another to the present needs of the State legal system. A feature of all the Property Law Acts is the inclusion as far as possible of existing legislation on subjects related to property so that the Act becomes a comprehensive measure covering the ground formerly covered by many separate Acts which will now be repealed.

As a result many parts of the Bill are only re-enactments in modern style of some older existing legislation. Other parts are new to the State and are intended to bring the legal system of the State on these matters up to date and into line with current legislation in the other Property Law jurisdictions. At the same time opportunity has been taken to include some measure of law reform where it appears necessary.

One could do nothing else but commend such a statement. On that basis alone the Bill before us is deserving of a trial, and I have little doubt that when it comes into effect, bearing in mind that it will be the means of removing a great deal of deadwood from our Statute book, it will be a workable measure.

Debate adjourned, on motion by The Hon. I. G. Medcalf.

House adjourned at 5.26 p.m.

Legislative Assembly

Tuesday, the 25th March, 1969

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

BILLS (33): ASSENT

Messages from the Governor received and read notifying assent to the following Bills:—

1. Taxi-Cars (Co-ordination and Control) Act Amendment Bill.
2. Kwinana Loop Railway Bill.
3. Mangles Bay Railway Bill.
4. Builders' Registration Act Amendment Bill.
5. Hairdressers Registration Act Amendment Bill.
6. Reserves Bill.
7. Agricultural Products Act Amendment Bill.
8. Fruit Cases Act Amendment Bill.
9. Parliamentary Superannuation Act Amendment Bill.
10. Industrial Arbitration Act Amendment Bill.
11. Iron Ore (Hamersley Range) Agreement Act Amendment Bill.
12. Iron Ore (Hanwright) Agreement Act Amendment Bill.
13. State Housing Act Amendment Bill.
14. Appropriation Bill (General Loan Fund) 1968-69.
15. Health Act Amendment Bill.
16. Mining Act Amendment Bill.
17. Stamp Act Amendment Bill.
18. Land Tax Act Amendment Bill.
19. Land Tax Assessment Act Amendment Bill.
20. Traffic Act Amendment Bill (No. 2).
21. Wheat Industry Stabilization Bill.
22. Loan Bill.
23. Irrigation (Dunham River) Agreement Bill.
24. Housing Advances (Contracts with Infants) Bill.
25. Metropolitan Region Town Planning Scheme Act Amendment Bill.
26. Scientology Bill.
27. Public Trustee Act Amendment Bill.
28. Royal Commissions Bill.
29. Stock Diseases (Regulations) Bill.
30. Land Act Amendment Bill.
31. Mines Regulation Act Amendment Bill.
32. Metropolitan Region Town Planning Scheme Act Amendment Bill (No. 2).
33. Appropriation Bill (Consolidated Revenue Fund) 1968-69.

QUESTIONS (63): ON NOTICE

CHEYNE BAY

Mineral Sands Deposits

1. Mr. HALL asked the Minister representing the Minister for Mines:

   (1) What are the findings of the geological surveys carried out on mineral sands deposits in the Albany and Cheyne Bay areas?

   (2) Is it intended to allow holders of mineral sands leases in the Albany and Cheyne Bay areas to retain the leases after non-compliance with conditions laid down by the Mines Department?

   Mr. BOVELL replied:

   (1) A survey by the Geological Survey Branch indicated that the deposits did not contain sufficient mineral sands to warrant development at that stage.

   (2) The position is being kept under review as it is intended to interview the claim holders in the near future. Meantime, of course, any interested parties can seek forfeiture of mining tenements if the provisions of the Mining Act and regulations are not being complied with.

ALBANY REGIONAL HOSPITAL

Geriatric Ward

2. Mr. HALL asked the Minister representing the Minister for Health:

(1) Can he advise the commencing date for building of the geriatric ward at the Albany Regional Hospital?

(2) What will be the consequential ward accommodation on completion of the geriatric ward, male and female?

Mr. ROSS HUTCHINSON replied:

(1) No.

(2) The geriatric ward is being planned to accommodate 42 patients of either sex, which would bring the total available accommodation at the Albany Regional Hospital to 167, including 27 maternity beds.

SHANNON RIVER MILL

Timber Concession

3. Mr. H. D. EVANS asked the Minister for Forests:

(1) Will he indicate the arrangement whereby the timber concession, which previously supplied the Shannon River Mill, is being operated currently?

(2) Has any departure from previous Forests Department policy, or any other precedent been occasioned by the change in operations on the timber concession referred to above?

(3) With the closure of the Shannon River Mill, will he consent to some portions of the Shannon concession being made available to other timber companies?

(4) If not, will he indicate his reasons?

(5) Has any mill now receiving timber from the Shannon River concession failed to cut the permissible intake from its own concession in the last six months?

(6) If so, by what amount has it fallen short?

Mr. BOVELL replied:

(1) The sawmilling permit at Shannon River held by Hawker Siddeley Building Supplies is at present being operated by the company's Deanmill and Pemberton mills.

(2) No.

(3) No. The current term of the sawmilling permit has been granted until June, 1973.

(4) Answered by (3) above.

(5) Yes.

(6) Deanmill—13.4 per cent.
Pemberton—17.1 per cent.

WOOD CHIPS

Price, and Establishment of Industry

4. Mr. H. D. EVANS asked the Minister for Industrial Development:

(1) What is the minimum price per ton which a firm operating in Western Australia must receive for wood chips to be exported before the Commonwealth Government will grant it a license?

(2) What is the price per ton which Japanese interests were prepared to pay for wood chips in the recent negotiations with the Western Australian firm of Bunnings?

(3) What is the present position with regard to the anticipated establishment of a wood chip industry centred in the Manjimup district?

(4) Have any of the interested parties involved in the negotiations for the establishment of a wood chip industry in the south-west of this State sustained any financial loss to this stage; if so, to what extent?

Mr. COURT replied:

(1) The Commonwealth Government has not indicated an arbitrary minimum price per ton a company operating in Western Australia must receive for wood chips.

However, it is expected that any price approved will have to be comparable with the $27 per BDU f.o.b. announced by the Tasmanian project and approved by the Commonwealth. There are a number of factors which would influence "a comparable price."

(2) It is preferred to keep this figure confidential at this stage of negotiations.

(3) A formal agreement with Bunning Timber Holdings Ltd. is in course of preparation.

The agreement will be conditional on—

(a) the company entering into contracts satisfactory to the State for the sale of wood chips; and

(b) the company obtaining an export license from the Commonwealth.

The agreement will state a date by which the company has to satisfy these conditions. Commercial scale tests on marri logs are being undertaken in Japan. These are a prerequisite to finality with sales negotiations.

(4) Naturally the companies which submitted proposals to the Government for the export of wood chips incurred expense in feasibility studies and the investigation of markets. These expenses would

vary according to the degree of research, etc., that went into feasibility studies and market research. However, this expenditure would normally be regarded as developmental costs rather than a trading loss.

A BDU, for the information of members, is 2,400 lb. of oven dried wood which is apparently the common denominator used in the industry.

DAIRY REHABILITATION SCHEME

Acceptance

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

(1) Has the Dairy Rehabilitation Scheme proposed by the Federal Minister for Primary Industries been accepted by the Government?

(2) If amendments to this scheme have been placed, or will be placed, before the Federal Government by him, will he state the nature of such amendments?

Mr. NALDER replied:

(1) The Government has asked for clarification of certain aspects of the scheme but a reply has not yet been received.

(2) A meeting of officers representing all State Governments held in Sydney agreed to a number of submissions which have been forwarded to the Commonwealth Government.

VICTORIA LOCATION 10952

Applications and Allocations

6. Mr. TONKIN asked the Minister for Lands:

(1) How many applications were received for Victoria Location 10952 in September, 1967?

(2) On what date and at what time did the land board commence its sitting to determine the allocation of the area?

(3) Which applicants, if any, appeared in person to give evidence in support of their applications?

Mr. BOVELL replied:

(1) Three applications.

(2) and (3) Messrs. Edward Latham of Dongara and Clarence Charles Matsen of Geraldton appeared in person before the land board.

The board heard a number of applicants for land apart from those interested in Victoria Location 10952 and commenced its sittings in Perth at 9 a.m. on Friday the 29th September, 1967.

Although 11 a.m. was the time indicated to hear applicants for Victoria Location 10952, Mr. Matsen's evidence was taken before 11 a.m. as he was then in attendance.

Mr. Latham's evidence was heard after Mr. Matsen had left the board.

CEMENT

Comparative Prices

7. Mr. TONKIN asked the Minister for Industrial Development:

(1) What are the comparative prices as between the States of Australia for cement supplied by the manufacturer—

(a) in bulk;

(b) in bags?

(2) Does the Government obtain any preferential price in consideration of the very substantial financial assistance which it has given to Cockburn Cement Ltd.?

Mr. COURT replied:

(1) The preliminary information available shows the comparative delivered prices in the metropolitan area, or equivalent areas of each State, for cement supplied by the manufacturer are as follows:—

	Bags per ton $	Bulk per ton $
Hobart	30.63	29.12
Sydney	30.10	26.63
Townsville....	28.50	24.63
Perth	26.50	24.75
Melbourne	26.10	23.60
Brisbane	21.20	19.50
Adelaide	20.60	18.90

Further information is being sought to see whether there are significant variations of these prices. I should explain that I got some figures quickly, but I wanted to check on variable methods of handling the products which, I understand, do exist. It is pertinent to note that the Western Australian company has been able to hold the price to within 62c per ton of the July 1955 price.

(2) It is a matter of opinion as to whether there was "very substantial financial assistance" given to the company having regard for the circumstances under which it was invited to establish here.

Rebates are granted by Cockburn Cement to premixed concrete suppliers, concrete product manufacturers, and builders' merchants. But these do not apply to Government business.

WARNBRO SOUND

Erection of Pylons

8. Mr. TONKIN asked the Minister for Works:

(1) What was the cost of erecting two pylons in Warnbro Sound at latitude 32 deg. 20 mins. 28 secs. and longitude 115 deg. 41 mins. 21 secs. and longitude 114 deg. 41 mins. 22 secs., respectively?

(2) What was the purpose of erecting the pylons?

(3) Was a survey of the area made in which the *Gungadin* was used?

(4) At whose cost was the survey made and the pylons erected?

(5) Is some major development of the area in contemplation?

(6) If "Yes," will he give particulars?

Mr. ROSS HUTCHINSON replied:

(1) $21,432.

Actually three beacons have been erected—two as lead beacons marking the entrance channel with the third as a safe turn beacon.

(2) To provide a surveyed and adequately marked entrance channel into Warnbro Sound for use by small craft as recommended in the Royal Commission reports (1964) on the safety of ships at sea.

(3) Yes.

(4) Funds were provided by the Commissioner of Main Roads.

(5) No.

(6) Answered by (5).

METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE BOARD

Use of Plastic Pipe for Domestic Purposes

9. Mr. TONKIN asked the Minister for Water Supplies:

(1) At the 29th meeting of the Metropolitan Water Supply, Sewerage and Drainage Board, held on the 26th April, 1967, it was reported that by arrangement with the State Housing Commission some plastic piping was to be used as an experiment at Coolbellup.

(a) Did the experiment proceed as planned;

(b) what are the conclusions up to the present?

(2) Is the use of plastic piping for domestic housing reticulation approved in any of the Australian States?

(3) Why has approval not been given for the use of plastic piping for water reticulation in the metropolitan area in this State?

Mr. ROSS HUTCHINSON replied:

(1) (a) Yes.

(b) Generally, plastics have performed fairly well.

Special attention must be given to the support of pipes manufactured from some of the materials used. The larger pipes used have been found to be somewhat brittle and easily susceptible to damage. The techniques originally used for tapping were found to be too slow and new techniques had to be developed.

Unplasticised P.V.C. pipes used elsewhere by the board under test have become brittle and failed within eleven months of installation.

(2) Plastic piping is approved in most Australian States for non-pressure use, and for such use will shortly be approved in this State; limited approval for pressure use has been given in Adelaide, but not, so far as is known, in any other capital city.

(3) As experiments are not yet completed it would be premature to give general approval at present. These experiments are being carried out throughout Australia to determine which plastics are suitable for use under Australian conditions both for pressure and non-pressure use.

DILLINGHAM CORPORATION PTY. LTD.

Construction of Dry Dock: Tabling of Feasibility Study Agreement

10. Mr. TONKIN asked the Premier:

Will he table a copy of the agreement made with Dillingham Corporation of Australia Pty. Ltd. in 1967 for a feasibility study of the building of a dry dock in Cockburn Sound?

Mr. BRAND replied:

It is not proposed to table the papers which, as is to be expected in a matter of this kind, include much of a confidential nature.

I am in a position to say, however, that there is no formal agreement. The arrangement with Dillinghams is covered by a letter which authorised them to undertake at their cost a feasibility study to determine whether a dry dock proposal was economically and otherwise viable. Beyond that the Government's commitment only extends to an undertaking to be ready and willing to undertake negotiations with Dillinghams if

the feasibility study indicates that a project would be economically and otherwise viable.
This assurance they sought as a firm indication that we would not abandon our negotiations with them when we saw the result of the feasibility study and proceeded to negotiate in another quarter without giving Dillinghams a fair and reasonable opportunity to arrive at an acceptable proposition.

POINT PERON RESERVE

Tabling of Plan

11. Mr. TONKIN asked the Premier:

(1) Will he table a plan showing the portions of the Point Peron recreation reserve obtained from the Commonwealth and which his Government proposes to use for purposes other than recreation?

(2) Will he have shown on the plan the particular uses to which it is proposed to put the areas comprised in the reserve?

Mr. BRAND replied:

(1) and (2) I ask leave to table the plan referred to by the Leader of the Opposition.

The plan was tabled.

EDUCATION

Publicity Campaign: Cost

12. Mr. TONKIN asked the Minister for Education:

What is the total cost to date of the publicity campaign in which he has been indulging for the purpose of countering the advertisements which have been inserted in the Press by the State School Teachers Union ostensibly for the purpose of drawing public attention to the deficiencies in this State's education system?

Mr. LEWIS replied:

$1,637.

WATER SUPPLIES

Fluoridation: Cost

13. Mr. TONKIN asked the Minister for Water Supplies:

(1) What was the capital cost of the necessary machinery and equipment for the fluoridation of the public water supply?

(2) In what form was the required substance obtained and from what sources of supply?

(3) What was the total cost of the additive for the first full year of operation?

(4) Would it be a fair estimate that only one-quarter of one per cent. of water used is consumed for drinking purposes and of this only one-fifth is drunk by children?

(5) If his calculations are different will he state his figures?

(6) What part of each dollar of the total expenditure involved in fluoridating the water supply is absorbed directly in the cost of the "nutritive" which reaches the children?

Mr. ROSS HUTCHINSON replied:

(1) Metropolitan Water Supply, Sewerage and Drainage Board—

Machinery and equipment—$40,337.

Machinery and equipment installed and housed—$168,752.

Public Works Department—

$30,000 for machinery and equipment at Mundaring Weir, Wellington Dam, Geraldton, and Albany. The cost of installation and housing of this equipment is $60,000, making a total cost of $90,000.

(2) A white powder, sodium silico fluoride, produced in South Africa.

(3) To the Metropolitan Water Supply, Sewerage, and Drainage Board —$14,000;

To the Public Works Department —$2,875.

(4) to (6) No figures are available along the lines suggested. The real point at issue is that the value of the amount of water used for drinking, no matter what proportion of the total, far outweighs any fractional consideration.

Mr. Tonkin: That is a matter of opinion.

Kondinin Area: Artesian Water

14. Mr. STEWART asked the Minister for Water Supplies:

(1) Could he confirm the finding of artesian water in the Kondinin area?

(2) If "Yes," would the Government evaluate the quality of the water and the extent of the basin for the future benefit of the region?

Mr. ROSS HUTCHINSON replied:

(1) I am informed that in July, 1968, a drilling team employed by the Electrolytic Zinc Company of Australia located minute supplies of water at depth during mineral exploration drilling near Kondinin.

Flow apparently ceased within a few days and was of no real significance.

Water quality was not tested but was thought to be saline.

(2) Answered by (1).

STATE SHIPS

Use of Containerised Cold Rooms

15. Mr. RIDGE asked the Minister for Transport:

(1) Is he aware that an Australian-based company is producing portable shipboard coldrooms for use on vessels that are similar in size to ships in the State fleet?

(2) To overcome losses of perishable cargo at northern ports in between the times of unloading from built-in ship refrigeration systems and restorage in port or private facilities, will consideration be given to the use of containerised coldrooms on the northern service?

Mr. O'CONNOR replied:

(1) There is a number of Australian companies manufacturing refrigerated containers of the type referred to, and the State Shipping Service in conjunction with two well known companies, who are sharing the developmental costs, has already had two 20 ft. x 8 ft. x 8 ft. prototype refrigerated containers built.

These containers are at present under test preparatory to satisfying Lloyds Registry for classification and certificate.

They are intended for use on "D"—class vessels to supplement refrigerated capacity on vessels where required and as forerunners of the system which will be used when our barge-carrying ships are introduced.

(2) The existing fleet is not equipped with sufficient suitable spaces for stowage of refrigerated containers to enable a complete change to this type of operation in lieu of using ships' refrigerated chambers. Such a change could be made only at the expense of general and deck cargo such as vehicles of all types and dangerous cargo, with which it is already difficult to cope.

MAIN ORD DAM

Appointment of Permanent Police Officer

16. Mr. RIDGE asked the Minister for Police:

With work on the proposed Main Ord Dam due to commence shortly, will he advise—

(a) when it is expected that a policeman will be permanently stationed at the project site;

(b) what criteria is used to determine when more than one policeman is necessary on a project of this nature?

Mr. CRAIG replied:

(a) As soon as accommodation and facilities are provided.

