Report

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

House adjourned at 5.33 p.m.

Legislative Assembly

Wednesday, the 1st November, 1967

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

ORD RIVER SCHEME

Finance from the Commonwealth Government

MR. NALDER (Katanning—Deputy Premier) [4.32 p.m.]: I feel sure that Australians—and, perhaps, especially Western Australians—were very pleased to hear of the announcement made in Canberra today that the Commonwealth Government has accepted the proposal submitted by the Western Australian Government for the Ord River scheme.

Several members: Hear, hear!

Mr. NALDER: The announcement was received with a great deal of enthusiasm in Western Australia. Members of the Government—and I am sure every member in this House—are very happy indeed that we are now in a position to proceed with the scheme which was outlined to the Commonwealth Government.

Up to this point we have not received any details, but no doubt these will be made available to us in the near future. I would like to express on behalf of the Government of Western Australia—and I think probably on behalf of the Parliament of Western Australia—that we are very pleased to receive news of the announcement. This will be a great day in the history of the development which has been going on in the north. I am sure the completion of the Ord River scheme will make a valuable contribution to the growing of cotton, sorghum, beef, and the many other products which will result from the great development which is taking place in the northern part of Western Australia.

I appreciate the opportunity, Mr. Speaker, to make this statement, and to express our appreciation to the Commonwealth Government for the decision which it has made.

MR. TONKIN (Melville—Leader of the Opposition) [4.34 p.m.]: I trust, Mr. Speaker, you will extend to me the same privilege that you have extended to the Deputy Premier. I do not quite know how this fits into the notice paper, without permission to make a statement, but it is all right with me if it is all right with you, Sir.

The SPEAKER: It is all right with me.

Mr. TONKIN: I am delighted with the news, and it is very welcome. I think the people of Western Australia, with very few exceptions, will also be delighted because the provision of finance will afford an opportunity for this scheme to operate. I have no doubt it will mean considerable benefit to the State as a whole, and particularly the north.

Naturally, we are very interested and pleased because, whilst full credit should go to the present Government for its continued advocacy of this project, it should not be overlooked that the plan was initially submitted to the Commonwealth Government by the Hawke Labor Government. In my own period of administration, as Minister for Works, the initial planning was done and submitted to the Commonwealth. The Commonwealth Government sent officers over to investigate, and those officers remarked to the then Director of Works, the late Mr. Young, that they were surprised we had made such progress in the preparation of the plan which had been submitted to the Commonwealth Government.

I think it has been overlooked that we have played any part in the development of this scheme, but I emphasise that, initially, it was our idea. We are very pleased to see that the Government which followed us appreciated the value of the scheme and did not leave any stone unturned in bringing it closely to the notice of the Commonwealth Government.

It may be just a coincidence that the Commonwealth Government, after all this time, has made up its mind when there is a Senate election in the offing. However, we do not criticise the decision in any way. We regard it as being welcome, regardless of the reasons which prompted it.

I am anxious to know, finally, if there are any strings attached to the offer. What is the basis upon which the finance is to be made available, because the announcement in the Press does not say "all the finance", nor does it say "the finance"; it says "finance"? The announcement may mean only a proportion of the finance. The State might be obligated to find a very substantial sum which might be difficult for it to do.

So, I am anxious to know the terms and conditions upon which the money is being made available. However, I say without any hesitation that, on behalf of the party I have the privilege to represent, we are indeed delighted and we welcome the news most heartily.

BILLS (5): INTRODUCTION AND FIRST READING

1. Country Towns Sewerage Act Amendment Bill.

   Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Water Supplies), and read a first time.

2. Main Roads Act Amendment Bill.

   Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Works), and read a first time.

3. Railway (Midland-Walkaway Railway) Discontinuance Bill.

4. Kwinana-Mundijong-Jarrahdale Railway Extension Bill.

5. Government Railways Act Amendmend Bill.

   Bills introduced, on motions by Mr. O'Connor (Minister for Railways), and read a first time.

QUESTIONS (10): ON NOTICE

TRAFFIC

"Stop" and "Give Way" Signs in Metropolitan Area

1. Mr. GRAHAM asked the Minister for Traffic:

   (1) How many "Stop" signs have been erected in the metropolitan area since August, 1963?

   (2) What is the total of such signs in the metropolitan area at the present time?

   (3) What is the total of "Give Way" or "Yield" signs in the metropolitan area at the present time?

   Mr. CRAIG replied:

   (1) 531.

   (2) 1212.

   (3) "Give Way" signs, 32.
   "Yield" signs, nil. ("Yield" signs are not an Australian standard sign.)

POLICE STATION AT ALBANY

Commencement, Site, and Cost

2. Mr. HALL asked the Minister for Police:

   (1) When is it anticipated that work will commence on the new police station to be built at Albany?

   (2) Has the new site been finalised? If so, where?

   (3) What will be its approximate cost?

   Mr. CRAIG replied:

   (1) Tenders have been called by Messrs. Hobbs, Winning, and Leighton, and will close on the 10th November, 1967.

   (2) Yes. The new buildings are being erected on Lots S 44 and S 45 Stirling Terrace, Albany.

   (3) $131,000.00.

CORRESPONDENCE SCHOOL

Enrolments and Printing of Books

3. Mr. NORTON asked the Minister for Education:

   (1) How many children are enrolled with the W.A. Correspondence School in the following grades:—
   Grade 1;
   Grade 2;
   Grade 3;
   Grade 4;
   Grade 5?

   (2) Is it a fact that some, if not all, of the above-mentioned grades have not been able to keep up with their mathematics as the Government Printer has been too busy to print their sets?

   (3) If "Yes," how many classes have been affected and for what period?

   (4) Were parents or supervisors acquainted with the fact as soon as it was apparent that there was to be a holdup in the printing of sets?

   (5) Would it not have been practicable for these sets to have been duplicated?

   (6) As these sets would have been compiled well in advance of requirements, could not printing have been done by other than the Government Printer?

   (7) How many sets are required for a year's work and how many have been forwarded to students so far this year?

   Mr. LEWIS replied:

   (1) Grade 1: 111.
   Grade 2: 58.
   Grade 3: 63.
   Grade 4: 58.
   Grade 5: 52.

   (2) A minor delay occurred in the printing of grade 2 papers, but this was no fault of the Government Printer.

   (3) Grade 2 only—a temporary delay which will be caught up before the end of the year.

   (4) Yes.

   (5) No. The preparation of stencils for papers in mathematics is highly specialised and could not be undertaken at short notice.

   (6) These are new courses being introduced to correspondence pupils, hence it was not possible to have papers compiled well in advance.

   (7) Twenty sets are included in the work for each grade. There is not a fixed number issued. The number forwarded depends upon the individual progress of each student.

ONION MARKETING BOARD

Winding-up

4. Mr. GRAHAM asked the Minister for Agriculture:
   (1) Has a committee been appointed to wind up the affairs of the Onion Marketing Board?
   (2) Who are the members?
   (3) What progress has been made?
   (4) If the work has been completed, what is the extent of the assets?
   (5) Has any decision yet been made as to the nature of matters relating to the onion industry to which the moneys resulting from those assets will be applied?
   (6) If so, what are they?
   (7) If not, when is a decision likely?

   Mr. NALDER replied:
   (1) Yes.
   (2) J. P. Eckersley (Chairman).
   J. I. Clements.
   H. Threlfall.
   M. Grljusich.
   A. Zemunik.
   (3) The board's final financial statements have been prepared and submitted to the Auditor-General. The board has advertised, considered, and in most instances accepted tenders for the board's plant and machinery, and negotiations are in progress for taking over the board's grading and packing shed.
   (4) The disposal of the board's assets is still proceeding.
   (5) No.
   (6) Answered by (5).
   (7) An early decision is unlikely.

FAUNA PROTECTION

Reserves

5. Mr. NORTON asked the Minister representing the Minister for Fauna:
   (1) How many individual areas have been set aside for the protection of fauna in Western Australia?
   (2) How many acres are in the reserves referred to in (1)?

   Mr. ROSS HUTCHINSON replied:
   (1) Including multipurpose areas—206.
   (2) 4,182,014 acres.

RAILWAYS

Pinjarra-Bunbury and Brunswick Junction-Collie Lines: Profit

6. Mr. MAY asked the Minister for Railways:
   What was the profit of the Pinjarra to Bunbury and from Brunswick Junction (ex) Collie (including Collie) section of the railways for the years ended 1955, 1956, and 1957?

   Mr. O'CONNOR replied:
   I would like to explain that after consultation with the member for Collie it was found the figures required were those for 1965, 1966, and 1967, and not 1955, 1956, and 1957, as shown on the notice paper. On that basis, the reply is as follows:—
   Pinjarra (excluding Pinjarra) -Bunbury:
   1964-65—$373,278.
   1965-66—$287,615.
   Brunswick Junction (excluding Brunswick Junction) -Collie (including Cardiff):
   1964-65—$326,606.
   1965-66—$398,249.
   The figures for 1967 are not yet available.

