

## ADJOURNMENT OF THE HOUSE: SPECIAL

**MR. J. T. TONKIN** (Melville—Premier) [10.30 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow (Wednesday).  
Question put and passed.

*House adjourned at 10.31 p.m.*

## Legislative Council

Wednesday, the 25th October, 1972

The **PRESIDENT** (The Hon. L. C. Diver) took the Chair at 2.15 p.m., and read prayers.

### QUESTIONS ON NOTICE

#### *Postponement*

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.17 p.m.]: I ask leave of the House to postpone questions until a later stage of the sitting.

The **PRESIDENT**: Leave is granted.

### LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

#### *Third Reading*

**THE HON. R. H. C. STUBBS** (South-East—Minister for Local Government) [2.18 p.m.]: I move—

That the Bill be now read a third time.

During the Committee stage of the Bill I gave an undertaking to obtain certain information. Mr. White sought an explanation for the proposed changes in electoral fees payable to presiding officers. He stated that he could see no justification whatsoever for the provisions contained in paragraph (e). Previously, a presiding officer was paid a fee of \$1.20 per hour, and he was required to be on duty from 8.00 a.m. to 8.00 p.m. on polling day. The total fee, therefore, was \$14.40 for the 12-hour period.

Councils have indicated that it is extremely difficult to obtain the services of capable presiding officers for that sum of money; and it is therefore proposed to increase the fees in accordance with the number of votes capable of being taken at a certain polling place; that is, in a polling place equipped with two tables—for the poll clerks to mark off the elector's name and issue a ballot paper—the presiding officer will receive \$19.70 per 12-hour day. This is an increase of \$5.30.

Likewise, in a polling place equipped with three to eight tables the presiding officer will receive \$20.70 per 12-hour day,

an increase of \$6.30. Again, in a polling place equipped with more than eight tables the presiding officer will receive a fee of \$21.70 per 12-hour day, an increase of \$7.30.

All of these fees are in line with fees paid to presiding officers who are engaged for polling duties under the State Electoral Act. It should be borne in mind that some polling places are busier than others on polling day; that is, polling place A may issue, say, 1,000 ballot papers; polling place B may issue 1,500 ballot papers, and polling place C may issue 2,000 ballot papers.

The increase in the number of tables in a polling place is designed to expedite the business of polling. By increasing the number of tables the presiding officer has more officers under his control and, therefore, more responsibility. His fees are to be increased accordingly.

For the benefit of members I would point out that section 135 of the Act was amended by Act No. 107 of 1969, to provide that officers who are required to attend the counting of ballot papers after the close of the poll shall be paid at the rate for the time being as prescribed in the regulations under the Electoral Act.

Mr. Wordsworth queried the position of a church that sells land. He said it had to pay rates for the previous five years. That is not so. We can find nothing in our records to show that a church which quits land must pay rates for five years.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

### STOCK (BRANDS AND MOVEMENT) ACT AMENDMENT BILL

#### *Second Reading*

**THE HON. J. DOLAN** (South-East Metropolitan—Minister for Police) [2.23 p.m.]: I move—

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend was passed by this House on the 25th November, 1970. Its purpose was the updating of the Brands Act and control of stock movement in view of the incidence of and difficulty in controlling, stock thefts. The legislation had been discussed as between the farmers' organisations, the police, and officers of the Department of Agriculture.

Before the Act was proclaimed it became obvious that the requirement for all stock to be covered by some of its provisions was not satisfactory. An amending Bill was introduced in the previous session and was discharged from the notice paper at the end of the session for the reason that certain other difficulties had arisen; and the Bill now before members becomes necessary.

Section 17 prescribes the nature and size of brands for horses and cattle. There has been some concern about the statutory size of the brand required. The Bill provides for the deletion of the precise provision, thus enabling the minimum size to be prescribed by regulation.

There have also been some problems in relation to branding and earmarking of imported stock. Consequently, it is proposed that section 31 (3) of the Act be repealed and re-enacted in a new section 35A.

The specific provisions of the Act in relation to branding and earmarking of imported stock with the owner's registered earmark are to be removed and replaced by a requirement that the proprietor of imported stock brand the stock within the time and in the manner prescribed in the regulations, thus providing a desirable flexibility.

Another problem has arisen in that, under section 40, stock which is earmarked but not branded could be impounded. It is desirable that this section be amended so that stock which can be identified will not be impounded, and an appropriate re-enactment covers this matter.

It is section 46, however, which presents the major problem. In the existing Act any stock removed from a property must be covered by a waybill. This wide coverage has created problems involving horses and goats, and it is proposed to provide flexibility by permitting prescribed stock to be excluded from the provisions of this section.

Problems associated with the provisions of waybills have been discussed with the industry and the Police Department. While there is no problem in the transport of stock from farmers' properties for either sale or slaughter where the farmer retains ownership of the animals up to the point of loading on to the transport, there have been some problems where sheep are purchased in the yards or the farmer's paddock and become the property of an individual or firm before leaving the property. This is because the Act requires that every waybill shall be signed by the proprietor of the stock being removed from the run, or a person authorised by him. Similarly, there are problems in the transport of sheep from saleyards where the sheep from a number of pens are transported together. These have to be identified under the provisions of the existing Act by recording on the waybill their brands or earmarks.

The proprietor of the stock may not be present after the sale to sign the waybill and may not have authorised anyone to carry out this function for him. It is therefore proposed that this section be amended to provide that the drover or carrier of the stock be furnished with a waybill or such other documents as may be prescribed for the purpose of this section.

This part of the Act was designed to ensure that a carrier or driver carried appropriate authorisation to have stock under his control, as a method of discouraging and tracing stock thefts. The present proposal is to provide for the present waybill provisions to continue for the transport of stock from farmers' properties to saleyards and slaughter where the farmer maintains control, and for other documents to be prepared which will overcome the disabilities which have been encountered.

It is, however, considered important that this provision be retained because, although stock thefts have fallen off with the falling value of sheep in recent times, the increased value associated with rising wool prices and the rising demand for sheep meats could easily lead to a re-appearance of this problem which has been quite significant in recent years and which led to the enactment of the parent Act.

Clause 8, which the Committee in the Legislative Assembly inserted at the suggestion of Mr. W. G. Young, deletes from section 49 some redundant words in subsection (1) and removes from the subsection the requirement that a proprietor of stock, when applying for a special permit to remove his stock repeatedly to and from neighbouring runs for purposes incidental to animal husbandry, must set out in his application the purpose for which he desires to move his stock, and the kind of stock to be moved.

Clause 9 amends section 50 by deleting the provision which makes it an offence for any person to be in possession or in charge of any travelling stock without having a permit issued under section 49. This amendment was also inserted on the motion of Mr. W. G. Young.

Clause 10 amends section 54—the amendments having been proposed by Mr. W. G. Young and Mr. Reid in the Legislative Assembly. Paragraph (a) simply adds the word "wilfully" in relation to the offence of mutilating any registered brand, earmark, or identification.

Paragraph (b) contains an obvious amendment. As the Act now stands it is an offence to own a sheep with a mutilated ear, whether or not that mutilation has occurred accidentally. Paragraph (c) will allow a farmer to have in his possession without fear of prosecution any skins with the ears accidentally mutilated.

Paragraph (d) is akin to paragraph (a). Paragraph (e) gives the owner the same right in defence in a prosecution as an agent has to any charge of being in possession of the skin of any sheep from which the ears or portion of them have been removed, as set out in paragraph (d) of section 54 (1), if the skins came into his possession in the course of his business.

It is considered that the amendments proposed in this Bill will provide a necessary flexibility in the administration of the Act, while retaining the power vested in the Act when originally passed.

The Bill is commended to the House.

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

### TRAFFIC ACT AMENDMENT BILL (No. 3)

#### *Second Reading*

Debate resumed from the 3rd October.

**THE HON. R. J. L. WILLIAMS** (Metropolitan) [2.31 p.m.]: Let me say at the outset that in the main I entirely agree with what is expressed in the Bill. It is obvious that the Bill had to be presented to amend the Act because a mistake in drafting occurred when the original provision was inserted in the Act. There are those who feel that parliamentary draftsmen never make mistakes; but those draftsmen are human beings. Consequently, although the theory of the provision was correct, it was found to be incorrect when it was put into practice.

The routine which is applied if one is apprehended in an inebriated condition, suggests that one must undergo a preliminary test before a breathalyser test is administered. There can be no quarrel with the fact that a person may be so under the influence of alcohol that he is incapable of co-operating in any test, and yet is still in a state of consciousness.

The Bill before us seeks to remedy that anomaly. Where a person is unable to co-operate in the preliminary test, at the moment he cannot be required to submit to a blood test in order that his blood alcohol level may be accurately ascertained.

Having said that, I think all members will agree that the amendment is desirable; that we cannot merely pay lip service to the prevention of deaths on the roads. We must plug up every possible loophole. It is quite a ridiculous state of affairs to find that where a person cannot co-operate, he need not undergo any test whatsoever, and the level of his sobriety and his consequent actions cannot be adjudicated upon.

I would like to draw the attention of the Minister to a further matter, and ask him whether he would be prepared to consider it and provide an answer. I refer to proposed new section 32B (4) (b) on page 3 of the Bill where it is stated that a member of the Police Force or an inspector may require a person to submit himself to a medical practitioner nominated by that person and allow a sample of his blood to be taken. There can be

no quarrel with those words. However, the proposed new paragraph continues—

or, where the person is incapable of submitting himself, cause a sample of his blood to be taken by a medical practitioner . . .

It could be that the man is sufficiently conscious to say, "Yes, fetch doctor so-and-so." However, as the Minister mentioned in his second reading speech that provision is to be extended to include a person who is unconscious.

In my opinion—and I could be wrong: if I am, I am sure the Minister will correct me—the taking of a sample of any sort from an unconscious person by a medical practitioner without the permission of that person—unless it be to save his life—is technically an assault. It is quite probable that within the realms of law the doctor himself may be sued for such a technical assault. I ask the Minister: Does that provision in the Bill give the police statutory authority to demand that a blood sample be taken?

This is too complex a question of law for me to discover the answer, and I would like the Minister's help, because it would seem to me that statutory authority is implied. I would like the Minister to clarify for me whether, in point of fact, that statutory authority is not only implied but is actually given to the police to demand of a doctor that he take the sample.

I have only one other minor objection to the Bill. Perhaps when the Minister is considering the point I made in regard to statutory authority he could also consider drafting another provision to say that where a medical practitioner has a conscientious objection to taking a sample from an unconscious person, his objection should be allowed. I realise fully that such a provision could create a great deal of difficulty in country areas where perhaps only one medical practitioner is available, and that practitioner may have a conflict of conscience.

I would be glad if the Minister would discover from the legal experts whether the provision I have suggested would overcome that objection to some extent if, in fact, statutory authority is given to the police.

I can only end by saying that I support the Bill with the reservations I have expressed. I know the Minister, from the resources at his command, will be able to supply me with satisfactory answers to the questions I have posed. I await the Minister's reply.

**THE HON. G. C. MacKINNON** (Lower West) [2.38 p.m.]: Mr. Williams covered the major aspects of the Bill, but I would like to elaborate upon one or two points. This is another example of legislation in which we find ourselves in conflict with

two desirable aims. The predominant desire of the Bill is to reduce death on the road, and to make it possible to sheet home the blame to the right quarter when a tragic or near tragic accident occurs. On the other hand, we have an obligation to look to the rights of the individual, and particularly the ethics and the moral standards adopted by a group of people. In this case I refer to medical practitioners.

As Mr. Williams said, it is technically an assault for a doctor to place a finger upon any patient without that patient's consent; or, if the patient is under the legal age, without the consent of his guardian. If it is a child who has been declared a ward of the State—as sometimes happens in an emergency—then the doctor must have the consent of the Minister for Community Welfare. In times of emergency doctors have gone to that length.

So we have a problem which applies, particularly in the circumstances mentioned by Mr. Williams, where a doctor is called upon to take a blood sample from a person who at the time is incapable of giving his consent, and in respect of whom time does not allow the consent of his next of kin to be obtained, bearing in mind that the parent Act specifies a period of four hours.

The Hon. J. Dolan: That is right. The sample must be taken within that time.

The Hon. G. C. MacKINNON: One or two cases have occurred where that has happened. Indeed, from the inquiries I have pursued, as it happens a particular group of medical practitioners had occasion to take blood samples from people who were unconscious; and subsequently legal action was taken against them.

In such circumstances it is not to be wondered there has been a fair amount of discussion between these people as to the rights or wrongs of the action taken. We could have a situation where a blood sample is taken from a person without his permission or knowledge. This is against the ethics of the medical profession, but the act is exonerated under some special circumstances in this Bill. However, the evidence obtained in this way could be used subsequently either to prove the person's guilt or innocence in respect of drunken driving.

It is quite possible for some doctors to hold such strong views on this question that they will refuse to take blood samples from people in these circumstances; and the Minister should consider making provision for this. In a town such as Meekatharra where there is only one doctor I do not know how such a problem could be overcome.

One other problem has been brought to my notice, and I would like the Minister to give some consideration to it. I will try to pass on the details as they were

given to me. However, I am sure that the forensic division will be able to straighten it out.

I understand the timetables and procedures laid down are based upon the normal metabolism of a person who may be injured or who may suffer from a serious medical condition. I am also advised that if a person has been injured in an accident and suffers multiple injuries, such as internal haemorrhage or severe shock resulting from a crushed rib cage, his metabolism changes. So we could take a blood sample from such a person, and it might be taken three hours after his ingestion of alcohol. Working back on the metabolism of the person, based on normal metabolism, we should be able to calculate how much liquor that person has ingested.

I have been advised by medical practitioners to whom I have referred this matter that in the case of a person who is suffering from multiple injuries his metabolism would change to such an extent that the calculation based on the blood samples taken from him could, indeed, be wrong. I have explained this matter at some length so that anyone who knows something about medicine will be able to follow it up.

This is a serious problem. We have to make a choice between what we know is desirable to reduce the dreadful carnage on the roads, and the right of an individual to some protection when he is not capable of saying what ought to be done to his body. This is a pretty serious decision for us to make; it is fraught with difficulties and it impinges on civil liberties, private rights, the sanctity of human beings, etc. I am quite sure that the Minister, with his good knowledge of these matters, will give consideration to this matter. Other cases have arisen in respect of which this House has considered the desirability of providing exemptions, such as an exemption to nurses and medical practitioners who refuse to participate in a medical procedure, even if they are ordered to do so, when such procedure is against their religious beliefs, ethics, or codes.

I do not know whether the question I am dealing with is sufficiently serious to warrant the same exemption being granted. One medical practitioner to whom I have spoken was very adamant on this point. He felt he should have the right on ethical grounds to refuse to take a blood sample from an injured person, unbeknown to that person.

On balance I agree we have an obligation; that is, our obligation to the community. In view of the serious results of accidents we should look at this matter as a prime consideration. I would appreciate it if the Minister would give consideration to the other points I have mentioned in elaboration of those raised by Mr. Williams.

**THE HON. I. G. MEDCALF** (Metropolitan) [2.46 p.m.]: Like the two previous speakers in this debate I also support the Bill. I only wish to refer to one particular aspect, and this has already been touched on by those two speakers. It is the situation of a person lying unconscious on the side of the road as a result of an accident; and the taking of a blood sample from him compulsorily, without his being able to indicate his consent.

I do not suppose that in the ordinary course of events we could object to a blood sample being taken from an unconscious person who is involved in an accident, so long as there is no suspicion that the medical condition of that person will be worsened as a result of such action.

I fully appreciate that the taking of a blood sample is a comparatively simple matter, and simple kits supplied by the police are used by doctors. I am also aware that the clinical conditions are reduced to a minimum. However, we do need a doctor to do this at the scene of the accident, at the police station, at the hospital, or at some other place. I would not like to think that any police officer, inspector, or anybody else believes this Bill will give him the authority, first of all, to take a blood sample, and then later to have the accident victim treated as a result of his injuries. This is the only matter that causes me concern.

Where a person is not in a position to give his consent, I fully appreciate that it is desirable in the public interest to take a blood sample from him to ensure that he is not guilty of drunken driving; on the other hand we must have some regard for the medical condition of the patient.

I feel sure the Minister will agree there are quite a number of cases in the police records, as reported in the newspapers, or not reported at all, of persons who have been involved in accidents, but who before the accident occurred suffered a medical lapse. In other words, these are the people who have suffered a blackout, a partial blackout, or some kind of medical or respiratory failure, with the result that an accident occurred. This could happen to a person who suffers from diabetes; and a diabetic who does not take his insulin treatment might suffer a blackout, as might many other people as a result of their medical condition.

There have been a number of inquests at which it was proved quite conclusively that the deceased had suffered a heart attack or some other paralytic condition before a traffic accident occurred.

This has been proved, and I am quite certain the police will be aware of the position. The point of my remarks is that if it is possible for a person to be suffering from some medical condition which may cause a blackout before the accident occurs, it would be quite wrong for his

medical treatment to be delayed in any way because it was found necessary to take a blood sample to determine whether he had been drinking.

