outlook of those on the other side. I do not want it to be thought that this is a condemnation of the Government only. In the case of licensing matters the approach is not on party lines; members speak according to their individual consciences.

I am pleading for a new approach, and for some new and realistic thinking in regard to this matter. As with so many other matters it is fashionable for there to be protests by youth organisations and others, only because there are so many contradictions and absurdities in the laws, and the behaviour of some people for which we are responsible; and, as a result, the people think of us in rather unflattering terms.

For this reason I think it is high time we brought ourselves up to date in respect of licensing and other social questions. I am taking this opportunity to implore the Government to do something, because it has the facilities available to it to take the necessary steps. I implore the Government to do some deep thinking in regard to the question of our licensing laws generally.

There is no question of any pioneering being done, because there are examples and proofs available in other parts of the world. We should choose the best that is in existence—something which has been established and proved elsewhere—and adapt it to suit the climate and temperament of Western Australia; and, having done so, we should see what sort of a fist we make of it.

First of all let us not fiddle around with the Licensing Act; let us tear it up. When this legislation was introduced in 1913, reference was made to horses and drays, and the rest. I notice that reference is also made to sly-grogging, as it was termed; and I am rather surprised the Minister should have used that expression.

Heavens above! This is the sputnik age; it is a time when we expect that in the next year or two a man will be landed on the moon. Yet we still tie ourselves to liquor legislation which was introduced in 1911 and 1913. This matter was approached quite differently in those days.

I suppose that you, Sir, have deduced by this time that I could not care a snap of the fingers, very largely, whether the penalty is $100, $200, or some other figure. I think the legislation is completely unreal, and the only affect it will have will be to put an extra few hundred dollars into the coffers of the Treasury. It will certainly have no real or practical effect.

The legislation reminds me of King Canute trying to hold back the waves, or whatever he tried to do! The established procedure and practice of our people is being questioned. We call it unlawful, but it is the established way of life in other parts of the world, and in those parts it is not called unlawful.

It would appear that I am of two minds whether to support or oppose the legislation, but members will be well aware that I have taken advantage of the opportunity to make some general observations with regard to our liquor laws, and I will leave the matter there.

Debate adjourned, on motion by Mr. Bertram.

House adjourned at 5.12 p.m.

Legislative Council

Tuesday, the 10th September, 1968

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

METROPOLITAN REGION SCHEME

Amendment to Plan: Ministerial Statement

THE HON. L. A. LOGAN (Upper West—Minister for Town Planning) [4.32 p.m.]: Mr. President, I wish to lay upon the Table of the House a submission by the Metropolitan Region Planning Authority for an amendment to the Metropolitan Region Scheme. The effect of this amendment will be to change the zoning of about 7,000 acres of rural land in the Cannington-Armadale corridor to urban.

The submission arises out of an announcement, on the 26th April last, of planning proposals for the corridor. At that time the deferment was lifted on 3,000 acres of urban deferred land. The rezoning of rural land, however, must be submitted to Parliament.

In this submission the Metropolitan Region Planning Authority, which is statutorily charged with administering and reviewing the scheme, outlines the reasons for considering the land should be rezoned, and sets out the requirements it believes should be observed before development is permitted. These requirements include the need for effective drainage treatment and sewage disposal. The submission includes a report on objections which explains how these were handled, what determination was reached on each, and what were the reasons for the determination.

There were 137 objections which fell principally into two main groups: those who claimed that their land should be included in the new urban zone—of which

there were 58—and those who considered that the reservation of river recreation reserves was excessive and endangered riparian rights—51, plus a petition.

In almost half of the first group of objections the authority said that the definition of the urban zone was intended to be a broad indication of the extent of that zone. It pointed out that the actual boundary of urban development would be established by local authorities in the future having regard to the suitability of land and the provision of services, and on the basis of local planning and design.

In the case of the objections relating to river reserves, the authority found that the broad principles of park and recreation reserves along rivers, as established in the Metropolitan Region Scheme, should be maintained. It considered that such reserves along the banks of the Canning and Southern Rivers shown in the amendment were an expression of a principle aimed at safeguarding a valuable amenity feature when adjacent land was subdivided or developed. The interests of the landowners in the area are adequately safeguarded by the provisions of the existing scheme relating to reserved land.

The authority further observes that ownership of the land and such matters as riparian rights will remain unchanged until either the authority purchases a foreshore reserve or, as a result of subdividing the land, a foreshore reserve is vested in the Crown. It is not, however, anticipated that the authority will initiate the acquisition of this land against the wishes of the owners.

In its conclusion the authority expresses the view that, in fact, having regard to the form of the Metropolitan Region Scheme and the safeguards to individual interests which it provides, many of the objections arise out of a misunderstanding of the scheme and its operation rather than the adverse effects of the amendment. I wish to table the submission.

The submission was tabled.

QUESTION WITHOUT NOTICE

LOCAL GOVERNMENT ASSESSMENT COMMITTEE

Report: Availability

The Hon. S. T. J. THOMPSON asked the Minister for Local Government:

Are any copies of the assessment committee's report available for distribution?

The Hon. L. A. LOGAN replied:

Additional copies of the assessment committee's report are available from the Government Printer at a cost of $3 a copy.

QUESTIONS (6): ON NOTICE

FISHING LICENSES

South Coast

1. The Hon. V. J. FERRY asked the Minister for Fisheries and Fauna:

(1) How many current professional fishermen's licenses issued to fishermen operating on the south coast of Western Australia from the mouth of the Donnelly River to the mouth of the Pallinup River, include conditions which permit the catching of salmon?

(2) What are the names of the licensees, and in what localities are they permitted to fish for salmon?

(3) Of the current licenses—

(a) how many new licenses were issued between the 1st September, 1967, and the 31st August, 1968; and

(b) how many licenses were cancelled during this same period?

(4) (a) Is it known what quantities of salmon were caught by each licensee during the 1968 salmon fishing season; and

(b) if so, what are these figures?

The Hon. G. C. MacKINNON replied:

(1) 39 licenses.

(2) Names of licensees, and locality:

W. F. Ebbett, Rames Head.
N. T. Bevan, Peaceful Bay.
B. Crowd, Boat Harbour (West).
W. H. Pinniger, Hillier's Beach.
C. J. Smith, Hillier's Beach.
R. J. Shenfield, Parry's Beach.
L. H. Pinniger, Parry's Beach.
R. W. Collins, Light's Beach.
D. R. Beale, Ocean Beach (Denmark).
E. A. Coombe, Shelly Beach.
G. A. Mitchell, Cosy Corner (Torbay).
W. D. North, Cosy Corner (Torbay).
F. North, Mutton Bird Island.
W. A. North, Mutton Bird Island.
T. Kennedy, Goods Beach (Frenchman Bay).
H. R. Casey, Gull Rock.
D. J. Davies, Gull Rock.
D. H. Tysoe, Nannerup.
J. A. Matich, Nannerup.
C. W. Wilson, Two People Bay.
L. Muchmore, Two People Bay.
E. B. Muchmore, Two People Bay.
C. M. Benson, Betty's Bay.
C. J. Benson, Betty's Bay.
J. F. Benson, Betty's Bay.
G. C. Westerberg, Cheynes Beach.
N. E. Westerberg, Cheynes Beach.
L. Eskett, Cheynes Beach.
F. Gomm, Cheynes Beach.
C. H. Martin, Cheynes Beach.

C. J. Treasure, Cheynes Beach.
R. Birss, Cheynes Beach.
P. Wheatcroft, Cheynes Beach.
N. C. Price, Cheynes Beach.
C. T. Price, Cheynes Beach.
G. L. Thompson, Haul of Rocks.
D. J. Moir, Cape Riche.
D. Guest, Boat Harbour (East).
W. Cagnana, Pallinup.

(3) (a) Three additional licenses for two new localities.
(b) Nil.

(4) (a) 1,880 tons of salmon were received into the Albany cannery during the 1968 season.
(b) The department has given an undertaking to all professional fishermen that the production figures in their monthly returns will not be made available to anyone without the prior consent of the fishermen concerned.

GOVERNMENT INSTRUMENTALITIES

Losses

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

(1) During each of the past three years, what total losses have been incurred by—
(a) Western Australian Government Railways;
(b) Metropolitan Transport Trust;
(c) Western Australian State Shipping Service; and
(d) State abattoirs and stock saleyards?

(2) From which funds are the losses of the concerns provided?

The Hon. A. F. GRIFFITH replied:

(1)—

	1965–66 $	1966–67 $	1967–68 $
(a) Western Australian Government Railways	3,991,053	4,458,811	4,800,023
(b) Metropolitan Transport Trust	1,282,115	619,755	553,504
(c) Western Australian Coastal Shipping Commission	2,730,732*	2,393,967*	2,372,565*
(d) State abattoirs and stock saleyards	69,064	97,095	18,213

* For the calendar year ended the 31st December.

(2) Consolidated Revenue Fund.

ROAD MAINTENANCE TAX

Kimberley

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

In addition to $27,168.28 collected from the list of transport operators mentioned in the reply to my question on Tuesday, the 3rd September, 1968, what was the total amount of road maintenance tax paid during the last financial year by—
(a) operators of cattle trains operating from Northern Territory into the Kimberley; and
(b) other transporters operating in, but not registered with, Kimberley shires?

The Hon. A. F. GRIFFITH replied:
(a) There is no record of any such cattle train operation, but one operator of a truck-trailer combination paid $124.72 during the year ended the 30th June, 1968.
(b) Records are not segregated to show such figures.

CATTLE IMPORTS

Certificates of Health

4. The Hon. F. J. S. WISE asked the Minister for Mines:

(1) How many cattle have been brought into the Kimberley area of this State from the Northern Territory by air, road train, or by droving, in each of the past five years?

(2) Have all such cattle been accompanied by a certificate of health and certified free of bovine pleuro pneumonia, T.B., and brucellosis?

(3) At what point in the Northern Territory are the requisite tests made to enable certificates to be issued, and where are certificates issued in the Northern Territory for this purpose?

(4) If dipping for tick is insisted on by our veterinary section of the Department of Agriculture, before entry of cattle into this State, where does such dipping take place prior to cattle crossing the border into Western Australia?

The Hon. A. F. GRIFFITH replied:

(1) By air—none.

By road train and droving—
1962-63—10,085.
1963-64—10,305.
1964-65—5,527.
1965-66—2,633.
1966-67—4,437.
1967-68—No figures yet available.

Most would have come by road train.

(2) During the five years only stud cattle could be introduced from the Northern Territory for breeding purposes and required only a general health certificate but no special certification for pleuro-pneumonia, T.B., or brucellosis.

Slaughter cattle from the Northern Territory required general health certificate and certification of dipping or spraying for tick and buffalo fly.

In 1968, all breeding stock from the Northern Territory required a certification of residency on the Northern Territory property for 12 months, and of freedom of the district from pleuro for six months, or if from an infected area in the Northern Territory a negative blood test for pleuro. All cattle also now require a negative test for T.B. and brucellosis.

In 1968, all slaughter cattle must have a general health certificate and must move by transport to an abattoir both of which must have prior approval of the Western Australian Chief Veterinary Officer. All cattle entering Western Australia from the Northern Territory have complied with the requirements as set out.

(3) Tests are made on the property of origin in the Northern Territory and certificates are issued by the Northern Territory stock inspector on authority of the Chief Veterinary Officer, Northern Territory.

(4) Dipping or spraying is required on property of origin immediately prior to movement.

RAILWAYS

Financial Return of Each Line

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

Will the Minister advise the House the net financial result of each railway line operated by the Western Australian Government Railways during each of the past eight years?

The Hon. A. F. GRIFFITH replied:

The information requested by the honourable member is shown in a schedule which I ask to have tabled.

The schedule was tabled.

GOVERNMENT INSTRUMENTALITIES

Capital Expenditure

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

(1) What were the total amounts of capital expenditure in each of the past eight years on each of the following public services—

(a) Railways;

(b) Metropolitan Transport Trust;

(c) Abattoirs and saleyards; and

(d) State Shipping Service?

(2) From which funds were the expenditures provided?

The Hon. A. F. GRIFFITH replied:

(1)—

	Railways	Metropolitan Passenger Transport Trust	State Abattoirs and Saleyards	W.A. Coastal Shipping Commission
	$	$	$	$
1960–61	6,457,655	1,395,052	....	465,737
1961–62	9,192,545	2,014,576	....	856,034
1962–63	14,578,764	1,278,418	....	923,396
1963–64	15,505,662	1,110,954	1,574	1,105,405
1964–65	22,207,556	1,229,892	2,670	413,189
1965–66	33,805,599	922,270	....	100,000
1966–67	28,819,599	1,146,908	....	764,247
1967–68	28,479,762	1,171,807	....	483,207

(2)—(a) Railways — General Loan Fund, Rolling Stock, Replacement Fund, Commonwealth assistance for standard gauge project, Commonwealth grant for stimulation of employment, and domestic funds.