ROYAL MINT

Long Service Leave for Employees

7. Mr. MOIR asked the Premier:
   (1) Does he know if the employees of the Mint receive long service leave?
   (2) If not, could he ascertain this information?

   Mr. NALDER (for Mr. Brand) replied:
   (1) and (2) Employees of the Mint fall into two categories as follows:—
   (a) Pensionable staff employed under conditions of the Imperial British Civil Service which make no provision for long service leave but provide a scale of increased annual leave based on the length of service of the employee.
   (b) Temporary staff who are entitled to long service leave after a qualifying period and on retirement or termination of employment receive a cash payment for the equivalent of long service leave due. The scale of long service leave is similar to conditions for Government wages employees; i.e., 10 years for the first grant, 10 years for the second grant, and seven years for the third grant.

SCHOOLS

Telephones: Installation by Department

8. Mr. JAMIESON asked the Minister for Education:
   As the department has accepted the responsibility of meeting in-

stallation and rental of telephones from the 1st July, 1967, will this also cover the rental of telephones installed prior to the 1st July, 1967?

Mr. LEWIS replied:

Yes.

9. *This question was postponed.*

SCHOOLS

Heating: Use of Coal Gas or Bottled Gas

10. Mr. DAVIES asked the Minister for Education:

(1) Have any conclusions been reached following experiments by the department to use coal gas or bottled gas as an alternative to firewood for the heating of classrooms?

(2) If so, what are the results?

Mr. LEWIS replied:

(1) and (2) Following the trial use of both town and Kleenheat gas units for the heating of classrooms, reports have been received and these are at present being analysed.

QUESTIONS (6): WITHOUT NOTICE

TOTALISATOR AGENCY BOARD

Royal Commission's Report: Release

1. Mr. TONKIN asked the Deputy Premier:

Is it the intention of the Government to release the report of the Royal Commission of inquiry into certain Press articles concerning the Totalisator Agency Board upon receipt from the Governor?

Mr. NALDER replied:

I thank the Leader of the Opposition for giving me some notice of this question. After the report has been received and considered by the Government we will then decide when it shall be released. This procedure is not different from that adopted in connection with any other report received by the Government.

2. Mr. TONKIN asked the Deputy Premier:

Is it the Government's intention to use as part of the criteria the fact that as Parliament will rise on the 24th November it might be desirable to delay the issue of the report until after that date?

Mr. NALDER replied:

That is not a reasonable question. I have already answered a previous question asked by the Leader of the Opposition and have explained the position fairly and squarely. The Government will give the report urgent consideration after receiving it, and will release it as soon as possible.

POLICE

Unlicensed Firearms: Protection of Mr. Stokes's Rifles

3. Mr. RUSHTON asked the Minister for Police:

As Tom Stokes, a top marksman, mentioned in today's *Daily News*, has given tremendous service to rifle clubs in Western Australia and encouraged many members into this nationally important sport of rifle shooting—

(1) Will the Minister ensure that special care and protection is given to these valuable rifles taken from Mr. Stokes's possession, or

(2) Can a license be taken out by Mr. Stokes to enable him to retain the rifles, which must be a prized possession of this outstanding rifleman?

Mr. CRAIG replied:

(1) Necessary care and protection will be given by the ballistics section of the Police Department to the firearms recovered from Mr. Stokes.

(2) This will be at the discretion of the Commissioner of Police.

CORRESPONDENCE SCHOOL

Enrolments and Printing of Books

4. Mr. NORTON asked the Minister for Education:

In answer to the second part of a question I asked on today's notice paper, the Minister said that a minor delay had occurred in printing the grade 2 papers, but this was not the fault of the Government Printer. Is he aware that the correspondence school sent a circular to parents or instructors of grade 2 children stating that the delay was due to a holdup by the Government Printer?

Mr. LEWIS replied:

The answer I gave was strictly in accord with information supplied by the department. That information has now confirmed the delay was in no way the fault of the Government Printer. I am not aware of what went out in the circular. If the honourable member wishes I could make further inquiries into the matter and supply him with the information.

POLICE

Unlicensed Firearms: Suspension of Mr. Stokes

5. Mr. BRADY asked the Minister for Police:

Further to the answer given to the question in connection with the Tom Stokes incident—

(1) Did the W.A. Rifle Association notify the police that Mr. Stokes had been suspended?

(2) Has it been the practice in the past for the police to seize rifles in such circumstances?

Mr. CRAIG replied:

(1) and (2) I am not aware whether or not the rifle association advised the Commissioner of Police to recover these firearms. I do, however, recall a deputation I had from the rifle association several months ago at which I drew attention to this particular feature concerning members who no longer remained members of the association, and who might be in possession of unlicensed rifles. I said then it was the responsibility of the association to inform the Police Department of such instances. I am not aware whether this has been done in this case. It is the policy of the police to recover any unlicensed firearms.

HOUSING

Government's Policy

6. Mr. HALL asked the Minister for Housing:

What is the Government's intention with regard to easing the acute housing position in Western Australia, and to relieving the pressure of housing throughout the State?

Mr. O'NEIL replied:

The details of the Government's plans relevant to housing for the current financial year will be made known when the Estimates are debated.

ORD RIVER DAM CATCHMENT AREA (STRAYING CATTLE) BILL

Personal Explanation

MR. NALDER (Katanning—Minister for Agriculture) [4.58 p.m.]: When we were discussing the Ord River Catchment Area (Straying Cattle) Bill yesterday afternoon I promised to get some information on acreages for the member for Merredin-Yilgarn. With your permission, Sir, I would like to give these figures so that they can be recorded in *Hansard*.

I said that the total area in the "A"-class reserve for the Ord and the Turner properties would be 3,500 square miles. I have checked those figures today and the estimate is that 1,750,000-odd acres will be in the "A"-class reserve. The acreage fenced is in the vicinity of 750,000 acres. This is an area of flat country which has been badly eroded, and one which the department advised should be fenced. Any difference between the two figures is because of land which is in hilly country, which the department thought it was not necessary to fence. I think that covers the point raised by the honourable member.

LICENSING ACT AMENDMENT BILL

In Committee

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

Clause 18: Section 122 amended—

The DEPUTY CHAIRMAN: Progress was reported on the clause to which the member for Balcatta had moved the following amendment:—

Page 9, line 14—Insert after the word "amended" the paragraph designation "(a)".

Mr. GRAHAM: Although some days have elapsed, I feel perhaps my first duty should be to point out to you, Mr. Deputy Chairman (Mr. Crommelin) that the fourth line on page 4 of this Bill contains the word "perry," in respect of which you asked me a question. I draw your attention to this so you will not think for one moment that I was the author of the word; the Government itself is responsible for bringing it before us.

I am more than disappointed at the attitude of the Minister for Industrial Development in asking the Committee to reject this amendment of mine, which is designed to allow people in a privileged portion of the State to purchase liquor of their own choice on Sunday mornings rather than the type of liquor which the Liberal Party decrees they shall drink. For many years now, it has been the right of the people in the goldfields and outback areas on a Sunday morning session to buy two bottles of liquor of their choice. Now the Government, possibly deferring to pressure from the brewery—I do not know—is to lay down in the Act that beer and beer only, can be purchased irrespective of the wish or desire of the patrons.

Mr. Burt: The Labor Party decreed two bottles of beer in 1952.

Mr. GRAHAM: The member for Murchison is squirming in his seat. He knows perfectly well that when there was a Labor Government in office, the legislation was introduced and passed by this Parliament to allow liquor to be sold and purchased on Sunday mornings in certain portion

of the State. Therefore it is completely wrong—indeed it is false—to make the silly and ridiculous statement that the Labor Party was responsible for the sale of beer only. The honourable member ought to study the Bill and the debates.

Mr. Burt: I have studied the debates.

Mr. GRAHAM: Apparently he has not a clue in connection with the matter. I am astounded that the member for Murchison has proved himself to be so miserable and contemptible that he lies at the feet of the native population in the goldfields area.

Mr. Burt: Nonsense!

Mr. GRAHAM: The honourable member is pretending to us—I emphasise the word "pretending"—that all sorts of infamy is occurring in the goldfields districts because the native population has the right to purchase wine in addition to beer during a couple of hours on a Sunday morning in the goldfields.

Mr. Burt: What on earth do you know about it? You haven't been outside the city!

Mr. GRAHAM: Here we have another example of the irresponsible utterances of the honourable member. He is apparently completely oblivious of the fact that for 72 hours of the week up till 11 p.m. natives are free to buy beer, wine, and whisky in any quantity whatsoever, depending on the size of their purse; and yet, because according to him and a few other people, there is some trouble on Sunday afternoon or Sunday evening, he points an accusing finger at the native population in respect of that Sunday morning session only. I say that is not fair, reasonable, or sensible. The honourable member, of course, can make any excuse he desires, but he is not entitled to cast a slur on the native population in the manner in which he has. The Minister for Police is burbling—

Mr. Craig: I said that you get very personal against the member for Murchison.

