continue under subsidy pending the outcome of a current Departmental survey.

5. LOCAL GOVERNMENT ACT

Caravans

The Hon. CLIVE GRIFFITHS, to the Minister for Local Government:

Further to the reply to question No. 5 on Thursday, the 22nd October, 1970—

(a) which Local Authorities had, up to the 31st August, 1970, adopted the Model By-law which restricts the parking of a caravan to a three month period on any one caravan park in any one year; and

(b) what are the dates on which these Local Authorities adopted the By-law?

The Hon. L. A. LOGAN replied:

(a) and (b) Cities—

Nedlands 21-6-62, Subiaco 8-11-62.

Towns—

Albany 31-8-62, Bunbury 28-3-62, Claremont 29-12-61, Geraldton 17-8-66, Kalgoorlie 18-4-62, Mosman Park 18-4-62, Narrogin 16-4-64, Northam 7-2-63.

Shires—

Albany 20-3-63, Ashburton 12-3-63, Augusta-Margaret River 5-7-67, Bayswater 2-7-62, Belmont 3-7-63, Boulder 2-7-62, Boyup Brook 3-9-64, Brookton 19-6-63, Broome 30-9-66, Busselton 25-1-62, Canning 12-10-66, Capel 27-11-69, Carnamah 21-5-68, Carnarvon 17-12-68, Cockburn 20-9-66, Coolgardie 8-2-67, Cunderdin 23-6-64, Dalwallinu 22-1-69, Dandaragan 23-7-62, Dardanup 30-12-63, Denmark 3-12-63, Donnybrook 12-3-63, Dundas 23-4-63, Esperance 23-7-62, Exmouth 29-4-64, Gingin 13-6-62, Greenough 16-1-63, Gnowangerup 1-10-64, Gosnells 1-8-62, Hall's Creek 29-8-63, Harvey 9-3-66, Irwin 29-12-61, Kalamunda 13-7-67, Katanning 23-10-69, Kellerberrin 3-7-63, Kondinin 15-5-67, Kwinana 21-6-62, Lake Grace 10-4-69, Leonora 16-11-66, Mandurah 11-8-64, Manjimup 6-7-65, Marble Bar 13-5-64, Meekatharra 28-2-64, Merredin 3-12-63, Mingenew 17-8-66, Moora 18-7-63, Mt. Marshall 20-1-66, Murray 28-3-62, Narembeen 14-4-65, Northampton 25-1-62, Nullagine 8-7-64, Perenjori 12-10-65, Plantagenet 18-2-65, Port

Hedland 10-12-64, Ravensthorpe 25-10-67, Roebourne 26-2-65, Sandstone 9-3-66, Serpentine - Jarrahdale 22-1-69, Shark Bay 16-1-63, Swan 21-3-62, Tableland 11-8-64, Upper Gascoyne 10-1-66, Wanneroo 30-6-63, Waroona 23-4-69, West Arthur 5-7-67, West Kimberley 3-4-63, Wickepin 7-3-69, Williams 16-12-65, Wyndham-East Kimberley 3-9-64.

EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 28th October.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.45 p.m.]: This Bill seeks to make three substantive changes to the Education Act; firstly, by an alteration to the arrangements for the payment of subsidies for various items purchased by parents and citizens' associations for State and independent schools; secondly, by providing that children with less than three years' attendance at secondary school may leave school to attend a business college; and, thirdly, by providing for the advertising for staff for teachers' training colleges. The Bill also contains several other amendments which are mainly consequential. For example, clauses 2, 4, and 5 are consequential amendments.

Clause 3 contains the provision concerning the subsidisation of certain items for use in schools. This is to be done by deleting references to the types of equipment, appliances, and other things for which the Minister may pay subsidies, and providing instead for a lump sum payment to be made. When introducing the Bill the Minister was rather parsimonious about the information he gave. Although we were told the amounts to be paid to individual schools, we were given no indication of the amounts the schools will receive under the new system, as compared with what they received under the old system.

This would have been of help to members in assessing the value of the proposed changes. It is not difficult to understand that the needs of schools vary; some schools, of course, are very well equipped whilst others are poorly equipped. So the amount of money to be paid under this arrangement will mean more to some schools than to others. Although we cannot say that the new arrangements will not be of great assistance to the schools concerned, I consider it would have been much better to make a study of the needs of the various schools, and make payments accordingly. This would have taken a good deal longer, of course. Although the present proposal probably required much less thought and trouble and was an easy way of taking care of a difficult situation, I do not feel it advances the cause of education a great deal.

It has long been the policy not only of the Labor Party but also of the Teachers' Union and the parents and citizens' associations to have a thorough investigation made of the entire school system in Australia with a view to ensuring that payments are made where the needs are greatest.

We might say, therefore, that the provision before us is a sop; it does not really tackle the problem which is faced by the schools. There was some reference to the payments to be made to the independent schools, but we were not told whether the same system will apply to these schools as will apply to the State schools. I hope the Minister will enlighten us on this matter when he replies to the debate.

It would have been a much more satisfactory solution, in many ways, had the Government assumed the responsibility for providing the equipment which was previously subsidised to the schools concerned. Where such equipment was not installed the Government should have ensured that it would be installed, after which, perhaps, it could make payments to cover those items which were not previously subsidised.

At the moment we can only support the amendment in the hope that it will improve the present situation; though, as I have said before, members have not been supplied with the type of information necessary to enable them to make a determination on this aspect.

In passing, perhaps I should make some reference to the survey conducted by the Australian Education Council—a copy of which is before us—which purports to make an examination of the needs of the State education system. The same kind of criticism which I levelled at clause 3 of the Bill would apply to that survey. The survey has provided no information at all to those who seek it; it sets out neither goals nor objectives. Although we are supplied with the total sum that will be needed over the next five years, there is no specific indication of the ways in which this money will be spent; nor has any examination been made of the needs for which this money is meant to cater.

In other words, the provision in the clause to which I have referred, and the survey undertaken by the Australian Education Council, merely provide a continuation of the education system as we know it today. No attempt has been made to cure the ills that have been troubling the system over the last 10 years; ills which have led to rather militant action by the Teachers' Union.

The survey I have mentioned also makes reference to teacher training, and an attempt has been made to deal with this aspect in clauses 6 and 8 of the Bill. Clause 6 of the Bill provides for the open advertising of positions at teachers' colleges—instead of teachers' training colleges they are now called teachers' colleges—and clause 8 removes these positions from appeals to the teachers' tribunal. To my mind this is almost an admission of failure by the Education Department.

Before I continue I would like to quote from the Minister's speech and his reference to the need for this change. The Minister said—

> It is difficult to perceive any logic in a situation which precludes them—

That is, the teachers—

> —from possible appointment to our own colleges.

The Minister was referring to teachers from overseas. To continue—

> The present system also results in in-breeding — academically speaking. Practically all of the lecturers in the teachers' colleges are a product of the State system and have had little experience of education elsewhere.

Members will recall that on a previous occasion I spoke along these very lines myself. I referred to the arrangements whereby teachers who return to this State from overseas suffer from a loss of superannuation, sickness benefits, and seniority. They suffer these disabilities because they can no longer claim such benefits when they return to this State. This, of course, makes service far less attractive to them; and this is what the Minister is more or less saying in his speech. In other words, he is confirming what I have said in the past.

I hope, therefore, that teachers who have been away for two or three years will be able to retain the rights to which I have referred as an incentive to encourage them to return to our own education system.

These people would certainly be better teachers after having been overseas, and the Minister recognises this in his speech. We do have an inbred system in this State and experience overseas can only help make those who gain it better teachers. By going overseas they gain experience in different organisations and different methods of teaching; they broaden their background which would enable them to better impart their knowledge, and project a broader view of things. As I have said, the Minister has more or less admitted that the present system is a failure.

I would now like to quote from page 45 of the Jackson report, where reference is made in much the same vein, with a small addition. Reference is made to competition for staff not only with departments of education in other States but also with institutions within our own State. Mention is also made of people who wish to be lecturers at teachers' colleges, at the Institute of Technology, and the technical colleges, and also at the University of Western Australia. The Jackson report states—

> . . . the current departmental system whereby appointment of college lecturers is handled within the context of school teacher and school administrator promotion, and by the unequal competition of other tertiary institutions drawing on the same pool of qualified people—

This would refer to people who have had experience overseas, or to people from other States. The report continues—

> —by open advertisement and with better scales of remuneration.

I would suggest that the latter point is the most important. Not only does the department in this State have to compete with departments in other States, but it also has to compete with other avenues of employment in which there are better scales of remuneration.

Enabling the department to gain staff by open advertising should also enable it to increase the numbers of those who would consider appointments to teachers' colleges. I also suggest that increased scales of remuneration would be an attraction and possibly one that would gain for the department more applicants than it will gain simply by open advertising, because the competition with other States and other institutions will still remain. If the salary scales paid here are below those paid elsewhere our teachers' colleges are not likely to be able to obtain additional staff.

On the other hand, if the department removed the bar on teachers who travel overseas, and did not take away the rights which those who stay here have—one could almost say the less adventurous teachers—it would be more likely to attract those who are overseas back to our education system. A study carried out some months ago by the National Union of Australian University Students indicated that those teachers who remained in Canada did so because of the bar to which I have just referred. Frequently those teachers were people with a number of years' experience and who would be of great benefit to the department here.

In talking of the qualifications of the people applying for positions at teachers' colleges, it is interesting to look at the qualifications some of the applicants have. I would like to quote from a report of appeals regarding positions at teachers' colleges. The references are contained in vol. 60, No. 2, of *The W.A. Teachers' Journal*, for March, 1970. I shall not quote the names of the people concerned but simply the qualifications they have. In each of the cases I intend to quote there were two applicants for the one job.

This in itself indicates there are more applicants than there are jobs. On page 92 of this journal are set out the details of an appeal relating to the position of lecturer II, social studies, Graylands Teachers, College. Both parties possess degrees in arts and education, and the report goes on—

> . . . but in the terms of the advertisement . . . has majors in Anthropology and Geography and relevant qualifications in all of the social studies fields of Anthropology, Geography and History, Sociology, Economics, Politics and Psychology. He has commenced further studies towards Stage 1 of a Master's degree in Education.

The other applicant has a history major, two units of geography, two units of sociology with educational bias, and a unit of psychology. They both have double degrees as well as the other qualifications to which I just referred.

The second case relates to a position for a lecturer III, in social studies at the Claremont Teachers' College. Both applicants hold the required degree with a history major and meet the education requirements with their second degree of B.Ed. The report went on—

> Each is proceeding with further studies . . . in the field of social studies and . . . in the field of philosophy.

I think it should be impressed upon members that the applicants for these positions at teachers' colleges are very well qualified, as the examples I have just read out indicate.

It would rather seem that the department is faced with a difficulty and has looked at the best way it can get around that difficulty. Our party supports the autonomy of teachers' colleges, and I feel it is an essential step in the general advancement of education in our State. However, the present regulations are putting a damper on public discussion on education, and without a free exchange of ideas any study, no matter into what, becomes stultified.

My support for the autonomy of teachers' colleges rests on this point. I believe it is essential for the healthy growth of education to have people feel that they are free to take part in bringing matters of concern in education before the public. Therefore, if this move by the Government is a genuine one it has my total support. I hope the move is a genuine one but I cannot help feeling that it has been brought forward because the department has got into difficulties with staff and it has looked at ways to dress the situation up—by doing what is proposed in this Bill the department can adjust salaries within a particular sector of the teaching service without having to be concerned about what happens to the rest of the service.

In order to attract more people into the teaching service the conditions and salaries need to be improved. However, the Government is not prepared to do this and it looks as though the provisions in this measure are a way to get around it. I hope the charge I am making is not right; I hope the move towards autonomy is a genuine one. However, what autonomy is provided for in this move? Nothing at all. The same bars remain. These institutions do not have any control. Control over the academic standards; control over the quality of the people who wish to enroll in the colleges is autonomy—not what we have in the provisions of this Bill. All this Bill does is to allow the department to offer higher salaries, but only to a sector of the teaching service without, as I said, consequential adjustments along the line.

We have not been given any indication of the number of staff who are likely to be attracted by this move. If the Government is having difficulty we have not been given any indication of the degree of that difficulty. We have not been told what shortages there are, nor have we been told how many applicants the Government hopes to attract by this move. The Government's aim would have sounded much more sincere had it been backed by the type of information to which I have referred.

There is one other change to the Act proposed by the introduction of this Bill —it relates to the reduction of the years of compulsory schooling before exemption may be approved. The change will enable a child to attend other than an efficient school. Efficient schools are those that are listed by the department as efficient schools. Here again, it would seem to be an admission of failure on the part of the department that it is not able to supply the quality of education for a satisfactory training for certain people. I would not oppose this move so long as it is in the best interests of the children concerned, because we are not talking about fourth and fifth-year high school students but children up to third year high school. If a school cannot provide a satisfactory education for certain people then it is not a very good admission.