(b) Metropolitan Passenger Transport Trust—General Loan Fund, private loans, inscribed stock, domestic funds.

(c) State abattoirs and saleyards —Consolidated Revenue Fund.

(d) Western Australian Coastal Shipping Commission—General Loan Fund, private loans, domestic funds.

POISONS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.50 p.m.]: I move—

That the Bill be now read a second time.

Drugs of addiction and certain specified drugs are subject to special controls under both the Poisons Act and the Police Act. The special value of the latter is that it provides for control over illicit trafficking in these substances.

The term "drug of addiction" applies to the so-called hard drugs, such as morphia, heroin, cocaine, and pethidine, and the term, "specified drug" was devised in order to cover the so-called lesser drugs of addiction, such as the amphetamines and barbiturates. The existing definition of "specified drug" in the Poisons Act is—

> any substance that the Governor by Order in Council declares to be productive, if improperly used, of effects of substantially the same character as a drug of addiction.

This definition involves certain difficulties with the control of L.S.D. and other hallucinogenic drugs in that they are not at present believed to be true drugs of addiction, nor are their effects of substantially the same character as drugs of addiction. Further, it is more than likely that other preparations—which might necessitate strict control—will be developed in the early future.

The simplest way to provide for effective control over the hallucinogenic drugs—and others that are likely to be developed soon—is to amend or broaden the present definition of "specified drug" under the Poisons Act along lines recommended by the Poisons Advisory Committee. The definition of "specified drug" would read—

> means any substance that is declared to be a specified drug for the purposes of this Act.

The mental health committee of the State Health Council and the Poisons Advisory Committee agree that hallucinogenic drugs should be controlled in the same way as drugs of addiction, and this amendment will meet the situation.

It was originally intended that a provision for an increase in the penalty for the illegal sale or supply of drugs of addiction or specified drugs to $1,500, or three years' imprisonment, should be implemented under the Police Act. The Police Act, however, is concerned essentially with possession, rather than supply. Further, certain categories of persons—pharmacists, doctors, dentists, and veterinarians—are already authorised under section 23 of the Poisons Act both to possess and to supply these drugs. The existing penalty for unlawful supply under the Poisons Act is $100.

In the opinion of the Parliamentary Draftsman, while it is appropriate to deal with the illegal possession of these drugs within the Police Act, it would be more appropriate to deal with the unlawful supply of them under the Poisons Act. The Minister for Police agrees in this regard, as does the Poisons Advisory Committee.

The amendment to increase the penalty for the unlawful sale or supply of drugs of addiction and specified drugs to $1,500, or three years' imprisonment, will bring the Poisons Act into line with the penalties under the Police Act for illegal possession of these drugs.

It was perhaps odd that even while the Bill was being drafted this particular anomaly should be highlighted by a magistrate in a case which came to his attention. Members might recall that this was referred to in *The West Australian* within the last couple of weeks. When the newspaper people rang me on the subject I was able to say the Bill was already in the process of preparation—and this, of course, it is. Although the problem was foreseen before we were able to get the amendment through, it does highlight the need for the amendment.

Certain categories of persons—such as doctors, dentists, veterinarians, and pharmacists—are authorised under the Poisons Act to procure, possess, or prescribe drugs of addiction. From time to time in the past, circumstances have arisen which have justified the withdrawal of this authority for specified periods. Legal advice on this matter is that there is no power within the Act to withdraw this authority. The matter was considered by the Poisons Advisory Committee and it is that committee's recommendation that provisions be made to enable the Commissioner of Public Health, when necessary, to impose such conditions, limitations, or restrictions, for such period or periods as he considers necessary, to restrict these persons in manufacturing, possessing, using, supplying, selling, or prescribing for others any or all drugs of addiction, or specified drugs. Clause 6 of the Bill has been inserted for this purpose.

The necessity to acquire authority for the control of hallucinogenic and other dangerous drugs is indicated in the matter of specified drugs previously mentioned. Supplementary powers are essential if these drugs are to be effectively controlled. To attempt to do so by special regulations for each particular substance among the many in the seventh schedule already, and others which are bound to come forward in the future, would involve complicated administrative machinery and result in a comparatively inflexible series of separate regulations which would present considerable administrative problems.

It is therefore proposed to deal with the problem in a flexible manner to enable the Commissioner of Public Health to impose particular restrictions for particular circumstances. This will be done by providing that substances in the seventh schedule to the Act may not be sold, supplied, used, or possessed except by special permission of the commissioner and in accordance with such conditions, limitations, and restrictions as he imposes. The Poisons Advisory Committee has also recommended this provision. I commend the Bill to the House.

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

BILLS (3): THIRD READING

1. Rural and Industries Bank Act Amendment Bill.

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

2. Dried Fruits Act Amendment Bill.

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

3. Local Government Act Amendment Bill.

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

ROAD AND AIR TRANSPORT COMMISSION ACT AMENDMENT BILL

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.

Clause 1 put and passed.

Clause 2: Section 21 amended—

The Hon. J. DOLAN: I indicated in my second reading speech that I wished the Minister to answer some questions which I asked and I suggest he take the opportunity to do so while dealing with this clause.

The Hon. G. C. MacKINNON: I have been able to obtain answers which I hope will be to the satisfaction of Mr. Dolan.

In regard to the capacity of omnibuses, the number of passengers an omnibus is licensed to carry is determined by the Commissioner of Transport when granting the license. In practice, the procedure adopted is as follows:—

Larger ('standing height') buses on regular local services:

Buses are licensed to carry "seating capacity plus 50 per cent." These refer to regular commuter services in the larger towns.

Buses on other services, including tourist services:

Licensed for seating capacity only.

'Mini-buses' and others without adequate height for standing:

Licensed for seating capacity only irrespective of type of service on which they are employed.

Mr. Dolan stated, "I think the basis contained in the regulations is a seat for every 1½ licensed passengers." The only regulations concerning seating capacity are Nos. 16 and 17, which read as follows:—

16. The number of passengers carried in or on an omnibus shall not exceed the number specified in the licence issued in respect thereof, but, for the purpose of this regulation, three children under the age of fourteen years shall be regarded as equivalent to two passengers.

17. There shall be exhibited in a conspicuous place in each omnibus a notice stating the number of passengers the vehicle is licensed to carry.

In regard to exemptions, the operations of the Metropolitan Transport Trust are not subject to licensing. Buses carrying out Education Department contracts are exempt from licensing but some of these would need to be licensed to the extent to which they engage in passenger transport additional to their school work. It should be remembered that the rates of license fee specified in the Act are maximum rates only, and the Commissioner of Transport is authorised to—and does in practice—fix a lesser rate commensurate with the nature of the particular service.

With regard to aircraft fees and alternative methods, it is the intention of the Bill that the commissioner will determine which of the two alternative methods will apply to a particular operator.

The existing method can be regarded as the fairest basis, because if earnings are low the license fees are low while, if earnings are high, the fees are in proportion. The reason for proposing the alternative method is to save unnecessary work and correspondence where earnings are low and in these cases there would be little variation in fees between the two methods in terms of actual money.

If one method only were to be provided the existing method of a percentage of gross earnings is the fairest and this is the one which should be retained. The proposed new method is put forward only as an alternative for use in appropriate cases.

The honourable member asked how the calculations illustrating the two methods of licensing buses and aircraft would be affected where capacity loading is not carried. That is the reason the calculation of fees as a percentage of earnings is the fairest, and this method should be retained in any case. It is true that the alternative recommended in each case does not allow for part loads but it is intended to apply to cases of minor operations only where the difference in dollars and cents would not be very great in any case.

Conditions vary so much between different routes and areas and between different operators that it is not possible to lay down statutory provisions to cover all eventualities. This is why it is necessary to repose some discretion in the Commissioner of Transport, and the alternative methods set out in the Bill are designed to allow him wider scope in applying the more appropriate basis in any particular instance.

I hope the answers I have given will afford some satisfaction to the honourable member in regard to the queries he raised.

The Hon. J. DOLAN: I have some brief comments I wish to make on this alternative method of licensing. They arise out of information I have obtained since the second reading, during which I indicated that in another place the Minister suggested he would consider certain matters raised by Mr. Graham and he would furnish Mr. Graham with a letter he had received from the Commissioner of Transport. I wish to refer to some of the figures contained therein.

A perusal of these figures shows that the examples taken from the Minister's second reading speech did not give as clear a picture as they could have done, although that was not the fault of the Minister. In

his second reading speech the Minister referred to the fact that a Cessna aircraft and a Beechcraft Queen Air had an average working year of 200 flying hours. That is far from accurate. The Department of Civil Aviation indicates that a Cessna aircraft, with normal use, would operate for between 500 and 550 flying hours a year, not 200 as was indicated in the Minister's second reading speech. For the Beechcraft Queen Air the flying time for a year would be 2,700 hours.

That is nearly 13 times greater than 200 hours, and the consequent fees paid would be far different. For example, the license fee for a Cessna under the present scheme of 6 per cent. of gross earnings, based on the figures supplied by the Department of Civil Aviation, would be $960 a year; whereas under the alternative method provided in this clause, the fee would be only $265 a year.

In the case of a Beechcraft Queen Air, under the present licensing method, the fee would be $17,820; whereas under the alternative method it would be only $820 per year. That is a considerable difference. The commissioner suggests that in order to maintain some parity, the rate should not be 10c per pound of take-off weight, but in the case of a Cessna it should be 35c per pound, and in the case of the Beechcraft Queen Air, $2.17 per pound. He indicates that the fairest method of calculation is undoubtedly the present one where fees are calculated as a percentage of gross earnings. If earnings are low the operator pays little; if earnings are high, an operator pays accordingly.

I would like to refer to M.M.A., which is the largest operator in the State. That company has 16 licensed aircraft which were in use at the 30th June last. The total take-off weight is 527,279 lb. and 10c per pound would result in total license fees of $52,728. Under the present licensing system fixed at 6 per cent. of the gross earnings for 1967-68—a total of $6,956,932—the fee is $435,416. To equate the two methods, the proposed 10c per pound of take-off weight would have to be about 82c per pound.

The commissioner comments—

> The variations in results of the "rate per lb." method are so wide that it would be quite unapplicable to all cases and the retention of the present method, I feel, is essential.

The Hon. G. C. MacKinnon: Which commissioner?

The Hon. J. DOLAN: The Commissioner of Transport has the right to decide which method will operate. He will have a big decision to make in regard to a company that is paying about $400,000 in license fees by comparison with the alternative method which will amount to about $52,000 only. That is in relation to aerial services.

The Hon. G. C. MacKINNON: Everything Mr. Dolan has said is absolutely true if one takes that section out of context with the entire speech. I made no indication that 200 hours was a normal or regular flying time. It must be remembered that in the second reading speech I said, "at, say, 200 hours flying per annum."

At the beginning of my speech I said—

> These requirements work out quite satisfactorily in so far as the larger operators are concerned because they, of necessity, must maintain a full accounts system. The smaller businesses are in a different category . . .

For this reason, the examples given with regard to Cessna and a Beechcraft Queen Air were based on a small operator, because 200 hours would obviously fall below commercial operation. The large companies can keep their planes operating irrespective of the laid down capacity time for pilots. I think under the legislation the capacity time for a pilot is 18 hours a week.

The amendment is designed to assist small operators in the saving of clerical work, but a large operator like M.M.A. would remain on the present method of calculating license fees. A Beechcraft Queen Air flying 2,700 hours per annum would be a large operation and I guess the operator would have his license assessed under the present method as he would have an accounting system.

If someone is operating in a much smaller way, that method becomes a burden. With a $200,000 operation, the difference to the operator is not very great in real money, but in terms of accountancy, bookkeeping, and the like, the difference is quite considerable. That is all the alternative method is designed to take care of.

The Hon. J. DOLAN: I do not dispute anything the Minister has said, nor am I trying to present any figures which may be at variance with anything suggested. I have in mind that we must make sure that the alternative method will not be used in the case of the big operators to whom I have referred. In regard to the latter, I would wish that the Commissioner of Transport would himself choose which one should operate. I concede that.

Members will see that we must ensure there is a safeguard if a company—such as, for example, M.M.A.—comes under the alternative scheme and pays only $52,000-odd in fees for a year by comparison with $435,416 which it is paying under the present scheme. If there is to be any concession granted by the Commissioner of Transport, I feel that concession should be passed on to the people who richly deserve it; that is, those who are being served by the services. If exemptions of hundreds of thousands of dollars are to be received, straightaway that

amount should be used to offset the charges for transport to those areas, not as further profit for the companies.

The Hon. G. C. MacKINNON: Perhaps I should point out that the Commissioner of Transport currently has to make the sort of decision which the honourable member is talking about; because under the Act as it currently exists, the fees which are charged are the maximum ones. The commissioner does, in fact, make these allowances. For instance, if he thinks that, say, $430,000-odd is too high for a particular operator, then arbitrarily he may reduce it. Indeed, he does reduce it now and consequently makes this kind of decision at the present time.

