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

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

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

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

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

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 8.53 p.m.

Legislative Assembly

Tuesday, the 16th September, 1969

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

WOOROLOO HOSPITAL

Closure: Petition

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

The petition having been read,

Mr. McIVER: I move—

That the petition be received.

Question put and passed.

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

QUESTIONS (21): ON NOTICE

1. TRAFFIC

Motor Vehicle Drivers: Eye Tests

Mr. GRAHAM asked the Minister for Traffic:

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

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

Mr. CRAIG replied:

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

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

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

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

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

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

(v) Where information is received justifying such action.

2. INDUSTRIAL DEVELOPMENT

Nickel Refinery: Effluent

Mr. RUSHTON asked the Minister for Industrial Development:

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

Mr. COURT replied:

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

It is now intended to extract from residues about 123,000 gallons of clear water a day and this will be sprayed over fenced areas within the nickel refinery site.

The remainder of residues comprising 60 per cent. solids will be pumped to the site originally proposed; i.e., portion of Cockburn Sound Location 16 comprising 393 acres of Crown land situated south of Scotty Millar Road, Kwinana.

Consideration is currently being given to the lining of this area with polythene sheeting in lieu of clay.

3. TRANSPORT

Country Road Transport Bus Terminal

Mr. FLETCHER asked the Minister for Transport:

(1) Are Railway Road Service passengers and baggage transferred from Perth Central Railway Station to the East Perth Rail Terminal for departure to country destinations by bus from that point?

(2) Is similar transport available for passengers and luggage from the East Perth terminal to Perth Central Railway Station?

(3) If the transport is not available for the purpose mentioned above, and in view of the difficulty experienced, particularly for elderly passengers with luggage, to find alternative transport at difficult times of the day, will he see that the country road transport buses' terminal is transferred to the Perth railway station or other convenient city terminal until such time as other arrangements can be made?

Mr. O'CONNOR replied:

(1) No.

(2) No.

(3) The decision to transfer the road service terminus to Perth terminal was taken after close study of the advantages and disadvantages involved.

A questionnaire was distributed to 1,321 passengers, 1,140 of whom provided information showing that more than 90 per cent. of passengers joining buses *ex* Perth and more than 95 per cent of passengers arriving in Perth, used private transport or taxis to or from the bus terminus.

It is inevitable that a small minority will be disadvantaged by the change, but the figures provide ample justification for the move which provides accommodation for departmental vehicles which was greatly restricted in the city.

There are advantages for patrons in the way of shelter and waiting rooms, and refreshments are available.

Work currently in progress will provide rail connection with suburban services in December next.

In the interim it has been agreed that passengers travelling to Perth may alight from buses at Midland and travel by train to the city station on throughout bus tickets. This also applies for persons who prefer to travel to Midland by rail to join buses for country destinations.

4. AGED PERSONS' HOMES

Home of Peace: Mt. Lawley

Mr. McIVER asked the Minister representing the Minister for Health:

(1) When will the Home of Peace now under construction at Mt. Lawley be completed?

(2) What is its anticipated capital cost?

(3) What is the number of patients who will be accommodated in this home?

(4) What is the anticipated cost per day to the individual patient for accommodation in this home?

Mr. ROSS HUTCHINSON replied:

The Homes of Peace are not under the control of the Government. However, in answer to the honourable member's inquiries, the management have kindly advised the following:—

(1) Building will be completed about January, 1970. Furnishing will take about one month.

(2) Between $650,000 and $700,000.

(3) 140.

(4) Assessed according to ability to pay.

5. DAIRYING

Milk: Competitive Tendering

Mr. TONKIN asked the Minister for Agriculture:

(1) Why was the usual practice in inviting tenders for the supply of milk to Government institutions in March each year not followed this year?

(2) As the period for which supply was contracted expired on the 31st May, what is the explanation for

allowing more than three months to elapse without calling tenders for the current year's supply or making a firm arrangement?

(3) Why was it considered necessary to endeavour to arrange a meeting between the treatment plants and the Milk Board to discuss the matter?

(4) Did the proposed meeting for Friday, the 29th August take place?

(5) If "No", what is the date for which a meeting has been arranged?

(6) What alternative to the calling of tenders has the Government in mind?

(7) Why is an alternative being considered?

(8) In what way would the abandonment of competitive tendering for the supply of milk benefit the Government?

Mr. LEWIS (for Mr. Nalder) replied:

(1) to (3) A problem exists over the supply of milk to Government institutions in districts for which the treatment plants are not licensed and cannot legally supply under the Milk Act.

(4) and (5) Although the board offered to meet the treatment plant representatives, no meeting has been arranged.

(6) to (8) No alternative is being considered.

6. TRANSPORT

Perth-Carnarvon

Mr. NORTON asked the Minister for Transport:

(1) What are the conditions under which the Carnarvon parcels express operate?

(2) Have any objections to this service been received from any persons or companies who have licenses for the carriage of parcels or goods between Perth and Carnarvon and, if so, by whom?

Mr. O'CONNOR replied:

(1) The conditions of the license authorise the transport of newspapers as well as medical supplies up to 50 lb. in weight at any one time. Evidence is to hand that the operator has been exceeding the terms of the license by carrying other loading.

(2) No.

7. PERTH RAILWAY STATION: LOWERING

W.A.D.C.: De Leuw Cather & Co. Shareholding

Mr. TONKIN asked the Minister for Railways:

(1) Was his statement to the House on the 26th March regarding De Leuw Cather & Co. having been a shareholder in Western Australia Development Corporation but at that time had ceased to be so a true statement of the situation at the time?

(2) Does he know when De Leuw Cather & Co. ceased to be a shareholder in W.A.D.C.?

(3) If "Yes", what was the date?

Mr. O'CONNOR replied:

(1) Early this year a representative of De Leuw Cather called on me and advised he had received information that his company had withdrawn from W.A.D.C. I was of the understanding this was completely, but at a later date was advised this was only as consulting engineers for the rail sinking proposal.

(2) To my knowledge they did not.

(3) Answered by (2).

8. *This question was postponed.*

9. EDUCATION

Teachers' Training Colleges

Mr. DAVIES asked the Minister for Education:

(1) Is it intended that teachers' training colleges be given complete autonomy?

(2) If so, when is it intended this will be done?

(3) If not, why not?

Mr. LEWIS replied:

(1) This matter has been referred to the Tertiary Education Commission which will make recommendations to the Premier.

(2) and (3) See answer to (1).

10. LAND

Ballot

Mr. TOMS asked the Minister for Housing:

(1) In the recent ballot for the 126 lots in the Dianella area were the blocks of land allocated in order of the draw?

(2) Of the lots allocated, how many people who were drawn in order withdrew their right to select a lot?

Mr. O'NEIL replied:

(1) Yes.

(2) 38.

11. RAILWAYS

Refreshments: Kewdale

Mr. MAY asked the Minister for Railways:

(1) What refreshment service is available to employees stationed at Kewdale?

(2) What type of refreshments can be obtained?

(3) How many employees would be involved?

(4) What additional refreshment service, if any, is envisaged for the future?

Mr. O'CONNOR replied:

(1) A mobile canteen was introduced on the 28th July, 1969. Trading hours are—

Monday to Friday—7.30 a.m. to 4.00 p.m.

Saturday—8.30 a.m. to 11.30 a.m.

(2) The following refreshments are available—

Tea, coffee, soup, bonox, pies, pasties, rolls, sandwiches, cakes, confectionery, aerated waters, and cigarettes.

(3) 107 at present.

(4) Any consideration as to additional facilities is being deferred pending likely early development by private enterprise of a commercial complex in the immediate vicinity of the freight terminal. This development could include facilities adequately meeting all refreshment demands likely to arise within the railway area.

12. HEALTH

Hospital Benefit Fund of W.A.

Mr. JAMIESON asked the Minister representing the Minister for Health:

(1) Has the Government any association or connection with the Hospital Benefit Fund of W.A.?

(2) Do any of the Government's departmental officers sit on any board or administration authority of this fund?

Mr. ROSS HUTCHINSON replied:

(1) No. The Commonwealth Government supervises the operations of this and similar funds.

(2) Yes—one officer of the Medical Department is an elected representative of the fund, whilst six others are nominated members of the metropolitan hospital boards.

13. FRUIT

Apple Imports from South Australia

Mr. H. D. EVANS asked the Minister for Agriculture:

(1) Is he aware of an A.B.C. news item of the 11th September, 1969, which stated that apples from South Australia have been sold openly on a commercial basis at Kununurra and other North-west towns?

(2) What quantity of apples from South Australia have been imported into northern areas of this State this year?

(3) Have such consignments of apples been subject to inspection by Department of Agriculture officers?

(4) Is it correct that orders from Kununurra for apples have to be lodged in Perth six weeks ahead while a similar order can be fulfilled from South Australia in five days?

(5) If so, what is the reason for this disparity in time?

(6) Is it likely that some of this fruit could be brought into southern parts of this State by persons travelling by road and other means?

Mr. LEWIS (for Mr. Nalder) replied:

(1) The matter had previously been brought to my notice by departmental reports and recommendations for remedial action.

(2) This information is not available.

(3) No.

(4) Inquiries made do not substantiate such a difference in time.

(5) Answered by (4). It will be appreciated that transport by ship would take longer than the overland route through Northern Territory from South Australia.

(6) This is theoretically possible but extremely unlikely.

14. EDUCATION

Teachers: Statutory Retiring Age

Mr. DAVIES asked the Minister for Education:

(1) How many teachers throughout the department have reached the statutory retiring age but have been retained in—

(a) full-time;

(b) part-time,

employment?

(2) How many teachers over the statutory retiring age, other than those referred to in (1) are employed—
(a) full-time; or
(b) part-time,
by the department?

Mr. LEWIS replied:

(1) (a) 20.
(b) Nil.
(2) (a) 11.
(b) 2.

15. PERTH RAILWAY STATION: LOWERING

W.A.D.C. Proposal: Publication

Mr. TONKIN asked the Minister for Railways:

Is it the intention of the Government to release for publication the details of the proposal of the Western Australia Development Corporation for the sinking of the railway before or after the Government decides to accept or reject that proposal?

Mr. O'CONNOR replied:

A decision will be made after all details are received.

16. ELECTORAL

Returning Officers: Remuneration

Mr. FLETCHER asked the Minister representing the Minister for Justice:

(1) What remuneration do—
(a) district returning officers;
(b) other officers,
associated with a State general election receive on the day?

(2) Is such remuneration compatible with penalty rates generally applying to industry in respect of Saturday work where time and a half is received for the first four hours and double time thereafter?

Mr. COURT replied:

(1) The fees payable to returning officers, deputy returning officers, presiding officers, assistant presiding officers, poll clerks, doorkeepers and other officials employed on State elections are prescribed in the Elctoral Act Regulations, 1949, as reprinted in the *Government Gazette* on the 14th February, 1968, and further amended in the *Government Gazette* on the 6th March, 1968. As the details cover several pages, they have not been included in this answer.

(2) No.

17. EDUCATION

Mirrabooka High School

Mr. CASH asked the Minister for Education:

(1) When was the Mirrabooka High School built and at what cost?

(2) Since the opening of this high school what additions have been made and at what cost?

(3) What additions are proposed at the school?

(4) What was the number of students enrolled at the opening of the school and at the 31st August, 1969?

(5) How many classes are taught at the school and what are the respective class sizes?

(6) How many teachers and staff are employed?

Mr. LEWIS replied:

(1) Mirrabooka High School was built during the 1964-65 financial year and opened at the beginning of the 1965 school year.
Cost: $441,175.

(2)

	Opened with	Additions (up to and including 1968–69)
Classrooms	4	14
Composite Science Laboratory	1	2
Library	1	....
Library Reading Room	1	....
Woodwork	1	1
Cookery	1	1
Laundry-Dressmaking	1	1
Science Classrooms	....	2
Metalwork	....	2
Technical Drawing	....	2
Typing	....	1
Craft	....	1
Art	....	2
General Utility	....	1
Music	....	1
Prevocational Centre	....	1
Commonwealth Science Block, including—		
Physics	....	1
Chemistry	....	1
Demonstration	....	1

Cost: $343,364.

(3) The only planned additions are extensions to the staff room.

(4) Enrolment at February, 1965—357 (in Year I only).

Enrolment at the 1st August, 1969—1,061 (in Years I-V inclusive).

(5) Based on the size of classes, class sizes are as follows:—

No. of Pupils in the Class	No. of such Classes
18	2
19	1
22	4
23	1
24	1
26	1
28	1
29	1
30	2
31	3
32	4
33	1
34	1
35	2
36	3
37	1
38	2
39	2
40	1
41	1
	35

(6) As at the 1st August, 1969, the numbers were—

Teaching staff (full-time)—61.
Teaching staff (part-time)—1.
Registrar—1.
Laboratory assistant—1.
Clerical assistants—2.