(b) (i) The need for additional police protection in the light of experience;

(ii) The availability of staff, accommodation, and facilities.

Public Works Department Employees: Air-conditioning of Quarters

17. Mr. RIDGE asked the Minister for Works:

In view of the fact that the contractors for the Main Ord Dam have announced a decision to air-condition all quarters at the project camp, will he give consideration to providing the same facility at the site for Public Works Department employees who will in effect be supervising the work carried out by Dravo Pty. Ltd.?

Mr. ROSS HUTCHINSON replied:

As the quarters provided for Public Works Department personnel are designed with ample space and good cross ventilation, and ceiling fans are provided, air-conditioning is considered unnecessary.

STANDARD GAUGE RAILWAY

Kalgoorlie-Perth Service

18. Mr. T. D. EVANS asked the Minister for Railways:

(1) Will the Kalgoorlie-Perth passenger rail service over the standard gauge route be a daylight or night train?

(2) If a day train, will accommodation be provided on the interstate train service between Kalgoorlie and Perth for those patrons desiring to travel during night?

(3) When is it expected that a standard gauge passenger service will commence operation between Kalgoorlie and Perth?

Mr. O'CONNOR replied:

(1) Present planning is for this service to be run by fast diesel railcars, the provision of which is presently under negotiation with the Commonwealth. Timetables have not yet been resolved but it is intended that there will be two daylight and four late afternoon services ex Perth weekly and six late afternoon services ex Kalgoorlie.

(2) Provided ample notice is received of bookings required, and provided berths are available, passengers

will be permitted to travel on the interstate train.

(3) From current information available, and provided prompt approval is received from the Commonwealth Government for the acquisition of the rail cars—late 1970.

KINDERGARTENS

Government Financial Assistance

19. Mr. T. D. EVANS asked the Premier:

(1) Has the Government decided on making additional financial assistance available immediately to kindergartens?

(2) If so, what are the details?

(3) If not, why not?

Mr. BRAND replied:

(1) No.

(2) Answered by (1).

(3) No request has been received from the Kindergarten Association of Western Australia for additional assistance.

CONSUMERS' PROTECTION COUNCIL

Creation and Composition

20. Mr. FLETCHER asked the Premier:

(1) What State or States of the Commonwealth have created a consumers' protection council?

(2) What is the composition of such council from the point of view of interests represented?

(3) Is there any intention of bringing forward legislation this session to create any form of consumers' protection council in this State?

(4) If not, what protection at present exists by way of Statute to protect the community from unfair trading practices or other methods of exploitation?

Mr. BRAND replied:

(1) Victoria only.

(2) It is understood that the council comprises representatives of manufacturing, retailing, advertising, and consumer interests.

(3) and (4) At a meeting of the Standing Committee of Federal and State Attorneys-General held in Hobart, Tasmania, on the 7th March, 1969, the meeting had presented to it a report of the Rogerson Committee on the law relating to consumer credit and money lending.

The members of the committee were Professor Arthur Rogerson and Messrs. M. J. Detmold and M. J. Trebilcock, all of the Adelaide University.

The research into the matter of consumer credit and money lending by this committee was undertaken for the Standing Committee at the instance of the South Australian Government.

The Attorneys-General have agreed to arrange for the printing of the report and that it should be made available to the public after the next meeting of the Standing Committee in July. In the meantime, a study of the report will be made.

The Rogerson report makes comprehensive and far-reaching recommendations in regard to consumer protection. It is desirable to await the completion of this study before making any decision on the establishment of a consumers' protection council.

LAND

Young Liberal Movement Policy: Implementation

21. Mr. FLETCHER asked the Premier:

Has the Government any intention of introducing legislation this session to implement policy expounded by the State convention of the Young Liberal Movement in respect of—

(a) institution of a scheme for strict control of land prices;

(b) ensuring that land not built upon or subdivided in a reasonable period is sold at no more than the purchase price;

(c) that land subdivided by Government, local authority, or private person is sold for no more than 10 per cent. in excess of purchase price plus cost of development?

Mr. BRAND replied:

All reasonable measures which have a bearing on the stabilising of land prices will be considered.

AIR SERVICES

Murchison Airlines Pty. Ltd.

22. Mr. NORTON asked the Minister for Transport:

(1) Has Murchison Airlines Pty. Ltd. applied for a license to service Perth-Geraldton-Shark Bay-Carnarvon-Coral Bay?

(2) If "Yes," which airport will it use in Perth?

Mr. O'CONNOR replied:

(1) Yes. The application has been refused.

(2) Perth International Airport was the proposed metropolitan terminal.

Hicks Airlines Pty. Ltd.

23. Mr. NORTON asked the Minister for Transport:

(1) What airport does Hicks Airlines Pty. Ltd. use in the metropolitan area for picking up and setting down passengers and freight on its Perth-Geraldton-Murchison service?

(2) What types of aeroplane are being used and what is their capacity with respect to passengers and freight?

Mr. O'CONNOR replied:

(1) Jandakot.

(2) Cessna 310 with a payload in the range 1,650 to 1,786 lb., including provision for five passengers.

Cessna 401 and 402 with a payload of 2,300 lb., including provision for eight passengers.

BANANA PLANTERS

Land Allocations

24. Mr. NORTON asked the Minister for Lands:

(1) When will the banana planters, north of the Gascoyne River and east of the Onslow Road be offered the five acres of land referred to in my question of the 11th September, 1968?

(2) What has caused the delay in making this land available?

Mr. BOVELL replied:

(1) Five acres of adjoining land have been offered to, and accepted by, interested parties.

(2) Lease formalities await the excision from the pastoral lease. The form of surrender is being dealt with as expeditiously as possible.

HOUSING: EXMOUTH

Construction of Homes

25. Mr. NORTON asked the Minister for Housing:

How many houses will be built at Exmouth during the next 12 months in the following categories:—

(a) State rental homes;

(b) Government employees homes;

(c) Project homes.

Mr. O'NEIL replied:

(a) Sixteen units.

(b) Nine units.

(c) Not yet determined by the Commonwealth.

American Navy: Intention to Build Houses

26. Mr. NORTON asked the Minister for the North-West:

Has he received any advice from the American Navy of its intention to build houses for service personnel at Exmouth during the next 12 months; if so, how many?

Mr. COURT replied:

The Government is awaiting confirmation of the United States Navy's intentions to erect 70 houses.

PARENTS & CITIZENS' ASSOCIATIONS

Supply of Equipment through Government Stores

27. Mr. NORTON asked the Premier:

As typewriters, projectors, duplicators, and other such teaching aids when purchased by parents & citizens' associations become the property of the Education Department, would it be possible for such articles to be supplied through the Government Stores; if not, why not?

Mr. BRAND replied:

The arrangements with the Federation of Parents & Citizens' Associations are that certain items of a capital nature, including typewriters, can be purchased through the Government Stores. In addition, projectors which qualify for subsidy are supplied through the stores.

To extend these arrangements would give little advantage to the associations as their purchases for school use are exempt from sales tax. The saving in cost would be negligible and local tradespeople would be deprived of business.

For these reasons, plus the cost which would be involved in the provision of extra staff to cope with the additional work, it is considered that the concession should not be extended to further items.

USELESS LOOP

Opening of School

28. Mr. NORTON asked the Minister for Education:

(1) Has a school been opened at Useless Loop; if not, when is it intended to open one?

(2) What is the enrolment, or the estimated enrolment?

Mr. LEWIS replied:

(1) and (2) No. No application for the establishment of a school has been received.

EXMOUTH JUNIOR HIGH SCHOOL

Science and Manual Training Centres

29. Mr. NORTON asked the Minister for Education:

(1) When is it anticipated that home science, general science, and manual training centres will be added to the Exmouth Junior High School?

(2) Have approaches been made to the American Navy and the Commonwealth Government for funds to assist in building of the three centres referred to above; if "Yes," with what results?

Mr. LEWIS replied:

(1) During 1969.

(2) Approaches have been made to the United States' Navy and it is confidently anticipated that half the cost of the proposed centres will be met by that authority. No approaches have been made to the Commonwealth Government.

COLLIE COAL FIELD

Official Survey and Report

30. Mr. WILLIAMS asked the Minister representing the Minister for Mines:

(1) When was the last official Government authorised survey of the Collie coal field?

(2) What information was used to conduct this survey?

(3) What further data and information of the field has been gathered since the survey referred to in (1)?

(4) Does the present assessment potential being conducted differ from previous surveys; if so, in what way?

(5) As the Premier's statement—*The West Australian*, the 19th February, 1969—included "that any big scale development of the Collie coal field for export or possible use in the North-West could be linked with the development of the proposed deep-water port at Bunbury. For this reason Mr. Perkins and Mr. Menzies would also visit Bunbury." Will these investigations form part of a report?

(6) When is it anticipated a report will be received from the experts making the study?

Mr. BOVELL replied:

(1) From 1946-1957 a continuous survey was carried out and some further incidental work has been done continuously by the Geological Survey Branch. (See *G.S.W.A. Bulletin* 105.)

(2) It was conducted to assess the Collie coal measures by geological, geophysical, and drilling operations.

(3) Additional drilling results from companies drilling around mines and open cuts have been recorded and some further investigations have been carried out by the Geological Survey Branch.

(4) Yes. The present assessment is an engineering feasibility survey.

(5) Only so far as they affect the economics of possible export of Collie coal through the Port of Bunbury.

(6) Probably April.

CONSUMERS' PROTECTION COUNCIL

Establishment

31. Mr. CASH asked the Premier:

(1) Further to the answer to my question on the 18th September, 1968, can he advise if consideration has yet been given by the Government to the establishment of a consumers' protection council?

(2) If "No," are there any specific objections to the establishment of such a consumers' council, bearing in mind that of the first 3,000 complaints to the newspaper Ombudsman the majority related to matters in the consumer financial group?

Mr. BRAND replied:

(1) and (2) This matter is being kept under review by the Government. Through the Standing Committee of Federal and State Attorneys-General a report by the Rogerson Committee on consumer credit and money lending will shortly be available for its consideration. The report compiled by Professor Rogerson and Messrs. M. J. Detmold and M. J. Trebilcock of the Adelaide University makes extensive reference to consumer protection. The Government proposes a close study of this report to assist its further consideration of consumers' protection councils.

VANDALISM

Re-examination of Legislation

32. Mr. CASH asked the Minister for Police:

(1) In view of the increasing incidence of vandalism and damage to public property by vandals, will he give consideration to a re-examination of the laws relating to vandalism to see if heavier penalties are warranted?

(2) Whether changes in the financial penalties are proposed or not, will he give consideration to the introduction of additional "work" penalties appropriate to the nature of the particular act of vandalism committed?

Mr. CRAIG replied:

(1) The present maximum penalties provided in the Police Act, which were increased in 1964 and 1965, are considered adequate. These are—

(a) Wanton damage to public property—$100 or six months' imprisonment plus cost of repairing damage not exceeding $200.

(b) Wilful wanton or malicious damage to private and public property—$50 plus compensation not exceeding $100.

(2) Consideration will be given to the suggestion of "work" penalties, but this would introduce an element of humiliation which may well have the effect of militating against efforts to rehabilitate.

HOUSING

Applications for Homes

33. Mr. CASH asked the Minister for Housing:

(1) How many waiting applicants are listed for—

(a) purchase homes;

(b) rental accommodation?

(2) Of the applicants for purchase homes, how many applicants have been previously assisted with a purchase home—

(a) once;

(b) two or more times?

(3) How many applicants for rental accommodation have been previously assisted with a purchase home—

(a) once;

(b) two or more times?

Mr. O'NEIL replied:

(1) (a) 7,315—

7,077 metropolitan
238 country

(b) 10,575—

8,851 metropolitan
1,462 country
262 north of 26th parallel

Approximately 2,700 applicants for purchase homes also have applications lodged for rental homes.

Above figures do not include outstanding applications for single unit pensioner and single working women accommodation which are as follows:—

Metropolitan	1,281
Country	95
North of 26th parallel	4
	1,380

(2) Particulars are not available. It is not usual to grant second assistance to purchase a home. Each such application is thoroughly investigated and the decision to assist or not has regard to the circumstances under which the applicant disposed of the home with which he was previously assisted (as well as his current circumstances.)

(3) Particulars are not available. A second rental application will normally be accepted on an await turn basis provided the previous tenancy was satisfactory.

AIR CRASH NEAR PORT HEDLAND

D.C.A. Report, and Request for Judicial Inquiry

34. Mr. TONKIN asked the Premier:

(1) Has his Government been supplied with a copy of the report of the Department of Civil Aviation on the crash of an M.M.A. Viscount near Port Hedland on New Year's Eve?

(2) Has he made any representations to the Commonwealth for a full judicial inquiry into the accident?

(3) If "No," will he request that such an inquiry be held and that it be open to the Press?

Mr. BRAND replied:

(1) The Minister for Civil Aviation has indicated that it will be some time before the report can be finalised and tabled in the Commonwealth Parliament.

(2) and (3) These matters will be considered as soon as a copy of the report is made available.
I should say to the Leader of the Opposition I am aware that some questions have been asked of Mr. Schwartz in the House of Representatives and I think he has rejected the suggestion of a public inquiry. However, we have not the final report, which I am told is not yet finalised.

GOOMALLING STATE SCHOOL

Admission of Children and Overcrowding

35. Mr. TONKIN asked the Minister for Education:

(1) When this school year commenced, how many children were admitted to Grade 1 in the Goomalling State School?

(2) How many town children were limited to an attendance of one-half day from Tuesday to Friday of the first week because of overcrowding?

(3) What steps were taken to remedy the situation?

(4) What are the numbers in each of the classes which were formed to relieve the overcrowding?

Mr. LEWIS replied:

(1) 35.

(2) About 20 Grade 1 children were allowed home at midday for the first week. A reorganisation of classes became necessary following a decision to arrange a small class of secondary pupils only. Allowing Grade 1 children from the town to return home at midday is in line with departmental policy in metropolitan schools where Grade 1 remain at school for half a day only for the first two weeks.

(3) To enable reorganisation an extra teacher was appointed. Initially a local hall was used as a temporary classroom until a demountable classroom was erected. A classroom and home science and manual arts facilities are under construction on a new site.

(4) The school was reorganised on a basis of 17 students in the first year high school class and an average class loading of 37 pupils per class in the primary section. The secondary class has now increased to 20.

TOTALISATOR AGENCY BOARD

Credit Betting

36. Mr. TONKIN asked the Minister for Police:

(1) Did Judge J. H. Forrest in his Royal Commission report recommend that if a credit betting system was favoured the credit should be given by the board and not by the agent?

(2) Has such a system been adopted in any form by the T.A.B.?

(3) Did the Government decide in April last year that all credit betting with the T.A.B. would be abolished and the credit accounts wound-up in the following three months?

(4) If "Yes," has this decision been fully implemented?

(5) Does the T.A.B. permit, in totalisator agency regions, punters to make telephone bets through the board through its agents without establishing with the board in accordance with the Act a credit account sufficient to pay the amount of the bet and maintaining the account up to the time of making the bet?

(6) How many credit accounts were established with the board up to the time of the commencement of the last race at Helena Vale on Saturday, the 22nd March?

(7) Were any telephone bets made through the board through its agents on Saturday, the 22nd March?

Mr. CRAIG replied:

(1) Yes.

(2) No.

(3) Yes.

(4) Yes.

(5) An agent acting on behalf of an investor may as the result of a telephone call place a cash bet on behalf of the investor as set out in the section termed "Betting Against Cash Deposited without Requiring the Opening of a Deposit Account" of operating instruction 279/68.

(6) 811 deposit accounts.

(7) Yes.

METROPOLITAN WATER SUPPLY BOARD

Debit Balance in "Government Stores" Account

37. Mr. TONKIN asked the Treasurer:

What is his explanation for continuing to keep in the "Government Stores" account a debit balance of $347,843 against Metropolitan Water Supply Board?

Mr. BRAND replied:

Stores are required for the operations of the board and the "Government Stores" account is a convenient medium for administering these stores.

EDUCATION

Belmont Electorate: School Sites

38. Mr. JAMIESON asked the Minister for Education:

(1) Have sites been secured for future schools in locations other than those where schools are already in operation, in the Belmont electorate?

(2) If so, where are they situated and what are the respective areas involved?

(3) When is it contemplated that schools will be built on these sites?

Mr. LEWIS replied:

(1) No further school sites have been secured in the Belmont electorate except for an extension to the Kewdale Primary School site which is under negotiation at the present time.

(2) and (3) Not applicable.

School Buildings: Unexpended Loan Funds

39. Mr. JAMIESON asked the Minister for Works:

(1) What are the reasons for the unexpended sum of $2,735,069 from loan funds allocated to the Public Works Department for expenditure on school buildings, etc., in 1967-68 and the anticipated unexpended sum of $3,197,069 in 1968-69?

(2) Is it expected that this trend will continue?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The figures quoted are balances of authorisations to raise loans for school buildings and are not unexpended balances of loan funds which have been allocated for this purpose.

The loan allocation for 1967-68 was $8,000,000 and expenditure was $7,996,280.

The allocation for 1968-69 is $9,000,000 and it is expected that this amount will be spent.

BARRACKS ARCH

Renovations

40. Mr. JAMIESON asked the Minister for Works:

(1) What has been the reason for the rather prolonged activity associated with the conversion of the Barracks Arch from commencement of renovations to its present state?

(2) What has been the cost to date for the activities since commencement of renovations?

(3) What is the estimated amount that will yet have to be spent to complete the operation?

(4) How does the overall cost compare with the original estimate for this work?

Mr. ROSS HUTCHINSON replied:

(1) Reason for "the rather prolonged activity" is due to the degree of difficulty involved in removing the old face and replacing with an elevation to a near match of the eastern face. It was anticipated this would be a slow procedure requiring meticulous attention to the removal work and construction of the new face.

