case to be dealt with. When the Attorney-General introduced a Bill in regard to this legislation—

Mr. Watts: The Minister for Labour introduced last year's Bill.

Mr. J. HEGNEY: In any case I am referring to the time when the Labor Government introduced the anti-profiteering legislation which was supplanted by the monopolies and restrictive trade practices legislation. At that time fear was expressed that there was no control over the illegal trade practices and the restrictive trade methods which go on in the community. The Minister, when introducing the Bill, announced that the legislation would have a controlling effect. However, the fact remains that only £3,791 was spent on administration of the office, but this year it is not proposed to spend anything. If the Government's objective was to try to deal with these matters and to effect some control, this organisation should be kept going.

Mr. Perkins: The officers' salaries come under the ordinary Department of Labour vote.

Mr. J. HEGNEY: Apparently the office dealing with the control of monopolies and restrictive trade practices has been merged with the Department of Labour. In my opinion, it should be kept separate, because it is important that this organisation should remain in existence and carry on its activities.

Mr. Perkins: The last Act dealing with the control of prices and restrictive trade practices repealed the Act that was then in existence.

Mr. J. HEGNEY: But the monopolies and restrictive trade practices legislation is still in existence, is it not?

Mr. Perkins: No; that was the Act that was repealed.

Mr. Tonkin: There is no work entailed now, and therefore there is no expenditure.

Mr. J. HEGNEY: That is what I am concerned about. I know that the Minister's counterpart in the Commonwealth sphere has been promising to bring down similar legislation to our monopolies and restrictive trade practices measure, but nothing has been done as yet. However, for the protection of the community some such control should be in the hands of the Government.

Mr. Perkins: There is a registrar whose salary is paid by the Department of Labour; and other officers in that department assist him when required.

Mr. J. HEGNEY: I will leave the Minister to explain the matter in greater detail when he replies to the debate. At least under the Act that was repealed, there was an organisation in existence which looked after the interests of the community. In conclusion, I would like to ask the Minister for Transport whether he is the spokesman in this Chamber for the Minister for Town Planning in another place? When he introduced these Estimates, was the administration of that department included?

Mr. Perkins: No.

Mr. J. HEGNEY: I have merely raised these matters from the point of view of interest.

Progress reported, and leave granted to sit again.

House adjourned at 5.55 p.m.

Legislative Council

Tuesday, the 22nd November, 1960

CONTENTS

The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

APPLECROSS HIGH SCHOOL

Manual Training Facilities

1. The Hon. F. R. H. LAVERY (for The Hon. E. M. Davies) asked the Minister for Mines:

(1) Have tenders been called for the construction of manual training blocks at Applecross High School?

(2) If the answer to No. (1) is "Yes," when will construction—

(a) begin;

(b) be completed?

(3) If the answer to No. (1) is "No"—

(a) why is it that a school which will be a four-year high school in 1961 will be denied these most necessary facilities; and

(b) has provision been made in the current estimates for these provisions?

(4) Are children receiving adequate manual training at Applecross High School within the prescribed school hours?

The Hon. A. F. GRIFFITH replied:

(1) Tenders will be called on the 29th November, closing on the 20th December, 1960.

(2) (a) Not yet known.

(b) A clause in the contract will require completion by the 29th May, 1961.

(3) Answered by No. (1) and No. (2).

(4) Yes.

WOOL PRICES

Figures for 1959-1960

2. The Hon. C. R. ABBEY asked the Minister for Local Government:

Will he inform the House—

(1) The average price in pence (Australian) per pound obtained for the wool clip in the 1959-60 season in—

(a) New Zealand;

(b) South Africa; and

(c) Australia?

(2) The average monthly price in pence (Australian) per pound for the period the 1st July, 1959, to the 31st October, 1960, for—

(a) average quality 64's; and

(b) average quality 56's, in—

(i) New Zealand;

(ii) South Africa; and

(iii) Australia?

The Hon. L. A. LOGAN replied:

The information requested is not available locally. An endeavour is being made to obtain it elsewhere, and it will be made available as soon as possible.

DEEP SEWERAGE

Provision in Morley-Embleton Area

3. The Hon. G. E. JEFFERY asked the Minister for Mines:

In view of the rapid development of the Morley-Embleton area, will the Minister advise—

(1) Have plans been made for the provision of deep sewerage?

(2) If the answer to No. (1) is "Yes"—

(a) what are the details; and

(b) when will work be commenced?

(3) Do the plans provide only for a portion of the area to be sewered?

(4) Will the Government give early consideration to this matter?

The Hon. A. F. GRIFFITH replied:

(1) No. The ultimate provision will be part of the future north coast scheme.

(2) See No. (1).

(3) Consideration is being given to sewering the area of the shopping centre at the junction of Walter and Collier Roads.

(4) Yes, as regards the area referred to in No. (3).

QUESTION WITHOUT NOTICE

WORKERS' COMPENSATION ACT

Tabling of Committee's Report on Silicosis

The Hon. E. M. HEENAN asked the Minister for Mines:

In view of its far-reaching importance to those affected, and in order that members may be better informed when considering the Bill to amend the Workers' Compensation Act, will the Minister make arrangements for the early tabling of the report of the committee which the Government set up to inquire into the question of silicosis?

The Hon. A. F. GRIFFITH replied:

The report referred to was submitted to my colleague, the Minister for Labour, and I shall confer with him upon the matter.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

First Reading

On motion by The Hon. G. E. Jeffery, Bill introduced, and read a first time.

Second Reading

THE HON. G. E. JEFFERY (Suburban) [4.39]: I move—

That the Bill be now read a second time.

This is a very small Bill which seeks to amend the Industrial Arbitration Act. The policing of this Act is believed to be a function solely of the trade union movement of Western Australia. Modern thought is that all parties to an industrial agreement or award have a duty to ensure that the provisions of the Industrial Arbitration Act are adhered to.

This Bill is before the House as a result of the resentment of the trade union movement against the way in which the penalties in the Industrial Arbitration Act are being enacted at the moment. Under section 98 it is provided that a penalty up to £500 can be inflicted on any party breaching an industrial award. No minimum penalty is specified. My proposed amendments to the Act are novel but I believe they are logical. It is not intended that a minimum penalty shall be provided for a first offence, but in all cases for a second offence. In other words, the present situation would exist with regard to anyone breaching the Arbitration Act for the first time. He would be taken before the Arbitration Court or the industrial magistrate, and he could be cautioned or ordered to pay a fine up to £500. My Bill proposes to provide a minimum fine of £15 for those who are brought before the court for a second offence.

I am going to quote a few of the cases that have been brought before the court, but I will not mention any names because those concerned have already been penalised for the breaches. However, I have a list and anyone who cares to study it carefully can do so outside the Chamber. I will give a fairly comprehensive resume of the proceedings in the court to try to paint a fair picture of the situation.

The Carpenters' Union proceeded against a contractor for an evasion of £400 in wages. He was fined £60, which was a fair penalty for the offence.

The Hon. H. K. Watson: Dodged paying, or was taken for a ride?

The Hon. G. E. JEFFERY: He had dodged it in this case; and, as I said, I will give fuller details to anyone who cares to inquire outside this House. This particular case was of a man who engaged carpenters at a rate lower than that prescribed under the carpenters' award. Another contractor was before the court for having evaded the payment of wages totalling £217. He was fined £4 with £7 19s. 6d. costs.

I want to say at this stage that most of these offences occur in the building trade; and in the Carpenters' Union alone one of the senior officers spends more than half his time in the prosecution of offenders or in the preparation of briefs for such prosecutions.

The Hon. J. M. Thomson: Was it evasion of wages or living-away-from-home allowance for which the person was prosecuted?

The Hon. G. E. JEFFERY: For evasion of payment of wages. All these cases are listed in the *Western Australian Industrial Gazette*, and if anyone desires to study them further he has only to look them up.

There was a case in Albany, about which the honourable member might know more than I do, where a man evaded the payment of wages totalling £248, and for this offence he was fined £4 plus £7 11s. 6d. costs. In Bunbury a contractor who failed to register an apprentice was fined only £5. I think that is a very serious offence—more serious even than the evasion or non-payment of wages—because parents believe that their children are apprenticed. It is a very serious matter if, after believing that a boy has been apprenticed for two or three years, he is discovered by a representative of an industrial union to have no apprenticeship agreement at all. The result is that the parents of a boy of 18 years of age have to find for him a job which a 15-year-old boy should occupy. In most cases the union is left with the baby and has to find a job for him. Thank goodness in most instances it is possible to establish such a lad with an employer who will teach him and pay him the wage he should be receiving for his age. That is, of course, if he has had a reasonable chance of learning while with his previous employer.