Even though the commissioner may reduce the fee, the operators still have to keep the same sort of records; that is, all the accounting which goes with the system. The commissioner might say, "$435,000 is too steep. I consider that $200,000 is as much as the traffic will bear, so we will make it $200,000."

This could be said after all the records had been kept. The intention of the amendment is not to alter the commissioner's capacity to vary the fee. We are not taking away or putting in any other safeguards, or in any way altering his capacity and responsibility.

The Hon. J. DOLAN: Before I proceed to the next stage in relation to buses, I would point out that the commissioner himself feels the present method is most satisfactory. It is quite obvious the commissioner considers that if there is to be one method of assessment, it should be the first.

The Hon. G. C. MacKinnon: That is right.

The Hon. J. DOLAN: With regard to buses, one of the operators involved is the Railways Department road bus services. The gross earnings for 1967-68 totalled $562,790, of which 6 per cent. is $33,767. On the alternative basis, if $10 a seat per annum were to be paid, the services would be involved in fees of $23,390, which represents a saving of $10,000-odd.

A good example which shows how this method can operate to the disadvantage of the finances of the State is Robertson's Northern Services Pty., Ltd., which operates from Perth to Port Hedland. Its gross earnings for the last financial year totalled $171,497. Six per cent. is $10,290, which represents the amount of fees it would pay. Under the alternative scheme of $10 a seat, the license fee would be $1,460, which is a considerable saving by comparison with $10,290.

In any case, the commissioner can lower the rates, whether they refer to aircraft or buses. If instead of 6 per cent. of the gross earnings, he considers it should be, say, a fraction of 1 per cent.—in certain cases of hardship and so on—the commissioner has the right to act accordingly. I would go along with that.

Nevertheless, I feel we should very carefully consider whether we should just retain the present system, thereby leaving this right with the commissioner to use his judgment in the fixing of fees and so on, or whether we should bring in the alternative. If the Chamber favours the alternative scheme as well, in those circumstances I consider we should receive an assurance that where fees are lowered in connection with those operators which can well afford to pay them, the reduction will be passed on in the form of reduced freight rates and, perhaps, passenger rates to those people who use the services.

There is one other point to which I wish to refer concerning the last amendment proposed to section 21. It reads as follows:—

> (4) In assessing a license fee based on the gross earnings derived from the operation of a vehicle, the Commissioner shall not take into account the amount of any subsidy paid or payable in respect of its operation.

I am in complete accord with that proposal, because I think it is perfectly fair. If a subsidy is warranted in the first place, it is only right it should not be taken into calculation when assessing the fees based on the gross earnings.

I submit these points so that the Chamber can be well informed and members can use their own judgment whether we ought to retain just the one method or, as the Minister has suggested, introduce the alternative method to give some assistance to the operators. I would think the alternative system would only be of benefit to the small operator. It would pay the State and the Commissioner of Transport to have quite a staff who could check these matters if everything associated with the big operators was to be checked.

I am not inclined to oppose the clause, but I do want certain assurances; namely, that if a concession is to be given to the big operators, that concession will be passed on to the people who so richly deserve it.

The Hon. G. C. MacKINNON: Perhaps I should tackle the problem in a slightly different way. The main emphasis made by Mr. Dolan has been in terms of the amount of money received by the Treasury from the various forms of license fees. At the present time, this can vary at the discretion of the commissioner. He can decide it shall be nominal or that it shall be the maximum, which would be quite a heavy license fee. I think members should forget the money aspect; because, as I say, the fee can be varied under the present system. The purpose of the

amendment is not to save anyone money or to obtain any more money; it is to reduce clerical and administrative work.

The Hon. H. C. Strickland: This must save money.

The Hon. G. C. MacKINNON: Mr. Strickland quietly interjected that this must save money. It does; and, as Mr. Dolan hoped, perhaps it will be reflected in the charge to the paying customer. However, a big operator needs to keep fairly involved books whereas a small operator—perhaps a one-man organisation —does not, and there is no relief for him at the present time. Even if the commissioner were to say that his license fee was $5, he still has to go through the motions of keeping all the records. If, under the alternative system, the commissioner decides that although the maximum license fee is $200, a license fee of, say, $5 is warranted, then the operator would not have to do all the book work.

I think members should forget the money angle and think in terms of book work, especially as it is quite unnecessary book work. The records are not required for any purpose except as a requisite of the Act. The records are not used to assess the amount, because in the case of a small operation the amount is too small to be bothered with on those lines.

Of course this has been done in the past. The whole fee structure, freight, and everything else is assessed on this basis. I do not think there will be any difference except in so far as the book work is concerned.

The Hon. W. F. Willesee: You have nothing personal against the accountancy profession, I hope.

The Hon. G. C. MacKINNON: No, I have nothing personal against the accountancy profession. In the sort of operation which I am talking about, the boss generally does the book work at night. It is extra and fairly needless work.

The Hon. J. DOLAN: I thank the Minister for the information which he has provided; because it has given the Chamber an opportunity to be perfectly clear about what is involved. I am pleased to have this kind of co-operation.

The Hon. H. C. STRICKLAND: I am interested in the discussion to the extent of the Minister's explanation that the commissioner can use his discretion on a very wide basis judging by Mr. Dolan's figures. With reference to one big aerial operator in the State, as I understand it, the Act would enable the fees to vary from $430,000-odd down to some $80,000-odd.

The Hon. G. C. MacKinnon: Down to nothing!

The Hon. H. C. STRICKLAND: Yes; down to nothing, as the Minister says. Does the commissioner have the final say, and sole discretion without the necessity to refer to Cabinet or Government policy in relation to these matters? The scope is tremendous; it is round about half a million dollars which is an enormous amount to leave at the discretion of the commissioner.

I would think that, before the commissioner could approve of reductions of that nature, the Government or the Minister would insist that the reductions be passed on to the consumer; that is, the people who live in the remote areas served by this transport.

It does not seem right to me that an operator could be relieved of the payment of $400,000 just at the whim of the commissioner. Unless the Minister can explain a little further whether some control is exercised somewhere, I will not support the amendment in the Bill.

The Hon. G. C. MacKINNON: I am not Minister for Transport, but Mr. Strickland has been a Minister. I have known Mr. Strickland for a few years now and I bet my socks—

The Hon. A. F. Griffith: You are not allowed to bet.

The Hon. G. C. MacKINNON: No, we are not allowed to gamble; but I take the risk and say that if Mr. Strickland were Minister for Transport and found himself in a situation whereby a commissioner could write off $400,000 at his whim, Mr. Strickland would have the particular Act amended so quickly that the commissioner would not know what had happened. I do not think any Minister would allow it. I am trying in a cumbersome way to be jocular.

The Hon. H. C. Strickland: It would be against ministerial or Government policy.

The Hon. G. C. MacKINNON: Everything depends on the particular route in the matter under discussion. As Mr. Strickland is aware, a number of services in the north need a fair degree of assistance. Certainly they needed it more a few years ago than now. Depending on the nature of the service, so the license fee can be varied. A good, lucrative service is one thing. I am using a common-sense assessment; because, as I have said, I am not Minister for Transport. There is a necessity for the great degree of flexibility. In addition, as members are aware, most if not all of the statutory airlines are now subsidised. I think they are subsidised to a standard 7 per cent. profit. However, I am only guessing and am not quite sure of the percentage.

The Hon. V. J. FERRY: I wish to address myself to this clause, which relates to aircraft also, and in doing so support the measure because it is intended that its provisions shall assist the smaller operators and the small-aircraft industry. I should like to illustrate the importance of aircraft to Western Australia, because of

its huge areas. At the present time, to the best of my knowledge, we have operating in this State 16 aircraft for regular public use—this is with M.M.A.—and we have 163 charter aircraft, but not necessarily for regular charter. There are 145 registered in the private category, with provision for passengers, and 124 in what is known as class 2. These aircraft are used for crop dusting, aerial spraying for agricultural purposes, and so on. That is a total of 448 aircraft.

It is interesting to compare the figures of just two years ago when we had 14 aircraft in regular public use—the number is now 16—and we had 82 being used for charter work, compared with 163 at present. We had 66 being used for other aerial work, compared with 124 now; and we had 100 private aircraft whereas we now have something like 145.

Further to illustrate the growth of aerial transport in Western Australia, which the Bill will assist by providing for a realistic scale of fees, it is interesting to note that it took us from 1919 to 1959—a period of 40 years—to reach the figure of 100 aircraft in private and commercial use in Western Australia—that is excluding R.A.A.F. aircraft. The next 100 aircraft were gained in only six years; the next 100 in 18 months; and the next 100, to bring the figure to 400 aircraft operating in Western Australia, took only 11 months. I understand the total, as I said, is now 448. So I believe the Bill has much merit because it assists the smaller operators and I commend it to members.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RECEIPT AND FIRST READING

1. Housing Loan Guarantee Act Amendment Bill.

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

2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.

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

COAL MINERS' WELFARE ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

THE HON. I. G. MEDCALF (Metropolitan) [5.37 p.m.]: I wish to make a few comments on this amending Bill introduced by the Minister for Justice. As the Minister has already mentioned, it deals with six topics, four main topics and two which might be called subsidiary topics. The first is that of extortion; the second, breaking and entering a building; the third, false promises; the fourth, indictable offences which may be dealt with summarily; and the other two topics concern the repeal of section 468 and the amendment of section 586, which deals with the joinder of charges.

Firstly, on the subject of extortion, clause 3 re-enacts section 397 of the Criminal Code and adds to the offence of extortion in writing the offence of oral extortion. The clause also adds one or two words to the offence of extortion by writing. I will emphasise the additional words when I read the new section, the words being, "or that anything be procured to be done or omitted to be done by . . . any person." The proposed new section 397 reads as follows:—

> 397. Any person who, with intent to extort or gain anything from any person—
>
> (1) Knowing the contents of the writing, causes any person to receive any writing demanding anything from—

Then appear the new words which I just read out—

> —or that anything be procured to be done or omitted to be done by, any person, without reasonable cause . . .

and then the section goes on. The same words appear in the new offence of oral extortion and they are, I think, an advantage. They tidy up and strengthen the present section; and, of course, they strengthen the new offence of oral extortion.

The Code speaks of extortion, but in common parlance it is referred to as "blackmail." "Extortion," of course, simply means, "demanding or obtaining moneys by threats"; and it has a slightly more limited and legal meaning in that it is sometimes used to describe the actions of a person who, by virtue of his office, uses that office to extort funds from some hapless individual who has to resort to him; such as cases of officials who extort money, and that sort of thing. However, in the Code it is used in the more general sense simply of demanding moneys or attempting to gain moneys; and it appears in sections 397, 398, and 399.

"Blackmail" is a very ugly word, but it is the one used in common parlance although it does not appear in that form in the Code. Nonetheless, what people normally call blackmail is a means of extortion. "Blackmail" originally meant protection money extorted by freebooters on the border between Scotland and England. These people extorted protection money from local tenants. They had no right to this money but they used their positions as powerful individuals, with some sort of military backing, to extort money from farmers. Blackmail really meant payment in kind, either in corn or in produce of some sort, and even in the form of animals.

The new section 399A introduces a completely new idea, and this is the restriction on the publication by the Press of certain proceedings involving cases of extortion. The section provides that no person may print or publish the account of extortion proceedings without the leave of the Supreme Court or a judge; nor may he print or publish the fact that such proceedings have been initiated.

I can appreciate the reluctance of members of the public to come forward and volunteer information where they have been the victims of extortion, or where they are the proposed victims of extortion or blackmail. Naturally they do not want to come forward and obtain that publicity which the people who are extorting the money know they wish to avoid. Of course, it is in the public interest that such people should be encouraged to come forward and thereby prevent blackmailers from operating. However, I believe the proposed section goes too far in restricting entirely the publication of all accounts of proceedings without the leave of the court or a judge.

I feel it is often in the interests of justice that a certain amount of publicity is given to such proceedings. It is only when people know that what they say is likely to be published that they are sometimes constrained to tell the truth. Admittedly, people must take an oath in the courts and we all hope that this produces the desired result. However, sometimes the knowledge that their statements will appear in the Press does act as a deterrent to people who might otherwise tend to falsify their evidence. If they know their companions and their associates, and other members of the public will read what they have to say I think it sometimes forces them to keep on the track and not deviate from the truth.

Therefore I believe there is a deal of advantage in publicity; at any rate of the major part of these proceedings, but I also consider the Minister is right in the suggestion that the name of the victim should be withheld. In such cases, it should be sufficient safeguard if the name of the victim, his address, his occupation, and any other relevant information the court may think fit to keep secret is not published. So I think that the new section goes a little too far and, in the interests of justice, should be cut back.

There is one other point which perhaps I should have mentioned at the outset; namely, is it right that the blackmailer himself should be protected? That he should have his name withheld? Surely we would not want to protect the blackmailer, and there is no reason in the world why his name, address, occupation, and other information concerning him should not be made public.

