

It is an urgent matter in my opinion, and the natives in that area deserve some consideration because they have in that particular district become Christians and are a credit to the missions. However, what is to become of them? They will merely marry, have children, and sit around and look at themselves, because they have no future prospects. It is our bounden duty to give them an opportunity to do something for themselves—the same opportunity that is given to everyone else in Australia. I support the motion.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

House adjourned at 9.39 p.m.

Legislative Assembly

Wednesday, the 21st August, 1963

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

QUESTIONS ON NOTICE**VIOLET VALLEY STATION***Lease of Property*

1. Mr. RHATIGAN asked the Minister for Lands:

- (1) As the lease on Violet Valley station (formerly a native welfare station) expired on the 29th December, 1962, what action has the Government taken regarding a sale or lease of this property?
- (2) Who was the successful applicant, and what are the specific conditions attached to the sale or lease?
- (3) Does the successful applicant hold any adjoining pastoral lease? If so, what is the acreage of these leases?
- (4) How many applications were received for the sale or lease of Violet Valley station?

Mr. BOVELL replied:

- (1) to (4) Violet Valley station comprises Reserve No. 13944, which is vested in the Commissioner of Native Welfare with power to lease for any term not exceeding 21 years. Therefore, the leasing of the reserve is controlled by the Native Welfare Department and not by the Lands Department.

**PASTORAL STATIONS IN
KIMBERLEY***Stock Slaughtered at Wyndham
Meat Works*

2. Mr. RHATIGAN asked the Minister for the North-West:

- (1) How many head of stock were slaughtered at the Wyndham Meat Works for the years 1960-61-62, and to the end of June, 1963, from the undermentioned stations:—

Sturt Creek Pastoral Co.;
Nicholson Pastoral Co.;
Gordon Downs Pastoral Co.;
Turner River Pastoral Co.;
Ord River Pastoral Co.;
Spring Creek Pastoral Co.;
Mistake Creek Pastoral Co.?

*Average Weight and Percentage
Freezers*

- (2) What was—

(a) the average weight;
(b) percentage freezers from each station, for the years in question?

Acreage and Shareholders

- (3) What is the acreage of each station?

- (4) Who are the shareholders of each station, and where do they reside?

Mr. WILD (for Mr. Court) replied:

- (1) and (2) It is not the policy of the Wyndham Meat Works to make public information of this nature concerning individual clients.
- (3) Sturt Pastoral Coy. Pty. Ltd. 912,490 acres;
Nicholson Grazing Coy. Pty. Ltd., 657,336 acres;
Gordon Downs Ltd. 989,434 acres;
Turner Grazing Coy. Pty. Ltd. (Turner River) 704,095 acres;
Ord River Ltd. 913,497 acres;
Turner Grazing Coy. Pty. Ltd. (Spring Creek) 68,727 acres;
Mistake Creek, including Kurrkimbil Station is in the Northern Territory, 1683 square miles.
- (4) The names and addresses of the shareholders of Sturt Pastoral Coy Pty. Ltd. are—
Allan, Alistair Chrystall, 2 The Oval, Meopham Green, Kent, England;
Barton, Gordon Herbert, Bellmans Stock, Essex, England;
Bingle, Alison Seymour, 35 Macquarie St., Chatswood, N.S.W.;
Blanckensee, Ernest, 47 St. George's Terrace, Perth;
Bowater, Edwin John, "Holmbury" Blackhills, Esher, Surrey, England;
Drabble, George Andrew, 47 Mayfield Rd., Sanderstead, Surrey, England;
Holland, Henry, 4 Beresford Crescent, Bellevue Hill, N.S.W.;
Perry, Gordon Allan, 10 Waratah Street, Cronulla, N.S.W.;
Pike, Basil Edward, 78 Gresham Road, Staines, Middlesex, England;
Riches, George Ernest, 89 Park Drive, Winchmore Hill, London, England.

The remainder of the companies listed are not incorporated in Western Australia and therefore the information is not obtainable from the Western Australian Companies Office records.

**PEDESTRIAN EDUCATION CAMPAIGN
Policemen Used, and Overtime Payments**

3. Mr. DAVIES asked the Minister for Police:

- (1) How many policemen were used specifically to conduct the recent pedestrian education campaign, or "blitz" in the city?

- (2) Were all the policemen taking part from Perth Central Police Station?
- (3) If not, from where were they drawn?
- (4) Were any overtime payments made to policemen taking part in the campaign?
- (5) If so, how much?

Mr. CRAIG replied:

- (1) 46 men each engaged part time only on the duty.
- (2) No.
- (3) The road patrol section of the Traffic Branch.
- (4) No.
- (5) Answered by No. (4).

WATER RATES

Concessions and Exemptions

4. Mr. DAVIES asked the Minister for Water Supplies:

- (1) What categories, if any, of persons, clubs, institutions or associations, receive concessions or exemptions in regard to payment of water rates?
- (2) Do any of the above receive concessions or exemptions in regard to payment of excess water charges?

Mr. WILD replied:

- (1) No concessions are given on payment of rates. Exemption from payment of rates is given under the Pensioners (Rates Exemption) Act to those who are eligible and apply.
- (2) No.

PUBLIC WORKS AND WATER SUPPLIES

Moneys Available to Government

- 5A. Mr. HAWKE asked the Minister for Works:

What is the total amount of loan and other moneys available to the Government this financial year for—

- (a) public works;
- (b) water supplies?

Mr. WILD replied:

- (a) £3,665,000.
- (b) £1,450,000.

GOLDFIELDS WATER SUPPLY SCHEME

Extension to Meenaar-Quellington Area: Cost

- 5B. Mr. HAWKE asked the Minister for Works:

What is the estimated total cost of the proposed water supply extension to serve farmers in the Meenaar-Quellington area?

Mr. WILD replied:
£50,000.

ELECTRICITY CHARGES

Rates in North-West Towns

6. Mr. BICKERTON asked the Minister for Electricity:

Would he supply the charges for electricity in the following towns:—

Roebourne;
Onslow;
Marble Bar;
Port Hedland?

Mr. NALDER replied:

Charges are included in the following schedule:—

ROEBOURNE.

Domestic—		per unit
units		s. d.
per month		
1-25		1 9
26-50		1 3
all over		9
Commercial—		
1-100		1 9
101-1,000		1 3
all over		9

ONSLOW.

Domestic—		
1-20		1 9
21-45		1 0
all over		9
Commercial—		
1-200		1 0
201-400		9
401-1,000		8
all over		6

MARBLE BAR.

2s. per unit.

PORT HEDLAND.

Domestic—		
1-20		1 9
21-45		1 0
balance		7
(all less 5% discount for prompt payment)		
Commercial—		
1-100		1 6
101-300		1 3
301-500		1 0
501-4,000		7
4,001-40,000		6

(all less 5% for prompt payment)

Over 40,000 units price by negotiation.

Air conditioning requirements at 7d. per unit.

The above are the latest figures in the possession of the commission, but there may be some alterations of which advice has not been received.

PORT HEDLAND*Suitability as Deep-Water Port*

7. Mr. BICKERTON asked the Minister for Works:

- (1) What steps have been taken to date to ascertain the suitability of Port Hedland as a deep-water port and what are the results of any tests?

Deepening of Harbour by Private Organisations

- (2) Have approaches been made by any mining company for Government assistance to deepen the harbour; if so, what are the details?
- (3) Have any suggestions been made for the deepening of the harbour by any private organisation; if so, what are the details?

Development with Commonwealth Funds

- (4) Will Port Hedland be considered when the Government decides to allot the money made available by the Commonwealth for what was described in the Budget as "Other North-West projects"?
- (5) If so, how will the money be expended in this town?
- (6) If not, where and for what is the money to be expended?

Mr. WILD replied:

- (1) The Government has obtained a report by Messrs. Rendel, Palmer and Tritton, Consulting Engineers, on the possible development of Port Hedland as a deep-water port capable of handling vessels up to 28 feet draft. It is understood that a mining group is currently carrying out further investigations.
- (2) No.
- (3) No.
- (4) to (6) Work to be carried out under "other North-West Projects" have yet to be mutually agreed with the Commonwealth.

TRAFFIC LIGHTS*Installation West of Canning Bridge*

8. Mr. GRAHAM asked the Minister for Transport:

- (1) Are there any proposals under consideration for the installation of traffic lights immediately west of the Canning Bridge?
- (2) If so, what stage has been reached and when are such lights likely to be in operation?

Mr. CRAIG replied:

- (1) Proposals are under consideration for the general improvement of traffic conditions at Canning Bridge and all of its approaches. These may involve the installation of traffic lights, but further investigations are necessary. These are now in hand.
- (2) Answered by No. (1).

SCHOOL FOR RANGEWAY, GERALDTON*Provision*

9. Mr. SEWELL asked the Minister for Education:

What progress has been made with the proposal to build a school at Rangeway, Geraldton?

Mr. NALDER (for Mr. Lewis) replied: Levels are at present being taken as a preliminary step to the preparation of plans and specifications.

PUBLIC SERVICE VACANCIES*Calling of Applications*

10. Mr. O'NEIL asked the Premier:

- (1) When a vacancy occurs in the Public Service, what factors determine whether applications are invited to fill those vacancies—
 - (a) from within the Public Service only;
 - (b) from both outside and within the Public Service?

Number Advertised in 1962-63

- (2) In the year ended the 30th June, 1963, and referring to the Administrative and Professional Divisions of the Public Service only, how many vacancies were advertised—
 - (a) within the Public Service only;
 - (b) outside and within the Public Service?

Number Filled in 1963

- (3) Referring to positions advertised under category No. 2 (b) above, how many positions were filled from applicants—
 - (a) within the Public Service;
 - (b) outside the Public Service;
 and how many such advertised vacancies attracted no applicants from outside the Public Service?

Mr. NALDER (for Mr. Brand) replied:

- (1) (a) The normal procedure is to fill vacancies from within the Public Service except in the circumstances outlined in (b).

(b) Applications to fill vacancies are invited from both outside and within the Public Service in the following circumstances:—

- (i) When the position requires experience and/or qualifications which may or may not be possessed by permanent officers in the Public Service.
 - (ii) When there is a shortage of qualified officers in certain categories—i.e., professional—and there is need to strengthen the establishment.
 - (iii) When the positions are of a term or temporary duration.
 - (iv) When at any time, in any special case, it appears expedient or desirable in the interests of the Public Service to appoint a person from outside the Service.
- (2) (a) 52.
(b) 72.
(3) (a) 10.
(b) 31; and 3 positions did not attract any applications.

COPPER AT WHIM CREEK

Purchase by Superphosphate Companies

11. Mr. MOIR asked the Minister representing the Minister for Mines:

- (1) Have the superphosphate manufacturing companies entered into an agreement to purchase all their copper requirements from a mining company operating at Whim Creek?
- (2) What is the reason for departing from the previous practice?
- (3) What is the grade of the copper to be so supplied and at what price?
- (4) What was the grade and the price previously paid by the manufacturers for copper supplied by various small mineowners?
- (5) Is he contemplating any action to protect the interests of the numerous small mineowners who will otherwise be forced to cease operations?

Mr. BOVELL replied:

- (1) to (3) No. It is understood that some copper for superphosphate purposes will be obtained from Whim Creek, but the Minister has no information as to quantity, etc. Such copper will take the place of

previously imported copper sulphate and will not affect the supply of medium grade ore previously purchased, and again to be purchased this year from other local producers.

- (4) Prices were fixed on a sliding scale depending on grade.
- (5) Advice received from the superphosphate companies is to the effect that normal supplies will be purchased of 10 per cent and over from the usual local producers.

ROCKY GULLY-PERRILLUP SETTLERS

Writing Off of Back Debts

12. Mr. MITCHELL asked the Minister for Agriculture:

- (1) Is it correct that some settlers in the Rocky Gully-Perrillup area have back debts as follows: rent up to £12,000, interest £1,500, working expenses £8,000, with a total of £18,000 including the £4,000 for structural improvements?
- (2) Is it true that in the past financial year 137 settlers in this area did not meet their estimated income—90 of these being up to £1,000 below such estimate?
- (3) When the income of so many is below estimate, is it not possible that estimates are much too high?
- (4) When a settler's income does not meet commitments, due to seasonal conditions, as in 1962-63, why should the rent and interest accumulate instead of being written off, according to the provisions of the Act?

Mr. NALDER replied:

- (1) No.
- (2) No.
- (3) Not necessarily so.
- (4) There is no provision in the Act for the write-off of rent and interest because of seasonal conditions.

NEGLIGENT DRIVING

Marital Immunity Against Insured Drivers

13. Mr. EVANS asked the Minister representing the Minister for Justice:

Further to my question No. 6 on the Legislative Assembly notice paper of the 4th October, 1962, is he now in a position to indicate the findings of the Premiums Committee?

Mr. WILD replied:

The comment of the Premiums Committee was included in its report dated the 12th October, 1962, which was laid before each

House of Parliament on the 13th November, 1962. Pages 2 and 3 of that report contain in full the comment of the committee.

The committee was of opinion that the point raised was one of Government policy but that there did not appear to be any good reason why the existence of an insurance policy should afford to spouses greater rights than they are given at common law or in other legislation.

TRAFFIC OFFENCES

Convictions and Fines

14. Mr. W. HEGNEY asked the Minister for Police:

- (1) How many motor drivers were convicted for—
 - (a) drunken driving;
 - (b) dangerous or negligent driving;
 - (c) unlawful use of, or stealing another person's vehicle, during the year ended the 30th June, 1963?
- (2) What were the respective amounts of fines imposed in connection with (a), (b), and (c) above for the period mentioned?
- (3) What was the total amount received by the Government in respect of fines imposed on drivers for breaches of the Traffic Act and regulations for the year ended the 30th June, 1963?

Cost of Traffic Patrolmen

- (4) What was the approximate cost for the year ended the 30th June, 1963 in respect of—
 - (a) wages and salaries;
 - (b) purchase, maintenance and depreciation of motor vehicles and motorcycles;
 - (c) superannuation, for the traffic patrolmen employed by the Police Department?

Mr. CRAIG replied:

As some offences and fines imposed in country areas are not notified to the police the information so far as is available is as follows:—

- (1) (a) 621 throughout the State.
(b) 571 in the metropolitan area.
(c) 830 throughout the State.
- (2) (a) £13,635 metropolitan area only.
(b) £6,039 metropolitan area only.
(c) £1,565 metropolitan area only.

(3) Fines, £149,993.

(4) (a) £105,459.

(b) Purchase £15,087. Maintenance, including petrol and oil, £12,729. Depreciation, £3,750.

(c) Nil—department; contributions by patrolmen, £3,218.

FREMANTLE GAOL

Male Inmates: Number and Ages

15. Mr. W. HEGNEY asked the Chief Secretary:

- (1) What was the total number of males imprisoned in Fremantle gaol at the 31st July, 1963?
- (2) How many were—
 - (a) under 18;
 - (b) under 19;
 - (c) under 20;
 - (d) under 21;
 - (e) under 25 years of age?

Mr. ROSS HUTCHINSON replied:

- (1) 478 male prisoners.
- (2) (a) 15.
(b) 21.
(c) 41.
(d) 25.
(e) 82.

WATER SUPPLIES IN METROPOLITAN AREA

Additional Reservoir

16. Mr. W. HEGNEY asked the Minister for Works:

- (1) When is it estimated that an additional reservoir will be required to meet the needs of the metropolitan area?
- (2) Has any site yet been decided upon for the new reservoir?
- (3) If the reply to No. (1) is "Yes," can he indicate the location of the site?
- (4) If no site has yet been fixed, when is a determination likely to be made?

Mr. WILD replied:

- (1) In approximately 10 years.
- (2) No.
- (3) Answered by No. (2).
- (4) Not for several years.

FLOOD DAMAGE REPAIRS

Financial Assistance Sought by Shire Councils

17. Mr. KELLY asked the Minister for Works:

Which of the following shire councils have already sought financial assistance for excess road damage

caused by flooding during the past few months: Merredin, Bruce Rock, Westonia, and Yilgarn?

Mr. WILD replied:

Merredin, Bruce Rock, and Yilgarn Shire Councils.

SOUTHERN CROSS SCHOOL

Extension of Site

18. Mr. KELLY asked the Minister for Education:

- (1) As the Public Works architect has recommended a long-range planned extension of the Southern Cross School on the existing site, how is it proposed to acquire the additional 25 feet of land required?
- (2) With the addition of 25 feet, what would then be the measurement of the school area, excluding the ground occupied by the head-teacher's residence?
- (3) Is this area deemed sufficient for a school of the size of Southern Cross?
- (4) Would it not be possible to remove the residence to another adjacent site in order to gain some ground for recreational purposes?
- (5) Is there any likelihood that extra ground might be acquired by arrangement with other Government departments adjoining the school area?

Mr. LEWIS replied:

- (1) By transfer from the Police Department.
- (2) Approximately 1½ acres.
- (3) We desire sites to be larger, but this is not always possible.
- (4) This will be investigated.
- (5) There is a possibility and this will be investigated.

HAMERSLEY IRON PTY. LTD.

Tenure of the "Pentagon"

19. Mr. TONKIN asked the Premier:

- (1) With reference to the £78,000,000 iron-steel prospect announced by him recently following the signing of an agreement with Hamersley Iron Pty. Ltd., has the company been given security of tenure over an area of land containing large deposits of iron ore?
- (2) If "Yes," is the area the "pentagon" for which Rio Tinto asked when submitting proposals to the Government in 1961?
- (3) If the area is not the "pentagon", is it part of it?
- (4) If "Yes," approximately what fraction of it?

Mr. NALDER (for Mr. Brand) replied:

Full details of the agreement will be given when the ratifying Bill is introduced into Parliament.

20. *This question was postponed.*

LOTTERIES COMMISSION FUNDS: MISAPPROPRIATION

Action Taken against Offender

21. Mr. TONKIN asked the Chief Secretary:

- (1) Did he see in the Auditor-General's report to him for January, February, March, and April this year continuing references to a misappropriation of the funds of the Lotteries Commission amounting in all to £40 10s.?
- (2) Was this offence reported to the police?
- (3) Why was no police court action taken as required by law?

Comparison with Other Thefts

- (4) Will he contrast the handling of this case of stealing with the following and state whether the law is being impartially enforced:—
 - (a) Perth Police Court, the 30th May. A truck driver (26 years of age) put on a £10 bond for having stolen a newspaper;
 - (b) Moora Police Court, October, 1962. A labourer sent to gaol for a month for having stolen a block of chocolate;
 - (c) Perth Police Court, February, 1962. A labourer sent to gaol for a month for having stolen seven bottles of soft drink valued at 5s. 3d.;
 - (d) Perth Police Court, the 22nd May, 1962. A labourer (19) sent to gaol for three months for having stolen £12 11s. 10d. from Mayne Nickless Ltd.?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) No report of offence was made to the police.
- (3) Upon investigation it was ascertained that a junior female member of the staff had admitted to the misappropriation of approximately £20 which sum has been repaid to the commission. She was immediately dismissed and

suffered the usual loss of superannuation and other benefits. On account of her youth (18 years) and other circumstances, no police action was considered necessary. The balance of the deficiency, after fullest investigation by postal investigation officers of the Postmaster-General's Department was considered untraceable and was therefore authorised to be written off.

- (4) I am not aware of the circumstances surrounding the cases referred to by the honourable member; and therefore cannot make any comparisons.

ALSATIAN DOG AT CLOVERDALE

Attack on Girl: Tabling of Papers

22. Mr. GRAHAM asked the Minister for Police:

Will he lay on the Table of the House papers relating to an alleged attack on a young girl by a dog at Cloverdale on the 13th July last?

Mr. CRAIG replied:

The only record of this incident is contained in the Belmont Police Station Occurrences Book, extracts from which are as follows:—

Under date 17/7/63, 6.45 p.m.
Book No. C.89200.

Complainant L. Barry of 20 Virginia Street, Maddington, to the effect that P.M. this date he was visiting friends in Keymer Street, Belmont, and his small daughter was bitten by an Alsatian Dog from 295 Keymer Street, owned by people named Heals. Complainant requested Police to warn Heals to keep dog in their own yard.

Under date 13/7/63, 6.45 p.m.
Book No. C.27003.

P.C. Rowe reports departing Station re Dog complaint page C.89200. Interviewed Mrs. Janet Heals of 295 Keymer Street who stated she is the owner of a two year old Alsatian bitch named Sherry. The dog has been sterilised and bears discs 1015 Local Council.

Heals was aware that the dog had bitten complainant's little girl. She was warned to keep the dog inside or on a leash. Sergeant Barnes, Cannington Police, advised result. Returned to Station 10.30 a.m.

TEACHERS' SALARIES: CALCULATION AND PAYMENT

Appointment of Checking Clerk

23. Mr. TONKIN asked the Premier:

- (1) Why did it take until the 14th June for a new salaries clerk to commence work, which involved the checking of teachers' salaries, seeing that the Public Service Commissioner advised the Chief Administrative Officer of the Education Department, on the 2nd November, 1962, that he recommended the creation of the new position?