Mr. GRAHAM: I think it is the responsibility of somebody to protect the native people when an attack is made upon them; and that is precisely what I am seeking to do at the moment. I would remind the Minister, too, that I was making quite a contribution to this debate in respect of the amendment I have moved, when we got that foolish and ridiculous interjection by the member for Murchison.

Mr. Burt: We are trying to protect the natives.

Mr. GRAHAM: Great big brother is going to decide that not only natives, but white people, too, who might care to have a glass or two of wine with their meals on Sunday in these privileged portions of the State cannot purchase that wine on a Sunday. He will tell the citizens what type of liquor they are entitled to purchase on a Sunday morning; and he is a member of the party which talks about freedoms and rights of individuals, and all the rest of it!

I indicated the other day I had had approaches from the wine producers who object to the action of this Government in discriminating against the product which they produce from wine-producing grapes. I have correspondence here from the Wholesale Wine & Spirit Merchants' Association of W.A., which reads as follows:—

> The members of The Wholesale Wine and Spirit Merchants' Association of Western Australia appreciate your efforts to have section 122 of the Licensing Act amended to enable the sale in the Goldfields District on a Sunday of one reputed quart of wine cider or perry but we urge that consideration also be given to the inclusion of spirits in this amendment.

They look forward to the success of this proposed amendment. As certain speakers have said that the alcoholic content of wine is higher than that of beer, instead of the two bottle provision, I would be prepared to compromise and allow one bottle of wine to a purchaser in these privileged areas on a Sunday morning. But the Government apparently wants everything its own way and is not prepared to accept a proposition from the Opposition, not because there is anything wrong with the proposition but because it stems from an Opposition member.

I deliberately deleted reference to any suggestion of whisky or other spirits, but conformed with the general pattern. However, it will be seen from the letter from which I have just quoted, that the association feels there should not be discrimination against that particular product. I am inclined to agree with it but again, in a spirit of compromise, I thought my amendment would stand a chance of success in the form in which I have submitted it.

When we have liquor, which is the subject of licensing, then it should not be the part of Parliament to tell the purchasers the type of liquor they shall buy. That is something which should be left to the choice of the purchasers.

The DEPUTY CHAIRMAN (Mr. Crommelin): The honourable member's time has expired.

Mr. COURT: There is no need for the Deputy Leader of the Opposition to get so excited and personal about a matter of this kind. The interjection by the member for Murchison was quite relevant and pertinent.

Mr. Graham: Completely untrue, of course.

Mr. COURT: It was not untrue, because this particular piece of legislation with

which we are now dealing was introduced, and sponsored, by members of the Labor Party.

Mr. Graham: Yes.

Mr. COURT: I say again, as I have said several times during the consideration of this legislation in this Chamber, that had it not been brought forward in the manner in which it was and in the atmosphere in which it was and surrounding two bottles of beer—

Mr. Graham: The Bill mentioned "liquor" and the Act still does.

Mr. COURT:—the measure would not have been passed. I would not have had a bar of it, nor would some other members.

Mr. Graham: Why didn't you stand up and say so?

Mr. COURT: The legislation was passed by this Chamber on the distinct understanding that it dealt with the sales of two bottles of beer. In fact, the measure was nicknamed "the two bottle Bill."

Mr. Graham: Not "the two bottles of beer Bill."

Mr. COURT: The honourable member completely overlooks the atmosphere in which this matter was explained and accepted at the time; and he overlooks the fact that in practice the provision has been implemented mainly—not completely—in accordance with the spirit with which Parliament accepted the amendment.

It is pertinent to mention that members of Parliament, of both Houses, who have personal experience of the administration of the licensing laws in these parts—I would remind the honourable member that he referred to privileged parts—

Mr. Graham: Compared with the rest of the State.

Mr. COURT: —made representations to the Government for a change. I refer to The Hon. George Brand, The Hon. Eric Heenan, and the member for Murchison (Mr. Burt). These gentlemen were supported by the Murchison Ward of the Country Shire's Association, and they are all people who have special qualifications for expressing views regarding the administration of the licensing laws and the general conduct in the areas concerned.

This to me is very pertinent. On this occasion I disregard the representation of the wine producers and the Wine and Spirit Merchants' Association because they have a deep vested interest.

Mr. Graham: The growers?

Mr. COURT: I mentioned the producers. I am more concerned about people who have some specialised knowledge of the situation. I repeat: If the original amendment, now incorporated in the parent Act, had not been represented on the basis of two bottles of beer, it would never have passed through this Parliament.

All we are trying to do is give statutory effect—beyond any doubt—to the original intention, and no more.

Mr. DAVIES: On Thursday afternoon, when I asked for further reasons for the Government's action in moving in this direction, the member for Murchison said that residents in certain parts of the goldfields were worried about drunken celebrations that take place on Sunday afternoons as a result of the sale of two bottles of liquor other than beer during the session at the hotels. He went on further to say that because of the drinking habits of the natives, their families also suffered.

It has been suggested that if the Act is amended in accordance with the desires of the Government, all of these difficulties will be overcome and there will be no more drunken orgies, and the families of the natives will no longer suffer.

Mr. Burt: That is not correct. There will be fewer natives away from work on a Monday and a Tuesday.

Mr. DAVIES: I was going to suggest that the member for Murchison said something about the state of the natives on Monday mornings, but I could not find it in *Hansard*, and therefore did not mention it. As the honourable member has mentioned it, it is apparent that there has been some pressure from employers, because they are worried about the state of employees on a Monday morning.

The honourable member said he had liberal views on liquor generally; and I can quite agree with him, because on most measures he has voted for liberalisation of our drinking laws. However, he overlooks the fact that if natives are permitted to drink, they should do so under the same conditions as the white man and also suffer the same penalties if they break the law.

If drunken orgies occur in certain goldfields towns on Sunday afternoons, are the police unable to control them? If a drunken orgy were held at the home of the honourable member, the police would soon be around to restore order. Surely the police could be used to restore order and to control the natives on the goldfields. I cannot see the need to place a restriction on these people, even though it is really a concession they have enjoyed for so long.

The member for Balcatta suggested that if concern was felt about the alcoholic content of the liquor purchased, then only one bottle of wine need be allowed, but two bottles of beer could still be purchased. I am unable to argue about the relative alcoholic content of beer and wine. I suggest that if natives are determined to have a drunken orgy, they can still do so on two bottles of beer.

However, the point is that having enjoyed these concessions the natives, the same as the white people, must be prepared to abide by the law. The Minister claims

—not Parliament, but the Minister—that the amendment in the Bill was the intention of Parliament when the legislation was originally passed. He stated that the amendment was designed to make this very clear.

I believe that the reasons advanced by the member for Balcatta, although advanced somewhat heatedly, are very sincere and genuine, and the Government has not yet advanced any argument to support its amendment in the Bill. I do not believe we should allow a concession and then, at a later date, place a restriction on it. Certainly conditions concerning natives have altered, but, I repeat for about the fourteenth time, if the natives enjoy the same privileges as white men enjoy, they must expect to obey the same laws as apply to white men.

I believe that the amendment of the member for Balcatta is perfectly reasonable and has not been answered effectively by the Government. Therefore it should be adopted by Parliament.

Mr. NORTON: When this amendment was before members last week, the member for Murchison stated that the natives were not in a fit condition to work on Monday morning. He attributed this to their ability to buy two bottles of wine at midday on Sunday. However, the honourable member failed to inform members just what happens on a Sunday in his area.

In Carnarvon and adjacent areas, the natives will not buy wine if they can obtain beer. Under the Act it is possible to buy two bottles on a Sunday, but the position at Carnarvon is that two one-hour sessions are held on a Sunday, the first being from 11 a.m. to 12 noon, and the second from 5 to 6 p.m. Because of the long period between those two drinking periods the two bottles it is possible to buy would not have much effect on the natives.

However, the situation on the goldfields is different. It is possible there to drink for a total of five hours on a Sunday. I am advised that this is split into two sessions, the first one being from 11 a.m. to 1 p.m., during which time it is possible for the natives to drink as much beer or wine as they like. They can then purchase their two bottles of liquor of any sort, and in the 2½ hours before the next session commences those two bottles can be consumed. If the natives get fairly full in the first two-hour session, they can remain full on the supplies purchased during that session. In addition to that, there is another three-hour session from 3.30 to 6.30 p.m. Consequently, it is possible for the natives to soak for virtually 7½ hours. There is no doubt about the reason the natives are sick and sorry people on Monday mornings, when it is possible for them to drink heavily for 7½ hours on a Sunday.

I believe the amendment of the member for Balcatta is quite reasonable and will not affect the natives or anyone else to any marked degree. If the employers in the Murchison are encountering difficulties on Monday mornings, they should request the Licensing Court to reduce the drinking hours on a Sunday.

Mr. JAMIESON: I fail to see why any limitation is being included in the Bill. The Minister, who was present when the original provision was passed, places an entirely different interpretation on this situation which then existed. If any doubt had been held at the time, someone would have raised the matter and would have asked whether the provision was to apply to beer only. However, no query was raised, for the very good reason that members appreciated that 99 times out of 100 beer would be requested. There was no intention on the part of the Committee at the time to limit the sale to beer alone.