(2) $13,139.

(3) Approximately $11,800.

(4) It is anticipated that the job will be completed at about the estimated cost of $25,000.

EDUCATION

Classrooms: Number Built

41. Mr. LAPHAM asked the Minister for Education:

(1) How many classrooms have been built in each of the last 10 calendar years in—

(a) primary schools;

(b) secondary schools;

(c) technical schools and colleges;

(d) teachers' colleges?

(2) How many rooms in each of these divisions were built with Commonwealth funds?

Students: Number Enrolled

(3) How many students in 1969 are enrolled in—

(a) primary schools;

(b) secondary schools;

(c) technical schools and colleges?

Mr. LEWIS replied:

(1)

Year	Primary	Secondary	Technical	Teachers' Colleges	Total
1959	121	69	3	....	193
1960	145	74	4	....	223
1961	121	126	12	....	259
1962	144	123	14	....	281
1963	116	94	2	....	212
1964	162	43	16	....	221
1965*	178	75	67	....	320
1966	153	123	16	4	296
1967	268	134	54	....	454
1968	283	140	19	29	471

* Including demountables from 1965.

(2)

Year	Secondary	Technical	Teachers' Colleges
1965	9	12	....
1966	20	6	....
1967	10	54	....
1968	27	....	27

(3) Figures not yet available.

ELECTORAL

Legislative Assembly and Legislative Council Enrolment Figures

42. Mr. JAMIESON asked the Minister representing the Minister for Justice:

(1) What were the enrolment figures for each of the Legislative Assembly districts as at the 31st December, 1968?

(2) What were the enrolment figures for each of the Legislative Council provinces as at the 31st December, 1968?

(3) What were the aggregate enrolment figures as at the 31st December, 1968 for—

(a) Metropolitan area;

(b) North West-Murchison-Eyre area;

(c) Agricultural, mining, and pastoral area?

(4) What are the present statutory quotas for—

(a) Metropolitan area;

(b) Agricultural, mining, and pastoral area?

Mr. COURT replied:

(1) The undermentioned were the enrolment figures for each of the Legislative Assembly districts as at the 31st December, 1968—

Ascot	12,536
Balcatta	15,091
Belmont	12,605
Canning	15,682
Clontarf	12,783
Cockburn	15,254
Cottesloe	12,942
East Melville	13,876
Floreat	12,088
Fremantle	11,685
Karrinyup	12,693
Maylands	11,804
Melville	12,547
Mirrabooka	15,197
Mount Hawthorn	12,484
Mount Lawley	12,651
Nedlands	12,408
Perth	11,737
South Perth	12,250
Subiaco	12,472
Swan	12,562
Victoria Park	12,064
Wembley	13,579
Albany	5,907
Avon	5,855
Blackwood	5,637
Boulder-Dundas	6,184
Bunbury	6,561
Collie	5,569
Dale	8,126
Darling Range	7,628
Geraldton	6,481
Greenough	6,655
Kalgoorlie	6,112
Katanning	5,780
Merredin-Yilgarn	6,376
Moore	6,586
Mount Marshall	6,216
Murray	6,932
Narrogin	6,133
Northam	5,953
Roe	7,395
Stirling	6,390
Toodyay	6,047
Vasse	5,983
Warren	6,261
Wellington	5,976
Gascoyne	2,687
Kimberley	2,800
Murchison-Eyre	1,845
Pilbara	2,943

(2) The undermentioned were the enrolment figures for each of the Legislative Council provinces as at the 31st December, 1968—

Metropolitan	61,647
North Metropolitan	66,498
North-East Metropolitan	64,704
South Metropolitan	53,362
South-East Metropolitan	52,779
Central	18,024
Lower Central	17,482
Lower West	19,469
South	19,692
South-East	18,672
South-West	17,881
Upper West	19,722
West	21,801
Lower North	4,532
North	5,743

(3) The aggregate enrolment figures as at the 31st December, 1968, for the three defined areas were—

(a) Metropolitan area	298,990
North Metropolitan	66,498
(b) North-West-Murchison-Eyre area	10,275
(c) Agricultural, mining, and pastoral area	152,743
Total	462,008

(4) On the aggregate enrolment figures shown in (3) above the quotas for the areas (a) and c) calculated in accordance with the statutory provisions of the Electoral Districts Act, 1947-1965, would be—

(a) Metropolitan area	12,999
(b) Agricultural, mining, and pastoral area	6,364

BYPASS ROAD THROUGH GOSNELLS

Date of Construction

43. Mr. BATEMAN asked the Minister for Works:

What is the approximate date of the construction of the bypass road through Gosnells?

Mr. ROSS HUTCHINSON replied:

Although a deviation of Albany Highway through Gosnells is shown in the region scheme, at this point in time it is not known by the Main Roads Department when the deviation will be constructed.

BRENTWOOD SCHOOL

Water Fountains

44. Mr. BATEMAN asked the Minister for Education:

On the 15th August, 1968 I asked would he give consideration to having extra drinking fountains

established at suitable points at the Brentwood Primary School, to which he advised: "This is at present receiving attention and the work will be put in hand as soon as the location of the additional fountain has been determined."

As there has been a large influx of migrants at this school and a full summer has passed with much discomfort to the children through lack of the promised drinking fountain, will he advise if the facility can be installed forthwith?

Mr. LEWIS replied:

Instructions have been given for the installation of an additional four point drinking unit.

METAL INDUSTRIES

Downturn in Activity, and Retrenchments

45. Mr. TONKIN asked the Minister for Industrial Development:

(1) Is he aware that it was reported to the 14th Annual General Meeting of the Metal Industries Association (Industrial Union of Employers of W.A.)—

(a) that there was an indication, particularly in the engineering and metal trades industries, that a slowdown was occurring and retrenchments were taking place in certain sections of the industry;

(b) one of the causes of the downturn in activity was the difficulties which members of the association had faced in their attempts to secure a share for Western Australia of the capital works for the large development projects currently taking place throughout the State;

(c) because of the high turnover of labour due to the unavailability of housing, manufacturers here were not able to operate as economically and with as little delay in the completion of orders as South Australian fabricators and manufacturers?

(2) What does he propose to do to improve the opportunities for local manufacturers to participate in the large development projects taking shape?

Mr. COURT replied:

(1) A copy of the report was forwarded to me by the association.

(2) The major mineral project agreements have clauses defining the requirement for the companies to give a degree of local preference.

A liaison exists between the Department of Industrial Development and the mining companies aimed at assisting the maximum local participation.

The mining companies have generally been very helpful in their efforts to assist local industries. However, there is a point beyond which we cannot expect them to go. Many considerations are involved, such as technical and production capacity, delivery times, price.

The less prosperous conditions in some other States have naturally lead to companies in those States becoming keener and more competitive as to price and delivery.

Local companies with advantages of distance and the preference considerations extended to them should be able to compete successfully within appropriate categories. I understand the association members are reviewing their position in this regard and I am to study the position with them. The Department of Industrial Development is also surveying the position to see how local companies can adapt and expand to get a greater share of the work offering.

It should be borne in mind that throughout the main construction period of the bigger projects, Western Australia has had the lowest or near lowest unemployment percentage of all the Australian States and this does not indicate very much reserve production capacity at the present scale of operations.

CROWN LANDS TRIBUNAL

Investigations

46. Mr. JONES asked the Minister for Lands:

(1) At what date did the Crown Land Tribunal commence its investigations?

(2) When will the recommendations of the Crown Lands Tribunal be released?

Mr. BOVELL replied:

(1) The 2nd February, 1960.

(2) Recommendations of the Crown Lands Tribunal are for the guidance of the Government in assessing the future use of Crown land. Recommendations are not released as they are not considered in isolation but as they affect an overall assessment including agriculture, forestry, public reserves, etc.

ELECTRICITY SUPPLIES

Power Stations: Transmission Lines

47. Mr. JONES asked the Minister for Electricity:

Will he list—

(a) the transmission lines and capacities feeding off the Bunbury and Muja power houses;

(b) the lines at present being constructed;

(c) lines, if any, contemplated from these two stations in the future?

Mr. NALDER replied:

(a) From Bunbury power station—

(i) Bunbury - Cannington No. 1—90,000 kw.

(ii) Bunbury - Cannington No. 2—90,000 kw.

(iii) Bunbury-Muja — 90,000 kw.

(iv) Bunbury-Picton No. 1 —25,000 kw.

(v) Bunbury-Picton No. 2 —25,000 kw.

From Muja power station—

(i) Muja - Cannington — 90,000 kw.

(ii) Muja-Northern Terminal—90,000 kw.

(iii) Muja-Bunbury — 90,000 kw.

(iv) Muja-Minding — 15,000 kw.

(v) Muja - Yornup — 15,000 15,000 kw.

(b) Muja-Kojonup.

(c) None contemplated, but additional lines may be needed to meet future development.

Picton and Collie Depots: Workers

48. Mr. JONES asked the Minister for Electricity:

What number of S.E.C. workers have been attached to the Picton and Collie construction and maintenance depots for years 1960 to 1968 inclusive?

Mr. NALDER replied:

December	Picton Depot	Collie District
1960	155	8
1961	187	10
1962	209	8
1963	213	10
1964	247	9
1965	222	8
1966	205	11
1967	187	13
1968	182	8

Power Stations: Percentage of Power Produced

49. Mr. JONES asked the Minister for Electricity:

What percentage of power was generated by the undermentioned power houses on a weekly basis since the week ended the 12th October, 1968:—

(a) Bunbury;

(b) Muja;

(c) South Fremantle;

(d) East Perth;

(e) Collie?

Mr. NALDER replied:

Week ending	East Perth Per cent.	South Fremantle Per cent.	Bunbury Per cent.	Muja Per cent.	Collie Per cent.	Wellington Dam Per cent.
1968						
Oct. 19	1.74	17.31	5.44	72.81	1.71	.99
Oct. 26	1.46	18.27	5.16	72.61	1.65	.85
Nov. 2	.29	17.70	7.04	73.09	1.65	.23
Nov. 9	.13	18.36	6.83	72.56	1.68	.44
Nov. 16	.02	19.19	7.40	71.35	1.64	.40
Nov. 23	.02	27.18	15.14	55.51	1.69	.46
Nov. 30	.21	27.52	15.55	54.60	1.67	.45
Dec. 7	1.99	25.32	18.08	52.64	1.59	.38
Dec. 14	.32	19.03	16.24	61.88	1.62	.91
Dec. 21	....	8.94	15.74	72.82	1.62	.88
Dec. 28	.17	8.80	8.87	79.33	1.87	.96
1969						
Jan. 4	1.66	15.11	11.18	69.61	1.62	.82
Jan. 11	.89	13.82	10.85	71.91	1.66	.87
Jan. 18	.85	10.86	22.75	62.99	1.65	.90
Jan. 25	5.71	16.58	22.11	53.28	1.59	.73
Feb. 1	5.19	15.89	23.10	53.85	1.18	.79
Feb. 8	5.65	16.01	23.09	53.00	1.51	.74
Feb. 15	4.66	15.79	21.71	55.55	1.47	.82
Feb. 22	4.79	14.81	18.96	58.78	1.53	1.13
Mar. 1	3.65	17.74	18.23	58.26	1.54	.58
Mar. 8	.95	17.11	19.15	60.07	1.52	1.20
Mar. 15	.74	14.81	15.39	66.81	1.54	.71

I would like to make an explanation.

The SPEAKER: It is referring to some previous question?

Mr. NALDER: Yes.

The SPEAKER: I think we should take it after question time in those cirmumstances.

Mr. NALDER: It is connected with an answer to a previous question and I wanted to explain the reason for a slight difference between the answer given in October, 1968, and the reply just given.

The SPEAKER: We will then treat it as part of this answer. That is the only way. Otherwise you would later have to seek permission to make an explanation.

Mr. NALDER: It is part of the answer to this question. On page 2308 of *Hansard* of 1968 I answered a similar question, and there is a slight difference between the answer given then and the answer given to the question on today's notice paper. With regard to the Wellington Dam power station there is a difference of 1 per cent., while the difference for the Muja power station is .08 per cent. The reason for the difference in the figures is that the statistics for the week ended the 26th October had not been completed when the honourable member asked the question on the 30th October. As a result the commission had to obtain the figures from the country stations by phone, and when the final figures were available later, a minor difference was discovered between these figures and those given on the 30th October last year. That is the explanation for the slight difference.

South Fremantle Power Station: Conversion to Fuel Oil

50. Mr. JONES asked the Minister for Electricity:

(1) What was—

(a) the actual date the South Fremantle power station was completely converted to an oil burning station;

(b) the cost per unit of power produced at the station since it became a complete oil burning station?

(2) How many tons of oil have been consumed at the station on a monthly basis for the years since it commenced to burn oil?

(3) What are the production costs of power at the East Perth station since it became a complete oil burning station?

(4) How many tons of fuel oil have been consumed on a monthly basis at the East Perth station since it commenced to burn fuel oil?

Mr. NALDER replied:

As I explained in answer to a previous similar question on the 19th September, 1968, also asked by the member for Collie, I must again point out that the State Electricity Commission operates an interconnected system of power stations. The commission loads these power stations so as to get the most economical output of power consistent with giving security of supply. It is the overall generating cost of the system that is the important figure and not the cost of generation at any individual station.

For this reason the commission's most economical stations are given the heaviest loading and the less efficient stations are used to a lesser extent with, however, the proviso that is necessary at all times to keep some load on metropolitan stations to give security in case of breakdown of transmission lines from the south-west.

I think I should also point out that the cost of production at a power station—particularly at the smaller stations with a comparatively low load factor—varies greatly from month to month in accordance with the load placed on it.

The answers are as follows:—

(1) (a) Coal stocks at South Fremantle were exhausted during week ended the 17th August, 1968.

(b) .69c per unit, excluding capital costs.

		Tons
(2)	September	12,480
	October	9,595
	November	10,166
	December	7,376
	January	6,954
	February	7,590

(3) and (4) Coal stocks were not exhausted until week ended the 1st March, 1969.

WOOL EXPORTERS ROYAL COMMISSION

Legal Costs

51. Mr. JONES asked the Premier:

(1) In the matter of the Royal Commission into the trading activities of Wool Exporters Pty. Ltd. and all associated companies and their transactions with banks, is the Government meeting the legal costs of any of the parties involved?

(2) If "Yes," will he name the parties?

(3) Will he give consideration to the Government meeting all or part of the costs of the woolgrowers?

Mr. BRAND replied:

(1) Yes.

(2) Mr. W. J. Hewitt, with financial assistance for legal costs limited to $4,000.

(3) This matter has already been considered and representatives of woolgrowers advised that the Government had appointed counsel to assist the Royal Commissioner. It was open to the woolgrowers to make any submission through this counsel which was relevant to the terms of the Royal Commission.

ELECTRICITY SUPPLIES

Bunbury Power Station: Production Costs

52. Mr. JONES asked the Minister for Electricity:

(1) What was—

(a) the production costs of a unit of power at the Bunbury power station for months of October, November, and December, 1968, and January and February, 1969;

(b) the percentage of increase of demand for electrical power in 1968?

(2) What is the anticipated increase of demand for electrical power in 1969?

(3) What is—

(a) the anticipated coal burn at the Bunbury station;

(b) the anticipated coal burn at the Muja station;

(c) the anticipated coal burn at the Collie station,

for 1969?

(4) How much power on a percentage basis will be produced at the East Perth and South Fremantle power stations for the year 1969?

Mr. NALDER replied:

(1) (a) 1968—

October—1.46c per unit.
November—0.92c per unit.
December—0.78c per unit.
1969—
January—0.73c per unit.
February—0.69c per unit.

These figures are operating costs and exclude capital costs.

(b) 13.7 per cent.

(2) 12.5 per cent.

(3) (a) 155,000 tons.

(b) 755,000 tons.

(c) 30,000 tons.

(4) East Perth—2.5 per cent.

South Fremantle—13 per cent.

These figures however depend on peak loads and operating conditions and could vary over a range of 1.5 per cent. to 5 per cent. at East Perth, and 10 per cent. to 20 per cent. at South Fremantle.

State Electricity Commission: Purchase of Power from B.H.P., Kwinana

53. Mr. JONES asked the Minister for Electricity:

What number of units of power were purchased from B.H.P Kwinana for the year 1968 and what was the cost per unit?

Mr. NALDER replied:

63,375,500 units — average price .5956c per unit.

MOTOR VEHICLE INSURANCE

Codification of Law

54. Mr. TONKIN asked the Minister representing the Minister for Justice:

Will he give consideration to the advisability of taking early action to codify the law relating to motor vehicle insurance?

Mr. COURT replied:

This matter has been approved as a project for the Law Reform Committee and will be considered when its report is received.

AUDITOR-GENERAL'S REPORT, 1968

Reference to Iron Ore Royalty

55. Mr. TONKIN asked the Minister representing the Minister for Mines:

(1) Will he explain the reference by the Auditor-General at page 92 of his last report to an amount of $545,612 considered to be due to the State for royalty on iron ore?

(2) Has the matter been resolved?

(3) If "Yes," on what basis?

Mr. BOVELL replied:

(1) to (3) The Auditor-General's reference arises from a difference between the Government's and one of the companies' interpretation of the relevant royalty clauses.

The matter is the subject of discussion between the Government and the company. It is expected finality will be satisfactorily reached within the next few weeks.

FORESTS DEPARTMENT

Net Revenue

56. Mr. TONKIN asked the Treasurer:

(1) With regard to the change in the basis of apportionment of the "net revenue" of the Forests Department whereby interest and sinking fund contributions on loan fund moneys used for forestry purposes have been excluded from the expenditure of the department, does he intend to act on the advice of the Auditor-General and move to have the Act amended to place the matter in order?

(2) If "No," will he explain why?

Mr. BRAND replied:

(1) Yes.