Statement to House

- (2) Will he reconcile his statement to the House on the 13th August that an efficient internal check prior to payment "is now being done" with the statement of the Auditor-General on the 2nd July, 1963, that "It would appear that no adequate internal check is as yet in operation"?

Mr. NALDER (for Mr. Brand) replied:

- (1) Advice from the Public Service Commissioner of Executive Council approval of the creation of the new position was dated the 12th December, 1962. The necessary action to advertise and fill a promotional position was taken on the 27th December, 1962.
- (2) The statement of the Auditor-General refers to the position as it existed prior to the 14th June, 1963.

SEWERAGE

Canning Shire: Extension to New Bentley Hospital

24. Mr. JAMIESON asked the Minister for Water Supplies:

In view of his reply to question No. 19 (1) of Thursday, the 15th August, 1963, does this indicate there will be no extension of sewerage mains to serve the new Bentley hospital this financial year?

Mr. WILD replied:

Yes.

DRAINAGE: WILSON SCHEME

Increase in Rates, and Amounts Raised

25. Mr. HALL asked the Minister for Works:

- (1) Is it the intention of the Government to increase Wilson drainage rates?

- (2) What amount of moneys have been raised, by way of rates, from the Wilson drainage scheme, for the years 1957-58, 1958-59, 1959-60, 1960-61, 1961-62, 1962-63?

Allocation of Collections, and Number of Ratepayers Involved

- (3) Of the moneys collected, what percentage is used in maintenance and what percentage in administration?
- (4) How many ratepayers are served by the Wilson drainage scheme?
- (5) Has any of the money collected from rates been used in construction work, such as bridges and drainage crossings?

Mr. WILD replied:

- (1) No decision has been made.
- | | | |
|---------|-------|--------|
| 1956-58 | | £2,186 |
| 1958-59 | | £2,370 |
| 1959-60 | | £2,425 |
| 1960-61 | | £3,433 |
| 1961-62 | | £3,941 |
| 1962-63 | | £5,806 |

- (3) In the years to and including 1961-62, 100 per cent of the earnings from rates were applied to meet part of the maintenance costs.

In 1962-63, 80.6 per cent. met the full maintenance costs and 19.4 per cent. was applied to meet part administration costs.

- (4) 567 (includes 192 ratepayers within townsites).
- (5) No.

KENT STREET HIGH SCHOOL ADDITIONS

Commencement and Completion

26. Mr. DAVIES asked the Minister for Education:

- (1) When will work on the canteen and additional classrooms for Kent Street Senior High School commence?
- (2) When will they be ready for occupation?

Tabling of Plans

- (3) Will he table the plans of the proposed additions?

Mr. LEWIS replied:

- (1) and (2) It is unlikely that work will be commenced this financial year.
- (3) It is not yet known when the final plans will be available.

MILK TREATMENT

License for Albany

27. Mr. HALL asked the Minister for Agriculture:

- (1) Is it true that application for a milk treatment license made by milk vendors and producers in the Albany district has been deferred until the Milk Act has been before the House and amendments made?
- (2) If so, why was the application deferred?

Mr. NALDER replied:

The matter has been deferred pending further investigation.

RAILWAYS DEPARTMENT

Permanent Way Gang at Duranillin

28. Mr. H. MAY asked the Minister for Railways:

- (1) Is he aware the W.A.G.R., in an endeavour to obtain full permanent way gang strength at Duranillin, arranged for seven migrants to go to this centre, and they were supplied with beds and other equipment?
- (2) As, due to the lack of other amenities, water, electric light, etc., this gang is now reduced to eight men instead of a full complement of 17, will he have inquiries made regarding these queries and if found to be correct, will he direct action be taken to have this position rectified by bringing the complement of this gang to full strength?
- (3) How can the railways permanent way be kept efficient when gangs are less than 50 per cent. of full strength?

Mr. WILD (for Mr. Court) replied:

- (1) I am advised eight migrants were engaged and sent to Duranillin with the necessary gear on the usual basis.
- (2) Six of the migrants subsequently resigned to seek other employment and a further eight men have since been engaged to bring the gang up to strength.
- (3) Answered by No. (2). This part of the railway work force both here and in other States has a high turnover rate, but every effort is made to keep gangs up to strength.

TRAFFIC ACT

Interpretation of Section 11(3)(f)

29. Mr. GAYFER asked the Minister for Police:

- (1) Will he lay on the Table of the House the interpretation given by the Minister for Police in 1958

to section 11, subsection 3 (f) of the Traffic Act?

(2) Is this interpretation based on a Crown Law Department opinion?

broad generous interpretation of the section.

H. E. GRAHAM,
Minister for Traffic.

(2) Not as far as can be ascertained.

Mr. CRAIG replied:

(1) On the 9th January, 1959, the Minister for Traffic gave the following direction—

The difficulty of having a precise definition was appreciated when the amendment was first mooted, but while there would no doubt be a certain number of cases where portions of farm properties are separated by some distance, I think in a great majority of cases their situation would be otherwise. Therefore I think there should be a

UNLAWFUL CARNAL KNOWLEDGE

Details of Offences

30. Mr. WILD (Minister for Works):

Yesterday, the member for Balcatta asked my colleague, the Minister for Railways—the Minister representing the Minister for Justice in this House—a question which was not answered at that stage. As the Minister for Railways is absent from the Chamber at the moment I will answer on his behalf. The answer is as follows:—

CONVICTIONS FOR UNLAWFUL CARNAL KNOWLEDGE

1/7/62 to 30/6/63

Age of Offender	Age of Victim	Penalty Imposed	Judge or Magistrate	Date of Conviction	Previous Conviction
20	15	15 months' imprisonment	Mr. Justice Jackson	27/2/63	No
19	14	2 years' imprisonment and 12 strokes of the birch (Charged with rape and convicted of unlawful carnal knowledge.)	Mr. Justice Virtue	6/7/62	No
21	14	6 months' imprisonment	Mr. Arney, S.M.	3/12/62	Yes
18	12	3 months' imprisonment	do.	21/8/62	No
15	13	Committed to care of C.W.D. for 12 months	do.	28/8/62	No
39	14	18 months' imprisonment	do.	21/9/62	No
21	12	6 months' imprisonment	do.	20/2/62	No
25	14	15 months' imprisonment	do.	30/11/62	No
16	12	Bond for 12 months	do.	17/10/62	No
18	15	Bond for 12 months	do.	13/11/62	No
18	15	Bond for 12 months	do.	13/11/62	No
15	13	Probation until 18 years	do.	6/7/62	No
14	13	Probation 2 years	do.	6/7/62	No
14	13	Probation 2 years	do.	6/7/62	No
16	15	Bonds (2) for 2 years	do.	20/7/62	No
15	14	Committed to institution for 12 months	do.	11/7/62	No
14	13	Recommitted to C.W.D. until 18 years	do.	10/8/62	No
15	13	Recommitted to C.W.D. until 18 years	do.	10/8/62	No
16	13	Probation until 18 years	do.	15/8/62	No
16	13	Probation until 18 years	do.	15/8/62	No
43	13	18 months and 12 months h.l. (2 charges) (cum.)	do.	10/10/62	No
21	15	Bond for 12 months	do.	12/10/62	No
16	13	Committed to C.W.D. for 2 years	do.	21/7/62	No
14	14	Bond for 2 years	do.	28/8/62	No
17	14	Bond for 2 years	do.	15/7/62	No
15	15	Personal bond for 3 years	Mr. Hardwick, S.M.	9/10/62	No
26	14	3 months' imprisonment	do.	2/4/63	No
19	14	4 months' imprisonment	do.	8/5/63	No
15	13	Probation for 12 months	do.	12/10/62	No
16	11	Probation for 12 months	do.	12/10/62	No
17	15	Bonds (2) for 2 years	do.	12/10/62	No
15	14	Bonds (2) for 2 years	do.	23/1/63	No
16	14	Bonds (2) for 3 years	do.	25/1/63	No
17	15	Recommitted to institution until 18 years	do.	1/3/63	No
15	14	Bond for 3 years	do.	3/4/63	No
17	14	Bonds (2) for 5 years	do.	17/4/63	No

CONVICTIONS FOR UNLAWFUL CARNAL KNOWLEDGE—continued
1/7/62 to 30/6/63

Age of Offender	Age of Victim	Penalty Imposed	Judge or Magistrate	Date of Conviction	Previous Conviction
16	13	Bond for 2 years	do.	1/5/63	No
19	15	4 months' imprisonment	do.	8/5/63	No
20	14	6 months' imprisonment	do.	7/6/63	Yes
16	14	Bond for 3 years	do.	15/7/63	No
15	14	Bond for 2 years	do.	12/7/62	No
16	13	Bond for 2 years	do.	6/3/63	No
21	14	Bond of £100 for 2 years	do.	7/5/63	No
18	15	Bond of £50 for 3 years	do.	7/3/63	No
18	13	Bonds (2) for 12 months	Mr. Ansell, S.M.	6/7/62	No
16	13	Probation for 12 months	do.	6/7/62	No
15	13	Probation for 12 months	do.	6/7/62	No
16	13	Probation for 12 months	Mr. O'Sullivan, S.M.	13/11/62	No
19	14	Bond for 12 months	do.	19/3/63	Yes
15	13	Probation for 12 months	do.	13/11/62	No
54	12½	18 months' imprisonment	Mr. Kay, S.M.	20/8/62	No
22	14	9 months' imprisonment	do.	8/11/62	No
41	15	12 months' imprisonment	do.	9/4/63	Yes
19	15	Bond for 2 years	Mr. Philp, S.M.	1/2/63	Yes
18	13	Bond until 21 years	do.	8/11/62	No
21	13 and 14 (2)	12 months' imprisonment	do.	31/10/62	No
54	15	12 months' imprisonment	Mr. O'Brien, S.M.	14/9/62	No
20	14	Bond for 2 years	do.	21/11/62	No

NATIVE MISSIONS

Subsidies for Care of Children

31. Mr. LEWIS (Minister for Native Welfare): Some days ago the member for Mt. Hawthorn asked a question without notice regarding the difference in the subsidies paid to missions for white and native children. I now have the answer, which reads as follows:—

In answer to the inquiry as to the reason why a subsidy of 7s. 6d. per native child per week is paid as against the weekly subsidy of 10s. per orphan or ward child (white) is that the cost of clothing the former is much less than the white children, nor do the native missions have such extra costs as transport to various State schools.

The following figures emphasise the fact that most native missions are subsidised towards the production of local farming efforts to provide food, especially meat, vegetables and grain, for which the Lotteries Commission contributes largely in the purchase of farming machinery.

From the 1st January to the 31st July this year an amount of £52,662 12s. 3d. was paid by the Lotteries Commission to native missions, including sustenance payments as well as agricultural machinery payments for 665 children, which averages £79 3s. 10d. per child at these missions. On the other hand, for

the white institutions a total sum over the same period, also including subsidy payments as well as laundry and other machinery amounting to £40,568 17s. 2d. was paid for 1,021 children, making an average of £39 14s. 7d. per child at these institutions, so that the average cost to the Lotteries Commission for the native child was £39 9s. in excess of the cost for the white child.

The Chairman of the Lotteries Commission, The Hon. Allan N. MacDonald recently visited all North-West native missions receiving financial aid, and other missions not receiving financial aid, the visit extending from Monday, the 20th May, to Thursday, the 30th May, and on his return to Perth the matter of subsidy payments to native children is now being reviewed as a result of that visit.

NATIVES AT ALBANY

New Reserve: Buggy Conditions

32. Mr. LEWIS (Minister for Native Welfare): I have here another answer to a question without notice asked by the member for Albany last week on the Albany native reserve, and it is as follows:—

The Commissioner of Native Welfare has advised me that, in response to my inquiry, he has obtained a report on the alleged buggy conditions on the Albany Native Reserve.

It is a fact that wet conditions exist at this reserve in the vicinity of the facilities and one of the two cottages recently built. This is due to the exceptionally wet winter experienced this year and particularly to recent heavy rains at Albany, but even more particularly to the fact that, in order to provide a level site for the buildings comprising the facilities and two cottages, the hill side was cut into by grading and levelling.

The removal of undergrowth and vegetation caused by this levelling has resulted in the seepage on to the level site. Steps have been taken to drain away the surface water as a temporary measure and further steps are being taken to ensure the complete drainage of the small area involved. This further drainage will be carried out as soon as the ground conditions permit.

It is expected that by next year the undergrowth and vegetation will have re-established itself sufficiently to eradicate the wetness experienced this year.

QUESTION WITHOUT NOTICE

SCHOOL CHILDREN IN THE NORTH-WEST

Increase in Boarding Allowance

Mr. BICKERTON asked the Minister for Education:

I know the Minister is aware that £80 boarding allowance is paid to north-west children attending schools in the south. In view of the fact that much correspondence has taken place between the Minister and me on the matter of requesting an increase, and in view of the fact that during the last session of Parliament he promised that the matter would be considered, have his deliberations resulted in this allowance of £80 being increased; or is there any likelihood of its being increased? If not, why not?

Mr. LEWIS replied:

This matter is still receiving very close consideration, but a decision cannot be made until we know what finances will be available for this current year.

Mr. Bickerton: Have you any idea when the decision will be made?

Mr. LEWIS: I should say within the next fortnight or so.

MARINE STORES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 20th August, on the following motion by Mr. Craig (Minister for Police):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [4.52 p.m.]: This Bill proposes to amend in quite an important particular a portion of section 2 of the principal Act, that portion being concerned with the definition of what constitutes marine stores under the Act. Briefly, this Act lays it down that certain marine stores, as defined in section 2, are to be collected and dealt with in certain specified ways; and the system set down within the Act, for the collection of marine stores, and for dealing in them subsequently, appears to be clear-cut.

The collectors, in the first instance, are licensed by the Police Department, and are given the legal right to collect marine stores—including, of course, bottles. They in turn are legally bound to dispose of their collections to registered dealers; and those dealers in turn dispose of what they purchase to manufacturers, and to others engaged in the manufacture or part-manufacture of certain commodities.

I understand there are some 600 licensed collectors under this Act operating in the State today. I am not aware of the number of dealers, although I understand that in the metropolitan area the dealing activities, as laid down in the Act, are more or less monopolised into very few hands.

This Bill is before us as a result of court action instituted against certain storekeepers who were found guilty subsequently in the court of having acted as collectors of certain bottles, without being licensed as required by the provisions of this Act to engage in that activity.

As we all know, this practice on the part of certain storekeepers of taking bottles back from customers, and even in some instances from non-customers, has been going on in Western Australia for many years. The normal practice which operates is for a person to go into a shop, buy a bottle of whatever is the commodity, and pay for the bottle and its contents a certain figure, included in which is what has generally become to be known as a deposit for the bottle. When a customer returns the empty bottle most storekeepers refund the deposit which was paid originally in the purchase price.

However, this system has not operated universally in Western Australia; in other words, not every storekeeper concerned has been willing to take back empty bottles and pay the deposit money to those who

bring the empty bottles to him. Store-keepers who have been concerned in this regard have explained they will take empty bottles back only from customers who are known to them; that is, unless they are sure the customer is one of their regular customers who is bringing back the empty bottles to the shop and seeking a refund on the bottles, they refuse to take them.

Quite a number of people have had difficulty in disposing of empty bottles and in getting the necessary refund money in relation to them, so much so that in several parts of the State it is quite common to see heaps of empty bottles of which nobody appears to be the owner, and nobody appears to be interested in what happens to them. This applies not only to the normal cool drink bottles, but more particularly to milk bottles. It does happen to beer bottles also, but the situation and the deposit system is somewhat different. As far as I know the hotel-keeper who sells bottles of beer to customers does not, at any rate on the surface, specially charge the customer a deposit. I am not sure hotelkeepers take empty beer bottles back; I do not think they do.

Mr. Craig: It would be very handy if they did sometimes.

Mr. HAWKE: Most beer bottles go back to the breweries through the licensed collectors, and then through the licensed dealers. Whilst on that point, I guess there is no doubt the brewery, when it sells a certain quantity of bottled beer to a hotel, charges in the overall price something for the bottles. Naturally enough, the hotelkeeper in turn would include in his overall price to the customer the charge for the bottles which the brewery had levied in the total price of the beer.

The Bill before us is very small, and very simply worded. At first reading it appears to be clear-cut. The definition of "Marine Stores", which it proposes to amend, includes the word "bottles" without any attempt to limit the expression "bottles." The only word in the definition of "Marine Stores" is "bottles", so presumably a bottle is a bottle for all legal purposes under that section of the Act. This Bill proposes to put additional words at the end of the definition of "Marine Stores" and those additional words read—

but does not include bottles in respect of which, at the time of the sale of the contents thereof, a deposit of money was made, or is ordinarily made, by the purchaser, or bottles in which milk or cream is ordinarily sold.

Clearly, therefore, the purpose of this Bill is to exclude from the operation of the Act the bottles referred to in this amending Bill. In other words it proposes to legally put outside the operations of the Act, bottles which carry a deposit

or which it is understood carry a deposit, and also bottles in which milk or cream is ordinarily sold.

In the normal way, should this Bill become law, anyone will be able to collect the bottles referred to in this Bill. Anyone will be able to deal in these bottles, and no provision in the principal Act will apply to these types of bottles in the future. I think that is a clear expression of what the Bill is intended to achieve.

I am in considerable doubt as to whether the words in this Bill would not, in fact and in law, go a considerable distance further than the Government proposes. As I said a few moments ago, I think it is right and reasonable to say that beer bottles, for instance, when they are purchased by a customer, carry a deposit even though the brewery does not say to the hotelkeeper, "The price for the beer we have delivered to you today works out at 1s. 3d. plus 6d. deposit for the bottle"; and even though the hotelkeeper in his turn does not say to his customers when they buy bottles of beer, "The price per bottle is 2s. plus a deposit of 6d. for the bottle." I cannot see how anyone could argue, in the event of this Bill becoming law, that bottles in which beer was purchased would be bottles for which no charge was made.

Mr. Lewis: How would you establish that it was so made?

Mr. HAWKE: I think it stands to commonsense and to reason. I am not sure how much a new beer bottle, or even a secondhand beer bottle, costs the brewery, but I think from memory a new beer bottle would cost 7d. or 8d.

Mr. O'Connor: I think it is quite a bit more.

Mr. Fletcher: New wine bottles cost 9d. when filled.

Mr. HAWKE: I think a new beer bottle would cost the brewery 7d. If it costs 9d., that is reliable enough. I should think a secondhand beer bottle would cost the brewery at least half of 9d.

Mr. Lewis: They probably sell the bottle as well as the contents.

Mr. HAWKE: They do not sell the bottle. The brewery does not sell the bottle, because all beer bottles are branded as being in the ownership of a certain organisation; and under the law the person or firm whose name is branded on the bottle claims that he never lost ownership of that bottle. So again I emphasise what I believe is likely to be the position in relation to the beer bottles, taking one example, in the event of this Bill becoming law.

Mr. Ross Hutchinson: In fact, you cannot go to an hotel after having drunk the beer, and get a refund on the empty bottle.

Mr. HAWKE: Only because hotelkeepers do not handle empty beer bottles except those emptied in the bars; but they charge the public for the bottle in the price of the full bottle of beer they demand from the customer.

Mr. Lewis: Could not the fact that there was no separate amount as deposit on the bottle to hotelkeepers be taken as evidence that there was no deposit?

Mr. HAWKE: I do not think so, because obviously a charge is made for the bottle. I go into a cool drink shop and ask for a large bottle of orange drink and the man behind the counter does not say that the price for the drink is 1s. 6d. for the contents and 4d. for the bottle.

Mr. Lewis: Sometimes he does. If it is drunk there they do not charge for the bottle. If it is to be taken away to be drunk somewhere else they charge more.

Mr. HAWKE: I ask for a bottle of orange drink to take away and he says it is 1s. 9d. and I pay him.

Mr. Lewis: They ask you whether you are going to drink it there, and if you are they charge you so much. If you take it away they charge so much more.

Mr. Rowberry: That is to ensure the return of the bottle.

Mr. HAWKE: Naturally if I drink the contents in the shop they do not charge as much as if I take it with me; but I still think that legally this Bill could quite easily apply to all classes of bottles because it seems to me that the price of a bottle is included in the price charged for the contents when a person buys a bottle of anything—no matter what it is.

Mr. Ross Hutchinson: If you are right, could you foresee any change in the procedure relating to beer bottles?

Mr. HAWKE: If what I suggest as a probability does in fact become established as far as the Marine Stores Act is concerned all bottles will be outside it in future, including beer bottles.

Mr. Ross Hutchinson: But would it make any difference in practice?

Mr. HAWKE: It could make a very big difference because anyone, without being licensed under this Act as a collector, could go around and gather up beer bottles.

Mr. Lewis: Might not be a bad idea!

