

Legislative Council

Tuesday, the 13th September, 1960

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

QUESTION ON NOTICE

ROAD ACCIDENTS

Control of Distracting Hoardings

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

With a view to minimising road accidents will the Minister investigate the possibility of adopting

universal by-laws to control the erection of eye-catching hoardings which distract the attention of drivers?

The Hon. A. F. GRIFFITH replied:

In 1933 uniform hoarding by-laws were promulgated. These, however, do not meet present conditions and I have already given instructions that they be completely revised.

BILLS (3)—THIRD READING

1. Interstate Maintenance Recovery Act Amendment Bill.

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

2. Judges' Salaries and Pensions Act Amendment Bill.

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

3. Native Welfare Act Amendment Bill.

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

LOCAL AUTHORITIES, BRITISH EMPIRE AND COMMONWEALTH GAMES CONTRIBUTIONS AUTHORISATION BILL

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.

Clause 1 put and passed.

Clause 2—Authorisation of expenditure of ordinary revenue:

The Hon. L. A. LOGAN: I promised to have a look at the suggested amendment to make sure that the ratepayers were safeguarded. I am quite sure we can leave the matter to the judgment of the local authorities. If difficulties arise, the situation will still be safeguarded because the matter has to be submitted to the Minister.

Clause put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

WAR SERVICE LAND SETTLEMENT SCHEME ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.46]: I move—

That the Bill be now read a second time.

The Bill proposes two important amendments: Firstly, to enable certain lessees to register a second mortgage on property with the Minister's approval; and, secondly, to enable lessees to purchase the freehold of their lease within a lesser period than the ten years which must expire under existing law.

It is not legally possible to register a second mortgage on a lease issued under the repealed Act of 1945. On the other hand, the regulations under the current Act make provision for such additional mortgage or encumbrance, subject to the approval of the Minister.

Though the original regulations made no such provision, the proviso to section 6 was intended to provide a benevolent safeguard to lessees and prevent changes less favourable to the lessee. However, when read literally this section appeared to prohibit, whether or not for the benefit of the lessee, the altering of terms or conditions of any perpetual lease by subsequent regulation. It is obvious, therefore, that without the sanction of Parliament, the form of lease issued under the repealed Act of 1945 cannot be altered.

The position is anomalous in that earlier lessees cannot seek additional funds for developing their properties by registering a second mortgage, whereas the later leases, under the principal Act, can be so encumbered with the approval of the Minister. The purpose of the Bill is to see that both groups of lessees enjoy similar benefits as far as mortgages and encumbrances are concerned.

The principal Act enables the State to implement war service land settlement subject to conditions laid down by the Federal authorities. In the matter of the freeholding of leases, the Act provides that a lessee may purchase the fee simple after the expiration of a period of ten years. It has been found that this provision has acted unfairly under certain circumstances. Satisfactory agreement has now been reached between the States and the Commonwealth on the basis that the conditions should contain sufficient flexibility to meet special circumstances that arise from time to time. The Commonwealth accordingly amended the conditions in 1957 to permit of a shorter period being determined by Commonwealth and State where special circumstances existed.

An amendment of the regulations would not be a satisfactory means of complying with the Federal conditions as amended, and accordingly this amending legislation is necessary. It is considered the move is a step in the right direction, and will obviate any hardship to particular lessees being required to see out the ten-year period.

The question of permitting a shorter term than ten years arose from the transfer of a lessee from one property to

another through circumstances beyond his control. It was considered at the time that, although a new lease was prepared, it would have been unfair to ask the lessee to wait for ten years from the commencement of the new lease, in addition to the period spent on the previous property.

On motion by the Hon. A. L. Loton, debate adjourned.

EVIDENCE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.50]: I move—

That the Bill be now read a second time.

Section 4 of the Newspaper Label and Registration Act 1884, Amendment Act 1888, provided—until repealed by Act No. 24 of 1957—that a plaintiff would be non-suited in a libel action against a newspaper unless he gave evidence as witness on his own behalf.

The reason for the repeal of this section was that its provisions could have inflicted severe hardship on one who had been seriously libelled, with the result that he would be alarmed at the prospect of the great personal strain and mental discomfort which he would suffer in cross-examination by counsel for the newspaper. This could well be a deterrent from his seeking justice.

Section 43 of the Evidence Act is identical to the repealed section of the Newspaper Label and Registration Act, and should have been repealed at the same time, but was overlooked. In order to avoid confusion, its repeal is considered as being most desirable.

A further provision of this Bill would enable the making of an affidavit to prove the condition of a bank account, or that there was no account, nor any funds credited. At the present time, such an affidavit may not be made in the matter of criminal proceedings. There is no apparent reason why such provision should not be made in respect of all legal proceedings. In legal proceedings, we find that bank officers are called over very long distances, at times, to give such evidence, and it is considered a very reasonable thing that the evidence should be forthcoming by way of affidavit. Accordingly, this Bill proposes the amendment of section 92 of the Evidence Act, in order that this method of proof—permitted under section 90 (2)—may be applied under section 92 to the extent mentioned.

The measure is highly desirable, especially in a State like ours of great distances where considerable expense is often entailed by the Crown or others concerned in calling bank officers in person to give evidence at remote courts on what is, after all, a comparatively formal matter.

New South Wales, Queensland, and South Australia all have amended their laws to permit the use of affidavit evidence to prove the facts mentioned now in section 92 of our Evidence Act, but in Queensland and South Australia the provisions apply to all legal proceedings as is proposed in this measure.

A new section 92A is inserted to ensure that where an account is kept in any bank in any State or Territory of the Commonwealth, the provisions of sections 89, 90, 91 and 92 will apply.

On motion by the Hon. E. M. Heenan, debate adjourned.

VERMIN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. H. K. WATSON (Metropolitan) [4.58]: The Minister in moving the second reading explained that the reason for the introduction of the Bill was to enable the Commissioner of Taxation to claim, on one notice, land tax, metropolitan region tax, and vermin rate. I have carefully read through the Bill, and nowhere in it can I see any provision which supports that explanation. I would be obliged if the Minister, when replying to the debate, would draw my attention to the precise provision in the Bill which purports to achieve this object of a composite assessment whereby the land tax, the metropolitan region tax and the vermin rate can be issued to the taxpayer in one assessment notice.

It may well be that there is much to be said for such a proposition, but I should have thought that in order to make such an act lawful it would be necessary to amend not only the Vermin Act, but also the Land Tax Assessment Act, or the land tax regulations, because I imagine that the land tax regulations would prescribe a form of notice of assessment, and that there would be nothing in that form suggesting or permitting the inclusion of a demand either for the metropolitan region tax or the vermin rate.

But even on the principle of sending out one notice, and there being three separate columns on that notice indicating to a person the amount for which he is liable in respect to : (a) land tax; (b) metropolitan region tax; and (c) vermin rate, I suggest that a much more satisfactory method would be to have one tax—to allow the land tax to be the one tax to be levied and then to permit the Commissioner of Taxation, or the Under Treasurer, as the case may be, to make from the land tax so collected a payment to the appropriate authority of £100,000 for vermin rate, and £300,000 for metropolitan region tax.

A practice of the nature that I have just mentioned did in fact obtain during the two years ended June, 1958. In 1956,

Parliament amended the Vermin Act by suspending the vermin rate for two years, and by imposing a land tax on agricultural land for that same period. It does seem to me that the principle which then existed ought, as a matter of equity and as a matter of most efficient practice, to be pursued in respect to the three taxes I have mentioned.

In passing, the Minister also mentioned that there are two other provisions in the Bill. But it would seem to me that the two clauses in the measure are its real purpose and are really designed to cover up what could be the serious, if not inelegant, position which occurred when Parliament amended the Act in 1956. It could well be that, having regard to the method and the manner in which Parliament amended the Act then, for the last two years a vermin rate has been collected unlawfully; and it could well be that at the moment there is no lawful vermin rate imposed. And it is to overcome this difficulty, as I see it—and this appears to me to be the sole object of the Bill—that the measure has been introduced; it is to correct, as far as possible, the faulty or ambiguous drafting of 1956—

The Hon. F. J. S. Wise: You think this is a validating Bill, do you?

The Hon. H. K. WATSON: —and to make it quite clear that the vermin rate did not forever cease to exist in 1956.

As Mr. Wise has interjected, this legislation is in the nature of a validating measure for collections over the past two years; and the Bill makes it quite clear that the vermin rate can be imposed for future years. I have no quarrel with it because that peculiar position arises simply from the manner in which the 1956 legislation was drafted. That seems to me to be the real purpose of the Bill instead of the purported reason of being able to send out one assessment notice to cover the three taxes.

Without anticipating the debate on any other legislation which may be on the notice paper, I would point out that the vermin rate is not confined to country lands, but is applied to land in the metropolitan area as well; and, that being so, I will, on a subsequent occasion, use that as an illustration to question why certain other taxes are confined to the metropolitan area. I support the second reading.

On motion by the Hon. R. C. Mattiske, debate adjourned.