18. NUCLEAR EXPLOSIONS

Risks

Mr. FLETCHER asked the Minister representing the Minister for Mines:

(1) Assuming permission were granted to Hancock and Wright for a nuclear explosion to fracture iron ore beneath the surface of just sufficient strength to prevent nuclear fallout escaping through the earth's crust, would not the fragmented iron ore be radioactive and potentially dangerous to miners who removed the ore and all others who subsequently handled the product?

(2) If a nuclear device were used to create a harbour at Cape Keraudren or other northern area, when the explosion was simultaneous with an offshore wind to carry away potentially dangerous fallout, what additional precautions would or could be taken to ensure that some other island or nation would not be the recipient of fallout, which has been publicised as having caused an increase in leukemia after travelling thousands of miles across the American continent?

(3) Is he aware of an article in *The West Australian* of the 11th August, 1969, "U.S. scientist warns of radiation danger", in which Professor Sternglass of the Pittsburgh University School of Medicine, states in part—

(a) that fallout of a strength of diagnostic X-rays might lead to more deaths from leukemia and cancer;

(b) that he "looked for this in a particular case where fallout from a 40-kiloton bomb in Nevada drifted 2,000 miles across the U.S. to Albany, near New York, and produced a known amount of radiation on the ground to something like a chest X-ray"; and

(c) he "found that leukemia and childhood cancers appeared to have doubled five to eight years later, pretty much the way it happened in Hiroshima"?

(4) In view of the above, will he and/or the Government ensure that this risk is not inflicted on our own or neighbouring nations or peoples?

Mr. BOVELL replied:

(1) to (4). It will be necessary for Messrs. Hancock and Wright to approach the Government for permission to use a nuclear explosion to fracture ore beneath the surface and any possibility of hazards from radiation will be examined.

With regard to nuclear explosions for harbours, the Commonwealth Government, as a party to the Non-proliferation Treaty, has formed an interdepartmental committee to study the use of atomic energy, and this State has a representative on that committee, which will investigate each project.

Before any nuclear explosion is permitted, a full feasibility survey of any project will be conducted by State Government officers. Advice would also be sought through the Commonwealth interdepartmental committee, which includes representatives of the Commonwealth Atomic Energy Commission, in order to ensure as far as reasonably practicable

that any nuclear detonation would be carried out in such a manner as to provide satisfactory measures for human safety.

19. WATER SUPPLIES AND SEWERAGE

Narrogin

Mr. TONKIN asked the Minister for Water Supplies:

Will he supply particulars of income and expenditure relating to water supply and sewerage for the town of Narrogin for the last financial year?

Mr. ROSS HUTCHINSON replied:

The proportionate cost of water used in the town of Narrogin at the average cost of the Great Southern Towns Scheme, being the area supplied from the Wellington Dam, was for the last financial year $241,128. Revenue received from the town of Narrogin was $69,707.

The revenue for the last financial year from the Narrogin sewerage scheme was $25,954 and expenditure $36,970, consisting of operating expenses $15,987 and $20,983 debt charges (interest and sinking fund).

20. PUBLIC SERVICE

Professional Occupational Groups

Mr. BURKE asked the Premier:

(1) What is the official establishment of items in each professional occupational group in each Public Service department?

(2) How many vacancies exist in each professional occupational group in each department at the present time?

(3) How many resignations have taken place in each professional occupational group in each department since—

(a) the 1st July, 1968;

(b) the 1st January, 1969,

to the present time?

Sir DAVID BRAND replied:

(1) to (3).

Professional Occupational Group	Department	Official Establishment of Items	Vacancies 10/9/69	Resignations 1/7/68 to 31/12/68	Resignations 1/1/69 to 10/9/69
Agricultural scientists	Agriculture	203	26	5	8
Architects	P.W.D.	62	9	1	8
	S.H.C.	9	1	1	1
Dental officers	Public Health	16	2	2	1
Drafting officers	Town Planning	14	2	3	2
	Lands & Surveys	145	19	4	12
	Crown Law	25	2	0	0
	Mines	35	5	2	6
	S.H.C.	15	2	3	2
	P.W.D.	92	25	10	14
	M.W.S. Board	54	2	0	2
	Forests	15	2	1	1
	Govt. Print. Office	1	0	0	0
Engineer—ship surveyors	Harbour & Light	4	0	0	0
Engineers	Town Planning	2	1	0	0
	D.I.D.	2	0	0	0
	Mines	1	0	0	0
	Public Health	2	0	0	0
	P.W.D.	203	24	5	10
	M.W.S.B.	61	6	4	3
	Labour	1	0	0	0
Engineering surveyors	P.W.D.	7	5	1	1
	M.W.S.B.	2	0	0	0
Forestry officers	Forests	65	9	2	1
Geologists	Mines	48	6	3	5

Professional Occupational Group	Department	Official Establishment of Items	Vacancies 10/9/69	Resignations 1/7/68 to 31/12/68	Resignations 1/1/69 to 10/9/69
Harbour Master—pilots	Harbour & Light	12	0	0	0
Inspectors of machinery	Labour	20	1	0	0
Land surveyors	Lands & Surveys	40	11	1	4
Legal officers	Crown Law	51	4	1	0
Librarians	Agriculture	3	0	0	0
	Public Health	2	0	0	1
	P.W.D.	1	0	0	0
	M.W.S.B.	1	0	0	1
	Forests	1	0	0	0
Medical lab. technologists....	Agriculture	6	0	0	0
	Public Health	75	10	5	6
Medical officers	Mental Health	14	2	0	0
	Public Health	38	4	4	2
Mining engineers and inspectors of mines	Mines	16	1	0	0
Miscellaneous officers	Agriculture	4	0	0	0
	P.W.D.	3	0	0	0
	Mental Health	1	0	0	0
	Mines	2	0	0	0
Nursing officers	Medical and Public Health	5	0	0	0
Pharmacists	Public Health	2	0	0	0
	Govt. Stores	2	0	0	0
Physiotherapists	Public Health	1	0	0	0
Planning officers	Town Planning	22	6	1	3
	S.H.C.	1	0	0	0
Psychiatrists	Mental Health	27	11	1	2
Psychologists — clinical psychologists	Child Welfare	4	1	1	0
	Mental Health	15	0	2	2
	Prisons	2	2	0	0
Quantity surveyors	P.W.D.	7	2	2	1
Social Workers—probation and parole officers	Crown Law	25	0	4	3
	Child Welfare	23	5	3	5
	Mental Health	15	2	0	1
	Native Welfare	3	2	1	1
Superintendents of education, etc.	Education	65	7	0	0
Scientific officers	Agriculture	9	0	1	0
	D.I.D.	1	0	0	0
	Fisheries & Fauna	11	1	0	0
	Mines	68	3	3	2
	C.S.D.	3	0	0	1
	P.W.D.	3	0	0	0
	M.W.S.B.	4	1	0	1
	Public Health	1	0	0	0
Veterinary scientists	Agriculture	38	10	1	0

21. AUSTRALIAN FIXED TRUSTS LIMITED

Company Operations

Mr. BURKE asked the Minister representing the Minister for Justice:

(1) Who are the directors of Australian Fixed Trusts Limited operations in Western Australia?

(2) Have any complaints been made to the Companies Office regarding the operations of Australian Fixed Trusts Ltd. and its failure to obtain results, which could be reasonably expected from the reading of its advertising?

(3) Does the Companies Office consider the advertisements so coloured as to be misleading?

(4) Would he agree that returns on investment with banks and building societies are generally higher than those received from Australian Fixed Trusts Ltd. and just as secure?

(5) What percentage of the income from a trust is available for management fees?

Mr. COURT replied:

(1) Two companies that are members of Australian Fixed Trusts Limited group at present operate in Western Australia. One is Australian Fixed Trusts (W.A.) Limited (incorporated in W.A.) and its directors are John Murray Groom, Quinton Randolph Stowe, Charles Alan Allerdice and Noel George Humphries. The other is A.F.T. Limited (incorporated in A.C.T.) and its directors are Charles Alan Allerdice, Norman Lethbridge Cowper, John Hedley Douglas Marks, Merlin Theordore Hansen, Ronald Archibald Millen Forbes and John David Steed.

(2) Several complaints have been made to the Companies Office that were based on the assertion by the complainants that investment in unit trusts managed by Australian Fixed Trust group had failed to obtain results which could be reasonably expected from the reading of its advertising.

(3) This question involves the giving of an opinion.

(4) It is impossible to generalise on the dividend earning rate of a sum invested in any unit trust as against investment with banks or building societies since the rate paid by the latter bodies varies with the class of investment, i.e., savings bank or fixed deposit and, in the case of building societies, shares or deposits. It may also vary, in most cases, with the term of the investment. The dividend earning rate of units in a unit trust varies with the capital cost of those units to the investor. The cost of units varies up or down with the market values of the securities held in the trust.

Unlike investment in a bank or in a building society, an investment in a unit trust clearly carries the potential on realisation for an appreciation or depreciation of the capital invested.

The position as to earning rates in A.F.T. unit trusts is further complicated by the fact that, in the case of some of the trusts, the dividends paid in this calendar year have substantially increased.

(5) The percentage of trust income available for management fees cannot be readily calculated. The fees are determined by a formula in the appropriate trust deed.

In the case of the majority of A.F.T. trusts, the deeds, in effect, provide that the management company is, in respect of every six months, entitled to "a management fee being one-half of one per centum—or such larger fraction of one per centum as may be agreed on from time to time between the Managers and the Trustee—of the mean of the values" of the capital of the fund at the beginning and at the end of the period.

The trustee is entitled by the deed to receive, in respect of every six months period "a trusteeship fee at the rate of 1¼ per cent of the cash produce plus 1/16th of 1 per cent of the capital value of the Trust". There is a proviso that the managers may consent to an increase in the trustee's remuneration up to a maximum, for each six months, of 1⅞ per cent. of the trust income, plus 3/32nd of 1 per cent. of the mean capital value of the trust. The trustee is also required by the deed to pay to the manager out of trust income "all brokerage, commission, stamp and other duties and taxes, interest on borrowed money and other proper outgoings in respect of the investments of the Fund and also the expenses of managing the Fund and administering the trusts of this Deed including the Auditor's charges and the cost to the Managers of preparing accounts, keeping books of account, preparing and despatching income distribution cheques and otherwise managing the Fund and administering such trusts."

The trustee is similarly entitled under the trust deed to expenses, viz: "All out-of-pocket expenses of the Trustee in or in connection with the administration of the trusts of this Deed and the performance of its duties hereunder shall be reimbursed to the Trustee out of the cash produce of the Fund."

QUESTIONS (4): WITHOUT NOTICE

1. NUCLEAR EXPLOSIONS

Mining Purposes

Mr. BICKERTON asked the Minister for the North-West:

(1) Has Mr. Hancock had any discussions with him, or has he knowledge of any discussions that Mr. Hancock has had with any other member of the Government concerning a proposed nuclear explosion for mining purposes in the Wittenoom area? If so, will he give details?

(2) Will he supply brief details of any discussions that have taken place regarding the use of nuclear explosives anticipated or proposed in the north-west area?

(3) What technical advice is available to him to assist him to assess the desirability or otherwise of nuclear explosions?

(4) Has Mr. Hancock made available to him the information he, Mr. Hancock, obtained overseas in connection with this matter; if not, will he make inquiries from the Premier to ascertain whether this information has been made available to any Government department, and, if so, what are the details?

Mr. COURT replied:

I thank the honourable member for giving me some advance notice of the question, but I regret the time available has not permitted me to prepare a complete and formal answer for him. However, I think the following information will possibly meet his needs in connection with the question:—

(1) and (2) I can say I have no knowledge of recent discussions with, or submissions to, State Government Ministers or representatives by Mr. Hancock. The general question of this type of nuclear explosion was mentioned to me by Mr. Hancock and some others a considerable time ago, but not as a firm proposal or request.

It should be appreciated that the Government has had this general question of the use of plowshare techniques for peaceful purposes under review since about 1963. This related to all potential uses, such as for harbours, dams, or mining.

I think it is also pertinent that I should add that in connection with the studies which are continually under review by the Australian Atomic Energy Commission and the American Atomic Energy Commission and our own representative, a visit was made here by representatives of the two commissions in conjunction with our own people in May, 1968. At that time two United States members of the American Atomic Energy Commission were here and went to a number of areas in Western Australia in connection with these nuclear studies to see what could possibly take place. These areas included Cape Preston, Cape Keraudren, Cape Lambert, and Depuch Island, as well as some possible dam sites. In other words, the studies were of a fairly comprehensive nature.

(3) We have a standing arrangement between the Commonwealth and the State, and our senior representative is Mr. J. E. Parker, Director of Engineering, who is actively and almost continually in consultation with the Australian Atomic Energy Commission. Therefore, through this arrangement we have top level and scientific engineering knowledge readily available to us. There is also a close working arrangement between the Australian Atomic Energy Commission and its U.S.A. counterparts. From this it will be seen we have access to the world's best knowledge in this particular field.

(4) I can only refer to the answer to (1) and indicate that I will make further inquiries as requested in case the Premier or some other Ministers have received information not known to me.