Mr. Oldfield: The Minister could do it at weekends!

Mr. HAWKE: I raise this matter because I feel Parliament, when considering this rush emergency legislation, should know what it might be doing. If Parliament, or the majority of members in each House, wants to exclude all bottles from the Marine Stores Act then I want the majority concerned to know what they are doing. I do not want them, under a Bill which we are told is intended only to exclude certain types of bottles from the operation

of the Act, to think they are voting only to achieve that and in a month or two, should this Bill become law, find that the whole thing is wide open.

Mr. Ross Hutchinson: You favour the principle, then.

Mr. HAWKE: Favour which principle?

Mr. Ross Hutchinson: The principle enunciated by the Minister when he introduced the legislation.

Mr. Graham: This is like the curate's egg.

Mr. HAWKE: I am in favour of the principle to a limited extent, but I am much more concerned with what we are doing. I want to know whether we can obtain clear-cut information on the extent to which this proposed legislation might be applied in the event of its becoming law. I know the Minister for Health would want to feel absolutely certain about the situation.

Mr. Ross Hutchinson: The point should be clear.

Mr. HAWKE: I want to know if the Minister is in a position to tell us whether this Bill has been drafted totally upon the advice of the Crown Law officers or whether the Minister—or some other Minister of the Government—took the precaution of having the contents of the Bill studied by one of the best of the outside legal men for the purpose of making certain—as certain as possible, anyway—that this Bill as drafted will achieve only what the Government has in mind.

I think it is very important indeed, and if the Government has not already had the opinion of its own Crown Law officers very carefully checked and approved by some outside lawyer of top standing, then before this Bill goes into Committee in this House, such action should be taken by the Government and the contents of such outside opinion made available to members before the Bill is proceeded with.

MR. GRAHAM (Balcatta) [5.12 p.m.]: The remarks of the Leader of the Opposition have proved that what appears to be a simple Bill embodying a simple principle is not necessarily as straightforward as one might imagine. He has raised some points and most likely created some doubts in the minds of members. Whilst I do not intend to speak for long, I think I can create further doubts in the minds of members in respect of this Bill, which by no stretch of imagination can be described as a party Bill or one vital to the Government to be passed in its present form.

Mr. Ross Hutchinson: What about a referendum?

Mr. GRAHAM: That is a thought, but not a very sensible one.

Mr. Ross Hutchinson: No; I agree.

Mr. GRAHAM: It is interesting as a prelude to my remarks to note the comments made by the Premier of the day—Mr. Walter James as he then was—in September, 1902, when he introduced this legislation. They show the reason for it. He said, and I quote—

The Commissioner of Police has on more than one occasion drawn attention to the need of legislation of this nature, because it is found that there is no provision by which you can check an indiscriminate use of that calling, and it is very undesirable for people to use that calling for the purpose of getting entrance to yards, houses, and business premises, and not only obtaining possession of unconsidered trifles, but getting information which is very often used for committing burglary later on.

At the conclusion of his speech he says—

It is notorious that the calling of a bottle collector is frequently used for other than the ostensible reasons; and there are very grave suspicions leading to the inference that the bottle collector is often the forerunner of the burglar.

I do not go as far as that; but it indicates that it was the thought of Parliament at the time that there should be some form of control over people who were in a position to invade or enter premises belonging to somebody else. Accordingly Parliament decreed that those desiring to engage in this type of business should be licensed and that they should conform to certain specific requirements, which overall appeared to have worked quite satisfactorily, because there has been scarcely an amendment to the legislation notwithstanding that it has been on the Statute book for more than 60 years.

The big question in my mind in respect of this matter is that if the Bill becomes law, we will not be legislating to allow only refreshment shops and those who deliver milk to engage in a process to which all of us have become accustomed over the years, but everybody will be exempted from all the provisions in the Act in respect of the bottles which are outlined in the Bill.

So all and sundry—from good honest citizens right through to the worst type of scoundrels—will be at liberty to enter premises and go to the back doors or into the backyards of homes in any part of Western Australia; and very many of these people in the latter category would undoubtedly conform with what was suggested by the Premier of the day; namely that they were there to spy out the lie of the land and to get some idea of the movements of the occupants of the house. Therefore the safeguarding of the rights

of people in their homes would have disappeared; because, for the ostensible purpose of gathering bottles, undesirable people would have a valid excuse for being in somebody's backyard.

As the legislation at present allows what we term marine dealers to operate only between 8 a.m. and 5 p.m., and as people concerned with the class of bottles set out in the Bill would not be subject to the legislation, it means that you or I, Mr. Speaker, could go into the backyard of somebody's home at 10 o'clock or 11 o'clock at night; and we could defend ourselves as being lawfully on the premises because we were seeking to inquire whether the occupants had any empty bottles, or were going to that part of the yard where empty bottles were usually stacked by people who used them.

I believe, therefore, that this simple Bill—simple as it appears to us—will be opening the floodgates, and any person at all who has evil intent will, because of this, have a perfectly lawful excuse for being on the premises. Nobody will have any authority to ask for and obtain the name of the trespasser, because in the existing legislation it says that a collector shall—

At any time, upon demand, produce his license to any Justice of the Peace, or police officer, or to any person from whom he has, within twenty-four hours previously, bought or offered to buy, or collected or offered to collect, any marine stores;

There is an obligation on the part of a bottle collector, or a marine dealer, at the present moment to have a badge and to show it on demand; and to have certain markings on his vehicle. His name is known to authority, and his license can be taken away from him. None of these precautions will be in existence in respect of those persons who engage in collecting bottles, with the new definition as proposed in the Bill, or of those persons who have no such intention, but use it as a pretext only. So I suggest to members on both sides of the House—and I say this not with a view to obstructing the legislation—that we should have very serious thoughts with regard to the possible repercussions of agreeing to the amendment of the Act in its present form.

Naturally enough, I do not want to get hysterical and associate, even in imagination, any possibilities arising from this measure developing into unfortunate incidents such as have occurred in the metropolitan area in recent times; but I think I would be right in saying that very many sensible, well-balanced people are perturbed, and no doubt they will be for many a long day, with regard to callers at the front doors of their homes, or anywhere else, without our going to pains to make it easier for people to be able to provide an excuse for their presence in

and about the homes and gardens of people; and, worse still, do at any hour of the day or night something which a marine dealer at the present moment cannot do.

The only other point I wish to stress—I think it was mentioned by the Leader of the Opposition—is that when we pass legislation we should know what we are doing. I will guarantee there is no-one in this Chamber who can tell us what classes of bottles will be covered by the subject of this Bill; in other words, which will be exempted from the provisions of the Marine Stores Act.

Tomato sauce bottles, for instance: Will they be the prerogative of marine dealers only, or will it be possible for all and sundry to engage in the business of collecting the empties? Because the greatest trade is in respect of aerated waters, beer bottles, and milk bottles, perhaps far too many of us are tempted to simplify the whole issue by looking at the proposals in the light of how they will affect those three issues. But does it stop at that? Does it go any further?

All of us are entitled to receive from the Minister some clearer interpretation, or perhaps some further consideration of a clearer definition of the type of bottles which are to be covered. But even so—and I come back to the first point I mentioned—I hope and trust it will be appreciated by all members that we will be virtually throwing the backyard of every home in Western Australia open to persons who can use the excuse that they are there looking for bottles or seeking somebody at the back door at any hour of the day or night when, in fact, they are there for an entirely different purpose.

Mr. Bovell: I think your imagination is a little fertile.

Mr. GRAHAM: Of course it is not! Perhaps the Minister for Forests cannot see the forest for the trees.

Mr. Bovell: Don't get abusive.

Mr. GRAHAM: I am not getting abusive; but I venture to suggest that the Minister for Forests has not had a look at the Bill or at the legislation. Will he answer me honestly: Has he studied the legislation?

Mr. Bovell: You are completely mistaken.

Mr. GRAHAM: If he has, then the Minister reveals to us his abysmal ignorance; because nobody can deny the fact that if we exclude certain types of bottles—if, indeed, it be not all bottles—from the provisions of this Act, then any person in Western Australia is able to set himself up as a bottle collector, and there is nothing in the Act or any other sort of legislation prescribing the times and hours,

and the days and conditions, under which these people can enter premises, yards, and gardens ostensibly for the purpose of gathering bottles. That ought to be perfectly and patently clear to the Minister, if he is able to understand anything at all.

Mr. Ross Hutchinson: May I interrupt?

Mr. GRAHAM: Certainly.

Mr. Ross Hutchinson: Why do you say they can go freely into a person's house?

Mr. GRAHAM: Not into a house—into a person's garden.

Mr. Ross Hutchinson: Into a garden?

Mr. Grayden: They have been able to do that for years.

The SPEAKER (Mr. Hearman): Order!

Mr. GRAHAM: No; the existing legislation prescribes the hours. It does so in a negative fashion, by laying down the hours during which a marine dealer shall not engage in business.

Mr. Ross Hutchinson: But there would be no legal entitlement for a man to go into your garden.

Mr. GRAHAM: At the present moment the only person who can legally come into my yard for the purpose of collecting bottles is a person who is the subject of a license under the Act.

Mr. Ross Hutchinson: Yes.

Mr. GRAHAM: And having a license, he is subject to certain restrictions, duties, and obligations. If we remove either all bottles, as might well be the case, or some bottles from the provisions of the Act, then surely it is obvious that we do not require a license for the purpose of collecting those types of bottles.

Mr. Ross Hutchinson: He would be trespassing if he came into your garden.

Mr. GRAHAM: By no means. After all, an insurance man or a land agent, or someone else, can call at one's front door. There are other types of people engaged in business who go to one's back door.

Mr. Oldfield: Candidates for Parliament.

Mr. GRAHAM: Yes. They take their pick, I suppose. It means, without this restriction or limitation, that any person can validly at any hour proceed to the rear of premises—

Mr. Rowberry: And knock on the door.

Mr. GRAHAM: —for the purpose, if he is questioned, of ascertaining whether there are any bottles; and it is not necessary for him to show any authority or license, or anything else; and I repeat, he is breaching no law. As I said earlier, I am not making these remarks to obstruct, or anything else, but I think we should be perfectly clear in respect of them.

My final word is to repeat that a simple Bill, as it appears on the surface, upon examination may not be quite so simple and could have all sorts of repercussions which might be damaging and, indeed, defeat the reason for there being any legislation at all pertaining to this matter on the Statute book of Western Australia; and accordingly I want some very definite assurances from the Minister. That would not meet the position, Mr. Speaker; but I would be prepared to accept an assurance from the Minister.

Mr. Craig: Thank you!

Mr. GRAHAM: However, it is a matter of what is the law in Western Australia; and if the law is faulty, then an individual citizen could do things which we would prefer he did not do, or courts could make interpretations which might give an entirely different effect to what might be the intention of Parliament. In other words, I am afraid I am not very happy with the legislation before us at the present time.

MR. O'CONNOR (Mt. Lawley) [5.30 p.m.]: Firstly, I would like to congratulate the Minister on his prompt efforts to bring to this House an amendment to endeavour to overcome what appears to be an anomalous position as regards the Marine Stores Act. I feel, however, that the point raised by the Leader of the Opposition is one which warrants some consideration, and I would like to hear comments from other members about what effects the measure could actually have.

Members know that this position has been brought about by eight charges being laid on the 8th August against six storekeepers for breaches of the Marine Stores Act. A number of people consider that it was brought forward as a test case, but I have some doubts in my own mind about that being so. The Act says that only licensed marine dealers are authorised to collect bottles and, as I say, I have doubts as to whether it was a test case, because there were some points about the action that seem rather strange, to say the least.

Mr. Oldfield: Don't you think that if they had pleaded not guilty the magistrate would have dismissed the case?

Mr. O'CONNOR: That is the point I am coming to. As far as I can ascertain, of the six people who were convicted five were actually council members of the Retail Traders' Association and I think it is strange that those six people should all plead guilty to the charge and not actually make a test case of it, so that various points in regard to the matter could be fought out.

I have seen a legal interpretation of the part of the Act in question and it states that the word "collect" in the Act means to go around from place to place to collect, and that storekeepers would not come

within that category. It is also felt by some people that the word "dealing" means dealing to make a profit and storekeepers were only acting as bailees on behalf of the manufacturing companies.

At various stages I have been employed by both the manufacturing part of the industry and also the retail section of it, and I realise that difficulties exist in regard to both sections. As far as the manufacturers are concerned, the problem of getting their bottles back has always been a difficult one, and there is also the question of the cost of the bottles. I believe the cost of a 6 oz. bottle is in the vicinity of 9d. and an 8 oz. bottle costs 11d. to manufacture. Manufacturers expect to get 30 serves from each bottle and they budget accordingly.

From the retail point of view a number of retailers feel they are handling bottles without any profit at all. There is always a certain number of breakages and that is a complete loss as far as they are concerned. However, I believe that the margin of 50 per cent. on sale or 33½ per cent. on cost of the contents is quite a reasonable one bearing in mind the fact that a number of bottles are brought back and no cash is handed over the counter. In many instances people who bring bottles back take the refund out on a packet of chewing gum, sweets, or something like that, in which there is a further margin of 25 per cent. or thereabouts. Therefore, there is a further profit in those cases.

Another point as regards the shops, particularly those in the metropolitan area, is that if marine dealers had to collect the bottles, instead of the position that exists now, it would mean that some of these storekeepers would require a lot more space for storing cool drinks and empties. As the position exists at the moment trucks come around and take the empties away and replace them with full bottles. If that is not done, the shopkeepers will require at least twice as much space to store the empties while they are waiting for the marine dealers to collect them, and also to store the full bottles of cool drink. In the city block, particularly, such a situation could cause chaos, and that would apply also to a number of metropolitan shops.

Some people have said that when empty bottles are taken to storekeepers they can create a health hazard. I do not think that is so, because the manufacturers in most cases are very prompt in having the empty bottles collected from the shops; and there is a regular service to take the empties away and replace them with full bottles. If shopkeepers are not permitted to take empty bottles over the counter the position could arise where people who purchase cool drinks to have with their sandwiches at lunch-time would take the bottles away and leave them in the corner of their offices where they would probably

accumulate for some considerable time. This could create a greater health hazard than has existed in the past.

I have with me some rather interesting figures which I think I could pass on for the information of members. The information is based on an average summer's day with the temperature at 95 degrees, and it was supplied by seven metropolitan manufacturing bottlers. The average number of bottles delivered in the metropolitan area on a summer's day when the temperature is 95 degrees, is 723,000 which is around about 60,250 dozen.

To transport such a number of bottles requires a large number of trucks and, possibly like other members, I have seen these truck drivers jockeying for position or driving for a lap or two around the block waiting to get into the shops to make their deliveries. I should have mentioned that 135 trucks delivered this number of bottles, and if it were necessary to have another 150 trucks in the metropolitan area to enable the marine dealers to call at the shops to pick up empty bottles, I believe a considerable traffic hazard would be created. Such a large number of extra trucks would take up considerable space and create a further hazard in our already overcrowded city parking areas.

Apart from the points raised by the Leader of the Opposition, I believe the Bill to be a necessary one in that it will rectify an anomalous position which does exist and which, if not corrected, could throw the industry in this State into complete chaos.

MR. BRADY (Swan) [5.38 p.m.]: I wish to have a few words to say in connection with this measure because, having been a Minister for Police, I have had some experience with this legislation. In addition, I can recall several attempts being made in this Chamber in recent years to amend the principal Act. It is unfortunate that those attempts to amend the Act were not proceeded with, because to deal with the legislation now, on an emergency basis, only means that we will get the worst possible type of legislation for what is a most important industry, and a lot of people will be hurt.

Personally, I feel particularly concerned about the fact that the average family—the housewife and her children—has been exploited in recent years. Somebody said earlier in the debate that the Act was originally introduced to prevent people in the early days from acting as agents for robbers. It would almost seem that that could be the position today. I am not reflecting on the collectors of bottles and saying that they are spies for those who want to break into houses, but big monopolies are getting substantial profits from

the handling of bottles. These big concerns are making sure that only the dealers who play ball with them handle bottles.

When the ex-member for Leederville (Mr. Johnson) introduced his proposals into this House in 1955 he instanced the affairs of a man named Mosey who, because he would not pass on his branded bottles to certain people, had his rights taken away from him. Mr. Mosey tried to get some relief from his difficult position but could not do so. Subsequently, according to the account given to this House by Mr. Johnson, the member for Leederville, he committed suicide—that is the then member for Leederville and not the present one.

Mr. Hall: The member for Leederville?

Mr. BRADY: Yes.

Mr. Hall: He did not commit suicide.

Mr. BRADY: No, Mr. Mosey, the man to whom he was referring, committed suicide. Mr. Mosey was trying to get the right to handle bottles and sell them where he liked, but he was denied that right.

Members have been discussing the fact that milk bottles and those bottles on which a deposit has been paid will, if the amendment is passed, be outside the scope of the Act, or outside the definition of "marine stores." That will give certain people who own branded bottles the power to grant others the exclusive right to handle branded bottles, and I doubt whether that is desirable. If that is done, it would appear that people who work long hours on arduous work, and who have to do unpleasant jobs in connection with bottles will be getting a minimum return, while those who ultimately get the majority of bottles by virtue of their dealership licenses will get the money from the bottles involved. Also, the housewife will be the one who is robbed and held up to ransom. That is the position with which we should be concerning ourselves, and not with the internecine difficulties that the retailers are having with the collectors.

That brings me to this point: It is most unfortunate that this legislation should be dealt with on an emergency basis and rushed through the House. I believe the whole of the ramifications of the bottle industry should be inquired into to see who has the right to make profits, who has the right to collect, who has the right to have dealership licenses, and who has the right to ownership.

A most remarkable situation exists in regard to branded bottles. When everything is going along smoothly the owners of the branded bottles claim they really do own the bottles and nobody has a right to use them. In fact, they prosecute people for using them and they also make them place a big advertisement in *The West*

Australian or the *Daily News* admitting the fact they have used the bottles and will not do it again. If they do commit the offence again they are harshly treated. Yet if one happens to cut one's foot on a broken bottle on a beach or a roadway, or one's tyre bursts because of a broken bottle, the owners of those bottles deny responsibility for it. So they want it both ways.

I am trying to help the little people—the housewives and their families, and the kids who collect bottles—and that is why I believe the whole business needs to be investigated. The position in the near future could be that collectors, by virtue of their licenses, will not be collecting the bottles, because in view of the definition of "marine stores" they will be excluded, while others will probably be issued with the right to collect by the owners of the branded bottles who will say, "You can collect these bottles outside the collectors' rights or with a collector's license."

That is most unfortunate particularly in these times when we have prowlers in the metropolitan area, and strangers going into other people's houses; people going down back lanes in the early hours of the morning—one can see them late at night riding around the city on bicycles, while others are walking and wheeling prams, and that sort of thing. This is all happening at a time when the police are endeavouring to tighten up the overall position.

The whole set-up is regrettable, because the people concerned in the handling of these bottles are not at all anxious to continue handling them. I got in touch with three grocers today, and each one of them told me he handles thousands of bottles during the summer months, but that he has no desire to carry on doing this. They all told me that the bottles caused them more trouble than they were worth.

They also pointed out that they invariably have 30 to 50 dozen bottles on their premises. Not only do they pay for the contents of the bottles, but it is also necessary for them to pay a deposit. In other words, they finance the bottle industry by paying a deposit which they do not get back until weeks, or perhaps months, later.

If this Bill goes through in its present form it would appear that the collectors would not be handling the bottles. Somebody else would have to handle them, if they were not handled by the retail grocers, and the people selling aerated waters. Accordingly, we will have the position of unlicensed people going around collecting these bottles. While that may not be generally encouraged, the concerns which want the branded bottles will stop at nothing to get such branded bottles back; and accordingly they will grant permission to people without a collector's license to collect the bottles.

It is unfortunate that we should have to consider such legislation; and even if the House agrees to the Bill in its present form there should be some provision limiting the life of the measure to twelve months, to enable us to have another look at it before any great harm is done.

It is most essential that bottle collectors should be people of good standing; and, generally speaking, that is a qualification required by the police. In 1958-59 I had certain people approach me because they were not able to obtain a license to collect bottles. The police would not grant such a license because they felt the people concerned were not of good standing. The Police Department is quite justified in adopting such an attitude.

I have heard some shocking statements made about prosecutions concerning people who have been handling marine stores, not in the metropolitan area only, but also in the country. I have heard these stories from the point of view of a Minister for Police, and I am not keen to see the law relaxed to enable just anybody and everybody to collect bottles willy-nilly. As I said before, I think there should be a full-scale inquiry into all the ramifications of the bottle-handling industry.

There are other aspects which enter into this problem, one of which is the demand by the merchants for deposits to be paid. If such deposits are not paid the firms concerned will not supply the drinks required. We must also consider the position of the milkmen, who are in a different category again. I was talking to a milkman today and he informed me that he had a bill for a thousand pounds for bottles which it is alleged have not been returned to the master milkman.