I pass to the next matter which is breaking and entering of buildings. Unlike the amendment on oral extortion, this is not a copy of the Queensland Code. This amendment represents an attempt to delete a multifarious number of buildings and cover all of them with the one word, "building." This is probably an excellent idea, because the existing wording of the Code includes all sorts of structures and the Minister hopes the amendment will include drive-ins and various types of modern constructions. I wonder if this is so. Many definitions of the word "building" have been made, but I would like to refer to *Words and Phrases Judicially Defined*, vol. 1, edited by Roland Burrows, Esq., K. C. On page 346 of that publication the meaning of the word "building" is set out. In the report of a case, the learned judge said—

> What is a building"? Now, the verb "to build" is often used in a wider sense than the substantive "building." Thus, a ship or a barge-builder is said to build a ship or a barge, a coach-builder to build a carriage; so, birds are said to build nests; but neither of these when constructed can be called a "building." . . . The imperfection of human language renders it not only difficult, but absolutely impossible, to define the word "building" with any approach to accuracy. One may say of this or that structure, this or that is not a building; but no general definition can be given; and our lexicographers do not attempt it. Without, therefore, presuming to do what others have failed to do, I may venture to suggest, that, by a "building" is usually understood a structure of considerable size, and intended to be permanent, or at least to endure for a considerable time. A church, whether constructed of iron or wood, undoubtedly is a building. So, a "cow-house" or "stable" has been held to be a building the occupation of which as tenant entitles the party to be registered as a voter under the 27th section of the Reform Act, 2 Will. 4, c. 45. On the other hand, it is equally clear that a bird-cage is not a building, neither is a wig-box, or a dog-kennel.

> or a hen-coop—the very value of these things being their portability. It seems to me that the structure in question, which was erected for a shop, and is of considerable dimensions, and intended for the use of human creatures, is clearly a "building" in the common and ordinary understanding of the word.

There are various other cases which I will not quote, but they all tend to show that such an item as a drive-in may well not be classed as a building. There was one case where it was disputed whether or not the court and lawn surrounding a racing pavilion were a building, and they were held not to be.

A structure that is surrounded by a cyclone fence with, say, a bitumen-sealed yard may well not be held to be a building. This brings us to drive-ins and another type of structure we find in most country towns; that is, a cyclone fence surrounding drums of fuel. Is that a building? It seems highly debatable. It would appear, therefore that the word "building" needs some form of definition.

The Hon. F. J. S. Wise: Would you prefer an amplification of the definition that is now in the Code?

The Hon. I. G. MEDCALF: I would prefer an amplification or a definition rather than leave it at merely the word "building." I think that is perhaps a little loose.

I now turn to the third matter, which is the subject of a false promise. This is referred to in clause 8 which seeks to create a new offence; that is, the offence of making a false promise. The Code already contains an offence of false pretences, and this clause now seeks to bring in another offence of false promise. The paragraph proposed to be added to section 408 of the Code reads as follows:—

> A promise made by words or otherwise to do or omit to do anything, by a person who, at the time of making the promise, does not intend to perform it or does not believe he will be able to perform it, is a wilfully false promise.

Promises are made whereby people undertake to do or perform something, or not to do or perform something every day in the course of business or trade, and fine points may arise for consideration as to whether or not a promise was a false promise. I consider the subsequent part of the wording of this proposed paragraph will constitute a protection, because it will be incumbent upon the Crown to prove that the person who made the promise at the time did not intend to perform it, or did not believe he would be able to perform it; so the onus would be on the Crown; and the honest trader should be able to show by evidence and other facts that at the time he had an honest belief that he was capable of performing the promise. I think the proposed new clause is a good one and should not be capable of being abused in the normal course.

The remaining clauses in the Bill are not objectionable. In practice I think they will be extremely beneficial. They seek to provide for a number of indictable offences to be dealt with summarily. These offences are set out in section 426 of the Code which this Bill seeks to amend, and they are mainly offences of stock stealing, and similar types of offences. Penalties are to be increased from $100 to $300, and in all cases they apply where the property is worth less than $300 in value.

Other offences referred to in the Bill are suspicion of stealing cattle; illegally breaking or defacing; damaging property, and the killing or wounding of animals. I have simply summarised the offences for the sake of brevity. All these offences may now be prosecuted summarily, as the proceedings, under the amending Bill, do not have to be taken within six months. At present there is a six months' time limit on summary prosecutions for such offences, and the six months' period is abrogated by the Bill.

Section 468 of the Code is to be repealed. This is a rather peculiar section which provides that if there is a prosecution for any of these offences no civil action can follow. Likewise, if there is a civil action no prosecution under the Code can follow. As the Minister commented in his introductory speech, this section is rather odd, and it is difficult to see the reason for it, because the fine is in any case not payable to the aggrieved person who has suffered a loss of his property.

Finally, section 586, the one dealing with joinder of charges—chiefly stealing and receiving—has one or two additions to be made to it, as proposed by the Bill. In the second last paragraph of his speech the Minister remarked that paragraph (b) of clause 17 was a consequential amendment to the repeal of clause 16.

The Hon. A. F. Griffith: I am sorry; I am afraid there was a mistake in the notes. Clause 17 is on its own.

The Hon. I. G. MEDCALF: Clause 17 will become, in effect, a new section and, where there is a joint charge of stealing and receiving, it will actually entitle a finding to be brought in even if neither of the offences can be identifiably proved. In such a case the accused will not be acquitted, provided the jury believes either one or other of the charges has been proved, but does not find on any particular one.

So, in general, subject to these reservations, I support the Bill.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

TRUSTEES ACT AMENDMENT BILL

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 98 amended—

The Hon. N. E. BAXTER: This was the controversial clause during the debate on the second reading of the Bill. I am still not satisfied, despite the explanation given by the Minister, that the clause does anything other than increase the commission of a trustee. I still believe the provisions in the principal Act are sufficient for the court to decide whether the commission to be paid to a trustee is fair and reasonable. For that reason I intend to vote against the clause.

The Hon. A. F. GRIFFITH: I do not think we should have all over again the discussion we had on this clause the other evening. There has been some misapprehension over the clause and there is no reason for it. As I explained the other evening, the clause merely seeks to clarify the law and if it is accepted in the form it is printed no action will be taken in the future which is different from that being taken at present. The practice of the Master of the Supreme Court will remain the same as it is now.

Obviously there is some doubt on the amendments proposed in this clause, and some view is held that there is something untoward about the introduction of a clause of this nature.

I do not want to leave an impression like that with members, so I suggest some form of compromise. I have not had an opportunity to place amendments on the notice paper, but I offer one for the consideration of members. The objection seems to be the inclusion of the word "greatest" in proposed subsection (2), and Mr. Medcalf has explained the matter more lucidly than I did. My proposed amendment is that all words after the word "the" in line 2 on page 3, where it first occurs, be deleted, and the words "gross value of the trust" be inserted in lieu. If that amendment is agreed to the proposed subsection would then read—

> The aggregate commission or percentage allowed under subsection (1) of this section shall not exceed five per centum of the gross value of the trust.

This provision is very similar to that appearing in the Trustees Act and in the other two Acts governing the private trustee companies.

The Hon. F. J. S. Wise: What is the difference between the proposed subsection (2) and the one now in the Act?

The Hon. A. F. GRIFFITH: Section 98 (2) of the Act reads as follows:—

> The aggregate commission or percentage allowed under subsection (1) of this section in respect of all persons who are, or have been, the trustees shall not exceed five per centum of the gross value of the trust property at the time the application for commission or percentage is made or, if the trust property has at that time been distributed, at the time of distribution.

The Bill seeks to delete that subsection, and to replace it with the proposed amendment which I have read out.

The Hon. F. J. S. Wise: Is there any need for the word "aggregate" in the proposed new subsection (2)?

The Hon. A. F. GRIFFITH: I think there is, because the provision in the Bill will give a trustee the opportunity to make representations to the Master of the Supreme Court to allow a portion of the aggregate commission to be paid. It should be borne in mind that the administration of a trust might operate for a considerable period.

The Bill also proposes to repeal the existing subsection (3), and replace it with a provision which gives a better description of the position. The existing provision in that subsection is—

> No allowance shall be made under subsection (1) of this section except on the termination of the trust, unless the Court otherwise orders.

As Mr. Medcalf explained, the words, "unless the Court otherwise orders" were inserted as a safeguard, in the event of a trustee having to make an application to the court for the payment of some portion of his commission. Without such a provision, a trustee who has to administer a trust which lasts for a long period might be placed in the position of having to finance the trust.

In the opinion of the Parliamentary Draftsman the proposed new subsection (3) has better application to what is intended, because it states—

> The Court may, from time to time, allow such portion of the aggregate commission or percentage allowable under this section as it thinks fit.

That puts the matter entirely within the discretion of the Master of the Supreme Court.

An application by a trustee for the payment of commission is very similar to the taxing of costs when two parties appear before the Master of the Supreme Court. However, an application by a trustee is an *ex parte* application, and no other party is present. The Master of the Supreme Court would hear the application, and could allow the commission as indicated in the

Act. I am told that the master does not know of any case where the maximum commission has been allowed.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The Minister should move his proposed amendment in two parts. He should first move to delete the word "greatest" in line 2 on page 3; and then he should move to delete the words "property occurring at any time before the termination of the trust."

I would point out that under the Minister's proposed amendment he is seeking to delete certain words, and then to reinsert them. The method I have proposed would achieve exactly the same result as the Minister seeks to achieve.

The Hon. A. F. GRIFFITH: I agree that you, Mr. Deputy Chairman (The Hon. F. D. Willmott), are correct.

The Hon. F. J. S. WISE: Might I suggest that progress be reported, so that the proposed amendments can be placed on the notice paper. If that is done the Minister will have a much greater chance of having them passed.

The Hon. A. F. GRIFFITH: I have about half a dozen copies of the amendments, and I could circulate them among members during the tea suspension. I did not think the Bill would be dealt with at this stage. It is one which should be transmitted to the Assembly as early as possible, so perhaps members will consider these amendments during the tea suspension.

Sitting suspended from 6.12 to 7.30 p.m.

The Hon. A. F. GRIFFITH: Due to your sage advice, Mr. Deputy Chairman (The Hon. F. D. Willmott), I am now in a better position to submit my amendments. I understand copies have been circulated. All I can say is that if my amendments are passed, the proposed new subsection will read—

> The aggregate commission or percentage allowed under subsection (1) of this section shall not exceed five per centum of the gross value of the trust property.

I do not think I should endeavour to explain it any more. The question has been raised whether the word "aggregate" should be used. I have an open mind on this point. It was suggested to me during the tea suspension that there is only one commission and that is the commission in the aggregate. I do not think it really matters. I move an amendment—

> Page 3, line 2—Delete the word "greatest".

Amendment put and passed.

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

> Page 3, lines 3 and 4—Delete the words "occurring at any time before the termination of the trust."

The Hon. N. E. BAXTER: If this amendment is passed, the words "at the time the application for commission or percentage is made or, if the trust property has at that time been distributed, at the time of distribution," which are in the Act at present, will be deleted, thus making the position entirely different. The proposed new subsection (3) also puts an entirely different meaning on the present provision. At present the court could, under section 98, allow commission if an approach was made. However, it also provides that no allowance shall be made except on the termination of the trust. I shall deal with the proposed new subsection (3) when this amendment has been dealt with.

Amendment put and passed.

The Hon. N. E. BAXTER: We come now to the proposed new subsection (3) which is to be inserted in lieu of the existing subsection (3). As I said during the second reading debate, I believe subsection (3) was inserted to provide some restraint, one might say, on trustees who are inclined to carry on a trust over a very lengthy period. Such trustees could, under the present subsection, apply to the court for commission, but the court in its discretion could rule that the trustee was not speeding the trust up fast enough and that he would be allowed no commission, or only a small percentage.

If we substitute the proposed new subsection (3) for the existing subsection, the court will have no power to allow a proportion of the commission or stipulate that the remainder shall be paid when the trust is completed. I think the present subsection provides a safeguard to enable the court to suggest the speeding up of a trust.

The Hon. A. F. GRIFFITH: I can envisage the terms of a will being such that a trust will, of necessity, be carried on for a long period. If this is the case, surely it is fair that the trustee should be able to make an application for some commission in the interim period. I think Mr. Baxter would agree with that.

If that be the case, then the proposed new subsection (3) is surely clearer than the present subsection. The present subsection states that a trustee cannot receive any commission; it is a prohibition, unless the court otherwise orders. On the other hand, if it is a short trust, and the trustee makes an application to the court for payment of commission at a time the court does not think appropriate, then the position is safeguarded by the use of the word "may." This leaves it entirely to the court to decide (a) whether the trustee is to get any progressive payment; and (b) the extent of the payment if the court thinks one should be made. The proposed new subsection clarifies the position.