(2) Answered by (1).

SCHOOL CROSSWALKS

Guard-controlled

57. Mr. LAPHAM asked the Minister for Traffic:

(1) How many guard-controlled school crossings are in operation in the metropolitan area?

(2) What is their cost of operation and who bears such cost?

(3) How many primary schools in the metropolitan area are not served by guard-controlled school crossings?

(4) How many applications for guard-controlled school crossings and/or crosswalks to serve primary schools in the metropolitan area were made during the year ended the 28th February, 1969, and what number were granted?

Mr. CRAIG replied:

(1) Sixty-eight.

(2) Approximately $30,000 annually borne by the Police Department.

(3) There are 278 primary schools in the metropolitan area. Many of the crossings serve two or more schools.

(4) (a) Fifty-three.

(b) Fourteen, with three being investigated.

WESTERN AUSTRALIAN WORSTED AND WOOLLEN MILLS

Loan Interest

58. Mr. HALL asked the Minister for Industrial Development:

(1) How does he justify charging interest at 6 per cent. on a loan of $36,000 to the Western Australian Worsted and Woollen Mills Ltd. when Cockburn Cement Pty. Ltd., an affluent company, is charged only 4½ per cent. on an advance exceeding a million dollars?

(2) Will he reconsider the terms of the loan to the woollen mills with a view to reducing the rate of interest to a figure comparable with that which is being charged to Cockburn Cement?

Mr. COURT replied:

(1) The interest rate of 6 per cent. being charged to Western Australian Worsted and Woollen Mills Ltd. on a loan of $36,000 is reasonable when regard is had for the interest rates prevailing at the time the loan was made.

Also it should be realised that the Government has guaranteed considerable sums for the company and no guarantee charge is made. It is pertinent to add that the circumstances surrounding the Cockburn Cement Pty. Ltd. 1954 loan are in no way comparable with those related to the Albany Woollen Mills.

(2) There has been no request by the company for a reduction and there is no immediate intention to reduce the rate of interest.

I think the honourable member would find on reference to the company board that it would tell him the Government has been both helpful and generous in its approach to the finance needs of this industry.

SCHOOL TEACHERS

District Allowances

59. Mr. TONKIN asked the Minister for Education:

As district allowances for civil servants were raised in July last year, why have not State school teachers been treated similarly?

Mr. LEWIS replied:

Remote allowances for teachers are fixed independently of the Public Service district allowances and are determined on a different basis. They are being reviewed at present.

LAND AT HERDSMAN LAKE

Development

60. Mr. TONKIN asked the Minister representing the Minister for Town Planning:

(1) What are the proposals for the $20,000,000 project to develop about 116 acres of land on the perimeter of Herdsman Lake?

(2) Have these proposals been approved subject to certain conditions?

(3) If "Yes," will he state the conditions?

(4) What companies are involved and who are the principals of each?

Mr. LEWIS replied:

(1) To date, the only information available to me on these proposals is that published in the Press.

(2) It would apparently be necessary for formal application for approval to be made to the Metropolitan Region Planning Authority but none has so far been made.

(3) Answered by (2).

(4) As no formal submissions have been made to the Metropolitan Region Planning Authority, the Town Planning Board or the Town Planning Department, I am not aware of these details. If the honourable member wishes for further information he should approach the Perth Shire Council.

TEACHERS' COLLEGES

Students: Intake Numbers

61. Mr. HARMAN asked the Minister for Education:

(1) How many first-year teachers' college students from 1968 commenced their second year in 1969?

(2) How many first-year students, male and female, were required for each of the teachers' colleges in 1969?

(3) How many first-year students, male and female, commenced in each of the teachers' colleges in 1969?

(4) How many students selected for training failed to commence at teachers' colleges in 1969?

(5) When will the Mt. Lawley Teachers' College commence receiving students?

(6) What will be the first year intake?

Mr. LEWIS replied:

(1) 284 males
580 females
864

(2) Primary .... 210 males
425 females
635

Secondary .... 170 males
185 females
355
990

(3)

	Males	Females	Total
Graylands T.C.	70	215	285
Claremont T.C.	86	273	359
Secondary T.C.	216	263	479
	372	751	1,123
(4)	165	204	369

(5) February, 1970. However the buildings will not be completed at that time and the college will commence in temporary accommodation.

(6) 250.

EMPLOYMENT BROKERS

Number Licensed, and Prosecutions

62. Mr. HARMAN asked the Minister for Labour:

(1) How many employment brokers are currently licensed pursuant to the Employment Brokers Act?

(2) Has any licensed broker been prosecuted for an offence under the Employment Brokers Act during the last 12 months?

(3) If so, what are the details?

(4) If not, are any prosecutions pending?

(5) For what reasons are the firms Michael Downing, W. D. Scott & Co. Pty. Ltd. and J. P. Young and Associates not required to obtain a license under the Employment Brokers Act?

(6) Is he still adamant that no special inquiry into the activities of employment brokers is justified?

Mr. O'NEIL replied:

(1) Fifty-three.

(2) No.

(3) Answered by (2).

(4) Yes.

(5) I am not convinced that these firms are acting as employment brokers. They are management consultants. If they were registered under the Employment Brokers Act, the fact that they charge no fees to persons engaged by them on behalf of their clients would place them in breach of that Act.

(6) I have no evidence of malpractices to the extent that would warrant a special inquiry.

63. *This question was postponed.*

FISHERIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th October.

MR. NORTON (Gascoyne) [5.32 p.m.]: This Bill was introduced to the House prior to Christmas. In essence, the proposals in the Bill will do a great deal to improve the Fisheries Act, as it is now written.

The committee personnel is somewhat altered by the first two amendments in the Bill. To my way of thinking, this action will improve considerably the setup of the various committees. The first committee is the Crayfish Committee and it is with regard to this committee that the main amendments are proposed.

The measure, if passed, will mean that one person is to be nominated by the Minister to be chairman of the committee and two are to be nominated by a body known as the Rock Lobster-Crayfish Development Association, Inc. In this regard I would point out that previously there were two persons nominated by that body but not necessarily members of the association. In addition, two shall be fishermen who, for commercial purposes, are actually engaged in the taking of crayfish, and one shall be an officer of the department.

In amending the constitution of the committee, the Bill sets out to make two persons, who are actually members of the department, members of the committee. One of those persons is to be the chairman. These amendments are contained in two clauses of the Bill under discussion.

In the further amendments which are proposed to the Crayfish Committee, it is suggested that the two persons nominated by the Rock Lobster-Crayfish Development Association shall be members of that association. I think this provision is a very wise move as it will keep the control of fishing within the industry. Previously, as I have mentioned, members of the committee could have been outsiders.

The other suggestion, that two shall be fisherman practically engaged in the taking of crayfish, would seem to put the right light on the committee by providing it with the personnel which it warrants.

Another amendment deals with the General Committee and, here again, there has been an alteration through bringing in two members of the Fisheries Department. Again, one of them shall be appointed as chairman. The others on the committee will be a commercial fisherman who operates along beaches and estuaries; a deep-sea commercial fisherman; and an amateur fisherman. The committee, as constituted, should be able to cover the requirements of the Act quite broadly and well.

In the Act, as it is now written, all members of committees are nominated for five years. However, there is no provision covering a person elected to the committee who is required to resign before that time has expired. Of course, each person who is elected to the committee is eligible for re-election.

An amendment proposed in the measure is that a member shall be required to resign on ceasing to hold the required qualifications set out in sections 5C and 5D of the Act. In my opinion this is quite a good idea, because I understand that last year we were faced with the problem of the chairman of the committees, who was the Director of Fisheries (Mr. Fraser), resigning from his job and then voluntarily resigning from his position as chairman of the committees.

I do not understand the reason for the inclusion of one proposed amendment; namely, that which deals with the appointment of the temporary chairman of the committees. Perhaps the Minister will clarify the matter when he replies. It is stated in the Act that if the chairman is absent the members present shall appoint one of their number to preside. I understand the suggested amendment in the Bill to mean that the Minister shall appoint a temporary chairman during the absence of the chairman so appointed.

I cannot see why the other member of the Fisheries Department could not take over as temporary chairman of a committee during the absence of the appointed chairman.

Mr. Ross Hutchinson: Is the honourable member referring to clause 4 of the Bill?

Mr. NORTON: I do not have a copy of the Bill, but the matter I am referring to comes under section 5D of the Act.

Where the chairman is absent, one would naturally think that one of the committee would take over as chairman as he would be *au fait* with the workings of the committee and its procedures. I think the other member of the Fisheries Department would be the logical member to act as temporary chairman rather than someone who might be appointed from outside of that committee.

A clause has been included to amend the section dealing with regulations. It provides that any person who is applying for a processor's license must advertise that he is doing so. I cannot see why it is necessary that any person should need to advertise—I assume it means in the papers—if he is applying for a license for a processing factory or boat.

Perhaps the Minister could give me an answer to that one. Under the Act as it stands today an applicant for a processing license must have his processing plant or boat completed before he can be granted a license as a processor. I think the amendment set out in the Bill relating to this matter is probably the most important, and is a very worthy one.

The amendment to which I refer will allow a processor, or a prospective processor, to make application for a provisional processor's license so that he might know beforehand whether he is likely to get a license or not. In actual fact, he will know that if he complies with the specifications set down by the Fisheries Department he will be able to get his license. If he has first to build a factory or a boat he is required to spend a large amount of money without being sure that he will get a license.

This amendment brings the Fisheries Act—one might say—into conformity with the general licensing laws of the State whereby a person wishing to build a hotel, or wishing to apply for a club license, is granted a provisional license. That person can then go ahead and build knowing that once the premises are built in conformity with the plans and specifications laid down, a license will be granted. I think this provision is well overdue with respect to the Fisheries Act.

There is a number of smaller amendments which relate to the regulations, and these amendments give the Minister, in certain cases, power to make and amend regulations in lieu of their being amended by the Governor. However, the main regulations will still require to be amended by proclamation by the Governor.

There is no actual dragnet clause in respect of regulations. There are throughout the various clauses, powers to make regulations, and the Minister will now be enabled to amend them. This seems to be quite satisfactory to me.

MR. FLETCHER (Fremantle) [5.43 p.m.]: There is nothing in this Bill which appears to be detrimental to the fishing industry in general, or to the Fremantle fishermen, in particular, whom I represent. The member for Gascoyne dealt rather extensively with the measure and I have no desire to indulge in repetition. However, there is some obligation on me to say a few words with respect to the Bill.

I have listened closely to the member for Gascoyne, and I have studied the Bill, as explained by the Minister in this House who represents the Minister in another place. I see nothing detrimental to the interests I represent at the moment. I noticed that the member for Gascoyne asked some questions of the Minister and, like the member for Gascoyne, I will listen with interest to the Minister's reply to see if there are any further queries. Until then, I support the Bill.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.44 p.m.]: I thank the members who have spoken for their general support of this piece of legislation. If members have any queries it might be more appropriate for them to be made in Committee. I think the first query raised by the member for Gascoyne dealt with the appointment of a deputy chairman, and why this appointment should have to be made by the Minister instead of by the committee itself. This is a matter of machinery and I do not see anything of great burden for complaint about it.

I am afraid that, off the cuff, I cannot give any real reason for this, but I could make inquiries at the Fisheries Department and supply the information at a subsequent stage. I think that all the provisions contained in the Bill improve the Fisheries Act, and I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

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

The CHAIRMAN: Because of our new system of continuing the session in the new year, there is a matter which I should bring to the notice of members. It will be necessary, in clause 1 of this Bill, to amend the year 1968 to 1969. This will apply to all the Bills which are at present on the notice paper. This has been drawn to the attention of the Committee by the Clerk of the Parliaments and, obviously, it is a necessity.

Clause 1: Short title and citation—

Mr. ROSS HUTCHINSON: I move—

> Page 1, lines 8 and 12—Delete the figures "1968" and substitute the figures "1969."

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 5D amended—

Mr. FLETCHER: I move an amendment—

> Page 3, line 14—Delete the figure "1968" and substitute the figure "1969."

Amendment put and passed.

The CHAIRMAN: This raises a point which I think I should mention. It is quite important that when members notice something in a Bill that has not previously been noticed, they should draw it to my attention.

Clause, as amended, put and passed.

Clause 6 put and passed.

Clause 7: Section 12A amended—

Mr. CASH: I move an amendment—

> Page 4, line 19—Delete the figure "1968" and substitute the figure "1969."

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 13 put and passed.

Title put and passed.

Bill reported with amendments.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 19th September.

MR. TONKIN (Melville—Leader of the Opposition) [5.54 p.m.]: Bills are brought before Parliament for different reasons. Some Bills are brought here for the purpose of establishing legislative authority for certain lines of conduct, and for the help of the Administration. Other Bills are brought here because during the administration of existing legislation difficulties have been experienced, and they are of such a nature that it becomes desirable to introduce amending legislation in order that those particular difficulties may be properly overcome.

I gather that is the purpose of the Bill now under discussion; that, because a number of difficulties occurred in administration, it became apparent to the Government that it was desirable for steps to be taken to overcome those difficulties.

The first amendment deals with the matter of extortion, and it is intended to tidy up the law with regard to this offence. At present penalties are provided only if the threats are written threats; but it is conceivable that a verbal threat may be just as threatening, or even more threatening, than a written one. And yet, under the law as it stands, punishment can be meted out to a person responsible for a written threat, but none if the threat is made verbally. So there is an amendment in this Bill to cover threats which are given verbally, and we have no objection at all to that. It makes no difference so far as the nature of the offence is concerned whether the threat is an oral one or a written one, and we agree it is desirable that both types of threats should be properly covered.

One part of this Bill which, when originally introduced, was not generally acceptable was that part which attempted to prevent publication of details. It seemed to me that, in an endeavour to protect persons against whom threats were made, the Government had at the same time protected, or intended to protect, the people who made the threats. As a result of a newspaper drawing attention to the weakness in this provision, and a realisation on the part of the Government that it was an undesirable step to take, considerable amendment has been made and now there is not a great deal to which one would object regarding publicity.

Of course, in my opinion there is no need at all to protect an informant—he has not done anything wrong. He is doing a public duty in bringing to the notice of authority that there are people in the community who are prepared to threaten others for some personal gain. Whilst it may be true that some people would hesitate to inform authority that threats have been made against them, I think, generally speaking, that is not likely to occur very often.

So far as I am concerned, I would not attempt to put any restriction at all on publicity. I think it is a salutory warning to other people that if they indulge in this kind of exercise they can expect to strike trouble.

Another amendment is to deal with a situation which arises from peculiarities in drafting. It is understandable that when this legislation was first being moulded into shape the framers of it did not contemplate the changes and events which would occur. They would have had no knowledge of drive-in theatres, for example, and so the existing law does not adequately cover a situation where burglars break into certain places.

The provision being amended in this instance deals with the offence of breaking and entering, and the definition in the existing law is not sufficiently wide to cover certain buildings into which certain people might break. The purpose of this amendment is to extend the definition to cover new types of buildings which were not previously included. I do not think any objection can be taken to that. It is just as much an offence to break into a drive-in theatre and steal the night's takings as it is to open the vault of some bank. It might be a bit easier, but it is still the same sort of offence, and so we agree that this amendment is desirable.

The third important amendment—and the others are mostly consequential—deals with the offence of false pretences. The existing legislation adequately covers false pretences with regard to the past and the present, but it makes no provision for false pretences of the future. So if a wrongdoer is making false pretences with regard to something in the future he can escape punishment because of a weakness in the existing legislation.

If it is false pretences about something that is past, or something that is in the present, the law will enable successful action to be taken: but if false pretences are made with regard to something in the future the present law is inadequate. So this amendment proposes to extend the law to cover false pretences in the present, past, and future, and we have no objection to that.

A little more explanation may be needed, possibly, as to what are false pretences in the future. Put briefly, they are promises. A person promises to do something when he has no intention of carrying out his promise. That is misrepresenting a situation, and, on the strength of the promise he is able to get from the person to whom the promise is made some money, or property. That offence is just as serious as the offence of making false pretences with regard to something that has already happened, or is happening at the time.

It is desirable, I think, that in certain circumstances indictable offences should be dealt with summarily, and the period of six months in the existing law in which a complaint may be brought is to be extended. The extension of this period, will make it possible for certain cases which may not be so dealt with to be dealt with summarily, which will save expense, and I thing that is desirable.

As I have already said, as the other amendments are more or less consequential I do not propose to take up the time of the Assembly in dealing with them. We support the Bill.

MR. T. D. EVANS (Kalgoorlie) [6.3 p.m.]: I listened with a great deal of interest to what my leader had to say on this subject, and I reiterate that we support the Bill; but there are some provisions in it I would be most reluctant to support. I will not address myself to the provisions which were dealt with in detail by my leader. He has examined them closely and has drawn the right conclusions from them. However, there are one or two other clauses which I find particularly disturbing.

It is proposed to repeal section 409 of the Code and re-enact it and, as the marginal note indicates, this section relates to obtaining goods on credit by false pretences, or by any wilfully false promise, which is a new term that will be adopted.

I ask anyone who fancies himself as a grammarian to listen to the strange, vague, and awful verbiage which is to be adopted to express the intent of the Legislature in one of the other provisions to be inserted in the Code. It reads as follows:—

> Any person incurring any debt or liability who obtains credit by any false pretence or by any wilfully false promise or partly by a false pretence and partly by a wilfully false promise or by any other fraud is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

It is not the substance of this provision to which I object; it is the drafting of it. I prefer drafting which would be more harmonious and in keeping with the mechanics of grammar. For instance, the distance between the subject noun and the operative verb should be much shorter, and I suggest that the initial part should read—

> Any person who obtains credit by any false pretence . . .

and the words, "incurring any debt or liability" could be inserted in another part of the proposed new subsection at the discretion of the Minister. But in any case, do the words, "incurring any debt or liability" clarify the provision?