I understand that many of the milkmen in the metropolitan area have bills for at least £200 or £300. The majority of them are dreading the day when they may have to pay those amounts. Many of them feel that if the day ever arrives when they wish to sell their milk round, the master milkman will insist on their paying £200 or £300 for the bottles which it is alleged they did not return.

All these matters must be considered while debating the amendment which is before the House at present. I am merely ventilating these views to enable members to gain an appreciation of the overall position, so that they can grapple with the amendment to the best of their ability; without losing sight of the fact that the overall position needs reviewing in order to keep the matter well in hand.

I have not referred to the country storekeepers at all. I do know, however, that there are hundreds of storekeepers in the country, particularly those in the co-operative stores, who handle bottles for their shareholders. These bottles are sent to Perth. It is necessary to protect such

people by legislation. I say this to point out that it is essential that we have regard for all the aspects of the case.

Only last year a man who happened to be bottling wine told me that he wanted to buy bottles from one of the bottle dealers, but the association with which he was connected denied him that right. He said, "I want to buy these bottles from the local dealer, because I can get them for 2s. a dozen. If I have to get them from the monopoly set-up, I will have to pay 4s to 5s. a dozen for them; and this will add to my cost and possibly put me out of business." We cannot lightly deal with this matter. It may be necessary for us to amend the Act further, whether the Minister likes it or not. I think the House should be told some of the difficulties that are associated with this amendment.

It may appear to some members that in the future bottles may not be covered by a marine dealer's license; and that the owners of the branded bottles will grant collection rights only to certain people. Anybody who thinks he will make a fortune overnight by virtue of the fact that he can handle all types of bottles may get a rude awakening if he makes application to handle bottles outside the Act.

I am prepared to support the measure in the hope that some of the housewives and those associations which are collecting bottles for charity, and for the purpose of helping sporting organisations, may get some benefit. But if the measure is designed to benefit only the big people—who are handling them on a monopoly and combine basis—I will do all I can to upset the legislation.

MR. GRAYDEN (South Perth) [5.54 p.m.]: There are a few comments I wish to make on this measure. Firstly I would like to congratulate the Minister on the prompt action he has taken to try to remedy what is a chaotic state of affairs in respect of the collecting of the bottles in question. I also think that the Leader of the Opposition and the member for Balcatta deserve some praise for their sober appraisal of the situation.

Mr. H. May: You know what you are saying.

Mr. GRAYDEN: I think we can congratulate them on this occasion. The occasions on which I feel I should congratulate them are few and far between; but I think this is one such occasion.

The Leader of the Opposition did cast some doubt on one aspect of this measure. The member for Balcatta did likewise. The Leader of the Opposition felt that the amendment might go too far, and that it might include all types of bottles. I think, however, that even the most cursory glance at the amendment contained in the measure makes it perfectly obvious that it applies purely to soft drink bottles, and to milk bottles.

In the case of soft drink bottles an actual charge is made by way of a deposit. When a person enters a shop and buys a bottle of soft drink, the first thing that the shopkeeper asks is, "Do you intend to drink it on the premises, or do you wish to take it away?" If the contents of the bottle are drunk on the premises a certain price is charged; and if the bottle is taken away and drunk outside the shop an additional amount is added to the price. In other words, a definite amount is charged as a deposit on those bottles.

But the same thing does not apply in the case of beer bottles. When the brewery fixes the price of a bottle of beer it includes the price of the bottle.

Mr. Graham: No it doesn't!

Mr. GRAYDEN: If the brewery does not get the bottle back, it still makes a profit—it does not lose.

Mr. Graham: It allows for a bottle to be used three times on an average.

Mr. GRAYDEN: The brewery still gets its profit. It makes no specific charge as a deposit on that bottle. The position is perfectly clear. The amendment before us does not apply to beer bottles, or any other similar bottles; it only applies to those specifically mentioned.

The member for Balcatta raised a further query and said that if we are going to make it lawful for people to collect the bottles in question—and that would be the position once the amendment is passed—then it would be possible for such people to enter the backyards of others at any hour of the day or night on the pretence of collecting bottles and that that position would obtain only if the amendment is passed.

Ever since the original Act was introduced, the people in Western Australia have been under the impression that soft drink bottles, and milk bottles, are outside the Act. That being so, over the last 20 years—or whatever period was mentioned—people could have entered the backyards of others at 5 o'clock in the morning or 11 o'clock at night—as mentioned by the member for Balcatta—on the pretence of collecting bottles. But that has not happened.

If a person entered another person's backyard with an excuse that he was there to collect bottles, I am sure the householder would want something more than that; he would not be prepared to accept the statement that the person had come into his backyard merely to collect bottles. Whether the Bill before us is passed or not, it will not alter the position at all. Ever since the introduction of the Act people could have entered the backyards of others and asked householders for empty soft drink

bottles. Accordingly I think that completely disposes of the argument put forward by the member for Balcatta; and that aspect should not perturb any member in this House.

None of us should have the slightest doubt about the types of bottles to which the amendment will apply. It can apply only to those bottles to which it refers; because the soft drink bottles are the only types of bottles on which a deposit is charged. As I have already said, the position in relation to the collection of soft drink bottles and milk bottles has obtained in Western Australia for the last 20 years or more and during that time the Act has worked most satisfactorily.

Everywhere one goes in Western Australia one sees beer bottles that have been thrown away. They litter the route of the trans-continental railway line; they litter our main highways; and they litter our beaches; and when broken they cause a great number of accidents, particularly among children. But the same situation does not exist with respect to soft drink bottles, because a refund is made on them. Children know they can pick these bottles up and take them to the shops. Therefore, in the past children have religiously collected them, with the result that we did not have broken cool drink bottles littering our beaches, beauty spots, highways, and other parts of Western Australia.

That indicates the present system of collecting soft drink bottles and milk bottles is a much more satisfactory one than that which obtains with respect to beer bottles, or other bottles which must be collected by authorised marine dealers at the present time.

Mr. Jamieson: Are you suggesting the publican should collect beer bottles?

Mr. GRAYDEN: No, I am not; but why should anyone want to permit marine dealers only to collect soft drink bottles when the old set-up that has existed over the last 20 years was infinitely better than the system used for the collecting of beer bottles by marine dealers? In other words, we had a satisfactory system in respect to soft drink bottles, so let us stick to it. Do not let us adopt another system which has proved to be far less satisfactory.

Another point I would make is this: The system in Western Australia for the collection of soft drink bottles is not one that is peculiar to Western Australia. It is a system that is used throughout the various States of Australia, and also throughout the world, so far as I can ascertain. Marine collectors, or their equivalent, are not licensed to collect these bottles. Therefore, in view of these facts, no-one could seriously criticise the set-up that has applied in Western Australia.

The health angle has been raised, but I suggest that is not a valid point, because we have in this State a Public Health Department which rigidly polices things of that nature. We have had an assurance from the Minister concerned that the Public Health Department will watch this aspect closely; and we can be absolutely sure that if the present system constitutes a health menace at any stage, that department will take action to make certain the menace is obviated.

It has also been said in passing that the manufacturers of aerated waters and other soft drinks make exorbitant profits; but I would suggest the profit margins that have been quoted, particularly by the Retail Grocers' Association, do not mean very much at all, because we are dealing with a very low-priced article and the overhead costs in running a business of that kind are extraordinarily high. Despite this, the manufacturers make the soft drinks, put them up in bottles, deliver the bottles, collect them, and still sell their product at what appears an extremely low price.

The same position does not apply in respect of beer. I understand it costs more to make each bottle of soft drink than it does to make an equivalent size bottle of beer. Yet the soft drink manufacturers can manufacture their product and, as I have said, distribute it and charge prices which do not even begin to compare with the prices charged for beer. Of course, in respect of beer we have to take into consideration excise tax and other costs; but in relation to soft drinks, extremely high overhead costs are involved and the manufacturers are to be congratulated for selling their article at the price level which obtains in Western Australia.

This situation would not continue for very long if the present set-up in connection with the collection of bottles were changed. It would involve greatly increased costs, and these costs would have to be passed on to the children of Western Australia. We know that the manufacturer of soft drinks delivers his product to the shops throughout the metropolitan area and country districts. He has to make these deliveries, and in the past he has always picked up the empties at the same time. Therefore, we have an economic arrangement in respect of the delivery of the product and the picking up of the empty bottles.

If there were a change in the system and bottles were handled by the marine dealers, what would happen? Firstly, the manufacturer, after making the soft drink, would deliver it, but would not pick up the empties which were waiting at a shop at the time of delivery. A truck from the marine dealers would have to come along and pick up the empties and take

them back to the soft drink manufacturer. So we would have double handling, which would result in additional costs that would be passed on to the children of the State. Therefore, from that point of view it is ludicrous to suggest any alternative to the present system.

There are many other aspects. For instance, how could the marine dealers in Western Australia cope with the return to the manufacturers of the bottles during one of the heat waves which we so often experience during the summer time in this State? I have some actual figures which I think the member for Mt. Lawley may have quoted. I am not certain.

Mr. Graham: No, he didn't.

Mr. GRAYDEN: With the temperature at 95° F. on an average summer's day, the average delivery of soft drinks by seven manufacturers is 60,250 dozen bottles. That means there are not less than 723,000 bottles—I am not talking dozens now—delivered on a day of the kind I have mentioned when the temperature is 95° F. It is obvious that with so many bottles involved, it is imperative they be returned to the manufacturer with the least possible delay. Under the set-up that has existed in this State, the manufacturer simply delivers the bottles to the shops, and picks up his empties in the same operation.

If 723,000 bottles go out on an average summer's day and the manufacturers have to wait until some marine dealer comes along and picks up those 723,000 bottles in order to take them back to the manufacturers I think all members will appreciate what chaos will result. Perhaps a marine dealer could not return those bottles for another 10 days, and a heat wave might continue during that period. If that were the case, some 7,000,000 bottles would be outstanding. It would mean that people in the metropolitan area during hot summer days would not be able to be supplied with soft drinks.

Therefore, I emphasise these figures to point out there is no alternative to the present set-up. Another interesting point is this: 75 per cent. of all the soft drink actually consumed is partaken of in the retailers' shops. Of all bottles which are delivered, the contents of approximately 75 per cent. are consumed on the premises after the bottles have been opened in the shop. In these circumstances, the empty bottles are actually on the premises and it is very desirable that when the manufacturer delivers, he be able to pick up those empties.

Personally, I think the action in challenging the parent Act was a most irresponsible one on the part of the people concerned. Apparently, some weeks ago the Retail Grocers' Association—

Mr. Graham: Don't you think you are a little unfair? Surely there is a responsibility on Parliament to have sensible laws.

Mr. GRAYDEN: I agree; but just let us see what that association did, because I think when we go into it more fully, even the member for Balcatta will agree with me that it was an irresponsible action on the part of the Retail Grocers and Storekeepers' Association of W.A.

Mr. Graham: The court found they were justified.

Mr. GRAYDEN: For very good reasons. But I say this: Many people who belong to this organisation do not want to handle bottles. That is the point. Therefore, so far as we can ascertain, they arranged for some of the marine dealers to take them to court. Who were the people charged? I understand they were some of the most responsible people in the Retail Grocers and Storekeepers' Association of W.A.

What happens in a case like that? We have the marine dealers laying the charges and the defendants going into the witness box with the sole object of pleading guilty and of making no attempt to put forward a case. The Aerated Water Manufacturers' Association of W.A. was horrified when that state of affairs obtained and has since made it clear by an announcement published in the Press that if any shopkeepers in future are taken to court in similar circumstances, that association will defend them. In those circumstances we would be able to see whether the court would give a similar ruling.

In the case I referred to previously, I think there was collusion between the two groups in order to obtain a certain decision.

Mr. Tonkin: If the law is all right, why do we have to amend it?

Mr. GRAYDEN: Do we know the law is all right?

Mr. Tonkin: You said it was.

Mr. GRAYDEN: The people were guilty and a decision was given. The obvious thing was for them to appeal, but in this case no party wanted to appeal.

Mr. Guthrie: They could not.

Mr. GRAYDEN: No, because they pleaded guilty; but usually if people have a case they will fight it and put forward arguments to obtain a satisfactory decision.

Mr. Graham: What other decision could the court have given?

Mr. GRAYDEN: I do not know, but I think the Aerated Water Manufacturers' Association of W.A. must be pretty confident of its ground. Obviously that association has obtained additional legal advice. Otherwise, it would not have published statements in the Press to the effect that the association would be prepared to help anyone—

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GRAYDEN: Prior to the tea suspension I touched on the court proceedings and the decision which was given in respect of this question of the right of shopkeepers to handle bottles. In the course of my doing that, the member for Balcatta questioned statements I had made and asked, in effect, what was the basis on which I said that possibly the decision could have been arrived at had the case been contested.

During the tea suspension I was able to obtain a legal opinion which was given on this specific matter: an opinion which was obtained by the Aerated Water Manufacturers' Association of Western Australia. I believe it will help to clarify the matter, at least in the mind of the member for Balcatta. The legal opinion was given by a highly respected law firm, and the following are excerpts from it:—

A perusal of the provisions of the Act

That is, the Marine Stores Act—

leads, we think, to the conclusion that "to collect" for the purposes of the Act, a collector must travel from place to place and be active in assembling or gathering together marine stores.

Section 6 of the Act makes it an offence to use a truck unless the name of the collector and his address are painted thereon; to allow any person other than a licensed collector to accompany him when using a truck in the business of collecting, to enter premises without the permission of the owner or, having entered upon premises, to refuse to leave when directed so to do by the owner and to use insulting language whilst in pursuit of his occupation as a collector in any place whether private or public.

A perusal of the various provisions of the Act relating to collectors, hence lead us to the conclusion that to be a collector for the purpose of the Act a person must actively search out and gather together marine stores and not merely receive such marine stores as are brought to him.

Further on the opinion says—

With some hesitation, therefore, we have reached the conclusion that the phrase "dealing in" as used in the definition "dealer" is intended to cover such transactions as exchanges in addition to buying and selling and does not extend to cover the mere receipt of empty bottles for transmission to a manufacturer.

This opinion is a considered one. As it is lengthy I do not propose to read it in full. The points I have quoted serve to indicate there is a serious doubt about the validity of the decision which has been made.

Mr. Guthrie: That being the case, the Bill should not be proceeded with. That must be your contention.

Mr. GRAYDEN: That is not my contention. I am simply putting forward a legal opinion. The opinion was to the effect that retail shopkeepers who handle these bottles are not collectors within the meaning of the Act, but are actually bailees. Had this action been contested these points might well have been considered. As I mentioned earlier, what happened was that members of the Marine Dealers' Association took legal action against members of the Retail Grocers & Storekeepers' Association of Western Australia, and those members pleaded guilty. Therefore these points were not brought out.

Subsequently the Aerated Water Manufacturers' Association of W.A. published an advertisement. I have not been able to find that advertisement, but I found a reference to it which was published in the *Weekend News* on Saturday, the 10th August. The first portion of the newspaper item reads as follows:—

Perth's soft drink manufacturers are prepared to back the defence of any shopkeeper prosecuted for taking empty bottles.

They said as much today in an advertisement in *Weekend News* (page 12).

The Aerated Water Manufacturers' Association of W.A. would give no official comment today, but individual members interviewed said they understood the advertisement to mean that shopkeepers facing prosecutions would be given financial support.

I quote that to indicate that the members of the Aerated Water Manufacturers' Association of W.A. are anxious for another court case to take place on this particular issue.

I made the statement, prior to the tea suspension, that I felt the action which was taken by the storekeepers' association was to some extent irresponsible because this is a matter which has concerned a lot of people for a great many years. To settle the matter in that way does not reflect credit upon the members of that association or upon the association itself.

Another fact which lends support to my contention is this: About an hour, or at the most two hours, after that court decision was given a representative of the storekeepers' association called at the Chamber of Manufactures and met representatives of the Aerated Water Manufacturers' Association of W.A. His attitude was, "Right, we have seen the court decision; now you will meet our demands." Those demands were put forward some time before the court action took place. The demands were to the effect that the

storekeepers' association wanted additional handling charges for the bottles—charges which would have added to the cost of soft drinks in Western Australia.

We therefore have the situation where a big association firstly made demands, then made a test case of the matter in the manner I have described; and immediately after the test case, went to the Aerated Water Manufacturers' Association saying, "This is the position: You have no alternative but to accede to our wishes in this matter." Members of the Aerated Water Manufacturers' Association were not prepared to leave the matter at that. They have said they are prepared to stand behind the small shopkeepers should they be prosecuted. This amendment will, of course, obviate any action of that kind.

There are one or two other matters which I would like to mention. I was speaking, prior to the tea suspension, on the matter raised by the Leader of the Opposition, who said he feared the proposed amendment might embrace all bottles, including beer bottles. I have since learned that in England a rather different position obtains in respect of the collection of beer bottles.

In England a deposit is charged. In other words, a person goes into a hotel or into premises licensed to purchase beer, and he can buy that beer at a certain price. If he wants to take the bottle away—and incidentally the bottle still belongs to the manufacturer, as applies in this State—he pays an additional amount. In other words, a definite amount is charged in England as a deposit on the bottle. That helps to clarify—

Mr. Rowberry: And Scotland.

Mr. GRAYDEN: In England there is an Act which covers this sort of thing. There a deposit is charged. I do not think it is possible to read into the amendment the interpretation which the Leader of the Opposition suggests might be read into it. The amendment reads—

2. Section two of the principal Act is amended by adding after the word, "goods" being the last word in the interpretation, "Marine Stores", the passage, ", but does not include bottles in respect of which, at the time of the sale of the contents thereof, a deposit of money was made, or is ordinarily made, by the purchaser, or bottles in which milk or cream is ordinarily sold".

The amendment is specific. It is confined to the passages which are mentioned and, clearly, no deposits are paid on beer bottles in Western Australia.

The member for Balcatta made the statement that if this amendment goes through people will have the right to enter homes and collect bottles at all hours of

the day or night. Because of our interpretation of the Marine Stores Act that position has applied ever since this Act was introduced way back in 1902.

Mr. Graham: Whose interpretation?

Mr. GRAYDEN: The interpretation of everybody was that soft drink bottles and milk bottles did not come under the Act.

Mr. Graham: Nobody goes around and collects aerated water bottles from homes other than licensed marine collectors.

Mr. GRAYDEN: I am simply saying that since 1902 anyone could have gone into one's home.

Mr. Graham: No; they would have breached the law.

Mr. GRAYDEN: If it is contentious, let us leave it; but there is nothing to stop anybody from going into homes at any hour of the day or night, as was suggested by the member for Balcatta, and asking whether they have oranges or anything else in their backyard.

Mr. Graham: That is so.

Mr. GRAYDEN: There is nothing to stop anyone from going into a home. As members know, during election campaigns we ourselves go into homes and solicit votes. The argument which was put forward by the member for Balcatta does not apply. Anybody has the right to go into a home, although certain types of people are excluded.

Mr. Graham: Let us abandon the Act if that is your attitude.

Mr. GRAYDEN: We have a fairly big manufacturer of aerated waters in South Perth.

Mr. Oldfield: Here it comes! Here comes the reason!

Mr. GRAYDEN: May I say to the honourable member that the products of that particular factory are held in extremely high regard in Western Australia.

Mr. Oldfield: I quite agree. I said that now we know the reason for your speaking on the matter.

Mr. GRAYDEN: This company has been seriously affected by the present system of bottle collection. Certainly it has the backing of the Aerated Water Manufacturers' Association of W.A., which has said that if legal action is taken against shopkeepers it will stand behind them. Unfortunately many of the shopkeepers are still frightened to handle the bottles because in many shops there are notices put out by the grocers and storekeepers' association warning people against collecting bottles. So I am extremely pleased that the Minister has seen fit to introduce this legislation at such short notice to overcome the chaotic state of affairs that exists in respect of the bottles in question.

In conclusion, may I simply sum up by again saying that this system of collecting bottles is not peculiar to Western Australia but is a situation that obtains in every country in the world. May I say that because of this system we are able in this State to sell soft drinks at a relatively low price notwithstanding the exorbitant overhead costs which exist in the industry.

May I also repeat that in the summertime huge quantities of bottles are handled and I have already given the figures. I have said that on a hot day as many as 723,000 bottles are handled by the handful of manufacturers here.

Mr. O'Connor: There would be twice as many if the empties were included.

Mr. GRAYDEN: As the member for Mt. Lawley has said, there would be twice as many if the empties were included. The ones I am referring to are those that are actually delivered on a reasonably warm day in the summertime; in other words, huge numbers of these bottles are handled.

We have two different systems of collecting in Western Australia, one for soft drink bottles, and the other for beer bottles. We have seen that the method for collecting soft drink bottles is definitely superior to that for collecting beer bottles. From a health point of view it is much better to stick to our present system rather than adopt the one which exists in respect of beer bottles.

No-one could possibly say that the method we have of collecting soft drink bottles causes a health risk which is in excess of that caused by the method used for collecting beer bottles. In fact, the reverse obtains without any doubt.