All I am endeavouring to do is to make sure that we get our priorities straight. We have our priorities straight at the moment, because a person who suffers medical injury is immediately taken to hospital for treatment.

I would not like to think at any time that his medical treatment was likely to be impeded or delayed because the police considered it their duty first to have a blood sample taken. I am quite sure the Minister will say—and I will agree with him if he does—that the police when carrying out their duties would not be so callous as to delay a person's medical treatment in order to first take a blood sample.

We are, however, giving the authority to take a blood sample of a person who is unconscious or incapable of doing anything about it. I should hate it to be thought that this is the order of priority which we are establishing.

We need to make it quite clear that it is the community's responsibility to ensure that the person in question is treated for his injuries before a blood sample is taken to determine whether he has been driving while drunk, which may possibly have never been the case as the person may have been suffering under a medical condition.

What I am saying is that there are a number of people in our community with conditions which trouble them in this way. In fact, it is now recognised and considered necessary for a person to carry a tag or some indication that he has such a medical condition, in case he is overtaken by this condition while he is driving or away from home.

Accordingly, I would perhaps seek to slightly amend this provision by adding at the end of the proposed new subsection a proviso that the medical treatment of a person must not be prejudiced or unreasonably delayed.

I am quite sure the Minister would not object to the amendment and I will be glad if he considers the matter and lets us know what he thinks in due course.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

## ENVIRONMENTAL PROTECTION ACT AMENDMENT BILL

### Second Reading

Debate resumed from the 19th October.

**THE HON. G. C. MacKINNON** (Lower West) [2.53 p.m.]: As the Minister explained, this is purely and simply a machinery measure to correct a fault in the original drafting.

I appreciate that in his original remarks the Minister did not refer to the small amendment that was included in another place, but his explanation corrects that fault.

The main point is that whilst the Governor may under the parent Act appoint a person to be a deputy of a council member, and authority is given for that person to act as a deputy, no authority was provided for him to act in the place of the council member if the council member for some reason or another had to leave the council; perhaps because of his death.

The amendment presumably makes it obvious that if at any time a council member ceases to hold office before his normal period of office has expired his deputy can fill the post.

A period of limitation of three months is provided during which it is reasonable to assume he would be appointed to the council to fill the vacancy—or somebody else can be so appointed—and the deputy would continue, I should imagine, depending on the desires at the time, as the new member's deputy.

This would allow for continuity of operation of the council and, in all the circumstances, it appears to be an appropriate amendment. It was undoubtedly an oversight in the first place and I recommend that we support the legislation.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.55 p.m.]: I wish to thank Mr. MacKinnon for his support of the Bill. His explanation indicates exactly what the position is. The measure is merely a machinery provision to correct something that was found lacking in the provision concerning the appointment of a deputy.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House) and passed.

#### **COMPANIES ACT AMENDMENT BILL (No. 2)**

*Second Reading*

Debate resumed from the 18th October.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.58 p.m.]: My remarks on this Bill will be brief. As I read the measure, the provisions are exactly as explained by Mr. Medcalf when introducing the Bill.

As a Government and as a Legislature it is imperative that we get all the moneys we can invested in Western Australia for Western Australians wherever this is possible. If there is a loophole in the Companies Act whereby unit trust money is going out of the State and that fault can be corrected by this measure, it certainly deserves our support.

I support the legislation and the amendments it contains.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. I. G. Medcalf in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 80 amended—

The Hon. I. G. MEDCALF: I have a minor amendment on the notice paper which merely changes the reference to the Companies Act, which is the subject matter of this particular Bill. Clearly, we cannot operate before the date of the measure. It is purely a typographical error. I move an amendment—

Page 2, line 28—Delete the words "this Act" and substitute the passage "the Companies Act Amendment Act (No. 2), 1972".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

*Report*

Bill reported, with an amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by The Hon. I. G. Medcalf, and returned to the Assembly with an amendment.

#### **COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL**

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

#### **LAND DRAINAGE ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 12th September.

**THE HON. W. F. WILLESEEE** (North-East Metropolitan—Leader of the House) [3.04 p.m.]: I thank Mr. McNeill for his contribution to the debate. He knows this subject particularly well. His electorate is involved and I was very interested in his remarks. I have some prepared replies in connection with those remarks.

The first point I would like to make clear is that it is not the intention of the Government to alter what has been a practice established previously. In saying this, I am referring to a practice in the field, because it may not have been a practice in accordance with the letter of the law. Nevertheless, it is a practice that has obtained over the years.

The honourable member pointed out that legislation governing drainage has been on the Statute book for many years and on only one occasion has legal action for damages been initiated against the department. This was the case referred to by the honourable member.

Members may well ask why this is so, as over the years there would have been many incidents where damage has occurred to farms and properties. The answer is simple. It is established practice for the department to consider every claim for damages on its merits and to meet those which, on investigation, are considered attributable to the inadequacy of drainage works, or lack of maintenance, and other omissions by the department.

In other cases the department has adopted a policy that it is preferable to pay out compensation for damage to a property which may occur once in a decade, than to spend large sums of money on overdesigned drains to cope with floods which may occur only every 500 years. During the past 10 years, excluding 1964 the disastrous flood year, some \$47,000 has been paid out to claimants.

On this point I would comment that, if departmental policy had not been to disregard the requirements of the Act for a certificate under subsection 60 (2) (c), only a small proportion of the area which can now be farmed throughout the year because of departmental drainage schemes, would in fact be drained.

The claim for compensation by the three farmers who went to the Supreme Court following the 1964 floods was resisted by the department at the time because it was considered that the drains did not cause the damage. Departmental engineers were convinced that the intensity and persistence of the rain during the period leading up to the flooding and the rain during the two-day period was such that a large area in the district would have been flooded, irrespective of the drainage system.

In the 48 hours over the 2nd and 3rd August, 1964 six and three-quarter inches of rain fell in the Harvey River catch-

ment. Subsequent studies have shown that such rainfall was of the severity which could only be anticipated to occur once in one hundred years. The flows produced by this rainfall were two and three times greater than any previous flows recorded in the rivers in the area.

This knowledge will enable members to appreciate why it is not practicable to obtain the certificate as now specified in the Act. If there is no certificate and this provision remains in the Act unaltered, there will be no further construction of new drainage works as no Minister would willfully ignore the requirements of the law after they had been brought to his attention.

The Government does not want to see this situation develop and is prepared to meet part way the objections to the removal of the paragraph.

I have given notice of an amendment which provides for the retention of the certificate. However, the terms of the certificate will be different.

The second point which the honourable member does not favour is the amendment introducing a new section, 65(A), which provides that any compensation payable in respect of that part of the Act shall have regard for the added value to the property arising out of the drainage works.

It is agreed that use of the words "this part" in this amendment gives the wrong impression. What was intended to be achieved by the amendment was an offset against any compensation payable under the provision of section 65 of the Act. I have given notice of an amendment to clarify this point.

The final point raised by the honourable member was the consequential amendments to overcome the position, there never having been a certificate issued under the provisions of paragraph 60(2)(c) of the Act as it now stands. If this omission is not rectified all drainage works constructed without a certificate would be unlawful.

In this regard it must be remembered that not only were there no certificates issued, but it is impracticable for the department now to obtain the relevant certificates as no responsible engineer would issue one as now specified by the Act. Therefore it is submitted that without this amendment the State is placed in an impossible position, irrespective of whether subsection 60 (2) (c) is deleted or amended.

Those are the comments I wished to make on the speech made by Mr. McNeill. Again, I thank him for his contribution to the debate.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 60—

The Hon. N. McNEILL: I would like to thank the Leader of the House for the investigation he has caused to be undertaken in regard to my comments during the second reading debate. I also thank him for the further inquiry he made which has given rise to the placing of an amendment on the notice paper. The Leader of the Opposition has also taken the time and trouble to see that the people responsible for the administration of the Act are aware of my viewpoint, and particularly my reference to the Supreme Court judgment which was commented upon by the Leader of the House during his second reading speech.

I appreciate the fact that the Leader of the House and his department have apparently agreed that I am correct in moving to delete paragraphs (b) and (c). As I understand it, the provision in the Land Drainage Act which requires a certificate has not been used, or, if it has been used, it is of no significance.

I took exception to the comments made by the Leader of the House during the second reading debate that, as a result of a Supreme Court judgment, the requirement was impractical and meaningless. I then put forward a proposition that the judgment of Mr. Justice Virtue in the Supreme Court had been interpreted incorrectly. His Honour found for the plaintiffs and awarded damages but he referred to the fact that the case was not decided on whether or not a certificate had been in existence. The judge found for the plaintiffs on the grounds of negligence, lack of maintenance, and the fact that the drainage works in question were of a design and capacity which was inadequate for the amount of water which came down them in the flood of 1964. However, His Honour indicated that the original Act imposed a duty of care—I use these words quite deliberately as they were used in the judgment—on the department to afford protection to the landholders concerned in the exercise of the powers given to the department in the Act for the purpose of providing service to landholders.

In exercising the duty of care imposed upon it, the department had to take note of all reasonable demands likely to be made upon the drainage works, and this is the reason for the requirement of a certificate.

In my opinion if the requirement of a certificate is deleted from the Act, in future the landholders will not be protected in the event of damage occurring as in the

1964 flood. A person will have nowhere to hang his hat—if I may use that expression—in seeking to take action against the department.

During discussions which have taken place after I indicated my point of view, it has been realised and appreciated that a certificate of some nature is required. This has been highlighted firstly, by the Supreme Court judgment, and secondly, by the debate in this Chamber and in another place. It is felt that no Minister in future would be prepared to certify drainage works on the offchance that severe flooding may occur. Almost no works would then be undertaken, and clearly this is not my intention. However, the landholder must be protected by some form of certificate which should indicate that the works have a certain capacity.

If I may be permitted to refer to the amendment on the notice paper standing in the name of the Leader of the House, this amendment will provide that in the event of drainage works being required to handle water in excess of the quantity stated in the certificate, and damage occurring as a result, the department could be open to a claim for compensation. The provisions of the amendment will obviate the necessity for the Public Works Department to construct drains of such size and magnitude to be able to handle any eventuality. I do not advocate the expenditure of unnecessary sums of money to construct drains and other works which are not likely to be used. I feel this is the point the Leader of the House is wishing to make.

The reservoirs in catchment areas fall into a completely different category. These must be built to a capacity and design to cope with any demands made upon them at any time. They could have to withstand a flood—even though it may only occur once in 1,000 or 10,000 years—because the actual year of the flood may be next year.

The point was also made that large-scale drainage works may have the effect of overdraining the land. Many farmers would find this undesirable. They wish to see surplus water drained from their land, and are prepared to pay for the service, but in a year such as this they do not wish their land to be so drained that the surplus ground water is removed to the extent that it is a disadvantage to them in the latter part of the season.

My intention is not to proceed with the amendment standing in my name on the notice paper. I will, in fact, support the amendment to be moved by the Leader of the House, and I hope the Committee will support it also.

The requirement for a certificate will still continue, but it will simply state the designed capacity of the particular

works. For all practical purposes I hold no objection against that requirement. Therefore, by leave of the Committee, I will not move the amendment standing in my name on the notice paper.

The Hon. W. F. WILLESEE: I thank the honourable member for his remarks on the proposed amendments and for the fact that he does not intend to move the amendment shown under his name on the notice paper. We have now reached a practical solution to the problem; namely, an engineer will certify that in his belief the drainage works have a certain capacity. Simply stated it means that if he considers a drain could take five inches of rainfall spread over 24 hours, he would state that in his certificate. If seven inches of rain fell he would be absolved of any consequences that may follow. At no time would he have to sign a certificate where it is realised that what he would have to state in the certificate is not practical and effective.

Mr. McNeill put the position quite clearly when he set out what the effect will now be compared with the situation that obtained previously, when no qualified engineer could, in all conscience, sign the certificate expected of him. I move an amendment—

Page 2, lines 5 to 8—Delete sub-clauses (b) and (c) and substitute a subclause as follows—

(b) by deleting paragraph (c) and substituting the following paragraph—

(c) obtain from the Director of Engineering or officer deputed by him a certificate that he is satisfied that the proposed works will be of the capacity specified in the certificate.

The Hon. N. McNEILL: I have already indicated that I do not intend to move my amendment in favour of this one, but there are one or two further observations I think I should make. I wish to quote from a judgment of the Supreme Court which refers to the statutory requirement of the certificate, and in this case the judgment is referring to the Minister for Works. It reads as follows:—

If he had sought to do so, he would have had to have obtained the certificate as to the capacity of the works, to which I have previously referred. This provision is an obvious safeguard enacted in the interest of the personal and proprietary rights of the individual, and it would seem rather odd if the Minister could escape the necessity of complying with it by having the work constructed under the authority of the Public Works Act which contains no such requirement.

Perhaps I should state that the action was in fact taken under the Public Works Act and not the Land Drainage Act. The part of the judgment to which I wish to draw particular attention is the reference to the certificate, and the words, "he would have had to have obtained the certificate as to the capacity of the works."

It is my understanding that this amendment proposes to provide for that certificate. However, I also refer to the fact that the amendment the Minister has moved is, understandably, greatly different in intent from that which appears in the Act. I refer the Committee to section 60 of the principal Act and to the particular subsection proposed to be amended. The wording is similar up to the point where the words, "specified in the certificate" appear. For the information of the Committee I quote section 60 (2) (c) as follows:—

obtain from the Engineer-in-Chief or officer deputed by him a certificate that he is satisfied that the proposed works will be of sufficient capacity to carry off all waters which may reasonably be expected then or at any future time to flow into such works from the catchment area which will be served thereby,—

The concluding words are those to which I am directing attention, because they read—

—and that a reasonably sufficient outlet to the sea has been provided.

It will be noted by members of the Committee that those words are not included in the amendment before us. I raise no objection to that. I merely ask if these words are of any particular significance.

I continue to imagine that an outlet would have to be provided and that in the Act there was the statutory requirement that this reasonable outlet to the sea had to be provided. However that provision is not included in this amendment. I doubt whether it is needed, but I cannot let the amendment pass without raising some doubt. I will not ask the Minister to delay the passage of the Bill, but perhaps at some time he may be able to give the reason for not including the provision in the amendment.

The Hon. W. F. WILLESEE: I appreciate the point taken by Mr. McNeill, and that he has agreed not to delay the passage of the Bill. I will draw the attention of the Minister in another place to what he has said and ask him to furnish a reply, if not directly to me, then when he is making a reply to the debate on the Bill after it has been amended. He will either supply the answer in another place for the information of the honourable member, or I will give the honourable member a direct answer.

Amendment put and passed.

Clause, as amended, put and passed.

**Clause 3: Section 65A added—**

The Hon. W. F. WILLESEE: I move an amendment—

Page 2, line 14—Delete the words "this Part" and substitute the words "section sixty-five of this Act".

This proposed new section provides that any compensation payable to any person arising out of any damage sustained by him following the construction, maintenance, and use of drains shall have conferred on him the benefits derived from that drain. The amendment proposes to delete in line 14 on page 2 of the Bill the words "this Part," and substitute the words "section sixty-five of this Act". That is the technical effect of the amendment.

The Hon. N. McNEILL: I have no objection to this amendment. It will be recalled that when I was speaking on the second reading I said it was my intention to oppose the clause if no amendment were made. I said that the expression "under the authority of section 64" should have been used instead of the words "by this Part."

However it has since been pointed out to me—and rightly so—that the section which is most applicable is section 65 under which the compensation is payable. This is correct. The amendment will achieve what I desired; that compensation be paid in relation to the damages occurring as a result of construction being carried out on, or right of entry to, a person's property, and that the compensation shall be reduced by the amount of benefits resulting from those construction works on that person's property. I indicated that the provision as it stands meant that the compensation would be reduced by the amount of benefit derived from any drainage works carried out under the total authority of the Act; and this I considered to be unfair.

I have subsequently learnt that it was not the intention of the Minister or the department to produce that result and therefore the Government is quite happy to make the change. Once again I acknowledge the Minister's co-operation and his readiness to see the point of view I advanced.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Title put and passed.

**Report**

Bill reported, with amendments, and the report adopted.

**Third Reading**

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with amendments.

**BILLS (4): ASSEMBLY'S MESSAGES**

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1. Factories and Shops Act Amendment Bill.
2. Public and Bank Holidays Bill.
3. Interpretation Act Amendment Bill.
4. Hairdressers Registration Act Amendment Bill.

**GREYHOUND RACING CONTROL BILL***Recommittal*

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [3.36 p.m.]: I move—

That the Bill be recommitted for the further consideration of clauses 3, 5, 6, 7, 9, and the title.

When in Committee I gave certain undertakings in regard to this Bill. Firstly, I agreed to allow the Bill to wait until the complementary legislation had been introduced. We now have before the House the Totalisator Duty Act Amendment Bill, the Totalisator Regulation Act Amendment Bill, and the Totalisator Agency Board Betting Act Amendment Bill (No. 2).

Secondly, I agreed that the Bill would be recommitted for the further consideration of clauses 3, 5, 6, 7, and 9, and the title. I have honoured those undertakings.