2. NUCLEAR EXPLOSIONS

Underground Water Supplies

Mr. BICKERTON asked the Minister for the North-West:

Has he any specific information which may concern the effect on underground water supplies of any type of nuclear explosion? Has this matter been particularly investigated?

Mr. COURT replied:

I think it is fair to say that when this general question was first under discussion—and I am going back several years—there was a lot of emotional reaction. I well remember, when I was in Bangkok, reading a headline, "The Dirty Bomb for Western Australia." This was the general atmosphere. At that time it was made clear by the Premier and others that no move would be made until the matter had been thoroughly researched and it was absolutely certain it would be safe for humans, as well as from other points of view.

More particularly when the Cape Keraudren project was under consideration, specific announcements and references were made to this question of underground water supplies, and I know this caused some concern to the pastoralists in the area. I was quick to assure them—as were others—that no project would be undertaken unless a very thorough feasibility study was made of all aspects, including underground water supplies and their contamination; and also the possible deleterious effect on the availability of underground water would be studied before approval was given.

The honourable member can rest assured that we are very conscious of the thorough study necessary, but would not like it to be inferred that the State Government is anything but interested in the plowshare techniques. The Premier and I have made it clear that we believe there is a potential in this engineering tool for the future but, when anything new is being introduced, it must be done with great caution.

3. LOCAL GOVERNMENT

Purchase of Plant

Mr. STEWART asked the Minister for Works:

Because many local authorities, including the Merredin Shire Council, have spent large sums from loan funds on the purchase of plant in the last two years which results in an inflated base expenditure, will the Minister, in view of the drought conditions, give consideration to using his powers under the main roads legislation to help these councils?

Mr. ROSS HUTCHINSON replied:

I would like to thank the member for Merredin-Yilgarn for giving me notice of this question, the answer to which is as follows:—

Yes, a number of local authorities have this problem. I have already approved of a scheme whereby the expenditure on plant from loan funds will be excluded from the base expenditure figure for all local authorities.

A further concession I am prepared to make is in connection with the carry-over of excess qualifying expenditure in each year. Where the expenditure by any local authority from its own resources is higher than the base grant, I shall use my authority under the legislation to reduce its base expenditure figure to its base grant. These make two additional concessions given under the discretionary powers in the main roads legislation.

4. NUCLEAR EXPLOSIONS

Appointment of Select Committee

Mr. BICKERTON asked the Premier:

Will he give consideration to setting up a parliamentary Select Committee with the object of investigating the advantages and disadvantages of nuclear explosions in Western Australia?

Sir DAVID BRAND replied:

I do not think there would be any point in considering this request. I am sure a Select Committee from this House would not be able to give any worth-while information on the aspect of the use of nuclear power for peaceful purposes when, in fact, great organisations in the United States are spending—and I have no doubt so are organisations elsewhere—millions of dollars on, and are studying intensively, the effect of nuclear power on human beings, and the way in which such nuclear explosions might affect the general conditions of the country including underground water supply sources as already mentioned by the Minister for the North-West.

I want to assure the House that any move by private individuals or companies to use nuclear power will be watched very closely and no approval will be given by this State unless we are absolutely satisfied it is entirely and completely safe. Quite apart from this, no approval would be given by the State unless the Commonwealth—the National Government—is satisfied it can be used with safety; and no doubt any of the early developments and use of this power in Australia would be carried out in close association and discussion with all the experts throughout the world—the free world, anyhow—as to their safety and possible effect. This applies whether the application is made by Mr. Hancock or anyone else for harbours or any other purpose. I can assure the honourable members that it is far too great a subject for the ordinary layman of this House to come to any worth-while conclusion on. With great respect, I do not think anything would be achieved if we agreed to the appointment of a Select Committee.

BILLS (2): THIRD READING

1. Exmouth Gulf Solar Salt Industry Agreement Bill.

   Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and transmitted to the Council.

2. Weights and Measures Act Amendment Bill.

   Bill read a third time, on motion by Mr. O'Neil (Minister for Labour), and transmitted to the Council.

ARCHITECTS ACT AMENDMENT BILL

Report

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.2 p.m.]: I move—

That the report of the Committee be adopted.

MR. BERTRAM (Mt. Hawthorn) [5.3 p.m.]: In the course of earlier debates on this Bill I raised a query concerning the operations of companies incorporated under the Companies Act, and I understood the Minister would give some sort of intimation as to whether or not architectural companies were, to his knowledge, operating in this State as architects and rendering accounts, and holding themselves out as architects.

I would be pleased to know whether the Minister is able to give the House a firm assurance that there are, in fact, no limited companies holding themselves out as architectural companies, and charging accordingly.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.4 p.m.]: There are no companies on the register. I do not think any companies are holding themselves out as architectural companies. If the honourable member finds any such case, or I can discover a case, and it is considered by the board that action should be taken, then action will be taken. However, as I have said, there are no companies on the register. I promised to ascertain this point for the honourable member, and I have so found out.

Question put and passed.

Report adopted.

PRISONS ACT AMENDMENT BILL

Second Reading

MR. CRAIG (Toodyay—Chief Secretary) [5.5 p.m.]: I move—

That the Bill be now read a second time.

This Bill for an Act to amend the Prisons Act, 1903-64 is submitted to enable certain proposals on prison reform to eventuate. It is felt that in view of the success of the operation of work release of prisoners in other places of the world, and the recent introduction and success of this reform in Queensland, it should be introduced with expediency in Western Australia. The system now operating in Queensland is thought to be most suitable to be adopted in this State, since it is likely to be more closely suited to Australian community acceptance.

Might I say that at this time last year, while on a study tour of prison systems overseas, I was very impressed with the successful operation of the work-release programmes in every country I visited. Those countries included New Zealand, Canada, the United States of America, and Europe.

For this purpose, it is desired to amend the Prisons Act to allow regulations to be introduced to permit implementation of this type of work release of prisoners. In a very literal sense, work release is a bridge between an institution and the community which enables selected prisoners confined in a gaol, prison, or other correctional facility, to leave the institution daily for employment at a regular job nearby.

Work release may be particularly useful as a means of providing a prerelease transitional experience leading to increasing personal responsibility; actual working tests of prior vocational or occupational training; an opportunity to accumulate savings when released; and to make restitution or pay legitimate debts.

The introduction of this measure should provide a valuable tool in the process of re-education of inmates and it has an

obvious economic recommendation. Prisoners will be required to pay $14 per week board; contribute towards the support of their dependants; pay taxes; and make other contributions as wage-earning members of the community.

It has been stated on many occasions that it costs the State and the taxpayers something like $2,000 a year to keep a prisoner in Fremantle gaol, whereas it costs about $200 to keep observation on someone sentenced to a term of probation. The prisoner is able to contribute towards the cost, and that contribution will be helpful towards the overall operating costs of the department. Might I say that it is not the intention, behind the introduction of this Bill, to relieve the State of expenditure.

The system will apply only to selected prisoners. Its benefits are obvious and its introduction would greatly assist the parole service, one of the duties of which is to assist in obtaining employment for prisoners about to be released on parole. Under this system, prisoners commute daily to employment in city or suburbs from Monday to Friday returning to the prison each night and for the weekend. The benefit of this system is that minimum-term prisoners when released on parole will already be established in employment at the time of their release.

In certain overseas countries the work-release centres are operated from hostels outside the gaol itself. However, for the time being, it is intended that we use our existing institutions during the introduction of this system. Payment of wages will be made to prison authorities who will allocate distribution after consideration of any special circumstances which may prevail.

The introduction of work-release need not cut across the powers of the Parole Board because, in respect of prisoners serving minimum terms, the final decision as to whether they will be released on parole at the end of their work-release period lies with the board which will make its decision based on information supplied by prison authorities and the parole service.

The Chief Probation and Parole Officer considered the system would benefit the work of parole officers who experience some difficulties in placing parolees in employment immediately on parole being granted. The proposal should overcome this difficulty and would also allow a better assimilation of prisoners into the community.

The value of any work-release programme is almost entirely dependent upon the careful selection of inmates who participate in the programme. The prisoners selected and recommended in the first instance by the Prisons Department's Classification Committee will be subject to my approval. The selected prisoners will not include persons found not guilty on the ground of insanity; persons whose sentences have been commuted to life sentences; persons sentenced to life imprisonment; and persons convicted of serious offences affecting people.

No person considered harmful to the community will be considered and, in each case, the prisoner will be due for release in approximately three to four months. A maximum of six months prior to date of release has been set before any prisoner will become eligible to participate in this scheme. During the term of each work release, the prisoner must join the appropriate union and abide entirely by the conditions prevailing.

Work release has been operating successfully in Queensland for some six months, and New South Wales has recently commenced a similar scheme. Victoria has also made legislative provision for its introduction.

A further plan which it is intended to introduce is the temporary release of prisoners which will allow them to seek employment and attend to urgent family matters without being escorted. At the present time we do allow certain prisoners out for particular reasons, but in every case, of course, they must be escorted. Temporary release will be granted only to those classes of prisoners eligible for work release and will only involve special leave for a period of one or two days. This will obviate the cost of an escort at present employed in these cases.

This scheme has also been operating satisfactorily in other States for a number of years. It should be appreciated that any departure by prisoners from the written terms of work release or temporary leave means cancellation of this privilege and, in the case of absconding, they will be charged with escaping legal custody.

That is an outline of the two schemes involved in this Bill. I would take this opportunity of expressing appreciation to all those concerned, such as the employers, the various organisations associated with prison work, and the Probation and Parole Board, and also to the trade union movement, which has shown such a degree of co-operation.

I am sure that the introduction of this measure will help in placing certain types of prisoners in employment. They will only be selected prisoners; there will not be a wholesale release of inmates from institutions. In fact, a very small proportion will be selected for a start because we will have to feel our way, the same as the Probation and Parole Board had to when it was first established a few years ago.

The Parole Board has been very successful in its operation, and I feel sure this system will have the same result. Therefore, I commend the Bill to the House.

Debate adjourned, on motion by Mr. Fletcher.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

MR. T. D. EVANS (Kalgoorlie) [5.14 p.m.]: This is a Bill to amend the Legal Practitioners Act, which was last amended in 1967. The present measure seeks to add a new part to be known as part VA under the heading of "Control of Certain Practitioners". I deeply regret the necessity for this type of legislation to come before this Chamber.

We all realise that, in 1967, a new part, known as part IV of the Legal Practitioners Act, was enacted, which vested in the Barristers' Board, which is the disciplinary body controlling the practice of legal practitioners, certain controls in respect of solicitors' trust funds.

At this point, it is pertinent to recall that, in 1944, provisions were put into the Legal Practitioners Act under a heading then known as part IV. These provisions related to the control of solicitors' trust funds and the setting up of what was to be known as a solicitors' guarantee fund. The reason I say this is pertinent is that, from 1944 to 1967 in the history of this State, it was never found necessary to proclaim the provisions purporting to control solicitors' trust funds. The provisions were aimed at the desirability of having a guaranteed fund to provide compensation for persons who may have suffered through the defalcation of some practitioner. Consequently, the provisions which were written into the Act in 1944, subject to proclamation, were, in fact, never proclaimed.

As a consequence, part IV, to which I have referred, was repealed in 1967 and the present part IV was then enacted. Certainly there has been an incident in Western Australia which happened within the last 12 months whereby a practitioner became unavailable and ceased to be a practitioner. His clients were definitely placed in a very invidious position and it is possibly because of this occurrence that we now find the present measure before us.

I say again that I regret the necessity for this type of legislation. There are other professional people in the community who deal with moneys which rightfully belong to clients and apply those moneys on behalf of their clients and who are not controlled by law. There is no control purporting to be effective in respect of some professional people such as the control which is envisaged through this amendment to the Legal Practitioners Act. For example, I refer to accountants, who are controlled only by the general law, which includes the Companies Act. No particular and special legislation has been enacted in the case of accountants.

Whilst I regret the necessity for this legislation, I can certainly appreciate the desire of the Barristers' Board to have some form of control. I can also appreciate the anxiety of the clients of a practitioner who might find himself in a position whereby he is unable to conclude business already commenced on their behalf. Consequently, this amending Bill is before the House in order to meet this situation.

Proposed new part VA, which is to be added, seeks to provide the machinery whereby, on the application of the Barrister's Board to a judge, if the judge is satisfied that reasonable grounds exist for believing that there is a deficiency in the trust account of a particular practitioner or that the particular practitioner has exercised undue delay in properly applying moneys held in his trust account, the judge may make an order. This order is directed to the practitioner concerned and also to the bankers who effect control of the trust account or trust accounts of the practitioner, and also to any other bankers who maintain accounts in the name of the practitioner. The effect of this order will be to restrain the exercise by the practitioner of any bank account maintained in his name until the order is revoked or varied. In future this new provision will be known as section 58B of the Act.

Proposed new section 58C will provide that, on the application of the Barristers' Board to a judge, if the judge is satisfied that a deficiency does, in fact, exist, he may order that moneys—if there are any, I might add—standing to the credit of the particular practitioner in his trust account and other accounts shall be directed to be credited to the account of the Legal Contribution Trust, which was created under the powers of the Legal Contribution Trust Act of 1967.