Because of the method we have for the collection of beer bottles, we find them lying all over the countryside in all sorts of situations. They are trampled under foot; they are thrown in stables; and they lie around for months on end. We can see them in backyards where they are full of snails, slugs, and so on. Those bottles at some time while they exist will be collected and taken back to the manufacturers.

If we are going to query the collecting of these soft drink bottles from the health angle, surely we should criticise the position which obtains in respect of beer bottles. But that position does not apply in respect of soft drink bottles, because of the deposit which is paid and because it is profitable for children to pick them up and take them back to the storekeeper. So we have a relatively quick turnover, and we do not have, except in exceptional circumstances, soft drink bottles lying around in the same manner as beer bottles.

Finally, I repeat that our present system is largely responsible for the fact that soft drinks can be sold for a relatively low

price; and in these circumstances I really feel that there can be no valid objection to the amendment, and I hope the House will approve of it tonight.

MR. OLDFIELD (Maylands) [7.49 p.m.]: The honourable member who has just resumed his seat has delivered a speech of the sort that we are accustomed to hear from him in this House. At the outset he did not only commend the Minister for the promptitude with which he introduced the measure but also was at great pains to laud the efforts of the Leader of the Opposition and the member for Balcatta for their, as he explained, sober approach to the problem and their reasoned outlook. In other words, he almost agreed—in fact he did agree—with the Leader of the Opposition in his interpretation; but we find that subsequent to the tea break he suddenly decided that the Leader of the Opposition could not be right.

I do know that during the tea suspension the Leader of the Opposition had his doubts as to whether he was right or not once the member for South Perth started to agree with him; and it is obvious that the member for South Perth was spoken to during the tea suspension and therefore changed his attitude towards the interpretation enunciated by the Leader of the Opposition and the member for Balcatta.

Mr. Grayden: That is completely wrong.

The SPEAKER (Mr. Hearman): Order!

Mr. OLDFIELD: The member for South Perth can check the *Hansard* transcript of his remarks before tea and what he said towards the end of his speech.

Point of Order

Mr. GRAYDEN: On a point of order, what the honourable member is saying is quite untrue. What I said before tea is in conformity with what I said after tea.

The SPEAKER (Mr. Hearman): Order! Carry on.

Debate (on motion) Resumed

Mr. OLDFIELD: Certainly the Leader of the Opposition has given plenty of room for thought in the matter he has raised: whether the Bill means that beer bottles come into the same category as soft drink bottles. From what the member for South Perth has said—and no doubt what other members on the Government side will say—the Leader of the Opposition is wrong in his interpretation. But I wonder whether he is so far wrong. How would his contention be held in a court?

A bottle collector, as we know him today, is licensed under the Act and goes around from house to house to collect bottles. In fact he does not purchase them; he cannot buy a bottle because the householder does not own it and so cannot sell it. The bottle belongs to the Western

Australian Glass Manufacturers Ltd., which, I understand, is owned by the Swan Brewery. Therefore the bottle does not belong to the householder; and the bottle collector is authorised by the bottle-yards to collect bottles. Surely the collector must be able to take those bottles, because they belong to the company I have mentioned; but he does not do that, but gives the householder 6d. a dozen for them.

I am sure that any court would accept the contention that the 6d. a dozen is a refund—in other words a refund of a deposit, because if it is not a refund of a deposit, what is it? It is not a gift; it is not a reward; and it is not just 6d. for the kiddies to have so that they can run down to the shop to spend it on 2d. sticks, I think they are. They were 1d. in my day.

Mr. Dunn: That is what happens to it.

Mr. OLDFELD: It does not matter what happens to it. Why does the authorised collector pay the householder 6d. a dozen for bottles and why is he then in turn paid 1s. 9d. a dozen by the owner of the bottles for their collection? It is because it must be considered a refund on the bottle, and the refund is a refund of deposit—that, and nothing else.

Therefore I feel that the Leader of the Opposition has raised something which should be given full consideration before the passage of the Bill is completed. The Minister would be well advised to get a thorough opinion before the Bill goes too far; because if the contention of the Leader of the Opposition is correct, it will throw the question wide open, as the member for Balcatta pointed out, and any person will be able to go around and collect the bottles at any time of the day or night without any sort of authorisation.

It is unfortunate that this matter had to come before the House. It appears that all this debate on the measure before us is as a result of a dispute between the retailers and the manufacturers of cordials and soft drinks. That is the sole reason for it. If that is so, the matter should not be one for Parliament to discuss; it is one for the industry to discuss. Two previous speakers have mentioned the dispute, but I do not think it has anything to do with us; it is none of our business. It might become our business when we introduce complementary legislation after the Federal Government introduces its unfair trading Bill, but at this stage it has nothing to do with this Assembly whatsoever.

What we are concerned with is the Marine Stores Act, and the Minister, in his endeavour to have the *status quo* remain, could be doing something that is undesirable—in other words, undoing what was done in 1902 to protect the public from the wrong type of person going

around and committing crimes, or seeking to commit crimes, on the excuse of collecting bottles.

Mr. Dunn: People can go into a place for any reason or to collect anything if they want to do that.

Mr. OLDFIELD: A person cannot collect anything; anyone can go and knock on a door and say he is canvassing for votes. That is a valid reason, but he would have to be a candidate to do it.

Mr. J. Hegney: Not necessarily.

Mr. OLDFIELD: No; nominations might not have closed. But the person would need to have a lawful excuse.

Mr. Dunn: What is to stop you from going in to ask for an address?

Mr. OLDFIELD: Yes; a person could go to the front door of a house, but he could not go, consecutively, into house after house and do the same thing.

We have to be very careful in this matter because marine dealers and collectors are people who purchase partly manufactured metal goods, secondhand anchors, cables, sails, old junk, rags, bones, bottles, jute goods, and marine stores of every description, copper, iron, brass, lead, Muntz metal, scrap metal, broken metal, or defaced metal goods. They collect those goods for scrap, and when the legislation included bottles, possibly the word "bottles" was inserted in the 1902 Act prior to there being any branded bottles. But I would not be sure on that point; it was many years before I was born. However, I have been given to understand that back in 1902 there was no such thing as a branded bottle, and I believe there were not even crown top bottles. We used to get the "botts" out of the bottles to play marbles with.

This all adds weight to the argument put forward by the Leader of the Opposition: Just what are we doing in this Act? Are we including beer bottles along with cool drink bottles as well as milk bottles; or are we not? I think the Leader of the Opposition has a very solid point.

The member for South Perth also read to the House a qualified legal opinion regarding the case heard by Magistrate Smith when a number of retailers pleaded guilty on being summonsed by two marine collectors. In the opinion quoted by the honourable member, it was quite obvious that these persons pleaded guilty to an offence of which they were not guilty. That inference could, in fact, have been gained also from the newspaper reports of the court proceedings wherein the magistrate queried the validity of the charge. But under the Justices Act, the mere fact that the accused had pleaded guilty meant that the matter was entirely out of the magistrate's hands and he then had to impose a penalty—in this instance, the minimum penalty.

Possibly what should be done in the interests of maintaining the *status quo* is not to interfere with the Act at all. I think we should leave the Act alone and not continue with the present Bill, but introduce an amendment to the Justices Act empowering the magistrate, in circumstances such as this, when a charge is brought before him dealing with this very same offence, and if the accused pleads guilty, to refuse to accept the plea, and to dismiss the charge. He has not got that power now, and that is the only reason that these people were found guilty; that is, they were found guilty on their own admission. The magistrate was powerless to do anything other than accept their plea and impose sentence accordingly. Members may have noticed from the newspaper report that the prosecuting counsel acting for the complainants tried to prove to the magistrate that the charge was valid.

At this stage, instead of amending the Marine Stores Act, which would bring about an undesirable state of affairs in the collection of milk, beer, and soft drink bottles, the Minister should drop this Bill and introduce an amendment to the Justices Act. If the Minister will not agree to this he should give greater consideration than he has already given to the remarks made by the Leader of the Opposition before he proceeds with this Bill.

MR. FLETCHER (Fremantle) [8.2 p.m.]: I know the introduction of this Bill was necessary to relieve the situation which has arisen among the shopkeepers concerned; but, nevertheless, I think it has been introduced with undue haste to the extent that it could still be challenged, as has been pointed out by the Leader of the Opposition. I do not think the Bill is completely watertight. That is not a pun on the usual contents of bottles. The Crown Law Department was capable of ensuring that the Bill would not be subject to challenge.

As one member of this House used to say—he is not now with us—"This Bill is a little Bill." In this instance, I would thoroughly agree with him because it is indeed a little Bill. There are only two clauses, and clause 2 reads as follows:—

Section two of the principal Act is amended by adding after the word, "goods" being the last word in the interpretation, "Marine Stores", the passage, ", but does not include bottles in respect of which, at the time of the sale of the contents thereof, a deposit of money was made, or is ordinarily made, by the purchaser, or bottles in which milk or cream is ordinarily sold".

In comparing that clause with the relative section in the parent Act, I find that various articles constitute marine stores,

including bottles. Therefore, in an attempt to have this amendment to the Act passed, bottles of a certain type will be included as distinct from those already mentioned in the Act. If the amendment is agreed to it could create further confusion, and bring about even more litigation than that which has already occurred.

I want to know why the Government, having the necessary time, did not insist on having wider protection for all interests. Having that in mind; namely, the wider interests of the public, I will now read to the House the question I asked the Minister on Wednesday, the 14th August, 1963. It is as follows:—

- (1) Will he see that in any pending legislation to amend the Marine Stores Act, the cost price of a new bottle is not charged to a customer on each and every occasion that same bottle is sold after refill?
- (2) Will he also ensure that all bottle-yards enjoy the same right to sell for equal return price, wine, spirit and other bottles direct to merchants or firms, whose bottles or containers they hold?
- (3) Will he also ensure that marine dealers can deliver bottles direct to factories and receive a minimum of 1s. 3d. per dozen, over the deposit standing on the bottles, so that firms having bottle washing machines do not have to pay for this service, available from bottle-yards, thus reducing cost and possibly retail price?

I carefully drafted those questions in an endeavour to assist marine collectors and the members of the public. The Minister's reply was as follows:—

MR. CRAIG replied:

- (1) to (3) It is only intended in the first instance to amend section 2 of the Marine Stores Act, notice of intention of which has already been given, but consideration will be given at a later date to further amendment of this Act.

In my view, the Minister could have given some consideration to the points I raised, and it was not beyond the jurisdiction of the Crown Law Department to do that. Further, he had ample time to give consideration to those points. At the same time, in passing, the editorial of the *Daily News* had this to say—

The swift action promised by Police Minister Craig on the bottle mix-up will be hailed by the public.

Further down the following appears:—

But, above all, the public must not be the one to finish out of pocket on this.

That is my contention. I will also mention in passing that I raised the same objection in 1960. Whilst admitting we are not discussing the Bill I introduced in that year, I did raise the same objection in 1960. In the 1960 *Parliamentary Debates*, Vol. 155, under the heading of "Public Bills of the Session—Introduced but not Passed," the following appears:—

Property in Bottles Bill:

A Bill for an Act to confer a title to bottles in certain cases on persons who purchase the contents of the bottles.

That Bill was met with polite indifference by this House. I was given the opportunity of introducing it, but I suppose such courtesy is extended to a new member. I started speaking on it at three minutes past midnight, and finished my speech at 12.35 a.m., and so that Bill died. At that time I was attempting to protect the interests of marine stores collectors and the general public.

Having read the proposed amendment to the Act contained in this Bill, I want to know why—the Minister is apparently preoccupied at the moment—it precludes marine collectors from those who are entitled to collect bottles. I asked that question for this reason: I have here a letter from one of my constituents who puts forward a good case. I ask the Minister and members opposite to bear with me for a moment while I read this letter which puts forward the view of a marine collector, or that person who is otherwise known as a bottle-o. It reads as follows:—

Dear Sir,

Just a few lines to draw your attention to the unrest that is developing today concerning the collecting of bottles in the State of W.A.

I am a marine dealer, and have been employed as such for a period of thirty years hence you may understand my interest and concern over this problem.

As Mr. C. Tilly so ably stated in *The West Australian* on Friday, August 9, 1963, "The problem of bottle collecting is a cut-throat affair," and in my opinion something should definitely be done to rectify this, for today the bottle collecting industry is one of the biggest monopolies in the city.

Let me interpolate here to ask: Do members here realise that? Continuing—

The price that the public is receiving in the exchange for the bottles is completely ridiculous with that received by the bottleyards themselves, and we the marine dealers would greatly appreciate a thorough investigation into the said problem, so that this industry would not only mirror

the present standard of living, but would also give the marine dealers that which they deserve, a fair deal.

I am putting forth a plan that would not only be fair to the public, but also the manufacturers, the shopkeepers, and the collectors. This plan also takes into consideration the health authorities in their drive for cleanliness, therefore I would be grateful if you would consider it.

This is his plan—

Place a reasonable deposit on all bottles. Allow the marine dealer to retrieve the bottles on the property of the West Australian citizen, giving them the said amount of deposit in exchange. The marine collectors will then return the bottles to the factories, receiving 1s. 3d. a dozen over the deposit for the carrying and the collecting of the articles. As the milk bottle and cordial manufacturers are the only firms in possession of bottle-washing machines these firms may receive their bottles direct from the dealers. However, firms without these machines should be willing to erect depots where their said bottles may be deposited by the dealer for the deposit plus 1s. 3d. a dozen for cartage.

In this way the cleanliness of our streets, beaches and yards will be ascertained thus satisfying not only the health authorities but also the marine dealers. If at present insufficient men are employed to bring about the success of this scheme, I am sure others will rally to be employed thus helping to lower unemployment in this State.

The marine dealers would gratefully appreciate any interest or construction taken concerning this plan.

Yours faithfully,
W. NUTTALL.

In that letter Mr. Nuttall has shown that there is an alternative method of collecting bottles and that, in effect, it need not be the entire prerogative of the shopkeeper to return bottles to the manufacturer. Members opposite have pointed out that there are thousands of dozens of bottles in shops during the busy period of summer, in particular. However, I am interested in the bottles which are in the hands of householders. This Bill, I am sure, will make it legally possible for shopkeepers to return bottles when the manufacturers deliver full bottles to their stores, but I am concerned with the bottles in the hands of householders.

Many householders are reluctant to return cordial bottles to their nearest shop. Personally, I would be reluctant to collect the 2d. or 3d. on bottles I had taken to the shop, depending on the number passed over.

Mr. Oldfield: Even some of the kids are reluctant.

Mr. FLETCHER: A Press article by Athol Thomas appeared in *The West Australian* of the 13th August, which commenced as follows:—

Nobody wants a backyard full of bottles.

He is quite correct in saying that. However, I take exception to a bottle-o giving a householder only 4d. for each bottle. I think the Minister could have insisted the Act be amended to provide that the householder shall receive remuneration for the return of a bottle to a bottle-o equal to that received from the shopkeeper. That is not unreasonable I would have liked to see that provision inserted in the Act to assist members of the public, and I ask the Minister to give consideration to that. In reply to my question, the Minister said, "This matter will receive consideration later." I hope I make my point; namely, the members of the public are entitled to the same remuneration from the bottle-o for empty bottles as they receive from the shopkeeper.

Further on in this article by Athol Thomas other important points are made. I will not quote the whole of the article because the time has been reached when many members have covered various aspects of this debate. I am still quoting from the article written by Athol Thomas in *The West Australian* of the 13th August, 1963. It reads—

Is the present system of getting the bottles back to the manufacturers the best for all concerned?

Further on the secretary of the Retail Grocers and Storekeepers' Association said—

An additional danger arises from the hundreds and sometimes thousands of bottles lying in shops and awaiting collection by the manufacturers.

Recently I assisted my local storekeeper to have his area re-zoned, the reason being that he did not have sufficient floor space. When he showed me the amount of floor space available to him, I was amazed because it was inundated with empty bottles of various cordial manufacturers. That proved to be of considerable inconvenience to him.

I want to make this point: Any additional assistance which the humble bottle-o, through the medium of the householder, can give by taking away the bottles from the storekeeper will assist the position, because as the members for South Perth and Mt. Lawley said, thousands upon thousands of empty cordial bottles have to be handled in a comparatively short period during the summer. Incidentally I was successful in having the area re-zoned by the Minister and now

the storekeeper has room for expansion. At the time of my visit to his premises the entire garage and the space below the building were snowed under with empty cordial bottles.

I believe I have made my point clear; the bottle collector can assist the shopkeeper in ensuring that empty bottles are returned to the manufacturers as expeditiously as possible, by payment to the householder of the same amount which the shop pays to the householder for empty bottles.

In the same newspaper article Mr. Williams, secretary of the Aerated Water Manufacturers' Association said—

Worldwide health authorities have approved the present practice.

Further on in that article the Commissioner for Public Health had this to say—

Anything that collects dirt, flies and cockroaches is a health hazard—and this applies to other than bottles.

If there is a health hazard in relation to bottles in shops—and this has to be proved—health inspectors will act accordingly.

The present argument over bottles appears to be a private war with health considerations playing only a minor part.

I shall produce arguments later on to demonstrate that. The Commissioner of Public Health went on to say—

That the health angle is only incidental is implied in the statement by one of Perth's biggest aerated water manufacturers, who said that the present bottle crisis has been the result of a plot between marine dealers and the Retail Grocers' Association.

The implication is that marine dealers would like to have sole rights to bottle collection and shopkeepers would like to wash their hands of the bottle business—and that one way to bring these things about is to claim that handling bottles in shops is unhealthy.

That is a reasonable assumption. The author of the article had this to say—

Mr. Kirby certainly has aspects other than health in mind—particularly the manufacturers' statement that a 50 per cent. mark-up on the cost of soft drinks makes possible a profit of 33½ per cent.

"Profits work out to less than 30 per cent. in all cases," he said. "Shopkeepers—and the public—are turned into pack horses."

My whole contention is that shopkeepers are turned into pack horses. The article goes on—

On this point Mr. Williams said: "The 50 per cent. mark-up is Australia-wide and is considered adequate

to compensate all resellers for the handling of bottles. Any further allowance for handling would constitute an impost which would have to be borne by the consumer."

I submit that if the storekeeper receives twopence refund per bottle, so should the public who might be visited by a bottle collector. The article continues—

If the consumer is not bearing as much of the cost as he might be, he is certainly bearing bottles. Whether he is aware of it or not, he is part of a co-operative (with the manufacturer and the retailer) for the return of empties.

He is required to pad down to the corner shop if he wants his deposit back.

Let me at this stage refer to *The West Australian* of the 10th August in which Mr. Williams, secretary of the Aerated Waters Manufacturers' Association, mentioned, among other things, the following:—

Seventy-four per cent. of all soft drink bottles sold were consumed on retailers' premises.

More than 80,000,000 bottles were sold in the metropolitan area during the year. Manufacturers did not think their bottles would be returned effectively through marine collectors.

I have produced argument to show that the statements made by the members for South Perth and Mt. Lawley that thousands upon thousands of bottles had to be returned were correct. If the shops cannot cope with the empty bottles, let the bottle collectors assist by collecting bottles from the public and paying the same refund as is paid in the shops.

Analysing the figures mentioned I found that 26 per cent. of 80,000,000 bottles constituted 20,800,000 bottles. I have checked those figures to make sure they are correct. I have no time to go into the subject this evening, but in 1960 in a speech in this House I said that if beer bottles could be channelled through a bottle yard, together with wine and other types of bottles, for washing—for which a charge is made—then it was only reasonable to assume that that charge was added to the price of the commodity sold. But who will pay? No doubt, the public. That was my objection in 1960, and it is my objection now. We know that vested interests are concerned with this matter, and the humble bottle is not as humble as we believe.

Older members of this Chamber will recall that Mr. Curtis died a wealthy man from the profits he made in this industry in which he was engaged. I submit that others are also anxious—not to die—but to become wealthy men. Some bottle collectors, as I pointed out in 1960, are in process of doing so.

Mr. Dunn: In the process of dying?

Mr. FLETCHER: All of us will have that same experience. If the 20,800,000 bottles, or any part thereof, can be channelled through the bottle yards, all the better for the yards; but what about the public and the manufacturer? I am not trying to deny the bottle yards anything, and my attempt during the debate on the Bill in 1960 was to give equal opportunity to all bottle yards; but unfortunately an iniquitous agreement was drawn up which gave preference to one bottle yard to the exclusion of all others, to the extent that wine bottles which were returned to a yard in my own electorate had to be channelled through the yard which had preference.

I took up the question of the unfair treatment of the bottle yard in my electorate. This bottle collector received the wine bottles but had to return them to the agent appointed by the wine and spirit merchants, and all he got was 1s. 6d. per dozen, yet the obligation was on him to cart those bottles over many miles to Morley Park to the premises of the appointed agent. This agent received for the bottles, for which he paid 1s. 6d. a dozen to the bottle collector, the amount of 4s. 6d. per dozen from the wine and spirit merchants.