BILLS (8)—FIRST READING

1. Absconding Debtors Act Amendment Bill.

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

2. Firearms and Guns Act Amendment Bill.

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

3. Coroners Act Amendment Bill.

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

4. Radioactive Substances Act Amendment Bill.

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

5. Legal Practitioners Act Amendment Bill.

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

6. Licensing Act Amendment Bill.

Bill received from the Assembly; and, on motion by the Hon. J. M. A. Cunningham, read a first time.

7. Marketing of Eggs Act Amendment Bill.

8. Country High School Hostels Authority Bill.

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

SUPREME COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. E. M. HEENAN (North-East) [5.9]: This Bill follows on one which we recently passed to amend the Judges' Salaries and Pensions Act, and it is a corollary to it. The Minister has already pointed out that the Supreme Court Act provides for the appointment of a maximum of five judges; and the Bill proposes to increase that number to seven. At present the quota of five judges is full, but one of these—Mr. Justice Neville—is also President of the Arbitration Court, and most of his time is taken up in that jurisdiction.

It will be appreciated, therefore, that for practical purposes there are only four judges performing full-time Supreme Court duties. With the increase in population and the growth of the State within recent years, members will readily appreciate that the work of the courts has been greatly increased. In fact, earlier this year it was found necessary to appoint an acting judge in the person of Mr. Acting-Justice Hale; and if this Bill becomes law,

the way will then be open for his appointment as a full-time judge. That will make the quota six judges; and it will still leave a further vacancy to be filled at such time as the need warrants it.

I was extremely pleased to hear from the Minister's remarks, which he made when introducing the measure, that the Government has in mind the provision of a judge who will hold regular sittings in some of the larger provincial towns such as Kalgoorlie, Geraldton, Bunbury, and Albany. I only hope that some of our other outlying towns will increase in size to such an extent in the years that lie ahead that they also will be included in such a circuit. This proposed move by the Government will not only save litigants a great deal of expense by not having to travel to Perth, but will also eliminate delays; and, in many other ways, it will be beneficial to all concerned. It will be one effective means of taking to the people in the country centres some of the advantages and amenities which are taken for granted by people in the city. I have much pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL

Second Reading

Debate resumed from the 1st September.

THE HON. W. R. HALL (North-East) [5.15]: I rise to support this Bill which seeks to give full autonomy to the Church of England in Australia. I take it this is purely a domestic affair and does not concern any other church in Western Australia.

I understand there are several other autonomous branches of this church in other parts of the world, and this legislation, if passed, will legalise the constitution of the Church of England in Australia. It appears that the Bill has the blessing of the Anglican Church in Great Britain; and also of the Anglican Archbishop of Perth. Its passing will provide an opportunity for Australian-born clergymen to gain higher ecclesiastical positions. I can see nothing wrong with the Bill; and, with those few words, I have much pleasure in supporting it.

Question put and passed.

Bill read a second time.

In Committee

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

DOG ACT AMENDMENT BILL*Second Reading*

Debate resumed from the 1st September.

THE HON. R. F. HUTCHISON (Suburban) [5.22]: I oppose this Bill for several reasons. It is evidently another taxing measure—the type of measure for which this Government will go down in history as being famous.

The Hon. L. A. Logan: Who is going to get the revenue?

The Hon. R. F. HUTCHISON: That is something I will leave to the Government, as it ought to know.

The Hon. L. A. Logan: Read the Bill.

The Hon. R. F. HUTCHISON: Apparently the Government does not know.

The Hon. L. A. Logan: Read the Bill and you will know.

The Hon. R. F. HUTCHISON: The portion of the Bill about which I propose to speak firstly is that which will mean an injustice to natives. We easily dub coloured people as natives, even if they do not come under the Native Welfare Act. The reason for this proposed amendment in the Bill is one which has amazed me. The explanation given was as follows:—

Section 29, as it stands at present, authorises an adult male aboriginal native to register one male dog free of charge, and also requires the local authority to issue a collar and disc free of charge on demand.

This is the important passage:—

In view of the fact that in the South-West Land Division aboriginal natives are now able to obtain satisfactory employment, there is no justification for the continuance of the practice of free registration which is, of course, a relic of the time when the natives were more tribalised.

I think that is a very poor excuse for the Government to make in its attempt to tax these people who are either abused or ignored by the community that should be fostering them and doing something about their emancipation.

If this Bill passes, a native who holds citizenship rights will no longer be able to have a dog free of charge—and it will not matter whether he is in employment or not. He will be penalised. It is not true to say that natives can obtain satisfactory employment. If that were so, the position would be very different from what it is. It is time we called a halt to any move which will penalise the most underprivileged section of our community—especially when it comes to imposing a tax on them.

Apart from his own family, a native loves his dog more than anything else in the world. To an aboriginal in the outback a dog is not just something he has

obtained from a pet shop; it is something which is a fundamental part of his life. I have seen natives in the outback, and I know they are good to their animals. They would go without food themselves in order to feed their dogs. Therefore, it is wrong for us to take that small comfort from them. It is something which I cannot support. To penalise a defenceless aboriginal to this extent is an act of absolute cruelty. It is mental cruelty to deprive a native of his dog simply because he cannot afford to pay for its registration. Since the aboriginal has been allowed this small comfort in the past by the white race, surely to goodness he can be left alone.

There is an article in tonight's *Daily News* which states—

Liberal Minister Logan is evidently a dog-hater—trying to use parliamentary power to double the cost of dog licenses.

The Hon. L. A. Logan: Is this today's paper?

The Hon. R. F. HUTCHISON: Yes; it is dated the 13th September, 1960.

The Hon. L. A. Logan: The person concerned cannot know too much, calling me a Liberal Minister!

The Hon. H. K. Watson: You cannot refer to a newspaper report of a current debate.

The Hon. R. F. HUTCHISON: Mr. President, that is something I have just found out. Perhaps I could quote the article tomorrow. I cannot protest too strongly about the remark which was made that a native can now obtain satisfactory employment. There are plenty of ordinary white people who cannot obtain satisfactory employment; and the aboriginal is far down the scale of human values in this civilisation of ours. I want to make it very plain that I object to this portion of the Bill.

A dog to an aboriginal is part of his tribal life; it is his means of subsistence and part of the armour which protects him from starvation. Even now if a native reached the last extremities, he would be able to do something about the position if he had a dog. However, I think it is disgraceful to say that satisfactory employment can be found for a native and, therefore, he must be taxed in order to have a dog.

My next opposition to the Bill concerns its application to the Police Force. It is shameful that a policeman—a person who should have our respect—should be made a dog catcher. Surely this will lower his status. Clause 3 of the Bill reads as follows:—

- (1) Where a dog is found wandering at large any member of the Police Force of the State or any officer of a local authority in whose district the dog is so found who is authorised for the purpose may

seize and keep the dog or if that local authority is maintaining a pound for the impounding of dogs, the member or officer may place the dog in the pound.

- (2) Where no such pound is being maintained the member or officer—

This is coming down to local policemen. I can imagine what some of them will have to say to this—

- (a) if the dog is registered and has a collar around its neck with a registration label attached thereto, shall keep the dog in his custody and as soon as practicable serve on the owner of the dog a notice in the form of the Fourth Schedule and shall continue to keep the dog in his custody for a period of at least forty-eight hours next following the service of the notice; or
 - (b) if the dog has no collar around its neck with such a label attached, shall keep the dog in his custody for at least forty-eight hours next following the seizure.
- (3) If before the expiration of the time referred to in subsection (2) of this section which is relevant in the circumstances, the owner of the dog or some person on his behalf—
- (a) has not claimed the dog;
 - (b) has not paid a reasonable sum due to the member or officer for the maintenance of the dog while it was kept by him;

There is nothing about what the charge should be—

- (c) has not produced the receipt for the registration of the dog, in case it is not then registered,

the member or officer may cause the dog to be destroyed without cruelty and by some speedy means and the carcass disposed of.

I have seen many Bills before this House, but I think this is one of the most extreme I have ever seen. Fancy demeaning members of the Police Force to become dog catchers!

The Hon. L. A. Logan: Do you know what is in the original Act?

The Hon. R. F. HUTCHISON: Yes; I do. I am reading it now.

The Hon. L. A. Logan: You are reading the Bill.

The Hon. R. F. HUTCHISON: Yes; but I have been through the Act.

The Hon. L. A. Logan: This Bill will help the policeman.

The Hon. R. F. HUTCHISON: When one realises the amount of work the police have to do, and what busy people they are in the city—

The Hon. F. J. S. Wise: They are likely to confuse the Dog Acts, too, aren't they?

The Hon. R. F. HUTCHISON: I feel the best thing to do would be to defeat this measure at the second reading. I protest above all, about the imposition put on a native. I will have more to say in Committee. I oppose the Bill.

THE HON. W. R. HALL (North-East) [5.33]: I rise to oppose the Bill. There is not much in it that I like. I take it the local authority will still be the body to which licenses are to be paid.

The Hon. L. A. Logan: What's that?

The Hon. W. R. HALL: The local authorities, in the districts concerned, are the ones to whom licenses have been and are to be paid in the case of dogs being registered.

The Hon. L. A. Logan: That is right.