However, in some cases the previous employer has been unscrupulous and has merely used the lad as cheap labour, so that by the time he is 18 years old he knows very little of the trade. That is a situation from which he will never recover.

The Hon. H. K. Watson: Does the boy have to begin again?

The Hon. G. E. JEFFERY: The boy has to sign indentures. I know of one case where a lad signed the papers at the age of 21; but, because he was a good type, he was paid much more than he should have been under the appropriate industrial apprenticeship agreement. In Manjimup a man failed to pay holiday pay totalling £109, for which he was fined £5.

Repeating the main principle of this Bill: Anyone committing a first breach of the award can be cautioned or fined a small amount, but for a second offence a minimum penalty of £15 is to be imposed. There are people who make regular appearances before the court for breaches of the Act. Some employers or people can make one mistake in any of these things; but, if they do, they generally take good care to learn something of their responsibilities, and they are never seen within the precincts of the industrial court again. However, the cases I have quoted convey a picture of fairly big offences in the industrial field for which the penalties imposed are more akin to the penalties which might have been imposed in 1910, especially when we consider money values today.

The Hon. H. K. Watson: Does this Bill apply to striking coalminers?

The Hon. G. E. JEFFERY: I am not concerned with coalminers. They have troubles enough of their own without their being worried with this. The provisions of the Bill are to apply to all parties covered by the Industrial Arbitration Act.

Most workers and employers have the intelligence not to commit an offence a second time, but some are not so good. The idea is for the penalty to be a deterrent. What is the use of fining an offender an insignificant amount or cautioning him? If we impose bigger penalties for a second breach of the Act, certain employers would have a much better approach towards the legislation.

Fortunately these offenders are only a small minority of those engaged in industry, but they are usually the ones who cause trouble in other fields. The type of man who evades his legal responsibilities in the field of industrial business, is often the successful tenderer for a contract, because obviously if he can tender a price which does not include the full award rates payable to employees, the man who pays the full award rates does not have a chance of competing.

The Hon. H. K. Watson: Like short-changing people.

The Hon. G. E. JEFFERY: Yes, he short-changes them in effect. The next case which I wish to quote is that of the Painters Union *versus* a firm in Perth. Two offences were involved, one being failure to give notice to employees, and the other, failure to pay holiday pay. The total amount of wages involved was £43 13s. 9d. The firm was convicted, but no penalty was imposed except £4 18s. costs.

Another case is that of the Meat Industry Union *versus* a butcher for failure to teach an apprentice the trade. He was cautioned and had to pay £3 8s. costs. What chance in this world has a boy if he is not taught the trade to which he is apprenticed? No matter how good his future employer may be, that boy starts off with a very big handicap. When he completes his apprenticeship, if he gets through, he will be very poor and for quite a time after achieving tradesman's rank he will not be up to the standard of others. Therefore he will find it very difficult to succeed. This is, to my way of thinking, a very serious offence, but the employer involved had only £3 8s. costs awarded against him.

A further case is that of the Musicians' Association *versus* a musician, the offence being failure to keep a time and wages book. He was fined £1 plus 8s. costs. As a result of that offence he could have evaded the payment of 10s. or £1,000, because owing to the nature of the industry, no-one can tell exactly the amount.

The turnover of workers in some businesses is high because the worker might start off with an employer and, by the end of the week, realising the employer's shortcomings, seek other employment. That type of employer has a large turnover in employees; and what appears to be a very small offence could actually be a small offence; but, at the same time, it could be a much greater one than at first appears. These prosecutions are all from page 112 of the *Western Australian Industrial Gazette* of 1958.

The next case is one which the Plasterers' Union took against an employer for failing to pay the correct rate of pay to an apprentice—an apprentice of all people; and the amount involved was £19 14s. 1d. The employer was cautioned with 8s. costs. The sum of £19 14s. 1d. could represent a short payment in an apprentice's pay over quite a period of time. When we consider the miserable rates of pay that apprentices get, this case shows the small stature of the person concerned.

Further prosecutions were taken by the union, one involving failure to pay overtime and allowances. On this occasion the amount involved was £144. The employer was cautioned with 8s. costs. A further prosecution, taken by a factories and shops inspector, concerned failure to produce a time and wages book. The employer was fined £5 with 8s. costs. Anyone who cares to read the *Western Australian Industrial Gazette* will find reports of other industrial court cases of this nature.

A man who is found guilty of a first offence has inflicted on him a penalty similar to those I have read out. Under my Bill for a second or any subsequent offence, the minimum penalty would be £15, which I consider is little enough.

I believe the Bill has merit, because it will give the honest employer a chance. If an employer breaches an award on one occasion, he may be cautioned or fined a small sum, but on a second occasion the minimum penalty would be a fine of £15. The maximum at present in the Act is £500; and I think that on today's values the sum of £15 is a fair enough penalty for a second offence against the Industrial Arbitration Act. I commend the Bill to the House.

THE HON. R. THOMPSON (West) [5.52]: I support the Bill. I do not think that one reputable employer in a thousand has anything to worry about in connection with it; it applies mainly to those employers of labour who purposely set out to flout the Arbitration Act. Employers who do things of this nature are usually small men.

The Hon. F. R. H. Lavery: Very small.

The Hon. R. THOMPSON: This measure would act as a deterrent.

The Hon. G. C. MacKinnon: Do you mean they are small in business?

The Hon. R. THOMPSON: I mean they are not small in stature; they are small in business—small in all respects. Their object is to get rich quick, and they do not care to what ends they go in order to achieve their object.

The reputable firms usually act within the law, and if they make a mistake it is usually made in ignorance by a member of the staff. The Bill is not designed to react against reputable firms, but to bring into line those employers who endeavour to flout the Arbitration Act by not paying the correct wages; by not paying proper holiday pay; by not paying sick pay, and so on.

Usually the employers are allowed to go scot free because the employees do not complain. But when a case is brought to a particular union and the union takes action the employer may be penalised. However, in most cases we find that the person who is being deprived of his wages does not belong to a union.

Just recently a young chap who did not belong to a union left his place of employment after giving due notice, and then the employer would not pay him the wages due to him.

The House need not fear that this measure will react against reputable firms; it will apply to those people who are men of straw and who are out to take advantage of the workers and their conditions.

On motion by The Hon. A. F. Griffith (Minister for Mines), debate adjourned.

MARRIED PERSONS (SUMMARY RELIEF) BILL

Recommittal

On motion by The Hon. R. F. Hutchison, Bill recommitted for the purpose of considering a new clause.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

New clause 23:

The Hon. R. F. HUTCHISON: I move—

Page 21—Insert the following to stand as clause 23:—

23. (1) The court may

(a) in making an order containing a provision for maintenance; or

(b) on the application of any person entitled to receive payment of maintenance under the the order, from time to time by a subsequent order

direct that all moneys payable and to become payable under the maintenance provision shall be paid to the Director on behalf of the person or persons specified in the direction, and may at any time vary or revoke the direction.

(2) Upon the making of an order containing any such direction and until the direction is revoked:—

(a) the order in so far as it contains a provision for maintenance shall be enforceable by the Director and by no other person, but nothing contained in this subsection shall prejudice or affect any process of execution or enforcement issued prior to but not completed at the date of the order containing the direction;

(b) payment by a party purporting to be in respect of maintenance shall not be a valid discharge to him unless the money is paid to the Director or to the court or is paid under process of execution or enforcement.

(3) In this section "Director" means the Director of the Child Welfare Department appointed under the Child Welfare Act, 1947.

The most important point is that this clause will keep the position open between the parties so that a reconciliation may be affected. Today, from a psychological point of view, we live in a disturbed state of mind at times; and people react differently when they do not have time to think matters over. I think the giving of authority to the department to take action would prevent personal bitterness. When a wife goes to court and obtains an order for maintenance, she has proved her case and shown that she is the wronged person.

The other night I told members that if a man, when he has parted from his wife in bitterness, had to deal with the department he would not be so ready to evade his responsibilities as he is at present; and there could probably be bitterness on both sides. Any action that is taken is generally taken by the wife, and that adds to the bitterness between the two parties. If the department had to take action, it would be more impersonal. Where children are involved I have known both parents to be very fond of them; but, through incompatability which is caused, generally, as a result of illness and stress, the break between husband and wife occurs, and the wife is eventually forced to sign a warrant

to commit her husband to prison because he has not kept up his maintenance payments.

I strongly object to that provision in the law at present, and I am therefore offering this new clause as a remedy. I think it will have a marked effect on these desertion cases. I have known married couples who have been separated for five years, but after their children have grown up a little they have effected a reconciliation and saved their homes. After all is said and done, the home is the source from which everything good for social living arises. We must also face up to the fact that war has had a great effect on the feelings and temperaments of many people, both men and women.