I use that case as an illustration to point out if an agreement can be drawn up in a situation like that, then any proportion of the 20,800,000 empty cordial bottles can be channelled through a similar agreement. In that event we will have other marine dealers enjoying protection under such an agreement, and dying wealthy men, at the expense of the public. That is something which we, on this side of the House, are determined to fight against—monopolies which give preferential treatment to some at the expense of those whom we represent, and whom members on the opposite side allegedly represent.

Mr. O'Connor: And represent very well.

Mr. FLETCHER: I take the honourable member's word for it.

The SPEAKER (Mr. Hearman): Order! The honourable member had better confine himself to the Bill.

Mr. FLETCHER: I could go on indefinitely on this subject, but I do not intend to. I have read the letter which I undertook to read, and I have pointed out the considered attitude of the particular marine dealer. I have no doubt it represents the attitude of all marine dealers. Above all, I want to ensure that marine dealers pay to the public in the home the same refund which the public receives from the shopkeepers on returning empty bottles.

Issue was made of the fact that on entering a shop one is asked whether or not one intends to drink the cordial there; if one does one is not charged a deposit for the bottle. Invariably in a busy shop customers crowd around the counter, and the purchaser of a bottle of cool drink is charged the deposit. Having consumed the contents the purchaser places the bottle on the counter; but rather than join the juvenile congestion which usually exists in these shops, he withdraws and leaves the bottle on the counter simply because he—and there are others like him—is not man enough to say to the shopkeeper, "I want my 2d. back."

Some people from a certain section of the British Isles might do that sort of thing, and stand around for hours to collect their deposit of 2d., but all the public do not come from that portion of the globe. As a consequence, generally they walk away from the shop and leave their deposit of 2d. behind. If they drink the contents of the bottle in their own homes they should be able to receive a refund of the deposit of 2d. on each bottle from the bottle-o.

MR. GUTHRIE (Subiaco) [8.27 p.m.]: I am afraid we have heard a lot of extraneous matter on what the former member for Eyre would describe as a very little Bill. I think it can safely be said that where there is a brand on the bottle the ownership clearly rests with the brand. In the case of beer bottles the owner is not the brewery; they belong to a company called West Australian Glass Manufacturers Ltd., which is not the manufacturer of the contents of the bottles. It can also be taken that where any person is dealing with the property of other people he does not acquire any title to it and he can only be the bailee, whether he be a licensed marine dealer or somebody else.

Now we come to the trouble that has caused the difficulty in this matter, on which it is safe to say there will be a difference of legal opinion, and therefore it is advisable for this State to amend the law. "Collector"—which is the whole essence of the matter—is defined as any person engaged in collecting or carrying on the business of marine stores of any kind. Now it is noticeable that the definition is broken into two parts. It means a person engaged in collecting or, alternatively, it means a person carrying on the business of collecting.

So the definition connotes that the collector can be a person who collects, but not as a business. There is no definition in the Act of the meaning of the word "collect". Consequently we are forced to rely on the ordinary dictionary meaning, and the accepted dictionary for the British English is the Oxford Dictionary. The definition of the word "collect"—the

main definition, and none of the other alternative definitions alter it at all—is as follows:—

to gather together in one place or group; to gather to get together.

In other words, a collector is a gatherer. It does not matter whether he goes from place to place or whether he stands in one place.

With due respect to the legal opinion which the member for South Perth read out—it may be correct; I would not agree with it—if I cared to set myself up as a marine dealer and set myself up on a block of land and advertised that I collected marine stores, and I was prepared to pay 1d. or 1d. a bottle over the accepted price of the man who went from house to house—which I could do quite well—I would then, if the definition given by the legal advisers to the Aerated Waters Association is sound, avoid completely the Marine Stores Act because I would not be a collector as I did not go from place to place.

I would suggest, with due respect, that I cannot accept that opinion, and I presume the Crown Law Department cannot accept that opinion. Therefore that is sufficient reason why this House should accept the position that there is a doubt about the law.

A lot has been said about the fact that these people pleaded guilty. True, they pleaded guilty, but it was reported in the paper that they stated they had been advised that a defence would fail.

I could not accept the proposition made by the member for Maylands that magistrates should be given power to go behind a person's plea of guilty in all cases and in circumstances where magistrates could not possibly ascertain the facts because the defendant would not give evidence. It would lead to chaos. Suffice to say that the situation is that certain legal advisers to certain people saw fit to advise them that a prosecution would succeed. They brought that prosecution. Those people who were the defendants did not defend and they were convicted. I could say that there would be very good reasons for believing that they could be convicted when one realises that a collector is a person who gathers bottles.

Mr. O'Connor: Would you say that a shopkeeper could not collect a bottle which was left on his counter?

Mr. GUTHRIE: A collector is a person who gathers. He must do something positive. If I leave a bottle on a counter it plays no part because he could not be convicted for something I planted. He must acquiesce in the acceptance of it in some manner or other.

We come now to the main point that has been brought into this debate. It is the point raised by the Leader of the Opposition, on which I do not intend to

give any opinion this evening. I trust the Minister has some advice from the Crown Law Department on it. It is quite clear that when one goes into a shop and buys a bottle of soft drink there is a deposit on it, because one is asked whether it is intended to drink it there or take it away. I think every member has had this experience.

If it is intended to drink the contents of the bottle on the premises it is 2d. cheaper than if the bottle is taken away to be consumed. If, in fact, the bottle is taken away and is then returned to the self-same premises, a refund of 2d. is made by the shopkeeper. That is quite clearly a deposit.

On the other hand, we can go to a hotel and buy a bottle of beer but that bottle does not belong to the manufacturer of the drink, as in the case of the soft drink. The bottle which contains beer belongs to some other company altogether. We pay the price for the bottle of beer and nothing is said about consuming it on or away from the premises. If we return that bottle to the self-same hotel there is no tender of money back to us.

What happens along the line, and how it gets back to the brewery, I do not know; but the brewery never owns the bottle so therefore I cannot see, on a quick appreciation, that the brewery, in charging a price for a bottle and its contents, can really be said to charge a deposit in the same sense as the shopkeeper with soft drink. I would like a lot more time to think over whether he charges a deposit or not, but I can only say that if we find that situation does develop then we will have to have another look at the legislation.

Mr. Oldfield: The brewery owns the shares in the glass company.

Mr. GUTHRIE: That does not matter. They may own it or not; but it does not matter. It is a separate legal entity. The courts would not go behind the Swan Brewery Coy. Ltd. or the Glass Manufacturers Ltd. to find out who the shareholders were, because this would be inadmissible as having no bearing on the matter. They are two separate bodies corporate, the same as two individuals—John Smith and Bill Jones. That could not come into it and could not affect the situation one iota.

We also have one other aspect raised on the question of right of entry to property. Let me say this: The Marine Stores Act, 1902, did not in any way alter the law on the right of entry of anyone to anyone else's property; nor does this Bill in any way alter the law, whatever it may be, on the right of entry of one person to another's property. All the Marine Stores Act, 1902, did was to make it an offence for an unlicensed person to enter a property without the owner's consent.

Whether or not you are a trespasser, so far as that subsection is concerned, does not come into it.

I listened with great interest to the extract from *Hansard* which the member for Balcatta read from the speech of the late Sir Walter James, and I think Sir Walter was dealing with a different aspect. He was dealing with an unsatisfactory situation of people who habitually came into other people's yards; and by licensing those who did carry on business of marine dealers in those days, the police were able to check up on their character and to weed out and prosecute for an offence under the Act anyone who entered someone else's yard for the purpose of collecting marine stores without a license. But that meant that the police could take the action without any reference to the owner and without any question of owner's rights, or trespassing on the owner's property, arising.

I would therefore say that the only matter the Minister really is required to satisfy the House on is this one question raised by the Leader of the Opposition about the deposit on a beer bottle. At the moment I cannot see it is so, but it could be that an investigation of all the facts is necessary. One would need to know all the facts of the transactions that pass between the householder, licensed marine dealer, the bottle yard, the glass manufacturers, and, finally, the brewery before one could express a definite opinion as to whether any proportion of money paid for a bottle of beer could be said to be a deposit.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [8.39 p.m.]: Generally speaking, we on this side are in accord with the necessity to do something to resolve a very unsatisfactory position. However, we are not at all satisfied that this Bill will adequately do the job in connection with the matter under discussion. We are told by the Minister that it was specially designed by the Crown Law Department to effect the remedies required, but I am not prepared to accept that, for one; and my Leader has indicated that he is not too certain about it either.

There is an old saying that if a man fool you once, shame on him; but if he fool you twice, shame on you. I can remember a Minister coming into this House a few years ago and making a very forthright declaration of what his Bill was going to do, and this is it. I will quote from *Hansard* of 1960, page 1615. He said—

A substantial drop in turnover through the off-course totalisator as compared with off-course betting shops has been allowed for, because credit betting off course in totalisator regions will no longer be legal.

Mr. Craig: Are they betting in bottles now?

Mr. TONKIN: Everyone in the House at that time accepted the situation that our Crown Law Department had deliberately framed a Bill in order to make credit betting illegal, and the Minister got up in his place and assured the House the Bill would do just that. But what is going on? Credit betting all over the countryside, on advice from the Crown Law Department that the Act can be got round by an agent deciding to lend the money if he has it.

Well, I am not going to be fooled a second time; and so I am not going to accept Crown Law opinions which are trotted out from time to time without some opportunity of obtaining someone else's opinion in order to establish whether those of the Crown Law Department are worth while or not—and I have seen some opinions from the Crown Law Department recently which are quite worthless.

Now, I pose these questions with regard to these bottles: Is the legal position to be determined at the whim of the manufacturer or the supplier? Does his attitude as to what price he asks determine the question as to whether or not a bottle is a marine store? Suppose a merchant or storekeeper in the country, with no competition around him—we will suppose he is away out towards the South Australian border and there is no competition within miles—decides that so far as soft drinks are concerned he has one price only whether the soft drink is consumed on the premises or is taken away for consumption: Are bottles purchased from that person marine stores or not under this amendment?

He could be selling at the same price as a storekeeper 20 miles away who is prepared to give a refund if a bottle is returned. In the case of the first storekeeper the bottle is not a marine store, but in the case of the second storekeeper it is. What happens then if a bottle bought from the first storekeeper is taken to the second storekeeper for a refund? Members must realise the position does require some examination and I will not accept the proposition that the legal situation depends on the determination of the owner of the product.

It is ridiculous to assert that anyone selling a product in a container is not making some charge in the price for that container. How does he know he is going to get it back? What about the hundreds of bottles of drink—both soft and hard—which go into the north of Australia? The countryside is littered with bottles. Do not tell me that the manufacturer has had no regard for the loss he has sustained because those bottles will not be returned, and that he will not include something for them in his price!

If the bottles, as the member for Subiaco has said—and I agree with him—do not legally belong, in the case of beer, to the Swan Brewery, it is obvious that when the Swan Brewery sells a bottle of beer it does not sell the bottle. Then what is it charging in addition to the cost of the contents? It did not get the bottle for nothing; it had to pay the Western Australian glass manufacturers something for the bottle in the first place. Do not tell me the brewery has not included in its price something for the bottle which does not belong to it! It can be called a deposit if you like, but it is additional to the cost of the contents.

In certain cases a refund is made. A hotelkeeper who purchases bottles of beer from the Swan Brewery, empties the bottle on the premises, and has the bottles collected, does not give the bottles back for nothing. He gets a payment from the collector for the bottles delivered to him. Is not that a deposit so far as a hotelkeeper is concerned? Because if he does not return the bottles he gets no payment. Is that not exactly the same position as a householder who buys two or three bottles of drink? I say it is by no means clear what this amendment will do. In my view the amendment, as now worded, excludes beer bottles from marine stores.

That is my view in connection with the matter; and because of the way we feel about it we are prepared, if the Minister will give an assurance that a proper examination of the amendment will be made, to support the Bill in order to remedy the existing unsatisfactory situation.

But we want an assurance that in the light of experience and further study the Government will determine whether or not something else ought to be done. We want an opportunity to review the position later. So if the Government will agree to limit the life of this amendment to, say, the 31st December of this year, then so far as we are concerned the Bill can pass. This would mean that we would have an opportunity later, after the Government has looked carefully into the matter, to see whether it ought to remain as we pass it in this session or whether something should be done to it. Consequently, if the Minister is prepared to give us that assurance it will decide our attitude.

MR. CRAIG (Toodyay—Minister for Police) [8.49 p.m.]: When I introduced this Bill I thought it was a simple one and that it would not require much debate, but apparently my judgment has been misled. I was unable to judge whether the House was supporting it or not; nevertheless I feel that the general intention of the House is to restore the position that existed before the recent court case.

The intention behind the introduction of this Bill was to restore the former *status quo*. Admittedly, there are many other

irregularities in the Marine Stores Act which could be considered. Members will recall that when I introduced the Bill I gave an undertaking that the whole Act would be investigated and further amendments, as necessary, would be submitted to the House. There is no need for me to dwell, at this stage, on the various points raised by members; because, as I indicated to the Deputy Leader of the Opposition, I am quite happy to accept his suggestion that we give a definite life to this Bill. In the meantime, further consideration can be given to the points raised by those who have some objection to the Bill in its present form.

I did approach the Crown Law office for the framing of the amendment, without considering any thoughts or suggestions from any other party that might have been interested in the measure. Admittedly, it was rather hurried because it was considered necessary. As I said earlier conditions in the trade were becoming chaotic and rather unhealthy in more ways than one. Nevertheless, in my own humble opinion the amendment, as proposed, does cover the position sufficiently. Incidentally, I must thank the member for South Perth and the member for Mt. Lawley for the complimentary remarks extended to me. It is quite a change and a new experience after the last few days to receive a compliment.

Mr. Graham: We all join in that one.

Mr. CRAIG: Some inaccuracies were pointed out; but nevertheless they are matters on which further legal opinion can be considered if necessary.

Mr. Hawke: What inaccuracies did I point out?

Mr. CRAIG: I did not say inaccuracies from the Leader of the Opposition. What the member for South Perth said about the Leader of the Opposition was inaccurate?

Mr. Hawke: No. He congratulated me.

Mr. CRAIG: I am sorry.

Mr. Hawke: I told the member for South Perth what he could do with his congratulations.

Mr. CRAIG: While in a congratulatory mood I might say it is pleasing to know that the Deputy Leader of the Opposition is prepared to accept an assurance from me. I appreciate the consideration that has been given to this Bill, and I feel that if the House will agree to its passing it will be the means of rectifying the present position.

It might be considered to have some loopholes whereby some other parties can gain advantage, although I am extremely doubtful whether that is so. We have to realise that this situation has existed for many years with no action being taken along the lines recently pursued. We have

also to realise, of course, that a similar situation might exist in the future until more amendments are made to the Act.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 2 amended—

Mr. HAWKE: I want to suggest an amendment to the Minister for consideration by himself and his colleagues and the Crown Law officers with a view to having it included in the Bill in another place. The amendment which I offer for consideration is—

Page 2, line 6—Insert after the letter "a" the word "refundable."

This would mean that after the last word in the definition of "Marine Stores" in the Act it would read—

but does not include bottles in respect of which, at the time of the sale of the contents thereof, a refundable deposit of money was made, or is ordinarily made, by the purchaser, or bottles in which milk or cream is ordinarily sold.

I think that the use of the word "refundable" in the words it is intended to put into the Act might overcome any doubt or difficulty which could exist in regard to beer bottles and other bottles where there is no actual deposit sought and no actual deposit paid or returned.

Mr. Craig: Would not a deposit be considered as a refundable deposit?

Mr. HAWKE: Not necessarily. What I am trying to do is to make this proposed amendment to the Act clearer and more decisive in its relation to bottles which will in future be excluded from the parent Act and bottles which will still be covered by the parent Act.

Mr. Craig: I will seek that information.

Mr. TONKIN: One point I would like to put to the Minister for consideration is that it seems to me that this Bill will now make it obligatory upon every storekeeper to take back bottles upon which a deposit is placed. He would have no option but to do that, because we are specifically excluding from the Marine Stores Act certain bottles which will not necessarily be collected, and we are providing that certain other bottles can be collected by storekeepers. I think we are imposing a definite legal obligation on a storekeeper which he cannot escape.

Mr. GUTHRIE: I listened with great interest to what the Leader and the Deputy Leader of the Opposition had to say. I do not think we would put an obligation upon the storekeeper to take the bottles back, because we are not dealing with the storekeeper's rights at all.

Mr. Tonkin: Could he accept a deposit and refuse a refund?

Mr. GUTHRIE: No. We are not altering the law to interfere with his trading. We are dealing with his right to collect bottles; and to do this, we intend to change the definition in the Act. I do suggest to the Minister that he give consideration to the suggestion of the Leader of the Opposition, but bear in mind that the refundable deposit might help to clear up the point on beer bottles but it might confuse the point on others, such as aerated water bottles. This point was raised by the Deputy Leader of the Opposition.

The situation regarding aerated water bottles, as I see it, is this: If I pay 9d. for a bottle of drink and I can get 2d. back from a storekeeper, it is not definitely refundable by any particular storekeeper. I can collect my deposit by dropping the bottle into any store in Western Australia.

I would not care to express a definite opinion now because the matter has come up rather quickly. However, it should be looked at and I think that is more what the Deputy Leader of the Opposition had in mind. But he put it, to my mind, another way. He said we are putting an obligation on the storekeeper, but we would have to make sure that we knew what a refundable deposit meant. To my mind, in the ordinary sense it means refundable by the person to whom it has been paid and not by anybody else.

If I buy a bottle of aerated water in Mt. Lawley and I pay 9d. for it I can get 2d. back in Subiaco; so it is not refundable at the moment, in the normal practice, by the person to whom I have paid the deposit. Merely by putting the definition into the Marine Stores Act would not make it an obligation on the storekeeper to refund it and we might not be improving the situation because it still would not be a refundable deposit according to the practice which has appertained up to the present.

Mr. TONKIN: I do not accept the view just expressed by the member for Subiaco with regard to a deposit. If a person goes into a store and purchases a bottle of soft drink and is told that the price is 1s. 3d. if it is consumed in the shop, but 1s. 6d. if he takes it away, because he is paying 3d. deposit on the bottle, I absolutely refuse to believe there is no obligation on that storekeeper to give him 3d. back if he returns the bottle.

Mr. Guthrie: That is true if you return it to that storekeeper but I think you will also agree that you can get your 3d. back from any other storekeeper.

Mr. TONKIN: There is a general obligation on the storekeeper, wherever he is, to refund the deposit if the bottle is returned. I say he cannot escape it under the amendment. So we have to appreciate that in doing this we are imposing upon all persons who sell bottles and their contents, where there is a provision that in the sale a deposit is being paid, an obligation to accept the bottle when it is returned. That is the position as I see it and I did not see anything in what the member for Subiaco said to cause me to change my opinion.

Mr. HAWKE: I thought I was offering what might prove to be, upon careful consideration by Crown Law Department officers and maybe outside legal opinion, a lessening of or perhaps a means of overcoming totally, the difficulty which we have all more or less foreseen. The word "deposit" is not written into the Bill as applying to Smith, Jones & Company, or O'Neil & Sons. It is a general term, and to qualify that general term with another term, such as "refundable" does not pinpoint it to Smith, Jones & Company, or O'Neil & Sons. It still deals with the term "deposit" in its general sense, and it seems to me that the suggestion put forward by me might on consideration be found to have a lot of merit. I trust it will still be considered very carefully.

Mr. CRAIG: I am not sure at the moment whether or not the Leader of the Opposition is disagreeing with the Deputy Leader of the Opposition.

Mr. Hawke: No; we were talking about entirely different points.

Mr. CRAIG: No; I said that facetiously. The points raised by the Leader of the Opposition and the Deputy Leader of the Opposition will be inquired into and I will make the information readily available.

Mr. Hawke: A very reasonable attitude.

Clause put and passed.

New clause 3—

Mr. GRAHAM: I move—

Page 2—Insert after clause 2 in lines 1 to 8 the following new clause:—

3. This Act shall continue in operation until the thirty-first day of December one thousand nine hundred and sixty-three and no longer.

I think every member is agreed that the unfortunate circumstances which we have been discussing have been caused by a court action, and that something should

be done at the earliest possible moment to remedy the position. The Government has done that by introducing the Bill we are considering. Many of us feel that it is not properly and effectively doing the job for which it was intended. In other words we acknowledge it as a stop-gap measure which we are prepared to accept, with the addition of this clause—to which the Minister, after consultation with the Deputy Premier, has been good enough to agree to ensure that the Government will, some time later this session, present to us an amendment which deals more completely and effectively with the position—and also on the understanding that whilst there are other aspects of the legislation that undoubtedly require attention, there is no condition, implied or otherwise, that the Opposition necessarily expects legislation will be introduced this session.