The Hon. W. R. HALL: This Bill gives power to members of the Police Force to take certain action in connection with dogs. Over a period of years, whenever there has been an amendment to the Dog Act, I have raised my voice in connection with it because of the fact that the license to be paid for a dog or a bitch is really just a straight-out tax on the ratepayer who owns the animal and who lives within the local authority concerned.

The Hon. R. F. Hutchison: Hear, hear!

The Hon. W. R. HALL: It is also a fact that local authorities—unless they have a pound in which to keep stray dogs—give nothing in return; no protection whatsoever to the owner for the animal. In years gone by owners had to pay 7s. 6d. per dog. It is now the Government's intention to raise the license fee; and the money to be received by local authorities—I think there are 127 road boards throughout the State, and perhaps 12 or 14 municipal councils—will be "buckshee." People will have to pay over the counter and will receive nothing in return.

The Hon. L. A. Logan: They get a label for the dog.

The Hon. W. R. HALL: If an owner gets a tag for his dog, that does not protect the dog. It can be outside his gate and can be picked up—whether it belongs to John Johnson or Bill Smith—and promptly put in the local authority's pound.

I consider the horse and dog are still man's best friends; and the way we are going with such Bills as this, we will reach a situation similar to the one we have regarding the horse—we will not be able to find a dog. The way we are going on with these Bills and these taxes, there will not be any dogs about. It is

expensive today to feed a dog. Often it costs nearly as much as to feed an adult, as far as meat is concerned.

The Hon. F. D. Willmott: But people who keep undesirable dogs do not feed them.

The Hon. W. R. HALL: That may be so. But that is no reason why the Government should tax a person who is prepared to keep a good dog and feed it. It is all right for the farmer who has a paddock. But there are people in the metropolitan area who have only a confined space, and it is difficult to keep a dog off the street. One cannot keep a dog on a chain for ever and a day; that, to my way of thinking, is cruel. A dog must have some latitude, the same as any other animal. I feel that the increases contained in the Bill are only an imposition, and something which local authorities are going to get for nothing—handed over the counter.

Another part of the Bill deals with dogs belonging to aborigines. It has been the attitude of a lot of people over a number of years to take everything away from the aboriginal they can possibly take. The only thing that aborigines do possess and prize is their dogs. We know perfectly well that those dogs can cause a lot of trouble if they are not properly controlled; they can kill good sheep and so forth. At the same time, the aboriginal, in his wild state relies on his dog to help him obtain food. Surely he can have one.

I see this Bill is going to have some effect on the South-West Land Division, but I am talking about the natives in the North-East Province who more or less still rely on their dogs for kangarooing. I do not see that any great harm is done by them. The only thing they possess and prize is their dog. Doubtless members have often seen an aboriginal sitting down with his dog. The dog takes a bite out of a bone and the aboriginal then eats the bone himself. I have seen that happen at Malcolm Station when passing through it.

The Hon. E. M. Heenan: They could be limited to a certain number.

The PRESIDENT: Order!

The Hon. W. R. HALL: I am not an authority on the aboriginal; but I know the wild natives travel around in tribes. One can see them at Malcolm Station and on other stations in the North-East; there may be eight, or ten, or twelve of them. They have to rely on their dogs. At such outlandish places there are no houses where they can beg for food. They use their dogs for kangarooing, and that supplies them with their meat.

The Hon. L. A. Logan: Is Malcolm in the South-West Land Division?

The Hon. W. R. HALL: No. I quite agree. I am only saying there are always some people willing to pick up a rifle and shoot

a blackfellow's dog. I have seen that happen before today; and it has been known to be done by the police. I am not saying it was not justified, as those dogs can become troublesome.

I think we should take into consideration the native's privilege of having an animal or two; because, after all, he has a pretty tough row to hoe at the present time without our taking away his only means of support; his only means of supplementing his rations by way of wild game.

I intend to oppose the Bill. I cannot see anything good in it. I was Chairman of the Kalgoorlie Road Board for 15 years; and what did we do as regards dogs? Admittedly some became a nuisance to the extent that dog catchers were necessary. Dog catchers today are up to all sorts of tricks, even to catching dogs which are simply out for a bit of a run. Local authorities have plenty to do without worrying about dogs. The local authority gives no protection at all to the owner of a dog; and for that reason I will always oppose a bill of this nature. If owners were to receive something in return, I would say the Bill was advisable. However, I am going to oppose the Bill.

THE HON. A. R. JONES (Midland) [5.42]: I am not going to oppose the Bill entirely, but only some of the clauses. I wonder why a tax was ever imposed on the licensing of dogs. I have not gone through the debates in Parliament when the tax was first imposed; but I suppose it was because dogs had become such a nuisance that something had to be done by local authorities to bring about some control. If that is so, then there is justification for a tax. However, I feel that dogs, generally, in the metropolitan area can become a very bad nuisance, much the same as they can in the country towns.

But where a dog is—as expressed by the two previous speakers—a necessity, and a working dog, I feel there should not be a license fee imposed at all; perhaps with the exception of a very small one in order that a local authority can issue a license tag to be attached to the dog's collar. Should a dog become lost, or should it stray, it could then be returned to its owner by virtue of the fact that its owner would be designated by a number on the tag. Apart from that, I feel that the owner of a working dog should not be taxed a great amount.

The Hon. L. A. Logan: He only pays half.

The Hon. A. R. JONES: But why should he have to pay anything at all? The Minister wants us to agree to an amendment to the Act—one with which I am ready to agree—that a working dog serving a blind person shall not be taxable or liable for any license fee. That is quite in order.

But I also feel that a man who keeps a dog for hunting; or a farmer or grazier who keeps one for rounding up sheep and cattle on his property, should not have to pay an exorbitant fee. I think that 10s., raised from 7s. 6d. for a dog, and a guinea for a bitch is too much. I think the aboriginal would term his dog a working dog; and if he has a dog for the purpose of obtaining meat—and it can be genuinely proved—his animal should come into the same category as a working dog, and perhaps a nominal fee of 2s. 6d. for a license should be imposed. But a guinea for a bitch, and 10s. for a dog is a bit steep.

I am in agreement that those people who wish to keep a dog for a pet, or for any purpose other than for work, should pay a greater fee because local government bodies have to continually control the animals on the streets. It is disgraceful the way some people look after their dogs, whether those dogs be licensed or not. Some have dogs and do not look after them in any way whatsoever; the poor things become starved, and are allowed to roam around the streets. Eventually, if they are bowled over by a motorcar, somebody cries for a while and then they are forgotten. On the other hand, there are many people who pay a lot of attention to their dogs, and keep them in a decent condition. As other members have said, the people who are keen on their animals, and who look after them in a decent way, will be penalised by the passing of this measure.

How that can be avoided I do not know, because there must be some control over those who neglect their animals. While I support the Bill because it has certain good features, I still intend to oppose some clauses of it.

THE HON. R. THOMPSON (West) [5.46]: I shall definitely oppose this Bill. I have been a dog lover all my life and, over the last 10 years particularly, I have noticed that dogs are being better looked after than ever before. One only has to attend a veterinary surgeon's office to realise the number of people who are taking their pets there, particularly dogs, for attention. A few years ago, if a dog broke a leg, it was the common practice to have it destroyed; whereas now we find that people have the dog's leg set in plaster; and they pay a great deal of attention to their animals.

It is not common for city people to keep wild dogs; usually the dogs kept in the city are well trained. But under this Bill people who own dogs will find that the license is to be increased by 2s. 6d. for a male dog and 10s. 6d. for a bitch. I cannot see the reason for the increase, and I would like the Minister to explain in detail why this extra tax is needed.

The Hon. L. A. Logan: It is not a tax.

The Hon. R. THOMPSON: What is a license, if it is not a tax?

The Hon. L. A. Logan: It is a license.

The Hon. F. R. H. Lavery: We will probably find they will tell us the Grants Commission told them to impose it!

The Hon. R. THOMPSON: In my opinion a license is a tax.

The Hon. L. A. Logan: It is a license.

The PRESIDENT: Order!

The Hon. R. THOMPSON: I think cats cause more trouble, especially at night, than dogs. They create a nuisance.

The Hon. A. F. Griffith: Do you think this is similar to a firearms and guns license?

The Hon. R. THOMPSON: There are some parts of the Bill I do not like at all. One clause states that if a person takes a dog into a shop, not being a shop where dogs are sold or treated for illness, he commits an offence. The same applies if a person takes a dog on to a beach.

We could have this position: Some children could be in a playground and have their dog with them, and one of the children could decide to buy an icecream. If the dog goes into the shop while that child is buying an icecream the person who owns the dog could be fined £5 for the first offence.

The Hon. F. J. S. Wise: Of course, a very important point is that dogs cannot read notices!

The Hon. R. THOMPSON: For the second or any subsequent offence the owner can be fined £10. Yet a person who hits someone walking on a crosswalk is fined £2! The whole business is unreasonable. The Minister for Local Government, who is the Minister for Child Welfare, should be doing everything to protect children, and children's pets; because the children will be the main ones to suffer by the provisions of this measure. What a policeman could do under this legislation, if he so desired, would cause more heartbreak to children than to adults. I shall definitely oppose every clause in the Bill because I think the whole measure is unrealistic.