Mr. Jamieson: It sounds as though it was drafted by someone in the Press gallery.

Mr. T. D. EVANS: I ask the Minister to have another look at subsection (2) of proposed new section 409 which appears on page 5 of the Bill.

Our leader also spoke on a clause in this Bill which seeks to amend section 426 of the Code. This is the beginning of a chapter in the Code which relates to offences of stealing and like offences which may be dealt with summarily rather than on indictment. The amendment seeks to remove the limitation whereby proceedings for an offence under the section must be commenced within six months of the offence having been committed. This is the present law.

If one takes the trouble to look at section 426 of the Criminal Code one can see that those offences which have been relegated to be tried summarily are of less significance than the offences of stealing and so on, which are tried on indictment. I see no reason at all why the present limitation of six months should be disturbed. We should not condone any delay on the part of the person concerned in bringing the offender to justice. As a very well known and eminent lawyer in this city once said to me, "Justice is sweetest when it is freshest."

I object to a provision which will encourage those in authority to delay bringing proceedings before the court, particularly when this is condoned by the Legislature.

Another criticism I have to offer relates to a further amendment to sections 429, 430, and 431 of the Criminal Code. As the marginal notes indicate these sections deal with the suspicion of stealing cattle, the illegal branding of cattle, and the defacing of brands. We now find that the penalties are to be bumped up in each case from $100 to $500, and as an alternative the person concerned may be sentenced to six months' imprisonment with hard labour.

When this legislation before us was introduced the Minister gave no justification at all for this provision, nor did he indicate that trends, generally, showed that the offences in question were increasing in the community. In spite of that we are asked to condone a 500 per cent. increase in penalties. Accordingly one can be excused for thinking that the Government has taken out its spyglass and has closely scrutinised all the legislation on the Statute book to see how much more money it can wring from the community.

It would seem to me that the Government is far more interested in matters of revenue than it is in matters of justice. If this is not the case, I would be pleased to hear the Minister give us figures which would justify these proposed high increases.

We now come to a provision in the Bill which I find highly objectionable. I think this is the first time I have used this expression in relation to the measure. The provision in question states—

> In an indictment against a person for breaking and entering and stealing any property, or in an indictment for breaking and entering with intent to commit a crime, where the crime alleged to have been intended is stealing any property, the accused person may also be charged with receiving the same property or any part thereof knowing it to have been stolen; and the accused person may, according to the evidence, be convicted of either of the offences charged.

Now we find, firstly, that a person must be proved to have broken and entered certain premises, and this must be proved beyond all reasonable doubt. The person concerned must also be shown to have intended to commit the crime within the building or premises. Again, this must also be proved. We are then asked that the police may only allege something further —they need not prove it—that the crime intended to be committed was that of stealing. This reminds me of Lewis Carroll's wonderful work entitled "Through the Looking Glass," where we find these words—

> When I use a word, it means just what I choose it to mean—neither more nor less.

I cannot stand here and have it placed on record that I supported something as loose as the provision to which I have just referred, particularly when the liberty of the subject is involved.

I would support the provision if the word "alleged" were deleted, and the police had to prove not only breaking and entering but also that the crime was one of stealing, and that the person showed by some overt act what his intention might be. I strongly object, however, when the police have only to allege something, particularly when the liberty of the subject is involved.

As we all know, one of the cornerstones of British justice states that a person is innocent until he is proved guilty—not alleged to be proved guilty, but proved guilty, beyond all reasonable doubt.

Another strange provision I wish to mention concerns the first paragraph of clause 17 which states—

> If the jury find specially that the accused person . . .

and I will confine my remarks to a single person—

> If the jury finds specially that the accused person . . . either stole the property or received it knowing it to be stolen, but is unable to say which of those offences was committed by the accused person . . . the court shall enter a conviction of the offence for which the lesser punishment is provided.

Here we have the situation limited to where there is one accused person—though provision is made for more than one person—and where the person is found by the jury to have received or stolen the property and, though the jury is unable to say which crime is committed by the person concerned, provision is made that the court shall convict the person of one or the other; the court shall enter a conviction of the offence for which the lesser punishment is provided.

Mr. Court: That is fair enough.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. T. D. EVANS: Before tea I was referring to a proposed amendment to section 586 of the Criminal Code; and when reading one of the subclauses intended to amend this section I instanced the case of a person who had been found by a jury to have either stolen or received property, but the jury was unable to say exactly which crime the person had committed. The provision goes on to say that that person may be convicted of either of the offences, or of the one carrying the lesser penalty. In the case of stealing and receiving this would be a conviction for stealing, the offence of stealing carrying a lesser penalty than for receiving. This should be the policy.

However, if we instance the case of two or more persons, where the jury found definitely that property had been stolen but there was evidence to suggest one or more of them had received the stolen property, but the jury was unable to say who stole it and who received it, we would find that each of those persons could be convicted of stealing; yet the jury has found that the property was received by one or more of those persons.

I do not wish to be adamant on the provision, because it is the policy of the law that property must be protected; but it does seem to me on a reading of the provision that the law is being brought into ridicule. The jury has found clearly that of the persons charged, one or more of them had received the property; yet we find that these persons will be convicted of stealing the property, and not of receiving it. With those views I conclude my remarks on this Bill to amend the Criminal Code.

MR. COURT (Nedlands—Minister for Industrial Development) [7.34 p.m.]: I want to thank the Leader of the Opposition and the member for Kalgoorlie for their comments on this Bill. In particular, I would like to thank the Leader of

the Opposition for what I thought was a very thoughtful and concise summary of the objectives of the legislation.

I must confess, however, that I found some difficulty in following some of the points put up by the member for Kalgoorlie. I presume he will raise these on the various clauses as the Bill is dealt with in Committee. I would, with respect, suggest to him that the comments he made just before he concluded his speech were a little misplaced; because my understanding is this: although there could be this question of receiving as well as of stealing, the fact is the person has to be convicted on the evidence. Surely that is all we can expect in a case like this. Again, with respect, I suggest there is some confusion between the allegation and the conviction, the conviction being based on the evidence.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 1: Short title—

Mr. COURT: I believe that the year 1968 should be amended to read 1969. For that reason I move an amendment—

> Page 1, line 8—Delete the figure "1968" and substitute the figure "1969."

Amendment put and passed.

Mr. T. D. EVANS: I find this Bill is referred to on the file as No. 33 of 1968. It now becomes No. 33 of 1969, unless we allocate to this and similar Bills a new number for 1969.

The DEPUTY CHAIRMAN (Mr. Williams): I think the honourable member will find this is in the same session of Parliament. The number is only a guide, and I do not think it matters very much.

Mr. T. D. EVANS: These Statutes when printed will carry their respective numbers in the bound volumes, and they will be referred to as being Acts of a particular year. Later on in this year we will have another Statute bearing the same number, No. 33 of 1969.

The DEPUTY CHAIRMAN (Mr. Williams): That is only a filing number. This matter will be attended to by the Clerk in due course.

Clause, as amended, put and passed.

Clauses 2 to 8 put and passed.

Clause 9: Section 400 repealed and re-enacted—

Mr. T. D. EVANS: I refer to proposed section 409(2) on page 5 of the Bill. I did refer to it at the second reading stage. All I wish to say is that the provision appears to me to be not as well expressed as it could be. It would seem to me that the distance between the noun—the person—and the operative verb—the word "obtains"—should be shortened. I would suggest that the wording should be along these lines—

> Any person who obtains credit by any false pretence or by any wilfully false promise or partly by a false pretence and partly by a wilfully false promise or by any other fraud is guilty of a misdemeanour . . . .

I have no objection to the substance of the law proposed, only to the expression of it.

Mr. COURT: I never pose as an authority on grammatical matters, but I must say that as I read this particular clause I find no difficulty in understanding it, which is not always the case with some of the drafting that is sent to us. The main words that need to be emphasised are, "Any person incurring any debt or liability," and then the clause goes on to say who obtains credit, etc. Whilst there may be some argument with it on purely grammatical grounds, the method of expression is a satisfactory one.

Clause put and passed.

Clauses 10 to 16 put and passed.

Clause 17: Section 586 amended—

Mr. T. D. EVANS: This clause is one to which I gave most of my attention at the second reading stage and I do not wish to reiterate what I said then, except possibly to surprise the Minister and the Chamber by saying that I do not intend to persevere with the objection I raised, though I still hold that objection.

Mr. COURT: I have promised the honourable member privately that I will discuss the matter with the Crown Law Department to make sure it has note of his interpretation of the clause and his objections to it.

Clause put and passed.

Title put and passed.

Bill reported with an amendment.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th October.

MR. T. D. EVANS (Kalgoorlie) [7.44 p.m.]: The Minister may be pleased to hear I intend to give this measure the wholehearted support of the Opposition.

Apart from a machinery amendment, this small Bill deals with bequests from generous souls who, in the past, despite the onerous probate measures imposed by our Treasurer, have been pleased to make

those bequests to the Services Canteen Trust Fund; and it will encourage other persons to do likewise in future.

The Services Canteen Trust Fund is provided for in Commonwealth legislation, and it is intended that, in future, bequests to this very worthy cause shall be exempt from payment of probate duty. They shall no longer be regarded as having been part of a deceased person's estate. Such bequests are already exempt from provisions under the Commonwealth Estate Duties Act.

I think most members are aware that the funds from this trust are used mainly for educational purposes for the children of deceased ex-servicemen. This is a very worthy cause and the Bill, in seeking to encourage funds to be provided for this deserving purpose, should carry the commendation of this House. Accordingly, I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clause 1: Short title and citation—

Mr. COURT: In view of a previous decision, I move—

> Page 1, lines 8 and 12—Delete the figures "1968" and substitute the figures "1969."

Amendments put and passed.

Clause, as amended, put and passed.

Clause 2: Amendment to section 134—

Mr. COURT: I move—

> Page 2, line 13—Delete the figure "1968" and substitute the figure "1969."

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd October.

MR. NORTON (Gascoyne) [7.51 p.m.]: This is a very small Bill, but, nevertheless, it is quite important. However, before I deal with the amendments it contains I would like to bring to the notice of the Minister the state of the Act. I spent an hour studying it and relating the amendments to it before I was able to make it understandable.

The Act was reprinted in 1959 and has since been the subject of six amendments, this one being, I think, the seventh. In my opinion the Act should be completely redrafted so that the average person could find it easily readable and understandable.

I would like to give the Minister some idea of the state in which I found the Act. The sections from 12 onward are the ones which have been constantly amended, and they deal extensively with fruit fly and fruit-fly baiting and control. Originally the Act contained only one section 12, but now between section 12 and section 13 there are five additional sections designated sections 12A to 12E. Section 12C contains paragraphs, subparagraphs, items, and subitems, and it is very difficult to follow. The section also contains large capitals of the alphabet and small ones and double letters such as "aa" and "ab," as well as small and large roman figures. It probably contains arabic figures as well.

If the Minister were to describe where in the Act is the reference to the amount which must be paid by the ordinary householder for the baiting of trees, he would have to tell us that it is subitem (A) of item (I) of subparagraph (v) of paragraph (d) of section 12C. From this it is obvious that the section contains a number of extra paragraphs which are not usually found in Acts.

If the Minister looks at pages 12 and 13 of the Act he will find that subparagraph (v) has items (I) to (V). Item (I) has subitems (A), (B), and (C). Then follow subparagraphs (vi) and (vii). It is obvious that the Act requires redrafting into two parts—one on general plant diseases, and one dealing with the fruit fly.

Mr. Brady: Hear, hear!

Mr. NORTON: Despite all the amendments we have made concerning the control of fruit fly, I feel we are not tackling the problem as we should. The problem is being tackled in individual districts and in this way some districts are not involved although they should be. For instance, we are not doing anything concerning market gardens. These contain a tremendous number of hosts for the fruit fly.

Mr. Nalder: Do you mean market gardens or backyard gardens?

Mr. NORTON: I am referring to market gardens which grow capsicums, tomatoes, cucumbers, and the like. In the ordinary gardens are yellow oleander and rose hips.

Mr. Nalder: Yes, and quite a number of shrubs and vines.

Mr. NORTON: Yes, and vegetables which are also hosts to the fruit fly. Vegetables very often remain for an extensive time in market gardens and no control is exercised over them. Market gardens may not have fruit trees and therefore do not receive the attention of inspectors during the course of their work.

To deal with the Bill itself, it is, as I have said, quite a small one. It contains only three principles the first being, as the Minister said, designed to extend the time

allowed the Minister to conduct a poll for compulsory baiting. Under the Act at present, the Minister is allowed not less than 21 days nor more than six weeks to complete the poll. As he said in his second reading speech, this time is far too short, especially in the metropolitan area where maps and rolls covering quite a number of people must be completed. Also involved are the various types of advertisements which must be placed in the papers, and the arranging of the polls, and so on. None of this is easy.

The second amendment is a very important one as it establishes the powers of the committee. The Minister has explained that in the past some fruit-fly baiting committees have used their own methods which have not been exactly satisfactory. Under this Bill the chemicals used, and the method adopted, for baiting will have to be in conformity with regulations which will be gazetted from time to time. I believe it is important that the chemicals used in baiting should be approved by the department, because the use of some chemicals could have a detrimental effect on orchards as a result, particularly, of their effect on certain insects which are valuable in regard to pollination, and so on. The amendments will leave nothing in doubt as to the method to be adopted, whether the bait is to be sprayed, or the ordinary foliage baiting is to be utilised. It is all clearly set out.

The final amendment requires the local committees to submit an audited balance sheet to the Minister each year. As the Minister has explained, this provision is very essential because the money used by the committees is public money which is subscribed by the various backyard gardeners and orchardists and subsidised by the Government. It is only reasonable therefore that audited accounts should be made available to the Minister so that he can ascertain how the money is being expended.

Again I would urge the Minister to ensure that the Act is completely redrafted in order that the average person might follow it. Even the Minister at present would have difficulty in clearly designating any particular provision. I support the second reading.

MR. JAMIESON (Belmont) [8 p.m.]: Naturally, anything dealing with fruit fly or fruit-fly baiting could not pass through this Chamber without my commenting on it. While I do not possess a great knowledge of agricultural pursuits I certainly know a little about the fruit fly and I have been trying to impart this knowledge to the Government for a number of years, and I have been trying to get it into the minds of various Ministers for Agriculture since I have been a member of this Chamber.

However, it is a difficult task and the Ministers do not seem to go beyond their advisers when accepting advice. The Minister might think my comments are humorous, but many people in the metropolitan area are, because of the provisions of this Act, paying high premiums and getting no returns. I draw the Minister's attention to an item which appeared in this evening's paper, addressed to the Ombudsman. The article reads as follows:—

> Though I have been in the local fruit fly baiting scheme for some years, my trees have been useless this year and full of fly.

This is common where baiting schemes are operating. In my own district at Belmont there is a scheme, but my neighbour's pears fall off his tree irrespective of the fact that a person is paid to go around once a week spraying for fruit fly. This occurs for the whole of the fruit season, but the situation is not improving. It will not improve until some concerted action is taken by the Government.

I have laboured this point before in the House, but the Perth City Council is not interested in its areas and is not doing anything about the matter. The Minister might say the council pays special attention to fringe areas and other local governing bodies that do not have schemes of their own, but that is no compensation for the people who are paying hard cold cash for the benefit of breeding fruit fly; and that is all they are doing.

I struck a rather unusual situation last year in the East Belmont area where there are a number of old people's flats. The Housing Commission, in good faith, provided lemon trees associated with each flat. The Housing Commission no doubt thought that the old people would be provided with some lemons, but it did not think about how much it would cost them to get those lemons. There are no fences to define the actual boundaries, but the old people have the responsibility of registering their orchards under the provisions of the Act, and on top of that they pay a minimum of about $1.50 a tree under the compulsory baiting scheme. The Minister would know that last year one could buy half a ton of lemons for $1.50 and those trees are absolutely useless. Those people can ill-afford to keep the trees.

Mr. Nalder: But what about the market since that time? They have been very dear.

Mr. JAMIESON: The lemons are still falling off the trees; there is no great demand for them. As a matter of fact, when I was visiting an orchardist only last weekend I wished I could have bundled up a plane-load of lemons and taken them to Adelaide, where they are selling for about 14c each in the shops. I do not know why we cannot arrange some trade.

Mr. Bovell: You would not be able to take them to South Australia.

Mr. JAMIESON: That is right. The only way to eradicate the fruit fly is on the same basis as that used to attack the Argentine ant. The fruit fly has to be attacked on that basis and it is no use saying that it cannot be done in that way. Otherwise, people will go on spending a lot of money and getting nothing for it.

There is no fruit growing around my own place, which is subject to fruit fly, although I admit that at times overripe lemons do attract the fly. There are many people in the metropolitan area facing the same problem as that faced by the woman I have mentioned. This applies particularly to grapefruit and pears, which certainly attract the fruit fly.

As late as last Sunday I was visiting a relative in the Swan area who had never previously had much trouble with fruit fly. He grows quite a bit of stone fruit and a few pears, and he has trees he maintains for his own use besides those he grows for commercial purposes. Every one of his pears, loaded with fruit fly, had dropped off the trees, despite the fact that he used the various baiting schemes suggested by the department. I know this to be a fact because I helped him put the fruit into buckets for the purpose of taking it away and boiling it.

The position is becoming hopeless and we will get to an even worse state if the department is not prepared to take some action and shift itself. It has the idea of leaving the matter to a poll of ratepayers. After all, a local governing body has to move itself, because it is a difficult job for anybody to petition a local governing body to take some action. It is often found that all that has happened has been the spending of extra money in providing somebody with work in the district, and the fruit fly has prospered and nothing has been achieved. I cannot see that any protection has been afforded in the three years this scheme has been in operation in the Belmont district.