The Hon. N. E. BAXTER: The proposed new subsection (3) has an entirely different meaning from the present subsection. In both provisions, the court can allow some commission, even, perhaps, most of the commission; but I feel the existing subsection provides the opportunity for a trustee to go to the court to obtain a proportion of the aggregate commission.

The Hon. A. F. Griffith: They both provide that.

The Hon. N. E. BAXTER: Yes. I am inclined to favour the retention of the present subsection because, as I have already explained, I believe it provides a means of enabling the court to suggest to the trustee that he speed up the estate. I may be wrong, but that is my view.

The Hon. F. J. S. WISE: I think there is an aspect which Mr. Baxter may have overlooked. If this clause is passed, the existing subsections (2) and (3) will be deleted. They both refer to the existing subsection (1), as do also the proposed new subsections (2) and (3). Subsection (1) is very explicit. It states—

> The court may, out of the property subject to any trust, allow to any person who is, or has been, a trustee thereof, or to that person's personal representative, such commission or percentage for that person's services as is just and reasonable.

Because of subsection (1), I think the points raised by Mr. Baxter are covered. The court may allow such commission or percentage for the person's services as is just and reasonable, whether it be at the termination of the trust, or from time to time.

The Hon. A. F. Griffith: That is right. That covers all cases.

The Hon. F. J. S. WISE: I would think that the amendment is not only a substitution for the existing three provisions in the Statute, but it provides that at any time an application to the court for an adjustment of the commission or percentage allowed would be proper.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

MOTOR VEHICLE (THIRD PARTY INSURANCE SURCHARGE) ACT AMENDMENT BILL

In Committee

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

Clause 1 put and passed.

Clause 2: Section 3 amended—

The Hon. L. A. LOGAN: One or two matters were raised during the second reading debate by Mr. Willesee and Mr. Wise. I hope members will not confuse the issue in this Bill with that contained in the Motor Vehicle (Third Party Insurance) Act Amendment Bill; because, in effect, it has nothing to do with that. This is a taxing Act and the purpose of the legislation is to raise the tax which is paid by the motorist. It has nothing to do with third party insurance.

Mr. Willesee asked why overseas people should be exempted. I should like to read the text of article 2 of the United Nations Charter which states—

> Vehicles registered in the territory of one of the Contracting Parties, and vehicles allowed to be brought into circulation on such territory and exempted from the obligation to be registered, shall, when temporarily imported for private use in the territory of another Contracting Party, be exempted, under the conditions laid down below, from taxes and charges levied on the circulation or possession of vehicles in the territory of that Contracting Party. This exemption shall not apply to tolls or to taxes or charges on consumption.

This means, of course, that Australian subjects who travel to any other country which is a party to the United Nations Charter receive the same exemptions as those applicable to anyone coming to this country. The amendment puts into effect what is actually standard practice everywhere. These people have never been charged the tax. However, up to this date, overseas people have been paying it, but the others have not, because the Governor has always granted exemption from the tax.

The State does not impose taxation on itself. The only other source is the local authority and I cannot see any reason for a Government to tax what is almost a semi-government department. A good many local authorities want help rather than the imposition of additional taxation. As I have said, all that we are doing is to put into effect the United Nations Charter Agreement which is standard practice everywhere.

The question which Mr. Wise raised had merit. I referred it to the draftsman for comment and he immediately admitted there should have been a provision in the Bill to allow for this. I have amendments on the notice paper to this effect. Consequently, I move an amendment—

> Page 2, line 29—Delete the inverted commas after the word "force".

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

> Page 2, line 30—Add a passage as follows:—
>
> Paragraphs (g), (h) and (i) of this subsection shall be deemed to

have come into operation on the same day as this Act came into operation.".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.53 p.m.]: The Bill contains only one amendment which provides for the deletion of the words, "the Trust shall not" from section 8A of the Act, and for the words, "neither the Trust nor that other person shall" to be inserted in lieu thereof.

At first sight it would appear there is very little to be gained by the deletion of four words and the substitution of others. However, insofar as the application of the Act is concerned, there will be a very big difference involved if the amendment is agreed to, because it affects an amendment made to the legislation in 1966 dealing with a spouse *versus* spouse claim under the Motor Vehicle (Third Party Insurance) Act.

I should like to consider a series of examples concerning a collision between two vehicles, say, car A and car B. In the first place, if a third party in car A suffers a disability as the result of an accident, and the litigant sues both the drivers of car A and car B, when the apportionment of damage has been made, the trust will pay in full to the injured party. This situation applies where both vehicles are insured by the trust.

Secondly, I should like to visualise the same accident when the driver of car A is not insured with the trust and is driving an uninsured vehicle. If the person who is injured adopts the same procedure of suing both drivers through the trust, again he would be protected to the point of obtaining all the money paid as a result of the claim, even though the driver of the uninsured vehicle might be 99 per cent. in the wrong and the driver of the insured vehicle only 1 per cent. in the wrong. If the third party was not the spouse of the driver of car A, the third party would receive all of the money that was allocated as a result of the accident.

Under the Act at the present time, if the driver of car A is uninsured and the spouse is a passenger, even though the allocation of the cause of damage might be 99 per cent. against the driver of car A, the spouse will still receive the full amount of cover after the allocation has been made at court. The trust would pay 100 per cent.

If the amendment is passed the difference will be that in the case of car A, whose driver is not insured and who is 99 per cent. in the wrong, the third party would only be paid the 1 per cent. of responsibility with which the trust is involved through the one person who has contracted with it.

When granting money under the spouse *versus* spouse situation where a driver of a vehicle is uninsured, the trust believes that it can be argued that the volume of the money paid to the spouse goes indirectly to the driver of the vehicle who was uninsured and who has not contracted with the trust and that, therefore, he should not receive any of the money which it pays out.

At that point, I disagree with the Bill. I believe the third party has this right. In the second instance, in the case of an uninsured driver, the trust can now sue for the recovery of the amount which it pays out. It has the same right to sue in a case involving a husband and wife. I think that is the just role of the trust. Any person injured is entitled to the benefits of the Act. Whether or not it is a question of spouse *versus* spouse, the right of the trust for recovery should be the same in every case.

In any event, it is a premise to say that a benefit would ensue in the spouse-*versus*-spouse claims in that the money would go into the home, into a new car, or that it would be shared by both parties. It could be that the spouse might say, "Very well, I have had enough of this fellow. He drives around in a vehicle which is uninsured. He half kills me in an accident and I am going to leave him. With the $10,000 I have received as a result of the accident I will be able to get clear of the whole thing and I will divorce him." In that case he would get no benefit at all, which, of course, is no less than he deserves.

The Hon. F. J. S. Wise: Except not having a wife.

The Hon. W. F. WILLESEE: He may learn his lesson as a result of it. However, that is not quite the purpose of what I was trying to say. The Bill is a short one and I do not intend to make a lot out of it; but it seems to me that if we agree to the amendment contained in it it will be a retrograde step. It will mean breaking away from previous third party legislation, and this we should not do.

If we wish to deal with the driver who is uninsured there are other laws which could be used to cope with the situation; one of which comes to mind is the Traffic Act. This is quite apart from the right of recovery which the trust has, as it has in all other cases where people are not insured with it, and are the subject of an accident.

To me it is incomprehensible that a person would drive a vehicle in the circumstances outlined, but apparently this does happen or we would not have this legislation. I asked questions today in an endeavour to discover the number of such cases in relation to the Act. But irrespective of the number it would not alter my approach to the measure, because I feel the Act should remain as it is and the amendment contained in the Bill should be defeated.

THE HON. N. E. BAXTER (Central) [8.2 p.m.]: Could the Minister tell us approximately how many cases have occurred of accidents involving uninsured husbands where injury has occurred to the spouse? I am sure these would be very few indeed. My opinion hinges on the fact that this involves an uninsured party, and the claim is then based on negligence of the other party in the accident rather than on the husband who happens to be the uninsured party.

It would be interesting to know how many accidents there have been of an uninsured husband implicating his spouse.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [8.3 p..m]: I cannot answer Mr. Baxter's question as to the number of cases involving uninsured husbands. I did point out, however, in my second reading speech, that we were trying to put back into the Act what Parliament intended it should contain. That was all I sought to do. The phraseology contained in the Act was wrong, and it conveyed an interpretation different from what Parliament thought it should. This matter was brought to light by an eminent Q.C.

I disagree with Mr. Willesee. Why should we as motorists—and we are the ones who are paying—pay to the uninsured driver the full amount of compensation claimed by his wife in a case of spouse *versus* spouse? This was a concession which did not previously apply, but which Parliament inserted into the Act.

The Hon. W. F. Willesee: That does not mean a thing.

The Hon. L. A. LOGAN: It means a great deal. This matter of spouse *versus* spouse did not previously apply—a spouse was not permitted to sue a spouse in tort. But the concession was later given to a spouse, whether it be a man or a woman, to sue a spouse in certain circumstances. I see no reason for motorists who are paying the cost of insurance also paying the costs of those who are not insured.

The Hon. R. Thompson: The trust can recover it.

The Hon. W. F. Willesee: Supposing he had his girl friend in his car instead of his wife. In such a case you would pay.

The Hon. L. A. LOGAN: We are dealing with tort. The concession of spouse *versus* spouse in tort is one which Parliament did not intend to give, and there is no reason for motorists having to bear the full brunt of the man who drives while he is uninsured. Such a man deserves no compensation. It is possible that the wife may deserve full compensation, and there would only be the odd case of the wife who would shoot through and thus reap the full benefit of the husband being uninsured. I hope the House will agree to the amendment contained in the Bill.

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

Ayes—16

Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. T. O. Perry
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. F. R. White
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Heitman *(Teller)*

Noes—8

Hon. R. F. Claughton	Hon. R. Thompson
Hon. J. Dolan	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. R. H. C. Stubbs *(Teller)*

Pairs

Ayes	Noes
Hon. C. R. Abbey	Hon. F. R. H. Lavery
Hon. G. E. D. Brand	Hon. R. F. Hutchison

Question thus passed.

Bill read a second time.

In Committee, etc.

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

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [8.12 p.m.]: This Bill is an important measure by any standards. At all times the Act it seeks to amend occasions much thought, and the amendments suggested in the Bill must be read against the background of controversy which has taken place over the years, and the extreme dissatisfaction the Act has caused to so many people.

The legislation seems to be unable to cope with the growth of population within the State, particularly as it relates to compensation for land requirements. The Act, within its scope, has tremendous powers, and yet frustrations and delays are continually experienced in the administration of the legislation.

As I see it, the great disadvantage in the administration of the Act is that it has the power to interfere with the rights

of the individual to such an extent as to prevent him from handling his own assets in his own way, which means, of course, that such action is detrimental to himself and to his dependants, whether it be in the case of land, a home, or a business.

The unfortunate person who becomes involved in the machinations of the board cannot lawfully undertake decisions which would be in his own best interests. He can be prevented from doing this over a long period of his life. These aspects of the administration under this Act have been severely criticised in the Houses of Parliament in this State, and in the Press, because the interference with personal planning has caused great hardship by loss of money, and even to the point of invoking serious mental distress caused by the frustration and helplessness of the individual in persisting in his endeavours to get a better deal than he is given.

One of the worst features of the continued application of this Act is the growing loss of confidence by the individual in what was once his most prized possession; that is, the title to a piece of land. A title has not the same connotation as it had a few years ago. Once upon a time the possession of a piece of land was something to be treasured, but how many of us today are confident that the possession of a title to the home we live in will prevent its being swallowed up within some form of development in this city? Consequent upon that development we seldom get a just price for what we are losing, or a price which will give us the opportunity to build something equal to that which we have lost.

There are the intangibles of association on the part of people who have lived in a suburb over a period of years—the intangibles of being able to shop where one wishes; and the association over the years with one's doctor and dentist. These intangible factors are important to the individual and they are constantly being undermined by the administration of this Act—these fundamentals of democracy. It seems to me that the right of the individual is becoming secondary to the law of planning and development and that this is the accepted role played by the administrators. However, I believe in the principle that first and foremost we should protect the rights of the individual and then plan; not ruthlessly put to one side the rights of an individual. This is a democracy, after all; and if we lose sight of the right of the individual and the possessions of the people, then our democracy will soon crumble.

Parliament has a very great responsibility when it initiates legislation of this nature; and when it grants powers of administration, it has to keep foremost in its mind the rights of the individual, because we are here fundamentally to represent those individuals.

When I look at this Bill in relation to what I have just said, I find many things that disturb me. When introducing the measure the Minister said that it proposed four changes in the compensation provisions in the Act. He said that they are administrative amendments designed to clarify the provisions and afford a measure of protection to the purchasers of land that is reserved under the metropolitan region scheme. He went on to say that the Bill—

> . . . is designed to amplify the provisions of section 36 of the Act, which provides for the Metropolitan Region Authority to elect to buy a property in lieu of paying compensation for injurious affection when an application to develop land has been refused, or approved subject to conditions that are unacceptable to the owner.