THE HON. G. C. MacKINNON (South-West) [5.50]: I think more unjust calumny has been heaped on the Government's head over this Bill than over any other measure that has been introduced for some time. Perhaps if it had been possible to frame the Bill in such a way as to place the right to charge a license fee in the hands of the local authority, without stating the amount, it would have been better from the Government's point of view.

Several members have spoken this evening about local authorities and their handling and control of this matter. I think every member must be aware that

it is almost impossible for any local authority to establish a pound and employ a poundkeeper unless the charges made for the licensing of dogs, etc., are sufficient to cover the expenses. I would like to see this measure worded in such a way that the maximum charge for the licensing of a dog was fixed and the actual charge decided by the local authority concerned. However, I am prepared to admit that the charges would possibly vary from local authority to local authority; and I should imagine that a dog running wild in Nedlands would not be anything like the menace of a dog running wild in a fat lamb district.

The Hon. L. A. Logan: It could be a menace to a child.

The Hon. G. C. MacKINNON: Agreed.

The Hon. H. K. Watson: We think just as much of our children as you think of fat lambs.

The Hon. G. C. MacKINNON: A dog running wild in King's Park for instance, or on a road adjacent to the park, would not be as much menace to children as, perhaps, a dog running wild in a more closely settled district. However, as Mr. Watson pointed out—and I agree with him—it would be a menace to children. I can imagine that there would be certain areas of the State where a license fee of 7s. 6d. would be satisfactory so far as the local authority was concerned; whereas in other areas the charge would need to be £2, particularly in an area where there might happen to be a number of kangaroo dogs, which are big and strong. If they started to run wild, and began killing sheep and so on, they could cause a deal of trouble. Therefore, I thought it would be desirable to set a maximum charge and leave it to the local authorities to vary the charges as they considered necessary for their own local districts.

However, when I made inquiries in regard to the matter I found it would be almost impossible to work it out. That being so, setting a charge, as has been done under the Bill, appears to be the only logical answer; because if a local authority is to control dogs in any way at all it should get sufficient return to enable it to do so.

I could not agree more with the statement that it is unfortunate that this has to be done. However, the position is the same as with a lot of laws and a lot of licenses, which do not have to be imposed because of the 95 per cent. of decent people, but because of the odd few who do not care.

The Hon. R. F. Hutchison: That is a funny sort of argument.

The Hon. G. C. MacKINNON: I can think of no other reason for the licensing of firearms, for instance. People who are reasonable and responsible, and look after their firearms, would not need to have

licenses for their guns; but the legislation is necessary because of the criminal element and the careless people. Guns are licensed so that they can be traced, and that is most necessary.

Mr. Jones said that he could see no value in licensing a dog. I saw the value of it when my children's dog was lost; I was able to trace it because it was licensed. At that time the license was 7s. 6d., and I thought the fee well worth while when I was able to trace the dog within a couple of hours. I went straight to the pound, quoted the number of the license, and was able to collect the dog within a couple of hours of its being lost. So we do get some return for the license fee paid.

Unfortunately some people are careless about the way they keep their dogs, and they let them run wild. If a bitch is allowed to roam it can produce a litter of pups, which means an ever-increasing number of dogs running wild.

The Hon. H. K. Watson: There is special provision in the Act for that.

The Hon. G. C. MacKINNON: Agreed; but the fact remains that it happens. I have heard dogs referred to as the sacred cows of Australia—I think all members must have heard that. I have heard it said, "You must not lay your hands on the dogs." Yet it is possible—and perhaps other members might speak on this matter—that people individually suffer much inconvenience and incur heavy expenditure through packs of dogs running wild in the pastoral areas.

To label this as a taxing measure is to adopt an unreal attitude. As I said, some members have heaped calumny on the head of the Government over something for which it does not deserve censure. If we expect our local authorities to look after this matter in their own districts, we cannot expect them to do it for nothing. They must have some means which will enable them to have control over careless people who let their dogs run wild. We cannot expect a local authority like the City Council to establish a pound and employ a poundkeeper unless those who wish to keep dogs are prepared to pay for it, and pay for the policing and caring of dogs which are allowed to run wild.

It is not a matter of raising money for the Government; in the main the legislation is designed to protect those who legitimately want to keep dogs and who are prepared to look after and care for them, whether the dogs are kept as pets or as working dogs for the rounding up of sheep and so on.

The Hon. R. F. Hutchison: What about the aboriginal and his dog?

The Hon. G. C. MacKINNON: The Minister can answer that question; he is far more capable of doing that than I am. I merely wanted to add those few words in supporting the Bill.

THE HON. J. M. A. CUNNINGHAM (South-East) [5.58]: It is only in the last two or three years that this legislation has, once more, come before the House. We had many years of official quietness on the matter of dogs—domestic, private, working, or any other types of dogs.

The Hon. F. R. H. Lavery: Shaggy dogs?

The Hon. J. M. A. CUNNINGHAM: Yes; even shaggy dogs have come into the lime-light recently. The reason for this recent discussion on the matter of dogs is obvious—it is because of the depredations of these specimens of man's best friend which have been brought to the notice of members and Governments. Consequently the Government would be remiss in its duty if it did not do something about the matter.

This question can be divided into three different categories. The problem in the metropolitan area—if it can be called a problem—is entirely different from that applying in the country areas and country towns. I am conscious of the problem of stray dogs—unwanted dogs—because as a member of a local government authority I can remember the problem being brought under our notice in the goldfields area.

If one drives through any country town—and I should say the goldfields are probably typical of this problem—it will not be difficult, between the hours of say 5 and 7 o'clock in the morning and 10 o'clock in the morning to see packs of 20 to 30 dogs within a block or two. These are the animals that have been called man's best friend! These are the loving pets that are owned by the people about whom we have heard so much; pets which are allowed to wander at will in the streets in quite considerable packs.

One does not see that in the metropolitan area; one does not see dogs wandering in and out of shops, as is so evident in the country towns; and one does not see them fouling up the shop frontages, and making a general nuisance of themselves, as is the case in the country towns. It is this nuisance created by these wandering dogs which prompts people to take concerted action; and which prompts shop owners to place notices in their shops pleading with people not to bring their dogs into the shops. That sort of thing is quite a common sight in country towns; but it is not so evident in the metropolitan area.

The dog that constitutes a pest in the metropolitan area is the savage type of dog. We all know the accounts that have appeared in the Press in the last 12 months or so, telling of dogs that have savaged children, grown-ups, and tradesmen.

The Hon. F. R. H. Lavery: What about the dogs that have saved lives?

The Hon. J. M. A. CUNNINGHAM: The question resolves itself into one which applies in different circumstances. We all know that there is the dog which is most

useful; it is a pet and is cared for by its owners. Such dogs have their value; and no owner would resent paying a license fee or a tax—call it what we will—for the right to keep that pet.

We all know how impossible it is for any child to refuse to accept a puppy; indeed it is impossible for adults to do so. I do not care how much one dislikes dogs, the moment one is faced with a puppy one's ideas change completely. They have an appeal all their own; and, as I have said, no child can resist a puppy when it is offered to him. The child generally accepts the puppy and brings it home; and the parents, of course, find it impossible not to welcome it, because of its helpless appeal.

The Hon. R. F. Hutchison: The present law is sufficient to control dogs that are pests. The aborigines must have their dogs.

The Hon. J. M. A. CUNNINGHAM: Mr. President, there are all sorts of pests; some of them just keep on yapping. People who own dogs, and those who love them, will not resent having to pay this additional amount. My concern is with the dogs that constitute a pest on the beaches; the dogs that foul people's property; and those that foul shop frontages and cars, etc. These dogs are pets to some people and pests to others. In the country towns these animals constitute not only a pest, but also quite a costly danger.

It was not long ago that I produced in this House facts and figures of damage caused by domestic dogs amounting to thousands of pounds in a small area. These dogs were allowed to run wild in a small town. I produced photographs of packs of dogs attacking sheep in a yarded area within five miles of a town; and I also produced coloured photographs of sheep that were torn from their necks to their hindquarters by these animals. The damage on the goldfields alone amounted to thousands of pounds. These are the pets about which we hear so much; those that are allowed to wander at will. It would be difficult for anyone to convince me, or, I am sure, any member, that these dogs are the valued pets of any family.

As I have said, if one were to walk around the streets early in the morning between 5 o'clock and 7 o'clock one would see packs of dogs forming themselves into raiding parties. Not all of them are big dogs either; they are not all the size of an Alsatian. I checked some groups of these dogs and I found even Pomeranians among them; they were trying to keep up with the packs in their marauding habits. That is the sort of thing that is happening.

Mention has been made of the veterinary establishments in the metropolitan area. We know that the Dogs' Home is always overflowing with pets; half of them are destroyed. Where do they come from?

These dogs have been found neglected, straying on the streets. If these animals were of value to their owners, the Dogs' Homes would be empty; there would be no work for dog catchers. If local governing authorities are expected to clean up their areas and check the stray dogs, they must have the finance to enable them to do it. The actions of the members of local governing authorities are not meant to be in the nature of trouble making; they take the action they do because of the appeals made to them by the residents of the towns concerned.