When I raised the matter the other night, the Minister said that whether it was ale, beer, or anything else brewed by the brewery, it would be up to the Licensing Court to determine whether it came within the scope of beer. This is not good enough. If the Minister wants to specify that whatever is sold must be a product of the Swan Brewery, let him write it into the Act; otherwise let us have a free choice.

I do not think the Minister for Police has done himself justice by indicating he is in favour of the amendment in the Bill. A person should be granted freedom of choice in this matter. I am certain the interpretation I placed on the amendment at the time is the same interpretation placed on it by other members. The situation is certainly more clear to us than to the member for Murchison, because he was not present at the time and consequently he has had an opportunity only to read the report of the debate. He therefore has not had the advantage of knowing the attitude which existed in the Chamber at the time, and his interpretation of the situation could, as a result, be quite different from the true situation.

I therefore suggest that the amendment of the member for Balcatta is not a great one and the Government should surely allow it. It should be considered as a further advancement in our enlightened age. I agree with other members who have said that if the native population desires to enjoy our kind of refinement, as we call it, then it must also abide by our laws. Although difficulties may arise in certain areas, we have heard of no serious complaints from the other members who represent the goldfields areas. These include the member for Boulder-Eyre, who no doubt has quite a few of these people in his territory, and

the member for Merredin-Yilgarn. Those who have complained could be considered to be people who have a rather restricted opinion.

A member interjected.

Mr. JAMIESON: No, they are not wowsers within the meaning of the word, probably, but their thinking is rather restricted. It is not wide enough to appreciate the full significance of the amendment before us. I believe that the amendment of the member for Balcatta is more desirable than the amendment in the Bill.

Mr. MOIR: I support this amendment and I am rather astonished that the Government, at the behest of certain members who have been named, has adopted its present attitude on this question. It seems remarkable that the Minister should submit the views of three members who represent the Murchison area, and yet he has not seen fit to ascertain the views of the rest of those who represent goldfields areas. For instance, he did not consult the member for Kalgoorlie, the member for Merredin-Yilgarn, or the two South Province members, and the conditions of their areas are similar to those applicable to the Murchison area; and he certainly did not consult me. We have an enormous number of natives in our areas.

Mr. Burt: They do not all enjoy drinking rights. You know that.

Mr. MOIR: Just as many natives in our areas as in the area of the member for Murchison enjoy drinking rights. However, because apparently some individuals misbehave themselves, or cannot hold their liquor, everyone is to be penalised. In the goldfields area today, more so than in years gone by, there is a large proportion of Europeans who, although they do enjoy beer, probably lean more towards wine and other drinks. Yet those people, too, are to be penalised. They are to be restricted to beer on a Sunday, although for some years they have been able to purchase anything.

Mr. Burt: They could buy the other spirits on Saturday.

Mr. MOIR: That is the stupid part of this legislation. On six days of the week, until 11 p.m. in the evening, and 12 midnight on some evenings in some localities, any type of liquor is obtainable if the purchaser comes within the category of those permitted to buy alcohol. At those times it is possible to buy as much as the purchaser desires or can afford; but on Sunday he is restricted.

It has been appreciated, of course, that on the goldfields the residents have been privileged to purchase the bottles of beer; and members should keep in mind that before the introduction of the legislation to establish sessions on a Sunday, it was possible, with unofficial permission, to obtain liquor all day on Sundays in the goldfields areas. The only stipulation by the authorities was that the front door of the hotel should be kept closed. The member for Murchison knows perfectly well that hotels were open all day till 6 p.m. on Sundays, and it was possible to drink without fear of prosecution.

But it appears that now, because of some episodes which have occurred somewhere in the Murchison electorate, the whole of the population on the goldfields is to be penalised because certain privileges are to be withdrawn. I would say that the average Australian would buy only beer on a Sunday, but quite a large number of people of other nationalities would prefer to purchase a bottle of wine.

Largely at the behest of the member for Murchison the Government is now going to withdraw that privilege from the people and insist that they shall drink no liquor except beer out of a bottle. I support the amendment.

Mr. GRAHAM: I am glad that the member for Boulder-Eyre has spoken, particularly in view of the quotes which were given by the Minister. I am authorised to state that the member for Kalgoorlie is also opposed to the proposition of the Government.

Mr. Court: The member for Kalgoorlie said so during the second reading debate.

Mr. GRAHAM: He would support me during this discussion if he were present at this time. Therefore, there is nothing mystical or overpowering in the names of the three members which were given by the Minister when he was speaking a little earlier.

Of course, for the convenience of hotelkeepers if there were one product and one product only, that would be so much easier and more convenient, and probably less troublesome because it would entail less staff. However, do not let us forget that those who are hoteliers are people who operate under a license. They have a very definite privilege, and it is their job to serve the public. It is not their job to serve the brewery, but the public; and it is up to the public to make up its mind as to the type of product it desires.

I consider the Minister has taken some liberties in seeking to interpret what Parliament said some years ago. Were the other 79 members of this Parliament such fools that when they intended beer and nothing but beer, they would write the word "liquor" into the legislation? Of course not! Parliament allowed the choice to be made by the purchaser and did not consider it right and proper that Parliament should determine the type of liquor which should be purchased and consumed by anybody who felt so disposed to buy liquor on Sunday mornings in the goldfields area.

I want to make it perfectly clear that I am not overenthusiastic about my own amendment. However, I say without any

hesitation and with as much emphasis as I can command that it is infinitely preferable to the proposition of the Government. Surely there is a responsibility on the Government and on those who support its viewpoint to show clearly and unmistakably that there is abuse; that there is something wrong; that Parliament made a mistake initially in allowing the public to have a free choice in this particular part of the State on Sunday mornings; and that such troubles as may exist stem from the precious two hours on a Sunday morning when there is a limitation of two bottles per person, but apparently no trouble whatsoever for the other 72 hours in the week when there is no limitation as to quantity. It does not add up or make sense. As I indicated earlier, I wanted to go along with the Government in the hope that there would be some prospect of success. My measure is a half-way measure; it could be termed a shandygaff. However, the Government will not even accept that.

It was fatuous of the Minister to suggest that in the debate that took place some years ago there was talk about two bottles of beer rather than two bottles of liquor. Of course, to use the word "beer" is an easy and convenient way of describing alcoholic drink. In the debates that have taken place up to date in connection with wine saloons, we have been talking about wine only. There has not been a long discussion involving the words "cider," "perry," or "mead." The word "mead" is the one I am seeking to insert in the second portion of the amendment if the first portion is successful. I am not seeking to introduce any innovation. I am not seeking to extend any of the privileges or rights under the Licensing Act. All I am doing is protesting because the Government seeks to cut short what has been in existence for a long time. I am asking the Government to curb itself to some extent and only go part of the way. If this is done, we will still preserve for the individual the freedom to buy liquor of his own choice. That is all that is contained in the amendment.

First of all, I would have hoped that the Minister would be favourably disposed towards the amendment, and that other members would be sympathetic. Unfortunately, but true to pattern, anything which emerges from this side of the Chamber is more or less regularly opposed by the Government. I am not sanguine of success with regard to my amendment, but I am certain that in their private moments, practically all the members on the other side of the House would agree with the proposition I have submitted.

I do not consider it is the place of Parliament to dictate to the public what it shall be permitted to buy in the way of spirituous or fermented liquor. It is not the right of Parliament to show a preference for a brewery product against the product of the grapevine. They are both local products, and it should be left entirely to the people to make their choice. Then, of course, it is the job of the publican as he goes lawfully about his business to serve what is ordered by the purchaser.

I hope the amendment will be agreed to. If it is, it will be my intention to insert the words which would permit the public the freedom of choice on Sunday mornings on the goldfields.

Mr. JAMIESON: I have had additional time in which to look at the debate in Committee which took place on the original measure. From reading it, I am still convinced that beer was not specifically indicated in the debate, although the word "beer" was used in the course of the debate.

It is interesting to note that of the Government members who are still in the House, only one took a really keen interest in it. He is now the Minister for Lands and he endeavoured to move an amendment to allow the provision to cover the whole of the State rather than just the goldfields area. That is the only thing which occurred in Committee which is worth mentioning. When the second reading debate was resumed on the 17th December, 1963, the vote was taken straightaway and the Bill was passed by the considerable majority of 22 to eight. Some earlier debates had ensued after it was introduced by the then member for Hannans. The amendment to provide for the legislation to cover the whole of the State—the only amendment moved—was lost. The Minister for Lands will remember that his amendment was lost. It was the early hours of the morning and he was fighting gamely in a losing cause. When the clause dealing with this subject was passed, it was carried by a majority of 20 votes to 10.

Mr. Davies: Do you think the Minister would move that amendment again now?