Other districts are obviously facing a similar situation when people state that for a number of years they have been subject to the payment of these amounts to the various committees and have received nothing tangible in return.

The Minister will have to look more closely at this problem. We have to have a more positive scheme, and a more positive scheme would not be as costly as the one which is imposed on various sections of the community at the present time. It is high time we made everybody face the responsibility of maintaining his orchard through Government action. It is unfortunate that fruit fly exists in this State where there should be only the minimum opportunity for it to exist.

Until we do this, I am sure we will not go very far. Something which may have to be done, of course, is for the trees in affected areas to be completely stripped for two or three consecutive years. This should be done even if it is necessary to compensate the owners of the trees, as the South Australian Government compensated the backyard fruit growers. That Government found that method to be far better than to leave the fruit on the trees and run the risk of fruit fly spreading. In that State the Government found it necessary—as I have repeatedly indicated in this House—to strip everything from the trees. The tomato plants were torn out and compensation was paid if it was necessary. I do not suggest this should be overdone, but I am sure the people would like the Government to take some drastic action to remove the fruit for a number of years in order to beat the fruit fly and stop its normal cycle of reproduction and so minimise it.

Even in our own gardens at Parliament House, I have drawn the Controller's attention to the fact the fruit on the flowering peach tree near the southern entrance has been loaded with fruit fly. Not being fruit growers, nobody thought that a flowering peach would be responsible for breeding fruit fly. However, a considerable amount of fruit set on the tree this year and dropped to the pavement where it was found to be riddled with fruit fly.

So this is a situation which exists, and it is not improving, and it will not improve until some concerted effort is made with respect to fruits that are known to harbour fruit fly. There are some fruits, of course, that probably will not harbour fruit fly. However, if fruit fly is hungry, even without a suitable host, it will tackle almost anything. It will go into apples, grapes, and a number of other types of fruit which it does not usually infest.

It is up to the department to determine what could be left and what could be taken off. Personally I would far rather see the whole of the metropolitan fruit crop stripped for two or three years in an endeavour to do something about this scourge which is upon us and into which we are not making any inroads.

MR. NALDER (Katanning—Minister for Agriculture) [8.11 p.m.]: The question that is before the House has been covered by the member for Gascoyne who finds no objection to the proposals that have been submitted by the Government to assist in the carrying out of the activities of the various fruit-fly baiting schemes. I admit what he said with reference to the amendments that have been made over the years. However, we find this position not only in this Act but in many Acts; that is, it becomes necessary to amend the legislation. We reach a situation

where it is necessary to consolidate an Act and this has been done on a number of occasions.

I have noted what the honourable member had to say on this subject; and I would mention, too, that because of the experimental nature of this legislation, especially on the fruit-fly baiting side, it has been necessary to make amendments, almost annually, to cover some of the problems which are brought up from time to time through the experience of the various fruit-fly baiting schemes which are operating in different parts of the State. However, I have noted what has been said, and at the first opportunity I will see what can be done to improve the situation as far as the Act is concerned.

I listened with a great deal of interest to what the member for Belmont had to say. I would not be unfair: I agree, to some extent, with some of the remarks that he made, but some of the points mentioned by him are quite exaggerated.

Mr. Jamieson: Which ones, for instance?

Mr. NALDER: The points made with reference to some of the schemes that are operating. I refer to the scheme that is operating in the Applecross-Mount Pleasant-Brentwood area. I have seen the letter to which the honourable member referred and, in addition, I saw many letters that appeared last year from people who had complained. The person who is complaining in that letter is referring mainly to grapefruit. The scheme does not operate for the twelve months. It starts in the early part of the spring to cater for loquats and goes through to approximately this time of the year. I do not know whether baiting has been stopped now, but it finishes approximately at this time of the year; that is, when the last of the soft stone fruits have been harvested or picked.

There was a lot of criticism in the Press last year, particularly in the weekly South of the River Supplement. There was a considerable number of letters written on the subject. The situation has improved to the point that quite a number of people who condemned the scheme last year have agreed that it has some value. I have heard comment after comment, especially this year, by people in that area who have been most satisfied with the activities of the fruit-fly baiting scheme. These comments have been made until quite recently, when the experience of the committee was exactly the same as the honourable member's experience with the flowering peach in the grounds of Parliament House. The committee had not see one fruit fly in the area until approximately a month or six weeks ago when fruit fly was found on twenty-two flowering peaches. These were not declared.

As the member for Belmont mentioned, as indeed did the member for Gascoyne, there are lots of flowering shrubs—roses, for argument's sake—where fruit fly can be hosted. This has aggravated the situation.

I have said before, and I say again tonight, that to do exactly what the honourable member suggested when he referred to the way the Argentine ant problem was dealt with, is just not possible on the same basis when it comes to the matter of dealing with fruit fly. This is a different proposition altogether. Ants move around on the ground, but the fruit fly flies, and it is very difficult to eradicate something that is on the wing.

Mr. Jamieson: In the course of its cycle, it has to go into the ground.

Mr. NALDER: That is correct. If the matter only had to be handled on the ground, it would be a different proposition. This is not the case. The fruit-fly flies around in the air and this is what poses the difficulty.

I am very conscious of the progress that has been made. Perhaps it is not very satisfactory progress as far as some people are concerned, but there have been many difficulties to overcome. I think I mentioned last session that some 10 years ago officers of the department said it was absolutely impossible ever to contemplate getting rid of fruit fly in this State. Even at the moment some are not very optimistic about the situation. However, from the progress that has been made over the last ten years, I predict that there will be a time when we will be able to contain the fruit-fly menace in this State.

Mr. Jamieson: There will never be a time if there is not a will.

Mr. NALDER: The progress made and the experimental work which has been carried out, even this year, indicate that we are in a position to make much greater progress than we have done in the past.

I understand that other metropolitan local authorities have made requests this year to hold a poll. If these requests are carried out—and I am not going to oppose them in any way; in fact I am going to encourage them—I feel that we will be able to make still greater progress; and we will also make progress as a result of the experience we have gained over the past twelve months.

Probably we will have to take further drastic action with regard to shrubs. As I have said, the member for Belmont mentioned the flowering peach in the grounds of Parliament House. Flowering peaches are lovely in the spring, but they are hosts. Many of the fruit-fly baiters, including those of the department who have been going around and assessing the number of fruit trees in backyards, have never taken

any particular interest in shrubs, although it has been indicated that some are hosts. Perhaps some are greater hosts than others. In this connection I believe that we will have to declare certain shrubs to be potential host carriers as far as fruit fly is concerned, and they will have to be treated in some way. If we do this we will probably overcome the difficulty that is manifesting itself now.

Mr. Jamieson: It is necessary to pay about one dollar per shrub.

Mr. NALDER: What are we going to do? Are we going to stop people from growing certain shrubs?

Mr. Jamieson: It might be more sensible than encumbering them with such an expense.

Mr. NALDER: If the honourable member is prepared to support such a proposition; namely, that for the time being people will not be allowed to grow certain shrubs that are hosts to fruit fly, this might be a way of improving the situation.

This is the kind of problem with which we are faced. If an all-out effort is to be made, then some of the situations I have referred to will have to be tackled.

Mr. Davies: Are sprays the only method of control?

Mr. NALDER: Yes. Spraying controls the fly, but there is also the problem of picking up affected fruit so that fruit fly will not continue to extend into any particular area.

Mr. Davies: What about making some of the males radioactive?

Mr. NALDER: Suggestions of this nature have been made previously, but they are not very practicable.

Mr. Norton: Is a bottle still used when baiting?

Mr. NALDER: That method has been accepted in areas where there is no fruit-fly baiting scheme.

However, I thank members for their contributions, and I appreciate the interest that the member for Belmont is taking in this Bill. I hope that in the very near future we will be able to report greater progress in the control of this pest, the fruit fly, than we have been able to do in the past.

With regard to the country areas, I have mentioned this matter on many occasions and there is no doubt that you, Mr. Deputy Speaker, would support me in my suggestion that where the fruit-fly baiting scheme is operating in country areas it is almost 100 per cent. effective. There are isolated cases where outbreaks occur, but generally speaking there is a great deal of satisfaction which indicates that progress is being made.

I promise members and others interested in the growing of fruit in the metropolitan area that we hope before very long to be able to report still further progress in our efforts to control fruit fly in this State.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clause 1: Short title and citation—

Mr. NORTON: I move—

> Page 1, lines 8 and 12—Delete the figures "1968" and substitute the figures "1969."

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 2 and 3 put and passed.

Title put and passed.

Bill reported with amendments.

DIVIDING FENCES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd October.

MR. JAMIESON (Belmont) [8.24 p.m.]: Members who were in this House in 1961 when the original Dividing Fences Act was passed will recall that that measure was introduced to clarify the situation which existed at the time. Before then dividing fences were covered mainly by the Cattle Trespass, Fencing and Impounding Act, 1882-1957, and the Ordinance 4 William IV No. 4 (An Act to regulate the Fencing of Town and Suburban Allotments). They were the main pieces of legislation used to deal with fences, and, as one can well imagine, since the time of William IV fencing had changed quite considerably, and the reason for erecting fences on many occasions had also changed considerably.

However, in dealing with a measure like this we usually look to proposals that are put forward in respect of what shall take place when a fence is erected, and have little regard for other associated features. On the occasion when the principal Act was introduced we left the Act wanting by not clearly indicating what should apply when a fence is destroyed or removed, or when some action of nature takes away a fence that originally separated two properties.

As a consequence, there is no real provision allowing the owner of a property to make application to the court to realign an existing fence, or a fence which has been damaged or destroyed and which requires to be repaired or re-erected. Consequently, this Bill has as its main purport to define the word "repair," and it then goes on to

give the necessary authority to make other determinations, including one which would allow for compensation in certain circumstances.

We realise that many country dividing fences have been placed in creek beds, but we find that the owners can come to some mutual arrangement to have the fences placed on one bank or the other, away from the creek bed, without interfering with the normal area of each person's land. Even if it is necessary to interfere with somebody else's right to use a certain section of land for grazing purposes, this new provision gives the court the power to determine—if a dispute exists—the amount that shall be paid to the person who is at a loss because of the changed alignment of the fence, without in any way affecting the title of the property.

Of course, this is desirable because, I think, in another place mention was made of the fact that in 999 out 1,000 cases neighbours can agree on their fencing problems; but one will strike the odd case where there is a dispute which must be solved satisfactorily. It would appear the only way to deal with this problem is to have legislation that covers the situation completely.

The fact that, in effect, no provision was made for the giving of authority for the repair of a fence is a vital one. I am sure that modern fencing materials are quite different from those that were used in the olden days, when maybe there was just a wire along a creek bed, and each farmer used the creek for the supply of drinking water for his stock. Farmers now find that with modern methods of fencing they are able to criss-cross the creek at several points and so give themselves more successful access to the water in the creek, and at the same time keep the fence in good repair at all times to prevent their stock from straying from one property to another.

I think it is very desirable that we amend the parent Act so that it will clarify the position and allow a situation to be determined by a court of petty sessions when the necessity arises. Of course, we would hope that all neighbours could arrive at some agreement suitable to both parties but, as I mentioned before, this does not always happen.

In the metropolitan area, as in the country, we would find occasions when dividing fences that have been damaged, destroyed, or broken in some way need to be repaired. As a consequence, if one party is not in agreement it is unreasonable that the other party should foot all the costs. He should be in a position to have some redress and the provision in the Bill, of course, will allow him to have that redress by a determination being made by an independent arbitrator in the form of a court.

There is nothing to fear about this Bill although, perhaps, the choice of the word "repairing," and using it as a cover-all for the situation of replacing a fence, or realigning a fence, may cause argument at some stage. The fact that it is defined as the motivating word in such circumstances as when a fence is replaced —whether it be in part or in full; whether it be on the original site or on a new one —means that we have achieved what we set out to achieve, because it will save a great deal of heartburning among those people who find it hard to agree on a fence alignment, or the conditions under which a fence should be constructed.

From the point of view of both the metropolitan area and the country the Bill is well worth supporting. We must have this type of legislation to sort out difficult situations that occur from time to time.

MR. T. D. EVANS (Kalgoorlie) [8.33 p.m.]: The very interesting and clear analysis of this Bill by the member for Belmont renders any speaking on my part completely unnecessary. Therefore I wish merely to indicate that I, too, support the measure. I feel the Bill is not one that would endear itself to those members, such as the member for Ascot, who are well versed in local government. They probably get snowed under with queries arising from local authorities within their electorates as to what constitutes a sufficient fence within the meaning of this Act.

The Act itself sets out to define what is a sufficient fence and does so by providing that, under section 210 of the Local Government Act, local authorities have the right to determine, by way of by-laws, what, for their purposes, shall be a sufficient fence. The Act goes on to provide that in the absence of any by-law made by a local authority the provision shall be that a sufficient fence is one which shall be a substantial fence and which is suitable for preventing cattle and stock from straying; or, in the absence of any agreement as to what that might mean, that a sufficient fence is one which is defined as a sufficient fence by a court of petty sessions.

I consider it is unfortunate that all local authorities have not a by-law to define, for their purposes, what shall be a sufficient fence. However, there are five substantial amendments proposed by this Bill, as has been clearly explained by the member for Belmont, and I feel it is desirable that if since 1961 we have found the Act is deficient in certain respects, these deficiencies should be remedied. I believe it is most essential that an Act of this nature should be a complete code on the subject. Disputes between neighbours are not the most desirable happenings, and if these disputes can be resolved

without recourse to litigation it is all to the good. If neighbours can have recourse to an Act of Parliament which is clear and concise, and also a complete code on the subject, this is a worthy circumstance, and it would appear from these amendments that such an aim will be achieved by the passage of this legislation. I support the Bill.

MR. DAVIES (Victoria Park) [8.35 p.m.]: Regardless of how good we think the legislation is that we put through this House, inevitably a case is found that does not come within the provisions of the Act. Lately I have encountered several cases which should come within the provisions of the Dividing Fences Act, but in regard to which there is some doubt.

I think the basis of this Act is that it presupposes there is a dispute between neighbours, and that certain procedures must be followed to overcome the dispute that has arisen; that is, that notices shall be issued; that they shall be replied to; and that if the dispute continues it can be taken before the court which can give a decision. Under the Bill, we are now setting out, in greater detail, what kind of decision a court can give.

However, can the Minister tell me what the position is when there is a dispute over a dividing fence and the proper procedure is not followed? That is, the person who requires the fence to be repaired serves notice on his neighbour that this work is to be done, and the neighbour objects most strongly. Regardless of this objection, the person who first instigated the repair of the fence does not take any notice of his neighbour's objection, and erects the type of fence he wants put up, but raises no charges against his neighbour. This is where the whole procedure falls down.

The Act has been designed so that a settlement can be made between the parties on the type of fence to be erected and the costs involved, but if a person erects a particular type of fence and does not seek to raise any charges against his neighbour, that neighbour has no recourse whatsoever. I understand there are cases on record of persons who have erected fences six feet high, or higher, right up to the street alignment, but have not raised any charges against their neighbours, and there is nothing the neighbours can do even though the fence may block the view of the neighbour and is not the type of fence he would like.

I wonder if the Minister can tell me whether there are provisions in this amending Bill to cover such a situation. Even if no charges are raised against a neighbour for the erection of a fence, surely the neighbour must be given some consideration as to the type of fence that shall be erected; and he should have the right of appeal to the court if he considers the fence is unreasonable, that it blocks his view, and if he feels the person who has erected it should be made to take it down.

Mr. Jamieson: Even though it is three inches inside his own alignment?

Mr. DAVIES: This is so. We have provision in this legislation for the making of new alignments, otherwise I presume the person who is offended can only have recourse to common law. These cases are not unusual. I know of a case in Victoria Park where a person well known to the Minister for Local Government and myself has suffered a great deal of distress because of the additions that have been made to the Redcastle Motel. A fence which she finds most offensive has been erected, but no charges have been raised against her and there is not a thing she can do about the fence that has been constructed.

I am wondering if it is possible to write into this legislation—although I am afraid it is not—some right that can be given to the offended party to take action to suggest to a court that the offending fence needs to be erected in a more reasonable manner, or if the view has been blocked that the person offended should be allowed to enjoy the view that he enjoyed before the fence was erected. I understand that this is a problem which has been encountered by other members of Parliament, but as the Act now stands, and as I read the principal Act and the amendments, it appears that nothing can be done.

I also protest against the fact that local authorities are excluded from the provisions of this Act. Because of the present rapid rate of house building—it is not nearly enough, of course—I find that many people are building on land which possibly would not normally be their choice for the erection of a home, but for a number of reasons they have no alternative. In one case in particular, of which I am aware, after the house had been built on a deep single block, the adjoining block was declared to be a reserve by the local authority.

This means that the owners of the house on the deep block—which is about 180 feet deep—would be totally responsible financially, if they wished to put up a fence, because the local authority has been excluded from the provisions of the legislation. The local authority has declared the block of land—which is hardly the size of a building block—to be a reserve, and because the local authority is excluded from the provisions of the Act, the owners of the house in question find they are required to pay the entire cost of the fences themselves; or, alternatively, if the park is developed it will be necessary for them to put up with the inconveniences attendant on having an unfenced reserve next door.

This is not altogether fair. Local authorities should be made to pay the cost of fences where properties adjoin public reserves. Surely this is not unreasonable. Local authorities are enjoying a privilege which is not enjoyed by members of the public.

If the Minister could make some comment on the two points I have raised I would be pleased to support the Bill. If, as I understand the position, my first point is not covered by the Bill, perhaps he could tell us whether it might be possible to bring in further amending legislation to iron out the problems which certainly exist.

MR. NALDER (Katanning—Minister for Agriculture) [8.42 p.m.]: I did not intend to say anything further on this measure, and I do so only because the member for Victoria Park has posed a question which is not covered by the amending legislation.