When they receive these representations they generally appoint a dog catcher, if they can get one, who will spend his time trying to clear the streets of these dogs. The dogs, however, are very wary, and, the wages of the dog catcher often prove quite a burden on the local governing authority. Quite apart from his wages, it is necessary to pay for the bait he must use to entice these dogs. I do not think the charge is sufficient; though possibly I am inclined to agree with the charge for dogs. I do feel, however, that the charge for bitches should be as much as £5. This would discourage people—other than breeders—from keeping bitches. A bitch generally has a litter of five or seven pups; and very few of these pups are destroyed, because of the appeal they have.

The Hon. F. J. S. Wise: It is always more expensive to keep a female than a male.

The Hon. J. M. A. CUNNINGHAM: While the puppy has an appeal all its own, it soon loses its appeal when it grows up and becomes a scraggy mongrel which attacks people whether they be on bicycles or motor scooters. It is this type of dog that constitutes a danger; and it falls on the local governing authority to do something about it. This license fee or tax—call it what we will—

The Hon. F. J. S. Wise: Tax will do.

The Hon. J. M. A. CUNNINGHAM: —is to provide a service to the people, by way of protection. I wonder what would be the position if any one of us returned home tonight and found his child with a savaged face or a torn arm which had been inflicted by some such pest.

The Hon. R. F. Hutchison: That is an extreme case.

The Hon. J. M. A. CUNNINGHAM: What is there extreme about a dog savaging a child? It has happened dozens of times in the past year.

The Hon. F. R. H. Lavery: Will this Bill stop that?

The Hon. J. M. A. CUNNINGHAM: It might not stop it, but it will make people more careful; it will make them realise that they must pay for the privilege of keeping a dog; and if it is a savage dog, it is likely to deter them from keeping it. I know that all of us wish to be fair in this matter; I have no doubt about that at all.

The Hon. R. F. Hutchison: What about the aborigines?

The Hon. J. M. A. CUNNINGHAM: If the honourable member desires to make a speech she may do so when I sit down; I am sure she will receive the fair hearing that I expect to get.

The Hon. R. F. Hutchison: Do you agree about the aborigines?

The PRESIDENT: Will members kindly refrain from interjecting.

The Hon. J. M. A. CUNNINGHAM: I agree that all members wish to be fair in this matter, but I cannot help feeling that they are speaking of their own experiences on the subject; and my speech represents my experience. I have seen what has happened in towns in the country areas as a result of dogs that have been allowed to run wild. I have not mentioned specific cases of dogs savaging children, because the cases are too numerous to mention. Members will have seen such incidents reported in the Press.

When one talks about aborigines keeping dogs, one must ask oneself what one means by aborigines. There is no justification at all for the aborigines in the city to keep a dog to hunt with. But the aboriginal in the bush is a different proposition altogether. He is certainly entitled to his dog which is his most precious possession. It is his main foodgetter. But we must put ourselves in the place of the farmer or the pastoralist who has a native reserve on his property. He knows that each one of these people is allowed a dog. In the event of the farmer finding a dog chasing his sheep, it is possible that he will let fly at the animal with his rifle. In the meantime the native who owns the dog has been in hiding, and he immediately reports the farmer to the police for having attempted to shoot the dog. Is not that farmer entitled to some protection?

Let the aboriginal have his dog by all means; but there must be some control. If a check were made, it would probably be found that in a camp of 50 natives there would be about 200 dogs. We all know that each mia mia has its representative number of dogs.

The Hon. F. J. S. Wise: The natives use the dogs to keep themselves warm.

The Hon. J. M. A. CUNNINGHAM: I am sure none of us would question the number of dogs kept by natives at, say, Zanthus, or any similar place. Generally speaking, the native, very wisely—if cruelly—keeps his dog underfed; and it is a savage animal.

The Hon. R. F. Hutchison: They do not.

The Hon. J. M. A. CUNNINGHAM: The honourable member does not know what she is talking about. It is necessary for the natives to underfeed their dogs because they are required as hunters. It is quite

easy to count the number of ribs in some of these dogs; some of them are just mere skeletons. This, however, is necessary to make the dog a good hunter and killer. Who are we to argue about that? After all, the dog constitutes a means of livelihood for the native. It is the only way the bush natives can keep themselves from starving.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. J. M. A. CUNNINGHAM: Before the tea suspension I mentioned that dogs kept by natives who require them for hunting food, are a necessity, and the exemption of these animals is only reasonable. They should not come under strong restriction, although it is necessary for the local authorities to have some control over the number of dogs which aborigines or bush natives are permitted to keep. I agree that such dogs would come under the term "working dogs." Guide dogs for the blind are obviously entirely different from animals kept as pets. A guide dog is essentially a working dog in every sense, as are sheep dogs and cattle dogs. One would have to search very diligently to find any working dogs—guide dogs, cattle dogs, sheep dogs, and others of this type—becoming pests in the metropolitan area, the country area or in country towns. They do not come into this debate at all.

This measure is primarily one of control—to make it possible for local authorities to exercise jurisdiction over dog owners with a view to abating a nuisance or a menace when it becomes intolerable. Members should not treat this measure facetiously. It is an important one, particularly in country areas and towns, and on farms which are located close to country centres.

I do not think the Bill intends that the charges provided in the schedule are to be the statutory charges. Local authorities may exercise their discretion and charge up to the full fees permissible. They can, if they desire, leave the charges on their present level. The Bill provides the maximum fees which may be charged. In my view, the registration fee for bitches could be as high as £5 per year without causing any great hardship. Such a fee will have greater effect, in reducing the population of unwanted and useless dogs, than any other action. I support the Bill.

THE HON. F. J. S. WISE (North) [7.32]: I agree with many of the comments, both for and against the measure, which have been made in this debate. It is almost axiomatic in parliamentary practice and experience that when a Bill dealing with dogs, horses, betting, or liquor is introduced most members become loquacious. I admit in this case I am in that category.

I have looked at the debates which took place in the Legislative Council when the parent Act was introduced on the 13th August, 1903, to make sure that the reasons for its introduction were worthy, and warranted an Act which has persisted with very few amendments since that time. The most notable amendments since then were inserted in 1923.

In my view the primary purpose for the introduction of the Act of 1903 and its continuance to the present time was to afford some means of identifying the dog and its owner; so that if a dog got into trouble, as it does when it is killed on a highway or misbehaves, it would be possible to trace the owner. That is not an unreasonable purpose.

I want to say early in my comments that I am a dog lover. I have a pedigree Border Collie dog—a family pet which is admired because of its beauty. It is esteemed by the members of my family. It is a lovely animal, but it is a controlled animal and a registered animal.

At the other end of the scale, is there anything more objectionable than an uncontrolled and ill-kempt dog, which is allowed to misbehave and which is not treated as being fit to be in the domestic circle—an unwashed, mangy, and ill-fed hound? There is nothing more objectionable than that. Further, there is nothing more objectionable than some of the habits of uncontrolled dogs. Indeed, the natural instincts of a well-trained dog are not all that can be desired at times. I was very struck, when reading those early debates I referred to, to find that some of the suggestions which were made 57 years ago could be the subject of much thought to-day. The Hon. Mr. Piesse, who was a farmer and pastoralist, had this to say—

We compel the horse-breeder to unsex male horses, and in a large measure we compel the cattle breeder to unsex male cattle. Why should we not take the same course with dogs? Why should we encourage the breeding of mongrels?

There is a lot to be said for that line of thought. If that suggestion were adopted, the dog would be no less affectionate, loyal, and trusted, but would mean that many unworthy animals would disappear from the State.

Why did Parliament take the drastic step in passing a Bill dealing with Alsatian dogs in 1930? It was because of their propensity to become a menace and a nuisance. In many country centres and pastoral areas the same applies to domestic dogs which have gone wild. They are also a menace.

The Hon. A. F. Griffith: They are prone to throw back to the original strain and become a menace.

The Hon. F. J. S. WISE: They quickly become a unit in a pack of dogs; they become killers by instinct. Much has been said for and against the rights of aborigines to keep dogs. I support entirely the idea that an aboriginal should be permitted to keep at least one dog; but I also support the idea that that dog should be registered, so that there should be no interchanging of dogs when a camp of natives is visited. In pastoral areas many dogs, beyond the number privileged to be kept, will be taken away and hidden by natives because they are the means of subsistence of the natives.

At the same time we should not deprive the natives of their right to keep dogs; but we should assume the right to control the numbers which they may keep. It has been said that native dogs are lean, and that they are kept lean to encourage them to hunt. Many members of this House, used to pastoral circumstances and conditions, have seen native dogs so lean that the only way they are able to get along is because one side of the dog keeps up with the other side. That is a fact.

Dogs are kept by natives other than for the purpose of hunting food. The dogs are very warm in the wintertime. Natives do not carry blankets, and as long as they have two or three dogs they are assisted materially when the camp fires die out in the early hours of the morning.