When a woman has been through the mill after her home has been broken, she has to bear the double burden of assuming the responsibility of both parents. Surely, in addition, she should not be expected to go to the Child Welfare Department to report that her husband has not paid her any maintenance allowance. She and her family would be much happier if she were assured of her maintenance payments being paid regularly. I think this new clause could be administered within the department, and I do not think any more expense would be involved. The married women's court is now surrounded by a pleasant atmosphere and people attending there do not feel degraded. We could probably save more marriages by amending the Bill as I am seeking to do. This amendment is the fulfilment of my endeavouring, over the years, to seek a remedy to the problem.

When I took my suggestion to the Crown Law Department there was a little confusion at first as to how the clause could be drafted. However, as members will realise after reading it, it is straightforward. I hope, therefore, the committee will agree to insert this new clause in the Bill.

The Hon. L. A. LOGAN: I appreciate that the honourable member has been trying to accomplish a solution such as this for some years. Unfortunately, however, her amendment would not achieve what she desires. It would create so many anomalies that I suggest to her that she withdraw this new clause for the time being, and I give her my promise, together with that of the Attorney-General, that the whole position will be investigated in readiness for the introduction of another Bill next session. The provision in this new clause means that the money will be paid to the Director of Child Welfare, but there is no provision for him to pay the money to anybody. That is the first obstacle.

If it is the intention of the provision that the director shall pay the amount which is payable under the maintenance order, that would definitely be a charge against the Crown, and the clause would have to be ruled out of order on that account. Thirdly, if we proclaimed the Act—which we could not—it would mean a definite increase in the staff of the Child Welfare Department. I have been advised that the department would have to increase the staff of the maintenance and records section accordingly, and this would definitely mean a charge on the Crown.

Also, this Bill will, when it becomes an Act, cover the whole State; but we have only six officers to administer this legislation in Kalgoorlie, Northam, Geraldton, Bunbury, Narrogin, and Albany. Despite that, there are, scattered throughout the State, 36 courts which administer the Married Women's Protection Act.

Therefore, it would be impossible for the amendment to be effective in areas where there is no Child Welfare Department officer. If the amendment were accepted it would mean that we would have to go through the whole of the Bill to make the necessary consequential amendments. As far as I can ascertain, 10 clauses would be affected. In addition, the clerks of courts at the six towns mentioned have complete sets of the accounts and records of the persons who go through the courts under this legislation, and if we were to put some of that work on to the staff of the Child Welfare Department it would mean that the work would be duplicated and would involve more expenditure.

I promise the honourable member that the ramifications of the whole position will be studied in an endeavour to work out a solution by next session. I am afraid, in the circumstances, I will have to oppose the new clause because of the anomalies it would create; and I do not wish to do that. I would rather see the honourable member withdraw her amendment, especially in view of the assurance I have given her. I would like to take this opportunity of giving her full credit for an attempt to effect something which she has been seeking to effect for some considerable time.

The Hon. R. THOMPSON: I cannot see in the new clause where the Child Welfare Department will be asked to receive money and not have the means to pay it. New clause 23 (1) (b) reads as follows:—

> The court may —
>
> (b) on the application of any person entitled to receive payment of maintenance under the order, from time to time by a subsequent order
>
> direct that all moneys payable and to become payable under the maintenance provision shall be paid to the Director on behalf of the person or persons specified in the direction, and may at any time vary or revoke the direction.

When money is payable to the director on behalf of the persons concerned, he would pass it on. If any anomalies do appear because of the acceptance of this new clause—and I take the Minister's word that this could be the position—those anomalies could be ironed out next session. In those circumstances we would be assured of the Bill coming before the Chamber.

The Hon. A. F. Griffith: What happens in the meantime?

The Hon. R. THOMPSON: The Minister who interjected has told us plenty of times this session—and last—that if anomalies occur in this Bill or that Bill, the matter will be brought back to Parliament so that the anomalies can be ironed out.

The Hon. A. F. Griffith: Don't leave us with a Bill that is unworkable.

The Hon. R. THOMPSON: The Minister for Local Government told us the same thing on this occasion. I have not heard one argument as to why this provision would be unworkable. Therefore, I would like the Minister who interjected to tell the Committee why. If the Committee accepts this new clause and anomalies do arise as a result, we will be assured that a Bill will come before the Chamber next year when the anomalies can be removed.

The Hon. G. C. MacKINNON: The other day I gave some support to the basic principles put forward by Mrs. Hutchison. I wanted to see this Bill pass, and I asked the Minister at the time whether he would give the matter further consideration. He has done this, and I now have to agree with him that a number of difficulties are associated with this particular matter; and these difficulties will take some time to investigate and consider.

Whilst agreeing with the stand that has been taken by Mrs. Hutchison to bring this principle about, I would add my voice in support of the Minister's request that she withdraw the new clause and give the experts of the department time to arrive at a satisfactory solution to the problem.

The Hon. A. R. JONES: I am fully in agreement with the aims of the honourable member, and I commend her for bringing the matter forward. I am sorry the Minister cannot accept the new clause at this stage as it is something we want to see in the Act. As it is not possible to do something about it now, I think it would be wisest to withdraw the proposed new clause. If this is done I promise to support a similar provision when the problems referred to by the Minister are overcome.

The Hon. R. F. HUTCHISON: I agree with the Minister that the matter does involve problems. My main concern is for women who have small families, and for women over 40 years of age who cannot find employment of any kind after being placed in the unhappy position of having been deserted by their husbands. I know that marriages these days are approached by the younger people more frivolously than used to be the case, and that anomalies could arise.

I will withdraw this proposed new clause provided the Minister will assure me, through you, Mr. Chairman, that he will bring the matter forward early next session. If he will give me that assurance I feel sure we will be able to do some good for the community at large. In view of the Minister's assurance of co-operation, I ask leave to withdraw this proposed new clause.

The Hon. L. A. LOGAN: Before you put the withdrawal motion, Mr. Chairman, I have a statement I would like to read to the Committee, which is as follows:—

> There were at the 30th October, 308 deserted wives in receipt of Child Welfare Department assistance. This number included—
>
> Women whose husbands could not be traced;
>
> women whose applications for maintenance, etc. were before the courts;
>
> women whose husbands were not complying with maintenance orders.
>
> It is evident there are many women who have maintenance orders against their husbands and who regularly re-receive payments through the courts. These people are unknown to the department, as are those who do not receive regular payments, but who subsist without the aid of this department.
>
> If maintenance orders are made payable to the Director of the Child Welfare Department, the department will have to receive these payments and disburse same to the wives. In addition to creating increased work within the department, it will delay payments to the wives, unless a trust fund from which payment could be disbursed was created.. At present money paid into the court is disbursed almost immediately, there being no necessity to disburse through the Treasury, disbursement being from the Crown Law Trust.
>
> The Hon. Mrs. Hutchison previously indicated that the department should pay reasonable sustenance to women with maintenance orders. At present, irrespective of the amount of the court order, the department grants assistance according to its monetary assistance scale. If the court order is less than the payment made, the department stands the loss. Should the court order exceed the rate of payment made, from payments received from the husband, the department deducts its costs and the balance is remitted to the wife.

Where an order for maintenance is made in Western Australia, the Child Welfare Department may and does become involved with that maintenance order should the husband reside or go to reside in another State. This is brought about by the fact that orders made in Western Australia, when enforced in another State, are enforced in accordance with the provisions of the Interstate Destitute Persons Relief Act, under which Act the Assistant Director of the Child Welfare Department is the collector. Apart from administration costs there is no expense incurred to the department, unless of course the husband ceases to pay and the wife, being without means, applies to the department for financial assistance. This application for assistance would have been made had the husband ceased to pay when he was in Western Australia.

It is evident that some people would have the department involved with the enforcement of the order, irrespective of whether or not the order is complied with or whether or not the defendant resides in this State.

For clarification of the position at the present, it is pointed out that where the Child Welfare Department is financially involved, the department will dictate as to the enforcement of the order. When the department is not financially involved, and the husband is in Western Australia, the wife will initiate the process that may or may not result in her husband's imprisonment.

If the husband is in Western Australia the wife must sign a *praecipe* for the issue of the warrant.

If the husband is not in Western Australia, by virtue of the fact that the order is being enforced in accordance with the provisions of the Interstate Destitute Persons Relief Act, it will not be necessary for the wife to sign this *praecipe*. Nevertheless, if the husband is imprisoned it will be at her instigation.

The signing of the order of commitment does not make it an order of imprisonment. The order of commitment is signed so as to receive money. It is when the person to whom the commitment is issued does not pay that he automatically puts himself in prison because he does not comply with the order. I appreciate Mrs. Hutchison's attitude in this regard and the assurance I have given will be carried out.