In reading that portion of his speech one would feel the intention of this Bill is to give to the individual a somewhat better deal than he has been getting up to now. But what is injurious affection? I can see no definition of it in the Bill or in the Act. I would say it is a measure of the intangibles I referred to; and if in the application of this Act up to now we have not been able to assess injurious affection, is this the time to say we will write it into an Act and give compensation for it once and for all? In effect, if this Bill becomes law, once having been made an offer, there is no further opportunity for the individual to argue the point, because the very issues that constitute his main argument surrounding injurious affection will be taken from him in the terms of the compensation offered to him.

I have spent a little time on some of the references one might make in connection with this term "injurious affection," and I have here an extract from the book *Words* and *Phrases Judicially Defined*, by Ronald Burrows, Q.C., a recorder, of Cambridge. From page 111 of that volume, under the heading, "Injuriously Affected" I quote in part—

> S. 16 of the same Act—

He was speaking of the Railways Clauses Consolidation Act, 1895—

> —specifies the works which it shall be lawful for a company to execute, provided always that the company shall do as little damage as can be, and shall make full satisfaction to all parties interested for all damage sustained by them by reason of the exercise of the powers. "The only material difference in the language by which relief is given in the one section and in the other is, that in the 6th section relief is in terms confined to the case of lands *injuriously affected*, whereas in the 16th relief is given to all parties interested for all *damage* by them sustained by reason of the

exercise of the powers thereby authorised. I cannot, however, believe that the damage intended to be compensated in the latter case is damage of a nature different from that contemplated in the former case. I cannot believe that the Legislature could have intended to give relief in respect of acts done for a short and limited period while works are in progress, and to refuse it in respect of the same acts when they are to have effect permanently. The damage contemplated in s. 6 must, I think, be a damage occasioned by the land having been injuriously affected. Both principle and authority seem to me to show that no case comes within the purview of the statute, unless where some damage has been occasioned to the land itself, in respect of which, but for the statute, the complaining party might have maintained an action.

Obviously, it is a clear-cut role of law that the individual must be attended to first and the work go on afterwards. In the case of *Broom's Legal Maxims* I quote from page 3, under the heading, "Regard for the public welfare is the highest law" as follows:—

> In the familiar instance, likewise, of an Act of Parliament for promoting some specific undertaking of public utility, as a canal, railway, or paving Act, the legislature will not scruple to interfere with private property, and will even compel the owner of lands to alienate them on receiving a reasonable compensation for so doing; but such an arbitrary exercise of power is indulged with caution; the true principle applicable to such cases being, that private interests are never to be sacrificed to a greater extent than is necessary to secure a public object of adequate importance. The Courts, therefore, will not so construe an Act as to deprive persons of their estates and transfer them to others without compensation, in the absence of a manifest reason of policy for thus doing, unless they are so fettered by express statutory words as to be unable to extricate themselves, for they will not suppose that the legislature had such an intention.

If we turn to *Halsbury's Laws of England* we find something like 150 pages on the rights of compulsory acquisition; and the snippets I could read would confirm what I quoted from the two previous authorities.

So, if we write into this Act the right to injurious affection, and give to the authorities the right to say, "This shall be your payment," the only other avenue I see open to an individual is what is proposed in this Bill, which is to submit the matter to arbitration. There is nothing in the Bill to protect the poor unfortunate person who is to be placed in the position where, if this measure becomes law, his only recourse is to go to arbitration.

How does he go to arbitration if he has not the money to be represented? How does he get a just deal? Obviously he is not capable of matching the brains and the weight of legal force that the board could bring forward. Even if he had some money, he would hesitate to ask a person to represent him, knowing full well that the weight of the department would be very onerous for him. He would fear the possibility of an appeal to a court; and if we are to be genuine about this measure, then there should be written into it in clear-cut terms a provision that where an offer is made and is to be submitted to arbitration, the costs of the person concerned will be paid by the Government or by the authority.

If we do not protect the individual in these cases, I think this Bill will simply give the town planning authority a stronger hand than it has at the present time. It will remove the effect of injurious affection as being something that can be constantly calculated. The authority can assess it on a mean of its own and say injurious affection is incorporated in the price an individual is being paid, and if he does not like it, he must go to arbitration. I see in this Bill all the problems I have raised.

I could not support the measure in its present form. If the Minister could see my point of view and, perhaps, approach the problem with amending legislation different in concept from this Bill, I would be inclined to agree with it. I am inclined to think that we have reached a crisis in land development and rather than have that development held up indefinitely we should do something to speed up the handling machinery. However, let us not have the machinery moving any faster until, as members of Parliament, we make sure that the right of the individual is first protected. Until I am convinced that the principle of this legislation is, first of all, to protect the individual, I could not support it.

THE HON. C. E. GRIFFITHS (South-East Metropolitan) [8.31 p.m.]: I have also spent a great deal of time on this Bill and although it is, once again, only a very small measure, I have found it extremely difficult to understand its full ramifications.

Mr. Willesee referred to the rights of the individual, and I fully endorse those remarks. Mr. Willesee also referred to the need of the individual to go to arbitration, and this is another aspect which I feel could be to the detriment of the individual concerned. I believe that if there is recourse to arbitration, it should be written into the Bill that the owner of the land does not have to pay; that the authority has to pay the necessary costs.

I have another reason for objecting to the Bill, and perhaps I will start by referring to the last clause. Clause 4 seeks to amend section 36B of the principal Act and, in my opinion, refers to injurious affection only. It does not take into consideration the valuation of the land if the authority decides to purchase it in lieu of paying injurious affection. Therefore, clause 4 of the Bill goes to some length—and the Minister thinks it goes to some great length—to say that if, at the end of 12 months, the land has not been sold then a reassessment of the value may be undertaken by the authority.

That is all right as far as that particular transaction goes, but clause 3 of the Bill amends section 36 of the principal Act. This is the amendment which I do not seem to be able to get quite clear. Subsection (2) of section 36 of the principal Act reads as follows:—

> The Scheme may provide that where compensation for injurious affection is claimed as a result of the operation of the provisions of subparagraph (i) or (ii) of paragraph (b) of subsection (2a) of section twelve of the Town Planning Act,—

After pounding through all that, which is a day's work, the subsection goes on—

> —the Authority may at its option elect to acquire the land so affected instead of paying compensation.

I refer to the fact that the authority may elect to acquire the land instead of paying compensation. It will be established, by clause 3 of this Bill, the date at which the arbitrators shall assess the value, and I believe this part of the measure is most obnoxious.

I think most of us have had some experience—or have some knowledge—of the time involved in some of these transactions. I will instance a situation which might occur. A person could be refused permission to develop his land, for some reason or other, by the authority. He then goes to the authority and claims for injurious affection. This procedure takes a certain amount of time. The authority, once it received the claim, could decide to exercise its option—for which the Act provides—and instead of paying injurious affection, it could acquire the land.

Having reached this decision, the authority would advise the owner of the land. I am now referring to the individual's rights, to which Mr. Willesee referred. Having been told that his land is to be acquired, he then has to decide how much money he wants for it. We will take it that the block of land is valued by the authority at $4,000, which sum is offered to the owner. This would be the first indication he would receive of the value of his land, and he would proceed to look around for an equivalent block. This could take some time and you could bet your bottom dollar, Mr. President, that when he does find an equivalent block of land it will not cost $4,000; we will be very conservative and say it will cost him $5,000.

So he writes back to the authority and tells it that $4,000 is not sufficient and, under the circumstances, he cannot accept that figure. This, of course, takes more time and by now the transaction could have been going on for eight or nine months. It can be assumed that at the end of 12 months pressure will be applied to the person concerned to accept arbitration. At the end of a year—a very conservative time, because we all know such a deal could take three or four years—the owner is forced to go to arbitration; that is, assuming he can afford to do that, or assuming that we have incorporated an amendment as suggested by Mr. Willesee so that the authority will have to pay the costs. So we will assume, that after 12 months, the matter has gone to arbitration. Under the provisions of this Bill the arbitrators, whoever they may be, will assess the value at what it was 12 months previous.

The arbitrators may say that 12 months ago the block was worth $5,000, and the individual concerned would then say that he was right all along. Under those circumstances, the authority would have to pay $5,000. However, the situation could arise that when he goes back to buy the block of land he inquired about 12 months before, he finds that it is not available, and he has to look for another block—which would now be worth $6,000. This is not beyond the realms of possibility; this could be a fact.

We all know the authority has not enough money to purchase all the land being zoned as public open space. We also know that a large portion of it will not be wanted within the next 20 years or so. By establishing, once and for all, the date at which the valuation will be assessed, it is in the interests of the authority to prolong the transactions as long as possible. Under these circumstances the authority can value the land at half of what it is prepared to pay. In two, three, four, or five years' time, the owner of the block has suffered a tremendous penalty, but the authority receives the benefit of the decreased value of the dollar over that many years. The person concerned is also faced with the problem of not being able to buy a block of land anywhere for the price which he is finally paid.

I believe provision should be made in the Bill so that a time limit will be placed on the authority for a final payment. I suggest a provision such as this would not be unreasonable: That the authority should, within one month of refusing permission to develop land, decide whether it wants to pay injurious affection, or exercise its option to purchase. I would go

further and suggest that if, within a further three months, an agreement has not been reached between the authority and the individual, regarding the purchase price of the land, the case should immediately go to arbitration. Notwithstanding those suggestions, no longer than six months should expire from the date of the application to develop the land to the decision of the arbitrator, and after that date the authority should lose its right to negotiate. The individual concerned would then start off again.

In those circumstances there would not be a settling date. If a settling is not made within six months then another application can be made. Personally, I would make the period three months but I think six months is probably reasonable in the circumstances.

I agree with Mr. Willesee that, firstly, the cost of arbitration should be borne by the authority; and, secondly, under no circumstances will I support a clause which sets the date as that at which the refusal to develop was decided upon. Therefore, unless the Minister can convince me that my assessment of the Bill is wrong, I have no intention of supporting it.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

ESPERANCE PORT AUTHORITY BILL

Second Reading

Debate resumed from the 5th September.

THE HON. R. H. C. STUBBS (South-East) [8.46 p.m.]: This Bill provides for the setting up of a port authority at Esperance, and the Minister has informed us the provisions of it are the same as those in the Acts relating to the Ports of Fremantle, Bunbury, and Albany. I understand those port authorities are operating quite satisfactorily.

As members know, the representatives for Esperance are Mr. Jack Thomson and Mr. House; and the reason I am speaking to this Bill is that the South-East Province, which I have the honour to represent, with Mr. Garrigan, has a great impact on the Port of Esperance because of the farming, pastoral, and mining industries in the area. For those industries Esperance is the natural port. Members will be aware that in the recent redistribution of seats Esperance was removed from the South-East Province.

As the Minister said, under the provisions of this Bill the control of the Port of Esperance will be vested in five members who will be appointed by the Governor, and the authority so formed will become the Esperance port authority. The term of office for the members of that authority will be three years; and they will be eligible for reappointment. Another point in regard to the appointments—and I think this is a very wise move—is that the persons appointed to the authority will not directly represent any organisations. They will be appointed by the Governor and will not be answerable to any organisation at Esperance. I think it is a good idea that these people will not have to worry about local concerns when they make decisions. It is a wise provision because Esperance is expanding rapidly.

People and organisations there have divided themselves into factions. Folk have come from all parts of Australia, and from countries outside Australia, to settle in Esperance. They are from all walks of life and this, eventually, will be all to the good. However, at the moment the town is divided into factions.

I know, as I am sure Mr. Jack Thomson and Mr. House know, there are several worthy people in Esperance who could do good work if they were appointed as members of the port authority. The power of the authority to borrow will be an advantage and, wedded to the Treasury, it will be provided with money to enable it to do essential and urgent work.

However, I am not sure of the type of responsibility that will be accepted by the port authority. The Minister said that a properly constituted authority should be set up to control the port's activities and plan its future development. There is a very serious beach erosion problem at Esperance at the moment which has occurred only since the building of the land-backed berth and the breakwater. Because of this work the currents have altered and the beach has been eroded, even as far back as the bitumen road at times. I am wondering whether that matter will come within the responsibility of the port authority.

The Port of Esperance, in the future, will see larger and larger imports, and larger and larger exports, because of the increased development of the mining, agricultural and pastoral industries in the interior. It will be interesting to follow the progress of Esperance, and see what happens in the future. In 1957 or 1958 the population of Esperance was only about 1,000 people, but that number has risen considerably until now the population exceeds 6,000. Miners and their families, and other people, used to go to Esperance because it was a nice quiet holiday resort; it had a salubrious climate and was very popular. However, since the boom in agriculture and mining the town has grown enormously.

It is interesting to read some of the history of Esperance. In 1958, which was about the commencement of the land boom, the total tonnage handled at the port was 36,843 tons. Thirteen ships used the harbour and the most important import was fuel oil, to the extent of 31,215 tons. General cargo imported totalled 2,627 tons. The outward tonnage through the harbour

totalled 2,956 tons, which was made up mostly of copper concentrates from Ravensthorpe and gypsum from Norseman.