It is interesting to compare what is proposed with a request made by the Teachers' Union, which is reported in *The W.A. Teachers' Journal*, vol. 60, No. 8, September, 1970. A request was made to the Director-General of Education to change a regulation which prevents children who are older than the prescribed age from attending technical education division classes. In the light of what the Minister is proposing in this Bill, it seems rather odd, because the director-general wrote to the union in this vein—

> A consistent aim of the Secondary Division is to provide as rich an educational experience as possible for all

> students enrolled in Government High Schools. It is considered that for students of secondary age, the high school is the most favourable environment for tuition.

Yet we have this amendment before us which removes a child from the "most favourable environment for tuition."

I do not propose to say any more. I do not really believe we are advancing far along the road for autonomy for our teachers' colleges. I think there were many other ways this could have been achieved. There is not a great deal of harm, and perhaps some good, in other provisions in the Bill, and for this reason I support it.

THE HON. J. DOLAN (South-East Metropolitan) [5.15 p.m.]: I would like to supplement the remarks of the previous speaker by commenting very briefly on two or three of the matters concerned in this Bill.

I think that educationally, as far as teachers are concerned, Western Australia is in the same position as it was in at the beginning of the century when, with the spread of our goldmining industry, the population increased to such an extent that we found our education system was short of teachers. A big recruiting campaign was carried out in the Eastern States, arising from which some of the finest teachers we have ever had in Western Australia were attracted to this State, principally from New South Wales. I instance men like Wallace Clubb and William Rooney, and some of the great headmasters of our large primary schools who came from a great educational institution called Fort Street, in Sydney. That institution had the name in education in New South Wales that Perth Boys' School, Fremantle Boys' School, and similar institutions, afterwards developed in Western Australia.

The proposal to write into the Act provisions regarding appointment to offices on the staff of the teachers' colleges prompts me to recall some of the men who have been running the teachers' colleges in Western Australia. I would like to refer to the gentleman who was the principal when I happened to be at the college—Mr. Rooney. He was not only an outstanding educationalist here but also a lecturer in education at the university. He was later followed by Professor Cameron, who became the Principal of Claremont Teachers' College, and who was also Professor of Education at the university. Those two men came from other States but they were followed by a man whose training took place almost entirely in Western Australia —Mr. Tom Sten. As a principal of a teachers' college, Tom Sten could compare with either of his predecessors or with those who followed him.

When we are looking for a guideline as to who will provide us with the best educationalists, we will find in our own State people who are just as good as those in other States. We can probably find proof of that in the fact that it is not unusual for educationalists to go from here and make their mark in other parts of the world, finishing up as leaders in the profession. In that respect I give the instance of Fred Schonell, who taught at Perth Boys' School and later went to England and became an outstanding man in the world of education; although I do not know whether all of the children who had to learn spelling from his spelling books would agree with me. He returned to Australia and later became Vice-Chancellor of the University of Queensland.

So under the system that prevails in Western Australia we can produce outstanding educationalists. Those we have brought in from elsewhere, when necessary, have been successful and have done a great deal to raise our standards. I hope that will happen in this particular case.

When I first read clause 6 I had the feeling that the draftsman had stuttered a little. Subsection (1) of the proposed new section 10A reads—

> (1) Where a vacancy occurs in an office on the staff of any teachers' college to which section ten of this Act refers, or a new office is created on the staff thereof, applications for appointment to any such office may be advertised throughout such places in the Commonwealth or in the Commonwealth and outside the Commonwealth and at such times, as the Director General may direct.

I think the word "may" could very easily be changed to "shall," which would make it obligatory to advertise these positions in the State so that those who are at present on the staff at the teachers' colleges or those teachers who have outstanding qualifications will have a chance to apply. The director-general could ensure that the advertisements perhaps appear in the *Education Circular*, which is published monthly, so that the local people who are interested would have an opportunity to apply.

The clause relating to the direct annual grants to independent schools, which will operate from the 1st January next year, in place of the subsidy system, has a lot to commend it. There are many schools which, because they are in affluent districts, are able to take full advantage of the subsidy scheme. They can provide the money, which is matched by the Government, to improve their libraries and all the other facilities that are necessary in a school. Under the new system, whereby the grants will range from $300 to $700 a year, according to the size of the school, it does not matter where the school is situated; the children in the schools in the less affluent areas will derive benefit from the scheme.

The Hon. G. C. MacKinnon: It is a fairer system.

The Hon. J. DOLAN: I think it is a more equitable system, and I am prepared to go along with it.

The substitution of the word "two" for the word "three" in paragraph (b) of subsection (4) of the Act does not sound much when it appears in a clause but it means that as long as a child has completed two years of secondary education, instead of three, the Minister can give consideration to allowing him to leave school to go to a business college, for example.

I will give the Minister in charge of the Bill one example to show how unfairly the present provision has operated, in my opinion. A young girl had just finished her second year at secondary school, with a very good record. Her sister, who had preceded her, had been given exemption after two years of secondary education in order to go to a business college. On completion of her business training she joined the staff of the Commonwealth Bank and did very well. The parents, who are of foreign descent, wanted the younger girl to go through the same procedure. Under the existing provisions of the Act she had to make application to the department for exemption in order to go to a recognised business college which had a good name. The application was refused.

I was asked whether I could do anything about the matter. The first thing I did was to approach the principal of the school that she was attending. He was all in favour of her going, and had given his approval. I do not think the application went past the department because the parents received an urgent telegram stating that the girl was to report to school immediately or they would be prosecuted under the Act for her failure to attend school. I thought it was most unjust. The child went to school, with no heart in her work; she was only keen about the business course her sister had done and she wanted to follow the same sort of career.

The proposed amendment will obviate the difficulty. People do not want to be always running to the Minister to ask him to exercise his prerogative. The girl I have referred to spent an extra 12 months at school, which was a wasted year. The next year she went to business college and she is now in good employment. The episode left a nasty taste in the mouths of her parents.

I think the Bill has much to commend it. Mr. Claughton has touched on almost every aspect of it, and there is nothing else I wish to say.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.25 p.m.]: I would like to thank members—and particularly Mr. Dolan—for their comments. Mr. Dolan referred—quite rightly—to the tremendous expansion that has taken place, similar to that in the goldmining days. I was a little struck by his requiring the word "shall" in the proposed new section 10A (1), which alteration would, to my mind, take away a little of the so-called autonomy; whereas the word "may" provides for a sort of local decision.

Mr. Dolan said that he supported Mr. Claughton, who touched on the main items. I did not quite get that impression from listening to the two speeches. I was a little struck by the continuing note or innuendo of distrust which ran, like a thread, through Mr. Claughton's speech, covering virtually every action of the Education Department and every provision of the Bill. It must be borne in mind that it is educationalists, in the main, who advise the Minister for Education in the preparation of a Bill of this nature. I am constantly somewhat amazed at the attitude of some teachers who criticise a department which is largely run by teachers who have graduated through the system and reached a stage where they are advising the Minister on the policy of the department.

There was a great deal of talk on a number of matters which will not be able to be dealt with in Committee. There was no opposition to the Bill but there were some wide-ranging comments. As regards autonomy, I sometimes wonder how much autonomy there can be in an organisation when it does not raise its own finance. It is a very delicate and difficult question for any Government to know precisely how to leave a fair amount of autonomy to a body which must always ask for its finance through some other budgetary arrangements. This matter is being dealt with as well as is possible. I am quite pleased—and I think Mr. Claughton should also be pleased—that someone in the Education Department has seen fit to accept his suggestion and incorporate it in the Bill. I congratulate him on having put forward such a good idea.

There are, of course, staff difficulties at the present time, of which I think anyone who runs any concern, whether it be a department or a business, would be fully aware. I do not know how these difficulties can be overcome. Mr. Dolan gave an excellent example of the benefit that will follow from the reduction from three years to two years. One might say there is an attitude of humanity in this amendment. This will be more apparent in the more remote areas where, contrary to what Mr. Claughton says, it would be quite impossible to set up the sort of class which could cope with one or two children who wanted to concentrate on business training. I think it is reasonable that this exemption should be more easily obtainable so that the children concerned can move on to what is, after all, purely an alternative type of education.

I have mentioned these things because they are matters which are wide-ranging in their effect on the legislation. Perhaps they would be more suitably dealt with in the Committee stage. I thank members for their promise of support.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 10A added—

The Hon. J. DOLAN: I refer to the wording of lines 16 to 18 "advertised throughout such places in the Commonwealth or in the Commonwealth and outside the Commonwealth".

I feel the language could be improved. One of our duties as legislators is to make a clause as easy to follow as we possibly can. As I have suggested, when I first looked at it I thought I must have got into a groove or was stuttering. It makes sense upon close examination but I think the language could be improved a little.

The Hon. G. C. MacKINNON: The original wording in the Bill introduced into another place was "advertised throughout such places in or outside the Commonwealth". I think this wording is very clear.

The Hon. J. Dolan: Yes, inside or outside.

The Hon. G. C. MacKINNON: I expect there must be a special reason for it. Possibly it is merely an exercise in semantics for some legal requirement. The amendment made in another place brought about the words mentioned by Mr. Dolan. Although I assume that there is a special reason, unfortunately I have not made inquiries into that reason. I feel much the same as Mr. Dolan on the wording.

The Hon. J. Dolan: I will accept it.

Clause put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 5)

Returned

Bill returned from the Assembly without amendment.

MARKETABLE SECURITIES TRANSFER BILL

Second Reading

Debate resumed from the 13th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.35 p.m.]: The Minister introduced the Bill some considerable time ago in terms of this session. At the time he prefaced his remarks by saying that it had become evident after three years of operation that minor amendments were necessary to ensure clarity in the legislation and uniformity as between the States for the smooth working of the scheme. In that context, the Minister introduced a measure which will supersede the original legislation. He went on to say that it was preferable to do this rather than to introduce a host of minor amendments to the present legislation.

The Hon. L. A. Logan: There will be minor amendments.

The Hon. A. F. Griffith: I think the Leader of the Opposition will make me smart a little!

The Hon. W. F. WILLESEE: Impossible!

The Hon. A. F. Griffith: No, it is not.

The Hon. W. F. WILLESEE: As a student of the Bill, I will only say that I found considerable difficulty in trying to paste the amendments on the notice paper into the Bill. In the end I found it easier to paste the Bill into the new amendments. In this way, I found that the proposed legislation is comprehensive.

To begin at the beginning, the Marketable Securities Transfer Act, 1966-1967, is to be repealed. This fact, coupled with the amendments on the notice paper, seem to represent an endeavour, in the name of uniform legislation, to bring the law immediately up to date.

If we accept that the measure incorporates principles approved by all States, by the stock exchanges of all States, including Western Australia, and by the Attorney-General of the Commonwealth, we can say that the legislation has come before us with excellent credentials. In this respect we are faced with some difficulty so far as criticism is concerned.

When the Minister introduced the measure he suggested that two items might be termed the main purposes of the new legislation. The first one was the simplified transfer procedure for authorised trustee companies. That simplification will

be effected by regulations which have yet to be published. We assume they will meet with the approval of trustee companies. The second important item was the question of warranty between brokers on an interstate basis. It is necessary to have some clarity for the protection of the transferee from the transferring broker. When we consider the volume of work that would obtain these days on an interstate basis, we realise the importance of clarifying this issue.

I am curious about one point and I ask the Minister whether he will advise the House in his reply: The 1966 legislation included a definition of the term "corresponding law." Parliament saw fit to take out this definition in 1967, but it is now back in the Bill under discussion in exactly the same way as it was worded in 1966. There must be a particular reason for its reinsertion and I would be interested to hear why it has been included.

In respect of clause 5 of the Bill, the Minister mentioned something which I regard as quite important in the day-to-day work of the stock exchange; namely, the daily transference of scrip. His words were—

> The other amendment relates to the signature of the transferee on a transfer of securities with an outstanding liability. At present it is necessary for the transferee to sign the document for the transfer of any shares with an outstanding liability.
>
> The new Act will not require the signature of a transferee in respect of the transfer of shares in a no-liability company.

I pause at that point to say that I think it has been unnecessary at any time to have form three signed in the case of a no-liability company, because there is no liability on uncalled capital in such a company. If brokers have had to fill in this form in the past the work has been unnecessary. The Minister went on to say—

> A large number of shares with outstanding liabilities which, in fact, are shares in no-liability companies, are traded on exchanges. This amendment will therefore be of substantial benefit in speeding up the processing of these shares.

I wish the measure went further and did away with the necessity for a signed acknowledgment on a specific form where outstanding capital is a feature of, even, liability companies. I shall give an example. A person may sell a given number of shares, say, 2,000, and the broker may sell them in five different parcels of 400 shares each. Under the Act it is necessary in each case to fill in a specific form stating that the shares are subject to an uncalled capital issue. I consider it would be sufficient to write into the legislation, "upon the stamp of a broker that this has been brought to the attention of the buyer." This would be sufficient.

As it is, the advice of purchase form from any broker sets out the type of shares purchased and whether they are fully paid, 10c paid, 20c paid, and so on. It would be quite a simple procedure to add to that form which is sent from the broker to the client that certain shares are liable to calls by way of commitment on unpaid capital. I understand that the type of form in question causes many problems between registrars of companies and transferring brokers. In practice, I think it can be said that the procedure is not always followed. In the view of most brokers it is sufficient to draw attention on one parcel of shares to the fact that there is uncalled liability. In most cases people who purchase shares are aware when they buy partly paid shares and immediately they see the advice note that they are liable for uncalled capital.