The effect of this provision will be that the unfortunate practitioner will have his trust account and any other accounts maintained in his name virtually frozen and the only authority which will be competent to exercise those bank accounts will be the Legal Contribution Trust. So far, these provisions will not assist the unfortunate clients of the practitioner to conclude their business or to allow them to recover from the practitioner documents held by him on their behalf.

Consequently, we find the proposed legislation will enable the Barristers' Board to appoint what is to be known as a supervising solicitor when such an order as I have indicated has been made. The supervising solicitor will be empowered to enter into the practice of the particular practitioner for the purpose of concluding, winding up, or disposing of business already commenced by the practitioner on behalf of clients but not concluded at that time. The term "supervising solicitor" is defined in the legislation and he must be a certificated practitioner.

In 1960 the principal Act was amended—section 62A, I think—to provide that a person employed in the service of the Crown as a legal practitioner shall be deemed to hold a practice certificate. Therefore it seems possible—and I would think highly probable—that supervising solicitors who are appointed when this legislation comes into effect will probably be Crown Law Department officers. Knowing the high premium there is today on private practitioners, I would think it would be most difficult for the board to be able to procure the services of a private practitioner who would be required to leave his own practice and go into somebody else's practice. Consequently I consider that, very probably, supervising solicitors will be Crown Law Department officers.

No mention is made in the legislation as to where the supervising solicitor will operate. Will he operate from his own office if he has one? Will he go into the office of the practitioner concerned? We do not know. Possibly this aspect will be covered by regulations and, of course, ample regulation-making powers are contained in the principal Act.

I have only one point to raise. I would like to draw the Minister's attention to one matter. Possibly he may deem it wise to delay taking the Bill through Committee in order that an examination might be made of this one point.

I would like to read subsection (1) of proposed new section 58C, to which I have already made reference and which is contained in clause 3 on page 3 of the Bill. It reads—

> Where a Judge is satisfied, on the application of the Board, that there is a deficiency in any trust account of a practitioner, the Judge may order that the Trust—

It is the next paragraph (a) to which I wish to draw the Minister's attention. To continue—

> (a) take possession of the moneys constituting the balance of the account and amalgamate them with moneys deposited by the practitioner to the credit of the Trust under section eleven of the Legal Contribution Trust Act, 1967;

My analysis of paragraph (a) is that when the board has obtained an order, power is given to the trust to have moneys standing to the credit of a practitioner's bank accounts taken possession of and amalgamated with moneys which may—and I say "may not"—have already been deposited by the practitioner to the credit of the trust set up under the Legal Contribution Trust Act of 1967.

Paragraph (a) refers to section 11 of the Legal Contribution Trust Act. Section 11 of the Legal Contribution Trust Act sets out that a practitioner must, each year, deposit a prescribed percentage to the trust of the lowest balance of his existing trust account. However, this provision contains an exception in that subsection (3) of section 11 of the Legal Contribution Trust Act provides—

> The provisions of this section do not apply to a practitioner, while, during the relevant period, the lowest balance of his trust account, or, where he maintains more than one, the lowest sum of the balances of his trust accounts, together with the amount (if any) then standing on deposit by him with the Trust, is less than two thousand dollars.

Consequently some practitioners, after almost two years of operation of the Legal Contribution Trust Act, have still not been required to deposit any money.

Therefore I come back to paragraph (a) of proposed new section 58C, which provides that the trust will take possession of moneys constituting the balance of the account and amalgamate them with moneys deposited by the practitioner. Paragraph (b) says that the trust will deposit the amalgamated moneys in a separate account, and paragraph (c) says that it will deal with those moneys according to law.

I assume that paragraph (b) means the amalgamation of moneys which have been deposited previously by the practitioner with moneys that have been taken under the provisions of this new legislation. Also, I assume paragraph (c) to mean that the trust will deal with those moneys.

I envisage a situation whereby a practitioner could, at no stage, have deposited any moneys at all with the Legal Contribution Trust and he may find, at some time, that he is the subject of an order under the new legislation. Certainly the legislation will provide power for the trust to take any moneys standing to the credit of his trust account and other accounts. But it seems doubtful, under proposed new section 58C, whether, because there is no amalgamation of the other moneys, the trust has power to do anything with those moneys except take them. I would like the Minister to have a look at that aspect.

I think I have given a brief but fairly wide coverage of the provisions of the Bill, and at this stage I might mention it will probably be followed by a complementary piece of legislation; namely, the Legal Contribution Trust Act Amendment Bill, which will provide the machinery to give effect to the provisions of this measure, which I have outlined. I repeat my opening remarks on this legislation; that is, that although it is felt there is no necessity for it, I appreciate the need for it in certain circumstances. I am quite confident that as time goes on we will probably find the number of instances

where orders have been made to be extremely few and far between. With those remarks, I support the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [5.32 p.m.]: I thank the honourable member for his support of the Bill. Before its third reading I will take the opportunity to have the points he raised in relation to proposed new section 58C studied by the Crown Law officers, although I must confess that, on my study of those points he raised, as he was raising them, and reading them in conjuction with the legislation, I cannot appreciate the problem to which he refers.

I return to the provision in proposed new section 58C where reference is made to the fact that the judge may order that the trust shall do this or that. One has to assume that the judge would act according to the situation—

Mr. T. D. Evans: That was not my point.

Mr. COURT: —and would make up his mind on whether this was the best procedure to follow. The honourable member's main concern was that the trust would take money from the account and amalgamate it—

Mr. T. D. Evans: With other moneys.

Mr. COURT: That is the point. There would be no amalgamation if there was no money to amalgamate with. I do not think that is of any serious moment, because the fact is that the judge may order this to be done; he does not have to order it. I would have sufficient confidence in the judge to feel that he would have the good sense not to seek to amalgamate money with something that did not exist, in which case he would direct accordingly. Therefore, I must admit I cannot see any matter of great concern in the point raised by the honourable member. Nevertheless, I assure him that before the Bill is read a third time I will have the point examined; and, in view of the fact that it is a Legislative Council Bill, we would have to arrange a recommittal if necessary.

I was about to say that if it were found that there was some danger of an administrative problem, we would take some steps to overcome it, because it would be more of an administrative problem than anything else. After reading the proposed new section I cannot see how such a problem could arise.

The honourable member also referred to the availability of a supervisory solicitor. I agree with him that it may be a bit hard to find one in most instances, particularly in view of the pressure that is on members of the profession at present. I did not gather from the remarks made by the member for Kalgoorlie that he was suggesting it would be a bad thing for the Government to use one of its Crown Law officers as a supervisory solicitor. I would think that the Minister for Justice and the Under-Secretary for Law would be just as reluctant to release one of their officers, although I am sure it would be done if it was in the public's interest.

The location in which the supervisory solicitor would work was mentioned by the honourable member. Here again I cannot see any great problem arising. I have known work to be done, in cases of emergency such as death and sickness, outside any statutory provision, within, as a matter of goodwill between practitioners, the practice of the solicitor who was giving his services. In such an instance it is done just as effectively, and probably more efficiently, than if the practitioner moved temporarily into the office of the unfortunate solicitor. In such a case it is often only a small practice that is involved, and therefore it is more difficult to hold the staff together. Furthermore, it is often difficult even to hold the premises. I have sufficient confidence to believe that the good sense of the supervisory solicitor would prevail in deciding whether he would work in his own suite, or would endeavour to keep the suite of the defaulting solicitor open and operative.

I do not think there are any more specific points to which the honourable member referred, but I assure him that I will inquire into the point he raised in regard to proposed new section 58C.

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.

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

MR. T. D. EVANS (Kalgoorlie) [5.38 p.m.]: This measure is the one to which I previously referred. It is complementary to the Bill I have already accepted to the second reading stage in this Chamber, and if the previous measure can be said to be complementary, all I can say is that any compliments attributable to that Bill ought to be attributed to this one. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th September.

MR. BICKERTON (Pilbara) [5.40 p.m.]: The subject matter of this piece of legislation is something of which I have some knowledge; namely, the extension of canteen licenses in certain areas. At this stage it affects only one or two canteens. However, earlier there were quite a number of canteens in operation on iron ore projects for which licenses were specially granted for the benefit of people who were engaged in iron ore production; that is, the licenses were granted to enable the men to have liquor facilities close to their place of employment.

Eventually, of course, these canteen licenses will expire and will, no doubt, be replaced by a publican's general license, the holder of which will operate in hotel premises. However, I will be sorry to see the canteens go, because I think they cater well for the people who work on the projects I have mentioned. They are extremely well controlled because of the limited hours of trading, and I think they give something to a job which is not provided by the average hotel.

I realise hotels have to be protected, because they supply accommodation as well as liquor, and at present there is a 20-mile limit applying unless a special license of the nature of that with which we are dealing is granted. Even if the original necessity for a canteen license ceases to exist, I still think canteens should be operated on iron ore and other similar projects. Perhaps the nearest publican could be protected by being granted an option to operate the canteen. If he could operate the canteen under his general license, he could still provide the facilities for the worker on the job who is unable to travel great distances after work to obtain his refreshments.

It is not only detrimental to a man to travel great distances to obtain such facilities from a cost point of view, in having to drive his car to where they are provided or by the use of some other mode of transport; but also, the important point is that he has to drive home after he has had what he has travelled to get and this, of course, could lead to some dangerous situations.

The Mount Goldsworthy Mining Company's canteen, which is on Finucane Island, is very well run. Its purpose is to serve those who live on the island. If they wish to visit Port Hedland they are obliged to travel some 17 miles by road to the nearest hotel. This requires a change of dress for the average person who takes a little pride in himself and, furthermore, as I mentioned previously, he has to make the return journey. This is not always in the best interests of, perhaps, himself or other people.

So, whilst these canteens can operate without financially affecting the livelihood of those who have to run hotels for the benefit of the public as a whole, then so much the better. I think it should be possible, with the present investigation that is going on into licensing matters, for that committee to look into the possibility of allowing the canteens to continue to operate, even though it may be necessary for the person who holds a publican's general license to obtain some finance as a result.

It means, in effect, that when people knock off work they can, without having to go to any great trouble or without having to change their clothes, have a few beers or some other refreshment. The canteen then closes during the meal hours and re-opens afterwards. That is strictly controlled. I think there is less excessive use of alcoholic drinks in these canteens than would be the case in the ordinary hotels.

I am pleased that the Bill has been brought down to extend this facility, and I will be even more pleased if the Government makes some submission to the investigating committee along the lines that this type of facility should be allowed to continue. I am not overlooking the expense and outlay incurred by the average person who holds a publican's general license, but I think the public should also be considered in matters of this nature where this facility is readily available to them at what is really their point of work, so that after knocking off work they are in a position to obtain refreshment without having to travel great distances and without being occasioned any great inconvenience.

I do not want to develop any general discussion on the Licensing Act, and I would be out of order if I did; but I am pleased to see that this amendment for the extension of the period has come before us. I would be even happier if some method could be found by the investigating committee to enable this facility to continue as a normal thing, rather than as something which has to come before this Parliament for renewal from time to time. I support the measure.

MR. NORTON (Gascoyne) [5.48 p.m.]: Like the member for Pilbara I also support this measure, but I feel that the Act is not being amended as it should be. Before I deal with that aspect I would like to mention that the canteens with which I have had contact—and I have been to quite a number of them in my area—have provided an excellent service in supplying an amenity which, in most cases, is not available within many miles of the location.

I had quite a bit to do with the inclusion of the section relating to the canteen licenses in the Licensing Act, when I suggested that a limit of 20 miles be included in the proviso to secton 44D. When that

was done I had in mind the protection of the publican's general licenses in the more remote areas.

In 1967 that section of the Act was amended to give jurisdiction to the court to issue a canteen license where the canteen was less than 20 miles from the nearest publican's general license; and in its wisdom Parliament set down certain rules which the court had to follow. So, it was not an indiscriminate granting of a canteen license within a radius of 20 miles of the nearest publican's general license.

In these canteens, as the member for Pilbara said, there are definitely regulated hours and, to some extent, a regulated supply of liquor. This has a tendency to prevent large quantities of liquor being taken into the camps. Disruption among the members of a camp would be caused if one section had a large quantity of liquor to consume, whilst another section did not; and such disruption would tend to cause some members to build up their stocks.

What I have noticed is that these canteens have a certain social atmosphere, different altogether from that to be found in hotels. In this respect this social atmosphere has helped the welfare and the general good feeling within camps. It is very hard to put one's finger on exactly what it is, but there is a good social feeling which grows up among the members when they get together after work and have a few drinks. This has done a lot of good in the running of the camps and the canteens.

In many cases the men themselves reap the benefit from any profits that are made by the canteen. Instead of amending the date for the termination of the provision in section 44D, what we should do is to delete subsection (4). That would leave the Licensing Court with a discretion as to whether a canteen should be permitted within 20 miles of a publican's general license.