In 1963, which was five years later, the total tonnage handled at the port was 107,106 tons; 31 ships used the port; and the inward cargo was primarily petroleum products to the extent of 60,310 tons, with general cargo, 269 tons. The exports were chiefly copper concentrates, 5,913 tons, gypsum, 17,135 tons, and magnasite, 5,187 tons. In that year there were the first exports of wheat, totalling 11,470 tons. In addition, there were 2,171 tons of oats, and 4,641 tons of barley. This was the first farm produce of any consequence exported from the Port of Esperance. The import of petroleum products doubled in the five years from 1958, and exports generally jumped from 2,956 tons to 46,517 tons, an increase of 43,561 tons.

Three years later, in 1966, the total tonnage handled at the port was 159,181 tons, an increase of 52,075 tons in three years. Three fewer ships used the port—only 28 ships using it in that year—but they were vessels with a much greater capacity. The inward cargo was rock phosphate, 27,885 tons, sulphur, 7,044 tons, petroleum products, 73,415 tons, general cargo, 288 tons, and low pressure gas 166 tons. Due to the commencement of the super works the imports of phosphatic rock and sulphur boosted the import figures. The export of wheat increased to 28,951 tons, oats, 2,784 tons, barley, 14,578 tons, copper concentrates, 2,878 tons, magnasite, 602 tons, and general cargo 590 tons. The export of wheat was up by 17,481 tons, and barley was up by approximately 10,000 tons.

The tonnage handled by the port shows that the agricultural progress was being felt through the import of sulphur and phosphatic rock, and the export of farm produce. The latest figures for 1968 show that the total tonnage handled by the port was 293,434 tons, an increase in two years of 134,253 tons. An increased number of ships used the port—49 in all, being an increase of 21 in two years. The inward cargoes were petroleum products, 77,780 tons—up 4,365 tons—phosphatic rock, 75,155 tons—up 47,270 tons—and sulphur, 11,958 tons—up 4,914 tons. The outward figures also show the impact of agriculture. The export of wheat jumped to 62,950 tons —up 34,000 tons—barley, 18,821 tons—up 4,000 tons—and oats, 6,649 tons—up 4,000 tons.

A new product exported through the port was linseed, 1,250 tons, and also salt, 4,134 tons. In addition, there were 3,232 tons of copper concentrates. Also in this year the impact of nickel production was felt at the port because nickel concentrates to the extent of 30,269 tons were handled; petalite, 519 tons; and magnasite, 550 tons. Those nickel figures reflected the mining of nickel at Kambalda.

It can be seen, of course, that most of the imports were petroleum products, phosphatic rock, and sulphur. They are all used in farming and their increased importation is reflected in the increased exports of farm produce. These increases are also brought about by larger areas of land being opened up in the Esperance district—land that is being put into production. Increased areas of land will, in turn, mean the handling of more phosphatic rock and sulphur for the manufacture of superphosphate.

The Port of Esperance serves about 100,000 square miles of the inland, and a good deal of this area is rich in nickel. Mines are being drilled successfully within 10, 20, 40, 65, and 70 miles south of Coolgardie, and when they reach the stage where development gives way to production greater tonnages of concentrates will be shipped through the Port of Esperance. In addtion, there are the areas around St. Ives, Paris, and Widgiemooltha from which copper concentrates should soon be exported. So it will be seen that the future of Esperance is very much assured. Also there is talk of the export of 250,000 tons of salt per annum. If this comes about Esperance will be a very busy port.

It is intended that the salt will be harvested at Lake Lefroy; and the geologists tell us that at that lake it will be possible to produce 100,000,000 tons of salt a year. It looks to me as though we will never run short of salt! This salt occurs naturally on the lake.

There is current talk of using vast gypsum deposits at Norseman. It is estimated that there are 8,000,000 or 9,000,000 tons of gypsum in these deposits and at present efforts are being made to obtain a market in Taiwan, Formosa and Hong Kong. I believe Taiwan is interested in this gypsum for use in the manufacture of cement. For the sake of the town it is hoped a very good contract is negotiated, because there is talk of production of 1,000,000 tons a year in the not too distant future.

Of course, as the town of Esperance expands, the increased population will attract new industry. An abattoir for meat export may be established, and there could be wool stores and wool scouring works erected in this area. That is all in the future, but such establishments could come to fruition. Therefore the future of the Esperance Port is assured.

I want to take this opportunity to pay a brief tribute to the late Hon. Emil Nulsen who entered this Parliament in 1932 and from then until his retirement from politics he never ceased to advocate Esperance as a port, and the value of the Esperance district for farming pursuits. I think the excellent work of agricultural scientists and Government advisers has proved that with certain treatment the

success that was claimed can be achieved. I would also like to say a word of praise to Mr. Frank Wise. I understood he was the one responsible for introducing Mr. Chase to Esperance and the resultant interest by the Chase syndicate which gave Esperance worldwide publicity and was responsible for a great inflow of people and capital to the Esperance hinterland from all parts of the world. In conclusion, I wish to repeat that I think Esperance has a great future which will prove to be of wonderful benefit to the State. I support the Bill.

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

ARTIFICIAL BREEDING BOARD ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

THE HON N. McNEILL (Lower West) [9.2 p.m.]: This Bill, in fact, is a tiny Bill, and it might appear to members that in the amendment proposed there will be little change envisaged in the operations of the Artificial Breeding Board in Western Australia. The amendment proposed refers to the report submitted to the Minister each financial year. The parent Act provides that the report shall be submitted after the 30th June in any particular year as in keeping with the practice of most other Government departments.

In these circumstances it might seem that the change to some other period to cover the financial year, and for the year to close at some other time, is inconsequential, and perhaps, in itself, it is so. As the report covers the activities of the board it is indicative of what is happening in the artificial breeding scheme and this is of considerable importance other than merely changing the period the annual report will cover.

Members will recall that the original measure passed through Parliament in 1965, became law in the same year, and was proclaimed in the following year. Some members may also recall that when the Bill was introduced I made some very critical comments on the measure. They were not directed towards the establishment of a board, but rather my criticism was against the reasons given for its establishment. However, that is history and I accept the current situation.

I believe the Artificial Breeding Board, as constituted, is carrying out its functions extremely well and has made considerable progress. As the board commenced its operations in 1967 it is clear it has had only a little more than one season in which to carry out all the fundamental work including, firstly, an understanding of the operations of the scheme; a determination of the techniques which are used, beset with the difficulties of obtaining, for instance, supplies of imported semen; and putting into practice the artificial breeding of cattle in Western Australia.

During this period the board also had difficulty in establishing itself in its own right, and to some extent, it may continue to be faced with this difficulty in the future. One of its first functions was to appoint a manager. It was not an easy task to find a person who was capable of administering the scheme the operations of which are somewhat unique in this State. Nevertheless, the board has been successful in obtaining the services of such a person. Another difficulty faced by the board was to make the changes that seemed necessary to make it a successor to the dairy division of the Department of Agriculture; because the board had established itself in its own right under the Artificial Breeding Board Act of 1966.

Therefore the proposed change in the financial year period is purely an indication of changes which are to come. I should imagine it would be quite a radical departure for an organisation of this nature to change its financial year ending on the 30th June, to some other period of the year, and as a result adjust the accounting procedures accordingly, because the financial year ending on the 30th June is the one that is recognised generally in Government circles. Therefore, I have no doubt that whilst it seems a simple operation, there will be complications.

Some of the changes which have come about and which will be reported upon have involved, firstly, the disposal of a team of bulls which are held at the Wokalup Research Station for breeding purposes and the almost complete changeover to the use of semen imported mainly from the Eastern States, and the use of deep freeze techniques. Understandably, there were problems in regard to the deep freeze techniques which the board had to solve, and it is a matter of some regret, perhaps, in view of the fact that we have a large cattle population in Western Australia now being artificially bred, that they are being bred by the use of imported semen. In other words, it is not Western Australian stock that is being used for this process.

Looking at the matter from one point of view I suppose it is almost a retrograde step, but on the other hand it is a fact that stocks of high quality are available in the Eastern States—although with certain limitations by arrangement in the Eastern States—and this semen can be used now to effect immediate improvement in the Western Australian herds.

The Hon. F. J. S. Wise: How long does semen remain viable under deep freeze conditions?

The Hon. N. McNEILL: I cannot give a specific answer to that question, but I think it true to say that under present

conditions of the deep freeze technique, it could extend to many months or even longer. This has been one of the problems confronting the board; that is, not necessarily keeping the semen in deep freeze conditions, but how to use it after it has been kept in deep freeze for a considerable period. Features such as dilution are also of some consequence in this technique.

In the early days, when the deep freeze technique was not highly developed, as a result of using semen kept under such conditions, the conception rate was not always satisfactory. However, these days many of the problems have been overcome and encouraging results are being experienced and perhaps, to some extent, may be regarded as an improvement on the services which have been available in the past from locally bred bulls. The bulls themselves, perhaps, have not always been —I use the word with some qualification —as co-operative as they might have been compared with the use of imported semen.

If imported semen were not being used this would mean that Western Australian dairy herds would be denied the opportunity of an early improvement; that is, they would be forced into the situation of having to wait until some unforseeable time in the future when the semen from Western Australian bulls could be used for breeding purposes. This could take many years with no certainty that one could ever hope to arrive at a situation where we would have a sufficient number of bulls of sufficiently high quality for this purpose.

Coincidental with the changes in the accounting system and the period covered by the annual report, it is of importance that attention is being directed to the production of a record system which will, and can, demonstrate the advantages of using artificial breeding and high-quality breeding programmes.

By the use of such programmes far greater control can be exercised and this can be effectively demonstrated only in conjunction with production recording and long-established herd testing procedures. Whilst the board has recognised the necessity for change, of which this Bill is an indication, there is one aspect of the change to which I would like to direct a little attention. I refer to the possible change in the location of the artificial breeding centre itself from the Wokalup Research Station. This was envisaged at the time the original legislation was introduced and it is still the subject of some discussion and examination.

The situation is quite different from what it was originally, and whilst it is acknowledged that the board must be granted considerable latitude in carrying out its activities—provided it does not go beyond or transgress the policies laid down under the Act—it is required to operate under fairly strict economic conditions.

I have no doubt the economics of this scheme also will be influenced—and to a marked degree—by the location of the so-called breeding centre; hitherto established at the Wokalup Research Station. In the event of this centre being relocated—and perhaps with newer and better facilities—I hope that great care will be exercised and due note will be taken of what I think is a fairly obvious need: To have the research station situated in an area where the greatest use of its services will be made by the surrounding districts.

It is not just a case of having a breeding centre for the use of the dairying population. It is also a situation where a centre such as this, or the services that are associated with it, is important to the district in which it is presently located. While steps are being taken and moves are being made in so many activities in these days to centralise such activities for the convenience of labour, in particular, and in other respects, it is important to extend them to such needs as the artificial breeding of cattle.

While the efficiency of the scheme will not be impaired by locating it in some other centre, I would like to think that very great consideration will be given to this before the final decision is made to relocate that centre, perhaps in one of the larger south-west towns.

Those are the only comments I wish to make on the Bill. I certainly give it my support, and I hope that the board can continue in the way it has been going, and will be prepared to make the changes as have been indicated in a desire to have this Bill agreed to by Parliament. With those words I support the measure.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [9.17 p.m.]: I thank the honourable member for his comments, not so much on the Bill as on the extrapolation of the Bill into the complete changing nature of the Artificial Breeding Board. I can assure him that his comments will be brought to the notice of the Minister for Agriculture.

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.

COMMONWEALTH AND STATE HOUSING AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

THE HON. F. J. S. WISE (North) [9.20 p.m.]: While the passing of this Bill will not make any more moneys available for home building from Government

sources, its main effect will be to remove what is at present an administrative clog in so far as the permanent building societies are concerned. There is no need for me to traverse the ground which was covered by the Minister when he introduced the Bill, but it does appear that the statutory floating charge provision in the last agreement between the State and the Commonwealth will be varied by this measure.

The amendment, when it becomes law, will enable the floating charge to be lifted in certain instances, and be replaced by a specified and limited charge over a definite part of the company's assets; and that part may be determined according to the circumstances of the requirement at the time. So it does appear that an amendment to the Commonwealth and State Housing Agreement Act of 1956, by the small amending Bill before us, which seeks to add a few sections, will remove this small technical difficulty.

The Minister made some comments in connection with the activities of the permanent building societies; and there is not any doubt that the contribution made to the home builders of this State by those societies has been very considerable. The 14 permanent building societies are all increasing in strength, and they have increased their assets by $50,000,000 in the past 10 years. I think it is a very great tribute to their management that in 1952 certain building societies in this State received trustee status, and that they achieved that position before such an undertaking was given in England itself.