New clause, by leave, withdrawn.

Further Report

Bill again reported without amendment and the report adopted.

Third Reading

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

LAND TAX ASSESSMENT ACT AMENDMENT BILL

First Reading

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

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.28]: I move—

That the Bill be now read a second time.

The Premier, when Leader of the Opposition, undertook, prior to the 1959 general election, in the event of gaining office to endeavour to provide relief from land tax on a basis of allowing a 25 per cent. rebate of tax on all land which qualified as improved land within the provisions of the legislation. The determination of this percentage took into account this State's relative taxing position as regards other State levels. Meanwhile, there has been a considerable change in the relative position.

Land tax rates have been highly increased in Queensland, for instance, during the past financial year; and, as a result, the standard against which this State's revenue-raising effort is measured was raised substantially. It is therefore not possible to adhere to the original intention. Were a 25 per cent. reduction granted at this point of time, the Government would have to be prepared either to reduce the level of service currently provided from Consolidated Revenue or increase deficit funding operations at the expense of loan funds.

I might add that the Government is under an obligation to pay due regard to the levels of taxation existing in the non-claimant or standard States otherwise this State might suffer by unfavourable adjustments in the determination of the special grant.

While it is not possible to grant the full 25 per cent. reduction as had been hoped at the time, it is possible, through the introduction of this Bill, to make provision for a reduction of 10 per cent. in the amount of tax now payable on improved land; and through this measure the Government is giving effect to its undertaking to reduce the incidence of this tax.

The reduced rates will benefit all land-tax payers holding improved land and will become effective as from the 1st July last upon the passing of this Bill. This provision is estimated to cost £105,000 per annum.

Several other clauses of the Bill deal with relatively minor amendments, the most important being the clarification of the position with foreign company assessments; and another is the correction of an anomaly in respect of improvements of town lands.

Subsection (3) of section 8 of the principal Act provides for a 50 per cent. increase in the tax rate in respect of land, the owner of which has not been resident in the Commonwealth of Australia during any portion of the year next preceding the year of assessment.

The penalty has not been applied to foreign companies, namely, companies the registered offices of which are outside Western Australia.

Recent court decisions have, however, made it clear that, though a foreign company carries on business in this State, it is an absentee owner for the purpose of the Land Tax Assessment Act if it owns land.

It would be most undesirable for the Government to levy a penalty rate on non-resident companies carrying on business in this State, and more especially so at the present time when very special efforts are being made to attract additional industry into our midst.

The Bill accordingly proposes to remove these companies from the operation of the section previously referred to, and to ensure a continuance of the present practice of not imposing the 50 per cent. penalty.

The 1956 amending Bill created an anomaly in respect of improvements of town lands. Prior to this amendment land was divided into two broad classes under the provisions of section 9 for the purpose of ascertaining whether it could be deemed improved land. The classes are described as primary industry land and other land.

Primary industry land was deemed to be improved in the event of improvements having been effected to the extent of an amount equal to £1 per acre or one-third of the unimproved value of land, whichever was the lesser, or to the amount prescribed by the Land Act.

Other land, that is, land not used for the purpose of primary industry, was deemed to be improved if improvements had been effected to the extent of an amount of not less than one-third of the unimproved value of the land, with an upper limit of £50 per foot of frontage.

The distinction between these two types of land disappeared through the passing of the amending Bill in 1956, with the result that it could now be argued that improvements to the value of £1, say, on suburban land could render it as liable to be deemed improved land, so enabling it to be taxed at the lesser rate of tax.

The amendment contained in clause 3 provides for the removal of this anomaly and, consequently, the restoration of the position which existed prior to the amendment previously referred to, with the effect that primary industry land would no longer be taxable should improvements as required by the Act have been effected; and, on the other hand, other land would be taxable at the higher rate unless improvements to the amount of one-third of the unimproved value had been effected.

THE HON. F. J. S. WISE (North) [5.35]: The Minister emphasised that this Bill, in part, was the outcome of a promise made by the Premier when, as the Leader of the Opposition, he said he would, if he became Treasurer of the State, reduce the land tax. As the Minister has explained, the Bill contains three or four other minor principles. In so far as the minor principles are concerned—that is, those points which deal with absentee owners; the question of adjusting the mention of sterling; the adjustment of the designation "improved land"; the application to urban and rural land; and the ensuring that urban land does not wholly and only come within the measure applied to rural land—there is not any doubt that the amendments proposed will give clarity to the existing situation.

I mentioned a week or two ago—and perhaps on more than one occasion—the matter of the proposed, or suggested, reduction in land tax; and I drew attention to the fact that in the Budget tables, where the Premier is budgeting for an income from land tax of £1,240,000, he is budgeting for an increase over all. I am conscious of the strictures upon the Premier in regard to his desire, on the one hand, to give effect to an election promise and, on the other of being forced to conform to what is approaching standard practice of other States in a tax of this kind. Although I think the Government has laboured and brought forth a mouse in so far as the amount of reduction is concerned, it is a reduction. It will affect the majority of people to the extent of shillings and not pounds; it will affect the owners of larger estates and more valuable land by several pounds; but in the main it is a very small reduction; and I think the only reason it is here is to give effect to the promise made by the Premier.

There is one clause in the Bill that received no analysis or mention by the Minister when he introduced the Bill.

The Hon. A. F. Griffith: Which clause?

The Hon. F. J. S. WISE: Clause 2; and having had the courtesy extended to me of the Minister's notes as he was introducing the Bill, I looked in vain for an explanation of the latter part of that clause which provides, from my interpretation of it, that if a person is the owner of both improved land and unimproved land, his assessment over all the land that he possesses will be on the basis of a 10 per cent. reduction.

If my reading of this Bill is correct, and my interpretation of the Land Tax Act of 1956 is correct, in the scale where the various gradients give the different rates—the different values—unimproved land would be in an entirely different category. This is something which could be

very vital and far-reaching in the assessment of income from this Bill, or the effect of the deduction mentioned in this Bill; because could it not be that a person with a tremendous amount of outer suburban land—either subdivided now or intended to be subdivided—could own a house in any suburb or in the heart of the city, and because he was the owner of both sorts of land, from my interpretation of paragraph (b) of the proposed new sub-section (5) within clause 2, would it not mean that all of his land would be assessed at the improved land rate?

I do not know whether the Minister can enlighten us on that point; but if members carefully read paragraph (b) in this clause, before they get to the bottom of page 2 and stop at the word "lands," it is as clear as words can express it. But it becomes quite involved if members continue reading on to page 3; and I think my interpretation is correct. It means that if improved land and unimproved land are held under the same ownership, no matter where it is held, it will be subject to the tax as if all the land were improved land.

The Hon. A. F. Griffith: Do I understand that you are talking of the man who owns suburban property that is improved, and out-of-town property that is not improved, and saying that the two might be taxed together?

The Hon. F. J. S. WISE: No; I am speaking of a man who may have, say, in West Perth, or in Cottesloe—he may even live in Rosser Street, Cottesloe—an interest in suburban land that is subdivided. If he only owned the subdivided unimproved land he would be subject to the rate as if it were unimproved land. My interpretation of this Bill is that if the people who own very big estates of subdivided land, or land able to be subdivided, also own a house or an improved area, then all of the land could be subject to the improved land rate. If I am right—

The Hon. A. F. Griffith: That is what I thought you thought.

The Hon. F. J. S. WISE: If I am right, it could be a much bigger dent than £110.000 in the total collections. While it is not for me to suggest that the Government might wish to shut the gate, it seems that the gate is open; and this point may, according to how this Bill proceeds, be worthy of attention and examination—

The Hon. A. F. Griffith: Yes; thank you.

The Hon. F. J. S. WISE: —because I think that may not be intended.

The Hon. A. F. Griffith: I am sure it is not.

The Hon. F. J. S. WISE: Although this deduction is not 10 per cent.—on the total in the Budget tables it amounts to round about 9 per cent.—this will make it a much greater deduction than the one the Government anticipates, if the Bill is intended to be read as I read it.

In general the reduction is, for the average owner of improved land, of a very minor kind. But because it is some reduction I have no objection at all in supporting the promise the Premier made; realising, as I do, that he dare not, without a lot of embarrassment to himself, make a much greater reduction when a case for his own collections for Consolidated Revenue is being placed before the Grants Commission. I support the Bill.

On motion by The Hon. H. K. Watson, debate adjourned.

METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th November.

THE HON. H. C. STRICKLAND (North) [5.45]: To me this Bill appears to be nothing more than a measure of appeasement—

The Hon. F. D. Willmott: Tut, tut!

The Hon. H. C. STRICKLAND: —in relation to those in the metropolitan area who are called upon to pay very high water rates. We know there has been a considerable amount of discontent throughout the metropolitan area in the last 12 months, particularly; and, more particularly, in the last six months.