I hope that some consideration will be given to this in the future when the Minister has a chance to see how the legislation is working so far as the brokers themselves are concerned. Perhaps the Minister, with the help of his advisers, could give consideration to making this a domestic issue with the brokers. Affixing a broker's stamp should be sufficient to validate a subsequent transfer of shares with uncalled capital in a limited company. I think it would be a simple issue and would obviate many problems.

I had intended to bring forward one other point for the Minister's consideration, but I feel it may now be covered in a proposed amendment which appears on the notice paper. For the purpose of clarity, I would draw attention to the fact that where shares are sold and the seller signs form one, which appears in the schedule, great difficulty could be experienced with the details given by the seller when compared with the details in the scrip. I propose to ask the Minister to give consideration to the suggestion that the seller should sign his name with complete detail and in accordance with the details shown on the scrip that he has in his possession.

Obviously, if this were done, especially when the situation involves a family, great difficulty would be obviated, especially when the same initials and the same surname could appear. I think this matter is covered by the first amendment proposed by the Minister which reads—

> A reference in a Form in the Schedule to this Act to the full name of the transferor of marketable securities or rights to marketable securities includes a reference to the name of the person shown in the records of the company or prescribed corporation

that issued those securities or rights as the holder of those securities or rights.

I hope this will be the case, because I feel that if the details of the seller's name are clarified it will minimise simple errors.

I am not one to pick on details, but if we study the schedule which enumerates the forms in the original Act and compare them with the forms that are proposed in this Bill, I think it will be agreed that they lack something.

The Hon. A. F. Griffith: You mean the present proposal?

The Hon. W. F. WILLESEE: Yes. For example, if the form on page 15 of the Bill is compared with the form in the existing legislation, it will be found that the form in present use is much more striking.

On the form signed by the seller, the date of sale has been omitted, and on the form signed by the purchaser, the date of purchase has been omitted. To me, these dates are very important, because at the time the seller transfers his title and his right to the securities by appending his signature to the form, he should affix the date, and the same principle should be followed when the purchaser signs his form. By following this procedure, a comparison of both forms can be made and both the buyer and the seller would have complete knowledge and faith that the transfer has been effected for a consideration. I think that principle should continue throughout the forms set out in the schedule.

Further, if we look at parts 1 and 2 of form one of the Act it will be noticed that the names of the transferor and the transferee are to be given in full, and that both the Christian name or names and the surname shall be in block letters. This may sound elementary to members of the House, but it is most essential in the transfer of securities between brokers that this information be given. If anything I would look for greater clarification and greater detail in a new form rather than, to a certain extent, omitting from the form some of the items which, in the event of a dispute, could prove to be extremely important.

If there is a sound reason for omitting from the form the date of sale and the date of purchase between the seller and the purchaser, I would be interested to hear it from the Minister when he replies to the debate. In such a situation I am not certain that the broker's stamp covers the position. His obligations in regard to the security of the document include the affixing of stamps, and so on, but he does not have the right to claim that on the date he affixes his stamp he makes a contract for someone who has yet to sign his name, or who has previously signed a document. Therefore, I regard those two items on the form as being very important; that is, that the surnames and the Christian names of both parties to the transfer are clearly shown.

These remarks are coupled with the fact that the proposed amendment on the notice paper will mean, in effect, that the seller will sign his name on the form set out in the schedule in exactly the same way as he has signed it on the scrip in his possession.

The remarks I have made in regard to form one are complementary to the rest of the forms in the schedule and I will not delay the House unnecessarily in speaking further on that point.

The remarks I am now about to make, which I wish to bring to the notice of the Minister, are not necessarily directed to the provisions of the Bill itself, but from my point of view and from the point of view of discussion, they are important. I have here two company balance sheets from which I intend to quote some figures relating to the cost of maintaining a share register; that is, the cost of keeping up to date the transfer of company shares. It does not matter if a 5c share increases in value to 50c; the nominal sum of 5c is the figure the company has received for the share. However, as a result of constant transfers, I often wonder how much of a debt a share becomes to a company.

From the information contained in the 1970 annual report of Abrolhos Oil No Liability it is found that under the heading of "Share Registry Expenses," in 1969, $68,785 was the cost of maintaining the share register, and in the current year the cost of maintaining the register amounted to $56,614; a total, in two years, of $125,399. As yet, this company has done nothing by way of exploration. It is merely sitting on its leases having them valued and, so far as I can see, it has nothing in its statement of profit and loss to show that 1c has been spent on work on the ground itself.

The Hon. I. G. Medcalf: You mean it had a great deal of expense in regard to maintaining the share register?

The Hon. W. F. WILLESEE: Yes. I also have here the first annual report, for the year 1970, of Carr Boyd Minerals Limited. The directors, in their report, saw fit to make some mention of this costly item, as follows:—

> It should be noted that share registry costs for twelve months were $49,643. Under existing Stock Exchange regulations the Company is liable for these costs. However, shareholders and other responsible persons should be aware that high turnovers are the result of speculative markets and costs arising therefrom cause a serious drain on the financial resources of the exploration companies

whose shares have helped support those markets. Your Board feels that buyers and sellers of shares in exploration companies should bear these costs.

I find it difficult to arrive at a figure which would represent these costs. The people I have spoken to have not itemised what the costs are. The figure I was given was approximately $3 a share by the time the internal—

The Hon. I. G. Medcalf: Per transfer, or per share?

The Hon. W. F. WILLESEE: It would not matter whether the transfer involved 1,000 shares or one share, the cost would still be the same. I am told that Ampol Exploration Limited and its associated companies have had the largest number of shares traded over the past five years. So one can imagine the enormous drain that was imposed on the assets of that company in maintaining an up-to-date register.

As the directors of Carr Boyd Minerals Limited have said, I think this cost will have to be borne by the buyers and sellers of shares. Apparently the burden is becoming too great to be carried by any companies that are in a static state; that is, companies that are merely looking for avenues of exploration and need every cent they can get for exploration in the field in which they are engaged, bearing in mind that the success of the company could possibly depend on something that is discovered in the first two or three years of its operations.

If this item of expenditure continues to increase in the operations of these various companies, I feel the matter will have to be considered with a view to relieving the companies of that expense. I feel there is little more I can say.

As far as I have been able to study them, the amendments in the Bill represent some of the steps that should be taken to obtain a more fluid disposal of shares as between brokers and the registrars of shares, and I think the intention of the Bill is to do that.

I am a little disappointed that the documents that are involved in marketable securities will not look as vivid as they might, but I think that might still be rectified. I think we can simplify the procedures as far as possible so that all dealings between one broker and another become fluid and easily executed without losing any of the necessary efficiency.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.58 p.m.]: I am grateful to Mr. Willesee for his remarks and his general support of the Bill. I must confess that I feel a little guilty because of the size of the addendum to the notice paper and I would like to offer to the House some explanation as to why so many amendments have become necessary.

After the formulation of the Bill as introduced, the Standing Committee of Commonwealth and State Attorneys-General received from the Australian Associated Stock Exchanges proposals for certain amendments to the form of the Bill and, so far as Victoria and Queensland were concerned, for like amendments to the Acts of those States—they being the only two States that have so far passed the Bill into law.

Under the arrangements envisaged by the Bill transferees' signatures may be dispensed with and transferors' brokers on their own motion may split a transfer into as many marketable parcels as are necessary for their purposes. For example, if the transferor wants to quit 400 shares and a marketable parcel of those shares is 100, the broker may split the transfer four ways to permit him to dispose of the shares to four separate purchasers. The 400 shares would, originally, be shown in one scrip. Such split transfers can be traded even though the original transfer has not been registered by the relevant company.

What has frequently happened during recent bursts of market activity is that, because of sudden and substantial increases in the value of particular shares, the number of those shares constituting a marketable parcel has been sharply reduced. Thus, in the hypothetical case to which I have referred, a marketable parcel may be reduced to 50 shares and one of the purchasers of 100 shares may wish to transfer 50 of those shares to each of two separate purchasers.

However, where transfers have been made, no further dealing with the shares concerned can take place until the transfers have been registered. This is where there is a bottleneck, particularly in periods of frantic trading. The delays in the registration of transfers and the delivery of new scrip have brought the Australian market into disrepute in London and other foreign markets. It has been said that these delays can in some cases precipitate, or at least aggravate, a break in the market.

This is the problem that the proposed amendments are designed to help overcome. The idea is simply to enable the stock exchanges to split the original transfers so as to permit the shares involved to be further traded even though those transfers have not been registered by the revelant company.

Where the stock exchange splits a transfer in this way it will warrant the split transfer in the same way as the transferor's broker warranted the original transfer, or transfers.

These proposals were discussed and accepted by the Standing Committee of Attorneys-General at the meeting which it had in July of this year. All States are expected to give legislative effect to these proposals in the very near future. It follows that, as no session of Parliament is scheduled for the first part of next year, unless Western Australia enacts the provision during the current session it is likely to find itself out of step with the rest of Australia. It would mean that where a transfer had been split by a stock exchange under the corresponding law of another State, that transfer would be a "sufficient instrument of transfer" for the purpose of that law, but not for the purposes of our law.

I think this was probably one of the reasons for the insertion of the definition of "corresponding law" in 1966. I do not know why it was taken out of the legislation in 1967, but I will ascertain the reason. It seems certain that this definition will be reinserted in 1970.

I do apologise for the number of amendments which appear on the notice paper. If we were to pass the Bill through this House in the form in which it has been presented to us, we would find Western Australia lagging behind the other States in respect of uniformity, because the other States will pass their legislation in the form as altered by the foreshadowed amendments which appear on the notice paper.

In respect of dates of purchases and sales being left out of the schedule, I will ascertain the reason for this. I think that part of the reason has already been explained: it is because of the split transfers.

The cost of maintaining share registers was a good point raised by Mr. Willesee. Obviously it is costly to maintain share registers. I asked the honourable member whether he had any alternative to the keeping of share registers, and he said he did. I think what he meant was that he had an alternative to the manner in which the costs involved would be borne, and not an alternative to the keeping of share registers.

It seems to me to be essential for companies to maintain share registers in order to signify the ownership of shares; but as to whether the cost of the work involved should be borne by the company or by the people transferring shares in the course of sales and purchases is another matter. However, the point is well taken by the honourable member, particularly in respect of a company, the stock of which is of such a speculative nature that there are considerable sales and purchases when the market moves. The shares of such a company would be transferred to a far greater extent than the shares of companies which are not speculative in nature. I will look into the point that has been raised.

I do not think there is any need for me to say anything further, except to repeat that the amendments which appear in the addendum to the notice paper are intended—as Mr. Willesee stated—to bring about the smooth operation of the legislation. I think this is an appropriate time for me to sit down, bearing in mind that we might deal with the Committee stage of the Bill after tea.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.07 to 7.30 p.m.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

The Hon. A. F. GRIFFITH: During the tea suspension I spent some time going through my file to see whether I could find out why we took out of the 1967 measure the definition of "corresponding law." I have been unable to discover the reason, but I did notice that the legislation of one of the other States, a copy of which I have on the file, did not have a definition of "corresponding law" in 1966. Whether that is significant or not, I am not sure. However, the legislation is now uniform and therefore we must have a definition of "corresponding law" because it means the law in force in any other State. As I said, we took out the definition of "corresponding law" in 1967, but I am unaware of the reason for it. I move an amendment—

> Page 4, line 9—Add a subclause as follows:—
>
> (4) A reference in a Form in the Schedule to this Act to the full name of the transferor of marketable securities or rights to marketable securities includes a reference to the name of the person shown in the records of the company or prescribed corporation that issued those securities or rights as the holder of those securities or rights.

The Hon. W. F. WILLESEE: I appreciate the Minister's reply. The fact that we are now putting back into the legislation a definition of "corresponding law" is sufficient. It was simply a matter of interest to me to know why we had taken it out previously, in view of the fact that we have been working on a uniform basis.

The Hon. A. F. Griffith: It was smart of you to discover it.

The Hon. W. F. WILLESEE: Not that I have anything against the amendment, but I am a little concerned about whether it goes as far as I would like it to go. Under the circumstances I would reserve

the right to refer to this clause when the Minister moves amendments to the schedule.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Transfers of marketable securities—

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

Page 4, line 30—Delete the word "and" and substitute a passage as follows:—

"or

(iii) Part 1 of Form One and Parts 1 and 2 of Form Three; and" .

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 5, line 1—Delete the word "Three" and substitute the word "Four".

Page 5, line 6—Delete paragraph (a) and substitute a paragraph as follows:—

(a) it is an instrument relating to those rights duly completed in accordance with or to the effect of—

(i) Form Five;

(ii) Part 1 of Form Five and Parts 1 and 2 of Form Six; or

(iii) Part 1 of Form Five and Parts 1 and 2 of Form Seven; and .

Page 5, line 20—Delete the word "Three" and substitute the word "Four".

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

Page 5, line 25—Delete the words "Four or Five" and substitute the passage "Three, Five, Six or Seven".