Mr. JAMIESON: It has very mixed features. I think the Minister might still be interested. At the time, if he had thought it could be extended to the illustrious centre of Busselton, I am sure he would not have wanted it to be confined to two bottles of beer. On occasions he himself enjoys a bottle of wine with his meals. Doubtless he would expect that his constituents would appreciate the privilege of having a bottle of wine with their Sunday meal, if they wished it. I am sure he would have held this view if he had been successful with his amendment. It seems to me that the intention, as the Minister and the member for Murchison have portrayed it, is not as the Committee at that time appreciated the situation.

Mr. BICKERTON: The member for Gascoyne raised a pertinent point in connection with the matter we are now debating. I think the main argument raised by the member for Murchison in speaking against the amendment moved

by the Deputy Leader of the Opposition is that he seems to think that more damage would be caused by the sale of one bottle of wine than the sale of two bottles of beer during the period of the two sessions on Sunday. However, as the member for Gascoyne pointed out, probably the greatest damage is done during the two-hour session in the morning and not in the two-hour session in the afternoon. I do not think any member on either side of the Chamber would suggest that the sessions which certain portions of the State are privileged to enjoy should be cut out.

If certain employers of native labour are so worried about the damage one bottle of wine may do as against the damage two bottles of beer may do, I suggest to them that the real danger lies in the amount of liquor consumed during the two sessions, bearing in mind that one can drink any type of liquor one cares to during the four or five hours allowed for drinking on a Sunday in certain portions of the State. A four or five-hour drinking session by one who cannot hold his liquor could put him in a position where he would be rather useless to his employer on Monday morning.

So if we support the amendment—which I think is worth while—moved by the Deputy Leader of the Opposition, the situation would not be worsened in any shape or form. We would merely be saying we would still have the type of person who cannot hold his liquor, and nothing we can do by way of legislation will alter that. But we will be putting the decent person who can hold his liquor in a position to decide whether he will take home a bottle of beer on a Sunday.

The Deputy Leader of the Opposition is merely endeavouring to give people the right of choice as to what type of bottled liquor they will take home on a Sunday. If his amendment is agreed to, it will not increase absenteeism of employees on Monday morning one little bit, because already they have ample opportunity on a Sunday to drink themselves into a state that would render them quite useless for work on Monday morning. So I feel certain all the fears held by those who say "Make it only two bottles of beer" are quite unfounded.

Amendment put and negatived.

Clause put and passed.

Clauses 19 to 26 put and passed.

The DEPUTY CHAIRMAN (Mr. Crommelin): The question is that the title be agreed to.

Mr. Court: I have some new clauses, Mr. Deputy Chairman.

New clause 5—

Mr. COURT: I have given notice on the notice paper—the amendments have been there for some time—of new clauses. The first is on page 3 of the notice paper, and I move—

Page 2—Insert after clause 4 the following new clause to stand as new clause 5:—

S. 33A added.

5. The principal Act is amended by adding, after section thirty-three, the following section—

Light meals on premises subject of Australian wine license.

33A. (1) Upon the application of the holder of an Australian wine license, the Court may, in its absolute discretion and subject to such conditions as it may, in a particular case, see fit to impose, grant to the licensee a permit to serve light meals of a kind, and on a part of the licensed premises, in each case approved by the Court and specified in the permit.

(2) The provisions of paragraphs (a) and (b) of subsection (1) of section forty-eight of this Act apply to applications for a permit under this section.

(3) The Court may sit to hear an application for a permit under this section at any time or times that the Chairman appoints.

(4) The Court shall not grant a permit pursuant to this section, unless it is satisfied that—

(a) the part of the licensed premises in respect of which the permit is sought is suitable for the purpose;

(b) there are, on the licensed premises, all necessary and proper facilities for the preparation and service of light meals of the kind for which the permit is sought; and

(c) there is a reasonable need, in the locality, for the service of the kind for which the permit is sought.

(5) A permit granted under this section shall, unless sooner revoked, remain in force until the end of the period in respect of which the license was granted and the Court may upon the application of the licensee renew the permit if and when renewing the license.

(6) The fee for the issue and for the renewal of a permit under this section is four dollars.

(7) A permit granted pursuant to this section does not authorise the licensee to have or keep his licensed premises open to the public at any time before or after that during which wine may be lawfully sold on the premises.

(8) A person who contravenes any condition to which the granting of a permit is subject or who serves light meals contrary to any specification in a permit commits an offence and the Court may, without affecting the penalty to which a person is liable under this subsection, revoke the permit.

Penalty: For a first offence, one hundred dollars, and, for any subsequent offence, two hundred dollars.

The object of the amendment is to give effect to the explanation I gave to the Chamber during the earlier stages of the Bill and to define the conditions that will be taken into account by the Licensing Court when it considers the applications for permits.

Point of Order

Mr. TONKIN: On a point of order, Mr. Deputy Chairman, I understood you to put the question: That this be the title of the Bill. Certain procedure has to be followed, and I cannot see how the Minister can introduce new clauses at this stage seeing that the question was that the title be agreed to.

The DEPUTY CHAIRMAN (Mr. Crommelin): I did put the title, but I did not hear any answer, so I did not give a decision.

Mr. COURT: The situation as I understand it is perfectly clear. When you got to the stage that you would clearly put the question that the title be agreed to, you put the question before I put my clauses which are on the notice paper, and I then asked to put the clauses.

Mr. TONKIN: The Minister is dissembling.

Mr. Court: He is what?

Mr. TONKIN: We listened to you clearly putting the various clauses, Mr. Deputy Chairman. Having put them all you then proceeded to put the question: This shall be the title.

Mr. Court: That is the point at which I intervened.

Mr. TONKIN: I submit that in the ordinary course the next move would have been for you to put the question that you report to the House. Before you were able to do that the Minister rose and attempted to put this amendment. I submit to you, Sir, that he lost his chance. There is a way of doing that and, as far as I am concerned, it will be done the proper way. The Minister can recommit the Bill for the purpose of putting the new clauses. We will not have Rafferty rules.

The DEPUTY CHAIRMAN (Mr. Crommelin): The Clerk has consulted the *Hansard* reporter who has stated he recorded automatically that the title was put and passed. When I put the question the Clerk was standing between me and the Minister and, quite frankly, I could not see what the Minister was doing.

Mr. Tonkin: We know what he was doing.

The DEPUTY CHAIRMAN: I was waiting for him to rise and I could not see him.

Mr. Ross Hutchinson: You are being petty to the greatest degree.

Mr. Graham: This is laid down in the Standing Orders.

Mr. Ross Hutchinson: This has been done a hundred times before.

The DEPUTY CHAIRMAN: I will have to give my ruling that I put the question, but I did not give a decision. Nobody said "Aye."

Mr. Graham: Of course they did, in exactly the same way as they did on the clauses.

Committee Resumed

The DEPUTY CHAIRMAN (Mr. Crommelin): I have given my decision, and I now call the Minister for Industrial Development.

Mr. Graham: You have the numbers and that is apparently all that matters.

Mr. COURT: The idea of my amendment is to set out the matters the court will take into account when considering applications for permits to serve food in wine saloons. The object of the Government is to lift the standard of the wine saloons; and we feel the Licensing Court should be given power—particularly in the initial stage—to consider each application on its merits. The Government considers that not every type of wine saloon or every type of district will want the same conditions laid down. For this reason we are prepared to allow the court discretion when considering the matters provided for, and it should specify what the conditions shall be.

The member for Swan wanted the right to serve food to be arbitrary once the license was issued. This was not acceptable to the Government, because it felt it defeated the object of the exercise, which is to lift the standard of these licensed premises. We do not think we can impose a standard procedure, or standard provisions; we feel it is best to leave it to the Licensing Court to consider each case on its merits. It will then have the right to revoke permits if they are not operated in accordance with the conditions laid down.

Mr. GRAHAM: I have no objection to the principle contained in the clause. Last week I said I thought the Government was going too far. Hitherto not one morsel of food could be eaten in a wine saloon, but now we are to have everything —brass knobs, hot and cold running water, special kitchen, special dining room, and so on. It should be for the licensee to decide whether he wishes to go as far as this or whether, because of the nature of his clientele, he wishes to serve light snacks and finger meals. The Government's amendment will mean that instead of conforming with the Health Act an approach to the Licensing Court will be necessary.

The instructions to the court are reasonable, except those contained in paragraph (c) of proposed new subsection (4), to which I would draw the attention of the Minister. This means that every time a wine saloon keeper wants to serve food with wines—which is the sensible and civilised thing to do—somebody who runs a sandwich stall, a pie shop, or a fish and chip shop would have the right to object.

We are instructing the Licensing Court that it must have regard for other eating facilities in the locality. I do not know that this is so, but the intention seems to be to protect the dining room of a hotel in the locality. Because of this proscription, the Licensing Court can decree that no food or meal facilities shall be made available.

There are not many wine saloons in Western Australia, and most of them would be in close proximity to hotels or restaurants. In other words there is no real need for further eating places in such localities, but there is a need for facilities to provide food on all licensed premises, because surely all the ills that arise from an overconsumption of liquor stem from the fact that it is taken into an empty stomach; it is better if food is available. I am disposed to move for the deletion of paragraph (c), but I will first hear what the Minister has to say, and I hope he agrees with my point of view.