Householders and landowners in the metropolitan area have been receiving their water rate assessments; and judging by the amount of discontent displayed through constant complaints in the daily Press, I would say the Government has now found itself in a position where it has to try to change the complexion of the existing Act, if not the actual effect or operation of the Act. As far as I can see all that the Bill does is to pass the buck, shall we say, from the Minister to a proposed board in reference to appeals against assessments.

The Hon. F. D. Willmott: Even you are laughing.

The Hon. H. C. STRICKLAND: I have studied the Bill, and its main provisions are merely to combine the two percentages of deductions against annual rental assessments; that is, the two deductions of 20 per cent.—one for repairs, maintenance, and insurance, and the other covering rates and taxes. The idea is to amalgamate those two 20 per cent. allowable deductions in assessing the value of the property and call it 40 per cent. over all.

While the Bill has given the Government a certain amount of publicity in the Press, and has given aggrieved ratepayers in the community some hope that something is being done, as far as I can see it does nothing; it gives no positive relief at all.

Under one provision in the Bill an appeal board will be set up instead of an appeal having to be made direct to the Minister, which is the present position. But if we look at the personnel of the appeal board we find, as I said previously, that it is really only passing the responsibility directly from the Minister to an appeal board constituted in the main of persons who will represent the Minister.

One member of the board shall be appointed by the Governor upon the nomination of the Minister, and he shall be chairman; and his nomination will be direct from the Minister. Another member of the board of three is to be an officer of the Government department known as the Metropolitan Water Supply, Sewerage and Drainage Department. The Bill does not say who shall nominate him, but he will be a nominee of the department, and such nomination will have to go through the Minister and be approved by him. Such officer would, of course, be defending the department—the Metropolitan Water Supply, Sewerage and Drainage Department. The third member of the board is to be a ratepayer being a person who is not subject to the provisions of the Public Service Act. The Bill does not say where he is to come from; but he will be appointed by the Governor.

Somebody will have to submit his name to the Governor; and I would suggest that a panel of names would be submitted by the Minister to Cabinet so that one could be selected and then approved by the Governor. Therefore, when we look at the proposed appeal board, we see, as I said in my earlier remarks, that it is nothing more than a board appointed by the Minister; and it will merely mean passing the buck directly from the Minister to the board.

The Hon. A. F. Griffith: You could be wrong, of course.

The Hon. H. C. STRICKLAND: I could be; but the Bill definitely specifies that the Minister shall, in effect, appoint two of the three members, and two will constitute a majority whose decision shall be final. The board does not have to be unanimous in its decisions; a majority decision has effect. As the Minister said, I may be wrong; but I would be glad if he could tell us what positive relief this Bill will give in respect of valuations, and in respect of the rates that have been levied.

There is another provision in the Bill under which valuations will be made by the valuers of the Taxation Department rather than the valuers of the Metropolitan Water Supply, Sewerage and Drainage Department. Those of us in the metropolitan area who pay land tax know what the position is in respect of Taxation Department valuers; their valuations, over the years, have been subject to some rather violent jumps or increases.

The Hon. A. F. Griffith: My word! We found that out a couple of years ago.

The Hon. H. C. STRICKLAND: That is so; but the Minister's Government has not heeded its experience in that regard. Evidently the Government intends to capitalise on that position; it has said, "We will have these valuers; they are the boys to bump things along."

The Hon. A. F. Griffith: We are simply trying to evolve a system under which everybody will be valued at the one time rather than have some Minister direct that certain suburbs will not be valued at a certain time, as has been done in the past.

The Hon. H. C. STRICKLAND: I would be glad if the Minister could give me some assurance that that work could be done at one stroke.

The Hon. A. F. Griffith: There will be a much better chance of doing it now because there are four valuers down there.

The Hon. H. C. STRICKLAND: I cannot see how that better chance is arrived at because, no doubt, the valuers in the Metropolitan Water Supply, Sewerage and Drainage Department have some idea of Taxation Department valuations. The difference between the two is not very much.

The Hon. F. J. S. Wise: Of course, the main anomalies are between the static districts and the growing districts; that is where the difference comes in.

The Hon. H. C. STRICKLAND: That is so; but mainly I would say valuations are based on Taxation Department valuations; and in this instance, as I said earlier, I presume the Government's action is one of appeasement. There were complaints that the department's valuers simply walked along the footpath, had a look at these houses and then said, "The value of these places is so much."

The Hon. L. A. Logan: That is the Water Supply Department's valuers?

The Hon. H. C. STRICKLAND: Yes; there were complaints about that, if the Press can be believed—and I daresay those reports were quite correct. The public is up in arms because many people are paying for water which they cannot use. I know of several cases where the owners of properties have paid for three times the quantity of water they were able to use. Because of these complaints the Government decided that it would introduce a "pay-as-you-use" system; in fact, that was a plank of its platform at the last elections; the Government has a mandate to introduce that system.

We hear a lot about the mandates this Government has; and it has a mandate to introduce legislation covering a "pay-as-you-use" system. But so far nothing has happened. All the Government has done has been to set up a committee to inquire into the matter and report back to the Government. I understand that the report of this committee has been in the hands of

the Government for something like three months; but nothing has been done about it. This legislation will not help those people who want a "pay-as-you-use" system; it will not give effect to the mandate which the Government received in that direction.

Apparently the report of the committee is not yet available. In another place both the Minister and the Premier have been asked to make the report available but, according to the replies received, the Government has not yet concluded its consideration of the report. That seems strange to me considering that the Government went to the people and put up a proposition that it would investigate the "pay-as-you-use" system because of the excessive water charges in the metropolitan area. The Government, at the elections, said that it would see whether it would be possible to bring about a "pay-as-you-use" system, and that it would do all in its power to make charges for water equitable.

This is the outcome. After two years of government, and in the dying hours of the session, we have presented to us a Bill dealing with metropolitan water supply charges, valuations, and appeals. It does nothing positive about reducing the charges for water, and there is no reference in the legislation to the result of the Government's "pay-as-you-use" inquiry. The papers have been denied members in another place; and it strikes me as rather peculiar that, having received a so-called mandate from the people with respect to all sections of its policy, the Government has done nothing about it.

The Government has been very slow and evasive about doing something in regard to the "pay-as-you-use" plank of its platform, bearing in mind that it has had the report since September. I would have expected the Government to make the report public if it feels that it is not possible, in a practical way, to implement such a scheme. The Government should come out into the open and tell the public the committee has found that it is not a practical proposition; the Government should say, "It is not possible for us to carry out that plank of our platform so, instead, we are introducing a Bill to amend the Metropolitan Water Supply, Sewerage and Drainage Act which, in effect, will simply allow you to appeal to a board constituted of three members, two of whom will be Government nominees."

That is about the strength of the Bill, except for the alteration to the system of valuations. Nobody will gain anything out of it; and, as it will affect nobody—and certainly it will not hurt anybody if it is not passed—I suggest that we reject the measure until the Government can bring down a comprehensive Bill based on the findings of the "pay-as-you-use" committee. This Bill will benefit nobody.

The Hon. A. F. Griffith: And let the illegal practice that has been discovered by the Crown Law Department continue!

The Hon. H. C. STRICKLAND: We have heard a lot about this illegal practice, and the necessity to validate it. But is it illegal? All I have read about it in the newspaper is that there is a body of legal opinion which says it is illegal. But legal opinion differs all the time. Otherwise we would not have arguments in the courts. One legal representative will adopt one line of argument while another legal representative will argue on quite opposite lines. There is only one way to test this matter out, and that is to go through the legal channels.

The validating clause in the Bill is the only one on which the Minister places any importance; and this bears out my contention that the Bill contains nothing of value at all. If the validating clause is worrying the Government, I have no objection to passing that provision to make sure that everything is legal. However, I feel nobody would contest the present position. If anybody refused to pay water rates, the department would very soon challenge the refusal through the court.

We find that in certain cases under this Bill people who have not paid their water rates will not be entitled to appeal. People must first pay up and then appeal. The provision is along the lines of the principle adopted by the Taxation Department which says, "First pay up, and then prove you do not owe it." This Bill makes no exception whatever. The paragraph concerning appeals states that the ratepayers must pay the amount of the assessment before they are entitled to appeal. So we cannot follow that one through very well as being in any way lenient to those who use water in the metropolitan area.

Apart from the question of the expense of water, I have another complaint to make about it. I have found that in the area in which I live the water is becoming very hard. In addition, it is most insipid and quite unpalatable to drink—so much so that I wonder whether the water in that district complies with the standard health regulations. Is it fit for human consumption? Has it been analysed? Is it being regularly analysed? I find that there is a tremendous amount of rust and dirt coming through the pipes, and it would seem that a great deal of bore water is being infused into the water supply in the metropolitan area. My remarks are directed to the West Perth area, and I can assure the House that it is becoming exceedingly difficult to get any sort of lather in that water, which shows that the water is hardening, and that minerals are being infused into it.