The Hon. W. F. WILLESEE: These amendments are based on the clause dealing with transfers of marketable securities, and I think they provide for greater detail. As they deal with uniform legislation, and they certainly appear to make the clause more comprehensive, I support them.

The Hon. A. F. Griffith: Thank you.

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 5, line 34—Delete the word "and".

Page 5, line 38—Add the passage—

; and

(d) where the form or part refers to a stock exchange stamp the instrument bears a stamp that purports to be a stamp of a prescribed stock exchange or of a prescribed stock exchange under a corresponding law. .

Clause, as amended, put and passed.

Clause 6: Transfers by authorized trustee corporation—

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

Page 6, line 10—Delete the word "Six" and substitute the word "Eight".

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 6, line 18—Delete the word "Seven" and substitute the word "Nine".

Page 6, line 29—Delete the word "Eight" and substitute the word "Ten".

Page 6, line 38—Delete the word "Nine" and substitute the word "Eleven".

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Effect of stamp of transferor's broker on sufficient instrument of transfer—

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

Page 8, lines 6 to 15 inclusive—Delete subclause (1) and paragraph (a) and substitute a subclause and paragraph as follows:—

(1) Where a duly completed instrument of transfer bears a stamp that purports to be that of the transferor's broker, a prescribed stock exchange or a prescribed stock exchange under a corresponding law, and to have been affixed in the State, the broker (not being a broker's agent) or stock exchange whose stamp that stamp purports to be and, if the stamp purports to be that of the transferor's broker (whether or not he is a broker's agent), an associate of that broker—

(a) shall be deemed to have warranted the accuracy of the statements in his or its certificate set out in the instrument; .

Amendment put and passed.

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

Page 9, lines 1 to 21 inclusive—Delete subclauses (2) and (3) and substitute subclauses as follows:—

(2) Without limiting the operation of subsection (1) of this section, where a duly completed

instrument of transfer, which bears a stamp that purports to be that of the transferor's broker and to have been affixed in the State, relates to marketable securities or rights to marketable securities to which, or to any of which, a duly completed instrument of transfer, which bears a stamp that purports to be that of a prescribed stock exchange or a prescribed stock exchange under a corresponding law relates, the broker (not being a broker's agent) whose stamp that first mentioned stamp purports to be and (whether or not that broker is a broker's agent) an associate of that broker shall be liable to indemnify that stock exchange against any loss or damage arising from a forged or unauthorized signature of the transferor appearing in the instrument.

(3) A reference in subsection (1) or (2) of this section—

(a) to a duly completed instrument of transfer is a reference to an instrument—

(i) that is in accordance with or to the effect of Part 1 of Form One, Two, Three, Five, Six or Seven and that has been duly completed within the meaning of section 5 of this Act; or

(ii) that is in accordance with or to the effect of a like part of a like Form under a corresponding law and that has been duly completed within the meaning of a provision of that corresponding law that corresponds to section 5 of this Act; and

(b) to an associate of a broker is a reference—

(i) where the broker whose stamp the stamp on the instrument purports to be is a member of a firm of brokers and is not a broker's agent—to each other member of that firm; and

(ii) where the broker whose stamp the stamp on the instrument purports to be is a broker's agent, to the broker for whom he is a broker's agent and, if the broker for whom he is a broker's agent is a member of a firm of brokers, to each other member of that firm.

(4) In this section—

"broker's agent" means a broker's agent within the meaning of Part IVA of the Stamp Act, 1921;

"marketable security" in relation to a duly completed instrument of transfer under a corresponding law, means a marketable security within the meaning of the corresponding law;

"right to a marketable security" in relation to a duly completed instrument of transfer under a corresponding law, means a right to a marketable security within the meaning of the corresponding law. .

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Registration by company of sufficient instrument of transfer—

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

Page 9, lines 22 to 33 inclusive—Delete subclause (1) and substitute a subclause as follows:—

(1) A company or prescribed corporation with which a sufficient instrument of transfer under section 5 of this Act is lodged for the purpose of registering a transfer of marketable securities or obtaining the allotment of marketable securities, is and its officers are, in the absence of knowledge to the contrary, entitled to assume without inquiry—

(a) that a stamp upon the instrument which purports to be the stamp of the transferee's broker is the stamp of that broker;

(b) that a stamp upon the instrument which purports to be the stamp of the transferor's broker is the stamp of that broker; and

(c) that a stamp upon the instrument which purports to be the stamp of a prescribed stock exchange or a prescribed stock exchange under a corresponding law is the stamp of that stock exchange.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 12 put and passed.

Clause 13: Offences—

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

Page 12, line 9—Add a new subclause as follows:—

(2) A prescribed stock exchange or a prescribed stock exchange under a corresponding law shall not in the State affix a stock exchange stamp to an instrument that may be used as a sufficient instrument of transfer under this Act or under a corresponding law unless—

(a) there has been lodged; or

(b) the stock exchange holds a duly completed instrument of transfer bearing a certificate which purports to be that of the transferor's broker that there has been or will be lodged

with the company or prescribed corporation that has issued or proposes to issue the marketable securities or rights to marketable securities to which that first mentioned instrument relates a duly completed instrument of transfer relating to those marketable securities or rights.

Penalty: One thousand dollars.

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 12, line 9—Delete the subclause designation "(2)" and substitute the subclause designation "(3)".

Page 12, line 22—Delete the subclause designation "(3)" and substitute the subclause designation "(4)".

Page 12, line 31—Delete the subclause designation "(4)" and substitute the subclause designation "(5)".

Page 12, line 34—Add after the subclause designation "(1)" the passage "or (2)".

Page 12, line 36—Delete the subclause designation "(2)" and substitute the subclause designation "(3)".

Page 13, line 4—Delete subclause (5) and substitute subclauses as follows:—

(6) In this section—

"beneficial owner" in relation to a sufficient instrument of transfer under a corresponding law, means a beneficial owner within the meaning of the corresponding law;

"marketable security" in relation to a duly completed instrument of transfer under a corresponding law, means a marketable security within the meaning of the corresponding law;

"right to a marketable security" in relation to a duly completed instrument of transfer under a corresponding law, means a right to a marketable security within the meaning of the corresponding law.

(7) A reference in this section to a duly completed instrument of transfer is a reference to an instrument—

(a) that is in accordance with or to the effect of Part 1 of Form One, Two, Three, Five, Six or Seven and which has been duly completed within the meaning of section 5 of this Act; or

(b) that is in accordance with or to the effect of a like part of a like form under a corresponding law and has been duly completed within the meaning of a provision of that corresponding law which corresponds to section 5 of this Act.

Clause, as amended, put and passed.

Clause 14 put and passed.

Schedule—

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

Page 15, line 22—Add after the passage "named in Part 2 of Broker's Transfer Form(s)" the passage "or Split Transfer Form(s)".

The Hon. W. F. WILLESEE: This is the situation which I mentioned when speaking to the second reading. It is my hope that the first part of the form to be filled in by sellers will provide for the names and details to be given in exactly the same way as they are on the scrip which is issued. At the second reading, I mentioned that in comparison with the legislation which is to be repealed, the measure before us seems to lack certain essential details. The inclusion of the surname and Christian names could be useful in this form.

If we look at the original legislation and compare it with that under discussion, so far as the standard of the two forms is concerned I consider we must come down heavily in favour of the original legislation.

I hope the Minister will give some attention to reinserting an extremely simple provision which will make for clarity and ease of transfer in dealings between clients and brokers.

The Hon. A. F. GRIFFITH: The honourable member will appreciate—indeed, he has already mentioned—that this is to be uniform legislation. Therefore I assume the forms will be the same throughout Australia. Also, I understand that this abridged version of the form is to be put into effect at the request of the stock exchanges. As it is, the stock exchanges keep a record of the transactions in infinite detail.

Whilst I cannot foreshadow future legislation, I will be introducing other legislation in relation to the control of stock exchanges. The rules of stock exchanges will lay down more specifically what is to apply in relation to members of the stock exchanges and how they shall carry out their business.

It is clear that the records of the stock exchanges will show each individual transaction. Apparently in the existing form this would cause a great deal of work for the envisaged change. This seemed unnecessary as stock brokers are extremely busy people, especially with the market trend of recent times.

The Hon. W. F. WILLESEE: I appreciate the Minister's remarks and realise that he is in the position of being able to have prior knowledge of important future legislation. I point out, however, that the brokers do not fill in the details to which I am referring. In the main they are filled in by individual sellers. It is for the purpose of clarity that I keep emphasising that we must give the person filling in the form simple and complete instructions. If it so happens that in future legislation it will not be necessary to do other than affix one's signature as a seller—which seems to me to be the purpose of this schedule as it is now printed—perhaps my thoughts are not as important as I first imagined.

As I understand it, great problems are experienced because of the lack of detail submitted by a person who owns shares. This lack of detail can confuse the broker. I have practical knowledge of where a father and son were confused, one with the other, simply because the words "senior" or "junior" were left out.

Possibly what the Minister has in mind for future legislation will overcome this problem. As this is our only opportunity to discuss the question I felt it should be put forward and I do not consider it would be any encumbrance whatsoever to give complete details of the surname and Christian names of the seller, in an identical way with the scrip issue.

Amendment put and passed.

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

Page 17, line 2—Add a new form as follows—

FORM THREE s. 5

Split Transfer Form		Marking Stamp
Full Name of Company or Prescribed Corporation	Part 1—	
Description of Securities	Class.	If not fully paid, paid to / Register
Quantity	Words	Figures
Transfer Identification Number		The† Stock Exchange hereby certifies :— That the Security Transfer Form or the Broker's Transfer Form relating to the securities set out above has been or will be lodged at the company's or corporation's office.
Full Name(s) of Transferor(s)....		(Stock Exchange Stamp)
		Affixed at..... on..... (place and date of affixing stamp)
	Part 2—	
Full Name(s) and Address(es) of Transferee(s)....		Transferee's Broker hereby certifies :— (i) That the securities set out in Part 1 above having been purchased in the ordinary course of business are to be registered in the name(s) of the transferee(s) named in this part. (ii) That Stamp Duty (if payable) has been or will be paid— and hereby requests that such entries be made in the register as are necessary to give effect to this transfer.
		(Transferee's Broker's Stamp)
		Date of affixing stamp

† Insert name of prescribed stock exchange.

Amendment put and passed.

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

Page 17, line 2—Delete the words "FORM THREE" and substitute the words "FORM FOUR".

The Hon. W. F. WILLESEE: I take the opportunity to mention the nuisance value of the transfer form. In fact, I made reference to this at the second reading stage. At the moment it is necessary to notify buyers of uncalled liabilities on shares which are sold to them. I hope that this form will not be necessary in ordinary transactions in the future in view of the amendments which have been passed, although I am not perfectly clear in my own mind in this regard. As we have recognised the principle in the case of a no-liability company, I consider that we can go just as far in the case of a liability company. It would be so simple for the brokers, on their own internal forms, to acquaint a buyer of his obligations. It would be necessary only to stamp any of the previous forms of transfer with a broker's entitlement to say that all the obligations, necessary under the Act, have been carried out.

Perhaps the form caters for some odd specific case which I cannot think of at the moment. I think the Minister gave an instance of the breaking up of a parcel of 400 shares into four lots of 100 shares. At the moment it is necessary to send out a form to each person to say that the liability exists. We can imagine the situation with a man disposing of 100,000 shares in small parcels. This kind of work is quite unnecessary. I understand brokers find it most irksome and I hope that when the legislation is put into effect this becomes a redundant provision.

Amendment put and passed.

The schedule was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 17, lines 22 and 23—Delete the passage "or broker's transfer form (or security renunciation and transfer form or broker's renunciation and transfer form)" and substitute the passage "broker's transfer form or Split Transfer Form (or Security Renunciation and Transfer Form, Broker's Renunciation and Transfer Form or Renunciation and Split Transfer Form)".

Page 18, line 2—Delete the words "FORM FOUR" and substitute the words "FORM FIVE".

Page 18, lines 22 and 23—Delete the passage "Broker's Renunciation and Transfer Forms" and substitute the passage "Broker's Renunciation and Transfer Form(s) or Renunciation and Split Transfer Form(s)".

Page 19, line 2—Delete the words "FORM FIVE" and substitute the words "FORM SIX".

Page 20, line 2—Add a new form as follows:—

FORM SEVEN s. 5

Renunciation and Split Transfer Form	Marking Stamp

Full Name of Company or Prescribed Corporation	Part 1—		
Description of Rights			Register
Quantity	Words	Figures	
Transfer Identification Number			The† Stock Exchange hereby certifies :— That the Security Renunciation and Transfer Form or the Broker's Renunciation and Transfer Form relating to the rights set out above has been or will be lodged at the company's or corporation's office. (Stock Exchange Stamp)
Full Name(s) of Transferor(s)	.....		Affixed at..... on..... (place and date of affixing stamp)
Full Name(s) and Address(es) of Transferee(s)	Part 2—		Transferee's Broker hereby certifies :— (i) That the rights set out in Part 1 above having been purchased in the ordinary course of business the marketable securities to which the rights relate are to be allotted to the transferee(s) named in this Part. (ii) That Stamp Duty (if payable) has been or will be paid— and hereby requests that the marketable securities be allotted by the company or corporation to the transferee(s) and such entries be made in the register as are necessary to give effect to this renunciation and transfer. (Transferee's Broker's Stamp)
			Date of affixing stamp

† Insert name of prescribed stock exchange.