The Hon. A. F. Griffith: That was not the total extent of the Minister's undertakings.

The PRESIDENT: Order!

Question put and passed.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. H. C. Stubbs (Chief Secretary) in charge of the Bill.

**Clause 3: Repeal—**

The Hon. R. H. C. STUBBS: Mr. White contended that if the clause were passed as it stands, any breed of dog, including whippets, could be raced. In order to overcome the problem it is not intended to repeal the Racing Restriction Act, but to deal instead with any meeting lawfully conducted under the Act at a licensed racecourse or any greyhound trial lawfully conducted under the Act at a registered greyhound trial track. I therefore move an amendment—

Page 2, line 1—Delete all words in the clause and substitute the following—

Act No. 16 of 1927 not to apply to greyhound racing. Nothing in the Racing Restriction Act, 1927, applies to or in relation to—

- (a) any race meeting lawfully conducted under this Act at a licensed race course; or

- (b) any greyhound trial lawfully conducted under this Act at a registered greyhound trial track.

The Hon. A. F. GRIFFITH: I feel I ought to say, at this point of time, that if the Chief Secretary continues to move his amendments—which I do not oppose—we will have a Bill which will be amended in Committee and completed with the Chief Secretary thinking it is acceptable, and that the principle of greyhound racing is also acceptable. So far as I am concerned, we have not yet come to that conclusion.

I want to make it clear that there are other matters which the Chief Secretary has to explain to us before I am prepared to give my support to the third reading of the Bill. If the Chief Secretary will appreciate what I am saying I am quite satisfied not to take the matter any further at this stage. However, once the amendments are made—and no doubt they are being made as a result of a further examination of what we had to say during the Committee stage—I am prepared to sit down. I point out that at some stage, either at the third reading or as we go through the amendments, I want the Chief Secretary to answer a number of questions some of which he said he hoped he would be in a position to answer at this stage.

Perhaps I could help the Chief Secretary a little by saying that we have now received a total of six Bills which completes the concept of the major Bill. Those Bills cover the taxing measures, the Dog Act, and other consequential matters. At some stage during the discussion on those Bills I am sure the members of this Committee will want more information from the Chief Secretary or the Minister of Police with regard to the amount of revenue which the Government expects to raise, the incidence of tax, and how the sport of greyhound racing will be conducted. The Chief Secretary has said that he would acquaint us with the proposed venues of greyhound racing but we would like some more information about how it will be regulated.

The Chief Secretary said that by agreeing to the second reading we would enable him to get on with the job of formulating a board and obtaining a man to be the chairman to manage the whole concern. That is the sort of information I am expecting to receive.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Interpretation—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 2, line 19—Delete the word “dogs” and substitute the word “greyhounds”.

This amendment concerns a technical matter raised by Mr. White.

Amendment put and passed.

The Hon. R. H. C. STUBBS: I move an amendment—

Page 3, line 4—Add after the word “Chairman” the words “and the Deputy Chairman”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Establishment of Board—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 4—Insert after subclause (3) the following new subclause to stand as subclause (4):—

- (4) One member of the Board shall be appointed by the Governor to be Deputy Chairman of the Board.

This amendment is the result of a query raised by Mr. McNeill regarding the Chairman or his deputy. Mr. Arthur Griffith also raised the point regarding the appointment of a deputy chairman. The new subclause will allow for the appointment, by the Governor, of one member as deputy chairman of the board.

*Sitting suspended from 3.48 to 4.03 p.m.*

The Hon. A. F. GRIFFITH: I would like to take the Chief Secretary's memory back to the 1st June, 1972, when I suggested to him that if the Bill were given a second reading he would then be in a position to give us more information about the total concept of greyhound racing when the Bill came before the House again. To a large extent that has been done by the production of the betting Bills, but I remind the Chief Secretary that on page 1864 of *Hansard* of the 1st June he said—

I am prepared to give the undertaking suggested by Mr. Griffith to take the Bill to the third reading stage and then let it wait until August, because now the Bill has passed the second reading stage, it does give me a certain amount of confidence to start negotiations with the Totalisator Agency Board and also to commence the necessary complementary legislation. The important aspect is the negotiations but until I have some backing I can do nothing about it.

I am prepared to give the undertaking and let the Bill go to the third reading. It could be left to lie at that stage.

I said—

I thank the Chief Secretary for his remarks. In the same vein I am sure he must appreciate that there can be no guarantee that the total concept of the legislation will, in fact, be agreed

to. I am really saying that to the people who might gather the impression that they are home and hosed.

A little further down the page I said—

It is important that so far as the metropolitan area is concerned Parliament should be acquainted with the likely venues, and where meetings are likely to be authorised by the board.

The Minister said—

I think the warning issued by the Leader of the Opposition is very timely and I hope the people concerned will take notice of it, because much work has still to be done before this measure passes through Parliament. Perhaps I can now commence the formation of a control board with a certain amount of confidence.

Naturally, such a board will not have any authority until this Bill passes, but at least I will be able to manoeuvre. I will try to get the necessary information before this matter comes before Parliament again.

I must stress again what I have already stressed to many people: I have heard all sorts of venues mentioned, and I have also heard about the W.A.C.A. ground. However, no-one has approached me with regard to the W.A.C.A. ground. It will be left to the control board to negotiate and call for applications. The conclusions will be reported back to Parliament.

I said—

That is fine and I thank the Chief Secretary very much. I am beginning to appreciate the keen enthusiasm of the Chief Secretary for the sport.

I then made a comment about the Treasury.

I think every member of this Chamber went away in June thinking the Chief Secretary and his department would work on the premise that subject to the rest of the legislation being satisfactory to Parliament it would probably be passed, and that in the intervening period—to use the Minister's own words—he would be able to get a board together and commence negotiations with the T.A.B. Up to this point of time we have heard nothing about that except rumours. I have heard of half a dozen places—or at any rate some number between three and six—where this sport may be conducted in the metropolitan area and in the country, but we have no authoritative information as yet about where the venues might be.

I think Parliament is entitled to this information. Even if we cannot be told whether or not a definite decision regarding venues has been made, surely Parliament can be given some information about what has taken place in the months of

June, July, August, September, and October—a period of five months. It is not good enough that we are not given this information.

Perhaps I am judging the situation too quickly. Perhaps the Chief Secretary can give me some information about this matter; but if this sport is to be got off the ground in the time the Government anticipated, the Government should first of all have obtained the services of a person to head the organisation. Otherwise, I can only assume that the start will be made when the Bill passes. I am sure it will be good news to the people interested in this sport to know the Government has done very little about it, if that is the case.

I have heard of people who have invested very large sums of money—the Chief Secretary himself told us that—in anticipation of receiving a return of some kind for their investment. At the moment it must be pretty much of a dead loss to them because the board has not been authorised. Could the Chief Secretary report on what has taken place?

The Hon. R. H. C. STUBBS: In the period since this Bill reached the third reading stage, my colleague the Minister for Police and I have been busy working out the betting aspect. The Totalisator Duty Act Amendment Bill, the Totalisator Regulation Act Amendment Bill, and the Totalisator Agency Board Betting Act Amendment Bill (No. 2) are the result of that work, which was essential because of the understanding that those Bills would come before the House before we proceeded. We received those Bills only recently. That was one of our activities.

As far as the board is concerned, I have no authority whatsoever to set up a board. I have negotiated with one person in the Eastern States on the assumption that if this Bill were passed he would come over here in order to train personnel because the people in Western Australia do not have the necessary experience. We want someone who is skilled in and has plenty of knowledge of this sport, and we have negotiated with a person who will come to Western Australia should this Bill become law.

Information was sought in regard to revenue. It is rather difficult to assess revenue because the sport will not be operating for a full year. Dog racing has not yet got off the ground. If this Bill becomes law, we do not know how long it will be before the first race is conducted and we do not know how popular the sport will be in Western Australia. However, we have come up with some figures and the best information I can give the Chamber is that we consider the revenue might be \$500,000 to \$800,000 a year.

The Hon. G. C. MacKinnon: That is the Government's takings in tax?

The Hon. R. H. C. STUBBS: Yes. In New South Wales where dog racing is well established and has been conducted for 30 years, in the last financial year the Government received 32.7 per cent. of all T.A.B. investment. The amount invested on greyhound races was \$74,900,000. This was revealed in the Greyhound Racing Control Board's annual report which was tabled in the Legislative Assembly in that State. The percentage of T.A.B. investment on greyhound racing had climbed from 19.8 per cent. in 1966.

The Hon. A. F. GRIFFITH: What is the turnover on which the \$500,000 to \$800,000 was derived?

The Hon. J. Dolan: That would represent 6 per cent. That is the share the Government will take of the overall investment.

The Hon. R. H. C. STUBBS: As regards the venue, I cannot inform the House of the venue because I do not know it myself. It will be the task of the control board to say where racing will be conducted.

The Hon. G. C. MacKinnon: Will it say where, or will it make recommendations?

The Hon. R. H. C. STUBBS: When the control board is established it will call applications from people who wish to conduct race courses, and those who wish to race dogs. I cannot say where the venue will be because I do not know. I have heard all sorts of rumours, and I have heard many grounds mentioned. But I know of no ground whatsoever, and I have negotiated with no-one.

The Hon. A. F. GRIFFITH: If my quick calculations are correct a tax of \$500,000 raised as a result of a 6 per cent. levy on turnover would represent a turnover in the order of \$8,250,000.

The Hon. J. Dolan: They estimate it will be somewhere between \$500,000 and \$800,000.

The Hon. A. F. GRIFFITH: That is the tax which will be received into the Treasury?

The Hon. J. Dolan: That is right. On a turnover of \$10,000,000 it would be \$600,000.

The Hon. A. F. GRIFFITH: I cannot understand why the Government cannot say that in respect of this tax Bill it expects the turnover will be \$8,000,000 to \$9,000,000 and the tax will be \$500,000. If we take the extreme and assume the tax will be \$800,000, it would represent a colossal turnover. Yet the Minister tells us it will not be big business.

The Hon. R. Thompson: It is guesswork at the moment.

The Hon. A. F. GRIFFITH: Yes, but I remember that when I was on the other side of the Chamber the same Treasury advisers who advise the present Govern-

ment estimated the turnover tax on T.A.B. betting, and I was told we would not reach the figure we anticipated.

The Hon. J. Dolan: But you were dealing with an established sport, and we are not.

The Hon. A. F. GRIFFITH: The Minister is dealing with a sport which is established in other States of Australia.

The Hon. J. Dolan: We do not know whether it will be popular here.

The Hon. A. F. GRIFFITH: I have known the Under-Treasurer to give the Government of the day an estimate of what the budgetary figures are likely to be. If the proposal produces a tax of \$500,000 to \$800,000 in the first year, then dog racing will be big business. I venture to suggest that this is an under-estimate of the situation.

Mr. Deputy Chairman (The Hon. F. D. Willmott), do you not think it is unsatisfactory that we should be told after five months that nothing has been done in relation to establishing the board, apart from a conference with the Minister for Police regarding two betting Bills? One of those Bills has three clauses, and the other is necessarily a little longer. However, the Government had already decided when it introduced the greyhound racing legislation that other Bills would be necessary in relation to tax and betting.

The Chief Secretary said he had made some contact with somebody in the east, but that there is nothing concrete about it.

The Hon. R. H. C. Stubbs: How can you make it concrete when you have no authority?

The Hon. A. F. GRIFFITH: Does the Chief Secretary want me to read what he said?

The Hon. R. H. C. Stubbs: Never mind what I said.

The Hon. A. F. GRIFFITH: Well, does the Chief Secretary want me to accept what he says, or does he want me to walk out of this place and say that he does not know what he is saying?

Does the Chief Secretary not know that the rumours regarding venues are common knowledge? Has he not heard that there will be a course at the W.A.C.A. ground? The Chief Secretary says—and, of course, I accept his word—that he has conducted no negotiations regarding the W.A.C.A. or any other venue.

The Hon. R. H. C. Stubbs: That is correct.

The Hon. A. F. GRIFFITH: Well, has anybody else in the Government entered into negotiations?

The Hon. R. H. C. Stubbs: Not to my knowledge.

The Hon. A. F. GRIFFITH: Well, will the Chief Secretary find out?

The Hon. R. H. C. Stubbs: I will try to. No-one has brought the matter up with me.

The Hon. R. Thompson: I think many people have been flying kites.

The Hon. A. F. GRIFFITH: Yes, but surely Parliament is entitled to know. I went through the same exercise in connection with the bingo Bill.

The Hon. J. Dolan: Only two Ministers would have had anything to do with greyhound racing, and they are Mr. Stubbs and myself. Mr. Stubbs attended to the Greyhound Racing Control Bill and, because I am responsible for the T.A.B., I have attended to the other measures. I do not know of any other Minister who has been involved. If any Minister has, it is not known to Mr. Stubbs or myself.

The Hon. A. F. GRIFFITH: That is not an uncommon situation in the present Government.

The Hon. J. Dolan: What do you mean?

The Hon. A. F. GRIFFITH: Exactly what I said. Things are done by the Minister's Government of which some Ministers are not aware.

It is difficult for me to accept that after an adjournment of five months the two Ministers concerned in this Chamber have done literally nothing.

The Hon. J. Dolan: We have brought down the Bills that were necessary. What more do you want? There are certain processes which must be undertaken before one reaches the stage of presenting Bills to Parliament, as you well know.

The Hon. A. F. GRIFFITH: Without being egotistical, I would say that nobody in this Chamber could tell me anything about that which I do not already know, because I managed the legislative programme in this place on behalf of the previous Government for 10 years. I know sometimes the Government must ask the draftsman to draft a Bill urgently. We have had examples in this Chamber of the Government doing just that, but in relation to the matter before us it has done nothing at all in five months. Nobody has talked to the Chief Secretary or the Minister for Police about a venue. Neither of those Ministers knows whether any other Minister has been involved. Therefore, Parliament cannot be told anything. We know an approach has been made to a man in the Eastern States who might accept the job, but that is all we know. For five months it has been a dead hand.

The Hon. D. K. Dans: A dead dog.

The Hon. J. Dolan: As you well know, some of the Bills were introduced in another place and were there for some time.

The Hon. A. F. GRIFFITH: Once they were brought to the top of the notice paper they were dealt with in little or no time. The whole point is that nothing appears to have been done. Now we must start out in the dark if we pass the legislation, because we will not know where we are going, apart from the fact that the Government expects to receive between \$500,000 and \$800,000 in tax.

I intend to press this aspect. I think the Chief Secretary should ask the other Ministers whether they have held conversations in regard to the matter. I could name places which I am told are likely to be venues.

The Hon. R. Thompson: I could have done that six months ago. People have been flying kites about this.

The Hon. A. F. GRIFFITH: Mr. Ron Thompson would have a better chance of knowing about it than I would.

The Hon. R. Thompson: This has not come from the Government, but from the outside.

The Hon. S. J. Dellar: There was an article in the Press recently which said that Richmond Raceway was being considered.

The Hon. A. F. GRIFFITH: Yes, I have heard that. I think the public are entitled to know something about this before we embark on the process which is proposed.

Let us assume we were dealing with a Bill to establish a casino. The Government was keen on such a proposal until it was told to lay off. If we were considering such a Bill, I am sure we would want to know where such casino was to be conducted. The Chief Secretary might have reason to believe it might be in his electorate, because he is in favour of it.

The Hon. R. H. C. Stubbs: I look after my electorate as you look after yours.

The Hon. A. F. GRIFFITH: I think we are entitled to have some idea of the venues where dog racing will be conducted. I ask the Chief Secretary to give consideration to this and to give us more information at the third reading.

The Hon. R. H. C. STUBBS: The Crown Law Department has told me that I have no power whatsoever until the Bill is passed to set up the control board. The man in the east whom I contacted understands that our conversation was tentative and has no substance until the Bill is passed. I have no power to say anything about venues, and I have no intention of saying anything. All sorts of rumours have been spread, and people bought dogs against my advice. I am sorry for them, but the fact remains that I cannot do anything until the Bill is passed. I cannot say who will be the members of the control board. The Bill can stand or fall on those remarks.

The Hon. J. DOLAN: I wish to put the matter straight because many things have been said which have no substance. The Greyhound Racing Control Bill was introduced by Mr. Stubbs, because the matter comes within the ambit of his department.

I have not spoken in the debate on this measure, because I know nothing about the subject. Members in this Chamber do not have the authority to introduce money Bills; they must emanate from another place.

The first Bill introduced which had any connection with money was the Totalisator Agency Board Act Amendment Bill. After its introduction it was placed on the bottom of the notice paper, and there was an understanding that until the other Bills were dealt with it would be kept down there.

As soon as the other Bills were placed on the notice paper in another place and passed, they were sent to me, and I immediately asked my leader to have them placed on our notice paper. They have been proceeded with, but no useful purpose would be served in proceeding with them further until the Bill before us has been considered and a decision arrived at. What is the use of spending hours in debate on money Bills when there is a possibility that the main Bill will not be agreed to?

I was asked a question as to what amount the Government anticipated would be derived in revenue from the introduction of greyhound racing. In reply I said it was a difficult question to answer, because this was a new sport to Western Australia and we did not know whether it would be as popular here as it is in New South Wales.