The Hon. A. F. Griffith: You will have to change your soap.

The Hon. H. C. STRICKLAND: I should say that the quality of the water has deteriorated to the extent where something like 75 per cent. bore water has been infused into the water supply of West Perth. My analysis of the water in the district in which I live would be that it contains about three parts of bore water to one part of rain water from the hills catchment.

The Hon. A. F. Griffith: Is that your analysis?

The Hon. H. C. STRICKLAND: The Minister can tell us when he replies what the actual analysis is. I think he should reply to the debate tomorrow; and he should have the laboratories examine this water and give us an analysis. Incidentally, of course, the Government can have that done for nothing; and I would point out that the charge for making an analysis is another aspect which favours the man on the land. The man on the land pays 5s. for an analysis; but the man who puts down his own water supply to help the Government—whether it is in West Perth or anywhere else—has to pay £1 if he wishes to have an analysis made. That is the set charge. I do not know who put it there, but that is the difference in the amounts.

Since we have the use of the Government laboratories I think it might be well if the Minister produced an analysis of water sold to the householders in the West Perth area.

The Hon. H. K. Watson: The present quality of the water leaves much to be desired.

The Hon. H. C. STRICKLAND: That is quite right; and it is quite possible it may have injurious effects. I have a rainwater tank.

The Hon. A. F. Griffith: You look pretty well.

The Hon. H. C. STRICKLAND: I confine myself to the use of the rainwater.

The Hon. F. J. S. Wise: He has had to go off water.

The Hon. H. C. STRICKLAND: Since we have had a proportion of subterranean and artesian water infused into the water supply from time to time when there have been shortages, a number of residents around us have found it necessary to renew the piping in their premises because it rusts away very quickly. I suppose it would be correct to say that the life of the galvanised piping has been cut by half since the water has been "bulled" with artesian water—if I might use that expression. It seems to me that the Water Supply Department should, just as the police have a man running around various liquor establishments to see that no water is being put into the whisky, appoint an inspector to see that people are being provided with water which is not injurious; to see that we get fair quality; to see that we get value for our money.

From a health point of view I see no reason why an analysis should not be made and presented to the House so that members and the public may know whether or not the water is injurious to health. I oppose the Bill.

On motion by The Hon. A. F. Griffith (Minister for Mines), debate adjourned.

Sitting suspended from 6.8 to 7.30 p.m.

BRANDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th November.

THE HON. A. R. JONES (Midland—in reply) [7.30]: I again appeal to members to support the measure; and I thank those members who have made contributions to the debate. If we all enter into debate with open minds we will certainly learn from each other. I have learned much from the opinions which I have heard expressed in this debate. I trust that before I finish my reply, those who have any doubts at all regarding this measure will cease to hold those doubts.

Firstly, I want to reiterate the reasons for bringing forward this Bill. Its main object is to assist the police, and to make it easier for police officers to track down those engaged in cattle duffing. It appears that more of this is going on than we give credit for. The second object of the Bill is to assist the police in cases where cattle stray on highways and roads; and when cattle are impounded this Bill, if passed, will help poundkeepers to establish ownership of the animals. Further, the measure will assist the police and interested parties in establishing the ownership of cattle involved in accidents. I have related where straying cattle have caused accidents, which resulted in the loss of life.

The proposals in the measure relate, firstly, to horses. The Act at present decrees that all horses, irrespective of where they are in this State, must be branded before they attain the age of 18 months. In the case of cattle branding, the State is divided into two sections for the purposes of the Act. It is sufficient for the point of my argument to say that the two sections are, firstly, the station area; and, secondly, the agricultural area.

In the station area, cattle must be branded before they are 18 months old. In the balance of the State—that is the agricultural area—they must be branded before they are 12 months old. The amendments in the Bill propose that horses shall be branded before they are nine months old; and cattle shall be earmarked or branded when they are three months old. I have stressed the earmarking of cattle, because I think that is a practical and sensible method of identification.

I must concede that when Mr. Willmott spoke, he pointed out quite correctly that it would be very inconvenient for the owners of animals in the station area to muster their horses and brand them before they are 18 months old. I agree that is the case. I have placed some amendments on the notice paper, and in them I have suggested that horses should come within the same category as cattle: the owners should not be expected to brand them before they are 18 months of age. For the rest of the State, I propose that horses shall be branded as stated in an amendment to the Bill. In my amendment on the notice paper I have provided that horses shall be branded before they are 12 months old.

I am not really so concerned with horses, because in these days not a great many of them are bred, outside of those which are bloodstock animals. Of course, these animals are well looked after, and details of their ancestry and markings are entered in the *Stud Book* as soon as possible. Therefore, whether or not they are branded or earmarked it is relatively easy to establish the ownership of those horses.

In the case of cattle the position is very much different, because thousands upon thousands are bred in all parts of the State, particularly in the agricultural areas where closer settlement is going on all the time. In my opinion no hardship would be imposed in compelling the owners of animals to earmark the cattle at a young age—younger than the age of 12 months prescribed in the Act.

Replying to some of the points raised by the members who have spoken in this debate, I thank Mr. MacKinnon for emphasising the fact that in 1958 I spoke against the branding of young stock. I meant firebranding when I spoke on that occasion, just as he referred to firebranding when he spoke. I did state on that occasion that the firebranding of young stock, which are raised to be sent to market as yearling or baby beef, would be rather harsh. I still hold that point of view. I thank the honourable member again for referring to what I said. It gives me the opportunity of furthering my argument on this occasion, because all I now ask for is the earmarking of cattle; and earmarking does not cause any trouble to young animals. Earmarking of lambs is carried out when the animals are two to three weeks old, and sometimes when they are only 10 days old.

I refer to the point raised by Mr. Willmott that calves, raised on the bucket, will tend to suck anything, such as the ears of other calves. I concede that point. He said this practice would tend to damage the earmark on young stock. I again agree that he is quite right, because at three months of age calves would still be fed on the bucket. His argument is sound when he refers to animals of that tender age.

However, if this House agreed to the amendment, appearing on the notice paper in my name, that cattle should be earmarked by the time they are six months of age, then people who raised calves on the bucket could, just before the animals were weaned and turned out, earmark them. It would be a simple matter of management. People who raise calves under that method would earmark them at the most suitable time so that the young stock would not damage the earmarks of each other. Generally people raising calves in this manner control the mating of the animals during the year, so that the calves are born, within two months during a period of the year when the young stock will grow best and will mature more quickly.

It is no hardship to earmark young stock in such cases; it is a matter of taking the earmarking pliers into the paddock. It would be no hardship to do this at the same time as the owners of stock carry out the desexing of the male stock with emasculators or rings. These operations would only take a few minutes.

Mr. Willmott referred to stock raised in coastal country at certain times of the year. He was correct in saying that some breeders turned their cattle out to coastal country for a certain time of the year and that because of the wet and boggy terrain they do not see the animals again for six months.

The Hon. F. D. Willmott: The trouble is the owners are 100 miles away at their farms.

The Hon. A. R. JONES: That is so. It would, in those circumstances, be impossible to handle the stock when they are three months old. If calves are dropped in the months of April, May, and June, by the time September, October, and November come along, they will be six months old, when it will not be a hardship to earmark them.

A point was raised that young stock should be left until they were older before being earmarked. If we left the animals until they attained the age of 12 months it would be a difficult job to handle them and earmark them because they would be much larger. I say that wherever possible, and it would be possible in many cases, they should be handled at the age of a week or a fortnight. That is the time when this earmarking should be done, because it is very easy to turn a calf over. It is a matter of planning to do the best to suit the over-all circumstances of the individual breeder.

In some cases—I do not know whether there are a great many such cases—there would be a hardship in earmarking before the animals were three months old; but I

cannot see any hardship in asking breeders to earmark their young stock before they reach six months of age.

The Hon. S. T. J. Thompson: How would you distinguish the age of six months?

The Hon. A. R. JONES: I answer the honourable member by asking how we would establish the age of an animal when it is 18 months old? It would perhaps be more difficult to determine the correct age when the animal is 18 months old, than when it is six months old. If cattle are bred under control and supervision, the calves are dropped at a certain time of the year. By the time September comes around the breeders will know the stock are so many months of age. It would be easier to establish the age of the animals when they were six months old than when they were 18 months old.

I think I have answered, to the satisfaction of those who have taken part in this debate, the queries they raised. I leave it to the vote of the House to decide the issue.