Page 20, line 2—Delete the words "FORM SIX" and substitute the words "FORM EIGHT".

Page 21, line 2—Delete the words "FORM SEVEN" and substitute the words "FORM NINE".

Page 22, line 2—Delete the words "FORM EIGHT" and substitute the words "FORM TEN".

Page 23, line 2—Delete the words "FORM NINE" and substitute the words "FORM ELEVEN".

Schedule, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

POLICE ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

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

BOOKMAKERS BETTING TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.03 p.m.]: Clause 3 of this Bill to amend the Bookmakers Betting Tax Act proposes to raise the percentage of turnover tax paid by bookmakers from 1¼ per cent. to 2 per cent. up to the first $1,000 of turnover, and in the case of turnover above $1,000 the rate is raised from 1½ per cent. to 2½ per cent. This is aptly termed a tax on bookmakers' turnover. The Bill also alters the proportion of allocation of the proceeds of this tax. The tax previously went to the Government and the racing clubs on the basis of 40 per cent. to the Government and 60 per cent. to the clubs. It is now proposed that the allocation will be on a straightout fifty-fifty basis.

This does not necessarily mean that, in view of the lesser proportion allocated to them, the clubs will receive a lesser amount, because in the course of his remarks the Minister mentioned that over a two-year period the turnover of on-course bookmakers increased in the vicinity of 45 per cent. Therefore, it is reasonable to assume that there will be no loss of present income to the clubs. I feel there is no point in speaking at length to this Bill. It is one of a series of Bills introduced as a result of the Government renouncing a form of tax on betting in another sphere, and that loss is made up under this Bill.

The Hon. F. J. S. Wise: It is a case of the swings and the roundabouts.

The Hon. W. F. WILLESEE: Yes. In view of the Bills that are to follow and what I wish to say, perhaps I had better not exhaust all my efforts on a discussion of this 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.

Third Reading

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

TOTALISATOR AGENCY BOARD BETTING TAX ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.09 p.m.]: This Bill is complementary to the series of Bills on the notice paper. It seeks to increase the tax on Totalisator Agency Board betting turnover by ½ per cent. With the commencement of the parent legislation the tax levied was at the rate of 5 per cent. on turnover. In 1966 that was increased to 5½ per cent., and it is now anticipated that the proposed ½ per cent. increase will bring in approximately $510,000 in revenue.

Therefore, part of the loss resulting from the Betting Investment Tax Repeal Bill—with which we have yet to deal—will be offset. The Bill has only one operative clause and its intention is quite clear. If I supported the previous Bill in principle, I must, of course, support this Bill.

THE HON. J. DOLAN (South-East Metropolitan) [8.11 p.m.]: When the Minister introduced this Bill the other evening I exchanged pleasantries with him and I was a little concerned about the fact that I interjected. However, I would like to refer back to the last occasion on which we dealt with legislation to amend the Totalisator Agency Board Betting Tax Act, which was approximately four years ago, in 1966. In vol. 3 of the 1966 *Hansard* it will be seen at page 2483 that the Minister said—

> It can be expected that turnover will stabilise at between $36,000,000 and $36,500,000.

When I spoke to that Bill I made the following remarks which are to be found at page 2728 of the same volume of *Hansard*:—

> I think the Government should have a good look at this aspect because, although the opinion has been expressed that the amount will be stabilised at between $36,000,000 and $36,500,000, I consider it is an underestimate. Probably, it will only be a matter of a year or two before this figure is up to $40,000,000.

At the time I felt I was on the ball; and the amount for the year ended the 31st July, 1970, was a little over $50,000,000.

The Hon. F. J. S. Wise: It went up $1,000,000 today.

The Hon. J. DOLAN: The average is increasing more quickly all the time. I think in this case it was a rise over the previous year of over 11 per cent. I have a feeling that if, say, dog racing was eventually established in this State it would come under the control of the T.A.B., just as it does in Victoria and New South Wales, and the turnover of the T.A.B. would be considerably increased.

I mentioned on the previous occasion, and I would mention again, that when similar legislation was introduced in Victoria the revenue was divided into two categories. In that State 4 per cent. of the turnover was taken for revenue and 3½ per cent. for hospitals and charities. I suggested on that occasion that we should give consideration to that aspect. In Victoria 7½ per cent. was taken, whilst we were taking only 5½ per cent. I suggested that the Minister should have a look at the matter and, as the amounts kept increasing, I felt the Government should receive more from the tax and put it to better use.

I am delighted to see that the tax has now been increased to 6 per cent., and I support the move. It is amazing how one incident in our lives can be related to this Bill. Today, as all members—and, indeed, all Australians—know is Melbourne Cup day, and when we are discussing totalisators or anything else connected with racing the matters can be linked. In Western Australia to-day over $400,000 was invested with the T.A.B. on the Melbourne Cup. In the approximately 3½ minutes it took for the race to be run, the revenue of the State benefitted by $22,500 as a result of the 5½ per cent. tax.

The Hon. F. J. S. Wise: Are you thinking there should be more cups?

The Hon. J. DOLAN: Yes, one could be held every day! Perhaps a Sydney Cup could also be held. If they all had the same turnover it would be a good thing for our revenue.

The Hon. A. F. Griffith: If they could have one every day?

The Hon. J. DOLAN: Yes, because we would receive $22,500 in revenue on each occasion.

In addition, at a country race meeting today where a tote was in operation—and this, of course, would apply also to the tote on the Melbourne Cup today—7½ per cent. of the turnover would be received on a win or place. If there were doubles or quinellas 3½ per cent. of the turnover would be retained.

Accordingly, Melbourne Cup day is quite a profitable one for the Government. No matter what members might feel about their own transaction, the Government always wins. This, of course, is always the case.

I support the Bill and I feel the day will come when the percentage will be more than 6 per cent. If the percentage rises to the 7½ per cent. which operates in Victoria at the present time, the Government will have more money to use for charitable purposes, hospitals, and the like.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.16 p.m.]: After all is said and done, the Government is the people, and it is only right and proper that the people should make a profit in a case like this. It is possible that we might have more money to spend to build more schools in Mr. Dolan's province.

The Hon. R. Thompson: We could do with some, too.

The Hon. A. F. GRIFFITH: Or, perhaps, we could build these schools in somebody else's district.

The Hon. G. C. MacKinnon: We all want more schools.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: It does not matter how full the purse is, more is always needed. We all know that. I could take Mr. Dolan back further than four years and mention what the turnover was going to be when the legislation was first introduced.

The Hon. J. Dolan: I was not here then.

The Hon. A. F. GRIFFITH: That was the purpose of my interjection the other night. What the turnover was likely to be was hotly debated.

The Hon. F. J. S. Wise: You're telling me!

The Hon. A. F. GRIFFITH: If I remember rightly, it was Mr. Wise who told me. The reason that the turnover is increasing is that the Australian public are betting more on horse racing. We must remember that the provisions of this Bill are limited to horse racing. There is an Act on our Statute book dealing with tin hare coursing, but tin hare racing is not allowed in Western Australia and people are not permitted to bet on the dogs.

The Hon. F. J. S. Wise: Let us hope that will continue to be the case.

The Hon. A. F. GRIFFITH: While members in other States might be able to say they are going to the dogs, they could not say so here—at least not in the legal sense. I am glad the Bill has received support, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Amendment to section 2—

The Hon. W. F. WILLESEE: I wonder why people who freely invest their money on a race course or in a betting shop should always be told what to do with their money. There is always some do-gooder who assumes to know how that money should be spent and how much of it should be taken. Surely this is the concern of the people who bet; they know where the money is going, and we should not try to kill the goose that lays the golden eggs.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

BETTING CONTROL ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 29th October.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.21 p.m.]: This also is a very brief measure which it is necessary to support in view of the previous Bill having been passed.

The Bill before us specifies the new allocation as between the Government and the Betting Control Board and repeals a section of the present Act in order that the new figure may become operative. In view of the legislation that has just been passed there is no reason to hold up the passage of this Bill.

THE HON. N. E. BAXTER (Central) [8.22 p.m.]: It strikes me as rather strange why the dead wood in the Act could not have been cut out when this Bill was being drafted. Section 15 (5) of the Act states—

> The racing club receiving that sum of bookmakers' betting tax from the bookmaker—
>
> (a) shall, prior to a day to be fixed by proclamation for the purposes of this section, retain twenty per centum of that sum, and after that day shall retain sixty per centum of that sum . . .

Could not those words referring to 60 per cent. have been taken out and replaced with 50 per cent.? This would have cut out a lot of the dead wood. It seems strange that we do not clean up sections of our Acts when we have the opportunity to do so. With those remarks I support the measure.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Repeal of section 16A—

The CHAIRMAN: With the permission of the Committee I propose to instruct the Clerks to correct the word "in" to read "is."

Clause, as corrected, put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

BETTING INVESTMENT TAX ACT REPEAL BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.26 p.m.]: I move—

> That the Bill be now read a second time.

It will be recalled that this Bill arrived from the Assembly during the course of last week. I am not sure why it arrived ahead of the other Bills and I do not think an explanation is necessary.

I considered it desirable, however, to await the arrival of the three other Bills with which we have just dealt, before moving the second reading of this Bill. Last Thursday I moved the second reading of the three previous Bills with which we have dealt, but neglected to move the second reading of this Bill. That, however, is only by way of explanation.

This is one of a group of Bills introduced to amend our betting legislation and its purpose is to repeal the Betting Investment Tax Act of 1950, as amended from time to time.

The net financial result to the Treasury of the provisions contained in this measure, and those proposed in the other Bills, now passed, which are of a somewhat complementary nature, will be that the overall revenue position of the Government will remain more or less unchanged.

The betting investment tax payable on each bet made off-course commenced as from the 21st December, 1959, which was about 12 months before the Totalisator Agency Board was established. At the time, the off-course backer, by betting off-course, avoided the payment of an entrance fee to the track, which at that time included an entertainment tax. As a consequence, it was considered reasonable that he should make some contribution to the revenue of racing and trotting clubs, as well as to the revenue of the State.

The rates of tax then imposed amounted to 3d. for each bet up to and including £1, and 6d. on each bet over £1, and those rates remained unchanged until the introduction of decimal currency in February, 1966.

This investment tax was initially distributed under the provisions of section 16 of the Betting Control Act, 1954, in the following manner:—

> Firstly, to the racing clubs—that proportion of the tax derived from betting on galloping races held inside the State.
>
> Secondly, to the trotting clubs—that proportion of the tax derived from betting on trotting races held within the State.
>
> Finally, to the Government—that proportion of the betting investment tax derived from betting on galloping and trotting races held outside of the State.

This basis of allocation remained unchanged until the 31st December, 1960, by which time, as I have mentioned, the Totalisator Agency Board had been established.

In anticipation of the increased benefits thought likely to be derived by the racing and trotting clubs from the operations of the T.A.B., action was taken by the Government to amend section 16 of the Betting Control Act to provide that, as from the 1st January, 1961, the distribution of a proportion of the funds to racing and trotting clubs would cease and the whole of the betting investment tax would be retained by the Treasury.

Arising from the introduction of decimal currency, the principal Act was further amended in December, 1965, to the effect that a flat tax rate of 3c per bet became payable as from the 14th February, 1966, and that rate has since remained unchanged.

Taking into account the existing contributions by off-course backers to the revenue of the racing and trotting clubs, and to the Government's revenue, it is proposed at this point to abolish the investment tax and to transfer part of the burden now carried by the off-course backers on to the on-course bookmaking system and to the racing and trotting clubs. It is proposed to effect this by increasing the turnover tax rates of both the on-course bookmakers and of the Totalisator Agency Board. These facts have already been covered.

The Totalisator Agency Board collected and paid to the Treasury proceeds of betting investment tax amounting to $739,858 in respect of the year ended the 31st July last. This tax was derived from a betting turnover of $50,089,906 and as a percentage of turnover amounted to about 1.48 per cent.

It may be expected that the turnover of the T.A.B. for the calendar year ending the 31st December, 1971, will approximate $54,000,000. So the honourable member is right. It will go up again. A tax of 1.48 per cent. on that figure would amount to almost $800,000 to be collected in respect of the 1971 calendar year, and the dropping of that tax as from the 1st January, 1971, would, in itself, substantially reduce receipts into Consolidated Revenue, but other measures currently being dealt with to amend betting legislation, will ensure that this amount will be made good without any loss to the Government.

Further explanation in that respect was given when the other Bills comprising the group of Bills affecting betting legislation were introduced.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.32 p.m.]: This is a Bill I am pleased to support because when the parent Act was first introduced I was against it on the principle that its provisions unfairly affected, shall I say, the small recurring shop bettor; that is, the one who bets in only small amounts of money. In that way 3c on a 50c investment, repeated seven or eight times a day, was a terrific tax compared with the tax of 6c paid by the person who invested $100 in one hit. However, that situation is in the past because this legislation will repeal the provision under which that tax is imposed, which I feel is very unfair in principle.