Over there greyhound racing is second in popularity; it stands next to horse-racing. From the figures which were mentioned in a report in today's newspaper it is indicated that one-third of the money invested on the T.A.B. in that State is wagered on dog racing. The officers who obtained information for us are in the Chief Secretary's Department, and they have come up with an estimated figure which may be above or below the actual figure.

If there is any holdup in this legislation I will not take it with the feeling that I have done anything wrong. I am responsible for the other Bills and for the T.A.B. in this State; and depending on what members do I will play my part, and I will do so to the best of my ability.

The Hon. R. THOMPSON: I am anxious to see this legislation passed, because I have before me a petition containing many thousands of names of people throughout this State who are most anxious to see the introduction of greyhound racing; and these people come from all walks of life.

When we have a Bill before us it is idle for members opposite to question the Ministers in the manner they did this afternoon. One only has to turn to clauses 18 and 21 of the Bill to see the functions that are laid down. Clause 18 sets out the functions of the board; and clause 21 (1) deals with racecourses to be licensed. It states that no race meeting shall be held on any racecourse unless the racecourse is one licensed by the board. It is only the board which can issue licenses for the holding of greyhound races.

The Government has set out the best parts of the legislation which is in operation in the other States. I can imagine the criticism that would have been levelled at the Minister had he appointed some person to be chairman of the board before this legislation was passed.

The Bill authorises the board to make these decisions. It is good that it does, because in so doing it will take away the power of people to direct and virtually tie up the sport. That is what the Bill aims to do. An understanding of this legislation will avoid a lot of debate and needless questions.

The Hon. D. J. WORDSWORTH: Could the Chief Secretary give an indication of how long after the board has been set up the first greyhound race meeting will be held in Western Australia? Although he does not have the authority to give us the venues for the holding of greyhound races, he could have told us about the advice he has received from the owners of grounds on which such meetings can be held.

The Hon. R. H. C. STUBBS: After this Bill becomes law I will immediately advise what will be done. After its passage six months will elapse before racing commences. We do not know the proposed venues, or their condition, nor do we know the facilities they provide.

Some people have made application by word of mouth to conduct greyhound racing in various places, but we have rejected them because we consider this to be the function of the board that is to be set up when the legislation is passed.

The Hon. A. F. GRIFFITH: I will have to leave the matter at this point. I would have thought that if the sport of greyhound racing was being sponsored by the Government in a businesslike manner then at the time it gave notice to introduce legislation in May this year it would have come forward with the complete legislation; and explained that the Bill to establish the board was before this Chamber, and that the betting Bills would be introduced in another place. Had the Government done that it would have taken much less time for us to arrive at the stage which we have now reached.

However, that was not the case. We passed the second reading of the Bill on the understanding that the Minister would obtain this information for us in the intervening months, but we must have misunderstood him. We have not been supplied with the information, and it is evident the Government has not even made a start to establish the board. I know that statutorily the board cannot be appointed at this stage. I would have been satisfied if months ago or even today the Minister had said, "In the intervening time I have contacted a person in the Eastern States who knows the sport thoroughly. I told him the Bill was awaiting the third reading. I could not undertake to give him the job, because the legislation has to pass through Parliament, but subject to its passage he is prepared to come to Western Australia. The job of selecting the venues belongs to the board, but these are the places that have been put forward as possible venues although no decision has been made."

The Hon. R. H. C. Stubbs: I did tell you about the person from the Eastern States.

The Hon. A. F. GRIFFITH: Yes, but the Minister only tells us about these things when I drag them out of him.

The Hon. R. H. C. Stubbs: I wonder what you would do if I had done all the things without the necessary authority. I am sure you would have torn me to pieces. The honourable member need not worry, because I will do the correct thing.

The Hon. A. F. GRIFFITH: If the Minister goes to the trouble of reading the second reading debate and the Committee discussion I am sure he will agree with my comments as to the basis at which we left this legislation in June last.

All I have to do now is to decide whether I will agree to the amendments the Chief Secretary has proposed and vote for the third reading, without the information being supplied. Apparently in the intervening time no progress has been made. Did any officer from the Chief Secretary's Department visit the Eastern States?

The Hon. R. H. C. Stubbs: Yes.

The Hon. A. F. GRIFFITH: Now we are getting further information. Did one or two officers go over?

The Hon. R. H. C. Stubbs: I went over with the under-secretary.

The Hon. J. Dolan: These are two important persons.

The Hon. A. F. GRIFFITH: I agree.

The Hon. J. Dolan: What more do you want?

The Hon. A. F. GRIFFITH: What more I want is to be told about these things. The Chief Secretary should have told us he went over east with his under-secretary.

The Hon. R. Thompson: You have been told that the under-secretary went over east to undertake a survey.

The Hon. A. F. GRIFFITH: Before or after June?

The Hon. R. H. C. STUBBS: The under-secretary of my department went over east very early in the piece; and subsequently I went over there with him. We visited several greyhound racing tracks in Victoria and New South Wales. We spoke to many people who are well versed in the sport, and we got all the information we could relating to the best features of the legislation in operation in Australia. We thought we were doing something to control the sport so that it would be the best conducted of any in Australia.

Regarding the board of control, after June I contacted the Crown Law Department about its establishment. I was told I could not do anything about that because I did not have the legislative backing, nor could I do anything about the venues.

The T.A.B. and betting legislation have been introduced, and I have put forward amendments. That is as far as I can go at this stage. I have not the power to decide who will be the members on the board of control, or to determine where the venues will be. However, I have seen a person well versed in the sport from the Eastern States; and should the Bill become law we will be able to get the sport going.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Terms of Office, deputies, etc.—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 5, line 27—Delete the words "or deputy".

The Hon. G. C. MacKINNON: I would like to know why the Minister is taking out the words "or deputy".

The Hon. R. H. C. STUBBS: As far as I am concerned I have taken them all out. From memory this was raised during the second reading when it was pointed out that someone had to take charge when the chairman was away. We have now moved an amendment to ensure that someone is in charge when the chairman is away.

The Hon. G. C. MacKINNON: The Minister is getting back to the previous amendment which was looked after in subclause (4) on page 4. Now we are dealing with the term of office of a deputy. The clause with which we are dealing refers to the defect in the appointment of a member. Clause 7 (7) says—

The Governor may, in respect of each member, appoint a person to be the deputy of the member.

So he has the power to appoint deputies as well as the power to appoint members. The clause indicates that the proceedings

of the board are not invalidated merely because there is something wrong with the appointment of a member. I want to know why the Minister has seen fit to take out the words "or deputy." There must be a reason for his having done so.

The Hon. R. H. C. STUBBS: This question of the chairman or the deputy chairman was raised by Mr. McNeill and Mr. Arthur Griffith. Because of that we have appointed a chairman and the new subsection allows the appointment by the Governor of one member as a deputy instead of many members as deputies.

The Hon. G. C. MacKINNON: There is no new subsection.

The Hon. R. H. C. Stubbs: That is right. This is consequent on the previous one.

The Hon. G. C. MacKINNON: Perhaps I should sit down in despair, but if somebody else has understood what the Minister has had to say I would be glad to hear the explanation.

The Hon. D. K. Dans: Will you read it again?

The Hon. G. C. MacKINNON: I would refer the honourable member to subclause (9) of clause 7 on page 5 from which he will see that the board can operate as though the members are properly qualified. I want to know why the Minister has taken out the words "or deputy."

The Hon. R. H. C. STUBBS: As I have already said, this was done because of the points raised by Mr. McNeill and Mr. Arthur Griffith during the second reading. The previous amendment says, "One member of the board shall be appointed by the Governor to be a deputy;" and the point was raised that if the chairman were away who would take charge. Accordingly, this provision allows for the Governor to appoint a deputy. The other provision is merely subsequent to that.

The Hon. G. C. MacKINNON: Could I appeal to Mr. McNeill who raised the point that there should be a deputy chairman? If we take out the deputy of the member in each case, will the actions of the board be invalidated, because we do not exonerate the wrongful appointment of a deputy?

The Hon. R. H. C. STUBBS: The parliamentary counsel was supplied with the complete second reading debate so that he could examine the points raised by members and this is the result of his examination.

The Hon. G. C. MacKINNON: I still do not understand the reason for the deletion of the words "or deputy." My leader has just been castigated to some extent because of certain questions. I would like to know the point that was raised by Mr. McNeill, and I have not been told this.

The Hon. R. F. CLAUGHTON: I would refer members to page 1869 of *Hansard* No. 9 where Mr. McNeill said—

I refer the Committee to subclause (2) wherein the expression "The Chairman or his deputy" appears. Does that expression refer to a person who is deputed to act in place of the chairman, or does it refer to the deputy of the member who happens to be appointed as the chairman? I think there is an element of doubt. The subclause refers to members electing a chairman in the absence of the permanent chairman. Bearing in mind the action we have taken on clause 7 in regard to the appointment of deputies, I foresee a situation of a board meeting consisting of deputies. It may well be appropriate to provide that in the absence of the chairman one of the other members shall act as chairman, and not a deputy.

This would appear to be the reason behind the removal of the words "or deputy."

The Hon. G. C. MacKinnon: I must be dumb; I just cannot see it.

Amendment put and passed.

The clause was further amended, on motions by The Hon. R. H. C. Stubbs (Chief Secretary) as follows:—

Page 5, lines 27 and 28—Delete the words "or deputy".

Page 5, line 29—Delete the words "or deputy".

Page 5, line 31—Delete the words "or deputy".

Clause, as further amended, put and passed.

Clause 9: Proceedings of Board—

The Hon. R. H. C. STUBBS: I move an amendment—

Page 6—Delete subclause (2) and substitute the following—

(2) The Chairman shall preside at all meetings of the Board at which he is present, and the Deputy Chairman shall preside at any meetings at which he, but not the Chairman is present, but if neither the Chairman nor the Deputy Chairman is present at a meeting, the members present shall select one of their number to act as Chairman at the meeting.

The new subclause allows the chairman to preside at all meetings of the board and the deputy chairman will preside when he and not the chairman is present. It allows the members to select one of their number to act as chairman if the chairman or his deputy is not present.

Amendment put and passed.

The Hon. G. W. BERRY: I notice that in subclause (4) of clause 9 we have gone back to the practice of giving the chairman a deliberative vote as well as a casting vote. If I remember this was something we took great pains to avoid.

THE DEPUTY CHAIRMAN (The Hon. F. D. Willmott): That was taken out of the previous Bill. Subclause (4) was taken out by a previous Committee.

Clause, as further amended, put and passed.

Title—

The Hon. R. H. C. STUBBS: I move an amendment—

Delete the passage "to repeal the Racing Restriction Act, 1927;"

Amendment put and passed.

Title, as amended, put and passed.

#### *Further Report*

The Hon. R. H. C. STUBBS: I move—

That the further report of the Committee be adopted.

The Hon. A. F. GRIFFITH: I wish to avail myself of the opportunity on the motion for the adoption of the report to say that, although I am not at all happy with the explanations given this afternoon, I have a deal of sympathy for the Chief Secretary in connection with the difficulties in which he sometimes finds himself.

My apparent antagonism this afternoon to some of the information given to me could perhaps be interpreted to mean that I do not intend to support the legislation from this point on. I wish to say here and now that I propose to cast my vote in favour of the third reading of the Bill, although I will do so without any enthusiasm at all. I have said that I will do so without any enthusiasm at all, because I simply cannot work up any enthusiasm to support the legislation.

I think the Government will find that this industry will grow into a massive one. It will certainly be a good money spinner. One of two things will result. The first possibility is that the amount of money which goes into gambling in Western Australia will be increased substantially. I would guess that the figure would be \$8,000,000 to \$12,000,000 a year if it is to return a tax of \$500,000 to \$800,000 a year to the Treasury. The second possibility is that existing forms of gambling in this State will suffer in their turnover because members of the public have a limited ability to spend money in this way.

I thought the Chief Secretary might appreciate my personal intentions in the matter. I cannot say any more than that, but I will watch the situation with a great deal of interest.

If the Bill passes the third reading I suggest that, in the interests of the people who have been waiting now for a very long time, the Government should get on with the job of establishing the board and making arrangements for venues. I would like to see Parliament have the right to say something in connection with venues. I would like the Chief Secretary to contemplate this point between now and the third reading. Certainly the question of venues will be decided by the board but perhaps the venues could be subject to parliamentary approval. The board could perhaps choose a venue which will be an unpopular one indeed in the eyes of the general public.

I ask the Minister to bear in mind what I have said and I make one suggestion to him: For goodness sake, get on with the job if the Bill passes.

The Hon. R. H. C. STUBBS: I can assure Mr. Arthur Griffith that I will certainly get on with the job because I will have something to go on. I will have legal backing and I will certainly do everything with alacrity. That is all I wish to say.

Question put and passed.

Bill again reported, with further amendments, and the report adopted.

### QUESTIONS (13): ON NOTICE

#### 1. EDUCATION

##### *Capel School: Additions*

The Hon. V. J. FERRY, to the Leader of the House:

- (1) Is he aware of the urgent need for two new classrooms, store-room, office and toilet block at the Capel Primary school?
- (2) (a) Has the Education Department programmed any additions or improvements to this school; and  
(b) if so, what arrangements have been made?
- (3) In the event of any existing buildings being superseded and relieved of their present functions, will they be retained for other purposes at the school?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) A private architect has been commissioned to prepare plans and documents for two new classrooms, administration area and toilets. The documentation is being prepared in advance in order that a start can be made at short notice should savings be made from other higher priority works.

- (3) It is Departmental policy to remove outmoded and unsatisfactory buildings on completion of a replacement programme.

## 2. YOUTH COUNCIL

### *Assistance for Junior Football*

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

- (1) Has the Youth Council of Western Australia received any requests for financial assistance during the past six years from junior football clubs in the metropolitan area?
- (2) If so, would the Minister advise what was the extent of the assistance granted in each year?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) For the years ending 30th June, from 1967 to 1972 the only assistance granted was to the Coolbinia-Yokine Junior Football and Community Youth Club in 1971-72 for an amount of \$740.

A further amount of \$175 has been approved to the Melville Junior Football Club for this current financial year.

In many instances applications for assistance are for jumpers and footballs and it is the Youth Council's policy to provide assistance only for the purchase of more durable equipment.

In other instances the age group of the particular club is under that specified in the Youth Service Act.

## 3. RAPE SEED

### *Yield and Research*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) What was the expected yield of rape seed in Western Australia during the coming season?
- (2) Has this yield been revised, due to a specific disease?
- (3) Have the varieties of seed available been developed for a similar climate and growing season?
- (4) (a) What research is being done in this State to develop varieties suitable for Western Australian conditions; and
- (b) what was the expenditure during the last four years on such research?
- (5) (a) What funds are available from departmental, university, and producer organisations, for research of this type;
- (b) has the Government suggested that these funds be utilised for this purpose?

The Hon. W. F. WILLESEE replied:

- (1) Approximately 35,000 tons.
- (2) Yes.
- (3) The varieties of seed being grown in W.A. were developed by Canadian and European breeders for their environments. In the absence of disease, these varieties give high yields and high oil contents in W.A.
- (4) (a) The Department has over the past four years been evaluating overseas varieties for use in Western Australia. At the same time, the Department has been examining the specific requirements of rape seed varieties for the W.A. environment. The University of W.A. recently appointed a rape seed breeder.

- (b) Approximately \$60,000 by the Department.

1972-73

- (5) (a) Department of Agriculture ..... \$15,000  
State Wheat Research Trust Fund \$ 9,100  
University of W.A. Not known
- (b) Yes.

## 4. N.S.W. GOVERNMENT INSURANCE OFFICE

### *Press Release*

The Hon. D. K. DANS, to the Leader of the House:

- (1) Did he note a Press release issued by the Government Insurance Office of New South Wales on the 26th September, 1972?
- (2) If so, will he advise the contents of that press release?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) I quote—  
"The Government Insurance Office in the year 1971-72 earned a record profit before tax of \$13.6 millions from its Non-Life Insurance operations—19% up on last year.  
The General Manager, Mr. R. M. Porter, said that the higher profit was due to an 18% increase in investment earnings, and an improved loss ratio in the Comprehensive Motor account. Interest earnings of \$14.3 millions enabled Motor Third Party to show a profit of \$2.7 millions which reduces the accumulated loss to \$20 millions. Workers' Compensation for the second year produced an underwriting deficit, Mr. Porter said.

Of the earned profit \$5.7 millions will be returned to policyholders by way of bonus deductions from renewal premiums, Mr. Porter said.

Income tax payable to the New South Wales Treasury amounts to \$4 millions.

Life Assurance completions were again a record; new sums insured amounting to \$68 millions— attracting new premiums of \$2.8 millions. The earnings rate on the Life Assurance Fund was 7.24% before tax—6.71% net after tax. The ratio of expenses to income was 7.2%."

This release was issued by Mr. R. M. Porter, General Manager, Government Insurance Office of New South Wales on the 26th September, 1972.

The Hon. G. C. MacKinnon: Is that Mr. Dans' contribution to next year's S.G.I.O. Bill?