In this connection there is one instance in my electorate which comes to mind. The Act states, "within twenty miles of premises the subject of a publican's general license"; but it does not say, "by the nearest route." If we take into consideration Shark Bay Salt Pty. Ltd. at Useless Loop, we find that the canteen is only 16 miles by sea from the nearest publican's general license whereas it is 134 miles by road; therefore if this amendment is to terminate in 12 months' time and it is not then renewed, this canteen license will be cancelled automatically. Therefore we would be doing a great service if we took out the time limit in this section of the Act.

If the Licensing Act is to be rewritten, then there is no need for us to worry about what will happen 12 months hence, because when it is rewritten the conditions of a canteen license will be inserted. If in the rewriting of the Act the period is still retained, and it is found that there is not sufficient coverage for canteens, we could have another look at the legislation. I support the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [5.54 p.m.]: I thank the two honourable members for their support of the Bill. Both of them have had considerable experience in the operation of these canteen licenses, and I agree with the remarks they have made about the effectiveness of them. It is a fact that due to the provisions of the canteen license we have had a situation where the after-work drink and the after-meal drink are virtually partaken within the precincts of the temporary home of those persons; and a very convivial, but not an unruly, atmosphere has been generated.

I well recall the Mt. Newman camp canteen that was referred to as "Sufferers' Paradise." This is typical of the humour that Australians introduce in these rather outlying areas.

Mr. Bickerton: I think you shouted me a drink there once.

Mr. COURT: I have an idea that the management shouted both of us.

Mr. Brady: It was more like that.

Mr. COURT: However, now that the member for Pilbara has prompted my memory, I did buy a jug of beer on one occasion. I make the point that because of the atmosphere in which these canteens are conducted, a completely new look has been brought to some of the new camp locations. This has been particularly important to the young men on the camp sites. In practically all of the big projects, the companies have been wise enough to appoint a good camp commandant, or the equivalent thereof, so that there has been a degree of sensible discipline in the camps; and that has been in the interests of the temporary employees, particularly the young men.

The discretion which is given to the Licensing Court has been used wisely and sensibly. The classical case referred to by the member for Pilbara where this discretionary power proved to be of great assistance—namely, at Finucane Island—illustrates the point. It has obviated hundreds and hundreds of miles of travelling by truck on the part of many men, late at night, and at a time when they are less capable of travelling safely than would otherwise be the case.

The member for Gascoyne said that in his opinion we had not amended the Bill in the correct way; in other words, we should have removed the terminating date. The Government would have liked to do

that, but having regard to the circumstances in which we brought down the legislation, I feel we did it the right way. We have to realise that the Adams committee is sitting, and we are hoping to get its recommendations in time to bring down appropriate amendments to the licensing law in the autumn sitting of this session.

I think it is more appropriate for us to deal with a permanent amendment at that time than now. It was felt by the Government that if we had endeavoured to make this provision permanent it could be controversial to an unnecessary degree, and this would not achieve anything. However, the success of these canteen licenses has been such that I feel the Government will favour a permanent continuation of the court's discretionary power. I hope, as does the member for Pilbara, that when the Adams committee makes its report, some specific recommendations in this respect will be included.

I cannot undertake that the Government will make representations to the Adams committee, but in view of the query that has been raised by the member for Pilbara, I shall take this opportunity to say that this particular question should be brought before the Adams committee by somebody. It could be that the companies concerned and some of the major contractors would let the committee know of their experiences with these licenses. I do not think it would be out of place for some of the unions to let their views be known. This would give the committee a balanced picture as to how these licenses have been working from the point of view of both the employer and the employee.

I should advise the House that when we go into Committee I shall ask for progress to be reported, because two matters which appear to require attention without waiting for the report of the Adams committee have been brought to the notice of the Government. They are not of great moment, but they are two amendments which should be dealt with in Committee.

I shall have the amendments placed on the notice paper, so that members will have ample time to look at them before the Bill is dealt with fully in Committee. Therefore I propose that when we go into Committee we deal with the first clause, and then I shall ask for progress to be reported, if that is agreeable to members.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Court (Minister for Industrial Development).

BILLS (3): RETURNED

1. Dairy Industry Act Amendment Bill.
2. Wheat Marketing Act Continuance Bill.
3. Soil Fertility Research Act Amendment Bill.

Bills returned from the Council without amendment.

FISHERIES ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 11th September.

MR. FLETCHER (Fremantle) [6.2 p.m.]: This Bill appears to have as its primary purpose the changing of the name of our Western Australian crayfish to that of rock lobster. In the first and second schedules, the reference to "crayfish," or "crayfish tails," is changed in every instance to the term "rock lobster," or "rock lobster tails," as the case may be. From my counting of it, this occurs in at least 60 instances.

One could almost finish on that theme, but there are other aspects of the Bill upon which the Minister in this House enlarged, and the Minister in another place enlarged to an even greater extent. Might I say that just as a rose by any other name smells as sweet, so does this delectable crustacean taste just as sweet, irrespective of the nomenclature used in respect of it. However, as an astute businessman declares the customer to be always right, so it is in this instance and, subject to the passing of this measure, and the gazettal of the necessary regulations, our crayfish will in future be known as rock lobsters.

Dr. Henn: Will they?

Mr. FLETCHER: Personally I do not think they ever will be known as rock lobsters—certainly not in Western Australia. Having since childhood known of them as crayfish—and this would be over a period in excess of 50 years—I shall always refer to them as crayfish. However, our principal customer is to be found in the North American market, and our crayfishermen receive at least $1 for every crayfish, or rather rock lobster.

Mr. Young: That is right.

Mr. FLETCHER: Irrespective of what the customer pays, and what the Australian fisherman receives, it would be interesting to know what those who actually eat the crayfish in America pay for those same fish.

Dr. Henn: They will pay double now that they are called rock lobsters.

Mr. FLETCHER: That is probably so. However, the word "crayfish" sounds like "crawfish" and the latter, of course, is a freshwater species, rather like our marron, which is a larger version of our gilgie or yabbie. These are all freshwater species and they are all complete with claws, or what might generally be known as nippers, like their larger saltwater equivalent, the real rock lobster, which is caught in other parts of the world. These, too, are complete with nippers. There is almost more flesh found in the nippers than in the body of the true rock lobster. So the term "rock lobster" as applied to our crayfish is really a misnomer.

I went to the trouble of calling on the Fremantle Fishermen's Co-operative Society to obtain its members' reaction to the Bill. Let me say at the outset that the Fremantle Fishermen's Co-operative, the Cray-Boats Co-op., and other crayfishermen's organisations in Fremantle have no objection to the changing of the name. They even went so far as to present me with some little brochures connected with their various industries, and all these brochures refer to the crayfish as rock lobsters, and have done so for some years.

I have three cards or brochures where the reference is to "Breezie rock lobsters," "Breezie rock lobster tails," and "Ozzie-Breezie rock lobsters and shrimps." I hope you do not mind my putting in a plug for local industry, Mr. Speaker, but it is relevant to the Bill.

An important point about the change of name from "crayfish" to "rock lobster" is so that there will not be any misunderstanding on the American market; and, as I have pointed out previously, this commodity, irrespective of the name which it is given, earns us hard currency—hard currency being dollars and, in Australia, American dollars are in short supply. It is gratifying to know that the crayfish industry does earn hard currency and the small concession that will be made in the way of changing the name to "rock lobster" is a very worth-while one.

I regret that these fish have been priced off Western Australian tables and even off Australian tables, generally. I could read to the House questions I asked in regard to this matter and one would almost think I had prior information that the Minister intended to introduce this amendment to the Fisheries Act. I asked quesions relating to the catch over a period of years and, despite the fact that the catch is not as good now as it was a few years ago, the increased price of the commodity has offset the lower catch.

It also appears that this Bill has been introduced as a consequence of a French desire to allude to our crayfish as "crawfish," and to see our fish marketed under that name. However, I am pleased to know that we have a representative on what is known as the Codex Committee, which apparently has some relationship to naming. I hope the amendment will prevent our crayfish from being referred to as "crawfish" as such a reference could have a detrimental effect on our markets, particularly the American market.

One of the provisions in the Bill is to amend the parent Act to ensure that rock lobsters delivered or consigned shall be packaged accordingly and, as I say, that was my purpose in referring to the literature that I obtained from the Fremantle Fishermen's Co-operative.

Another amendment is designed to ensure that the bags of crayfish, crawfish, or rock lobster, or whatever we want to call them, are labelled in such a way as to show the number of the license, and the boat and its number, so that the person who caught the fish can be identified. As the Minister pointed out some people, in order to avoid identification, have hired freezing space at some address other than the place where the rock lobsters were processed.

I shall not quote the articles, but the Press revealed recently an instance where some 5,000 lb. of undersized tails had been wrongly consigned. This Bill will take care of that aspect because it will ensure identification of the catch, the source of the catch, and who was responsible for it.

I hope the Bill does curtail the activities of the entrepreneurs in the rock lobster industry—and I allude to them as entrepreneurs because they are in a small way. They come into the industry for what they can get out of it, as quickly as possible, and they will catch rock lobsters and sell them on any market that is available rather than through the proper channels. It is to be hoped that this measure will take care of that aspect and ensure that this malpractice is discontinued.

As a matter of fact I know of one person who sells his catch under the name of a licensed crayfisherman. If the Bill will prevent that sort of thing then I believe it to be desirable legislation and it should close another loophole that has been availed of. The Minister in this House, and the Minister in charge of the measure in another place, referred to all sorts of transgressions of the law that occur. To my own knowledge eight-ton truckloads of undersized crayfish have left this State for the Eastern States done up in all sorts of packages, and ostensibly it was even chicken! I know that on one occasion the Department of Fisheries and Fauna sent to the Eastern States to obtain a package of this fish.

The department took the case to court but it was lost despite the fact that the officers had concrete evidence of what was happening. The case was lost because the point was taken that the rock lobster could not be identified with the person

concerned in the case. He argued that anybody could have put the rock lobster in one of his containers and shipped it east in his name. As a consequence the case was thrown out of court; but I hope this legislation will enable the department to cope with that sort of situation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. FLETCHER: Before the tea suspension—and I might mention in passing that rock lobster did not constitute any part of the diet—I was saying that the export of undersized crayfish and other activities which were carried on have now been considerably reduced as a consequence of legislation. Unfortunately, there are still occasions where malpractices occur.

With the indulgence of the House I will relate one such incident in which the Minister may be interested. A bag of cray tails supported by only one float, so that the bag was sufficiently buoyant to ensure it would float ashore, was found on the beach. I have no doubt that the cray tails were meant for a recipient just north of Cape Leschenault. Instead of that the bag landed some five miles north in the vicinity of my own beach shack.

Mr. Gayfer: Did you throw the bag back in the water?

Mr. FLETCHER: Unfortunately the cray tails had deteriorated as a consequence of having been in the water for, presumably, about 24 hours. I mention that merely to show that the Department of Fisheries and Fauna has to be constantly alert to all these malpractices which are indulged in by those who, I regret to say, would help to destroy this very remunerative industry, which is of great value to the State.

The prospect of an additional $2,000 fine which is mentioned in the Bill should be a deterrent to a processor who tries to evade supervision by hiring alternative holding space at a different address from that of his registered processing plant. When reading the Minister's speech I was somewhat mystified at his reference to the amendment to section 5B of the principal Act. However, I investigated the principal Act and found that instead of having a Rock Lobster-Crayfish Development Committee, we will now have a Rock Lobster and Prawning Committee. So that cleared up the point.

I noticed that the Minister, when explaining the Bill, traversed a wide area and covered all sorts of fishing, including tuna fishing and other activities; but I would not have the temerity to do likewise, for I might get into some sort of trouble.

Mr. Bickerton: We will look after you.

Mr. FLETCHER: Clause 4 of the amending Bill could be aimed at preventing the evasion of taxation. I will relate to the House what, to my knowledge, happens. Assuming a crayboat comes in with six bags of crayfish, the crayfishermen might put five of those bags through a processing plant, and sell one bag of crays to another source on the open market for the purpose of getting cash over the counter. He would get the market price for them. The insistence that every bag shall be tagged and shall contain the boat number, and so on, will not be popular with the crayfishermen, although it might be helpful to the industry. However, even with the prospect of incurring the wrath of some of the fishermen who indulge in this practice, I support that provision in the Bill, because it will prevent the sale of crayfish through other than legitimate sources.

I have heard of fishermen who on some occasions have sold a bag of crayfish under a spurious name. Inquiries at the Department of Fisheries and Fauna have subsequently revealed that there is no fisherman of that name. As a consequence, I can see that this legislation is desirable, even if it does not plug all the loopholes I have mentioned. I see no prospect of the Bill having any difficulty in Committee, and I support the measure.

MR. NORTON (Gascoyne) [7.38 p.m.]: This Bill has virtually five objectives. The first—and probably the main—one is to change the name of "crayfish" to "rock lobster." The second is to amend, in the schedule, the definition of the various species of fish. Another is to alter the name of the crayfishing committee. The Bill also deals with the labelling of receptacles for the carrying of rock lobsters, and provides for higher penalties to be imposed upon offending processors.