The operation of the three previous Bills now becomes clear. The Government is trying to reimburse itself for an amount of $800,000-odd which is the anticipated loss under this Bill. The amount is made up from the on-course bookmaker turnover tax of $259,530, the Totalisator Agency Board turnover tax of $510,000, and the on-course totalisator duty of $35,000, which is, all told, $804,530. Those amounts, in round terms, will offset the loss under this legislation.

In my opinion this is a far more equitable distribution of tax over those people involved and interested in racing. I am not saying that those who do not attend the course should have a completely free method of investment, but that situation

is taken care of by the turnover on the totalisators. We must also always remember that those who attend the course have the additional pleasure of seeing the show in its live form.

I have taken the opportunity to rise immediately following the Minister in order that I might support the Bill because it simply complements steps we have taken in the three earlier Bills tonight and, as Mr. Wise said, it tidies up a situation by taking from Peter to give to Paul, or *vice versa*.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th October.

THE HON. F. R. H. LAVERY (South Metropolitan) [8.38 p.m.]: This Bill has two main clauses, the first of which is of major importance to the City of Perth committee dealing with parking because the clause makes it possible for the council to increase its borrowing powers. As the Minister pointed out in his second reading speech, under part XXVI of the Local Government Act, the council has the power to borrow money otherwise than on overdraft for the purposes of the City of Perth Parking Facilities Act.

If this Bill is passed the council will have the right, under sections 599, 600, and 601 of the Local Government Act, to borrow this money. This is very necessary because of the vast increase in the number of cars on the road in the metropolitan area in such a short period of time. I do not know how many members would be aware of the fact, but the number of cars has almost doubled in the last seven years. Because of this the City of Perth has found it necessary to provide further parking facilities for motorists who come to the city.

As the Minister pointed out, the council must pay $630,000 for a piece of land in King Street, and the first phase of the building of the parking station will cost $595,000. Because money is not available from loan funds, this clause must be passed if the City of Perth is to provide further parking establishments. I am not referring to open parking areas, but to high-rise parking buildings.

As far as we are concerned we are prepared to support clause 2 of the Bill which intends to delete paragraph (a) of subsection (1) of section 8A and substitute another. The paragraph to be deleted reads as follows:—

> (a) borrowing money under and in accordance with the provisions of Division 3 of Part XXVI of the Local Government Act, 1960, for the purposes of exercising the powers conferred, and the performance of duties and obligations imposed, upon the Council under this Act;

The paragraph to be substituted reads—

> (a) borrowing money—
>
> (i) with the approval of the Treasurer and the Minister, under and in accordance with the provisions of Division 2 of Part XXVI of the Local Government Act, 1960; or
>
> (ii) under and in accordance with the provisions of Division 3 of that Part of that Act,
>
> for the purposes of exercising the powers conferred, and the performance of duties and obligations imposed, upon the Council under this Act;

If the City of Perth is to provide essential parking facilities, this amendment is imperative.

The next amendment proposed is to section 21. It will add after paragraph (k) another paragraph to stand as paragraph (ka) which reads—

> (ka) prohibiting the parking or standing of vehicles on land which is not a road or a parking facility, without the consent of the owner or person in occupation of the land;

I took it upon myself to visit the parking office of the City of Perth to obtain information concerning this amendment. I was given quite an amount of information which was beneficial to me when studying this Bill. As the Minister mentioned in his speech, the council's by-law No. 60 deals with the care, control, and management of parking facilities. It has 45 clauses, but clause 28 (c) reads—

> 28. (c) on or on any part of a footway, footpath, raised paving or place of refuge for foot passengers.

I mentioned that clause of the by-law because when this Bill becomes law it will affect many people who are at present taking unfair advantage of the fact that they can park reasonably cheaply.

The City of Perth has been receiving a great number of complaints from the owners of private land, business houses, and others who have access to land adjacent to their business houses and where, normally, they have parking rights. In

many cases the people I have mentioned find that their own vehicles are locked in, or that customers cannot use the parking space provided. The areas concerned were described by the Minister, when making his second reading speech, as follows:—

> The complaints generally come from persons who have right of carriageway over the private street, laneway, or right-of-way, but because of indiscriminate or uncontrolled parking by others, they are being denied their right of access of carriageway over the land.

I asked the chief parking inspector how he would define these areas, and he explained that they were the laneways in the central city block, such as the laneway beside the Grand Theatre. The people who have the right of access find that someone else will illegally park in the laneway, and will often park there for some considerable time. The people who have the right of access to the laneway are then unable to carry on their business. Those are the areas to which the current amendments will apply.

I would like to make public a matter which is not generally known at the moment, but which could be well known fairly soon. Within the last couple of months the whole of the municipality of the City of Perth has been gazetted No. 1 region parking control area. This means that the whole of the municipality, from Welshpool to City Beach and from Mt. Lawley to the Swan River will be subject to parking regulations. Any person who breaches the normal parking regulations will be liable to a modified fine.

It is proposed that the minimum fine for parking on private property will be $10, and the fine for parking in laneways or private streets will be $2. The provision of a $10 fine for trespassing on private property has been taken from section 57A of the Traffic Act, which was amended in 1967, and reads as follows:—

> (2) No person shall, within a prescribed area, park a vehicle on land which is not a road, unless he has been authorised to do so by the owner, or person in possession of that land.
> Penalty: For a first offence, a fine not exceeding ten dollars; for any subsequent offence, a fine not exceeding twenty dollars.

Another matter I wish to make public is that those people who use sporting facilities in the municipality of the City of Perth, such as at Lathlain Oval, Perth Oval or Leederville Oval, where they are used to parking their vehicles with two wheels on the verge and two wheels on the road, will find themselves subject to a modified penalty. In the past those people have been able to get away with that method of parking. However, before action is taken this matter will be publicised, and most people will get a warning first.

I see no reason to hold up the passage of this Bill. It has been supported by my party in another place and I support it also.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.52 p.m.]: I am interested in the last statement made by Mr. Lavery. I can remember speaking on this matter during a previous session of Parliament when I suggested—or brought forward a suggestion made to me by a local authority—that shire rangers—those people who supervise playgrounds and control beaches—should be able to apprehend parking offenders, and should be given the powers of traffic inspectors. I find it interesting that a clause in this Bill does, in fact, use the same wording as contained in the Traffic Act to give those powers to shire parking inspectors. I think there remains a good deal to be said for the type of amendment which I proposed on an earlier occasion.

I feel it is only right that people who inconvenience others, by parking in lanes in the manner described, should be penalised and prevented from doing so. While there is no doubt that this clause will be administered reasonably, at some future time, however, we might find it used in circumstances other than is envisaged at the present time. A provision to cover parking offenders is already in the Traffic Act, and I wonder why that section is not effective.

I am speaking to the Bill because I find there are divergent opinions on the type of parking facilities which should be provided. I have before me the report of a seminar held in Melbourne. It is headed, "Urban Transport in the Years Ahead," and contains an article by Mr. P. G. Pak-Poy. The article is headed, "Urban Traffic and Parking," and Mr. Pak-Poy commended the City of Perth method of dealing with traffic problems. He said that there is no doubt that if cities are to survive as viable entities they must be able to attract people to them. There is no question that the style of parking of the pre-motorcar era needed some change. The solution has been the provision of freeways and then multi-storied car parks to cater for the vehicles once they arrive in the city.

I think it should be obvious that there is a limit to this type of solution, and that the limit will be the number of vehicles which can be comfortably accommodated from their point of departure to their destination. The trend is that once a road is widened there is an increase in the number of vehicles which travel on it, and then the convenience of the road becomes lost and the former congestion returns. At the other end of the road there is only a limited amount of parking.

I think the City of Perth has probably done the best possible in a difficult situation. I would not presume to say what

the final solution should be, but a solution differing from that put forward by Mr. Pak-Poy has been put forward by Mr. Thomas of the Metropolitan Transport Trust. Here again, we have a differing interest. The City of Perth is concerned with getting people to their business houses as quickly as possible, and we would not condemn it for wanting to do that. It is important to get people to the city to keep it alive. At page 2 of the *MTT Quarterly*, of April, 1970, Mr. Thomas offered the following solution:—

> The problem can get only worse as the pendulum of the metronome of expansion speeds inevitably the rapidity of its tempo.
>
> So what's the answer?
>
> Before it is given, please bear in mind a few factors—not nearly exhaustive.
>
> For example: (a) The peak times occupy only about half-an-hour in the morning and half-an-hour in the afternoon; (b) the delays cost motorists and ourselves many thousands of dollars in time and fuel wasted; (c) the psychological and physical wear must have an adverse effect on the subsequent efficiency of all concerned; (d) the hold-ups cause a consequential chain of damage—with some big links and some small—that is immeasurable.
>
> The answer is to keep commuter cars out of the city.

I am sure the city councillors would not agree with that. However, Mr. Thomas offers that as a solution. He continues—

> This can be done by providing strategically-located parking areas away from the city while land is still cheap enough in these localities to be bought without inordinate cost.
>
> We could provide commuter bus services to carry people quickly and smoothly between these parking areas and the city.

I mention this because I think it is a matter with which we should concern ourselves. The Perth City Council is concerned to ensure that it does the best it can for the premises that are located in the city; but we, as a Parliament, need to take the larger view and go beyond the City of Perth to the surrounding areas and the State as a whole. It could be that in making this provision in the Bill we are not really doing the best at all, and that Mr. Thomas' solution may be the one that should be adopted. Other solutions are suggested in the article by Mr. Pak-Poy, on which I will not elaborate now.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

INTERPRETATION ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [9.05 p.m.]: I move—

> That the Bill be now read a second time.

Last year, the Commonwealth Parliament passed the *Citizenship Act, 1969*. When this Act is proclaimed, one of its effects will be that Australian citizens and the citizens of other Commonwealth countries, specified in section 7 thereof, who, by virtue of their particular citizenship, are presently deemed to be "British subjects" for the purposes of Australian law, will lose that status; they will, instead, be deemed merely persons having "the status of a British subject."

The same rule will apply to those persons who immediately before the coming into force of the Commonwealth Nationality and Citizenship Act, 1948, were British subjects but not Australian citizens or the citizens of other Commonwealth countries to which section 7 of the new Act applies.

When the Commonwealth's decision to make this change was communicated to the Standing Committee of Commonwealth and State Attorneys-General, the reason given was that it was designed to meet the susceptibilities of non-British migrants who did not want to be known as British subjects.

Whilst some State Attorneys-General did not agree with the policy of the Commonwealth move, they all agreed that, as the Commonwealth was already committed, they would have to enact State legislation to preserve the various rights which State law presently confers on those who are "British subjects"; for example, in this State a person may not be admitted as a legal practitioner unless, *inter alia*, he is a "British subject." The present Bill will do nothing more than preserve the *status quo*.

Victoria and Queensland have already enacted legislation in terms very similar to the provisions of the present Bill, and the other States are in the process of doing likewise. Whilst I am not sure of my facts, I think Western Australia is probably the only remaining State at this time. I commend the Bill to members.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

POISONS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [9.08 p.m.]: I move—

That the Bill be now read a second time.

Members will be aware of the concern that is being expressed around the world—which means also in Australia—with regard to the misuse of drugs of addiction, the problems entailed in the misuse of those drugs, and the endeavours to find a solution to those problems. Just recently, at a meeting of Ministers for Health and Ministers for Police, in association with the Federal Ministers for Health and Customs, certain decisions were made which automatically led to some amendments to both the Police Act and the Poisons Act. The amendments relative to the Poisons Act are before members tonight.

It is, of course, accepted that heavier penalties do not in themselves solve a problem. However, it is desired that, as Australia is comparatively free of the problems of drug addiction, it is wise to try to erect as high a fence as possible around Australia—if I may put it that way. It has therefore been decided to increase penalties with regard to the misuse of drugs, peddling of drugs, and so on.

There are two quite separate branches of drug-taking. There is the completely illicit use of drugs, and the penalties which flow from that, which are matters for control under the Police Act. Then there is the licit use of drugs and misuse under those circumstances, which are controlled under the provisions of the Poisons Act. It is obvious to members that most of the drugs which can be misused also have a very real purpose in medication and treatment. Indeed, some members may have had occasion to be grateful for, say, morphine, or pethidine, or other drugs when they have been in severe pain. A number of drugs which can be quite properly used can also be misused.

The penalties, which have been more or less standardised, have been grouped into a number of sections, but there are two with which we are dealing. The first is for the worst type of all—the "pusher," as he is colloquially known. He is the fellow who persuades others, sells to those who are not addicted, and makes the drugs available to them, generally at an ever-increasing rate of profit. The purpose of clause 3 is to increase the penalty for that type of activity by amending section 43A of the parent Act. Section 43A provides that if a person who is licensed to be in possession of a specified drug sells or supplies any drug of addiction to someone who is not the holder of a license under the Poisons Act, or does not first furnish the proper request for the sale, he is breaking the law and making drugs available for illicit purposes.