#### 5. FAUNA CONSERVATION

##### *Operation "Noah": Ord Dam*

The Hon. G. C. MacKINNON, to the Leader of the House:

- (1) Was the fauna conservation and cataloguing programme at the Ord Dam, known as "Operation Noah", a success?
- (2) What has been the cost to date?
- (3) What follow up work remains to be done?
- (4) How much money is the Department of Fisheries and Fauna able to allocate this year for the continuation of "Operation Noah"?

The Hon. W. F. WILLESEE replied:

- (1) Yes.
- (2) Approximately \$19,000.
- (3) During the coming wet season animals remaining on the larger islands will need to be taken off as the water level rises and reduces the size of these islands. Animals remaining on smaller islands which will become submerged will need to be rescued. The unseasonable dry weather experienced in the Kimberleys during last summer resulted in a low-level of water being collected in the dam and this has left the major part of the rescue work yet to be done.
- (4) Within the funds provided for fauna conservation and priorities of work required to be undertaken the Department of Fisheries and Fauna has not been able to allocate any money for the continuation of "Operation Noah".

6.

#### DAIRYING

##### *Milk Producers' Levies and Licenses*

The Hon. N. McNEILL, to the Leader of the House:

- (1) Will the Minister confer with his colleague, the Minister for Agriculture, and ascertain if at any time he has conveyed to dairying interests, the view that the levies on, and/or license fees for milk producers under the Milk Act or the Dairy Products Marketing Act are invalid on constitutional grounds?
- (2) If so, what is the basis for such contention?
- (3) What methods are adopted in each of the other States of Australia in relation to such levies or licenses?

The Hon. W. F. WILLESEE replied:

- (1) My colleague has informed me that as far as he is aware he has not conveyed any view on this matter to dairying interests.
- (2) The imposition of levies on production or the basing of license fees on production are practices of doubtful legality in view of High Court decisions concerning receipt duties. Any levy or license fee which can be defined as an excise cannot be collected by the State but only by the Commonwealth.
- (3) As far as is known other States have vesting of milk for town milk supplies. I understand Victoria changed to vesting of milk for town milk supplies following a challenge to the previous method of raising finance which was based on the level of production.

7.

#### ESPERANCE PORT AUTHORITY

##### *Damage to Installations*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) On what dates have shipping damaged the installations owned by the Esperance Port Authority?
- (2) (a) What was the cost of repairing these installations on each occasion; and  
(b) who paid for repairs?
- (3) Can such authorities insure against such damage?

The Hon. W. F. WILLESEE replied:

- (1) and (2) (a)—

Date	Cost
March 1970	\$62,115.14
August 1971	\$298.64
September 1971	\$311.40
July 1972	Est. \$4,000.00
August 1972	\$113.24

Repairs following damage on July 12, 1972 have not been completed. Total cost not known at this date.

- (2) (b) Repairs paid by ship owners through their agents.
- (3) Yes.

## 8. RAILWAYS

### *Wagin-Bowelling Line*

The Hon. S. T. J. THOMPSON, for The Hon. T. O. PERRY, to the Minister for Railways:

- (1) What number of trains run on the Wagin-Bowelling railway each week?
- (2) What is the estimated annual loss incurred on this section of line?
- (3) Is consideration being given to discontinuing service on this line?

The Hon. J. DOLAN replied:

- (1) One train runs in each direction each week; ex Bowelling on Friday and ex Wagin on Saturday.
- (2) Due to the interdependence of this section of line on the rest of the system, this information is not known.
- (3) No. There is no such intention at the present time but the situation is constantly under review.

## 9. REGIONAL PRISON

### *North-West*

The Hon. W. R. WITHERS, to the Chief Secretary:

- (1) In view of the expansion of the Pilbara with the creation of nine new towns, plus satellite communities, in the past decade, will the Chief Secretary advise if this Government has plans for a regional prison in the Pilbara?
- (2) If so—
  - (a) where will the prison be sited;
  - (b) when will building commence;
  - (c) how many staff will be employed;
  - (d) what will be the maximum number of inmates planned for the first stage?
- (3) If the answer to (1) is "No", what are the alternative plans?

The Hon. R. H. C. STUBBS replied:

- (1) Meetings have been held in the past month between officers of the Departments of Development and Decentralisation, Lands, Main Roads, Town Planning, Public Works and Corrections with a view to making recommendations to the Government concerning the needs of the North-West including Pilbara and Kimberley.

It is anticipated that a decision concerning the siting of institutions will be made within one (1) month.

- (2) (a) and (b) See above.
- (c) Approximately 100 (including escort staff).
- (d) 250.
- (3) See (1).

## 10. LAND

### *Ord River Scheme*

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Are there any immediate plans for the allocating of land in phase two of the Ord Irrigation Scheme?
- (2) If so—
  - (a) when will the land be allocated; and
  - (b) how will it be allocated?
- (3) If the answer to (1) is "No", will the Minister indicate the intentions of the Government in the Ord Scheme?
- (4) (a) Is the Government aware of American and Japanese companies interested in participating in the Ord Scheme;
  - (b) if so, what is their interest?
- (5) Is the Minister aware that some existing farms are available for purchase at a price per acre that is less than the expected development cost of phase two?
- (6) If the answer to (5) is "No", what is the budgeted development cost per acre in phase two of the Scheme?

The Hon. W. F. WILLESEE replied:

- (1) Plans are in hand for the release of five (5) farming units in the Packsaddle Plain area.
- (2) (a) The Land Board is planned for the 23rd January, 1973.
- (b) By Land Board.
- (3) Answered by (1).
- (4) (a) Inquiries have been received from such sources.
- (b) Presumably tropical agriculture.
- (5) No.
- (6) The development of these units is the obligation of the individual settler.

## 11. HOUSING

### *Building Blocks: Ballot and Price*

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) In view of the Premier's announcement to have building lots owned by a Government instrumentality released by ballot at a

fixed price rather than sale by auction, will the Minister advise if the ballot system will apply to the release of all Government owned building blocks throughout the State?

- (2) If so, what will be the price range for a serviced home building site in the towns of Karratha, Roebourne, Onslow, Port Hedland, South Hedland, Broome, Derby, Kununurra, Fitzroy Crossing and Wyndham?

- (3) If the answer to (1) is "No", will the Minister give his reasons?

The Hon. W. F. WILLESEE replied:

- (1) to (3) It has been the practice of the Lands and Surveys Department, as far as possible, to release building blocks for sale by auction in numbers in excess of the estimated demand. As authorised by the Land Act, the lots passed in at auction are normally available for direct sale to purchasers, at the upset price, for 12 months after the sale.

At Port Hedland and South Hedland, State Housing Commission land is made available for sale over the counter at assessed prices.

Sales results over the past three (3) years in the locality referred to are illustrated in the schedule which is set out hereunder.

Selling prices cover actual costs of servicing, survey and administration which are the major factors influencing prices in the towns nominated.

Town	Lots released	Lots sold	Lots passed in	Average upset price	Average sale price
Karratha	74	55	19	3,000	3,000
Roebourne	72	71	1	700	754
Onslow	12	5	7	105	120
Broome	11	11	NH	100	170
Derby	1	1	NH	160	160
Kununurra	94	36	59	1,138	1,140
Wyndham	21	20	1	128	148

## 12. STEEL PRODUCTION

### *Development*

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) What is the quantity of fresh water required per day to convert iron ore to 1,000,000 tons of steel over a twelve month period?
- (2) What is the quantity of electrical power required for the same amount of steel over the same period?
- (3) Is it intended to develop a steel mill in this State?

- (4) If the answer to (3) is "Yes"—
- (a) what sites are being considered?
- (b) what is the intended production tonnage by 1980;
- (c) where is the source of water for the site?

The Hon. W. F. WILLESEE replied:

- (1) Water consumption depends on process used. For conventional blast furnace/BOF method, consumption would be approximately 3.0 million gallons a day.
- (2) With the blast furnace/BOF method some power is generated internally. Extra power required from external sources would amount to approximately 40 megawatts, or 35 million KWH a year.
- (3) The Government is actively encouraging the establishment of a steel industry in Western Australia and is discussing the establishment of such an industry with companies who could be interested.
- (4) (a) Sites adjacent to Perth and in the Pilbara.
- (b) Not determined.
- (c) Underground and surface water resources adjacent to the sites under consideration.

## 13.

### WATER SUPPLIES

#### *Fitzroy River and Ord Dam*

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Has the Government considered—
- (a) plans for damming the Fitzroy River for the purpose of supplying water to the future industries of this State;
- (b) the use of water from the Ord River dam for the purpose of industry;
- (c) decentralisation of industry to the areas with abundant water and raw materials?
- (2) If the answers to (1) (a), (b) and (c) are "No", what are the alternative plans?

The Hon. W. F. WILLESEE replied:

- (1) (a), (b) and (c) Yes.
- (2) Answered by (1).

### TOTALISATOR DUTY ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 19th October.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.18 p.m.]: This Bill and the four following measures on the notice paper are all complementary to the Greyhound Racing Control Bill. On the adoption of the report of the Greyhound Racing Control

Bill, I thought it fair to indicate to the Chief Secretary my intention in relation to the third reading of that measure. It was obvious then that five Acts would have to be amended to enable greyhound racing to operate.

The five Bills which seek to amend the Acts are the Totalisator Duty Act Amendment Bill, the Totalisator Regulation Act Amendment Bill, the Totalisator Agency Board Betting Act Amendment Bill (No. 2), the Prevention of Cruelty to Animals Act Amendment Bill and the Dog Act Amendment Bill.

The Bill now before us provides for the inclusion of the words "greyhound racing" in the interpretations contained in the principal Act. Clause 4 provides for an alteration to the method of calculating the dividend payable. I see no occasion to make any further comment apart from the fact that I am prepared to support the second reading of the Bill.

**THE HON. J. DOLAN** (South-East Metropolitan—Minister for Police) [5.20 p.m.]: I thank the Leader of the Opposition for his support and 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.

## **TOTALISATOR REGULATION ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 19th October.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [5.22 p.m.]: It is unnecessary for me to do more than record the fact that I have spoken to the second reading debate. This legislation will enable the conducting of a totalisator on the course at a greyhound race meeting.

**THE HON. J. DOLAN** (South-East Metropolitan—Minister for Police) [5.23 p.m.]: 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.

## **TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 2)**

*Second Reading*

Debate resumed from the 14th September.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [5.25 p.m.]: The Minister has explained the provisions of this amending legislation and I would like to comment on three points. Firstly, it is obvious that the Totalisator Agency Board intends to step into the field of greyhound racing. Secondly, the Government does not intend that greyhound racing interests should be represented on the Totalisator Agency Board. I do not wish to comment on this one way or the other.

Thirdly, the greyhound racing control board will receive similar treatment with respect to gross takings of the totalisator on-course as do the racing clubs; that is it will receive 1½ per cent. of the gross takings of the totalisator operating at greyhound meetings. If the Government's prognostications in relation to turnovers—perhaps the Minister would prefer me to say the Government's guess—

The Hon. J. Dolan: At this stage I think it is anybody's guess.

The Hon. A. F. GRIFFITH: At this time it is the Government's guess and not anybody's guess. If the Government's estimate of the situation is accurate and the turnover of the totalisator at the greyhound race meetings is \$8,000,000, then the greyhound racing control board will receive 1½ per cent. of the turnover which is \$120,000. That is not a bad start. As I said earlier, I regard this as a low estimate.

The Hon. J. Dolan: Some people hope you are right.

The Hon. A. F. GRIFFITH: The Treasurer of the State hopes I am right because he has a very substantial interest in this legislation. I simply say that the estimate is probably on the light side.

The Hon. J. Dolan: Conservative.

The Hon. A. F. GRIFFITH: Time will tell us whether this is so. One thing is certain; if the turnover exceeds \$8,000,000, the return to the greyhound racing control board will be in excess of \$120,000 per annum.

The greyhound racing control board will start off on a good footing. It has the prospect of there being large sums of money in its coffers. If the Greyhound Racing Control Bill is passed, the board should provide amenities which the community is entitled to expect, and the sport should become attractive to the community. Purely as a matter of interest, I promise that, if the Bill is passed, I will one day attend a greyhound race meeting.

**THE HON. J. DOLAN** (South-East Metropolitan—Minister for Police) [5.29 p.m.]: I thank the Leader of the Opposition for his support of the Bill. The figures he gave are quite accurate. I hope

that this amount will come to the Treasury and will eventually benefit the State. 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.

## **PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL**

*Second Reading*

Order of the day read for the resumption of the debate from the 3rd May.

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.

## **DOG ACT AMENDMENT BILL**

*Second Reading*

Order of the day read for the resumption of the debate from the 3rd May.

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.

## **SALES BY AUCTION ACT AMENDMENT BILL**

*Further Recommittal*

Bill again recommitted, on motion by The Hon. I. G. Medcalf for the further consideration of clauses 7 and 10.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. M. Thomson in charge of the Bill.

Clause 7: Addition of section 4A—

The Hon. I. G. MEDCALF: I appreciate the action of members in granting the motion for the further recommitment of this Bill so that we may further consider clauses 7 and 10, particularly by reason of the fact that the Chamber has already deliberated not only this measure but former measures moved by Mr. Jack Thomson on the same subject on many previous occasions.

I have no wish to waste the time of members because I am well aware of the fact that probably they have heard more than enough of the Sales by Auction Act Amendment Bill. However, I assure members that I have not taken this step

just to hear my own voice. I believe there are one or two points which should be drawn to the attention of the Committee. These have not been previously mentioned by any honourable member during the course of the debate.

The first point I wish to raise concerns clause 7 which provides for a restriction on an auctioneer purchasing cattle. In effect, what it provides is that an auctioneer shall not purchase cattle unless, before doing so, he has in his possession the consent in writing of the vendor of those cattle. That is the provision contained in subsection (2) of proposed new section 4A.

Subsection (3) of the proposed new section provides that if he does this he shall be liable to certain penalties.

The Hon. R. Thompson: That is, if he purchases cattle on his own behalf; that is important.

The Hon. I. G. MEDCALF: Yes, that is so. Subsection (4) of the proposed new section provides that the employee of an auctioneer shall not do this, either, and subsection (5) sets down that he shall be liable to a penalty if he does. Subsection (6) of the proposed new section was deleted by Mr. Jack Thomson in a previous Committee.

The definition of "auctioneer" in the first part of proposed new section 4A includes any firm or company for whose benefit a license is granted under section 20 of the Auctioneers Act. However, an auctioneer does not mean only the particular person who is conducting the sale; that is, the auctioneer who holds the license. The term "auctioneer" also includes a company who employs the auctioneer.

The Hon. T. O. Perry: The selling agent?

The Hon. I. G. MEDCALF: Yes, he is included in the term "auctioneer." I think members may have misdirected themselves into thinking it was only the auctioneer who was buying stock on behalf of the vendor. So we have a situation that the company may wish to buy on its own behalf for export, or for some particular purpose, but it is restricted from doing so at the sale, because it could only buy that stock for which it has the consent of the vendor.

I had been personally involved in this until it was pointed out to me that we have included the company and thereby we would restrict the competition at the sales. This is pointed out in a letter from the Western Australian Livestock Salesmen's Association, dated the 29th September which was forwarded from Messrs. Merry & Merry. The letter states—

**Auctioneers Not Permitted to Bid Without Written Permission: Section 4A of the proposed amendment**

states—"Auctioneer" includes any firm or Company for whose benefit a license is granted under section twenty of the Auctioneers Act 1921". Auctioneers and/or representatives of livestock Companies are constantly operating buying orders at auction sales throughout the State, either on behalf of clients or on behalf of their Company, e.g. purchases of live wethers for export. This is a continuous action which serves to enhance values at livestock Sales. Because they cannot foresee on which vendor's stock they will operate prior to actual attendance at a sale, this clause becomes restrictive and would adversely affect values obtained at livestock auction sales. It is quite impractical to obtain the written permission of all vendors prior to sale, of all lines of livestock offered, and consequently some vendors' livestock would lose this competition.

That is a statement by the Western Australian Livestock Salesmen's Association, which is comprised of many members who are representatives of the livestock companies and many others in the State. They have indicated it would be quite impossible for a representative of a company to bid at a sale. That is, the company, as distinct from the auctioneer who is conducting the sale. The auctioneer is the man who holds the license, but we have included the company which employs the auctioneer and the representative of that company may be standing in front of the auctioneer making bids.

Under this provision that company, which is a bidder, is treated as being the auctioneer and it cannot make a bid if it is exporting live wethers overseas unless it has the consent of the owner of the livestock for whom it is bidding. It would be obvious to all members that it would be impossible for the company to obtain the consent of an owner whose livestock was in a particular stock sale, because (a) it could not get the consent; (b) the sales are conducted all over the State; (c) they are clients of other companies, and (d) it is undesirable that the company should buy stock only from its own people.

The Hon. S. T. J. Thompson: That would apply at sales at Katanning and other great southern towns.