With regard to the alteration of the name "crayfish" to "rock lobster," this is to be done for the benefit of the international market so that all crayfish, no matter where they come from, will be known as rock lobsters, and they will be given, as it were, a trade name in that respect. The alteration of the term "crayfish" throughout the whole of the Act will be achieved quite simply by the schedule which is mentioned in clause 7. This will save a tremendous number of individual amendments throughout the Act.

Clause 2 provides for the changing of the name "crayfish" to "rock lobster" in all documents and all proclamations and so on, so that all amendments are taken care of in the one Bill. Clause 6 of the Bill seeks to amend paragraph (c) of the Act. Here again, the amendment is to alter the term "crayfish" to "rock lobster." I am a little intrigued in regard to this amendment, and perhaps the Minister could answer my query when replying to the debate. The Minister will notice that the amendment seeks to delete the item

"Crayfish . . . *Panulirus longipes* . . . 3", and to insert the item "Rock lobster . . . *Panulirus cygnus* . . . 3"; so the species name is also being changed.

I wonder whether we have been selling our rock lobsters under a false name, or whether we are going to sell them under a false name, and whether the fishermen who have been fined have been prosecuted for taking the wrong species? Perhaps the Minister could tell us why this alteration in the species name has come about. I can understand altering the name "crayfish" to "rock lobster," but why alter the other name?

The remaining two amendments in the Bill are purely to tighten up the Act, and this is something we have been trying to do for many years so that we can prevent the illicit catching of, and dealing in, crayfish. Previously every receptacle for the carrying of crayfish, be it a box, a bag, or whatever, had to be labelled with the fisherman's name and address. The Minister told us that the department was finding false names and addresses and could not trace the people. However, it is now intended to have the license number of the boat included on the label so that the identity of the fisherman can be traced.

This will tighten up the Act considerably, but there is a loophole in that any person can put on a false number and name; so I do not think the tightening will come to very much unless every person who purchases rock lobsters has a list of the registration numbers and checks the names back against the list. This would probably be practical for the processor who is doing things in a big way, but we just cannot get at the illicit dealing. I agree with the amendment, but I can see loopholes.

Mr. Ross Hutchinson: Yes; I can too.

Mr. NORTON: Whilst I think the final amendment is very harsh, I also think it is necessary; and this is in regard to the provision which originally imposed an extra fine on processors who had undersized crayfish in their possession. The amendment in the Bill goes further and states "or in the possession or control of that person on any other premises." For a start, who is "that person"? Is it the processor, or is it the person who is storing the rock lobsters on behalf of a processor? The processor may have his freezing chamber overstocked with processed fish and may have to find outside accommodation. If he takes his fish to, say, Western Ice for storage, that company is not to know what is in the boxes or containers. Will that company be liable to be fined $2,000 because the rock lobsters are in its control or possession?

I think this provision is a little loose in its wording; it could well do with a bit of tightening up, as it might be unfair to some of the cold storage people who may be required to hold processed crayfish on behalf of a processor.

DR. HENN (Wembley) [7.46 p.m.]: I do not want to hold up the passage of this Bill, but there does seem to be some confusion on the part of the member for Fremantle, and now on the part of the member for Gascoyne, with regard to the generic terms of the fish about which we are talking in this Bill. For that reason I wish to say a few words on this particular part of the measure.

I first want to say that the Department of Fisheries and Fauna over the last 10 years at least—and probably before that also, but particularly recently—has done a tremendous amount of good work in placing our fishing industry on a firm basis. So anything I say tonight is not directed against the department but at the unfortunate part of the Bill which leads to the changing of the name of our crayfish to rock lobster.

Mr. Graham: Another takeover by the Yanks.

Dr. HENN: I am somewhat perplexed in connection with this matter, because I feel it is a slackening or a loosening of business ethics. It seems a pity that we have to bring this matter before Parliament and involve this House in what I might call a bit of a "shonky" deal by calling our crayfish a rock lobster, when, generically, it is nothing of the kind, as I will prove.

Mr. Norton: They call it a swan.

Dr. HENN: The honourable member is confused and no doubt I will be confused before I have finished. I apologise to the House for not having in my possession the information I intended to have when I was about to speak to the Bill, but the measure came on sooner than I expected.

I was in touch with a couple of well-known zoologists in this State and had been promised some literature in answer to a question I put to one of the gentlemen in particular. This has not come forward, and I will have to rely on the zoology I learnt 30 years ago, which is meagre and most of which I have forgotten today, but I have been able to pick up a little information from one of the gentlemen to whom I spoke.

In Northern Europe the crayfish is called a lobster; it is a crustacean which has nippers or claws. I think all zoologists will agree that this is the fundamental difference between a lobster and a crayfish. As we all know, our crayfish is a member of the order of *panulirus*, and this particular genus has no nippers. This is what distresses me. It distresses me to think that the Minister has allowed himself to be advised that we must change the name of our crayfish to rock lobster.

I know the Fisheries Department is doing some research into the production of marron—which we know as the freshwater lobster—and if we could wait perhaps five or 10 years and have marron produced in enormous quantities, as I hope we will, it would then be a different matter to change the name of the marron to rock lobster, because of its nippers or claws.

Anyone who has been to the City of London and has had a lobster salad at the Savoy grille will know that if the beautiful succulent flesh of the nippers was not arrayed before the person who ordered the dish it would be sent back and the waiter would be told it was Australian crayfish and that it was not wanted.

In his second reading speech the Minister referred to France, a member country of the Codex Committee, which is looking into this matter. The Minister told us that France is very interested in having this animal called a crawfish. I have already demonstrated that it has no nippers and that it should be called a crawfish or a crayfish. I think members will agree that if ever a country knows what it is talking about when it talks about food and how it should be served, that country is France.

Accordingly, despite what the Minister has said, I would be inclined to back France in this matter. I do hope that the Australian delegation will be represented by somebody acting on behalf of the Minister. If I were the Minister for Fisheries and Fauna I would fight like a tiger—not like a tiger prawn—for the retention of the crayfish as a crayfish.

In my young days when I was in general practice and was able to afford an annual holiday, my family and I would go north to Shark Bay and Carnarvon. We used to stay at the Dongara Hotel, because we knew we would be served with crayfish and that we would be able to get a couple of dozen to take on with us. On the way back we would again stop at the Dongara Hotel and pick up a couple of dozen crays to bring down to remind us we had been on holiday. But Big Brother came along and spoilt all that; we do not get this now.

I would like the Minister to fight harder in this matter. It would at least be something if he used the name Dongara crayfish and told the Americans that it is a super luxury type of fish that we are producing in this State and that they can buy tons of it if they are prepared to pay for it.

I am sorry the Minister has fallen for this business trick of calling the crayfish a rock lobster, because it is not a rock lobster at all.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [7.53 p.m.]: I am indebted to those members who have contributed to this debate. Three of the speakers have referred to the proposed change in the name from crayfish to rock lobster, and indeed this is one of the several reasons for the introduction of the legislation.

As I understand the position, the main reason for the change of name lies in the American market; the pressure for the change of name came from the industry itself. It is not so much that the Government wants to change the fair name of the crustacean from crayfish to rock lobster, as that the commercial enterprise believes it is wise so to do; that in order to compete with the South African rock lobster and with other rock lobsters on the American market it would be well for us in Western Australia to do this. Indeed, the industry has, for some years now, removed from the names of its associations the name crayfish and has inserted in lieu thereof the name rock lobster.

Mr. Norton: And prawns.

Mr. ROSS HUTCHINSON: That is so. I appreciate the feelings of the member for Wembley and the way he has expressed himself. I too experience a certain nostalgia when I think of the times that I could get a crayfish at a reasonable price on a Saturday night.

Mr. Bickerton: You must now call them a sack of rock lobsters and not a bag of rock lobsters.

Mr. ROSS HUTCHINSON: The member for Gascoyne—I hope in a humorous vein—also asked me to account for the change of name from *panulirus longipes* to *panulirus cygnus*, and I suggest he might delve a little deeper with the Minister for Fisheries and Fauna, whom I am representing at the moment. The honourable member also queried a clause in the Bill which seeks to amend section 24D of the Act.

Mr. Bickerton: Those claws are nippers.

Mr. ROSS HUTCHINSON: There will be no Santa Claus for the honourable member.

Mr. Bickerton: Have you got a feeler?

Mr. ROSS HUTCHINSON: As I interpret section 24D, with the amendment, it refers to the person who is convicted of an offence in respect of rock lobster or rock lobster tails. It has direct application to the person who is convicted of the offence, as do sections 24A, 24B, and 24C. I see no problem in this regard, because it is quite specific in relation to the person involved.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 24D amended—

Mr. FLETCHER: The Minister and the member for Gascoyne made reference to this clause. The significance of the comment made by the member for Gascoyne was in connection with the tagging that would appear on the bags of crayfish on the beach.

I know sufficient about the Act to know that it is incumbent on the crayfisherman to place a tag upon any bag of crayfish which might be on the beach; it may even be necessary for him to place the tag on the bag before it reaches the beach. It is illegal for bags of crays to be sent to the processing plant without the tags, because there would then be no means of identifying to whom the bags belonged.

The member for Gascoyne referred to the possibility of a crayfisherman including among the bags of another crayfisherman whom he did not like a bag of what is commonly known as cackers. This is their name rather than their habit. These could be tagged in the name of a crayfisherman other than the one to whom they belonged and he could be penalised in regard to the consignment. That is why the Act lays down that bags must be tagged before they reach the beach—this indicates to whom they belong.

I see nothing in this clause which will create any confusion. On the contrary, I believe its inclusion will consolidate the Act.

Clause put and passed.

Clauses 6 and 7 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

METHODIST CHURCH (W.A.) PROPERTY TRUST INCORPORATION BILL

Second Reading

Debate resumed from the 11th September.

MR. TONKIN (Melville—Leader of the Opposition) [8.2 p.m.]: Right up to now the dealings of the Methodist Church have been based upon a model deed, and that generally has been the position throughout Australian Methodism.

Whilst the model deed has served the church very well in the past, a stage has been reached where more numerous actions and more up-to-date procedures will require some improvement in the law. Therefore the Methodists at their various conferences have decided upon an alteration. This alteration has been effected in some States and is under consideration in, I think, two States at present, one of those being Western Australia.

Every good reason exists for this Bill to be passed. It proposes to create a central body corporate which will be the body dealing with the property of the Methodists, and it is as well to remember that this Bill does not affect anyone except Methodists. It proposes to enable certain trustees, who will be appointed, to deal with the property which belongs to Methodists and no-one else.

There will be certain regulations, of course, which will be drawn up and which will be just regulations. I think one minor amendment was required, but this does not concern us. We are concerned only with the provisions of this Bill which is designed to establish the central body.

Methodists generally have approved this legislation, which was finally approved by the General Conference of the Methodist Church of Australasia. Similar legislation was introduced in Victoria and Tasmania, and permission has been granted by the Methodist Conference for its introduction in South Australia. The new machinery is intended to make uniform provision in every State of Australia for dealing with property of Methodists; and I think it is sufficient to leave it there, seeing that it does not propose to dispossess them of property. It is intended purely to facilitate the dealing in property by those who own it, and for this purpose this body corporate will be established with trustees. Instead of the present unwieldy method of requiring a large number of trustees to sign transfers and the like, the work will be carried out by a smaller number in accordance with this legislation, and not in accordance with the existing model deed which has been in operation since 1912.

As the Minister pointed out, there is no necessity to repeal the existing legislation. This will be complementary to what is on the Statute book already, but it will enable the Methodists to adopt a more up-to-date procedure in dealing with their property.

As there is no disagreement amongst them anywhere throughout Australia—all States have acted in the same way we now propose to act, or they intend so to act—there is every justification for complete uniformity. I therefore support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

SUITORS' FUND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th September.

MR. BERTRAM (Mt. Hawthorn) [8.10 p.m.]: I am pleased to be able to say that I propose to support this Bill, but I then hasten to add that this is certainly not because of its momentous content. It simply is not possible to say that.

This is a Bill which I believe—and I propose shortly to demonstrate it—provides evidence of a lack of real enthusiasm on the part of the Government and a noticeable lack of urgency. There is no real desire to go very far very quickly.

Like the principal Act of 1964, this Bill contains some gaping holes, and one of the reasons I support it is because I hope that before it is finally passed in this House we may be able to make good some of those defects and turn the Bill into something worth our effort, time, and attention.

The principal Act became law in 1964, and for the record it is perhaps worth while saying that the report of that debate is found in vol. 2 of *Hansard*, 1964, at pages 1621 and 1830.

When the Minister introduced the Bill on this occasion he outlined its purposes and gave the background of the principal Act, and his comments are to be found in the current *Hansard* at page 731. In view of what I have just outlined, it is not necessary for me to reiterate an explanation of the Bill. I simply want to outline in broad terms, and at the expense of some precision, what the principal Act and this Bill really do.