The penalty for that offence is at present $1,500 or imprisonment for a term of three years. That is to be amended to a fine of $4,000, or imprisonment for a term of 10 years, or both a fine and imprisonment. It is a very severe penalty, but it is a tremendously severe offence. The statutory recovery rate is sometimes classed as 3 per cent., but it is probably more nearly zero.

In order to achieve a quick result, it is desired that such cases should be heard before a magistrate's court. A magistrate's court can convict but, because the penalty is a little high for a court of summary jurisdiction, provision is made in this amending Bill that the person can be so convicted, but he shall be committed for sentence before the District Court of Western Australia which may sentence for the offence in accordance with section 43A, and, by warrant, the court may commit him to gaol if this is the issue.

Section 44 of the parent Act deals with a lesser offence. The section reads—

> A person who—
>
> (a) contravenes or fails to comply with any provision of this Part; or
>
> (b) within the State aids and abets, counsels or procures the commission in any place outside the State . . .

In this case the penalty is a fine of not more than $2,000, or imprisonment for three years, or both fine and imprisonment.

Also, if it is proved that, in fact, a person did not commit the offence, but was making every endeavour to commit it and was in the act of doing so, such person can be dealt with summarily and suffer the same punishment. The reason for the latter clause is to cover the situation where someone is carrying a large quantity of drugs on his person. A series of standards has been worked out, and each standard is based on multiples of a clinical dose.

For example, it is possible, with specific ailments or conditions, to find that it is desirable that a person should carry a clinical dose of a particular medicament. It could be that such a person is obliged to travel a great deal and may have difficulty in obtaining the drug he is required to take. It may even be one of the more severe drugs, but whatever drug it is there could be occasions when such a person is obliged to carry it. Standards will be set which will vary from time to time and, in regard to this, we will be guided, as far as possible, by the National Health and Medical Research Council. The quantity that is permitted to be carried on any person may be 10 times or even 50 times the specific dose.

It has been decided that in such instances when a drug is found in the possession of a person who is required to take the drug he will be exempted from the provisions of this legislation. It must be borne in mind, in dealing with this problem, that we are dealing with a question which, in some parts of the world, has turned out to be virtually insoluble. To some extent, in this State the problem is exaggerated, bearing in mind that, in the hospitals of our State, for every person who is admitted for drug addiction, 10 persons are admitted for alcoholism. There is a tendency for people to get the problem a little out of perspective or proportion because of the stories we have heard about drugs from overseas. However, I agree it is of no use shutting the barn door after the horse has bolted. This is a criminal activity which provides many opportunities to the person peddling the drug because once a person becomes addicted he will, virtually, pay any amount to obtain the drug he requires.

Therefore, it behoves us, as legislators, to give our State—and through this State the Commonwealth of Australia—the greatest possible means of protection that we can offer. As I mentioned before, the illegal importation of drugs and the selling of them on the market comes under the Police Act. There are also those drugs which flow from a completely licit or legal source, and both Acts have to coincide. Therefore my colleague, the Minister for Police, will be handling his side of the problem which is complementary to this Bill. I commend it to the House.

Debate adjourned until Thursday, the 5th November, on motion by The Hon. J. Dolan.

DISPOSAL OF UNCOLLECTED GOODS BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [9.21 p.m.]: I move—

That the Bill be now read a second time.

One of the projects assigned to the Law Reform Committee established in 1969 was to consider the need for, and if found necessary, to recommend, legislation to permit bailees to dispose of abandoned or uncollected goods.

This Bill, which proposes to give effect to its recommendations, is a good example of the benefits to be gained from the decision to entrust the work of law reform to a representative body. The present members are—

Mr. B. W. Rowland, a solicitor in private practice,

Dr. E. J. Edwards, Reader in Law at the University of Western Australia, and

Mr. C. Langoulant, Senior Assistant Crown Solicitor in the Crown Law Department.

The committee is assisted by a staff of qualified persons who carry out the research so vitally necessary if law reform is to be of practical use to the community.

The problems and hardships imposed by the existing law on bailees were the subject of frequent representations from different sections of trade and commerce, and from the Law Society. The existing law was also the subject of criticism in the news media. It was generally accepted that some reform of the law was desirable, but the main questions were in respect of the types of bailment in which it should be granted and the extent of such relief.

At common law a bailee is required to keep and preserve goods entrusted to him until they are collected and he may not, by unilateral action, dispose of them without the risk of legal sanction.

In 1952 the Parliament of the United Kingdom passed the Disposal of Uncollected Goods Act, which mitigated some of the hardships imposed by the common law by permitting bailees in certain circumstances to dispose of uncollected goods held by them in the course of business. The provisions of this Act, with some modifications, have been adopted by most other Australian States. The Law Reform Committee prepared a working paper setting out the problems and referring to legislation in other jurisdictions. The paper was distributed to over 50 organisations which were invited to consult with, or submit their views to, the committee.

The Australian Finance Conference, the Law Society, Perth Chamber of Commerce, Real Estate Institute, Retail Traders Association, Trade Protection Association, Western Australian Automobile Chamber of Commerce, Western Australian Transport Association, some dealers, auctioneers, and repairers availed themselves of the opportunity to present their problems and suggestions to the committee. The Police Departments of Western Australia, New South Wales, and Victoria were also consulted in the matter. It cannot be denied that interested persons have been given an opportunity to bring anything relevant to the attention of the committee.

Recommendations of the committee divided goods into two categories according to whether—

(a) The goods were accepted by the bailee in the course of business for inspection, custody, storage, repair, or other treatment; or

(b) The goods came into possession of a person lawfully but not in the course of business.

Goods accepted by a bailee in the course of business range from expensive heavy machinery to second-hand shoes. The

strict procedural safeguards necessary in relation to the disposal of expensive items are unrealistic when applied to goods of little value. It was, therefore, necessary to provide different procedural formalities in relation to the following sub-categories:—

(a) Goods of little value (to be prescribed goods);

(b) Goods (not being prescribed) assessed at an amount not exceeding $300; and

(c) Goods assessed at an amount exceeding $300.

It is proposed that prescribed goods may be disposed of if uncollected after four months from the date of receipt and after two notices to the bailor have been given at prescribed intervals. Disposal is to be by public auction or private treaty.

Where the value of goods—not being prescribed—does not exceed $300, disposal cannot be effected unless uncollected for a period of seven months. Notice of intention to dispose of this class of goods must be published in the daily Press and in the *Government Gazette*. Sale by auction must be attempted before any other means of disposal can be used.

An order of a court of petty sessions presided over by a stipendiary magistrate is required to dispose of goods with a value assessed at over $300. Notice of intention to dispose of the goods must be published in the daily Press and in the *Government Gazette*. In all cases the bailor must be given notice that the goods are ready for delivery.

Goods which come into the lawful possession of a person otherwise than in the course of business may be disposed of only by order of a court presided over by a magistrate.

Notice of disposal of any goods coming under the provisions of the Bill must be given to the Commissioner of Police. Such notice which is to contain sufficient information to enable a check against the reports of property lost or stolen will prevent the Bill being used for criminal purposes.

Provision has been made to deal with disputes arising between bailor and bailee.

Unclaimed moneys arising from the sales of goods are to be paid to the Treasurer.

The benefits of the Bill are not to be available to a bailee who refuses or neglects to make redelivery of goods to a bailor. This restriction will prevent the legislation being used as a debt collecting device.

The Bill, which is recommended to members, will be an advantage to sections of trade and commerce which have experienced problems in disposing of uncollected goods.

The Law Reform Committee is to be commended for its work in this matter, and no doubt forecasts the worth-while recommendations which can be expected in regard to other projects assigned to it.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

SALE OF LAND BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [9.29 p.m.]: I move—

That the Bill be now read a second time.

This is another Bill which proposes to implement the recommendations of the Law Reform Committee.

The constitution of the committee and procedures adopted by it in dealing with assigned projects were given for the information of the House when introducing another measure which is now before it. It is only necessary to say again that the provisions of this Bill will prove of benefit to the community.

As far back as 1957 attention was drawn to the concern felt for purchasers of properties under contract of sale who, in many cases through no fault of their own, were unable to complete the contract.

The terms of reference of the committee included consideration of the law applicable to a defaulting purchaser under a terms contract for the sale of land; and to report whether there was a need for reform, and the extent of such reform.

The committee requested, and I was pleased to agree to, an extension of its terms of reference to include a consideration of the provisions of the Vendor and Purchaser Act, 1878, as amended, the Sale of Land (Vendors' Obligations) Act, 1940, and the Purchasers' Protection Act, 1933-1948, to see whether they could be modernised and consolidated into one Statute.

After studying the legislation provided for the protection of purchasers of land in Victoria, New South Wales, Queensland, and New Zealand the committee drafted a working paper. This paper was distributed to members of the judiciary, magistracy, Law School, practitioners interested in the subject, law reform committees and commissions of other States, and the Real Estate Institute. All local commentators on the paper agreed that a case existed for reform and generally agreed with the proposals of the committee.

When the committee's report was received it included a reference to legislation in Victoria, under which protection was afforded to purchasers of land under contract of sale where the vendor was not the registered proprietor of the land but was acquiring it under contract.

Having regard to difficulties then being experienced by some purchasers of land under contracts of sale from organisations not being the registered proprietors of such land, it was decided to extend further the terms of reference to have this question examined by the committee which submitted a supplementary report.

Recommendations of the committee were that—

(a) legislation be enacted to ensure that in a terms contract the purchaser is given a right of notice before the vendor can act against him on his default;

(b) the Vendor and Purchaser Act, 1878, as amended, the Sale of Land (Vendors' Obligations) Act, 1940, and the Purchasers' Protection Act, 1933-1948, be repealed and such provisions of these Acts still necessary be incorporated in an Act to give effect to recommendation (a);

(c) the vendor of subdivisional land comprising five or more portions —whether lots or parts proposed to be made into lots—be required to be the registered proprietor of that land before he sells, or offers for sale any portion or enters into any contract to sell any portion.

The Bill now being introduced for consideration incorporates all these recommendations, and it is safe to say that the controls provided will do much to prevent many unsatisfactory practices in respect of sales of land under contract of sale.

Clause 6 provides that a terms contract for the purchase of land cannot be determined unless the vendor serves a notice on the purchaser requiring him to remedy the breach of contract. Twenty eight days from the date of notice is allowed where the breach consists of a failure to pay money, and reasonable time must be allowed in the case of breaches.

A vendor of land under a terms contract is not to be permitted to encumber the land except with the consent of the purchaser or by order of the Supreme Court.

Clause 13 prohibits the sale of land unless the vendor is the registered proprietor of that land under the Transfer of Land Act. This restriction is limited in its operation to the development of subdivisions comprising five or more lots.

The aim is to impose restrictions only in the area where known abuses have occurred. This has happened where the ultimate purchaser is the last in a chain of transactions. In the event of default in any one of the contracts between the registered proprietor and the ultimate purchaser, losses may be sustained by people unable to protect their transactions. The restriction will not prevent the owner of a lot or even a small group of lots from selling even though he has not got title. It will, however, exercise some control over the type of speculator who has caused some public concern recently.

The Bill covers a number of offences in relation to sales of land. Limitations on advertisements should prevent incorrect description of zoning under town planning schemes and intended amenities.

Provisions of the Act set out in recommendation (b) which are still considered necessary have been included in the Bill. The Bill is recommended as it expresses the views and experience of persons interested in the field.

The provisions have been drafted to meet present-day conditions and reflect the need for law reform and revision in an area which affects a great number of people.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [9.38 p.m.]: I move—

That the Bill be now read a second time.

This legislation has been made necessary by a decision of the High Court that was handed down last June, in what has now become quite widely known as the Worthing case. Mr. Cyril Worthing was employed in building operations on the Richmond air base in New South Wales when he suffered an accident. He brought proceedings for damages against his employer, claiming amongst other things that his employer was in breach of the regulations made under the New South Wales Scaffolding and Lifts Act.

This legislation was directed to ensuring the safety of men engaged in building operations and purported to apply generally throughout the State of New South Wales. There was no relevant Commonwealth legislation on the subject. However, by a four to three majority, the High Court held that the Richmond base was a place acquired by the Commonwealth for public purposes within the meaning of section 52 of the Constitution, and that the New South Wales scaffolding and lifts legislation did not extend to that place. The result of the decision was that if Mr. Worthing was to proceed with his claim for damages he had to find other grounds on which to rely.

Section 52 of the Constitution provides that the Commonwealth Parliament has exclusive power to make laws for the peace,

order, and good government of the Commonwealth with respect to all places acquired by the Commonwealth for public purposes.

Until this decision it had always been understood by both State and Commonwealth authorities that general laws of a State applied uniformly throughout the entire area of the State, including places owned by the Commonwealth, except in so far as they were inconsistent with Commonwealth legislation.

Since the decision was given, the Standing Committee of Attorneys-General has given urgent and anxious attention to the problems raised by the High Court's decision. Those problems are extraordinarily complex, and many questions as to the full implications of the decision remain unanswered. The urgency of remedial action is underlined when it is remembered that the term "Commonwealth places" as used in section 52 would include not only Air Force bases and other defence establishments but also post offices, Commonwealth offices, quarantine stations, and similar places.