The Hon. I. G. MEDCALF: They would all be affected if they were buying wethers, for example, on their own behalf for export. This would seriously affect the export market which these companies have been trying to capture. Together with others I have mentioned before that orders for export livestock for Malaya and the Far East were not fulfilled because, for example, at one stage last year the killing space was not available.

These companies are still pioneering the trade. I know some of them have representatives overseas. I know at least two companies have representatives in Malaya, Hong Kong, and Japan, where they are actively selling both sheep and cattle, and a lot of risk is involved. They must take the risk of buying the stock themselves. Sometimes they might buy on behalf of a principal, but more often than not they must buy the stock themselves and then resell it. However in that case they are buying on their own behalf. I believe we should have another look at proposed new subsections (2) and (3). To put Mr. Jack Thomson's fears at rest, I must indicate that I am referring only to proposed new subsections (2) and (3). I believe the rest of the clause should remain as it is.

Proposed new subsections (2) and (3) will reduce competition because we will restrict auctioneers buying on their own behalf at an auction sale which means that the auctioneers might just as well not go to the auction. They may just as well buy on the farm which would not be, generally speaking, a good thing for the farming community. That is why I draw this matter to the attention of Mr. Jack Thomson.

I do not wish to delay the Bill for even five more minutes, but I do think we should take heed of the people who operate in this area; that is, representatives of Elders, Western Farmers, Dalgetys, Western Livestock, and a number of other companies. They obviously know what they are talking about. I do not believe we would wish to depress prices and I therefore ask Mr. Jack Thomson if he would be good enough to give some consideration to that submission.

The Hon. J. M. THOMSON: I am a little concerned about the point raised, but let me say that in the event of sheep or wethers being bought for the overseas market, I imagine the stock agents and their representatives would travel around prior to the sale to ascertain the stock available.

I do not wish to depress the market and I do not desire to have anything in the legislation which will make it difficult in regard to this aspect. However, when the legislation was originally drafted considerable thought was given to the situation in the Eastern States. Before any legislation is introduced, the person concerned—whether it be a Minister or a private member—is anxious to ascertain the situation in the other States. In this case I think it is fair to say that the Eastern States are exporting as many sheep as, if not more than, Western Australia.

Opinions have been expressed concerning the actions in country areas which necessitated the introduction of this measure. An employee had occasion to inform his firm of the practices going on and to his astonishment and mine his

concern about these practices was represented by his superiors within the local branch and eventually he saw fit to contact his head office in Perth. Although his letter was acknowledged and concern was expressed, nothing was done by the company or companies concerned to rectify the situation. Therefore although I recognise the point raised by Mr. Medcalf is a valid one for consideration, I must admit that at this time I am not prepared to say that I will go along with it.

The Hon. G. C. MacKINNON: Although I rise primarily to ask advice of Mr. Medcalf I feel it necessary in passing to pinpoint a statement made by Mr. Jack Thomson and to correct it. I was listening intently and Mr. Jack Thomson said that the actions—in the plural—which had taken place in the country necessitated the introduction of this Bill. This ought to be corrected.

Only one action occurred—and this has been reported and repeated *ad nauseam*—which necessitated the introduction of this Bill and that was the purchase in the Mt. Barker area of stock which was supposed to be going to Borthwicks. One action in the country was responsible for this, not many actions. I think that point ought to be corrected because no other case has been highlighted or brought to our attention.

The question I want to ask Mr. Medcalf who has obviously studied this point and brought to light a very alarming situation which could arise under the Bill, is this: In times past virtually every company employed agents in small towns. Some of the smaller companies still employ agents and on occasions these agents can be businessmen in the town or they might have a farm. How would a fellow stand as an employee of an auctioneer if he wishes to buy, for himself, perfectly legitimately at an auction sale? Does he commit an offence?

If Mr. Medcalf's answer is "Yes," and I think it may well be, then again it highlights our experience of this Bill almost clause by clause and line by line. The Bill has required amendments, recommitment and amendments and then further recommitments and amendments—all because of one action of an auctioneer and buyer who were actually caught and convicted. Because of that one action we are placing the whole system in jeopardy. I would appreciate it if Mr. Medcalf would give us the benefit of his legal knowledge on this aspect.

The Hon. J. M. THOMSON: While Mr. Medcalf is thinking about that point I would like the indulgence of the Committee to correct the statement Mr. MacKinnon just made. Not only one incident occurred. One occurred at Mt. Barker and one occurred at Albany concerning cattle which had never left the pasture.

They were grazing peacefully in the paddock 15 miles from the saleyards when they were supposed to have been put up for auction.

Another incident concerned a sheep sale at Kojonup, which makes the third occasion; one at Nyabing makes four; and the two at Katanning at sheep sales bring the total to six. Therefore to say that we are jeopardising the system because of one paltry action is too absurd.

The Hon. J. Heitman: How many of those six were followed by prosecution?

The Hon. J. M. THOMSON: All of them were. I have here a report of the evidence taken in court at the time.

The Hon. J. Heitman: All the same people?

The Hon. J. M. THOMSON: I am sorry if I must mention names because I do not like doing this. Admittedly some paid the penalty of imprisonment. It has not been my wish to have the cases retried and again condemned in this House. After all is said and done, I am only the means and the mouthpiece by which this matter has been brought to Parliament. It would seem from some of the statements which have been made that I have hatched this up myself and brought it forward without any representation from anybody else. That is far from the truth because questions have been asked, time and time again, on how to obviate the practices which are occurring.

A far greater number of people than those who are caught are involved. Do not let us delude ourselves that people are not indulging in this practice. I have never attempted to condemn all the people who are concerned with auction sales, but I do condemn the practices which have led to the introduction of this legislation.

The Hon. G. C. MacKINNON: It might come as an awful shock to Mr. Jack Thomson when I say that one cannot make honest men by means of legislation. One tries to cover the gaps in the law when one actually has evidence about people who have escaped the law.

The Hon. J. M. Thomson: Have not these people escaped the law?

The Hon. G. C. MacKINNON: No; every case which the honourable member has mentioned has been brought to the attention of this House because the persons concerned were apprehended, punished, and sometimes gaoled. So there is no loophole in the law.

The Hon. J. M. Thomson: Yes there is.

The Hon. G. C. MacKINNON: The law can be amended to make it easier for the Police Force to apprehend people, but I do not think that is our proper role. The law can be amended to impose harsher penalties, and that is probably fair

enough. However, it seems to me that on every occasion when a law is altered the explanation which we have received is that a dishonest practice is occurring which is reprehensible, immoral, and causing the system no good. People are usually being robbed and there is usually no way in which the offenders can be caught.

For those reasons Acts of Parliament are amended in order that the offenders can be caught. The cases which have been brought to our attention have been detected, not necessarily under the provisions of the Sales by Auction Act. However, the offenders have been caught and punished.

*Sitting suspended from 6.05 to 7.30 p.m.*

The Hon. F. R. WHITE: During the tea suspension I, together with others, looked very closely at the definition of "auctioneer" which appears on page 4 of the Bill. As a result of the discussions I am of the firm opinion that the producer will be prejudiced if this definition remains in the Bill. I move an amendment—

Page 4, lines 31 to 34—Delete all words commencing with the word "auctioneer" down to and including the word "and".

The Hon. J. M. THOMSON: I hope the Committee will not agree to this amendment. I signify my opposition to it. I feel the Bill as it stands is what was desired by those who are concerned in the matter. I will therefore vote against the amendment.

The Hon. A. F. GRIFFITH: I am of the opinion that this has reached quite a ridiculous stage. I will not go over the whole history of the matter but no less than three attempts have been made to introduce Bills, and we have switched and changed. I think Mr. Jack Thomson should be prepared to get together with Mr. Medcalf and me, or anybody he likes, to see if we can sort out the Bill outside the Committee. This is quite ridiculous. We cannot reach finality. I am not sure what the latest proposed amendment does other than to add more confusion to the situation. I appeal to Mr. Jack Thomson to report progress in the hope that his Bill can be sorted out. If he is not prepared to do that, I will vote against it.

The Hon. I. G. MEDCALF: As Mr. White indicated, during the tea suspension we had a discussion, of which Mr. Arthur Griffith would not be aware. I agree with Mr. White's intention and I support his motion that the definition of "auctioneer" be removed.

The trouble arises from having a special definition of "auctioneer" which brings in people additional to the auctioneers who conduct the auction sales. It brings in the various companies which also act as buyers of export livestock on their own behalf.

The Hon. R. Thompson: Would you read the relevant portion of section 20 of the Auctioneers Act?

The Hon. I. G. MEDCALF: Mr. Ron Thompson drew my attention to the Auctioneers Act. In the Sales by Auction Act which Mr. Jack Thomson is seeking to amend, the definition of "auctioneer" reads—

"Auctioneer" means any person acting as an auctioneer within the meaning of section three of the Auctioneers Act, 1921, and its amendments.

The definition in the Bill includes firms and companies as well as the auctioneers who conduct the sales. Section 3 of the Auctioneers Act refers to the auctioneer as being the particular person who conducts the sale. It reads—

Every person who shall sell or offer for sale any goods or chattels, land, tenements, or hereditaments, or any interest therein, at any sale where any person becomes the purchaser of the same by competition . . . shall, (subject to this Act) be deemed to act as an auctioneer within the meaning of this Act.

It is quite obvious that means the auctioneer or the chief functionary at any auction sale who conducts the sale. That restricts the meaning of "auctioneer" to the man or woman who conducts a sale.

Section 20, to which Mr. Ron Thompson referred, says licenses may be issued on behalf of the firm or company; but that does not make the firm or company the auctioneer. It is quite clear in the Auctioneers Act that although a firm or company may have the benefit of an auctioneer's license, nevertheless the auctioneer is the physical person who is granted the license because of the testimonials he produces on his own behalf and because the company consents to his being appointed an auctioneer for the company's benefit. Nevertheless, the auctioneer is the person who conducts the sale.

The Hon. R. Thompson: Evidently what the stock auctioneers wrote to you was not correct.

The Hon. I. G. MEDCALF: That is right. The stock auctioneers said that the special definition in the Bill goes beyond the Auctioneers Act and says—

"auctioneer" includes any firm or company for whose benefit a license is granted under section twenty of the Auctioneers Act, 1921;

Therefore, it includes not only the auctioneer under section 3 of the Auctioneers Act—the man who physically conducts the sale—but also the company for whose benefit the license is granted.

I believe "auctioneer" should be restricted to the original definition in the Sales by Auction Act. The effect of that

will be that at any auction sale in the future no auctioneer—that is, the man who is conducting the sale—can buy any cattle on his own behalf unless he has the consent of the vendor. The rest of the clause will stand. The auctioneer cannot buy on his own behalf unless he has the consent of the vendor. An employee cannot buy on his own behalf unless he has the consent of the vendor. However, the clause does not bind the firm or company for whose benefit the license was granted because those very people are standing there buying on their own behalf for export.

The Hon. R. Thompson: You would not be inclined to amend subclauses (2) and (3)?

The Hon. I. G. MEDCALF: I do not think we need to amend subclauses (2) and (3) if we accept Mr. White's amendment.

The Hon. R. F. CLAUGHTON: I am a little uncertain because I missed part of what Mr. Jack Thomson said before I returned to the Chamber. I would like to hear him again. He said earlier that this Bill was modelled on provisions in the legislation in New South Wales and Victoria, in particular, which were operating effectively. In that case, it is possible that the problems Mr. Medcalf has raised do not really exist; that they are only hypothetical problems. I would like Mr. Jack Thomson to clarify this point for me—whether there is a difference between the definition of "auctioneer" contained in section 20 of the Auctioneers Act and the definition in the Bill before us.

The Hon. J. M. THOMSON: When an attempt was first made some years ago—I think in 1969—to amend the Sales by Auction Act, which the Crown Prosecutor said had no teeth in it whatsoever, a case had come before the court and police officers were detailed to investigate the situation that was causing trouble amongst the vendors of stock at country sales. Because the Sales by Auction Act has not been amended since it was enacted in 1937, in the minds of those who administer the law it is a useless piece of legislation.

To enable a charge to be laid in one particular case, it was necessary to resort to the Criminal Code with the permission of the Minister for Justice. Because the Bill needed some teeth that would be effective, we looked at the Acts of the other States—New South Wales and Victoria, in particular, and Queensland and South Australia. None of those States has a Sales by Auction Act, but each has an Auctioneers Act which applies to all sales by auction and contains what is embodied in the Bill now before the Chamber. The definition of "auctioneer" included the firm and the company for which the license was issued. For that reason the firm and the company were

included in this Bill. It was also considered desirable that they be included in the definition in compliance with the wishes of those who are concerned about the situation. However, I am prepared to allow the Committee to make the decision.

The Hon. T. O. PERRY: I support the amendment moved by Mr. White. Let us take the case of a farmer who sends his shipping wethers to Midland. We will suppose that Wesfarmers has tendered for the supply of shipping wethers to a particular market and is the successful tenderer for that order.

That firm travels around the countryside buying sheep to fill an order to supply a particular market. If the definition of "auctioneer" is allowed to remain as it is in the Bill, the firm would not be permitted to do that. If I sent my sheep to Midland the firm would not be able to bid for them, even though it is the only firm with a contract to supply wethers for that particular market. That would react against the producer. Therefore, I support Mr. White's amendment.

The Hon. D. J. WORDSWORTH: I had the Bill recommended because I could see the Government and the Country Party were determined to push it through.

The Hon. J. M. Thomson: Only at the will of the Chamber.

The Hon. D. J. WORDSWORTH: Yes, but it became obvious that two of the three parties in this place felt the Bill was in order.

The Hon. R. Thompson: That is simply because the other party did not take the time to read the Bill and so does not know what it means.

The Hon. D. J. WORDSWORTH: I think my party may have been the only party to take the time to read it. It is funny how one side of the Chamber now wishes to change the measure because a mistake has been found. I think the measure contains several mistakes. If it is the intention of the Government to vote for the Bill, perhaps it would be better for it to examine the Bill further and to resubmit it as a Government Bill in a new form. I think we are in agreement with the general motives, but suddenly to change the definition could cause wide repercussions.

The Hon. T. O. Perry: The definition is in the parent Act now.

The Hon. D. J. WORDSWORTH: I think we are rushing into this. I do not think the Committee should suddenly try to remake the Bill. I would like to see the Government resubmit the Bill in a form suitable to Mr. Jack Thomson.

The Hon. J. Dolan: You ought to sort yourself out. This is not a Government Bill. None of us has indicated support or otherwise.

The Hon. D. J. WORDSWORTH: It was given a second reading.

The Hon. J. Dolan: Mr. Stubbs, Mr. Willesee, and I have not spoken.

The Hon. D. J. WORDSWORTH: The Ministers voted for the second reading.

The Hon. W. F. Willesee: It was passed on the voices. You don't know whether or not we voted.

The Hon. D. J. WORDSWORTH: I implore the Government to consider the matter in the light of the difficulties we are experiencing.

The Hon. G. C. MacKINNON: I rise to support Mr. Wordsworth, with one addition: I believe there is no justification for the Bill.

The Hon. J. M. Thomson: You have made that clear.

The Hon. G. C. MacKINNON: I think the concern Mr. Wordsworth and I hold is justified. No Government members have spoken, with the exception of Mr. Claghon and Mr. Ron Thompson, who has been extremely helpful in pointing out one or two things. I gained the impression that Mr. Ron Thompson was expressing the view of the Government and, therefore, the measure had the support of the Government. I thought it best that we should keep whittling at it to try to highlight the obvious errors. Mr. Ron Thompson has been the most helpful protagonist of the Bill. He has pointed out more matters to us more clearly than anyone else.

I have indicated that I believe the Bill should not be carried. After speaking privately to members of this Chamber who know more about the auction business from practical experience than anyone else, I believe they support my view. I thought we should work our way carefully through the Bill. Now we have yet another amendment which again alters it. My understanding is that the measure has at least 15 votes.

The Hon. W. F. Willesee: I do not know how you work that out.

The Hon. G. C. MacKINNON: I gained the impression that Mr. Ron Thompson was speaking on behalf of the Government. I point out that I am not trying to play politics.

The Hon. W. F. WILLESEE: As Mr. Wordsworth raised the point, I would inform him that had the Government decided there was merit in the measure before us, it would have been presented by the appropriate Minister.

During the time I was the Leader of the Opposition I always handed amendments to this legislation to Mr. Ron Thompson, who handled them on behalf of the Opposition. I did the same on this occasion. I did not think we would get into the position we are in now.

I intend to vote against the Bill. Mr. Wordsworth should not make silly assumptions. He merely does himself harm because I do not appreciate members anticipating what I intend to do. I voted for the second reading because I thought the measure was proceeding fairly well and that the amendments proposed by Mr. Medcalf would be accepted. Now we have got to the stage where I believe the Bill should not be persevered with.

The Hon. F. R. WHITE: I agree we have had much discussion on the Bill, but we have not had many amendments. Mr. MacKinnon implied that the Bill has been amended time and time again. If my memory is correct, only clause 6 has been amended in comparatively minor detail, and we are now dealing with an amendment to clause 7, which has been made necessary by an aspect which was not obvious during the earlier debates.