Since that time persons with trust funds for investment have been able to invest them in the safety and security of building societies. In particular, the oldest of them —the Perth Building Society—has done very much to assist in home ownership in this State. In referring to the permanent building societies it is interesting to note that during the year ended the 30th June last 3,862 home loans were granted by the 14 permanent building societies, and the advances by them for housing exceeded $25,000,000 for the year. That is certainly a very great effort from such organisations.

In the case of the terminating building societies, there are 219 of them; but they are in a different category. Some of them have sprung from the activities of land developers who have been able to make better use of their land and the business methods they have adopted. Of course they are all working within the strictures of the law, and as I understand the situation most of them received the sanction and approval of the Minister for Housing for the time being.

I am given to understand that some of them accept money on loan at high interest rates, and are able, therefore, to offer higher than normal current rates because of the opportunity that their enterprises give to them. They have certainly been able to build very many homes. Although additional homes have been built, there are other angles which are of considerable importance; and one is, to what degree will the activities of the terminating societies affect the costs of homes.

This is a very important matter to all concerned—not merely to those who are in desperate straits in so far as the ability to acquire a home is concerned. If they have to acquire a home on an ever-increasing and rising market they will have, in many instances, little prospect of paying off the house in their lifetime.

I would like the Minister to give a lot of thought to the activities associated with home building. It is remarkable how many subcontractors are involved in the building of a single home. All of them have their own margins of profit; all of them have access to certain markets which give them very generous discounts. I think it would be timely for the State Housing Commission to make an inquiry which will show just how the costs are applied in individual homes, or in the building of groups of homes.

One of the most important things today is not only the availability of homes, but the cost factor in that availability. I would not like to be at all ungenerous towards the terminating societies, but I would like to see a report submitted to this House through the Minister for Housing on the functions and the effects in regard to the availability of homes and their cost—whether they be from the permanent building societies, the terminating societies, or the State Housing Commission. It would be very timely, and it would develop a greater degree of confidence than now obtains if such an inquiry were made, and a report were submitted to Parliament. I leave the suggestion there, and hope something will be done so that a complete and true picture will be available to show where the excessive costs have come from, and how some lessening of the high cost of homes can be introduced.

In general I support the Bill. I repeat, the only effect it will have is to remove some stricture, and remove a doubt as to the application of the conditions and terms of the Commonwealth and State Housing Agreement.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [9.29 p.m.]: I thank Mr. Wise for his comments which are, as one has come to expect, a careful and analytical examination not only of the contents of the Bill, but also of various matters of public interest touched upon by the Bill. I know the Minister for

Housing has instituted a number of inquiries, but I am not sure whether he has examined the aspects put forward by the honourable member. However, I give a guarantee that I will bring his comments to the attention of the Minister for Housing, and will suggest to him the lines of inquiry opened up by Mr. Wise.

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.

STATE TRADING CONCERNS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 5th September.

THE HON. R. THOMPSON (South Metropolitan) [9.32 p.m.]: I rise to support this small Bill to amend the State Trading Concerns Act. In the main, it is a most desirable measure inasmuch as it will allow the West Australian Meat Export Works to borrow money to carry out work which it is envisaged will cost some $600,000 to $800,000 this financial year. This is necessary to upgrade the works to suit the requirements of the Department of Primary Industry and the Public Health Department. It is revealed in the Minister's introductory remarks that $120,000 will be made available by the Treasury, and the loan programme of the works will be approximately $220,000 for this year.

I give this Bill my full support. If one likes briefly to trace the history of the Robb Jetty works one will ascertain that they were constructed and came into operation about 1922. They were commenced by some very publicly-spirited people. One of these was a person whose name is frequently mentioned; namely, the late Sir Ernest Lee Steere.

The works were originally established to process mutton and, in later years, to slaughter beef. In the early 1930s the fat lamb industry commenced, and just as this was building up into a sizeable trade, war broke out and labour difficulties arose, this being the main reason, I would say, which forced the company as then operating to appeal to the Government to buy it out.

Without referring to *Hansard* of that year, on the 10th November, 1942, a Bill was introduced by a young and very spirited Minister for Agriculture (Mr. Wise). At the request of the company, Mr. Wise introduced the measure which actually resulted in the works being bought out. At that stage the works owed the State Government something like £186,000. This was money which the company could not get when it was originally formed. At that time it issued 250,000 shares at a face value of £1. However, the capital it could attract was only something like £76,000, and successive State Governments over the years came to the company's rescue and helped it out financially.

A rental for just the beef floor, being paid by the Government to slaughter beef for the Fremantle area at that stage, was to the tune of £6,000 a year. It can be seen that after 20 years' operations the company showed very little profit.

When the company was taken over by the Government, at the company's request may I add, the shareholders were able to obtain 20s. in the pound for the money they had invested in the company. For 20 years they received no interest whatever.

It is also interesting to note the profits which were made, if we could call them profits. They really amounted to capital in excess of commitments. This started off at £86 but gradually the amounts built up. However, they did not, in fact, pay the interest charges owing to the State.

The fat lamb industry started in 1935, which was the first year of the general system of killing and in that year 142,000 were killed. This increased to 171,000 in 1936. In 1937 the figure was 116,000; in 1938, 246,000; 1939, a peak year, 338,000; 1940, 225,000; and in 1941, prior to the introduction of the original Bill to acquire the works, 186,000 lambs were killed.

The debate on this acquisition, as it was called in those days, was much the same as the debates we hear in the Chamber some 26 years later; but, to a degree, they are in reverse. Now, the members of the Labor Party oppose the selling of State trading concerns, and the Liberal Party in the main supports the selling of State trading concerns. In 1942, the Liberal Party was, in the main, opposed to the purchase of this concern. Although some members of the Country Party had been opposed for years to State trading concerns they had a change of heart and—

The Hon. L. A. Logan: They always do the right thing.

The Hon. R. THOMPSON: The Minister had better not speak too soon. Some members of the Country Party who at that stage were opposed to State trading concerns really spoke with their tongues in their cheeks because they supported the taking over of the Robb Jetty works because they knew the works provided a service for the people they represented. It is interesting to note that continued support has come from the Country Party.

I venture to say that if the West Australian Meat Export Works never showed a profit, but broke even each year, they would still be providing a service not only in the interests of the farmers, but also in the interests of the State generally.

I can quite vividly recall the day the works were taken over, as could Mr. Wise. At that time, during the war, I was employed there as an instructor in wool classing. I had classes of girls doing wool classing because of the manpower shortage, and I can recall that one Tuesday morning all the V.I.Ps. arrived, and the takeover was on.

The Hon. H. C. Strickland: You mean the works were saved from collapse.

The Hon. R. THOMPSON: Yes; possibly that is better phraseology. Mr. Morgan, who was then the manager, kept the reins for several years before his retirement, and then the management was taken over by the works manager (Mr. Cliff Bennett) who is still the manager at Robb Jetty. I think this man has done an excellent job. He is the type of person who can be approached by anyone, irrespective of the position he may hold in the works. I think it is his tenacity which has made these works into the paying proposition they are today.

The latest balance sheet I could get from the Robb Jetty works shows that the profit as at the 30th June, 1967, was $545,323. The increase in profit in that year amounted to $186,872, which was after an allowance of $81,588 had been made for depreciation. It is a very complicated balance sheet, but the works themselves would be worth in the vicinity of $1,500,000 to $2,000,000 at the moment.

I trust that these works will always remain in operation for the benefit of farmers and the Western Australian community generally. It is not a type of works from which a profit would be expected from year to year, or a steady profit every year. This is dependent in the main on the lamb kill, the apple crop, and the number of potatoes which are available for cold storage.

There has been a variation. Last year, for instance, there was a considerable drop in the number of lambs killed for export at Robb Jetty. Possibly this year would be a bumper year. I think the situation is mainly governed by price fluctuation and the demand for lambs and sheep, particularly from the Esperance area, which has gradually been built up. However this area and others now seem to be stocked and we can expect the Robb Jetty works will progress with a steady kill each year.

I believe the apple growers also owe something to this concern because Mr. Bennett, when he first took over the job of manager, set about to enlarge the cool storage facilities, and he has done an excellent job. A number of members visit these works at least once a year. I know my friend opposite, (Mr. MacKinnon), goes down there regularly.

The Hon. L. A. Logan: To their Christmas party.

The Hon. R. THOMPSON: I think most members would know this is one occasion on which we go to the works to see the progress that has been made and enjoy the good fellowship of the management and staff. I am sure the Minister for Fisheries would be interested in the large quantity of crayfish and prawns which is stored there, awaiting shipment.

The Hon. G. C. MacKinnon: Processing!

The Hon. R. THOMPSON: I think the second processing works in the metropolitan area were established at Robb Jetty and, at one stage, as many as three processing works existed there. Some of the companies have now moved out, but there still are some crayfish processing works at Robb Jetty.

I support the measure and wish the works well. I say, "works" because it is not a company any longer, although it is commonly called the West Australian Meat Export Company.

I consider it is essential that the works be brought up to standard, particularly from the point of view of public health. When I read paper cuttings, at times I wonder at the high expense which abattoirs have to face in order to bring works up to the standard to meet the requirements of the Department of Primary Industry with respect to the American market. However, I have found that for a number of years, in the main, our meat has been killed and treated under substandard conditions by comparison with the demands of the American market. When the money is expended and the plant is modernised, we can be sure that the works will enjoy the same standards of hygiene as are demanded by the American market.

The Hon. G. C. MacKinnon: The Americans only demand it for imports from other countries. Its own standards within America are not as good.

The Hon. R. THOMPSON: As the Minister would realise, I did not go into that aspect. I was on the point of saying that the company has always had a good standard of hygiene compared with other works. Now, after over 40 years, the works are in need of replacement. I have pleasure in supporting the Bill.

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [9.48 p.m.]: I do not think I need add anything further, except to thank Mr. Ron Thompson for the research he has made into the works and for the very kind remarks he passed about the management. In my opinion, possibly this has had a lot to do with the successful running of the organisation. I would say Mr. Bennett is the No. 1 person as far as public relations are concerned.

If members go to the annual get-together —it is no longer the Christmas party— they will see that all of the customers, including shipping representatives and everyone else, are entertained by the works. On each occasion Mr. Bennett has a chart which shows the export figures from year to year. It is very interesting to watch the progress which the company has made.

Despite the discussions which took place many years ago, I think the decision was the right one, and I am sure most members would agree with me. The company has undoubtedly played a very big part from the primary producers' point of view; because it is the latter's produce which goes through the works, both on a cold storage basis and for export, too.

We certainly hope that the allocation of money will enable the works to be brought up to a much better standard and they will be able to continue to give the service to the community which has been given in the past. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 9.51 p.m.

Legislative Assembly

Tuesday, the 10th September, 1968

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to the Lieutenant-Governor and Administrator

THE SPEAKER (Mr. Guthrie): I have to announce that, accompanied by the member for Kimberley (Mr. Ridge), the member for Blackwood (Mr. Kitney), the member for Canning (Mr. Bateman), and the member for Collie (Mr. Jones), I attended upon His Excellency the Lieutenant-Governor and Administrator and presented the Address-in-Reply to His Excellency's Speech in opening Parliament. His Excellency has been pleased to reply in the following terms:—

> Mr. Speaker and members of the Legislative Assembly: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to the Speech with which I opened Parliament.

HANSARD

Delay in Publication

THE SPEAKER (Mr. Guthrie): Members may have observed that copies of *Hansard* are not available. We have been advised by the Government Printer that, unfortunately, the binding machine has broken down. A few copies are available in the building, but the normal distribution to members will not be available until 10 a.m. tomorrow.

QUESTIONS (15): ON NOTICE

AGED PERSONS' HOMES

Commonwealth Assistance

1. Mr. RUSHTON asked the Minister representing the Minister for Health:
   (1) Did the Commonwealth Government recently announce additional assistance towards helping the frail aged remaining outside Government hospitals, thereby bringing tremendous benefit to the individual and to State services?
   (2) Does this indicate the Commonwealth will give financial assistance to establishing frail aged homes?
   (3) If "Yes," what are the present and future Commonwealth-State financial arrangements in this regard?
   (4) Is it now possible to proceed with planning and the establishing of a frail aged home at the old Armadale-Kelmscott District Memorial Hospital?

   Mr. ROSS HUTCHINSON replied:
   (1) No, but it did announce an increase in nursing home benefits from $2 to $5 per day for patients receiving intensive nursing care.
   (2) The Commonwealth already gives capital financial assistance under the Aged Persons Homes Act to the extent of $2 for each $1 spent by an approved organisation.
   (3) Answered by the above.
   (4) No, as it depends on the availability of a new maternity ward at the Armadale-Kelmscott new hospital, which cannot proceed this financial year because of the restriction of Loan Fund allocation.

ARMADALE-KELMSCOTT HOSPITAL

Maternity Ward

2. Mr. RUSHTON asked the Minister representing the Minister for Health:
   When is it planned to construct a maternity ward at the new Armadale-Kelmscott District Memorial Hospital?