Perhaps I could do so by saying that no longer will litigants be obliged to meet the cost of the establishment of case law in the courts of our land. Is this not perfectly consistent, and was not this a situation which should have been seen to long before 1964?

Through taxes, the public pays the cost of conventional law-making through its Parliament, and therefore it seems to me only right and proper that something should be done publicwise, as is contemplated in this Bill, to ensure that individuals finding themselves involved in litigation should not in fact have to pay the whole cost of having law established in order that the public at large may benefit, since to do so would be singularly unfair; and the fact that it should have been allowed to continue until 1964 certainly does not reflect very well upon the people of this State, and Parliament in particular.

Similarly the legislation includes another very excellent provision; that is, people will not be up for a great expense and denied justice simply because of an accident occurring which is well and faithfully beyond their control. For example, if a trial has run for six days and the trial judge dies, then obviously there is need for a retrial. How wrong it would be for a litigant then to have to face up to another six-day trial, and pay for it. That would be so wrong, and so very expensive. Generally speaking, this legislation sees to it that in such a case a litigant will only be obliged to pay for one of those trials; he will not have to bear double costs.

In order that the Act and the Bill may operate, a fund has been established. The fund has a credit, thus far, of something like $40,000. The fund is created by a provision whereby in certain courts whenever some sort of proceeding is initiated, the initiator shall pay a fee of something between 10c and 20c, which goes to the credit of the fund. On top of that, of course, the person pays his ordinary court fees which, as a general rule, are pretty minimal. Contrary to public opinion, court fees are not at all great in most litigation. Up to date the charge or the fee has been 10c. The amount has not been increased, although it could be increased up to 20c.

As members are aware, down through history, Acts of Parliament have been given names of people who were either interested in promoting certain enactments, or who were closely associated with them. Perhaps it would not be unreasonable to call this present amendment the Geneff Bill because the timing of these amendments seems to fit in very closely with something which happened in our courts only a few weeks back.

I have said that this Bill has gaping holes in it, and in the same way so did the original Act. There should not be omissions from the present Bill, and there should not have been omissions from the principal Act. The omissions are not those which could be excused on the basis that we are forging into some new arena. They should not have reasonably occurred.

The principal Act mentions appeals but does not mention what are commonly called "Orders to Review." The ordinary layman has, perhaps, never heard of an order to review, and he is not much worse off for not hearing of such an order. However, the fact is a lot of cases go from the police court and the court of petty sessions to be heard in the Supreme Court by a judge, or by more than one judge, by what is known as an order to review.

It so happens that Mr. Geneff appealed, by way of order to review, from an adverse decision against him in the traffic court. Having appealed, he found he had to pay all the costs of establishing what happens to be the law under a certain Act. It was an important decision, and perhaps it is worth while mentioning the case. Mr. Geneff, who is a man of 71 years of age, had been convicted in the traffic court of an offence against the Traffic Act, which amounted to something akin to negligent or careless driving. He had been driving for many years, and up to the time of this conviction he had driven 600,000 miles and had suffered only one previous conviction.

Mr. Geneff was prosecuted about the middle of last year and the matter was not finally disposed of until, I think, last month. He had been driving along at a moderate speed, at night time, and oncoming lights momentarily blinded him. He was not able to see what was in front of him. It so happened that a vehicle was parked on the side of the road and he collided with that vehicle.

I do not know what the magistrate in the police court thought, but I should think he thought that if Mr. Geneff was blinded he had one duty, and that was to stop. However, Mr. Geneff did not stop and it is interesting to note that one judge in the Supreme Court is reported to have said that it has long been accepted that it is not negligence for a driver to continue when his view is obstructed by approaching lights, unless the driver has reason to believe that an obstruction is present. There was no evidence to show what distance Mr. Geneff would have travelled had he braked, or that he could have stopped within this distance.

This is an important case because I am sure many hundreds of drivers of vehicles have pleaded guilty, or have been found guilty, in cases of this sort, not only when temporarily blinded by car headlights, but also when temporarily blinded by the sun. At any rate, Mr. Geneff is a man of some wealth and he was not prepared to submit to the judgment and, as I have said, he appealed by way of order to review. He went to the Supreme Court and was successful.

It is true that this relieved him of his obligation to pay the fine which was imposed; namely, the sum of $10. However, he was obliged to pay an estimated $150 costs because, in the first instance, he had to be represented in the traffic court, and, on the second occasion, he had to be represented in the Supreme Court. In between, certain interlocutory procedures occurred at which he had to be represented.

It is true he was relieved of the necessity to pay the fine, which is not unimportant; but what he has done is to establish what happens to be the law in respect of that particular type of offence. It so happens that this Bill, by amending section 3 of the principal Act, will ensure that in future people like Mr. Geneff will be covered by the Act. Provision will be inserted in the Act to cover not only appeals, but orders to review. People involved in such situations will come within the ambit of the Act as it will be amended.

The provisions contained in this present Bill seem to overlook the fact that since 1964 the Motor Vehicle (Third Party Insurance) Act of 1943 has been amended. Amongst other things, the Act has set up the Third Party Claims Tribunal, which deals with all running down cases. If a person is injured in a motor accident, and suffers damage by reason of somebody else's negligence, no longer does he go to the Supreme Court and issue a writ. No longer does he go to the local court and start proceedings. This is not possible except in certain cases. A person who is injured in the circumstances I have mentioned goes to the Third Party Claims Tribunal.

Up until the creation of the tribunal, if a writ was issued, a fee had to be paid. Now, when a writ is issued by the Third Party Claims Tribunal, one does not have to pay a fee to the suitors' fund. Why this should be, I do not know. There seems to be no rhyme or reason for it. I therefore think the Bill should be amended so that people initiating proceedings in the Third Party Claims Tribunal will pay a fee to the suitors' fund just as they were paying a fee before the tribunal was set up.

There are certain situations where, under the Act, the motor vehicle Third Party Claims Tribunal has a right to delegate its jurisdiction and to allow people to take action through the local court instead of issuing their proceedings in the Third Party Claims Tribunal. I imagine this would normally occur where the amount of the claim involved was a relatively small sum; perhaps under $1,000.

Whilst mentioning the Third Party Claims Tribunal, the Act seems to cover appeals from the tribunal to the Supreme Court. There may be some argument about that; I do not know, but on the face of it it covers that situation.

The Act, however, does not cover a suitor, to use the term in the Act, or a litigant who takes his case—a matter of running down—to the local court under this delegated jurisdiction provision which is to be found in the Motor Vehicle (Third Party Insurance) Act at section 16F, subsection (3). The situation is not covered where the case goes to the local court and the litigant, being aggrieved by the decision, exercises the right which the Act gives him to appeal to the Third Party Claims Tribunal.

So once again, in my view, this Bill requires amendment so that an appeal of that sort will be covered. When one takes the Bill and the Act together, one may reasonably gather the impression that the intent, up to this moment, is that the law will pretty well cover every type of appeal in courts in this State. However, I have already shown one instance where this does not occur. No reason has been given for this exclusion as far as I can see.

I therefore believe there is no good reason why the Bill should not be amended in that regard. This is just another aspect which causes one reasonably to say that perhaps this is somewhat half-hearted legislation. There may even be evidence, also, of rush legislation.

Just as the appeals from the local court, under the Motor Vehicle (Third Party Insurance) Act are not provided for, so appeals under the Industrial Arbitration Act of 1912 are not provided for, and no explanation is given for what appears to be a very significant omission from the Bill. There is provision in the Industrial Arbitration Act for appeals to the commission in court session as constituted by that Act. There is also provision for appeals to the Western Australian Industrial Appeal Court, as constituted by that Act. Further, there is provision for appeals from the industrial magistrates operating under that Act.

It is interesting to note that the Western Australian Appeal Court comprises three judges of the Supreme Court. Consequently, the importance of that court is clear. Even if it were not for that fact, I think we are all very well aware, through the jurisdiction and operation of the industrial arbitration court, that it is an extremely important court.

Consequently, I propose to attempt to amend the Bill in Committee to ensure that, before it becomes law, provision will be made for appeals of the type I have mentioned. In looking very quickly at the statistics of the number of appeals involved, I do not think it would be a good excuse to say, "There are insufficient funds in the fund." Clearly that is not the case.

Section 10 of the Act will be amended by this Bill. That section lists the various courts to which an appeal can be made and which are covered by this Act. For example, it includes appeals to the Supreme Court, and appeals to the High Court of Australia from decisions of the Supreme Court. Section 10 (1) (c) refers to appeals to the Queen in Council from decisions of the High Court of Australia given on appeals from decisions of the Supreme Court, and section 10 (1) (d) mentions appeals to the Queen in Council from decisions of the Supreme Court.

I consider it is relevant to mention that it is high time paragraphs (c) and (d) were no longer necessary in this Act. I consider it is high time for us to determine the right of appeal, in the last resort, by litigants to the Privy Council.

In respect of that point members will be interested to know that the Commonwealth Parliament, through Act No. 36 of 1968, has taken the initiative—although very belatedly—in this direction. So far as the Federal Parliament is able, it has said, "No more appeals to the Privy Council." However, the States of Australia are still groping along and, at the moment, appeal still remains to the Privy Council.

In 1967 some statistics were compiled which showed that in the 10-year period until that time there had been 22 appeals from State supreme courts to the Privy Council. Of that number, 21 of the appeals had come from the State of New South Wales, and one from the Supreme Court of Queensland. Further information is also available, because in 1968 the Federal Attorney-General said—

> To my knowledge, no appeals lie to the Privy Council from any courts of any of the states or provinces of other Commonwealth countries with federal systems.

So members can see that Australia is quite unique in this respect. It is interesting to observe that Privy Council decisions take the form of advice to Her Britannic Majesty, and not to the Queen of Australia. It is interesting, too, to notice that the Privy Council does not hear appeals from Her Majesty's courts in England, Scotland, or Northern Ireland.

It seems to be a curious situation indeed that in the mid-20th century what is, in fact, an independent country, should be traipsing 12,000 miles to the other end of the earth to make legal submissions to people in England, in the form of the Privy Council, to make determinations on the law of a country of 12,000,000 people which, apparently, is not confident that the High Court of Australia is capable of reaching a proper decision.

Sir David Brand: It has just made a pretty rough decision.

Mr. BERTRAM: I was waiting for some comment, and it has arrived. I do not think anyone would suggest that any court, whether it is the High Court or any other court, will always be right. That is just not possible. However, the same argument applies, of course, to the Privy Council. One can see it is only a matter of time and there will be no appeal to the Privy Council from the courts of Australia. In view of this inevitability, I believe we should not sit around and delay the process. Like so many other countries have done before us—and many years before us—we should take the initiative to see that we become mature and adult in a

legal sense; that we stand on our own two feet and accept now what we will ultimately have to accept, namely, the High Court as the final court of appeal in the Commonwealth of Australia.

As I have said, the fund has an amount of something like $40,000 in it at the moment, which is quite a sizeable sum. As it has turned out, it has been able to accrue such a figure over a period of four years or thereabouts. However, I do not think this is anything to be complacent about. I hope that assistance to litigants will be pushed along at a far greater pace than has been the case to date.

It is interesting to observe the sort of money we are prepared to spend in other directions. For example, although aid to charities from the Lotteries Commission has fallen 35 per cent. on the 1965-66 figure, aid from the T.A.B. to racing and trotting clubs has increased by 45 per cent. since 1965. The T.A.B. gave $794,606 to the W.A. Turf Club, which is more than the amount received by all W.A. charities from the Lotteries Commission. The total T.A.B. funds given to racing and trotting bodies was $1,655,429, which is more than twice the amount that the charities received from the Lotteries Commission. If one looks at those figures and compares them with the amount of money that we have extracted for litigants over four years, it will be seen that our priorities are topsy-turvy.

I wish to make one other point before I conclude. Section 14 of the principal Act seems to need some renovation. This is the section to which I referred earlier and it is concerned with abortive proceedings; that is, proceedings which have gone for some days and then come to an end because of the death of the judge, or whoever may be presiding, or because of some other situation affecting the tribunal. The section deals with the death or protracted illness of a judge or magistrate.

It seems to me that another situation could apply whereby the tribunal, judge, or magistrate is unavailable, but not because of protracted illness or death. Whilst this measure is before the House, I think we should take steps to see to it that the word "unavailability" is inserted into that section so that every possible situation is met. In this way, we would avoid the necessity to come back again with another Bill after another litigant has found that he has slipped through the provisions of this Act, when it is certainly not the intention of this House, I should imagine, that this should occur.

MR. T. D. EVANS (Kalgoorlie) [8.42 p.m.]: The Minister in charge of the Bill may take some comfort in the fact that, if he keeps a tally score, he has two supporters, at least, of the measure before the Chamber.