Mr. COURT: We felt during the early stage of introducing a revolutionary change into this type of licensed premises that the court should be given fairly wide discretion; that it should have a fairly wide field over which to consider and make decisions. The amendment is not intended to unduly protect established restaurant dining rooms or pie stalls, as suggested by the Deputy Leader of the Opposition. The intention is to enable the court to take into account the points covered by paragraphs (a), (b), and (c). When these places become upgraded with the passage of time, further amendments to the law will be necessary to deal with the question on a broader basis.

It is not mandatory for the holder of one of these licenses to apply for a permit. Some of them might not want to be bothered with it; they might want to continue as they are. The time could arise when Parliament thinks it should be mandatory for them to have these facilities, and that the permits should be on a different basis. But we can let the Parliament of the day make that decision.

I invite attention to proposed new subsection (5) which refers to renewals. This again is intentional so that if, after a trial period, a permit holder decides this is not for him, he need not apply for renewal of the application, and it will lapse. He will then have to conform to the normal requirements of the legislation within the jurisdiction of the court. We feel it is best to make haste slowly and provide this extra ground for the Licensing Court to consider permit applications. One must take a fairly broad view of the position that exists in regard to certain of these permits.

The Licensing Court could have very good reasons to think that an application was being made on grounds which were not apparent to the average person. Because of its greater knowledge of the actual administration and practice of the law the court might consider there were good reasons for invoking the provision in paragraph (c). This provision should therefore be retained, and we should let experience dictate its future.

Mr. GRAHAM: The Minister has not made out a case for the retention of this paragraph. For that reason I move—

> That the new clause be amended by deleting paragraph (c) of subsection (4) of proposed new section 33A.

This paragraph provides that the court shall not grant a permit unless it is satisfied there is a reasonable need in the locality for the service for which the permit is sought.

I am sure the Minister will agreed that there are very few wine saloons in Western Australia. He made a submission with which I agree that not every wine saloon will make application to take advantage of the provision in the new clause. In the great majority of cases it would be physically impossible for wine saloons to make such application, because the size of their premises and the land on which they are situated are not sufficient to allow the construction of separate dining rooms and proper kitchen facilities.

Contrary to what the Minister has told us, paragraphs (a), (b), and (c) do not run together. Paragraph (a) lays down that the court shall satisfy itself that the part of the licensed premises in respect of which the permit is sought is suitable for the purpose; while paragraph (b) provides that the court shall satisfy itself that there are on the licensed premises all necessary and proper facilities for the preparation and service of light meals.

Obviously these two requirements relate to the type of premises and to the facilities to be provided; but paragraph (c) deals with an entirely different principle. It instructs the court to ensure that, as a prerequisite to issuing a license, there is a reasonable need in the locality for the service. Obviously this refers to a reasonable need for further eating facilities in the locality.

We are not seeking to provide food facilities for any locality; what we want to do is to make the drinking of wine a little more pleasurable and more in conformity with common sense practices. Unfortunately, for the reasons outlined, the provision in proposed subsection (4) will have application in respect of only a very small percentage of the wine saloons in Western Australia.

My experience during my trip last year was that in every place in Europe where it was possible to eat, liquor could be obtained. I do not remember a single establishment where people could obtain liquor, and liquor only—in other words, where no food whatever was supplied. In a comparatively trivial amendment to the Licensing Act, surely we can be guided by the hundreds of years of experience in many thousands of localities in other parts of the world. There is nothing revolutionary about meals and liquor, particularly wine, going hand in hand. For that reason it is completely irrelevant whether there are other eating places in the locality, and the Licensing Court should not be required to take that into account.

I do not know what sort of experience we will gain from the 20, 10, or fewer wine saloons in Western Australia which will make application under this provision in the new clause. If there are abuses or undesirable features arising in the future, there is the Licensing Court, which is given considerable powers—including disciplinary powers—to ensure that those who hold wine saloon licenses do conform with reasonable standards.

Mr. COURT: I have given the reasons why we do not agree to the deletion of paragraph (c).

Amendment put and negatived.

New clause put and passed.

New clause 6—

Mr. COURT: I move—

Insert after new clause 5 the following new clause:—

S. 44D amended.

Section forty-four D of the principal Act is amended by adding, after subsection (2) the following subsections—

(3) Notwithstanding the provisions of the proviso to subsection (1) of this section, if the Court, after due inquiry, is satisfied that, by reason of the operations of the company on behalf of which the application is made, it is unreasonable or impracticable to require the premises in respect of which a canteen license is sought to be situate in conformity with that proviso, then, the Court may, subject to the other provisions of this Act relating to canteen licenses, grant a canteen license in respect of premises that are situate within twenty miles of premises the subject of a publican's general license or a wayside house license.

(4) Subsection (3) of this section shall continue in operation until the thirty-first of December, nineteen hundred and sixty-nine and no longer; and every canteen license granted by reason only of the operation of that subsection shall, after that date, cease to have effect.

This proposed new clause refers to section 44D of the principal Act. Most members know the significance of a canteen license, which is a form of license introduced to deal with situations in rather remote project areas. I cannot recall offhand when the original amendment was first placed in the Act, but I think it was fairly soon after I came into this Parliament. It was brought in, quite sensibly, to deal with a situation which was otherwise unmanageable and one which could have brought about not only industrial trouble but a certain amount of other inconvenience.

The object of this amendment is to allow the court some discretion to deal with a situation which is peculiar because of road distance as compared with air miles, and where it is, in the opinion of the court, in the interests of those concerned to give them a license, even though they might be situated within the 20-mile radius. In the past it was mandatory for the court to refuse a license to those within the 20-mile radius.

Sometimes a license for a hotel was granted after the canteen license was given. In such cases, when the publican's general license was given, the canteen license was terminated. There was such an instance at Kununurra, and another at Exmouth. However, there is a particular case which partially prompted this amendment. I use it only as an example of a situation that has developed and that will develop. I refer to the situation which exists near Port Hedland where there is a rather remote campsite in connection with the Mt. Newman contract. As the crow flies

I think the camp is about 8 miles away, but by road the distance is somewhere between 18 and 20 miles.

It is felt—and the court is sympathetic to this line of argument—that in the interests of the workmen, and having regard for safety and other factors, it is desirable to allow the court some discretion to grant a license where it feels that by so doing the interests of all concerned will be served. It is a very circuitous route to this place, which those who understand the topography will know. In the early stages I was not terribly keen on canteen licenses, but I have since seen them in operation and have changed my mind. I acknowledge they are an essential part of project work.

In proposed new subsection (4) a provision is incorporated to the effect that this portion of the Act will continue in operation until the 31st December, 1969, and no longer. The reason for this is that the particular project which I instanced should be completed—or so near to it that it will not matter—by that date. Before then, Parliament will have to make up its mind whether this provision shall become permanent in the light of experience, or be allowed to lapse. If Parliament does not make a positive decision before the 31st December, 1969, then the old order will remain and this amendment will cease to have any force or effect.

The Government of the day will have to make a decision and come to Parliament with a proposition asking for an extension of time, or it will have to make a permanent amendment to the legislation. These men have to drive a long distance from their campsite to the nearest town, and I think this amendment is desirable in the interests of the projects and in the interests of the men who work on them. We have to remember that the men will not be based at the campsite all the time; they will move further and further away. Therefore they will have two distances to travel—one back to the campsite, and then into the town where the nearest publican's general license is located.

Point of Order

Mr. TONKIN: At the present time, leaving out of our calculations the merit in the Minister's argument, I am mystified about the procedure. I understood when one was moving for a new clause, one did so after consideration of all the other clauses had been completed. It looks to me as if the Minister was in order when he moved his previous new clause, so why is he not in order now? I would like to hear from you, Mr. Deputy Chairman, an explanation of the procedure which is being followed.

The DEPUTY CHAIRMAN (Mr. Crommelin): The Minister has treated the clause as if the Bill had been reprinted. It is not the case with these clauses and consequently in putting the clauses as I am now, I will leave it to the Clerk to renumber the clauses as they come down.

Mr. TONKIN: Can the Minister elect to treat this how he likes, or is it a set procedure which he must follow?

Mr. Court: I was doing what I was told.

The DEPUTY CHAIRMAN: Clause 6, as shown on the notice paper, is numbered wrongly, because the new clause will have to follow new clause 5. I think I am in order.

Mr. Graham: Was "to stand as clause 5" right or wrong?

The DEPUTY CHAIRMAN: I changed the procedure on this occasion because the first one was wrong.

Sitting suspended from 6.15 to 7.30 p.m.

Committee Resumed

The DEPUTY CHAIRMAN (Mr. Crommelin): The question is that a new clause 6 be added to follow new clause 5.

Mr. Tonkin: Now we are getting somewhere.

New clause put and passed.