In conclusion, I would remind members that lambs are earmarked at a very tender age—before they are a fortnight old if possible. No damage is done to lambs earmarked at that age; certainly there is insufficient done to rule out the advantage of earmarking of young stock.

The point was raised by Mr. Willmott about the difficulty of having the present Act complied with. He asked why we should make it any harder for the owners of stock, when at present the Act is not complied with. My reply is that if we adopt such an attitude the only way in which the Act can be complied with is by having no Act at all, so that people will not have to brand their stock, and so be lawful.

We should make it as easy as possible for the police to determine the ownership of animals; we should assist the police to track people who wilfully steal cattle; and we should make it easy for the police to determine the ownership of stock, in cases where the owners do not use good husbandry in the care of their stock, but allow them to stray. Where it is possible we should do all we can to help those people in determining ownership of stock.

I will leave the matter there and let the House be the judge of whether the suggestions I have made are practicable. I think I have made it clear that I desire that horses branded in the part of the State classed as station country shall be dealt with at 18 months, and, in the rest of the State, before they attain the age of 12 months. However, I am not overparticular about that. I would, during Committee, rather delete the reference to horses than lose the whole Bill.

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

Ayes—19.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. A. R. Jones	Hon. J. D. Teahan
Hon. F. R. H. Lavery	*(Teller.)*

Noes—9.

Hon. C. R. Abbey	Hon. S. T. Thompson
Hon. J. Cunningham	Hon. H. K. Watson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller.)*

Majority for—10.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. R. Jones in charge of the Bill.

Clause 1 put and passed.

Clause 2—Section 27 amended:

The Hon. A. R. JONES: I move that the clause be amended as follows:—

Page 2:

Insert the following to stand as paragraph (a):—

(a) by substituting for the words "in whatever part of the State they may be" in lines three and four of paragraph (b) the words "if they are in the specified area".

Line 5—Delete the word "nine" and substitute the word "twelve".

Insert after paragraph (a) in lines 3 to 5 the following to stand as paragraph (b):—

(b) by adding the following words to paragraph (b)—

if they are elsewhere than in the specified area, before they attain the age of eighteen months.

Amendments put and passed.

The Hon. A. R. JONES: I move an amendment—

Page 2, line 8—Delete the word "three" and substitute the word "six."

The Hon. F. D. WILLMOTT: This is the amendment dealing with cattle; and it proposes to alter the Bill as introduced by extending from three months to six months the age by which cattle must be branded. This amendment does not go far enough; in fact, I feel the Act is better as it now is. I repeat that for identification of stolen cattle for police purposes an earmark is of very little value because it is too easily altered. A firebrand, on the other hand, is very difficult to alter by means of a running iron, and such a

method can be easily detected. I maintain that if the police desire to control the stealing of cattle, firebranding must be enforced. That will come one of these days.

I agree with what Mr. Jones said, that we do not want to see young stock firebranded. That is why I do not feel the age should be altered from what it is today—12 months. At that age we should enforce firebranding. If this amendment is passed the owners will earmark their beasts to comply with the Act, but will never firebrand them, and there will be more cattle stealing than there is at the moment. I oppose this amendment and hope that it will be realised that firebranding at 12 months is necessary.

The Hon. G. BENNETTS: I agree with the remarks of Mr. Willmott. Many head of cattle will be introduced to Esperance in a few years, and I know that earmarking can be altered at any time. I believe that firebranding is the only method of identification which should be adopted at the age of 12 months, which is quite young enough.

The Hon. L. A. LOGAN: Mr. Jones raised the issue in the introduction of this measure because he desired that there should be available some proof of the ownership of animals that are involved in accidents on roads. I think it applies equally as well to the sale of stock in stockyards. It is very difficult for anyone to prove ownership of stock which is placed in a saleyard. I would remind members that most of the baby beef is on the market before 12 months.

The Hon. F. D. Willmott: A different amendment should be introduced.

The Hon. L. A. LOGAN: Yes. It would be better to earmark the cattle between the age of six and 12 months and make it compulsory for the cattle to be firebranded at the age of 12 months. That would be a way out of the problem. Over the last few weeks we have had reports of difficulties in tracing people who have placed in saleyards, cattle which do not belong to them. They have duffed them, in other words. I gave Mr. Jones an example of that this evening. There is no possible hope of proving ownership when there is no mark on the cattle.

If Mr. Jones can amend the Act to make it compulsory for earmarking to be carried out between six and twelve months and for firebranding to be done after twelve months, it would be a way out. In regard to stealing, it is essential to have some mark on an animal before it is 12 months old.

The Hon. F. D. WILLMOTT: It is obvious the Minister has missed my point. I am quite in agreement that we should earmark cattle; and they could be earmarked at three months and not six months. I repeat that most of the trouble in connection with stealing arises because the cattle are not branded. People who earmark cattle at three months or six months will not firebrand them; and that is where the trouble comes in. An earmark is poor identification, particularly in regard to an older beast. Many cattle—three and four-year-old cattle—go into saleyards unbranded.

It is quite all right to make it compulsory to earmark cattle at the age of three months; but we should make it compulsory to brand them at 12 months. I ask members to vote against the amendment because it will do just the opposite to what they think.

The Hon. C. R. ABBEY: I cannot agree with Mr. Jones that this amendment is necessary. I feel that the age of 12 months is quite adequate. The situation in connection with the detection of stolen stock is not satisfactory, because the police in the country are overworked. In many centres there is only one officer and he does not work overtime. As a result he has to investigate cattle-stealing cases during certain hours; and he is on a restricted mileage basis. There is no special detection staff, which we badly need.

What Mr. Jones suggests will provide a means of identification in the case of an accident, but there are not many accidents in 12 months or even in five years. Compulsory branding at 12 months would be successful, and the police officers would then have some real identification to work on. Earmarks are easily defaced.

I am wondering whether Mr. Jones has discussed this amendment with the representatives of the industry—the Farmers' Union. I have always found that the Farmers' Union has been opposed, in the main, to any alteration to the Act.

The Hon. F. R. H. LAVERY: Mr. Abbey referred to the police officers in the country areas. If we do provide for compulsory branding at 12 months who is going to police that provision?

The Hon. A. R. JONES: I was asked whether I had consulted the people concerned—the farmers. Well, I have; and they are concerned with the amount of duffing that is going on. I have been told that my proposals have been favourably received; particularly my suggestion that I should, perhaps, provide for the age of six months. I have here a letter which appeared in the *Geraldton Guardian* on Tuesday, the 15th November last. Under the heading "Farmers Should Brand Their Stock to Deter Thieves" we find the following:—

> The recent appeal of the Police Department to stockowners to cooperate in efforts to stamp out cattle thefts should meet with a ready response," said the Farmers' Union General President (Mr. Grant McDonald) recently.

He explained that for a great many years union executives had sought means whereby widespread stock stealing could be brought under effective control, if it could not be completely eliminated. In all discussions within the union and with other authorities stress was laid on the necessity for the legible branding to police trafficking in stolen stock.

So members can see that the Farmers' Union is concerned.

Hon. C. R. Abbey: There is no comment on the age in that letter?

Hon. A. R. JONES: No. In another newspaper report under the heading "Daring Duffers Worry C.I.B.", we find this—

C.I.B. detectives at Bunbury are concerned at a flare-up of cattle duffing in the lower South-West. Daring duffers even stole some cattle from saleyards after they had been sold. A senior detective said today that detectives would visit saleyards and farms to try to curb the thefts.

Mr. Willmott said that earmarks can be mutilated and changed. That may be so, but we have been earmarking sheep for years; and if earmarking has stood the test of time with sheep, it would not be out of the way to experiment with the earmarking of cattle. Even though the earmarks might be mutilated, the detectives would have something to go on.

Stock up to the age of 12 months which go into saleyards have nothing to identify them. I feel it is necessary to make a start somewhere. I might agree with Mr. Willmott that at 12 months stock should be firebranded, but let us have some identification when they are young. I suggest that six months is not too early an age to earmark them.

The Hon. F. D. WILLMOTT: I still cannot agree with Mr. Jones. He has laid great stress on cattle stealing. The main trouble in regard to cattle stealing arises from the fact that older cattle are not firebranded. If the honourable member has tried to take baby beef stock from their mothers, he knows what trouble he has been in. Sheep can be easily stolen at night, but one cannot steal baby beef because one would have a real fight on one's hands. Anybody living within two miles of the stealing operations would know what was going on. The same thing would happen if one tried to steal baby beef at the saleyards. Mostly it is older cattle that are stolen. I feel that too much stress is laid on the matter of stealing baby beef, because that is not the sort of cattle that is stolen.

The Hon. A. R. JONES: It is now compulsory to brand at 12 months.