I want to refer to this tax on dogs. I insist on calling it a tax because the dictionary gives me the right. It is a burden and a charge. When the owner pays for the registration disc for a dog he pays a levy or a tax to register the animal. This matter should be looked into by the Government when reviewing the registration charges, old though they be. The amount of 7s. 6d. a year was the figure inserted in the third schedule in 1903, when the purchasing power of that amount was equivalent to more than that of £1 today.

The Hon. A. F. Griffith: Ten shillings is not an unreasonable charge today, in those circumstances.

The Hon. F. J. S. WISE: As Mr. Hall said, if some service, other than the issue of a disc, were rendered, no-one would object to the increase from 7s. 6d. to 10s.; but there is no service given. The responsibility for the dog always rests on the owner of the animal. The only purpose of the issue of a disc, in a beneficial sense or for the protection of the public, is so that the dog can be identified and connected with the owner. Even in these days of inflation, the discs cost perhaps 9d. each to stamp. Therefore I can see no merit in the increased fees being imposed, even though 7s. 6d. in 1903 was then equivalent to over 20s. today. I support the desire of Mr. Jones to move an amendment to retain the fees as they are at present, and to delete the third schedule from the Bill.

It is necessary to give some thought to dogs owned by aborigines. Although natives in Western Australia are able to earn money in the southern parts of the State, the majority of them still do not handle money. Those who are working around the towns in the agricultural areas and the goldfields may handle money, but thousands of others—say, north of the 26th parallel—do not handle money. Natives who live in the natural state and who receive rations from the stations now and again should not be forced into the situation of having to pay a registration fee for a dog or dogs.

The Hon. R. F. Hutchison: Surely not, when we will not even allow them to become citizens.

The Hon. F. J. S. WISE: Therefore I think this matter needs further consideration. One of the amusing things mentioned in the amendment of 1923 is the responsibility of owners in regard to where dogs are allowed. At the top of the steps leading to the Public Works Department there is a notice which reads "Dogs Are Not Permitted in These Grounds"; but the dogs cannot read it. Such notices are also placed outside a number of business establishments.

The Hon. G. C. MacKinnon: Is there not another section which states that unless dogs are on a leash they are not allowed in the street?

The Hon. F. J. S. WISE: No; but they are not allowed in certain controlled areas unless on a leash and accompanied by their owners.

The Hon. G. C. MacKinnon: That is it, is it?

The Hon. F. J. S. WISE: I repeat that although dogs are very clever, particularly with blind people, they have not reached the stage of intelligence when they can read notices. Many people in thickly-populated areas take their dogs for a walk, and this is the only exercise which such people receive.

I think there are some features in the Bill which are an improvement on the parent Act, as there are some provisions in the Act which are out of date. However, in common with most members in this Chamber, I believe that even though the administration costs are greater than when the Act was first introduced, registration costs for a dog should be a token amount no matter who may be the owner. If a registration fee were involved for the registration of a kennel, or a dogs' home, or anything of that kind, a higher fee would, of course, be justified; but I suggest that the Minister should convey to his colleague, the Minister for Agriculture, the thoughts expressed by Mr. Piesse in that original debate, as a means of overcoming a lot of the objectionable things which this very grand

animal is capable of doing if he is uncontrolled. Many dogs are well looked after and groomed. Indeed, in connection with shows, they are laundered. Why, I saw a dog, when being prepared for the judges at the last Royal Show, being washed in Blue Omo to give him a nice colour!

The Hon. A. F. Griffith: I have seen them dyed, too.

The Hon. F. J. S. WISE: Yes, probably. Any well-cared-for animal is a pleasure to behold, and a treat to own; and a cared-for animal is wonderful to have in the precincts of a home.

The Hon. A. L. Loton: Hear, hear!

The Hon. F. J. S. WISE: On the other hand, a neglected one is something for which this Act was introduced; a means by which these animals, which can, indeed, become a menace to health, can be controlled.

THE HON. R. C. MATTISKE (Metropolitan) [7.49]: Unlike certain speakers who have stated that they can see no good at all in this measure, I feel it is one which is highly desirable, and I was very pleased indeed to hear Mr. Wise speak in the terms he used. With one exception, I must agree with what he said.

I feel very strongly that the whole purpose of the Dog Act is not to produce income for any Government or local authority, but to control an animal which, as has been said so often this afternoon, can be very lovable and useful; but an animal which, at the same time, can be very destructive not only to stock, and children as stated by Mr. Watson by interjection, but also, because of its actions on the road in the heavy traffic which we experience today, to other human life.

If we are to endeavour to restrict the number of dogs around, there is only one way by which it can be done—by imposing such a heavy price on the keeping of a dog that only those who genuinely want them will retain them. Others will have them destroyed rather than pay a heavy fee. We have already had similar experience in regard to other forms of legislation. For instance, we need only look at the orchard registrations. How many people have destroyed fruit trees—which previously were a menace in the community because they provided breeding grounds for fruit fly—simply because they did not intend to pay the then small fee for registrations? How many people have destroyed firearms for which they had no use, because they did not consider it worth their while to pay the registration fee?

The Hon. A. F. Griffith: Which is now 10s. instead of 1s. which it used to be.

The Hon. R. C. MATTISKE: That is right. Therefore, I believe we have a parallel situation in this measure. If a person has a dog which he values, then surely the fees prescribed in the Bill are not too high a price to pay. I feel that the measure, rather than going too far, has not by any means gone far enough. With regard to an entire dog, or bitch, the fee should be considerably higher; but for a desexed animal, a very nominal fee should be charged. If that system were followed, I believe that far greater encouragement would be given to people who desire to retain a pet purely and simply as such, to have the pet desexed. By that means much of the present trouble would be overcome.

Some time ago there was formed a committee comprised of representatives of various authorities in the metropolitan area. The committee was known as the Joint Dog Control Committee, and its purpose was to enable various local authorities to get together with a view to having a joint pound and a joint dog catcher. I had the privilege of representing the Perth Road Board on that committee, and consequently learned much about the dog menace in the metropolitan area. It is astounding to know of the lack of authority which local authorities have in dealing with this menace.

One of the very important things is provided for in this Bill. I am referring to the dog which is suffering from a contagious disease. Previously, if a mangy dog were seen roaming around school grounds, as has actually happened in many instances, the local authority concerned had severe restrictions placed on it in regard to the manner in which it could deal legally with that infected animal. However, this Bill, if passed, will give the local authority the right to take urgent action to prevent a disease being spread, not only to other animals but also to human beings. I believe that is an excellent provision.

I feel too that those provisions which have been amply aired today regarding the freedom from tax, as it were, on dogs used for guide purposes, is a very good one, as is also the provision concerning the aboriginal. In fact, as I said at the outset I cannot see any unpalatable provision in the Bill. The only thought I have is that I would rather see a far higher fee charged for the registration of entire animals.

There is one point concerning the control of the dogs, though, to which I would draw the attention of the Minister; and this was a very real problem with the dog catcher employed by the Joint Dog Control Committee to which I have referred.

The Hon. H. K. Watson: He was employed full time?

The Hon. R. C. MATTISKE: Yes.

The Hon. H. K. Watson: For the metropolitan area?

The Hon. R. C. MATTISKE: Large parts of it.

The Hon. H. K. Watson: Is that system still in existence?

The Hon. R. C. MATTISKE: No. At that time a dog pound was established in the Bayswater area. The present member for that district (Mr. Toms) could give us much information as to what happened because he at the time was the chairman of the road board in the district in which the pound was situated. The dog catcher was employed on the basis that for two or three days, or even a week, he was engaged in one particular area, then he would move to another district, and so on. Arrangements were made under which the various local authorities would contribute towards his pay; to keep the cart running; and to maintain the pound.

In the first week of operation in the Scarborough area, with which I was particularly concerned, he caught no less than 98 dogs, but hardly any improvement could be seen so thick was the roaming-dog population at that time. They were an absolute menace, not only on the beach but right throughout the district. However, the work done by that dog catcher I am sure prevented a lot of traffic accidents in the district; and it certainly saved a lot of unpleasantness on the beach.

However, as often happens when a person is employed on a bonus system, there arose many complaints concerning his method of operation. I understand that he was seen on two or three occasions to lean over fences and remove dogs which were minding their own business in the yards of private homes. I understand, also, that he had another method of attracting dogs—he used a female hound in season; and that was quite a good lure to obtain dogs in large numbers. However, in all seriousness, I believe that this proposition should be given some consideration by the local authorities. Strict control must be kept over the dog catchers, though, to ensure that they are really playing the game and are taking in only animals which are a menace, which are unregistered, or which are infected with some disease.

There is no doubt that every dog must roam to a certain extent. I have a small dog at home. It is a pedigree fox terrier which is kept locked up at night. However, the first thing in the morning when it is released, it makes a regular inspection of all the State Electricity Commission property within the area and, having completed its inspection, returns home where it stays all day. Normally, we do not have any trouble with it at all. However, when there is a bitch in season, not necessarily in the near vicinity, but a considerable distance away, the dog is often missing for a day or so at a time. It is one of those things

which are very difficult. We have tried to keep the dog locked up during such times, but the poor little creature nearly goes crazy; I do not blame him. But those things have to be looked at in a reasonable and sensible light.