Amendments which are sought to be made to various Acts arise mainly from the experiences of people involved in certain situations; in many cases these amendments are sought by local authorities in an effort to overcome some of the difficulties experienced over a period of time.

The suggestion made by the member for Victoria Park was not brought to my notice, and if the problem he mentions did exist I feel sure it would have been put to the Minister and, no doubt, some effort would have been made to legislate for it.

If members feel it is necessary and desirable to amend this legislation, I would be prepared to request the Minister for Local Government to have a look at the matter before the Bill is read a third time.

Mr. Graham: In point of fact, the Minister for Local Government has already agreed to amend the Act; he said it would be done in this part of the session. This was to meet the position in relation to these high unsightly fences in urban areas.

Mr. NALDER: That does not cater for the point mentioned by the member for Victoria Park; it would not cover it entirely, because the person to whom he refers could build any sort of a fence; it may be a small fence which is not unsightly, and this could be objected to by an adjoining owner, but because he is not asked to pay half the cost he has no say in the matter.

Mr. Graham: If you check with the Minister for Local Government I think you will find that what I say is correct. I have it in black and white from the Minister for Local Government that this is to be the case.

Mr. NALDER: He has not mentioned the point to me, but if what the Deputy Leader of the Opposition says is correct there is no necessity to debate the matter further. The Deputy Leader of the Opposition apparently has an authority from the Minister that he proposes to amend the Act, if not in this session then in the following session, and if that is so there is no necessity to debate the matter further.

Mr. Davies: What about local government authorities?

Mr. NALDER: This is another matter which I can refer to the Minister for Local Government and if there is a strong case—and it could be argued that there is—and if local authorities, perhaps in their own interests, take action along the lines mentioned by the honourable member, there might be grounds for supporting his proposal.

Mr. Toms: The majority of local authorities co-operate, but you do get the odd one which is difficult.

Mr. NALDER: I am sure most local authorities would co-operate with private citizens, particularly in the situation where a property adjoins an area which might be declared a park.

Mr. W. A. Manning: The Government never puts any fences around its own properties.

Mr. NALDER: The honourable member is now probably referring to Crown land bordering the properties of farmers. This matter is not dealt with in the legislation before us, but perhaps it could be a subject for debate on another occasion.

I will, however, discuss with the Minister for Local Government the points raised by the member for Victoria Park. The Deputy Leader of the Opposition has, however, informed me that the Minister intends to bring down amending legislation to cover the situation concerning the responsibility of local authorities in this regard.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Williams) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clause 1: Short title and citation—

Mr. NALDER: I move—

> Page 1, lines 8 and 12—Delete the figures "1968" and substitute the figures "1969."

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 2 to 6 put and passed.

Title put and passed.

Bill reported with amendments.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th October.

MR. HARMAN (Maylands) [8.50 p.m.]: This Bill provides the opportunity to examine and to discuss the action of courts in dealing with offenders and aspects of treating offenders with a view to their rehabilitation. It provides also the opportunity to view the record of the Government since the term of its office began in 1959.

Firstly, there is no doubt that crime is increasing in Western Australia. In fact, it is increasing in most countries of the world, in both eastern and western countries; but it is not sufficient just to accept this without making strenuous efforts in our detection services, in our research into delinquency and in our research into the medical treatment of psychopaths and paranoics in our community. Whilst I would like to dwell on this topic a little longer I think the occasion will arise at another time.

In the 10 years it has been in office this Government has built two new prisons to cater for 200 prisoners, and has upgraded three regional centres. In 1963 it introduced the present probation and parole service. The present overall situation, as I will indicate, is far from satisfactory, and in my opinion reflects either ministerial or Cabinet inertia. As I see it, the courts today can treat offenders in the following ways:—

Firstly, they can discharge a person without recording a conviction if, of course, he is a first offender.

Secondly, they can caution an offender.

Thirdly, they can place an offender on a bond to be of good behaviour.

Fourthly, they can impose a fine.

Fifthly, they can place an offender on probation.

Lastly, they can send an offender to prison.

My contention is that courts should select the most appropriate course of treatment, combining punishment with rehabilitation for each particular offender. I ask the question: Is this happening in Western Australia? I contend it is not. In fact, there is a disturbing tendency to impose prison sentences when bonds, fines, or probation would be more suitable.

This view is supported by the Comptroller-General of Prisons who said in a television interview on the 23rd July, 1967, "Too many first offenders were sent to prison when good behaviour bonds would be equally effective." That was what the Comptroller-General of Prisons (Mr. C. Campbell) said. Speaking on the TVW Channel 7 programme "Viewpoint," Mr. Campbell said he believed that only first offenders guilty of serious offences should be gaoled.

This view is further supported by the Chief Probation Officer in his report of the 30th June, 1968. In it he said, "It is felt that the courts are still not using adequately the facility provided by Parliament." Here he was referring to probation. To me it is a duty of the Government to provide the encouragement, through legislation and through practical action, for the courts to look at other ways of dealing with offenders than by imprisonment, and I have referred to the use of bonds. This method seems to have dropped out in recent years.

Regarding the use of fines, I read the other day where in two Scandinavian countries 90 per cent. of the sentences passed by courts were in the form of fines. In London, trouble has been experienced with fines dodgers—the people who are given time to pay, but who, of course, do not pay their fines. We have this trouble in Western Australia. I know of many people here who have been given time to pay their fines. This practice works all right in country areas, because the local policeman is sympathetic enough to give such a person perhaps a little extra time, or to show a little more patience with the the offender to make sure the fine is paid. In the metropolitan area, however, where this is impersonal, once the period of time to pay has elapsed out goes a warrant. There is no consideration for the financial circumstances or the social situation of the person concerned. He is immediately served with a warrant, and in default is placed in prison.

I contend the Government should look at the possibility of appointing what are called fines supervision officers to ensure that the best possible use is made of the imposition of fines by courts. Further, I contend there should be greater use of probation.

Turning now to look briefly at the broad scene since 1959, we find that in that year when the present Government came to office, the State had 523 prisoners in four prisons, and 83 prisoners in a number of minor prisons. This made a total of 606 prisoners in 1959. At the time the population of the State numbered 718,691 persons.

In 1969, and that is almost as at today, the State has 1,219 prisoners in nine prisons, and 120 other prisoners in minor prisons throughout the State.

Mr. Davies: That is part of its leap forward!

Mr. HARMAN: That makes a total of 1,339 persons in prisons today. In addition to this there are 250-odd prisoners in the community on parole. It should be taken into account that the population of this State at the present time is about 930,000; so the population has increased by 212,000

in those 10 years. When this is calculated it will be seen that the population has increased by some 29 per cent. in the 10 years, but the prison population has increased by 133 per cent.

Mr. Cash: What has been the rate of crime increase?

Mr. HARMAN: I am sure it is unnecessary for me to convince members that imprisonment is not the real answer to the treatment of all offenders. Prisons are unsatisfactory nurseries for rehabilitation and reform. Oscar Wilde in his *Ballad of Reading Gaol* composed this verse which I thought was quite appropriate—

> The vilest deeds like poison weeds
> Bloom well in prison air:
> It is only what is good in Man
> That wastes and withers there.

I am sure members will agree that prisons are not desirable places to which alcoholics and drug addicts should be sent. Their need is best met by medical and psychiatric centres. I am sure, too, that members will agree that as a general rule short-term sentences of six months or less do not really solve any problem.

In our prisons in Western Australia today 25 per cent. of the prisoners are those who have been sentenced for a short term—people serving sentences of six months and less. The problems resulting from short-term sentences are obvious to all of us: the loss of the job the offender had before he was convicted; the assistance the State has to provide for his dependants, if any; his prospects of re-employment once released after two or three months in prison; and so on.

I must remind the House that the President of the Civil Rehabilitation Council, in his presidential address last year, had this to say about short-term sentences:—

> Where long sentences are imposed the ex-prisoner is looked after by his parole officer, but those serving short terms seem to be released quite often with little money, few clothes, nowhere to stay and on their own resources to find work.

Later on he states—

> The only people who should be in prison were those who constituted a danger in the community either to person or to property. When restraint was needed because of this the sentence should be long enough to enable re-education and retraining to be carried out, thus giving a real chance of reform and successful rehabilitation.
>
> Other offenders should be dealt with by probation and fines, as short sentences were futile.

In recent times comment has been made by several persons that the number of aborigines in prison is rising at a rapid rate. This is quite true. Doctor Rollo pointed this out when he was reported in *The West Australian* of the 7th September, 1967, as follows:—

> The number of prisoners in W.A. is rising. In Doctor Rollo's office is a graph showing the rate of imprisonment for Europeans which is rising only slowly, and for Aborigines, which is a near-verticle line disappearing off the top of the chart. During the past 50 years, the European rate has varied between seven and nine people for every 10,000 of population. But for Aborigines the rate has risen from 45 a 10,000 to about 100 a 10,000.
>
> "We have to recognise that crime has causes," said Doctor Rollo.
>
> "Poor social conditions for Europeans and Aborigines produced crime, and the offender may be a victim of circumstances. Other influences include adverse home circumstances, absence of home influence among people who have lived in institutions, low intelligence, insanity, alcoholism and sexual deviation."

This, of course, applies not only to aborigines, but in many cases it is the reason Europeans find their way into prisons.

I should remind the House, too, that for the last financial year the cost of maintaining the dependants of aborigines who were in prison amounted to $28,000. For the same year, the cost to the Child Welfare Department for maintaining the dependants of Europeans who were in prison was $36,000.

My experience and observations amongst aborigines have been this: In Kalgoorlie it has been a practice for many years that an aborinigal charged with drunkenness is cautioned and, over the years, there has been no marked increase in drunkenness by aborigines in Kalgoorlie. In the Great Southern a different situation applies. There, what has been termed in many quarters as the "double up" system is used.

The court starts off by imposing a fine of $5 for a first offence, and when that person comes up again the penalty is seven days, the next time it is 14 days, and for another offence it is 28 days. Then the cycle reverts to a fine and at suitable periods the aborigine is arrested on a charge of being an habitual drunkard. For this he gets three months, and sometimes six months.

However, this has not made any real difference. Imprisonment for drunkenness has not deterred aborigines from gaining access to liquor, and I think it is high time some research was made into the problem because I feel sure a suitable alternative could be found in order to prevent many of these aborigines from finding their way into our gaols, despite the fact that it may be for only seven days.

I know that in some States in America people affected by alcohol are merely put in a detention centre overnight and they are released the next morning. Those authorities do not even worry about arraigning them before a court. Whether that could be done in this State I am not sure. I think there is probably some legal situation which requires that when a person is apprehended he must have the opportunity to face a court. However, I wish to emphasise this point: There will be no real decrease in the rate of offences by aborigines until their housing is improved and until their social conditions have been improved by further education. I still feel that research would provide an alternative for the Government in dealing with aborigines who are affected by liquor.

In 1963 the Government introduced the present probation and parole service; that is, the principle of allowing offenders to serve out their sentence in the community. By and large it has been a success and has been accepted by the people of Western Australia. But its success should not be attributed solely to the Government. I believe it is a success because of the dedication and the hard work of its chief probation officer, its officers, its honorary officers in the country, and the other welfare services. In fact, year after year the Chief Probation Officer and the late Chairman of the Parole Court pointed out in their annual reports that this service needs more officers; that the case-loading is increasing to such an extent that the officers are overworked and inefficiency will result.

It is a wonder to me that this has not occurred. I put it down solely to the dedication of these officers. It is like putting a tree in the ground. One cannot just plant a tree or a shrub, and then walk away and leave it. One has to nourish it and look after it. The Government has failed to do this with the probation and parole service. There has been a great turnover of staff in recent years. Officers are coming and going and this places more work on those who remain because the new officers coming in have to be trained.

One of the reasons—and I am sure the Minister will mention this when he replies—is that it is difficult to obtain staff for our probation services. With this I agree if the staff being looked for are to be graduates of the University. In New South Wales the probation service is staffed by personnel who are not graduates of the University.

In Victoria the probation service is staffed by graduates, and consequently quite a few people, including a number of migrants from European countries, who have a B.A. degree from a recognised university, can apply for a job with that service; and this, despite the fact that these people have no qualifications resulting from their B.A. which fits them for parole and probation service.

In this State we have our qualified probation and parole officers who have obtained their degree, but surely there is also room for another strata of officers who are not qualified. There are a great many already in the Public Service today who, by experience, knowledge, and ability, would be qualified to perform a satisfactory role in the probation and parole service. If the Minister for Justice is anxious to ensure his officers are not overworked and can adequately deal with their case-loads, I suggest to him that this is the alternative. It is not a lessening of the standard. The New South Wales system works admirably. In fact, in New South Wales the service insists that the case-load should not rise higher than 65.

Mr. Jamieson: What is it here?

Mr. HARMAN: At present it is 126, and in some cases officers have 140 as a case-loading. This is quite unreasonable.

It is very hard to say where the fault lies, but there has been a tendency in the lower courts in Western Australia to place offenders on probation without, I think, any reference to the probation service. A person comes up for sentence and pleads guilty. The magistrate listens to a submission, perhaps from a lawyer or perhaps from the offender himself. He may make inquiries from the police, or a justice of the peace, and he then determines that the person should be placed on probation. On the other hand, in the Criminal Court a suitable time lag occurs between the time the person pleads guilty and when the sentence is determined. It is sometimes also known in advance that the person is going to plead guilty, so therefore ample opportunity is available for a pre-sentence report to be obtained from the probation and parole service, and this is done. The court can then decide which is the most suitable course of punishment and treatment for the offender.

However, this does not occur in the lower courts, and many offenders are placed on probation, making more work for the officers, when, in fact, they might well have been placed on a bond to be of good behaviour for six or 12 months. In those circumstances it is up to the offenders to do their own probation, as it were.

Of course, in other cases the lower courts place offenders on probation when really they should be sent to prison. But this is a matter of training and, as I said before, it is up to the Government to encourage the courts to pass sentences consisting of fines and bonds, and place people on probation, rather than send them to prison.

I think the Government should also consider the periods of probation. If a person is placed on probation for two years, I think that is a sufficiently long period. One would hope that during that time an

offender would rehabilitate himself to a stage where he would require no further supervision. If the period were stipulated as two years, rather than three, four, or five years—which I think is absolutely ridiculous—then the case-loading on the probation officers would automatically fall.

Lately, consideration has been given to the appointment of honorary probation officers and parole officers in the metropolitan area, and someone has suggested that 200 would be required. I think it would be rather difficult to find 200 honorary probation officers in the metropolitan area.

Mr. Jamieson: Do they have to obtain a university degree too?

Mr. HARMAN: It has not been suggested that they should. I am not suggesting that these honorary officers would be required to carry out the same tasks as the qualified officers. I do not know the intention in this regard, because I have not heard the Minister for Justice make any statement concerning the matter. However, if honorary officers were appointed, they would require a good deal of screening because all sorts of people would apply, including do-gooders who have a feeling they can do something; but they may not be the right sort of people to handle someone on probation or parole.

These officers must be able to get through to the offenders at their own level. They must not talk over the top of the offenders or blind them with science because of their academic training. They must be able to get through to the offenders and gain their confidence and in that way share whatever problems are involved. This is the only way the officers are able to help the offenders with their problems.

If the Minister proceeds with the appointment of honorary probation officers, I counsel him to ensure that each one is well screened in order that those selected will be suitable for the task ahead of them.

Generally the amendments which appear in the Bill seem to meet the present requirements. It is a wonder to me the Government waited so long to bring the amendments before the House. Obviously these matters have been needling prisoners for some time. In fact, soon after the Act was introduced in 1963, the anomalies appeared obvious, but it was not until 1968 that amendments were introduced. The last stages of the legislation are being dealt with now, in 1969. All this time these anomalies have been needling the prisoners and causing them irritation and worry. Friends and relations have also been perturbed and, in some cases, hope has been turned to despair.

When speaking to the legislation in 1963, you, Mr. Speaker, said that you felt the time would come—perhaps not in your time, you mentioned—when a great number of people would be serving their sentences in the community in contrast to the situation today which is that one in 12 is serving his sentence in the community while the other 11 are serving their sentences in prison.

At the time of the last debate the member for Swan suggested that a Select Committee should be appointed to look into the ramifications of the legislation. He believed—and he was proved right—that a number of anomalies would arise from the operation of the legislation. He said it would be far better to iron out those anomalies at that time than wait for them to occur and then wait for the Government to submit legislation to rectify them.

The major portion of the amendments in this Bill deal with reciprocal arrangements so that offenders can move into other States and receive the benefits of supervision in those States. With these amendments I have no complaint, because I believe they have been necessary for some time. The other States have all moved in this direction and it is fitting therefore that this State should take similar action.

Finally, Sir, I notice that in Victoria the parole service has prepared a booklet. I believe it is called *Parole and You*, and this book is printed solely for prisoners. It is distributed to the prisoners and they have an opportunity to read, in a fairly simple form, of the opportunities available to them by way of parole. I hope that when this Bill becomes law the Government will proceed to get out a similar type of booklet in this State for the benefit of the prisoners in the prisons of Western Australia. I support the Bill.

MR. FLETCHER (Fremantle) [9.21 p.m.]: It would be surprising if, as the member for Fremantle, I did not have something to say on this Bill. There is plenty I could say, but I will be brief. Fremantle, as a whole, is concerned with the existence of the prison in the general area of Fremantle. It was inflicted on us back in the early history of the State, and is still with us. It causes considerable concern in that it occupies a very valuable piece of real estate which could be used to better advantage by the community than for the housing of transgressors of the law throughout the State. I have said this before, and Fremantle deserves better treatment than that.

I am concerned at the Minister's recent comment that we would be likely to have to put up with the prison for an indefinite period, despite the fact that he is likely to reduce by anything up to half—or more than half—the number of inmates. That is poor consolation to us. I understand that an area of land has been allocated

to the Prisons Department in the Thompson Lake area. I have mentioned this matter before.