New clause 9—

Mr. COURT: I understand that the Clerks have realised that the wording on the notice paper is wrong and that it should read "To add a new clause, to stand as new clause 9, following clause 8." I therefore move—

> Page 5—Insert after clause 8 the following new clause to stand as clause 9:—
>
> S. 51A amended. 9. Section fifty-one A of the principal Act is amended by adding, after subsection (2), the following subsection—
>
> (2a) Where an order has been made under subsection (1) of this section against an owner who is the vendor of the licensed premises under a contract of sale, if that owner is not in possession pursuant to any right of re-entry under the contract and has carried out the work, the sale price of the premises under the contract is, by operation of this section, increased by the total amount properly expended by the vendor in carrying out the work and the contract is deemed to be varied accordingly.

This new clause is to overcome a situation referred to by, I think, the member for Kalgoorlie, the member for Subiaco, and the member for Perth. The member for Perth commented to me about the matter either in the Chamber or privately.

The object is to avoid the situation where an owner who does not have legal possession of the premises, but has entered

into a contract of sale, is called upon to comply with an order. He would be at a very great disadvantage and could, in fact, be quite unfairly treated because a body quite beyond his power—namely, the court —had committed him to a considerable responsibility and liability.

We do not want him to escape the responsibility to undertake the execution of the order, but it is fair and reasonable that he should be given a chance to be recouped, and the contract will therefore be varied accordingly. The point is that the owner will have done the work and the money will have been—and these are the important words—"properly expended by the vendor in carrying out the work." In other words, he could not wilfully spend a ridiculous sum of money to undertake the court's requirements and add it to the contract. It must be "properly expended," which I think is the correct legal phrase.

I might add that a number of words were tried to give expression to the wishes of our legal friends within the Chamber, and it was eventually agreed that the most effective and the simplest way was to say that "the contract is deemed to be varied accordingly."

New clause put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

Bill recommitted, on motion by Mr. Court (Minister for Industrial Development), for the further consideration of clause 4.

In Committee

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

Clause 4: Section 33 amended—

Mr. COURT: I asked that the Bill be recommitted for the purpose of further considering clause 4 to overcome a procedural problem which arose when we amended clause 4 as it originally appeared in the measure. Members will realise that certain words were in the original Bill and because of the other words incorporated they had to come in at the end. However, I think it was the Leader of the Opposition who rightly drew the attention of the Deputy Chairman to certain procedural difficulties. We were in a quandary because if we had moved the original amendment we would have been in exactly the same position. It was then pointed out that this was the simplest and the correct way to deal with the situation. I therefore move an amendment—

Page 2—Insert the following passage after paragraph "(e)" inserted by a previous Committee:—

and

(f) by repealing subsection (10) and re-enacting it, as follows—

(10) The provisions of subsection (1) of section one hundred and eighteen of this Act, relating to the supply of liquor by license holders, apply, with such adaptations as are necessary, to the supply of wine by the holder of an Australian wine license.

I refer to some of the comments I made when I introduced the Bill. They are as follows:—

This requires holders of an Australian wine license to comply with section 118 as to supply of liquor, etc. Under section 118(1), the holder of a publican's general license, a limited hotel license or a wayside house license or an Australian wine, beer and spirits license, who, without reasonable cause, refuses to receive any person as a guest in his house or to supply any person with food, liquor, refreshment or lodging, commits an offence against the Act.

It is considered that these provisions —with such adaptations as are considered necessary—should apply also to the holder of an Australian wine license.

That is the purpose of this amendment.

Amendment put and passed.

Clause, as further amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

CREMATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.

ELECTORAL ACT AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [7.44 p.m.]: I move—

That the Bill be now read a second time.

This amendment seeks to clarify the legal position of the Third Party Claims Tribunal which was established by means of an amendment introduced last year, and also to ensure that none of its proposed rules would be *ultra vires* the Act. It will also give the chairman of the tribunal the jurisdiction to sit alone in chambers on

interlocutory matters and will allow doctors under certain circumstances to give evidence by affidavit.

Subsection (19) of section 16 of the amendment introduced last year is repealed by clause 3 of this amendment and new subsections (19) and (20) are introduced. The new subsection (19) is similar to the repealed subsection except that it is to be subject to the new subsection (20). Subsection (20) gives the chairman the jurisdiction to hear and determine interlocutory matters alone in chambers in a similar manner to the present system where such applications are dealt with by a judge in chambers or a magistrate of the local court in chambers.

As the Act stood it would have required the chairman and one member to form the quorum, but this amendment gives the chairman the necessary power to deal with such matters as enlarging time to file pleadings; to amend pleadings; to issue an order for discovery; to have a special date fixed for hearing; etc. It should be noted, however, that in all cases when the tribunal is dealing with an assessment of damages or determination of liability, a quorum of the chairman and at least one member must be present.

Clause 4 of the Bill gives to the registrar of the tribunal the same power to tax bills of costs as is possessed by both the Registrar of the Supreme Court and the clerk of the local court. The draft rules of the tribunal provide that the registrar shall tax bills of costs and settle the form of draft orders and judgments of the tribunal. The amendment provides that the registrar shall transact such of the business of the tribunal and exercise such jurisdiction as may be prescribed.

Clause 5 of the Bill is necessary because of clause 3 which allows the chairman of the tribunal to sit alone in chambers to hear interlocutory matters. Part of section 16D of the Act at present reads—

> all proceedings before the tribunal shall be conducted in public.

This is at variance with the intention to allow certain matters to be heard in chambers, and the amendment is necessary in order to give full effect to the intention to allow the chairman to deal with these matters in chambers.

The purpose of clause 6 (a) is to remove any doubt that may exist and to make it quite clear that the tribunal has the power to approve the settlement or compromise of a claim by an infant. The phrase "all actions and proceedings" which is in the Act is so generally worded that some lawyers have expressed an opinion that there is a doubt which should be cleared up. On the other hand, order 16A of the rules of the Supreme Court provides that—

> (1) Where in any action in which an infant or person of unsound mind is a party to a settlement or compromise is proposed, it shall not be valid unless approved by the court or a judge.
>
> (2) Applications for approval under this rule may be made by summons returnable before a judge in chambers and shall be supported by affidavit and independent counsel's opinion unless the judge shall see fit to dispense with such opinion.

The purpose of the amendment therefore is to make it clear that the tribunal has exclusive jurisdiction in claims for damages in respect of death or bodily injury arising out of the use of motor vehicles.

Clause 6 (b) relates to the powers of the tribunal. It was intended that the tribunal would have and be able to exercise all or any of the powers in relation to proceedings before it as a judge has and may exercise. However, the manner in which the Act is worded relates this power to the powers of a judge in 1967. In due course, no doubt, the powers of a judge will change, and perhaps in 10 to 15 years they will be different from what they are today. The purpose of this amendment is to give to the tribunal, with respect to proceedings before it, the powers which a judge would have, but for the enactment of this section. The power of the tribunal at any time may be related directly to the power of a judge at that particular time.

Clause 6 (c) introduces a further subsection which will give the tribunal the power to direct the investment of any damages awarded to a person under a legal disability; that is, an infant or person of unsound mind.

All the power of the tribunal is laid down by Statute and, at present, the Act does not give the tribunal the right to direct the investment of any sum awarded. A judge when making an award in the Supreme Court ordinarily, in the case of a person under a legal disability, would make provision for the investment of the amount of general damages in trustee securities by the Public Trustee or other approved trustee.

It is considered essential, particularly as the tribunal will have exclusive jurisdiction in this field, that it should also have the power to order the proper investment of any part of any award for the benefit of the person to whom the award has been made.

Clause 7 provides for the repeal of the present general rule-making paragraph (f) under section 33 (2) of the Act and to replace it with paragraphs (f), (g), (h), and (i) of section 33(2), and for the addition of a further subsection (3). The new paragraph (f) will provide that

the Governor may make rules or regulations for or in respect of—

> The means by which particular facts may be proved and the mode in which evidence thereof may be given in any proceedings or on any application in connection with or at any stage of any proceedings.

The draft rules of the tribunal provide that, with the acquiescence of the other parties, the affidavit of a medical practitioner may be tendered in evidence. This will be a particular advantage to medical practitioners in cases where there is no difference between the parties as to the particulars of the evidence being offered by the doctor. It will save them valuable time and also could render it unnecessary for a country doctor to visit Perth to give evidence relating to an accident that happened in the country, and where the local doctor only gave preliminary treatment to any injuries and then transferred the accident victim to Perth for further treatment. This type of accident is not uncommon with the type of claim dealt with by the tribunal.

The draft rules provide, however, that if any party requires the oral evidence of a medical practitioner to be given, then it shall be given before the tribunal in the manner existing at present.

The proposed paragraphs (g) and (h) read as follows:—

> (g) the application to proceedings before the Tribunal, the Chairman or the Registrar of the rules of the Supreme Court for the time being in force;
>
> (h) the making of practice rules by the Chairman.

Rule 1 of the draft rules of the tribunal read as follows:—

> Where no rule of practice or procedure is prescribed by these rules the general rules relating to the practice and procedure in the Supreme Court for the time being in force shall apply so far as they may be applicable and where there is no rule applicable to the particular circumstances of the case, the Chairman may make a rule of practice for that particular case.

This proposal is desirable so that no circumstance can arise over which the tribunal does not have the power to deal.