I think that if a dog is properly registered and has the registration disc around his neck, a dog-catcher should use discretion. The provision in the Bill which enables a local authority representative, or a police constable, to ring the owner of the dog and hand the animal back to the owner upon payment of a certain penalty, is a good one. At present if a dog is missing, the owner does not know whether or not it is impounded. He can ring the pound two or three times, and the dog may or may not be there. When a dog is impounded, in many areas there is no system by which the owner is advised immediately. Consequently the dog must be fed; and in due course an advertisement appears that an animal of a certain description is in the pound. Unless the owner sees the advertisement, or hears that the dog is at the pound, it is possible, after a certain time, for the animal to be destroyed; and by this means a family pet can be lost, to the great grief not only of the children but also of the adults in the family. I feel that the present proposal to advise the owners of the dog is a good one; I think it should be obligatory in all cases for this to be done.

I hope the measure will be passed; but if an amendment is moved to increase fees for entire animals, I will support it. I support the Bill.

THE HON. E. M. DAVIES (West) [8.31]: The Bill which we have been debating for some time appears to have some merit; but when I form my own opinion on some of its provisions, I find that there is not very much of it that I am in favour of. However, I regard the Bill as an attempt to do something; and I say it is necessary that we should have some measure of control over dogs in the local authority's districts. But I maintain that the local authorities which persist in collecting license fees, but make no attempt to control the dog nuisance, are obtaining money under false pretences.

I know of local authorities that have no means of controlling the dog nuisance; they have no pound; they have no pound-keepers, but they insist on collecting dog license fees whenever they can, and regard the money as revenue and not as a means to control something that might become a pest.

During the debate I have heard of dogs, bitches, and pups, and I am beginning to wonder who conceived the idea of bringing down the Bill. One of the provisions in the measure seeks to bring the Police Force into the question. I always thought that under the Dog Act power was given to the local authority to deal with dogs by licensing them; that the local authority should

prevent dogs in the district from becoming a pest; and that the local authority should appoint someone to look after that phase of its work. But, as I have said, no such activity is undertaken by many local authorities. I take exception to police officers being engaged in this business.

The Hon. L. A. Logan: It has been in the Act all the way through.

The Hon. E. M. DAVIES: I see by the Bill that we are to have two societies of dogs. One portion of the Bill refers to any dog found in a shop, etc., and then another provision is as follows:—

The owner of any dog, not being a dog that is used in the droving of stock, which is found in the district of any local authority on any bathing beach specified for the purposes of this section by order of the local authority published once in the *Gazette* and once in some newspaper circulating in the district, . . .

It appears that if the dog is used for droving stock, it is quite all right; it can be in the street or on a reserve or on a beach. But if the dog is not used for that purpose, then an offence is committed if it is on a street, reserve, or beach; and for the first offence the fine is to be £5, and for the second offence it is to be £10. I certainly am not going to support that provision because I do not think it is a question of utilising this measure to produce revenue for any local authority.

The idea of licensing a dog is so that the animal can be given a disc; so that there will be some measure of control over dogs that roam the streets; and so that, by the number on the disc, the owners may be located and advised if their dogs have been impounded. I cannot see why there should be any increase in the license fees; because, in my opinion, the licensing of dogs is for the purpose of control and not for the purpose of revenue.

Then again we see something about dogs, bitches, and certified bitches, because these words appear in the Bill—

Where in respect of any bitch there is produced to the registering officer a certificate of and signed by a registered veterinary surgeon certifying that the bitch has been effectively sterilised the fee shall be ten shillings.

That brings in another category. We have aristocrats, bitches, dogs, and certified bitches; and everything carries some penalty with it. It gets down to this, that every dog has his day.

There are some provisions in the Bill with which I agree, but there are quite a number that I am not in favour of. Until I see what happens in Committee, I reserve the right to express an opinion for or against the measure.

THE HON. H. K. WATSON (Metropolitan) [8.10]: It has been amply demonstrated that when an amendment to the Dog Act comes before this House, for some reason or other it inspires members to flights of oratory and engenders consistent and vigorous debate almost unparalleled in the Chamber. I had intended that my contribution would simply be to remind members of what the Chief Justice of Tasmania recently said. He made this observation—

Next to a dog, man's best friend is his taxation adviser.

I was rather surprised that Mrs. Hutchison did not plead for equality of sexes. As a matter of fact, I intended myself to make a rather impassioned plea for equality of sexes, but I think there is much in what Mr. Wise said and I have changed my mind to favour the sexless.

Mr. Davies mentioned that few local authorities had pounds, or took any effective action to remove straying dogs. I would briefly like to take up the debate where Mr. Mattiske left off. He explained that there was a time when the local authorities of the metropolitan area—and I am confining my remarks to the metropolitan area; I am content to be guided by the country members so far as the country is concerned—instituted a joint pound and a joint dog catcher. It seems to me that unless we have something like that, the whole purpose of the Act becomes futile. After all, it is not what the Act contains that counts, but the way it is administered.

There is no justification for local authorities collecting fees unless they take organised steps to remove unwanted dogs from the streets; because there is no doubt they are a danger, a nuisance, and a menace both to pedestrians and motorists. I feel that unless this system of removing straying dogs from the metropolitan area is organised on a joint and full-time basis, we will not get anywhere. If it is organised on a business-like basis it will cost money. Therefore I feel that the fees are justified. I also point out that the heavier penalties in respect of straying dogs should help to impress upon the owners the necessity for greater care and control of the animals.

Like Mr. Davies and various other speakers, I feel it is not part of a policeman's duty to attend to the removal of straying dogs from the road. That is essentially the duty of the local authorities; but few local authorities are discharging the duty efficiently and adequately; and I would like to see a restoration, permanently, of the joint practice which Mr. Mattiske explained to us.

There is no need to employ the dog catcher on the basis of incentive payments, because there would be the possibility of running a risk in those circumstances. However, if a dog catcher was provided

with proper equipment and was paid a fair salary, I am satisfied that without the payment of an incentive bonus, a man could be obtained who would do the job satisfactorily and efficiently. I will support the Bill, but I hope the Act will be administered in the metropolitan area in a satisfactory manner.

On motion by the Hon. J. M. Thomson, debate adjourned.

STOCK DISEASES ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from the 1st September.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. W. R. Hall) in the Chair; the Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5—Section 4 amended:

The Hon. F. J. S. WISE: Could the Minister in charge of the Bill advise whether the Crown Law authority holds, without qualification, the view that the provisions in this clause and the succeeding one are sufficient to override section 92 of the Commonwealth Constitution, which deals with freedom of trade between the States? The need for this Bill was based on the determination of whether one person resident in this State, who holds pastoral leases in the Northern Territory, could import cattle from an area in which pleuro-pneumonia had, within a term of years, been known to exist. This Bill had its genesis when the prohibition of bringing in this stock to this State was to be challenged on constitutional grounds.

I know that to be a fact because the gentleman concerned came to see me in connection with it. Does the State feel absolutely secure in the wording of this clause, and particularly in the wording of the succeeding one that the prohibition of disease—basing it on quarantine circumstances—will be sufficient to override section 92 of the Constitution?

The Hon. A. F. GRIFFITH: It was expected that this question would be raised. Mr. Wise will probably recall that in replying to the second reading debate I covered this point to some extent. At the time I said there was a doubt because of section 92 of the Constitution; and I pointed out that the Crown Law Department, after a close examination of the legal aspects, considered the Act should be amended in the manner now intended in order to make quite certain that the law will afford the necessary protection.

The Hon. F. J. S. Wise: So their opinion really is that this verbiage in the Bill will overcome the restriction contained in section 92 of the Constitution?

The Hon. A. F. GRIFFITH: Yes. I can only repeat what I said in my second reading speech; namely, that the advice from the Crown Law Department is to the effect that the present wording of the Act is wide enough in its scope to prohibit the introduction into Western Australia of stock from other States for any reason whatsoever. However, apparently it is open to some challenge. To make certain whether the challenge, if made, would be upheld in law, these amendments were proposed.

I proposed to move some amendments to clause 7, but unfortunately these amendments have not been printed on the notice paper. As it is not fair to ask members to accept or discuss these amendments without having been given some notice of them, I will take the opportunity to have the amendments placed on the notice paper. In the meantime, I will again check with the Crown Law Department the point raised by Mr. Wise. Therefore, at this point I will ask you, Mr. Chairman, to report progress and ask for leave to sit again.

The CHAIRMAN (the Hon. W. R. Hall): Does the Minister wish me to complete this clause and then report progress?

The Hon. A. F. GRIFFITH: It might be better to finish on clause 4 in order that I can give Mr. Wise a definite assurance that clause 5 has the effect the Government intends it to have.

Progress reported, and leave granted to sit again.

LAND ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

THE HON. A. R. JONES (Midland) [8.25]: I have taken the opportunity to peruse the Act in order to ascertain what effect these amendments will have, although I admit that the Minister in his second reading speech, and also Mr. Wise when speaking to the debate, gave us some excellent illustrations of how these amendments would be put into effect. I agree entirely with the amendment proposed to section 32, and I have very little to say with regard to the amendments that are proposed to section 143 because I also agree that the Act needs tightening up to ensure that no applicant is penalised, because there is nothing surer than that is taking place at the present time.