Mr. CRAIG: I am quite happy to accept the new clause although, as I said when I introduced the Bill, it is possible that some time in the future a complete investigation of the Act will be carried out and probably further amendments will be submitted to members for their consideration, and those amendments could include an amendment to the particular section we are considering now. Whether it will be possible to do so before this session concludes is a matter for conjecture because of the amount of work involved. However, if the member for Balcatta feels there should be some restriction on the life of the Bill, despite what I have in mind, I shall accept the new clause.

New clause put and passed.

Title put and passed.

Report

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

Third Reading

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

ADDRESS-IN-REPLY: SEVENTH DAY

Motion

Debate resumed, from the 20th August, on the following motion by Mr. Mitchell:—

That the following Address be presented to His Excellency the Lieutenant-Governor and Administrator in reply to the Speech he has been pleased to deliver to Parliament:—

May it please your Excellency: We, the members of the Legislative Assembly of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank

Your Excellency for the Speech you have been pleased to address to Parliament.

MR. W. A. MANNING (Narrogin) [9.11 p.m.]: I have much pleasure in supporting the motion for the adoption of the Address-in-Reply because I believe that the Speech of the Lieutenant-Governor and Administrator on opening day was a very comprehensive summary of the great activities of the present Government in expanding the State's economy in agriculture and industry—

Mr. Tonkin: You are not helping unemployment.

Mr. W. A. MANNING: —and building up the number of employed people in the State, a number which has risen very considerably during the term of the present Government.

Mr. Bickerton: All figures have risen, including the number of unemployed.

Mr. W. A. MANNING: I said employment figures have risen. I would like to refer to one paragraph in the Lieutenant-Governor's Speech which reads—

The Government will continue agricultural land surveys at the high rate of recent years, permitting the release for selection of one million acres of Crown land annually.

The survey and release of 1,000,000 acres per annum is an accomplishment of which we should be proud. It is having a pronounced effect on our economy, not only in the agricultural areas, but also in regard to shipping, transport, and many other avenues which are influenced by the output of agricultural production.

However, it is unfortunate that with all the areas in the State which are available for the future even the colossal amount of 1,000,000 acres is the limit because of the difficulty of surveying and preparing for presentation any area larger than that. I have wondered whether we could not interest some concern, such as a large insurance company, as has been done in other parts of Australia, in developing large areas which are as yet untouched. I am thinking in particular of an area out east of Hyden, between Hyden and Forrestania, where there are hundreds of thousands of acres of land which could be cleared at a nominal cost. For the past four years, in that area, trial crops have been sown to show what can be done and to indicate the productive capacity of the land. There have been crops on that ground for three successive years—it was virgin land—and the results have been very good. Rain gauges have been installed and show the rainfall for the district to be most satisfactory—in fact it is slightly higher than some regions further west.

Mr. H. May: What do you call satisfactory?

Mr. W. A. MANNING: It is 13½ inches.

Mr. J. Hegney: What about the underground water?

Mr. W. A. MANNING: If the position could be put to some large company it might be possible to interest it in the development of the land on a large-scale basis. At present it is unsurveyed, but there is great opportunity for development. Provision could be made for the preservation of certain trees and it has been suggested that in a new area like this a 10-chain width should be reserved for road purposes. If large companies could be interested in development like this it would mean a greater advancement for our agricultural areas.

While advocating the opening up of suitable agricultural lands, there is another aspect which must be considered, and that is the need for land to be preserved for various other reasons such as reserves of all kinds. I would like first of all to mention the need for the preservation of our wildflowers. This has been brought to my notice because of the number of advertisements that have appeared in *The West Australian* over recent weeks. A sample of the type of advertisement to which I refer is as follows:—

2,000 large long-stemmed banksia, also large quantity of yellow boronia urgently required for the Melbourne market.

Another advertisement reads—

Fresh boronia. Price wanted. Air Perth. Boronia must have plenty of flower and not much wood owing to air freight weight.

Another reads—

Wanted to buy. Boronia flowers unlimited supply; freight paid.

So it would seem that someone is after our wildflowers on a commercial basis, and we should be careful not to allow the State to be robbed of this natural attraction. It would appear that there is an urgent need for some preservation of these wildflowers.

The Chief Secretary will know something about this one. There are two reserves east and west of Pingelly which have been named recently. One is the Boyagin Reserve, and the other is the Tuttanning Reserve. These areas are somewhat linked. I would like to quote a few words on this matter. The letter from which I wish to quote is one from the Chief Secretary written to the Minister for Lands, giving some details in regard to this matter; firstly of an application by the Pingelly Shire for the release of some of this area. I quote—

As you are probably aware, the Committee is most concerned regarding the future of reserve 25555 at East Pingelly. At least until a few months

ago, this reserve contained the largest variety of marsupial species known on any reserve in Australia. Included among them are some which are classed as rare and vanishing fauna. Although the size of the East Pingelly reserve has not been reduced, there has been a great deal of clearing of alienated land surrounding it which originally had served as an extension of the habitat. The Committee fears that this clearing has very seriously reduced the habitat, and unless other living space is available, some of the species may soon disappear altogether. The Committee has had aerial photographs of both reserves taken and is proceeding on an investigational plan aimed at establishing the ecological balances of the present soil and vegetation stages and past successions.

There is great scientific interest in both the East and the West Pingelly reserves which have attracted, and will attract, not only local scientists but also distinguished workers from overseas. The flora and fauna of the reserves has economic, aesthetic and scientific values to which can be added their importance to agricultural research as outdoor laboratories for agricultural and soil research centres.

Mr. W. Hegney: What area would there be?

Mr. W. A. MANNING: Something like 4,000 acres altogether in the two reserves. I said that letter was prompted by an application to have portion of the land thrown open. Following the receipt of information regarding the value of the reserves, an indication is given as to how local governing bodies can have their opinions changed when they see some real benefit or reason for obtaining the land.

The reaction is entirely different from what one might have expected; because although they expected some alienation of the land they co-operated in planning for the preservation of these areas. They have an interest in the preservation of the land for fauna and flora and other activities with a view to promoting interest not only in Australia but also overseas. So there is a basis for co-operation with the fauna protection advisory committee, and a foundation has been laid for the future success of these reserves.

I would now like to quote a few words from a resident who lives near another reserve, and in a somewhat similar area. This is what he says—

I applaud the preservation of these reserves, as near nature as is possible, so that posterity may realise as nearly as is possible, over the span of years and modern development, a little of the "blood and sweat and tears" that went with the clearing

of this and other areas without advanced mechanical aid, principally with a good wife, a stout heart, a keen axe and a never wavering conviction of their ability to win through.

That is the expression of a private person in regard to a reserve which adjoins his property. Strangely enough, that letter followed an incident which occurred in which a property owner had to repair the fence between his own property and the reserve which he mentioned. In the reserve was an ample supply of jam trees. He desired to get some posts for the building of the fence between his property and the reserve, so he wrote to the department asking permission to cut the jam trees in order to build the community fence in question.

Mr. W. Hegney: I bet they put him in a jam.

Mr. W. A. MANNING: The reply he received was quite different from what one might have expected. The local officer first gave tentative permission; but although he offered to pay royalty on the jam trees which he cut to provide the community fence, he was warned as to what happened to landholders who cut trees on the reserve. Accordingly, he had to build the fence himself.

The man in question is strongly of the opinion that the reserve should stay as such. He was willing to cut the trees to build the fence without any recompense from the Crown. He was also prepared to pay royalty on the posts he cut. To give the other side of the picture, I would mention that the trees on the same reserve had been cut not long before by an ambitious settler who had cut several jam posts. Although this was not known to the department at the time, it was later discovered and he had to pay the necessary royalty. I mention that fact to show that things are not altogether one-sided.

While speaking of reserves, there is a suggestion I would like to make. But first of all perhaps we might have a look at the Ministers who are interested in reserves. We have the Minister for Fisheries, who is in charge of the fauna protection advisory committee, and who has jurisdiction over fauna only. Then we have the Minister for Forests, who is of course in charge of forests, and also responsible for the flora. The Minister for Lands is also concerned, because he is in charge of reserves in general—camping reserves, stopping places, reserves for public use, and so on.

Latterly we have the Minister for Mines coming into the picture, because before the land can be released for alienation it must be referred to him for his consent. Added to this, we have the Premier and Minister for Tourism who is interested in reserves because of the necessity to

preserve our wildflowers. The Minister for Agriculture, of course, is also interested in reserves because he is anxious to have the land available for agriculture. Added to all these Ministers who seem to be interested in reserves, we have the Minister for Works. Recently I referred to the Minister for Works some land which was a catchment area for water. It was land on which there was a dam. His reply in relation to the alienation of this area was that it was a valuable asset in the catchment as well as for the purpose of protecting the fauna and flora on the catchment.

So we have the Minister for Works coming into the picture and seeking to protect fauna and flora. Fauna and flora seem to come in for a great deal of protection. In order not to leave any Ministers out we might include the Minister for Police. Some of these reserves are in pleasant surroundings, and they could provide sanctuary for harassed T.A.B. officers after the Deputy Leader of the Opposition has finished dealing with them.

Mr. Jamieson: He has enough worries without looking after them at the moment.

Mr. W. A. MANNING: We might even include the Minister for Health; because he could drink the naturally fluoridated water from the rippling streams in the reserves and thus refresh himself. That covers all the Ministers who are interested in reserves. I would say that is at the root of our trouble. If one wishes to take up the matter of a reserve one finds that everybody has a finger in the pie; and when the pie is opened it is not a very good one.

In a question yesterday, I asked the Minister for Lands who comprised the Crown Land tribunal. The answer I received was that the members were Mr. Stokes, Mr. Moulton and Mr. Usher. The main point I wish to make is that the tribunal does not inquire into all types of reserves and forests. It does not decide whether inquiries shall be permitted. The one who decides is the Minister for Lands. The Minister has to take the advice of his officers, and on that advice only decide what land shall be inquired into; therefore we have a very limited range of decision in this matter.

I feel there is some way of co-ordinating what should be done; because as soon as one wants to do something with land the reply received is that it must be referred to the Conservator of Forests, or to the fauna and flora protection committee; or to some Minister. The matter is handled by everybody; and the cost of handling must be colossal. In this method of handling these areas mistakes must be made in the alienation and preservation of land; either one way or the other. It seems to me that some land is thrown open that should not be thrown open, and other

land is retained which should be released. A co-ordinating advisory committee should be appointed to deal with these matters.

Mr. Bovell: You know that we have averaged 1,000,000 acres a year of Crown land which has been alienated for agricultural development in the past five years.

Mr. W. A. MANNING: I agree with the Minister. I know a tremendous amount is being done. But that is in large areas. There are certain small areas which provide a source of irritation in some cases. I think we should have the best advice possible on the use of these areas. There are plenty of bodies that are willing to preserve land where there is a reason for it; and it would be wise to appoint a committee to look into this matter.

I have had complaints about damage being done by people hunting kangaroos. In the protected areas, farmers who have trouble with kangaroos can secure a farmer's damage license which enables a farmer or any other person with a gun license to shoot kangaroos on his property. The skin and meat can then be marketed in his name.

There is another license which is issued to professional shooters, and this enables the licensee to market in his name. The complaint is that people from other areas, travelling through to the farm where there is a farmer's damage license, indiscriminately shoot from the roadsides. Sometimes they kill kangaroos, and sometimes they kill sheep and cattle. If they kill kangaroos they soon find a ready market for them in the pet shops.

I am told they find no difficulty in obtaining a market; and yet it is only the licensed people who are supposed to market kangaroos in the pet shops, because all pet shops are licensed. They have to keep a record of all purchases. However, there seems to be a loophole; and because of that people without licenses or just travelling to a property with a damage license shoot indiscriminately, causing havoc in the areas through which they pass.

There has been quite a bit of discussion on the matter of bulk storage of superphosphate in convenient centres during the off season, in order to save the congestion of transport in the busy season. A questionnaire was recently sent over to Echuca in Victoria. I will read the questions and answers. They are as follows:—

1. How far from Echuca is the superphosphate manufactured?—Approximately 130 miles away in Melbourne.
2. How is it transported to Echuca?—By rail in 11 to 22 ton lots.
3. How is it handled?—By special conveyor supplied by the manufacturer.

4. How is it stored?—Special bulk storage supplied by the manufacturer.
5. Time stored before being delivered to consumers?—Anything from 4 days to 12 months.
6. Is it sold to consumers in bulk only, or in bags?—No. A customer's own bags are filled if required by the same elevator as is used for bulk handling.
7. How does the price charged compare with the price ex works?—The price is similar with the addition of rail freight and handling. Bulk is approximately 14s. per ton cheaper than bagged.
8. Problems which Western Australia might find insurmountable?—Not that I could find out, except that rail transport for the supply of the bulk depot would be far superior to, say, semi-trailer road transport.

I have given that information because it shows superphosphate is being successfully handled in the off season and is held anything from four days to 12 months without suffering deterioration or other serious changes. Therefore, further consideration should be given to the establishment of a similar system in Western Australia in order to ease the present situation.

Mr. Nalder: Is it not necessary to have machinery to reconstitute it after it has been stored for a period?

Mr. W. A. MANNING: Apparently not. No difficulty was encountered. In regard to housing, I was interested last week when the member for Canning said the number of houses to be erected by the State Housing Commission should relate to the land which is available. He pointed out that there was a lot of land available in his electorate and therefore the State Housing Commission should build houses on that land. I would like to suggest that if the amount of land is the criterion on which we build houses, no more should be built in the metropolitan area at all. They should all be built in the backblocks. So I feel that is not the basis on which we should decide where houses are to be built.

The factor governing housing is the availability of employment. We recently had some discussion here on unemployment and the fact that there are unemployed people in certain areas, and in particular the metropolitan area; and it seems as though there are more houses in the metropolitan area than there are jobs. It does seem that too many houses are being built for the jobs that are available.

Let us compare the position with that in country towns where there is no unemployment. I understand there are a

few unemployed at present in some of the bigger ports, but the big rise is in the metropolitan area. In the agricultural towns businesses are unable to get staff because people will not go to work in a town if they cannot obtain a house. I can give the position in Pingelly and Narrogin but I cannot speak in regard to other areas. In the towns I have mentioned it is impossible to get staff as no houses are available.

We are worried about the unemployment problem, but I think it is an over-housing problem. If we build houses where jobs are available, there will be less unemployment; and it seems to me there will have to be some rethinking in this regard. The Housing Commission has done a tremendous job; there is no doubt about that. It has built a great number of houses, although there are still not enough in certain areas. As I pointed out, there are too many houses in the metropolitan area but not enough jobs. The jobs are in the country.

Mr. Heal: A lot of people are waiting for houses in the metropolitan area.

Mr. W. A. MANNING: That does not prove the houses should be built in the metropolitan area. Those people could go to the country. Many people like living in the country because it is very congenial in some of our larger country towns. However, they cannot get houses.

Mr. Jamieson called attention to the state of the House.

Bells rung and quorum formed.

Mr. W. A. MANNING: That call was most appropriate as I am speaking on housing. There will have to be a different basis on which the number of houses to be built is arrived at. If, say, 70 vacancies occur each year in an area, the State Housing Commission deducts that number from the number of applicants and so arrives at what it considers the number of houses required. The point entirely overlooked is that if 70 people leave a town, 95 per cent. of those people will be replaced, because it is only a matter of a transfer and someone will be taking their places. As the position is at present we will never catch up because the number of vacancies occurring is deducted from the number of houses required.

I noticed with pleasure during the last day or two that the Deputy Premier said more money was available for housing; and I hope every penny of that money will be spent in country areas where there is employment and not in the metropolitan area where there is unemployment and too many houses. To prove that point, one has only to read the daily Press. Here is an example as it appears every day.

A house at City Beach, another at Bayswater, one at Fremantle, one at South Perth, three at North Perth, Subiaco, and West Perth.

Mr. Heal: Plenty at Collie.

Mr. W. A. MANNING: One can go through the paper at any time and find there are houses to let. What happened in Narrogin a few weeks ago? An innocent owner, not knowing the position, inserted a notice in the paper that he had a house to let. That is something that had not happened for years and he was nearly crushed in the stampede, as houses to let are just not advertised in the paper. I think it is time we took notice of the fact that money which is available for housing is being spent in the wrong places; and I hope consideration will be given to this aspect when further moneys are being allocated.

Speaking of housing, we cannot help thinking of the natives and their plight in this respect. I do not know whether members heard an address on the radio about a month ago, which dealt with natives and housing. I afterwards found, by writing to the A.B.C., the name of the woman who gave the address. It was given by Mrs. Faith Bandler, and this is what she said—

The poor housing of natives is not due to the attitude of the natives, but to the apathy of the white population.

I took exception to that statement because the reverse is true in Western Australia. I wrote to Mr. Malcolm Billings, the producer of the programme, and I pointed out to him that the position was the reverse of that stated by Mrs. Bandler; that it is the natives who are apathetic, and that white people are anxious to do something for them. I asked him to pass my letter on to Mrs. Bandler, which he apparently did because a week later I received from her a cutting from *The Sydney Morning Herald*.

Members may recall that three Nigerian students passed through Perth about a month ago. They were interviewed in Sydney concerning the position of natives in Western Australia. This is what the leader of the party was reported to have told *The Sydney Morning Herald*—

He said he had visited a camp run by a charity organisation near Perth and was bitterly disappointed at the lot of the aborigines.

The charity organisation depended on public gifts and could not do much to help.

"The aborigines seemed to be in a cage and people came to look at them like animals in a zoo," he said.

"They can go to school, but what they learn during the day is lost at night when they return to the environment of the camp. They are completely isolated.

"We were told the camp at Perth is the best, compared with others."

That is the type of material which is being published in a Sydney newspaper, and which is going over the radio. I invited Mrs. Bandler to come to Perth and look for herself. But she has not replied to that. If she did come she would know what she was talking about.

The situation here is entirely different from what has been pictured. Members know what is being done to provide housing for natives. A great number of natives do not appreciate what is being done for them in the provision of experimental housing, training in housekeeping, and in many other directions.

There is one other thing with regard to natives. I hope it is right that the Minister has changed his attitude with regard to the name given to natives. I refer to the word "natives" being changed to "aborigines." I strongly object to the word "aborigines" because it does not apply to our southern areas.

I made a survey of opinions of natives, and the opinions varied. Not one agreed with the term "aborigines." Opinions differed according to the way of life of the natives concerned; those who were indifferent to life were indifferent to what happened, and those who were living like decent citizens preferred the term "natives."

Mr. Lewis: I have had one of the leaders down to see me, and he objected to the word "natives."

Mr. W. A. MANNING: One cannot object to being called a "native." I am a native of Australia, and surely I would not want to change that word. There is nothing derogatory in being a native of a country. It is entirely wrong to call natives in the southern part of the State aborigines. They are not aborigines. There is not a full-blood aborigine among them. They are half-white and half native and some are nearer white than coloured.

Mr. Lewis: This applies to the Eastern States as well.

Mr. W. A. MANNING: If the Eastern States want to make a mistake, then let them do so. Why should we call a native an aborigine if he is not, and does not want to be called, an aborigine?

A very important matter was recently announced. I refer to the erection of Government offices for Perth. Here is something being done on a magnificent scale for various Government departments. Nobody can have any complaints about that. But I would point out that the sum of £2,300,000 is being spent to accommodate 1,300 office workers. This sum works out at £1,770 for each worker. When we are considering the matter of providing departmental accommodation

in the city, I hope we will not overlook the requirements of other areas of the State. If the same standard is to be maintained, and buildings work out at £1,770 for each worker occupying a building, we shall have some magnificent buildings around the countryside.

At Narrogin plans have been considered for six years for the erection of a courthouse and public buildings. A road was closed six years ago to prepare for those buildings, but there is no money available to continue the project. I do not think it would cost anything like £2,000,000. We can find, in 12 months, £2,300,000 to build offices in Perth, but we cannot find the money to build offices in country districts. It is very strange. I must admit there is some urgency because of the regional planning scheme.

The basis of my comments the other day, when I was stopped by you, Sir, was that we should plan for the State and thereby get many of these things because they are part of the overall plan.

Mr. H. May: You are on the right track now.

Mr. W. A. MANNING: I hope I am. I should like to point out that the present building contains a courthouse, the magistrate's office, and the office of the clerk of the courts and his staff. The latter are cramped in a tiny little room—one room! The building was erected in 1894, and was the first school in Narrogin. It is now the courthouse, the magistrate's office, and the office of the clerk of the courts and his staff.

Mr. H. May: They don't have any room in which to put the prisoners.

Mr. W. A. MANNING: No; the staff are the prisoners. At the far end of the land is an old house which was the first headmaster's residence. It was erected a little after the school building. That building houses three Government departments: One department in the two front rooms, and one in the back room—a lean-to; and another department occupies a hole in the wall, a hole made in the side of the building. This is the type of Government offices in the country compared with the magnificent edifice proposed for Perth which will cost £1,770 for each person occupying that building. I hope we shall see such a magnificent building repeated in many other areas.