The purpose of this Bill is to complement the legislation that has been enacted by the Commonwealth Parliament in the past few days. When I say it has been enacted, I mean the Bill has passed through the House of Representatives, and it is now before the Senate; so I suppose it is not quite correct to say that it has been enacted. Similar legislation will be introduced into other State Parliaments. Both the Commonwealth and State legislation have been drawn up by a committee of senior legal officers representative of both the Commonwealth and the States.

The broad object of the legislative scheme is to restore the position as far as possible to the position that was assumed to exist before the Worthing case. This is sought to be achieved in this way: On the one hand, the Commonwealth Act applies as Commonwealth law the provisions of State laws that are inapplicable by reason of section 52 of the Constitution. The provisions of these State laws will be applied as in force from time to time in each State.

When a State repeals or amends its law, such repeals and amendments will, by force of the Commonwealth Act, be automatically applied in Commonwealth places. State laws will apply retrospectively and will operate in relation to both civil and criminal matters.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: I regret to say that I have to compete with voices around the Chamber. Under those circumstances one just cannot deliver one's remarks effectively.

On the other hand, the complementary State legislation will enable the Governor of a State to enter into an arrangement with the Governor-General under which the State officers and authorities will continue to administer and enforce the applied laws just as if they continued to be State laws—see clause 4 of the present Bill. In this way it is hoped to minimise the difficulty and inconvenience of the situation that has been exposed by the Worthing decision.

This is the general intention of the present Bill and its provisions are all directed to this end. I have already referred to clause 4.

Clause 6 ensures that where a cause of action is extinguished under the applied provisions, any parallel cause of action under the corresponding State law is also extinguished.

Clause 7 validates acts improperly done under the applied provisions if they could have been validly done under the corresponding State law.

Clause 8 ensures that where an offender has been punished under the applied provisions he shall not also be punished under the corresponding State law.

Clause 14—

(a) preserves the effect of things done under State law before the particular place became a Commonwealth place;

(b) makes State law applicable to a place which ceases to be a Commonwealth place;

(c) in the event of applied provisions ceasing to have effect because of a place ceasing to be a Commonwealth place, preserves all appointments and continues the effect of circumstances created under the applied provisions.

Whilst the Government accepts the necessity for this legislation, it accepts it only as a temporary expedient. At the meeting of the Standing Committee of Attorneys-General held in Perth on the 15th October the States were unanimous in expressing the view that the only satisfactory long-term solution to the problem was by way of an amendment to the Constitution to vary the legislative power given to the Parliament of the Commonwealth with respect to all places acquired by the Commonwealth for public purposes from an exclusive power to a concurrent power. Such a change would in no way limit the extent of the legislative power of the Commonwealth, but it would enable the general laws of the State to operate in their own right in Commonwealth places, so long as they were not inconsistent with any Commonwealth law.

The Attorney-General for the Commonwealth informed the State Ministers that in his view an amendment to the Constitution was neither necessary nor desirable, but the way has been left open for a committee of Commonwealth and State officers to examine the question further. In the meantime, the Bill now before the Legislative Council provides for its expiry on the 31st December, 1971—see clause 15. The Government hopes that this provision will ensure that the question of constitutional amendment will be diligently pursued, and in any event it will require that the position be reviewed in the next session.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

POLICE ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Police Act in four respects. The first of these deals with antisocial conduct. Some new offences are entailed and in order to give the courts and the public ample notice of these and the penalties to be imposed, and also to allow certain dosages that will be regarded as *prima facie* evidence of drug trafficking to be prescribed by regulation, there is provision in clause 2 for the proposals now before members to be brought into operation at a suitable time.

The desirability of introducing remedial laws to protect our social establishment has been given force of late by the occurrence of some group incidents in strength and violence which have occurred in different parts of the metropolitan area, of which the one at the Scarborough beachfront is indicative. It is not unreasonable to assume that the incidence of this particular type of disorder would quite likely increase unless some statutory provision is made by way of effective deterrent. I think I heard two members of Parliament the other night, when talking about other legislation, saying that certain crimes were on the increase.

I shall explain to members in what manner we are not fully equipped legislatively to meet the situation now developing. Section 54 of the Police Act deals with disorderly conduct on the part of an individual or individuals. However, the requirements of this section are not feasible where the police are confronted with overwhelming numbers of disorderly people. Independent arrests for offences which might be described as "specified" forms of disorderly conduct are practically impossible except on the isolated occasion when an arrest may be made from the fringe of the milling crowd. While the Criminal Code caters in section 62 for problems associated with "unlawful assemblies," that legislation is designed to meet exigencies of far more serious consequence where there is reasonable apprehension at the prospect of an unlawful assembly developing into a riot. Offenders in this category are required to stand trial before a jury.

The current problem is one lying about midway between the disorderly conduct section of the Police Act—section 54—and the unlawful assembly section of the Criminal Code—section 62.

It is therefore proposed to empower the police to take action when it is considered that an assemblage has been acting in such a manner as to give persons in the neighbourhood reasonable grounds for suspecting that the assemblage will disturb the peace or will needlessly provoke others to disturb the peace. To sustain a successful prosecution it will be necessary to prove that persons have been acting in such manner and have ignored a police warning to disperse.

This latter requirement will ensure that persons not involved in an assemblage may go peacefully to their homes or their lawful business unless ignoring such warning.

In passing to the next amendment, members will agree that the incidence of vandalism has greatly increased and consequences incidental to it can even be so serious as to cause loss of life. Persons have, for instance, been drowned while people endeavouring to effect their rescue have found lifelines cut—to quote just one incident. There have, in fact, been many incidents here where vandals have created a position that might have led to death or serious injury.

Last year, the Minister for Police, in an attempt to combat vandalism, agreed to the formation of a vandalism research committee under the chairmanship of the Deputy Commissioner of Police (Mr. A. L. M. Wedd). This action was promoted by a deputation from the Federated Chamber of Commerce, which urged the Minister to appoint such a committee comprising both Government and public organisations.

The committee took evidence from both organisations and private citizens and its subsequent recommendations included the suggestion that the penalties be greatly increased and that magistrates be given the power to inflict both fines and imprisonment on offenders. This Bill so proposes.

The next amendment takes into account the incidence of drug trafficking and drug taking. The increase in offences of this nature is reflected by the following figures—

Year	Offences of Possession and Usage	Smoking Cannabis
1968-69	52	15
1969-70	49	21
July to October 1970	16	50

So it will be seen that in 1969-70, there was a total of 70 offences in the year; yet in a matter of four months, from July to October of this year, there have been 66 offences.

The highly trained drug squad in conjunction with the Customs Department and the Department of Health, has brought about a number of arrests and uncovered numbers of highly dangerous situations where drugs have been the cause of trouble. However, this squad will be handicapped in its effort to stop the spread of the evil unless it is given additional powers.

Several Commonwealth and State Ministers' conferences have, over the past year, considered the increasing drug problem, and at their most recent meeting the Minsters agreed to proposals from the National Standing Committee on Drugs of Dependence that drug trafficking should be a separate offence dealt with more severely than offences involving drug usage or possession; and that the penalties for drug offences should be uniform throughout the Commonwealth. Additionally, it was agreed that possession of specific quantities—approximately 50 times the normal dosage or more—was to be *prima facie* evidence of trafficking.

The existing penalties for these offences rise to a maximum of $1,500 or imprisonment for three years. That covers all offences. The Bill provides the separate penalties of a fine of $2,000 or three years, or both, for simple possession, and a fine of $4,000 or ten years, or both, for trafficking.

In the light of the high penalty now to be set for trafficking, the Bill requires that the Court of Summary Jurisdiction convicting the person for the offence shall commit him for sentence before the District Court of Western Australia, which may pass sentence for the offence and deal with the convicted person as though the person had been convicted of an offence by a Court of Summary Jurisdiction. In the interim, the court convicting the offender is empowered to commit him to gaol or admit to bail pending sentence. In other words, he is tried in one court and sent to the superior court for sentence.

The Bill further directs that the court convicting the person shall be constituted by a stipendiary magistrate sitting alone. This is necessary because of the seriousness of the offence.

As to prescribed quantities of drugs constituting *prima facie* evidence, it is intended that the actual quantities be prescribed by regulation as this is a more flexible manner of dealing with quantities constituting evidence of intent to supply or sell to another and obviates amending legislation each time new dosages or new drugs are added, or existing dosages are varied.

Finally I turn to the amendment to section 69, which deals with the offence of unlawful possession. Continued serious losses in the building trade prompt an increase in penalties.

The Master Builders' Association has, for some considerable time, in association with other kindred organisations, been gravely concerned by the large scale thieving of materials from building sites. As a result, several requests for a review of the penalties imposed on offenders for offences of stealing from these sites, have been made from time to time.

The Minister, on seeking the advice of the Crown's legal advisers, has been informed that it is not considered any amendment to the definition of "building" under the Criminal Code would be warranted because, to extend such a definition to cover a building site, or even a partly constructed building, would seems to present very grave problems in the drafting of an amendment.

The basic problem, however, was a purely practical one, so he was informed; namely, that unless a person is actually caught stealing from a building site or building, the identification of the stolen property would present tremendous difficulties, because in most cases it is quite impossible for the owner of material stolen ever to be able to say with confidence that any particular article belonged to him. In other words, they are usually unidentifiable objects and this holds whether the property stolen is copper piping or bricks.

Accordingly, it was suggested that rather than try to amend the Code, the more practical suggestion would be to amend the provisions of the Police Act so that more substantial penalties could be imposed in cases of unlawful possession.

To clarify this, it is stated that in a case of unlawful possession, proof of ownership is not required, and this overcomes the difficulty which presents itself in cases of stealing where the property must be identified positively.

It is remarkable to me that building sites seem to be open go for people who want to steal. Some people seem to have a peculiar approach towards building sites. They see a piece of copper pipe, or a tap, or some piece of equipment lying about and they seem to develop the idea that they have the right to take it away and use it for their own purposes.

This is a terrible state of affairs and, of course, in addition to such action being a breach of the law, it must add considerably—I know it does—to the ultimate cost of the building. The house-owner, or the person for whom the building is being constructed, must pay the cost. It is a bad principle that citizens in our community can simply walk onto a building site and pick up something, and imagine that they are entitled to do that.

The Hon. L. A. Logan: They sometimes take baths.

The Hon. Clive Griffiths: In 1965 I proposed an amendment along these lines.

The Hon. A. F. GRIFFITH: Well, I will not have any trouble receiving the support of the honourable member for this Bill.

In accordance with the recommendation so submitted, and after consideration by the Commissioner of Police, it is proposed in this legislation, in order to provide a more realistic deterrent to people who thieve from building sites causing substantial loss of material, that the penalty be a fine of $400 or two years' imprisonment, in lieu of the present penalties of $100 and six months' imprisonment.

I still think it is the practical matter of discovering the theft and catching the thief which is the real problem. Let us hope that an increase of this nature in the penalty will be of some deterrent to people who go to building sites and take property which does not belong to them. I commend the Bill to the House.

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

House adjourned at 9.59 p.m.

Legislative Assembly

Tuesday, the 3rd November, 1970

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

CENSORSHIP OF FILMS

Uniform Legislation: Petition

MR. BURKE (Perth) [4.32 p.m.]: I have a petition. It is a fairly lengthy petition and I have paraphrased it for the information of the House. It is addressed as follows:—

> TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE PARLIAMENT OF WESTERN AUSTRALIA, IN PARLIAMENT ASSEMBLED:
>
> We, the undersigned members of the International Film Theatre, Inc., a Western Australian film society of nearly 900 members, do hereby pray that Her Majesty's Government in Western Australia, will consider the following submissions:—
>
> Your petitioners believe no case has been established for the censorship of films seen by mature persons over the age of 18 at screenings by properly constituted film societies, film festivals, libraries and educational institutions.
>
> They believe that the protection of immature persons can best be achieved by the introduction of restricted exhibitions and the adoption of uniform legislation and regulations in all States and Territories of the Commonwealth.
>
> Accordingly, they recommend that the Government of Western Australia consult with the Governments of the Commonwealth and of the other States with a view to introducing such legislation in Western Australia.
>
> Your petitioners therefore humbly pray that the Legislative Assembly in Parliament assembled will heed and act on these submissions.
>
> And your petitioners, as in duty bound, will ever pray.
>
> No. of Signatures—176.
>
> THIS IS TO CERTIFY that the above petition conforms with the rules of the House.

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

BILLS (2): INTRODUCTION AND FIRST READING

1. Public Service Act Amendment Bill.
2. Public Service Arbitration Act Amendment Bill.

Bills introduced, on motions by Sir David Brand (Premier), and read a first time.

QUESTIONS (15): ON NOTICE

1. AMMONIUM CHLORIDE FUMES

Rivervale

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

(1) Has he received complaints with regard to ammonium chloride fumes emanating from Galvanisers (W.A.) Pty. Ltd., Rivervale, affecting residents in the area and causing children and teachers at Tranby school irritation and discomfort?

(2) If so, has any action been taken or contemplated to abate the nuisance and, if so, when?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) In June of this year, under instruction from the Air Pollution Control Council, the company installed a forced ventilation system emitting through a stack 15 ft. above the ridge of the roof, this being the best practicable means for this premises.