As Mr. Wise pointed out, it is not always the people who are justly entitled to land whose applications are approved by the board. I was wondering how we could

amend the Act to ensure that the board would have more specific information placed before it; and also whether it could be amended to make applicants tell the truth more often in the statements they submit to the board.

The Hon. F. J. S. Wise: Do you think there would be any beneficial effect in having the hearings held *in camera*?

The Hon. A. R. JONES: I think that would have a good effect. At present, if a dozen applicants appear before the board and the last one hears the evidence relating to the other 11 cases, he has a very good idea of what to say and what not to say when his application is dealt with. An additional safeguard, too, would be to amend the Act to provide for the questionnaire, which is sent out to those people who are applying for land, to be printed in the form of a statutory declaration. At the present time the questionnaire requires 20 or 30 questions to be answered, but there is no guarantee that they are answered in a truthful manner by the applicants. If each applicant were required to sign a statutory declaration, it would at least be some further assurance that the answers he gave were truthful and correct. At the present time there is too much laxity altogether.

Whilst I agree with the amendments brought forward in this Bill—and I commend the Minister for bringing them forward—I think we should tighten up the Act still further to ensure that those persons requiring land are compelled to make statements which are true and correct; and, in addition, perhaps the board could hear the evidence of each applicant *in camera*. The board should be given every assistance possible so that as a result of its deliberations the people most entitled to land will be successful in their applications.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines—in reply) [8.28]: I thank Mr. Wise and Mr. Jones for their contributions to the debate and the support which both of them gave to the Bill. It would be perfectly safe to say that in this State applicants receive, if not the cheapest, some of the cheapest, land in the world as a result of the manner in which the Government makes it available under the conditional purchase scheme. I agree that this is not a matter to be dealt with lightly. The granting of land to various people should not be agreed upon without due consideration being given to all the relevant factors surrounding each application.

In connection with the manner in which the board conducts its hearings or its proceedings, I shall draw this matter to the attention of the Minister for Lands so that he will be aware of the contentions put forward by both Mr. Wise and Mr. Jones.

I feel sure that if, in some subsequent session, other improvements can be made—bearing in mind this Bill is intended to improve the principal Act—there will be no hesitation on the part of the Government in introducing legislation to bring about such improvements.

Question put and passed.

Bill read a second time.

In Committee

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

FRUIT GROWING INDUSTRY TRUST FUND COMMITTEE (VALIDATION) BILL

Second Reading

Debate resumed from the 1st September.

THE HON. F. J. S. WISE (North) [8.33]: The title of this Bill explains the reason for its introduction. It is simply an amendment to an Act which I had the privilege, a long time ago, to introduce into the Parliament of this State. However, when a Bill to amend that Act was passed a year or two ago and the appointments were to be made to the committee, nominations were received but the appointments were not validated by a ministerial act. This Bill is simply to validate the appointment of the committee and any act or actions of the committee since that period. The measure is to be commended as it will rectify that oversight; and it is a Bill which the House can accept without any qualification.

Question put and passed.

Bill read a second time.

In Committee

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

CROWN AGENCIES BILL

Second Reading

Debate resumed from the 30th August.

THE HON. E. M. HEENAN (North-East) [8.37]: The purpose of this Bill is to declare the various statutory bodies referred to in the schedule as agencies of the Crown; and the statutory bodies mentioned are the Rural & Industries Bank, the State Electricity Commission, the State Government Insurance Office, and the Western Australian Government Railways. The Bill also provides that other bodies may be included by proclamation.

In the past there has arisen a good deal of legal controversy as to whether certain statutory bodies are legally entitled to claim the immunities and privileges that

are extended to agencies of the Crown. In introducing the Bill, the Minister explained that over the years there has been some doubt concerning the status of those bodies; and to resolve that doubt, and to place the issue beyond any question, this Bill has been introduced.

I looked up an authority to satisfy myself as to whether the remarks of the Minister were justified, and I came across an article in Vol. 4 of *The Australian Law Journal* written by Professor W. Friedmann; and he certainly bears out the contention of the Minister. It might be interesting if I read a brief extract from this article which is as follows:—

In a previous paper, the present author drew attention to the unsatisfactory state of the law regarding the status of that increasingly important legal institution now commonly called the public corporation. It was suggested that, in Australia at any rate, the decisions on the degree to which these corporations participate in the legal immunities and privileges of the Crown were highly conflicting; and that the ensuing uncertainty of the law was due to the faultiness of the tests applied, as well as to the absence of a clear legal policy guiding the courts in doubtful cases. In particular, it was shown that the basic test of a distinction between "proper" or "inalienable" Government functions and others, was not capable of any generally accepted or scientifically accurate determination in modern conditions; and that the subsidiary technical tests applied in order to determine the status of a particular corporation were equally imprecise and contradictory.

So it does seem that the Crown Law Department was right in its advice to the Government in that the status of the statutory bodies mentioned in the schedule should be defined.

I think we can all agree that the Rural & Industries Bank, the State Electricity Commission, the State Government Insurance Office, and the Western Australian Government Railways do carry out, almost in their entirety, functions of the Crown. Therefore, it seems right and proper that they should be entitled to the immunities and privileges which are extended to other Crown agencies.

I might mention that the question of rates is involved. Certain procedures have to be followed when taking legal proceedings against Crown agencies. Apparently there has been a good deal of confusion in other States; more so than in Western Australia. In one of the articles which I read, an authority in South Australia which was almost fundamentally a Crown agency was held by the High Court not to actually comply with the legal tests. I

seem to remember that the decision of the Supreme Court in South Australia was overruled by the High Court.

Land is affected. We all know that land which is the property of Her Majesty's Government and which is used for public purposes is exempt from rates and so forth. I think the Bill is all right. In the past these bodies have undoubtedly been regarded and accepted as agencies of the Crown; but after all these years some doubt has apparently been conveyed to the Government concerning their correct status. The purpose of this Bill is to resolve that doubt. It is a technical Bill. From my reading of it, I am prepared to support it; and I can assure members that in my opinion it deserves their support.

THE HON. H. K. WATSON (Metropolitan) [8.46]: I do not intend to oppose this Bill. I merely rise to seek a little further information in connection with it. The Hon. Mr. Heenan has referred to a learned discussion on this question. My understanding of that particular discussion—which is certainly in accord with my own views—is that there is no justification for the granting to the Crown, as a trader, privileges which are denied to private business men; that there should be no special privileges unless especially given by statute. In other words, it is not fair or just that an institution such as the State Insurance Office or the R. & I. Bank should, in its ordinary trading transactions, escape some obligation by hiding behind the shield of the Crown.

Mr. Heenan has mentioned the question of municipal rates. I do not know what is the position with respect to municipal rates, but it seems to me to be rather an odd twist of thought which suggests, say, that the State Government Insurance Office building should be exempt from water rates and municipal rates, while the office of an insurance company next door should be liable for several thousands of pounds in the way of municipal rates and water rates. Whether that is the position, I do not know, but I would like to be advised; and likewise with respect to the R. & I. Bank: Is it exempt from municipal rates, whereas the bank opposite is liable for municipal rates?

What other considerations apply above and beyond rates is not clear to me. I would appreciate an explanation of what could be embraced in the exclusions which follow the granting to these institutions immunity of the Crown.

The Minister, in moving the Bill, suggested that we could obtain some enlightenment from section 14 of the State Housing Act of 1946. But in perusing that section, I find it does little more than say what is in the Bill before the House. It does little more than say that the commission must have and

must exercise all the powers, privileges, rights, and remedies of the Crown. I would like a simple explanation as to what rights and remedies, or preferential rights and remedies, it will have as against private individuals; and likewise, what obligations will it be protected from, as against private individuals? I think it would help the House to have a clearer appreciation of this Bill if the Minister would be good enough to explain those points to us.

On motion by the Hon. R. C. Mattiske, debate adjourned.

House adjourned at 8.52 p.m.

Legislative Assembly

Tuesday, the 13th September, 1960

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

QUESTIONS ON NOTICE

MANJIMUP HIGH SCHOOL

Completion of Third Stage

1. Mr. ROWBERRY asked the Minister for Education:
 - (1) When will tenders for the third stage of the building of Manjimup Senior High School be called?
 - (2) As there is evidence that there will be serious overcrowding at this school by 1961, will he give an assurance that this stage will be completed by 1961?

Mr. WATTS replied:

- (1) and (2) As it is not anticipated that there will be any overcrowding at Manjimup Senior High School in 1961, it is not intended to undertake the building of the next stage during the present financial year.

CHAR AND COKE INDUSTRY

Establishment at Collie

2. Mr. MAY asked the Minister for Industrial Development:
 - (1) Will he state what stage he has arrived at concerning the application by the Griffin Coal Mining Company for a Government guarantee to assist the establishment of a char and coke industry at Collie?
 - (2) What is delaying consideration of this matter, which is extremely urgent from the State's point of view?
 - (3) Will he agree this matter is all-important to the State and the town of Collie; and if so, will he endeavour to hasten the finalisation of Treasury investigations?