Another matter concerns the need for some action in connection with the local government voting system. I hope the Government will give serious attention to the matter this session. The present preferential system is not a preferential system at all. It does not work. In a shire council, where there is more than one vacancy, perhaps the difficulty does not arise very often; but the system does

not work in connection with a town council, where there are no wards and the difficulty arises every year. At each election the same trouble arises, because there are three persons to be elected. Only the first preferential votes count, and the system is not preferential at all.

I know this matter is under discussion. There are several other systems which could be adopted. Something should be done urgently to rectify the matter so that ratepayers can vote for each of the candidates for election.

While on this subject I should like to mention that since the new Local Government Act came into operation there has been a lot of confusion in the minds of people who ought to know better concerning the difference between a town council and a shire council. There does not seem to be any understanding that there are two different types of councils. When one of the bodies was called a road board there was not the same confusion, but now that one is called a shire council and the other a town council there is endless confusion. I have been shown correspondence sent to the Narrogin Town Council which should have been sent to the Narrogin Shire Council, and vice versa. Every week they have to send correspondence back.

Mr. Gayfer: Make them one body.

Mr. W. A. MANNING: Cheques are sent to the wrong organisation and they both adopted the policy of handing them on to the other body if they were wrongly addressed; but that, of course, did not meet with the approval of the auditors, and the procedure had to be stopped. When cheques are wrongly addressed now they have to be sent back to the sender, and members would be surprised to know that the people who are making these mistakes include Government departments and other shire councils. They just do not seem to be able to comprehend the difference.

I mention these matters because members would be amazed at the ignorance of some people in regard to the provisions of the Local Government Act. I have no suggestion as to how matters can be improved, and I do not like to bring up anything without suggesting some means of overcoming the difficulty—

Mr. Graham: What about dropping the word "council" and just having it called the Narrogin Shire?

Mr. W. A. MANNING: But it is the town council and the shire council now.

Mr. Graham: But drop the word "council" from the latter.

Mr. W. A. MANNING: We could have the word "municipality" or something like that. That would probably overcome the difficulty. However, I am hoping that people will educate themselves, as we do

not want to alter an Act simply because people do not understand it. That concludes the comments I wanted to make.

MR. HEAL (West Perth) [9.52 p.m.]: I desire to pass a few comments on some matters affecting my area, and also others which have a State-wide application. It was most amusing to hear the member for Narrogin's opening remarks, when he commended the Government for the work it has done in the State; and yet during his speech he condemned the Government in regard to unemployment and housing. He said there were too many houses in the metropolitan area, and not enough in country districts, and he discussed the appalling conditions under which certain Government officers were having to work in Narrogin.

I do not know how long the honourable member has been the member for Narrogin, but I would say it is six or eight years, and his party has been one of the Government parties for four or five years now. Yet he has not been able to induce his own Minister to give him some support in his own area. Then he turns around and commends the Government for what it has done!

Firstly I would like to address some remarks to the Deputy Premier; and ask him to reconsider the statement he made to the House one day last week—I refer to the offering of a reward for information regarding the latest murder in Nedlands. Since he made the statement last week the Police Department officers have done a considerable amount of work, including overtime; but, as far as we know, no further progress has been made in apprehending the killer.

A statement in the Press last week was headed "Nalder: No Reward Yet", and it reads—

Acting-Premier Nalder said today he did not favour the idea of a State Government reward in the Dalketh killing case.

He also could see no point in bringing policemen from outside WA to help the investigations—though any specific offer or suggestion would be considered.

Last night in the Legislative Assembly Deputy Opposition Leader Tonkin said that the WA Police Force should ask for outside help.

He also criticised Police Minister Craig for saying that it was too early to offer a reward. "How long do we have to wait before we think about the action we should take?" he said.

I am basing my suggestion for a reward on the recent happenings in England. We have all read about the biggest train robbery in the history of England. In a matter of hours, or a day, a substantial reward was offered to the people for information.

Mr. Nalder: By the Government?

Mr. HEAL: I could not say who offered the reward.

Mr. Nalder: I think you will find it was not the Government but the banks—the people who lost the money.

Mr. HEAL: I still say that, whether it was offered by the Government or by the banks, it must have brought some results; because we find that, within a matter of days, certain information must have been handed on to Scotland Yard as arrests have been made. In this evening's issue of the *Daily News*, under the heading of "Squealer Sees Yard" we read—

An underworld informer has given Scotland Yard the full story of the great train robbery, the *Daily Herald* reports.

It said he named 31 people, including the leaders of the gang.

If any information was given to the police in this State in relation to the recent killings we should certainly not call the person a "squealer," but the informant in England who gave certain information to the detectives at Scotland Yard must have had in mind some reward for the information he was giving.

If the Deputy Premier could have another look at the position and the offer of a reward I think everybody would feel more satisfied. No doubt he has had consultations with the Minister for Police, the Commissioner of Police, and also Inspector Lamb; but as we read in the Press day after day letters written by people about the matter, I think something further should be done.

I am not criticising the members of the Police Force, because I admire the work they have done. When there are no leads it must be heartbreaking for them. I know certain senior detectives who have been working on the case night and day. However, I do ask the Deputy Premier to have another look at the case with a view, not to offering some small reward but a substantial one which would make it worth while for somebody to come forward with the necessary information. Whether it should be £20,000 or £30,000 I would not know, but some substantial reward should be offered for information given so that we can clear up this unfortunate happening. I feel sure the people of Western Australia would be thankful if the Deputy Premier changed his mind in this regard.

I would now like to criticise one aspect of the T.A.B. set-up in this State. In *The West Australian* of Saturday, the 10th August, in a sporting column, there was an article headed "Tote Odds Best" and it reads—

The T.A.B. has operated on 2,713 races for the year and tote odds were better than starting-price in 1,600

races. T.A.B. odds and starting-price were the same in 119 races, and S.P. was better in 994.

Tote figures sometimes vary according to location, and perhaps it is a sign of cut-throat competition in the ring at the Perth races that S.P. was better on 220 occasions compared with 213 races in favour of the tote.

However, the margin was small. When it came to local trots it was odds on the tote—276 returns in its favour and only 138 races giving a better return at starting price.

On most occasions, or nearly every occasion, when tote odds were greater than S.P. odds, it was on a horse that started at a price better than sixes or more. I would say that on at least nine out of 10 occasions when a horse started favourite on a racecourse, and its starting price was say, 3 to 1, tote odds were less than that.

My complaint is that it is most unfair to the punters, both on-course and off-course; because when they go to place a bet on the totalisator, naturally they read the automatic dial which quotes the odds of the horses; and if it reads, five minutes before a race, that a certain horse is 4 to 1, and a person invests 5s. or £1 on a horse and he is fortunate enough to back the winner, he expects to get odds of 4 to 1 returned to him.

But what do we find the T.A.B. doing? The board has a person situated at the totalisator on the racecourse and there is a direct phone, or at least a telephone connection with the head office of the T.A.B. What happens is that the T.A.B. officials in their wisdom phone through directly to the totalisator at the racecourse and place a certain sum of money on a horse which, on most occasions, would be the favourite.

This is because most punters in the metropolitan area have placed wagers on this certain horse, and some people have wagered large amounts on it. In the days of illegal S.P. betting, and when S.P. betting shops were first legalised, if the S.P. bookmakers did something of that nature, it was termed "bullying the tote." That is a most unfair practice because it creates a false impression in the minds of punters who place their wagers on the racecourse. Instead of that horse paying four to one straight out, unfortunately it paid less than starting price.

I had a look at the results of last Wednesday's country meeting and also the results of the meeting held at Belmont last Saturday. At the country meeting I discovered that quite a few favourites won. In the second race a horse called Dainty Apt won. It started favourite at three to one straight out, but it paid 18s. on the tote, which is less than three to one. Three to one should have returned a dividend of £1, so the tote dividend was

2s. lower than the straight-out price. In the last race another horse, Miss Kanowna, which did not start favourite, won the race at three to one, which should normally return a dividend of £1, but the dividend returned on the straight-out totalisator, was only 14s.; less than three to one.

Mr. Tonkin: Less than two to one!

Mr. HEAL: Yes; that is correct—less than two to one. At Saturday's meeting at Belmont, a horse called Fairs Print won at two to one, but returned a dividend on the tote of only 11s. straight out; a fraction over even money. Another horse, named Ella's Command, started at two to one but returned a dividend of only 12s. straight out on the tote. Another horse in the last race, which started favourite, paid a totalisator dividend less than the straight-out price.

When the T.A.B. was first formed under the Act it was never intended that the board should send money to the racecourse to bully the tote, thus robbing many thousands of patrons at the racecourse, and those people who place their bets at S.P. shops, of their proper returns.

The racing clubs depend a great deal on the money invested on the racecourse, and many people who have complained to me about this matter have said that they would not bet on the totalisator again. In recent weeks the bookmakers have introduced a new system of each-way betting on the race-course, and it will be found that many people will now bet with the course bookmakers instead of placing their money on the tote.

I would like the Minister to have a further discussion with the T.A.B. with a view to rectifying these anomalies. If it is going to operate as a board, the T.A.B. should hold the money itself and pay its own dividends. If it does not want to do that it should send all the money out to the racecourse and thus ensure that a true dividend is declared for each race.

In recent weeks much has been said on unemployment and housing in this State. I do not wish to weary the House by speaking too long on these matters because, as I have said, much was said on them last week by various members. However, since last week, Press reports have shown that the position has worsened, and thus I feel bound to say a few words on the subject.

The main complaints I have from the people in my electorate are on housing and unemployment. Many people visit me at my home and at Parliament House asking me to find them work. These approaches are embarrassing to members of the Opposition residing in the metropolitan area, because it is impossible for us to find any person a job. I will admit the greatest percentage of the people concerned are unskilled and in the vicinity of 40 to 50 years of age. However, it is rather ironical when we read of the

propaganda that is handed out by the Premier whilst on his overseas visit, and the statements that are made by Ministers to the daily Press, because those Press reports contain such references as "The State is Bursting at The Seams"; "Western Australia is Going Full Steam Ahead"; and that millions of pounds are being invested in this State.

In view of these statements I ask the Government: When is it going to provide jobs for the unfortunate people who are unemployed? I am a member of a committee in West Perth that conducts a soup kitchen which has been operating for many years. Unfortunately we find that the number of unemployed is increasing month by month, and at present the soup kitchen is providing 140 meals a day. I will admit that many of the people who attend there and who are unemployed do not make any effort to find work; but, on the other hand, many of them look for work day after day without success.

We have heard tonight the unusual remark of the member for Narrogin that too many houses are being built in the metropolitan area and not enough in the country. If his complaint is legitimate and there are not sufficient houses being built in the country areas, then, as I said before, he has three or four Country Party Ministers in the Cabinet, and if they have not made any effort to have houses built in those areas the member for Narrogin should get behind them and shift them along.

In *The West Australian* the other day I noticed that the number of unemployed in this State now number 6,606. It was also reported that one-third of the State's jobless are under 21 years of age. Such a state of affairs has a most damaging effect on our youth. The article went on to say that many of these youngsters had passed their Junior and Leaving certificate examination.

In a report published in this morning's issue of *The West Australian* there appears an article as follows:—

One-third of State Jobless Under 21.

Western Australia's 6,600 unemployed at the end of July included about 2,200 people under 21, some of whom held both the Junior and Leaving certificates.

Mr. D. Robertson, Regional Director of Labour and National Service in W.A., said yesterday that the bulk of the unemployed young people were below Junior standard.

At the beginning of this year I—and no doubt this applies to many other members of Parliament—was approached by young boys and girls who were seeking work and who recently passed their Junior and Leaving examinations. They had reported to the Public Service Commissioner's office,

but had been informed that that office already had hundreds of names of boys and girls who had obtained their Junior and Leaving certificates and the only ones that were accepted for positions were those who had passed the Junior in seven subjects. Therefore it is obvious that the Public Service Commissioner cannot find sufficient jobs for all of those young people.

Another disturbing feature is that the present number of unemployed would have swelled to a greater extent if many of these boys and girls had not returned to school to further their studies because they found it impossible to obtain employment. We find that, according to the propaganda put out by members of this Government in a State bursting at the seams, those young people have, for the time being, been thwarted in their efforts to find employment and have been forced to return to school in the hope of gaining a position in the future. I ask the Government to investigate this grave problem fully with a view to finding more jobs, especially for those young people who are so eagerly seeking them.

It was very pleasing to hear the announcement that the Government has released more money for housing in Western Australia. No doubt that will absorb some of our unemployed and also assist those people seeking houses in the metropolitan area. I also sincerely hope it will give the member for Narrogin an opportunity to have houses built in his area. As the member for Collie has mentioned, there are nearly 100 houses in Collie lying vacant as a result of the action of the present Government.

There is one aspect of the Royal Perth Hospital I wish to mention, and it was referred to in a report published in *The Sunday Times*. The article reads as follows:—

Allegations Made to Minister Inquiry Ordered Into Royal Perth Hospital

The Minister for Health, Mr. Hutchinson, has ordered an official inquiry into aspects of Royal Perth Hospital.

He said yesterday he had ordered the inquiry as a result of allegations against the hospital of maladministration, incompetent nursing, and unwise use of finances.

Investigations would take about a week.

Complete details would be made public as soon as they were available.

The allegations were made in a letter by the matron of a C class hospital.

Allegations against the hospital included:

That aged patients' personal and financial affairs were not properly supervised.

Nursing treatment was handicapped by severe overcrowding of wards, and

Public funds were being spent unwisely in the maintenance of aged patients at RPH.

I am not certain whether the inquiry has taken place; and I do not know whether the statement was intended to be made to the Press in the form I have quoted. I daresay, however, that if the Minister has received the result of the investigations in respect of the allegations contained in the newspaper cutting to which I have just referred, he will make it available to the people of Western Australia.

Mr. Ross Hutchinson: I did not order an inquiry at all. Allegations were made and I said I would refer it to the board to get their opinion.

Mr. HEAL: It is amazing how this article appeared in *The Sunday Times*.

Mr. Ross Hutchinson: The article was corrected in *The Sunday Times* of the following week.

Mr. HEAL: Such statements are detrimental to the Royal Perth Hospital; and they certainly do not inspire confidence in those who attend the hospital. I hope and trust that those responsible for issuing and printing the statement will not let this sort of thing happen again.

Mr. Ross Hutchinson: The whole matter was completely corrected the following week.

Mr. HEAL: The last subject to which I wish to refer deals with a constituent of mine. I am sorry the Minister for Railways is not here. I believe he has a bad cold and is at home. He has my sympathy. I must bring this matter before the House, because I have been asked to do so. It is important and has relation to tenders that have been called by the Government. It refers to the fact that on numerous occasions the lowest tender has not been accepted.

I would like to read a letter addressed to me from A. Martinazzo & Son Pty. Ltd., dated the 6th May. It reads as follows:—

As a constituent of your district I am writing to you regarding a contract tendered for by my firm on who's letter head this letter is written, the accepted tender price of which was reported last night over the air at a figure £4,000 above the price tendered by my firm. I would be pleased if you could check this matter for me and let me know any reasons for this seeming injustice. Below I detail information which may aid you on my behalf.

I am referring now to the calling of tenders for the John Street railway bridge. The contract states as follows:—

Contract Price

Tender reported as accepted approximately £57,000

Our Tender £52,977.

Contracts which had been completed by this firm for State or Federal Governments to their satisfaction were as follows:—

Air Port: Aprons and Sundry. Concrete Work

A £120,000 Contract.

Bridges: 2 Bridges, the Bradley Crossing Bridge, the Longpool Bridge north of Moora.

To the best of my knowledge no complaint had been made about the work done on those jobs. The letter continues—

I would also point out that we have a wide range of plant and our own mobile concrete mixing plant and that we are diplomaed concrete contractors. Also the firm is registered A. Class Builder.

I thank you for your attention.

I asked the Minister for Railways to lay on the Table of the House the file in respect of this tenderer; and he told me that I could peruse the file in the office of the Railways Department, which I have done. I am unable, however, to disclose what I saw on the file.

When tenders are called by Government departments, they normally go before the engineer, or the departmental head, and he makes his recommendation on which, generally speaking, the Minister makes his decision. This tender to which I have referred was £4,000 below the accepted tender; and apparently the Chief Civil Engineer of the Railways Department thought it advisable to approve the tender of H. A. Doust & Son.

The firm on whose behalf I am speaking has been operating for many years and has carried out large contracts both in the metropolitan area and in the country districts. After receiving a letter from the firm I wrote to the Minister on the 9th May. This was duly acknowledged on the 15th May when I was told that investigations would be made. I received the result of those investigations six weeks later.

The firm was naturally concerned, and accordingly I rang the Minister's secretary about the delay. I received a letter from the Minister dated the 2nd July, 1963, which reads as follows:—

My apologies for not sending you further information following my 15th May, 1963 letter in answer to your letter of the 9th May.

The delay is entirely due to an oversight for which I must accept most of the responsibility.

That is a brave statement coming from the Minister for Railways, because he is usually right on the ball. He generally

gets his staff to answer all queries as soon as possible. The letter continues—

As indicated in my 15th May letter, I have followed the matter up with the Commissioner of Railways and he has pointed out to me that the tenders called for John Street bridge were invited on the basis "No tender necessarily accepted".

There were, in fact, two tenders below that of the one accepted by the W.A. Government Railways. As you know, A. Martinazzo & Son Pty. Ltd. was one of these.

The decision to accept the third lowest tender was made by the W.A. Government Railways after very close examination of the respective tenders by the Chief Civil Engineer and it was on his recommendation that it was decided that the Department's best interests would be served by accepting the tender of H. A. Doust & Son.

This procedure is not an unusual one and I think you will agree that the Railways Commission must be allowed a degree of latitude like any ordinary trading concern to accept, after full consideration, a tender within reasonable limits even though it might not necessarily be the lowest tender.

From reading that letter it would appear to be fair enough. Apparently on the advice of the Chief Civil Engineer—just one person—the Minister made his decision. I know that in some cases it is necessary for the Minister to follow the recommendations made by his senior officers; but surely when it means a saving of £4,000 to £5,000 to the Railways Department the Minister should make further investigations to make certain, in his own mind, whether the company concerned could carry out the job or not.

This is one of many cases in which the Government has not accepted the lowest tender, in spite of the fact that the firms concerned were quite capable of carrying out the contracts in question. This attitude has been most discouraging to these firms; and after discussing the matter with other members of the Opposition we have decided it is one of such great urgency that at the conclusion of my speech I propose to move an amendment to the motion before the House.

I am sorry the Minister for Railways is not here, because he may have cared to comment on the matter straightaway. I hope, however, that either the Minister or the Deputy Premier will make some investigation and inform the House of the position; because I am certain that there will be a number of members on the Opposition side who will wish to have something to say.

Here will also be an opportunity for the member for South Perth, who is known on this side of the House as the great back-stop of the Government and who attempts to come to its rescue each time a censure motion is moved against the Government. He criticised the Leader of the Opposition for moving an amendment to the Address-in-Reply earlier in the session, but he only spoke some 200 words in his contribution. No doubt we will have to listen to a tedious repetition by the member for South Perth, and if he were to condense his speech to 200 words I would find it hard to understand him.

No doubt here will be an opportunity for the honourable member to get up and throw his arms around, and to ask who is audacious enough to criticise this Government, which he contends is doing a very good job for Western Australia. If this Government has done such a good job for the State why do we see so many unemployed around at the present time?

In case Government members criticise me and say I have only put forward information on one aspect, I take this opportunity to move the amendment to the Address-in-Reply to give other Opposition members a chance to air their views.

Amendment to Motion

I therefore move an amendment—

That the following words be added to the motion:—

but we consider the Government is deserving of censure for departing from the basic principles upon which public tendering is founded (viz., that contracts should be awarded to the lowest tenderer unless there exists good reasons to doubt the ability of the tenderer to do the work) in order to give contracts to preferred contractors regardless of the cost involved.

Debate (on amendment to the motion) adjourned, on motion by Mr. O'Neil.

House adjourned at 10.24 p.m.

Legislative Council

Thursday, the 22nd August, 1963

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

SWEARING-IN OF MEMBER

The Clerk of the Council (Mr. J. B. Roberts) announced the return of a writ for the election of The Hon. Jack Heitman at a by-election for the Midland Province.

THE PRESIDENT (The Hon. L. C. Diver) [2.33 p.m.] : I am prepared to swear in the newly elected member.

The Hon. J. Heitman took and subscribed the oath and signed the roll.

QUESTIONS ON NOTICE

POLIOMYELITIS IMMUNISATION

Objections to Salk Vaccine

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

(1) When immunisation against poliomyelitis was being promoted by the Public Health Department, were any objections raised by individuals or organisations against the use of the Salk anti-poliomyelitis vaccine?

(2) If the answer to No. (1) is "Yes"—
(a) who were the objectors; and
(b) on what grounds were their objections based?