We dealt with a Bill this evening which sought to repeal an existing Act. Had the existing Act been repealed we would have been left with a shocking loophole. However, as a result of discussion and a last minute recognition the loophole was not created.

As a result of the debate it has now been realised that in a particular instance a purchaser and vendor of stock possibly could be penalised by the inclusion of the amended definition of "auctioneer." Therefore I, and others with whom I have discussed the matter—including Mr. Medcalf—decided that, rather than take the risk of prejudicing any section of the producer community, we should leave the definition as it stands now in the parent Act. The amendment we are discussing does not alter the existing definition at all. Mr. Wordsworth said, "Here is an alteration to the definition of 'auctioneer.'" However, that is not so.

I was disappointed to hear the Leader of the House express dissatisfaction with the Bill. Of course we have had much debate. If we adopt the attitude he has adopted we would vote against many of his Bills. However, we debate them fully and the ultimate result is better legislation.

The Hon. W. F. Willesee: I am entitled to think the Bill has got into a mess.

The Hon. F. R. WHITE: I think the amendment will improve the legislation and will carry out the intention of Mr. Jack Thomson; that is, to prevent individuals from abusing the auction system; to prevent individuals buying on their own behalf and using the auction system and records to make a profit at the expense of the producer. The Bill, if amended, will close a loophole in that respect.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): For the guidance of the Committee I would advise that the Bill has been before the Committee on a number

of occasions, and for a considerable time. The Bill contains 10 clauses. Three of those clauses—numbers 3, 6, and 7—have been subject to amendment.

The Hon. R. F. CLAUGHTON: I am sorry Mr. White spoke in the fashion he did. Probably he was speaking for himself.

The Hon. F. R. White: I always do.

The Hon. R. F. CLAUGHTON: As this is a private member's Bill each of us must make a decision whether or not to support it. In order to do that I was listening to the debate, and when I rose to speak for the first time it was to obtain clarification of a point about which I was a little uncertain. So far I have supported Mr. Jack Thomson. He has been trying to have the measure passed for a long time. I assume he is trying to overcome a genuine problem. I am sorry Mr. White spoke as he did. Perhaps some confusion arose as a result of the question I addressed to Mr. Jack Thomson.

I intend to support the amendment moved by Mr. White.

The Hon. R. THOMPSON: I move—

That the question be now put.

Motion put and passed.

Amendment put and passed.

Clause, as further amended, put and passed.

Clause 10: Addition to Schedule—

The Hon. I. G. MEDCALF: I move an amendment—

That the column headed "Sold by Private Treaty" in the schedule be deleted.

I have discussed this matter with one of the leading authorities on sales of stock by auction. He informed me it would be most unusual and improper to have this column and the particulars kept.

The schedule contains a register of the cattle sold at a certain place by a certain auctioneer; and is intended to be a record of the cattle sold. Clause 5 is related to this schedule, because clause 5 provides that every auctioneer who conducts sales by auction shall keep a register in the form prescribed in the schedule. I refer members to the headings which appear in the various columns of the schedule.

This particular authority on stock sales by auction has told me that a very definite instruction has been given to all stock auctioneers by reputable companies that under no circumstances are they to sell cattle by private treaty at an auction sale. In other words, if there is a sale of cattle by auction it is restricted to the sale of the cattle in that manner. They have been told they should not confuse private sales with auctions, because there is too

much room for mistakes and misleading entries if, in addition to the sales by auction, there are sales by private treaty.

This authority on stock sales by auction has written out the particulars which normally appear in the notebook of an auctioneer, and there are only three entries in each case. The first is "J. W. Brown Walebing, 120 merino ewes, mixed ages." The second entry is "C.T.2 reserve \$5." This is the reserve price placed on the stock, in this case sheep, by the owner. Those entries appear on one side of the page.

On the other side of the page there is a reference to the purchaser. The auctioneer has written in these particulars because he does not want any mistake to be made, as he has been told by the farmer to put a reserve price of \$5 on the sheep.

When the auction is held the sheep may bring only a bid of \$4.50, and not reach the reserve price; so the auctioneer does not sell the sheep. He will then write on the right-hand side of the page the amount "\$4.50" and put a circle around it. This indicates that the sheep have been passed in.

So far we find the same sort of procedure adopted by the auctioneer as is mentioned in the schedule appearing in clause 10. At the same sale he might have moved to another pen of sheep, when up comes a prospective buyer for the pen of sheep with a reserve price of \$5 that has not been sold. That buyer might decide to take the sheep. The clerk would inform him there was a reserve price of \$5, and if the buyer were prepared to pay it he would take the sheep on the spot. The entry is then written "\$5, J. Smith, Yerecoin."

Some people may regard that as a sale by private treaty, and I suppose there is room for argument. As far as the auctioneers are concerned they regard it as part of the sale by auction, because it takes place while the auction is still proceeding and the sheep are in the pens. The contention is that the entry "\$5, J. Smith, Yerecoin" should be treated as a sale by auction, and not be regarded as a sale by private treaty.

By leaving in the column headed "Sale by Private Treaty" we will cause confusion, because later on the same day there may be a sale of cattle which is not part of the auction and that may take place in the office of the auctioneer. For that reason it is desirable to delete the column.

Recently I read again the judgments in the cases referred to by Mr. Jack Thomson, and one dealt with this very point. It was the case relating to a sale on the afternoon of the Thomas Borthwick sale, and it was regarded as being part of the auction. That was where the auctioneer

and the buyer went wrong. They treated the sale as a sale by auction, although it was a sale by private treaty late that afternoon.

The Hon. R. Thompson: Would it not be better to delete that column you have mentioned and insert a column headed "Sold at Reserve Price"?

The Hon. I. G. MEDCALF: There is not always a reserve price.

The Hon. R. Thompson: The farmer does not have to fill in a reserve price if he does not want one.

The Hon. I. G. MEDCALF: I suggest we do not include such a heading, because it is a matter between the producer and the auctioneer.

The Hon. R. Thompson: There is no room on the schedule to insert a reserve price.

The Hon. I. G. MEDCALF: The auctioneer writes in the particulars in his notebook in a different form, and he may complete the schedule late in the afternoon after the auction. Additional entries may have to be made.

An auction may be conducted in rain or adverse weather conditions when it is difficult for the auctioneer to fill in the form as prescribed in the schedule. He may want to fill in the form from the particulars appearing in his notebook.

The Hon. D. J. WORDSWORTH: I support the amendment. I would point out it is usual for the last bidder to have the right to purchase the stock at the reserve price, and the auctioneer usually announces that the last bidder has the last option of purchase.

The Hon. J. M. THOMSON: I have no objection to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

#### *Further Report*

Bill again reported, with further amendments, and the report adopted.

#### *Third Reading*

**THE HON. J. M. THOMSON** (South) [8.15 p.m.]: I move—

That the Bill be now read a third time.

**THE HON. I. G. MEDCALF** (Metropolitan) [8.16 p.m.]: I would like to say that I am extremely relieved the Bill has at last reached this stage.

The Hon. J. M. Thomson: You are not the only one, you know.

The Hon. I. G. MEDCALF: Perhaps one point should be borne in mind. There has been a great deal of discussion about the wrongs which occurred and about producers who were cheated or defrauded at auction sales. It is quite clear from my reading of the judgment—which, as I said previously, I have done recently—that the

only people who were defrauded were Thomas Borthwick & Sons. This was made quite clear by the judge and during the course of the trials.

Some people were tried for criminal conspiracy and several were convicted. Some of them served terms in Fremantle Prison. In all cases, the people who were actually defrauded were Thomas Borthwick & Sons, the meat works at Albany, because the cattle were, in fact, sold by auction. There were, in fact, genuine sales by auction. The fact is the cattle were sold cheaply. There was not sufficient buying strength at the auction to bring the right price for the cattle. This is really what it amounted to. Farmers were not receiving fair value for the cattle, but the cattle were sold by auction. In many respects it was a reflection on the abattoir situation at that time; there was not enough killing space and only one buyer in the market—namely, Thomas Borthwick & Sons.

The result was the employees of Thomas Borthwick & Sons were themselves buying the cattle and reselling them to their employers at a profit of 150 per cent.

I have sympathy for the farmers because, amongst other things, I am a cattle producer in the Albany district. The farmers were not receiving fair value, but they were not being defrauded by the auction, but by the fraudulent conspiracy on the part of the people concerned at the auction sale. In fact, in all the cases when the cattle were sold by auction they brought the highest prices obtainable. However the shrewd operators—the employees of Thomas Borthwick & Sons—were able to resell to their employers without their employers knowing that they were paying a false value. This was a lamentable state of affairs and caused concern to the stock companies in the State when it was discovered.

The point should be made perfectly clear. Although the farmers did not receive fair value, they were not being defrauded at the auction; the fraud was perpetrated by the employees of Thomas Borthwick & Sons on that company. It was a regrettable state of affairs.

If Mr. Jack Thomson's Bill—and I think it will always be known as Mr. Jack Thomson's Bill—does anything to rectify this in any degree, I am sure we will all be very pleased.

I know from personal experience—again, as I say, as a cattle producer—that prices have improved considerably in the Albany district and there are now no problems there.

With those few remarks I do not wish to speak further to this Bill now—or in the future.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

# ACTS AMENDMENT (ROMAN CATHOLIC CHURCH LANDS) BILL

## Second Reading

Debate resumed from the 24th October.

**THE HON. V. J. FERRY** (South-West) [8.20 p.m.]: It seems to me that, in discussing this Bill, there will be a change of tempo from that which prevailed during discussion on the previous measure, the Sales by Auction Act Amendment Bill. We are now dealing with what may be considered a church Bill. The different tempo may be welcome in some respects.

I find this piece of legislation is quite interesting because of the history associated with it. I do not intend to relate the ancient history, because it goes back over several years, but it was of interest to me to review the Acts to which this measure refers. I refer in particular to four Acts which will be amended if this legislation is agreed to by the Parliament. The four Acts in question are—

Roman Catholic Church Lands Amendment Act, 1902.

Roman Catholic Church Property Act, 1911.

Roman Catholic Church Property Act Amendment Act, 1912.

Roman Catholic Church Property Acts Amendment Act, 1916.

It seems somewhat curious to me that we, as a Parliament, need to legislate in respect of matters associated with the Roman Catholic Church, or any other church for that matter. However when matters of land are involved it is necessary for there to be legislative backing. Therefore, in changing circumstances, it has been found necessary, for the convenience of the church, to request Parliament to consider certain amendments which are contained in this measure.

It has been stated—and, I believe, reasonably accurately—that the Bill will allow more effective control by the church of its property. I believe that is the main intention of the measure.

We realise that all land transactions must, of necessity, be recorded by the Land Titles Office. To this end, certain procedures are necessary for the proper conduct of land transactions in this State.

In respect of land dealings, it is of interest to note that the practice in connection with land transactions, as undertaken by the church, may, in fact, be somewhat contrary to the provisions of the Roman Catholic Church Property Act of 1911. I do not say that unkindly, because it is something that has happened. It is embodied in that Act that the Bishop should have the support of advisers when land is being sold or disposed of. Section 5 of that Act provides that land shall not be disposed of without the consent of ad-

visers. From what I can make out this seems to have been a technicality and I understand that advisers have, in fact, not been appointed at any time. Because they have not been appointed, this has meant that the Bishop has acted in his own right. In order to satisfy the Land Titles Office it would seem that a certificate has had to be presented with the transaction stating that advisers were not appointed. Obviously the Land Titles Office has been able to accept this explanation. With the passing of time it seems that advisers have not been necessary in any event. Therefore, this is something to be tidied up and this provision will be deleted by the present legislation.

It has taken quite a deal of time for the position to be corrected. The existing Acts refer to the Bishop of Perth rather than His Grace the Archbishop. Another amendment contained in the legislation will correct the title to what it should be; namely, His Grace the Archbishop, rather than the Bishop. This is merely another point which needs correction.

Another amendment refers to alterations of the boundaries of dioceses. The measure proposes to allow any amendments to the actual alterations to the boundaries of dioceses to be effected by a certificate signed by the Archbishop. This will affect any of the dioceses in Western Australia. To my mind this is quite straightforward and logical and it will be on the authority and under the seal of the Archbishop that this will be acknowledged.

One further provision seems to me to be quite logical and is one which, perhaps, could have been corrected in earlier times. Doubtless, there has not been a real need for this. However, in the event of the Archbishop dying, there is virtually an interregnum until a successor is appointed. The legislation contains provision that, in the event of the decease of the Archbishop and his successor not having been appointed, the vicar capitular will act in connection with the affairs of the church. This is a vicar who is in charge of the diocese pending the appointment of a Bishop or Archbishop. This is purely a machinery matter which, to my mind seems reasonable and quite proper.

I do not believe I need comment specifically on anything else in the legislation. I would like to express the view that, in my opinion, the legislation is of a machinery nature. It has been brought forward at the request of the Roman Catholic Church and I understand that the legislation, as drafted, was submitted to the church's legal adviser. When he introduced the Bill the Minister assured the House that the legal adviser, on behalf of the church, accepted the provisions contained in it. Therefore, I have pleasure in supporting the second reading.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [8.27 p.m.]: I must congratulate Mr. Ferry for obtaining so much detail and for giving the historical sequence, considering he had only a short time in which to study the measure.

The honourable member has dealt with it in detail, almost clause by clause, and has given us the background history of the legislation. He concluded by suggesting that the trend of the Bill is, shall we say, to update or modernise the legislation and to bring about an easier method in connection with the handling between the various diocese of land owned by the Roman Catholic Church.

I do not think there is any point in attempting to add to what has been said. Once again, I thank the honourable member for the attention he has given the measure and for his support.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and passed.

## CONTRACEPTIVES ACT AMENDMENT BILL

### *Assembly's Amendments*

Amendments made by the Assembly now considered.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. F. Cloughton in charge of the Bill.

The amendments made by the Assembly were as follows:—

No. 1.

Clause 3.—Delete.

No. 2.

New Clause—Insert after clause 2 a new clause to stand as Clause 3, as follows:—

3. Subsection (7) of section 4 of the principal Act is amended—

(a) by deleting the word "or" in line twelve;

(b) by deleting the expression "practitioner—" in lines twenty-five and twenty-six and substituting the expression "practitioner; or"; and

(c) by inserting after paragraph (d) a paragraph as follows—

(e) any statement issued by any organisation approved by the Minister as an organisation concerned with the dissemination of information concerning matters of family planning.

The Hon. R. F. CLAUGHTON: I would first of all like to recapitulate the history of this Bill. With the repeal of section 4 of the parent legislation, there would have been complete freedom to advertise contraceptives. The amendment introduced in the Legislative Assembly—very much against my will—would have this effect: Clause 4 will remain as printed—

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I am having difficulty in following the honourable member. We are dealing with the deletion of clause 3.

The Hon. R. F. CLAUGHTON: For the Committee to understand my opposition to the amendment, I must explain precisely the effect of the amendment.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): If the honourable member will refer to sections of the Act and not clauses, his speech will be much easier to follow.

The Hon. R. F. CLAUGHTON: I thank you, Sir, for the reminder. The original Bill sought to repeal section 4 of the Act. However, the effect of the Assembly's amendment is to delete clause 3 and section 4 will remain as printed.

The second amendment passed in the Assembly will have the effect of amending subsection (7) of section 4 of the principal Act. In other words, all the prohibitions contained in section 4 will be avoided. In my earlier consideration of amendments to the legislation, I did not examine this process. I agree that it has advantages to the amendments proposed in this Chamber by Mr. MacKinnon, but in my opinion it would still result in unsatisfactory legislation. I admit that the Family Planning Association would be able to operate and carry out its purpose under the provisions of the Assembly's amendment. Once approval is given to the Family Planning Association by the Minister, none of the prohibitions contained in section 4 of the Act will apply to it. Indeed, the Minister may give the same approval to other organisations.

I am not quite sure exactly how the Minister for Police will give this approval. Perhaps it will be *carte blanche* approval for the dissemination of information by the Family Planning Association, or the Minister may prefer to examine any material which the organisation wishes to use. The second point is that I am not sure whether he will permit chemists to advertise in any way they feel desirable. However, I have no cause to believe he will not.

If we accept the Assembly's amendments, the prohibitions on the publishing of information about contraceptives will remain. Publishers would need assurance that material they receive is from an approved organisation. Also, a similar organisation to the Family Planning Association operating in another State would have to seek the approval of the Minister before publishing any statements in Western Australia. Again the publisher would not know whether such permission had been granted. Also, organisations operating outside Western Australia would not necessarily be aware of the provisions of our laws. This could apply to organisations closely allied to the Family Planning Association.

Publications from overseas countries presently circulate in the State quite freely and carry contraceptive advertising. I believe this is desirable and I would not like to see the practice stopped. I will just briefly give two examples. The first advertisement is contained in the *Ladies' Home Journal*, dated February, 1971, and published in America. On page 26 we find a quite unobjectionable single column advertisement which covers the full length of the page. I will hold it up so members may see it. It reads—

Your next baby is too important to leave to chance.

How wonderful that you can wait until the time is right and be confident, relaxed and feminine while you wait . . .