The SPEAKER: Order! That has nothing to do with the measure before the Chair.

Mr. FLETCHER: Very well, Mr. Speaker. However, I feel I owed it to the people of Fremantle rather than to the members of the House to pass some comments along those lines.

The member for Maylands referred to honorary probation officers. The inclusion of such a provision could assist the measure which is now before us and, under proper supervision, I have no doubt a prisoner would be more likely to be rehabilitated than he would be within the four walls of the existing prison.

I notice the Bill provides that the court may fix a minimum period for those serving less than 12 months. However, where the sentence is in excess of 12 months then the court shall fix a minimum term. Anomalies do exist which this Bill will clear up. Such a situation exists with respect to those serving 12 months on a cumulative basis for more than one offence, and the Bill appears to clear up that situation.

The Bill also takes care of the situation where the lower courts fail to fix a minimum term. The failure to fix a minimum term shall be deemed to be due to inadvertence, and a minimum term of one half of the term of imprisonment imposed shall automatically apply. This could make it possible for a prisoner to be out of prison in half of the normal time and be under the proper care and supervision of the Parole Board and its officers.

I also notice that there is encouragement, or incentive, for prisoners to indulge in good behaviour, and as a consequence of such good behaviour they will earn a reward by way of earlier release. This is very desirable.

Provision also appears to have been made for those who are declared habitual criminals. Consent from the Governor will be required if a prisoner is to be paroled within two years from the expiration of the minimum term.

The further I go into the Bill the more I notice that there is likely to be a reduced period of imprisonment. As I have said in this House before, I suspect that many of the people who go to Fremantle Prison come out far worse than when they went in, as a consequence of the contamination they receive in rubbing shoulders with other characters who may have committed worse crimes. As a result, I consider that the lesser the period spent in gaol the better the chance of rehabilitation.

A further proposed amendment will make it possible for the board to have a prisoner brought before it rather than his being returned to prison. This will give the Parole Board discretionary powers in respect of whether or not a prisoner shall go back to gaol. If he is subjected to proper supervision outside the four walls of the gaol then it is possible for him to be cared for in this manner despite his transgressions.

The board is authorised to release on parole any prisoner who, at the time of the Act coming into force, has less than 12 months to serve. Members will recall the revolt that occurred in the prison as a consequence of the prisoners not understanding this provision. The present Bill makes it clear. As I have said, it provides an incentive for a prisoner to be on good behaviour to earn an appropriate reward in the form of remission of sentence.

A very important clause relates to the reciprocal interstate application of this legislation. The member for Maylands dealt with that aspect and there is no need for me to go into it in detail. However, I think it is desirable that a person who has committed an offence in this State, and is embarrassed as a consequence of it, should be able to move with his family to the Eastern States and be subjected to similar supervision in those States. From my reading of the Bill, this provision arises as a consequence of agitation from Queensland. This led, in 1963, to the Standing Committee of the Commonwealth and State Attorneys-General taking up a discussion, and this legislation emanates from that debate.

The standing committee suggested that a uniform Bill be introduced in each of the States, and this Bill is in conformity with that suggestion. I believe Queensland has already implemented the provisions of the uniform Bill and our measure is apparently on all-fours with that particular legislation.

I get on to dangerous ground with you, Mr. Speaker, if I get back to the theme that the Fremantle Prison should not be in Fremantle. However, I do see a prospect of there being fewer inmates in the prison as a consequence of this legislation and I look forward to the day when the present Minister, or some subsequent Minister, can shift the confounded thing off the doorstep of Fremantle, because it is causing concern to many people in the area.

I support the Bill for the reasons I have outlined. It will get prisoners out of gaol sooner and into more campatible surroundings which, I consider, will make their rehabilitation possible.

MR. JAMIESON (Belmont) [9.30 p.m.]: I do not think we can be very proud of the situation that, of all the States in the Commonwealth, this State has the greatest proportion, per head of population of

people in prison. This situation was partly made clear by the member for Maylands this evening, and also by the Comptroller-General of Prisons who was forced to admit this situation during a television interview. It would appear to me that there must be something wrong with our penal system.

Since the introduction of the legislation I have never been convinced that it is a good and desirable feature of the parole system to have the court which sits in judgment on a prisoner determining the minimum time. To my mind this is the reason that our gaols are filling up.

At the time of the trial of a person, a judge has heard the bad story—the diabolical details, as it were—and because of this he may be inclined to be more severe on that person than a parole board may be through being able to review the situation in more stoic circumstances. I think the matter should be taken right away from the trial judge. It should not be his responsibility at all.

In the days before the parole system, the only fault that existed, as I saw it, was that the Indeterminate Sentences Board, as it was then known, dealt only with sentences of more than two years. However, the Indeterminate Sentences Board always reviewed the cases, and certainly in the case of first offenders there were very few who served more than half the term of their sentences. Nowadays very often the minimum imposed by the trial judge is two-thirds of the sentence. In this situation, naturally there will be a greater increase in the number of prisoners, because of the number of long-term sentences. Prisoners who are serving long-term sentences cannot be dealt with in any way because of the existing situation.

We should look at several features of our penal code. We should introduce another system. Many of the prisoners have committed criminal offences. I will quote an instance which occurred the other day. By way of an appeal in the court, a former bank manager's sentence was reduced from some two years to a period of six months, because the court of appeal felt that he had been sufficiently discredited in the community; he no longer had any standing; he had been a good citizen previously, and he gave all indications that he would be a good citizen in the future. It is foolish to send such a person to a penal settlement for the purpose of reform which he does not really need. He has paid the penalty, because he has been caught out at the ill-deed which he committed.

Western Australia should have some way of doing what is done in many American States; that is, we should be able to give a suspended sentence which can be held over the head of the offender. Perhaps the suspended sentence might be twice the term of the actual sentence normally imposed. Where a person is imprisoned for two years, he might be given a suspended sentence of five years.

In this way we could perhaps frequently do away with the responsibility of parole officers, or anybody else, supervising an offender, as a pre-sentence report in a particular instance might indicate that it would be useless for a parole officer to look after the offender because he is not a dangerous criminal and is not likely to be a person who will cause trouble to the community.

Of course it might be said that a risk would be taken. However, to my mind, it is not a great risk in the case of some criminal offences as compared with criminal offences involving violence. They are an entirely different matter, because parole officers would have to supervise such offenders for a considerable time in order to know that they were rehabilitating themselves and settling into the community, and that their state of mind was such that they would not be likely to offend in the same way again.

It is quite unnecessary to gaol many of the people who are gaoled. We often see heavy sentences given for offences against property, and we often see quite lenient sentences given for offences where some form of violence is incurred. The differentiation in attitudes has often worried me; namely, a person can offend against property and he is treated harshly, but a person offends against another person, perhaps through a vicious attack, and he does not seem to be treated in the same way. I realise that we cannot set ourselves up as judges for all individual cases, because those who preside at courts must take this responsibility.

However, obvious facts are before us. Our gaols are becoming too full. Surely we are not more criminally prone than people in the Eastern States; and, if we are, there should be an inquiry to find out why we are. Personally I do not think we attract a greater criminal element. Indeed, from the comments that have been made by prisoners released from Fremantle Prison, people from the Eastern States who are committed to gaol in this State do not like it much, because of the greater severity of sentences. Usually they hotfoot it back to the Eastern States as soon as they are released from gaol. In this case gaoling seems to be a deterrent, at least in that when some prisoners are released they go off very quickly to some other State. However, this is not curing the problem, because we are faced with an ever-increasing number of people in gaols.

In all sincerity I suggest that the Government has not yet gone far enough with this problem. Let us take the determination of the time that a person shall serve in prison away from the presiding judge. Let us place it in the hands of a board. If this were done, after a reasonable term

of imprisonment, a report could be made on the prisoner and the board could review the situation. That method would overcome many of our problems. Let us also introduce into criminal law suspended sentences, whereby, as I said, if a person again offended against the law in any way, he would know that he could be called in for the suspended sentence. Quite frequently, as I mentioned, these people do not need to be supervised by a parole officer.

Members have had indicated to them the number of offenders who are allocated to a parole officer. I have known for a long time that the work of parole officers is overloaded and that they are not doing the job which they could do. I do not know that it is necessary to set such a high standard for becoming a parole officer. We do not set such a high standard for policemen as we do for parole officers, but some of our policemen, of course, have to undertake jobs in the community which are easily as delicate and as problematical as the jobs undertaken by parole officers employed in this State. To my mind it is going beyond what is necessary to require a university degree. Certainly, it may be necessary for the senior parole officers to have some experience in psychology and all the other subjects which enable someone to investigate another person's mind and to give an understanding of his character. Although this may be necessary for senior officers, surely it is not necessary for officers all the way down the line; that is, for those who merely superintend somebody and call him in now and then to ensure that he is doing the right thing.

There could be a reduction in the number of times a person had to report to a parole officer. As a case improves, I suggest that a parole officer could, perhaps, forget even to call him in, except for a final review before parole was due to be arranged.

I do not know whether the Government will be impressed with these suggestions, but surely it must be impressed by one fact; namely, the Comptroller-General of Prisons was forced to admit on television that we have the worst incidence of goaling of prisoners in the Commonwealth.

There is something wrong with out setup if this is taking place and we have to overcome it. My suggestion may not be in accord with some line of thinking, but I do suggest that we need to have a very close look at this feature which I feel is causing the gaols to fill; this erroneous provision which allows a trial judge to set the minimum time. We got away from that even under the old system of the Indeterminate Sentences Board. When I was associated with making any representations to the Indeterminate Sentences Board I found there was hardly an instance when the prisoner concerned was not released after serving half his sentence provided he behaved himself and showed that he had rehabilitated himself in prison.

However, this cannot occur under our present Act which gives the trial judge the right to set a minimum time. Of course, there is always the Royal prerogative, but Governments are very loth to use this, and I think this was the only fault of the system when we had the Indeterminate Sentences Board in that when a prisoner was released he had to be completely excused by act of Executive Council, which more or less meant that there was no further hold over him. This was highly undesirable and was a feature that was overcome by the parole system.

I support the Bill because it is a move to improve the present situation, but it does not go far enough in implementing complete measures to improve the penal system so that we can reach the stage where our penal reforms are in the van of Commonwealth measures and not at the rear end of this particular field.

MR. COURT (Nedlands—Minister for Industrial Development) [9.42 p.m.]: I thank members for their contributions to the debate on this Bill. From my interpretation of what they have said they all support the measure, but have used the occasion to express some criticism of the administration of justice in some aspects and, in other aspects, the administration of reform.

I have to say at the outset that this subject has been given a good deal of prominence in recent years. It is a very difficult one, because if a move is made too fast in the direction of reform one runs the risk of losing public confidence, and then one is subjected to criticism because a prisoner was released prematurely and a mistake in judgment was made. On the other hand, of course, if one does not effect reform progressively one finishes up with an archaic system, and it is the job of government to keep this matter constantly in review and step by step move into tried and proved areas of reform, both in respect of the administration of justice up to the point where a person is convicted and sentenced, and subsequently when he is in prison or on parole, as the case may be.

The member for Maylands was inclined to place the blame for the crime rate at the door of the magistrates, the courts, and the Government, but when it came to the parole board, which was established by this Government, then it was to the credit of the officers and not of the Government. Let me hasten to say that so far as the magistrates and the judges are concerned, to the best of my knowledge neither this Government not its predecessors have ever attempted to influence magistrates and judges as to the decisions they would make. It has been a cardinal principle

that, except in very special cases where Parliament specifies minimum sentences, it is left entirely to the magistrates and judges to decide what the sentence will be, from zero up to the maximum stipulated.

When we commence to talk about trying to get magistrates and judges to take a more tolerant view of first offenders—or, for that matter any other offenders—we are on very dangerous ground. I would think it would be almost impossible to draft a Statute that would give a lead or direction to a magistrate or a judge in this particular field of their work. I am of the opinion that, by expressions of opinion in public, and particularly in this place, the judiciary will take notice of a changing public attitude towards these things, and the changing attitude in Parliament, and thereby may adopt a different attitude, particularly towards first offenders. But here again we have to realise there are exceptional cases, and we cannot lay down hard and fast rules. Therefore, at all times, the magistrates and judges will have to be free to impose what they consider is the penalty appropriate to each case.

The comments by the member for Belmont, when he emphasised the action taken by some judges in imposing a minimum time before a prisoner can be considered for parole, have been noted. It has been the subject of discussion in quite a few places as to whether this is a good system. I think, generally speaking, the public feel that the judge is in a position to make a declaration, when he is passing sentence, that he considers that, in view of the circumstances of the case, the minimum time should be served before the man should be considered for parole. I agree it is open to question whether this is a good time to make the pronouncement. It may be that in the emotional court atmosphere at that time one could feel in one's heart to be a bit harder than might be the case two or three years later if the prisoner had made an effort to reform.

I agree also with the member for Belmont that Governments have been loth to use the Royal prerogative because there is always the tendency for it to be misunderstood in certain quarters; but the point he has made will be noted and, like all the other matters, will be kept under review.

I think it is fair to say that so far as the actual conduct of our prisons is concerned quite a lot of reform has taken place. Not so long ago there was a good deal of publicity over the trouble in the Fremantle Prison, but I think arising from it the public were rather staggered when they learnt about the number of improvements that have been made in the prisons, the additional amenities that have been provided, and the improved attitude towards prisoners that has taken place.

Mr. Fletcher: Has the Minister ever seen the inside of a prison?

Mr. COURT: Not for some time, but I have made a visitor's inspection on occasion. However, I would not like it to be thought that a person was put down there just for a holiday. It must be realised that these people are in prison because they have misbehaved; that they have been naughty; and that they have not been placed in prison for a rest cure.

Mr. Jamieson: They are a bit deplorable when a comparison is made of hygiene standards.

Mr. COURT: There are certain minimum standards to be observed and this is the objective of the Government. I think the Minister, in conjunction with his staff, has done a commendable job by handling the situation in a sensible way without losing public confidence, and by gradually trying to ease the pressure on these establishments. I would not hazard a guess as to when any reform can be brought about to make it clear to magistrates and judges that they should be more lenient in dealing with offenders—particularly first offenders—but I want to assure the House that the whole question is one which is constantly under review.

The matter of honorary probation officers, mentioned by the member for Maylands and the member for Belmont, is one which is very much before the Government at present. I agree that we cannot expect only university graduates to do this sort of work. In other words, a university degree cannot be a prerequisite for appointment. I think some of us, after hearing of some of the performances by certain university graduates in recent times, would consider that they would be the last people we would want to see in the job, but I want to assure the House that this matter is actively canvassed, and we are very conscious of the fact that these officers will have to be very carefully selected.

There could be many who would come forward to volunteer to do the work, but there would be comparatively few who would be qualified to do the job or who would have the right kind of temperament to carry out the work. The aim of the Minister is to ensure that the work is properly done and he is taking a positive step towards appointing skilled probation officers, and the further step towards extending this system of parole and probation to include honorary probation officers. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1: Short title and citation—

Mr. CASH: I move—

Page 1, lines 8 and 14—Delete the figures "1968" and substitute the figures "1969."

Amendments put and passed.

Clause, as amended, put and passed.

The CHAIRMAN: I would like to point out to members that under the new Standing Orders it is possible for any member to move for any number of clauses to be passed provided there is no dissentient voice. From the second reading debate it would appear there is no objection to any of the clauses of the Bill and accordingly it is open to members to move that clauses 2 to 47 be put and passed.

Mr. COURT: I move—

That clauses 2 to 47 be put and passed.

Motion put and passed.

Clauses 2 to 47 put and passed.

Title put and passed.

Bill reported with amendments.

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough — Premier) [9.45 p.m.]: May I have your permission, Sir, to advise the House as to the hours of sitting. In reply to some of the queries that have been raised I would point out that we propose to sit the hours that we normally do in the early part of the session.

I hope we will be able to sit at 11 a.m. on the Thursday before Good Friday and adjourn early in the afternoon. We do not propose to sit the week following Easter. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 9.55 p.m.

Legislative Council

Wednesday, the 26th March, 1969

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

STANDING ORDERS COMMITTEE

Report Presented

The Hon. N. E. Baxter submitted the report of the Standing Orders Committee.

Ordered: That the report be printed and its consideration made an Order of the Day for the next sitting.

QUESTIONS (11): ON NOTICE

OFFSHORE OIL WELLS

Blowouts: Precautionary Measures

1. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

Having in mind the recent experiences of the Marlin gas well blowout, and also of an oil well off the Californian coast, what precautions has the Government taken to deal with such a situation should it occur off our own coast?

The Hon. A. F. GRIFFITH replied:

Section 126 (b) of the Petroleum (Submerged Lands) Act, 1967, provides that an inspector appointed under that Act may inspect and test any equipment that, in his opinion, has been, is being, or is to be used in the adjacent area (the Continental Shelf) in connection with petroleum exploration operations, operations for the recovery of petroleum, or operations connected with the construction or operation of a pipeline in the area. All operators are required to carry out their functions according to recognised good oil field practices.

FACTORY WELFARE BOARD

Members, Meetings, and Remuneration

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

Under the Factories and Shops Act—

(a) who are each of the members of the Factory Welfare Board;

(b) how many meetings have been held each year for the past five years; and

(c) what is the remuneration of each member for each meeting attended?

The Hon. A. F. GRIFFITH replied:

(a) Mr. H. A. Jones, Assistant Secretary for Labour, Chairman.
Mr. F. J. Malone, representing occupiers of factories.
Mr. J. W. Coleman, representing employees in factories.

(b) 1964—9.
1965—17.
1966—20.
1967—10.
1968—12.

(c) Chairman nil. Other members $10.50 per meeting.

3. *This question was postponed for one week.*