The principal Act was enacted in 1964. Although at that time it was enacted in a limited way, I think I am safe in saying that it was the intention of the author of the legislation to provide a plan for appeals to higher courts. The position arose when a litigant who had run the gauntlet of litigation in a lower court, where he was successful, then found himself brought, on appeal, before a higher court where the decision was reversed. So far as court cases are concerned the rule is that costs shall follow the event. This had the effect that the litigant who had been successful in the lower court was then confronted with the costs of the appeal, not only his own, but also those of the successful respondent thereto.

I have heard lay people discussing this legislation, particularly since publicity has been given to the present amendment. I was surprised at the number of people who had the idea that the amendment had something to do with people who were unfortunate enough to find themselves in a breach of promise matter; because I think matters relating to breach of promise are often referred to as breach of promise suits.

So I think it is pertinent to dwell a moment on the definition of "suitor". I think the best definition is "one who finds himself involved in civil, as distinct from criminal, legal proceedings." If this be correct, I think the comment I made to the Minister when he introduced the Bill is of some interest. At that stage I said I thought—particularly in view of the present amendments that are before us—the principal Act is possibly wrongly named, or carries a misleading name.

I have analysed the 1964 parent legislation, and possibly I was somewhat belated in making this comment. Strictly speaking, it should have been made in 1964, but what was true then is much more to the point today. I now claim that the coverage intended by the Act when it has been amended by this Bill does suggest that the title of the legislation should be changed, and that, instead of calling it a suitors' fund we should call it a litigants' fund, because it is quite clear that the benefit of the Act will extend not only to persons involved in civil proceedings, but also to those involved in criminal proceedings.

The member for Mt. Hawthorn clearly and succinctly analysed the provisions not only of the Bill, but also of the parent Act, and I do not propose to traverse the same ground. However I would like to emphasise that the principle of the legislation is to provide some form of indemnity for a person who has been successful in a lower court, following which the decision has been appealed against and taken to a higher court, where the appeal has been upheld. The person

who was first successful then becomes the one who must meet the costs of the successful respondent in the court of appeal.

The principle of this legislation is that from the fund created under the parent Act, the respondent may apply for a certificate of indemnity which enables him to meet the costs involved. The member for Mt. Hawthorn mentioned recent litigation concerning Mr. Geneff, who was apparently prosecuted in a traffic court in the metropolitan area, and because of the provisions of section 219 of the Justices Act, even though successful in his appeal to the Supreme Court, was precluded from obtaining costs against the prosecutor.

Section 219 is of some interest as it reads as follows under the heading of "costs":—

> No costs shall be allowed against any Justice or police officer in respect or by reason of any appeal under this Act, or of any proceeding in the Supreme Court in its control over summary convictions.

There is also a proviso, which reads—

> Provided that where, on an appeal brought by a police officer, the decision appealed against is confirmed, or, if not confirmed, has involved, in the opinion of the Court or Judge hearing the appeal, a point of law of exceptional public importance, costs may be allowed to the respondent. Such costs shall not be recoverable from the police officer, but the Registrar of the Supreme Court shall, in any case where costs are so allowed, give to the respondent a certificate sealed with the seal of the Supreme Court showing the amount of such costs—

The final part may appeal to the Treasurer, as it reads—

> —and, on production of the certificate to the Treasurer, the respondent shall be paid such amount out of the Consolidated Revenue Fund.

In view of the recent High Court decision, I do not know what type of reception a respondent would get if he presented such a certificate to the Treasurer.

The Bill will have some effect in breaking down the harsh consequences of section 219 of the Justices Act, but it will not, by any means, be the complete answer. I again take the opportunity to ask the Government to examine the harshness and inequality of this section. Only last week I asked the Minister, by way of a question, the names of the persons who have been appointed to the Costs Appeal Board which has been established under the principal legislation we are now seeking to amend, and I was told that the members are—

Mr. G. J. Ruse—Chairman.

Mr. P. L. Sharp, Q.C.

Mr. H. V. Reilly.

I think it is safe to say that with those three gentlemen as members of the board we can certainly look forward to the intent of the author of the legislation being put into proper effect.

It is of some interest to note from the Minister's speech the amount of money that has so far accrued to this fund, and the money that has been expended by way of indemnity certificates issued pursuant to the 1964 legislation. I am pleased to support the proposed extension of the benefits of the parent Act by suggesting to the Government how it can extract extra revenue from the taxpayers, but it is obvious that there are now certain avenues open to the Costs Appeal Board, which will administer the fund, by which it can apply its surcharge. At present the fee is 10c.

There are certain other initiating processes of law which at present are exempt from this fee. Under the Act at present the fee is payable on writs of summons issued by the Supreme Court, on plaints issued out of the local court, and on plaints and summonses issued out of a court of petty sessions. Under the proposed amendments of section 10 of the Act, where a case is taken from the Children's Court to the Supreme Court on appeal, one will possibly be able to recover an indemnity certificate from the court, and costs will then be paid to the successful respondent. At present, however, there is no provision for the initiating fee to be paid on a plaint to be issued out of the Children's Court.

In view of the limited scope that will be available under the Act—when it is amended by this Bill—for appeals to the Supreme Court, I can see that even under the 1964 legislation it was possible for a successful respondent in an appeal in a mining case to be provided with an indemnity certificate. In view of the large number of mining cases that are now being heard in the warden's court—I am not here to say that this definitely comes under any Supreme Court appeals—possibly there would be a rich source of revenue for the board to tap by applying its fee to initiating processes issued pursuant to the provisions of the amended Act.

I listened with a great deal of interest to the comments of the member for Mt. Hawthorn when he clearly showed that a definition in the principal legislation detailing the extent of the meaning of the court was that it was a body that included the Workers' Compensation Board. It is of some interest to note that no other tribunal is mentioned. In 1964, when the present legislation was enacted, motor vehicle accidents resulting in appeals were taken to the Supreme Court and it was possible, on an appeal to that court, for

the successful respondent—if he were able to convince a judge he was eligible—to be entitled to receive an indemnity certificate.

However, in a case which now ends in an appeal to the Supreme Court, after passing through the claims tribunal, it would appear it would not be a case that would entitle a respondent to costs. If this is not so, it certainly would be the case in regard to a successful respondent before the tribunal itself. The member for Mt. Hawthorn also highlighted the deficiencies of the measure now before the House in mentioning appeals of an industrial nature made under the Industrial Arbitration Act.

I feel that whilst we all agree that the intent of this legislation is most desirable, the opportunity should be taken for us to complete the job in one sitting. It is easy to understand the hesitancy of the Government, when first mooting the legislation, to go the complete distance, because the economics of the fund were then not fully known, and it was not known whether the board would be able to meet the full extent of the claims made upon it. However, having stood the test of time, and having accrued a considerable nest egg, it is now felt that the benefits of the Act can be extended, and I appeal to the Government to give earnest consideration to extending the benefits to the possible limit in accordance with the obvious intent of the 1964 legislation.

I do not wish to delay the House any further and I conclude my remarks with what I said when I commenced; namely, that I intend to support the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [8.59 p.m.]: The members who have spoken have supported the Bill but, in some ways, have endeavoured to condemn it with faint praise. It always amazes me that, when any Government, no matter what its colour, introduces something in this House in an endeavour to break new ground—as we did in 1964—many members rise up and say, "Why did you not do it before and provide more of it?" I want to say here and now that it is the Government's intention to take this legislation along in easy stages so that it will have a pretty fair idea of where it is going.

It is very easy with a sweep of the hand to open the floodgates in respect of this sort of assistance and to find that the Consolidated Revenue, and not the original contributors, are paying the money. I think we have made commendable progress in this matter, and we hope to continue to make progress, as we are doing by the introduction of the Bill. The history behind the present Bill is that in the light of experience, following the 1964 legislation, the Government, as promised, has brought down amending measures to give effect to this experience; and also to do, within the financial compass, that which we believe we can see clearly.

The member for Mt. Hawthorn covered a number of fields. One was the additional source of revenue that he felt was open to the Government. It is very refreshing to the Treasurer to see a member of the Opposition advocating new sources of revenue, and I am sure he will look at this with great interest. I can assure the honourable member this has not escaped us and there are reasons why no action has been taken. However, I propose, during the future stages of this Bill, to comment further on the way in which we will handle this matter, and I can then deal in more detail with the particular point which has been raised by the honourable member.

The other point on which he has made play is the question of appeals to the Privy Council. He could not have picked a worse time to mention this particular aspect, because not only this State but other States have good reason to be grateful of the fact that appeals to the Privy Council are still possible. It is not a question of how many times use is made of such appeals over a period of 20 to 30 years; it is the fact that the Privy Council is still available. There is good reason why the States did not rush madly into the abandonment of Privy Council appeals; the reason was they were not going to fall for the three card trick as easily as all that. The Commonwealth had good reason to abandon these appeals, but whether or not I agree with its view is another matter.

So far as the States and the particular advantages of section 92 of the Constitution are concerned, I think that all States will have a good, hard look at it before they eventually make a decision to withdraw from Privy Council appeals. However, it so happens that at the moment we have made a decision to take advantage of this machinery, and I cannot imagine that we will adopt quickly the suggestion of the honourable member, no matter how earnest he might be about it.

The member for Mt. Hawthorn then traced the question of the relativity of funds as between the amount made available from the Lotteries Commission and the amount made available through the Totalisator Agency Board to the racing clubs. He related the availability of those moneys to this legislation and its objectives. Let me hasten to say that the amount of money we make available to the racing clubs from the Totalisator Agency Board's operations are not related to this legislation. It is related to a special tax, some of which goes to Consolidated Revenue and some of which goes to the people who generate the sport from which the tax is raised.

Mr. Bertram: We agree to differ.

Mr. COURT: I cannot see the relativity at all. The fact is the Government in 1964 introduced legislation to assist this particular matter and it has now endeavoured to amend it so as to allow for the experience gained in the meantime.

In the course of his second reading speech the honourable member said that he would be moving some amendments; and, if he wanted to move amendments in respect of matters in which technical questions of law are involved, I was very surprised that he did not have the amendments placed on the notice paper. However, he has since sent me a copy of his amendments.

At the conclusion of the second reading debate I propose to make the Committee stage an Order of the Day for the next sitting of the House, so that the amendments can be studied properly. I would with respect point out to the honourable member that with amendments of this kind it does facilitate their proper consideration if they are placed on the notice paper, so that not only the Minister concerned but also other members who have an interest in the legislation may have the opportunity to study them. For that reason I will not proceed with the amendments this evening, because I think they should be placed on the notice paper. When they are, members will have the chance to study them before the Bill is considered in Committee on Thursday next.

The member for Kalgoorlie, following on the objection he raised by interjection during my introduction of the second reading, got back to the question of the title of the Bill. I promised him at the time that I would have the matter studied by the Crown Law Department, and the department has come up with the answer that I predicted—not that I suggest it has to agree with my words. It seemed to me there was only one answer it could come up with.

Section 14 of the original Act refers to civil or criminal proceedings, so this question of criminal proceedings is nothing new. When one refers to the title of the Act, one finds that it states—

> AN ACT to make Provision in respect of the Liability for Costs of certain Litigation; to establish a Suitors' Fund to meet that Liability; and for incidental and other purposes.

One has to agree that the title is not only apt and adequate, but that it is, in fact, a proper title. So I cannot go along with the honourable member that it is a misnomer to call it the Suitors' Fund Act.

I must admit when one talks about suitors one can confuse them with people in matrimony or potential matrimony. However, I think the word "suitor" used in the context in which it is used is a proper one. I thank members for their general support, even though they did not go along very happily with some of the provisions, or with the extent which the legislation is aiming to cover.

Question put and passed.

Bill read a second time.

PLANT DISEASES ACT AMENDMENT BILL (No. 2)

Second Reading

MR. LEWIS (Moore—Minister for Education) [9.9 p.m.]: On behalf of the Minister for Agriculture I move—

> That the Bill be now read a second time.

Members will note that this is a very short and simple Bill. It was precipitated by advice received from the Crown Law officers, when reframing the fruit movement regulations, that the existing Act was deficient in power in its relationship with these regulations in so far as the difference between "bringing" as distinct from "sending" is concerned.

Under the Plant Diseases Act, the Governor may by proclamation regulate the bringing into any specified portion of the State from the rest of the State generally, or from any specified portion thereof, all or any plants, fruits, etc. It will be seen that the word "bringing" is included in this particular part of the Act—it is section 5—but there is no mention of "sending."

The regulations have always read that any person bringing or sending plants, fruits, etc., must comply with certain prescribed conditions, failing which an offence has been committed.

With the current trend of consigning goods through a second or third party, there is a very real need to maintain the regulations pertaining to "sending" in order to have some control over the consigning of such fruit or plants. It is this objective that makes this proposed amendment most desirable. Unless the present provisions of the Act are amended in this manner, then there is doubt that the relevant clause in the regulations can be legally enforced.

It is not necessary to point out the potential danger to our fruit-growing industry if a situation is allowed to exist where the law does not prohibit actions which could cause serious consequences to that industry.

Mr. Tonkin: Will the Minister agree to a week's adjournment?

Debate adjourned, on motion by Mr. Jamieson.

House adjourned at 9.11 p.m.