The advertisement then goes on to describe the advantage in using the particular type of contraceptive advertised. This is an example of the type of advertising we could expect in this State. It is interesting that this journal is published in America where restrictions on advertising have been ruled unconstitutional.

In other words, it would interfere with the right of someone to obtain information freely, which proved to be a very important topic.

The second advertisement appears in the English publication, *Woman's Day* of the 6th May, 1972. The advertisement appeared on page 34 and again I hold up the publication so the members of the

Committee may see the advertisement which is printed in bold letters. It reads as follows:—

"Which contraceptive should we choose?"

It isn't always easy to decide which contraceptive you're going to use when you get married.

There are lots of facts to be considered by both of you. Sometimes complicated. Sometimes confusing.

So here we give you some straight answers to some of your questions about the most widely used contraceptive. Durex.

Durex, of course, is a condom. The advertisement carries on in similar vein. There is nothing in that advertisement to which anyone could take offence.

The Hon. W. R. Withers: Judging by the length of the advertisement, by the time you read it you would have lost your desire, anyway.

The Hon. D. K. Dans: Are these publications circulated in Australia?

The Hon. R. F. CLAUGHTON: They were bought from newsagents in this State. They are circulated quite freely in Australia. I ask the Clerks to circulate these publications among members so that they may peruse them. I have here another publication which is titled on the front page, "A guide to the methods of postponing or preventing pregnancy." It is published in the United States of America. It is not readily available to the public. It is published by the Ortho Pharmaceutical Corporation, Raritan, New Jersey.

I obtained these publications from an officer of the Family Planning Association today. They are handed to people who attend the clinics. In other words, they are approved by the clinics' doctors as being sound publications.

Here again we have an excellent publication outlining the advantages and disadvantages of the different methods of contraception. It is freely available to members of the general public, because it could be obtained through chemists, if they were permitted to display contraceptive materials in their shops, and perhaps the Minister may grant such approval under the proposed amendment. I certainly do not find anything objectionable in this publication.

There are illustrations in it which depict how these devices are used. Also, towards the back of the publication there is an illustration of a condom, and I do not see how anyone could consider that to be pornographic. I have brought these publications forward to demonstrate to members that people who produce these materials are responsible people. They are, of course, interested in promoting and selling their products to the public and I believe they have the right to do that.

There is not much purpose in manufacturing a product that cannot be sold. The manufacturers do sell these materials in a responsible way and I have read out that advertisement which would make people think of their responsibilities as parents.

The effect of the amendment would be that if we permitted these overseas publications to be circulated in this State the overseas manufacturers would be free to advertise their products in Western Australia, but Australian manufacturers would be prevented from so doing, which would seem to constitute a great anomaly. I certainly do not think it would be desired by the people who introduced the amendment; that overseas manufacturers should have this freedom and Australian manufacturers should not.

We then arrive at the situation, surely, that if Australian manufacturers are to be prevented from advertising their products, and the fact that this Parliament has reaffirmed that decision, the Minister must prescribe the circulation of these magazines in Western Australia. What other decision could he reach? I ask members to consider this point seriously. I cannot see why magazines carrying the types of advertisements I have demonstrated to members should be subject to any adverse criticism by anyone. By no stretch of the imagination could any person call them pornographic. Such a situation would be completely ridiculous.

From what I have been able to glean from the debates in another place, no solid argument has been advanced against the repeal or the prohibition of advertising. No evidence has been advanced that anything objectionable could arise as a result of this repeal. It must be borne in mind that section 5 of the Act would remain intact. That section controls the way in which contraceptives are sold. They cannot be hawked or displayed in public places, but they can be sold through pharmaceutical outlets. In South Australia there is no restriction on the type of advertisements that come from the U.S.A. and the United Kingdom where restrictions on advertising do not exist.

I hope the Committee will decide that evidence points in the other direction, and that we shall insist on the passing of the Bill in the form it left this Chamber. I am making this point on the first amendment, because one depends on the other. I would advise the members of the Committee that the Church of England Synod circulated a report on its decision on this subject. The decision was arrived at subsequent to a discussion among its members and also subsequent to a TV discussion. I will read the report to members, because I consider it is worth recording in *Han-*

*sard*. It is a letter dated the 5th October, 1972, from the Diocese of Perth, and it reads—

At the Third Session of the Thirty-Fourth Synod of the Church of England in Western Australia the following motion was adopted

"That this Synod, in order to reduce the increasing number of unwanted pregnancies and abortions, approach both the Federal and State Governments to remove the tax on the sale of contraceptives and to rescind the legislation prohibiting the advertising of these goods and of Family Planning Programmes".

I understand that legislation which, if passed, will permit the advertising of Family Planning Programmes, is at present in the committee stages of State Parliament.

I would like you to know that the Anglican Church supports this legislation and in turn would appreciate your support to ensure its adoption by Parliament.

There are three factors in that report. One is the question of sales tax being imposed on contraceptives. The second is the removal of prohibition on advertising of the goods, and the third relates to family planning programmes.

It seems obvious from the sequence of events, and following the discussion in this Parliament, that the Anglican Church saw no dangers in these goods being advertised freely. I would think that had it done so it would have qualified the motion that was resolved.

The move for the repeal of advertising restrictions throughout the world arose from several United Nations resolutions. One in 1966 affirmed the right of individuals to plan and limit their families, and another one in 1968 affirmed the right of individuals to have access to information that did allow them to do this. I say this because it may be suggested it is the manufacturers themselves who are promoting this programme. I do not deny this. I have had an approach made to me quite recently from one of the manufacturers of rubber goods. Such manufacturers are naturally interested in having this legislation repealed. However, they also have regard for wider responsibilities to be accepted by members of the community, and the acceptance of the function their products fulfil for members of the general public. The movement for the spread of family planning programmes actually emanates from the United Nations itself.

There is a most desirable contribution to public welfare by making people aware of this by preventing a number of unwanted pregnancies. There is the further benefit of spreading information about the

condom in particular, particularly in view of the rise, to epidemic proportions, of venereal disease. Several articles have been published on this subject. One was published in the *Sunday Independent*, dated the 23rd July, 1972 which was headed, "VD—It's the price of today's permissive society."

That article gives some indication of the size of the problem here. A further article appeared in *The West Australian* dated the 7th September, 1972, which is a more recent date. In this article the Public Health Commissioner (Mr. Davidson) called for greater effort by local authorities in policing sanitary measures and hygiene regulations. This article related not only to VD but also to infective hepatitis. The commissioner indicated that the incidence of VD had increased by more than 12 per cent. to 1,493 reported cases for the year. He said that there is also a marked increase in syphilis, with 254 cases reported. He mentioned that the highest incidence of VD in males was in the 20-24 age group. His report stated that though venereal disease continued to increase, its growth had been slower in the past two years.

Comparative figures are to be found in the 1970 report of the Department of Public Health if members desire to trace the developments over recent years. The idea behind the Bill is not merely to enable family planning clinics to advertise. It is designed also to get the information over to the people, and advertisements in the type of magazines to which I have referred are an effective way of achieving this. I am not too sure of the relationship to venereal disease, but it is a fact that the most unreliable methods of pregnancy control are adopted by those in the lower social economic groups; that is, the poorer and less educated sections. These are the people who are more likely to read the more popular type of magazines. Such advertisements are much more likely to make an impression on the suburban housewife and young adult than are the programmes conducted by the family planning clinics. Their work would probably be aimed at the more sophisticated individual.

Manufacturers of the commonly-used products are geared to get their message across to the ordinary person much better than are organisations like the family planning clinics. Theirs is work complementary to that of the family planning organisations which could not possibly command the necessary funds to carry out the type of advertising done by the manufacturers.

One manufacturer said his company was quite prepared to co-operate with the Family Planning Association to ensure the family planning message was understood. This is in addition to mere advertising of the product. When I first introduced the Bill I said that we hoped for this kind of co-operation.

I could speak further, but I would be merely labouring the subject.

The Hon. Ron Thompson: I think you have converted us.

The Hon. R. F. CLAUGHTON: An article appeared in the July, 1972, issue of a health education publication. It contained information on venereal disease and how it can be detected. I mention this simply to emphasise that venereal disease is a problem for public health authorities. In another place a member quoted a letter from a group of doctors concerned, from the public health angle, about unwanted pregnancies. The doctors also believed that advertising of contraceptives should not be hampered.

In conclusion, I wish to state that a relationship does exist between venereal disease and family planning because the disease can affect the ability of people to procreate. It attacks the internal organs of women and can render the male sterile. Therefore this aspect should be considered. I urge the Committee to vote with me on these amendments. I move—

That amendments Nos. 1 and 2 made by the Assembly be not agreed to.

The Hon. W. R. WITHERS: I agree with Mr. Cloughton and urge the Committee to vote against these amendments. If any members of the Committee consider that contraceptives are naughty or obscene I suggest a just punishment for their train of thought would be to wash out their mouths with soap and spank them, because I believe such punishment would be very fitting for the mental age of those members. However, I do not believe that any member in this House would think this way. Some members would have objections to the use and advertising of contraceptives, but surely they would not think their use or the advertising of them was naughty or obscene.

The amendments from another place are designed to attempt to control the imaginary morals of the public, but I suggest that this is not the Bill under which to attempt this. Such amendments should be made to the Indecent Publications Act. I would like to point out there are many things we use every day which could, in advertisements, be made to look obscene. I know that contraceptives can be advertised in a fitting and proper manner so that no age group would be offended by such advertisements.

As Mr. Cloughton said, some magazines tastefully display and explain the use of contraceptives. This is not the case with all advertisements. I intend to describe an advertisement which is now displayed in a milk bar in a northern town and in my book the advertisement is obscene. Frankly, I have a rather coarse sense or humour and when I saw it I laughed; but it is obscene, and I will describe it.

It concerns foodstuffs and it shows a peeled banana standing vertically on a plate. Apparently the end of it is cut off. Two scoops of icecream are laid at the base of the banana. A sauce is poured over the top and it is called a banana splint. It leaves nothing to the imagination. I will not repeat the other wording on the advertisement because it is even more explicit than the mental picture I have given.

To my knowledge that advertisement is still in the shop which is run and owned by ladies. Children go in to buy their icecreams. I do not know whether they buy banana splints, or even ask for them. To me that is obscene advertising; but we do not do anything about it because it concerns only bananas and icecream.

The Hon. J. L. Hunt: The icecream would soon melt up there.

The Hon. W. R. WITHERS: I will leave that subject because I could make other rude comments in similar vein. I do not think any person selling contraceptives would overstep the mark if we had a sensible Indecent Publications Act. Why are members in another place asking us to delete clause 3? I just cannot understand. I will need a lot of convincing to agree.

Clause 3 does not force people to advertise or to sell contraceptives if they do not wish to do so. I cannot see any point in the amendment.

Mr. Claughton has covered most other points so I will not delay the Committee any further, except to ask it not to agree to the amendments made in another place.

The Hon. J. DOLAN: When Mr. Claughton was speaking he referred to a couple of points in relation to the duties of the Minister for Police, firstly in regard to organisations which disseminate information, and, secondly, in regard to chemists who display contraceptives and so on in their windows.

I do not intend to debate the question. All I say is that as Minister for Police when the matters come before me for decisions those decisions will be made with a true appreciation of the position. I think members would know that.

The other point I wish to make is that the amendments before us were submitted by the only medical man in another place. The last speaker there was my colleague, the Minister for Health, who said he intended to support the amendments. I intend to do likewise.

The Hon. G. C. MacKINNON: These amendments are very much akin to those I attempted to have included when we originally discussed the Bill. However, the Committee disagreed with them on that occasion and the Bill went to another place. Much the same result as I sought has been achieved under the amendments now before us. Members may recall that I was attempting to permit family plan-

ning clinics to advertise contraceptives and thus remove the ban on them. Consequently, as much the same result has been achieved under these amendments I would tend to support the views expressed by the Minister for Police.

Mr. Jack Thomson, during the debate on another measure tonight, said that because a Bill had not been amended for some time, it obviously required amendment. This Act was drafted in 1939 in an atmosphere of extreme worry because in those days there was a bit of a sales drive in progress and things were being thrown over the fence. There was a natural reaction and the Contraceptives Act was introduced. It is interesting we have reached the present stage because a certain newspaper article reads as follows:—

The British Government is considering providing free contraceptives to everybody because of sharp increases in pregnancies and abortions among young girls, and rising venereal disease.

A draft law providing free vasectomy—male sterilisation—is awaiting formal Royal assent after passing through both Houses of Parliament.

Sir Keith Joseph, the Secretary for Health and Social Security, told the House of Commons he expects to make a statement soon on extending existing services for birth control.

The first stage is expected to be more money allowing authorities to broaden free contraceptive and advice services, especially to the unmarried.

The government also is being pressed to enable doctors to prescribe free contraceptives, in addition to the birth control advice they already give.

Abortions in England and Wales totalled 141,132 in the 12 months to March 31 this year, compared with 33,598 in 1968-69, the first full year of Britain's liberalised Abortion Act.

The report also said that sexually transmitted disease in girls under 16 was becoming a cause for concern.

That report appears in today's *Daily News*. I have actually drawn the attention of the Minister for Police to the fact that he controls this Act. I agree with what Mr. Claughton has said, but I also agree with the old adage, "Little by little". We have made a move and I appeal to the Minister for Police to send this Bill to the Department of Public Health—which deals with the problems of venereal diseases—in the hope that it will receive some consideration from the Government in an attempt to overhaul the Act.

The Hon. J. Dolan: There will be the closest co-operation between the Minister for Health, the Police Department and myself.

The Hon. G. C. MacKINNON: I do not doubt that. I think it really is time the parent Act was examined by competent health advisers. The proposed amendments are similar to those I attempted to introduce in this place. I suggest we disagree with the motion put forward by Mr. Claughton, and support the amendments as proposed by the Legislative Assembly.

The Hon. D. J. WORDSWORTH: I am very disappointed that the Legislative Assembly has been so conservative in the presentation of its amendments. I always thought it was the Legislative Council which had the reputation for being narrow minded, but I feel the amendments proposed by the Legislative Assembly are completely unacceptable to this Committee.

I find it inconceivable that a Parliament which makes liquor laws, and other laws, should suddenly presume that the whole populace is well educated when it comes to contraception. I commend the Church of England for the letter which it wrote to Mr. Claughton.

It seems that some members fear the newspapers will be filled with indecent advertisements. Should that occur those advertisements could be policed under the provisions of the Indecent Publications Act. We are living in a world completely different from that which existed when the Act was first written in 1935. Our whole outlook has broadened, and that is illustrated by the type of legislation which is now being introduced, and the illustrations which appear in books and newspapers. Those illustrations were completely unacceptable in earlier years.

It is definitely time to up-date this matter of advertising, both for the benefit of family clinics and for the benefit of those who wish to practise contraception. The Minister for Police has already mentioned that the proposed amendments were introduced by a doctor in another place. I might add that I have received letters from people who happened to see that doctor on television when he tried to defend the amendments. I was amazed at some of the opinions expressed by women who thought that the conservative views in another place were quite ridiculous. I think Mr. Claughton has done an admirable job, and I support his proposal.

The Hon. R. F. CLAUGHTON: I would like to thank those members who have spoken in support of the Bill. I know the Minister for Health in another place spoke very strongly in favour of my Bill. He also described the situation as it exists overseas. I would like to be able to repeat what he said to me privately after the amendments had been introduced in another place.

The Hon. J. Dolan: We can only take what is written.

The Hon. R. F. CLAUGHTON: That is true. I know that in England problems do exist but we are trying to avoid those problems. I will leave the decision to the Committee.

Question put and passed; the Assembly's amendments not agreed to.

#### *Report, etc.*

Resolutions reported and the report adopted.

A committee consisting of The Hon. J. M. Thomson, The Hon. W. R. Withers, and The Hon. R. F. Claughton drew up reasons for not agreeing to the amendments made by the Assembly.

*Sitting suspended from 9.26 to 9.47 p.m.*

Reasons adopted and a message accordingly returned to the Assembly.

*House adjourned at 9.48 p.m.*

---

## Legislative Assembly

Wednesday, the 25th October, 1972

The SPEAKER (Mr. Norton) took the Chair at 2.15 p.m., and read prayers.

### CHERRITA PTY. LTD.

#### *Tabling of File*

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [2.17 p.m.]: Yesterday I was asked by the member for Mt. Hawthorn whether I would table the file from the Companies Office relating to Cherrita Pty. Ltd. I advised I would check on the availability of the file and, having regard for any inconvenience caused to the Companies Office, I would endeavour to make a copy available in the Chamber this afternoon.

In view of the possible interest of members of the community in general and also of members of Parliament, I now have a certified copy of the file signed by the Deputy Registrar of Companies, which I am prepared to table.

*The file was tabled (see paper No. 446).*

### QUESTIONS (26): ON NOTICE

1.

#### DAIRYING

##### *Single Industry Authority: Cost*

Mr. I. W. MANNING, to the Minister for Agriculture:

- (1) Has a cost survey been undertaken to ascertain the cost of operation of the single authority dairy industry Act?
- (2) If so, what is the estimated total annual cost to the dairy industry?