The Hon. F. D. Willmott: No, to earmark.

The Hon. A. R. JONES: The honourable member says that neither is done.

The Hon. F. D. Willmott: That is right. Enforce the Act as it stands.

The Hon. C. R. ABBEY: The comments by Mr. Lavery were interesting. Sheep stealing is pretty rife in my area, and the local constable is doing his best to deal with the position, but he is restricted in regard to hours and mileage. Some farmers have provided petrol for the police officer to go out on patrol at night. I feel that Mr. Jones's amendment will not assist, because there is no detection staff specially allocated to do the job. Time after time stock-stealing cases have been investigated and no result has been achieved.

Amendment put and passed.

Clause, as amended, put and a division taken with the following result:—

Ayes—17.

Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. G. E. Jeffery	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. L. A. Logan	Hon. R. F. Hutchison
Hon. A. L. Loton	*(Teller.)*

Noes—10.

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. G. Bennetts	Hon. J. Murray
Hon. J. Cunningham	Hon. H. K. Watson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. G. Hislop	Hon. S. T. Thompson
	(Teller.)

Majority for—7.

Clause, as amended, thus passed.

Title put and passed.

Bill reported with amendments.

BUILDERS' REGISTRATION ACT

Inquiry by Select Committee

Debate resumed from the 18th November, on the following motion moved by The Hon. N. E. Baxter:—

That a Select Committee be appointed to inquire into and report upon the Builders' Registration Act, 1939-1959, its application and effect on building and to make such recommendations as are considered necessary.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [8.21]: Consideration has been given by the Government to this motion and also to the comments of the various members who have spoken to it. This consideration has been given in consultation with the Builders' Registration Board which, of course, is constituted only to administer the Act passed by Parliament; and, therefore, I do not think we can offer up any criticism of the board. In regard to the motion, of course the difficulty arises that, at this late stage of the session, where

there are only about three sitting days remaining, it would be impossible for any Select Committee appointed to fulfil the terms of its inquiry and report back to Parliament before the session closes.

However, under our Standing Orders it is possible for a Select Committee to sit on days when the House stands adjourned. Provided the honourable member can give the House an assurance that if the motion is agreed to, he will be able to have the committee appointed and that it will complete its report before Parliament is prorogued next year, the Government will be agreeable to convert the Select Committee into an Honorary Royal Commission so that it can make its report to the Government. Ordinarily, it is necessary for a Select Committee to report back to Parliament. Therefore, if Mr. Baxter can assure me that his Select Committee will complete its investigations by the end of March and have a report ready for submission, it will be an easy matter for the Select Committee to be converted into an Honorary Royal Commission, and so have everything put in order. I have no desire, therefore, to oppose the motion. The Builders' Registration Board says it would welcome such an inquiry.

The Hon. J. M. Thomson: What does the Builders' Registration Board say about it?

The Hon. L. A. LOGAN: The board does not object to the motion; and, in fact, it would welcome an inquiry. From remarks passed in this House, there is apparently confusion in the minds of some members about the whole set-up in relation to builders. Rather than allow that confusion to continue, it would be better to clear the matter up once and for all.

The Hon. J. M. Thomson: I heartily agree with the Minister.

The Hon. L. A. LOGAN: This matter is peculiar to Western Australia alone. Whether similar legislation will be passed in other States or other countries, I do not know. However, I do know that last year some remarks were passed about the Act which were not very complimentary. Similar comments were made this session; and rather than have doubts remaining in the minds of members who expressed concern over the legislation, it would be better if the matter were cleared up. Therefore, as a Government, we are not opposed to the appointment of a Select Committee and I am prepared to vote for the motion.

THE HON. N. E. BAXTER (Central—in reply) [8.24]: Briefly, I would like to reply to the remarks that have been made on this motion by various members, and I will deal first with the remarks that were made by the last speaker, namely, the Minister for Local Government. I fully realise that the motion was moved at a late stage of the session, and I am grateful that the Government has been good enough to agree to the appointment of a Select Committee. I feel confident I can give the Minister my assurance that it will be possible for this inquiry to be completed before Parliament is prorogued. I do not think it would drag on beyond March.

I am also pleased to hear from the Minister that the Builders' Registration Board does not object to the holding of such an inquiry. In my own mind I feel certain that it would probably welcome it because this is an Act which, like Topsy, has just "growed" over the years. It is an Act which is very difficult to administer because, since 1939, it has grown by the addition of bits and pieces.

Mr. Mattiske was a little critical of the appointment of a Select Committee and implied that I knew all the anwers. If that were so I would not be moving for the appointment of a Select Committee. It appears, from the inquiries I have made, that the Act has brought about many anomalies, and I am quite sure that most of them can be cleared up. I think the holding of an inquiry by a Select Committee can smooth out all the kinks in the legislation, following which we may be able to put together a decent Act under which the board can operate efficiently.

In the history of this legislation, the first Act was agreed to by Parliament for the purpose of registering builders. It then developed into an Act to register both "A"-class and "B"-class builders. A further provision was inserted into the Act to include categories of foremen. In my opinion, therefore, it has become a hotch-potch piece of legislation with many objectionable features in it. I was not surprised the other day when I visited a suburb and inspected a recently-constructed brick-veneer home. It comprised two bedrooms, a lounge, and a kitchen; and I got a shock to learn that the price of it was £3,900. In addition, there were many aspects of the house which had not been properly finished.

The builder of that home held an "A"-class ticket and he constructed it in conjunction with a large finance organisation. If that is the way homes are being built—

The Hon. J. M. Thomson: How many squares would be in that house?

The Hon. N. E. BAXTER: It would be between eight and nine squares; it would be nine squares at the very most.

The Hon. J. M. Thomson: That would be only a birdcage.

The Hon. N. E. BAXTER: I agree with the honourable member, but the price was certainly not equivalent to the price of a birdcage. Unfortunately, the people who are being stung by these high prices for homes are working men who cannot afford to pay those prices. If this particular man had had the money to buy a decent

home he would have done so and he would probably have seen something for his expenditure.

If we have "A"-class builders in the industry building homes such as the one I inspected only recently, it is time something was done about the matter, even through the board. I do not want to prolong the debate on this measure, because I have put forward most of my reasons for the appointment of a Select Committee when I introduced the motion.

The Hon. A. F. Griffith: Do you expect the Select Committee, in the course of its inquiry into the ramifications of the industry, to delve into the question of the prices people pay for houses?

The Hon. N. E. BAXTER: No; I was merely saying something in amplification of the fact that when Mr. Mattiske spoke to the motion, he made the statement that the legislation enabled purchasers to take action. The Act does not enable a person to take action. The only action that can be taken if a builder steps out of line is that which can be taken by the Builders' Registration Board. How often is action taken in connection with one facet of the whole industry? That is why I mentioned prices and the lack of finish of those particular houses. It is not one house: it is a chain of them. Practically a whole suburb of houses was built under this scheme.

I believe that with proper registration and a proper Act the Builders' Registration Board will be able to take some action against an "A"-class builder or a registered builder who is not operating up to his supposed qualifications. That is the whole position. It is not my intention to prolong this debate any longer, but I think that an inquiry into the Act is certainly required.

Question put and passed.

Select Committee Appointed

On motions by The Hon. N. E. Baxter, a Select Committee was appointed consisting of The Hon. E. M. Davies, The Hon. G. C. MacKinnon, and the mover, the Committee to have power to call for persons, papers, and documents; to adjourn from place to place; to sit on days over which the Council stands adjourned; and to report when the House reassembles.

FISHERIES ACT

Inquiry by Select Committee: Order Discharged

Order of the Day read for the resumption of the debate from the 15th November on the following motion by The Hon. N. E. Baxter:—

> That a Select Committee be appointed to inquire into and report upon the Fisheries Act, 1905-1956, in its application to the crayfishing industry in particular, and make such recommendations as are considered necessary to safeguard the future of the fishing grounds and the industry generally.

THE HON. N. E. BAXTER (Central) [8.32]: I move—

> That the Order of the Day be discharged.

Motion put and passed.

Order discharged.

SUSPENSION OF SITTING

Ministerial Explanation

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.34]: I would like to make an explanation to the House. I would be grateful if you, Mr. President, would leave the Chair until the ringing of the bells. I ask for this to be done for approximately half an hour to three-quarters of an hour so that we can ascertain what legislation is likely to come down from the Legislative Assembly. If any Bills are received they can be introduced tonight and members will have an opportunity to consider them before we meet tomorrow.

Sitting suspended from 8.35 to 9.0 p.m.

ADJOURNMENT OF THE HOUSE

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

> That the House do now adjourn.

Question put and passed.

House adjourned at 9.2 p.m.

Legislative Assembly

Tuesday, the 22nd November, 1960

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