For the case of brevity the draft rules have been condensed and certain rules which appear in the Supreme Court rules, but which would be seldom used by the tribunal, have been omitted. Without the proposed amendment this rule containing what is in effect a delegation of a rule-making power would be outside the rule-making power in the Act.

Paragraph (i) refers specifically to the chairman and this is because it is proposed that he will have the power to sit alone in chambers on interlocutory matters.

The registrar is also referred to and this is because of the anticipated power of the registrar to tax bills of costs and settle the form of judgments and orders.

Clause 7(b) adds a third subsection to section 33 which reads as follows:—

> For the purposes of proceedings before the Tribunal, a medical report the substance of which a party intends to adduce in evidence, at some stage of the proceedings, is not a document that may be withheld on the ground of privilege by that party.

At the present time, medical reports obtained specifically for the purpose of an action are privileged and medical reports not so obtained are not privileged. It is the usual procedure between solicitors acting in matters which come within the jurisdiction of the tribunal to freely exchange copies of medical reports and it is not usual to rely on the question of privilege in this particular jurisdiction.

By having it specifically enacted that the substance of medical reports which a party intends to adduce in evidence are not privileged documents, the situation will be clarified. It means that when one party obtains discovery of documents the other party will be obliged to make available all the medical reports in his possession, the substance of which he intends to adduce in evidence and *vice versa*. Not only will this be fair to all parties but it will enable the tribunal to function more efficiently and it will also enable every party to the claim to know from time to time just what the medical condition of the claimant is.

The frank disclosure which would be brought about by the exchange of medical reports will assist in early settlement of claims as the defendant will know exactly what the medical situation was and will be in a position to make an appropriate offer for settlement. Furthermore, in the draft rules there is a rule requiring parties to a third party claim to lodge copies of the medical reports on which they intend to rely in the registry of the tribunal 14 days before the hearing. This is to enable the members of the tribunal to get an idea of the actual medical situation before the case comes on for hearing. Without this amendment, some practitioners might claim privilege with respect to their medical reports resulting in an increase in the time taken for the hearing of claims.

Clause 8 provides for a new section 33A and reads as follows:—

> An affidavit required for use in any proceeding depending in, or before, the Tribunal may be sworn or affirmed in the State before a member of the Tribunal, a Commissioner for taking affidavits for use in the Supreme Court,

> a Justice of the Peace for the State or the Registrar and may be sworn or affirmed at any place outside the State before a person authorised under the law of that place to administer oaths.

This clause expressly provides before whom affidavits for use in the tribunal can be sworn. As this is a matter of substantive law, it is proposed that it be included in the Act rather than in the rules.

I commend the Bill to the House.

Mr. Tonkin: Before the Minister concludes, will he please explain how the need has arisen for so many amendments in such a short time?

Mr. NALDER: The situation has been studied by the tribunal, and, as a result of some of the sections in the Act, it finds it is necessary to have greater authority than is provided in the original legislation. That is why it is necessary. This has been the advice which has been given and, as a result, it has been felt necessary to introduce amending legislation.

Mr. Tonkin: It looks as if the legislation did not receive enough consideration in the first place.

Mr. NALDER: This is the situation with which we are faced, and it is wise to have it corrected before the tribunal goes into action.

Debate adjourned, on motion by Mr. Jamieson.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th October.

MR. BRADY (Swan) [7.58 p.m.]: Since the Minister for Labour introduced this legislation into the House about a week ago, I have looked at it and tried to visualise how it will affect the community when it is in operation. All members will realise that the Weights and Measures Act is very important, and any interference with the parent legislation is something to which serious consideration has to be given. For this reason, I have looked through the Bill a number of times in order to see what effect the amendments which the Minister is bringing forward will have.

In the main, I consider it is essential that this Bill should be passed by Parliament to enable the amendments which are proposed in the measure ultimately to come into operation. These amendments have been recommended, and are set out in the Bill. For some years now, it seems that difficulties have been encountered by various States over the matter of prepacked goods.

Many manufacturers pack goods in packs of various sizes and use various measurements of weight and, generally speaking, in each State there has been great conflict over the size of the packs. This variation in size causes a certain amount of confusion among the buying public and it seems that, ultimately, the Ministers associated with weights and measures throughout the Commonwealth held several conferences to try to reach a common understanding on the weights and measures to be recognised by all States in the Commonwealth.

The Minister has told us that following these conferences and, eventually, following the one held in 1962, Mr. Rylah, the Victorian Minister, accepted the responsibility of trying to appoint someone to inquire into all the difficulties surrounding the standardisation and marketing of goods. Mr. W. J. Cuthill, a stipendiary magistrate, was given this task and, following investigations made over a period of three years, he submitted his views and his recommendations, which covered about 3,022 pages. In this publication he also reported on what he found from his investigations into the matter. Following the submission of this report it appears that various Crown Law officers studied the problem, and the provisions contained in this Bill are the result of their recommendations.

Probably the main portion of the Bill is directed towards repealing one of the sections of the Weights and Measures Act of 1965. Most members of Parliament and most members of the public probably know something of the provisions contained in this section, but it might be as well for me to read it for the information of members, because whilst the Bill will not be brought into operation immediately, it will come into operation in about two years when the other States of the Commonwealth have passed a similar measure, and everybody will be expected to know what it is all about. The section reads as follows:—

> Specimens of weights and measures of the standard of the United Kingdom of Great Britain and Ireland, as described in Schedule A, shall be provided by the Minister and deposited in the Treasury by the authority of the Governor; such weights and measures shall, subject to this Act, be standard weights and measures of Western Australia.

That provision has been recognised by all weights and measures authorities in this State. They recognise that the Treasury is the custodian of the specimens and standards of weights and measures. Following the conference of Ministers dealing with weights and measures, it appears the Commonwealth standard has been agreed upon.

In future, following the proclamation of this Act, and when the uniform legislation is in operation throughout the Commonwealth, the Commonwealth standard will

be the one that will be recognised. To achieve uniformity on the standard of weights and measures, the parliamentary draftsmen have drawn up a comprehensive list which is set out in the regulations which are to be part of this Bill when it becomes law. This list contains about 30 different sections dealing with all kinds of foodstuffs, cosmetics, liquids, and so on to be covered by this legislation. There will be provision for the minimum amount that will be packed; the maximum amount that will be recognised; what will be the subquantities of the minimum and maximum weight that will be allowed to be packed; and where the goods shall be branded; and, if a brand cannot be placed on the pack, it is provided that a label must be attached to the article itself.

So the list goes on to provide, as I see it, the greatest possible protection for the community. I have been satisfied on the point, but what I was vitally interested in was whether the penalties provided for a breach of any of the regulations are sufficient. In explaining this, the Minister stated that in our law we have adopted $200 more or less as the minimum fine as against the recommendation of $100, because $200 has been standard in this State. I agree with the Minister that that is the correct approach.

To ensure the Bill will operate as desired, it is intended to introduce—

> Part IIIA.—Special Provisions in Respect of Pre-packed Articles, Ss. 27A-27S.

All of these proposed new sections deal with one aspect or another of purchasing or selling articles and various commodities, and how the public shall be afforded the maximum protection. For example, if the goods are being weighed, the weighing machine must be placed in a position so that the person purchasing the goods can see the weight recorded on the machine. Generally speaking, in this respect I think the draftsmen have done a very good job.

It will be appreciated that when important legislation such as this is introduced one could easily select several features which may not, in practical operation, be as fair or as just as one would desire. Before raising two matters which might be fair or unfair, I want to point out what will happen in regard to the legality of the subsection which will fix the Commonwealth legal uniform standard. This is proposed new subsection (1) of section 19, and it reads—

> An article sold by weight or measure shall be sold only by reference to a Commonwealth legal unit of measurement the use of which in respect of that article is permitted by the regulations.

Paragraph (b) of that clause then states that a proviso appearing at the end of the section will be deleted.

Items dealt with under section 19 are as follows:—

> 19. All articles sold by weight shall be sold by avoirdupois weight, except that—

and then following subsection (2) there is this proviso—

> Provided that flour, bran, pollard, and the mill products of all grain shall be sold by the customary ton of two thousand pounds avoirdupois, or the hundredweight of one hundred pounds avoirdupois, or some multiple or part thereof respectively.

What I want to point out is that when this amending legislation is put into operation the proviso now appearing at the end of section 19 will be deleted. As I said before, in dealing with a measure of this kind there is always a fear that the public may be taken for a ride, and I think the general community looks to members of Parliament and the Weights and Measures Department for protection.

The Minister was good enough to give me a copy of the regulations that will apply. Once again these regulations are very comprehensive, because they comprise 30 schedules covering items that will now be recognised as prepacked articles. I will mention a few of them to give members some idea of what articles will be prepacked. They include such things as jam, tobacco, paints, varnish, laundry soap, linseed, castor oil, and so on. These are all set out in various categories, and there are various columns showing the sizes in which they may be sold. For example, it will be possible to sell jam in 2 oz. packs, 4 oz. packs, 6 oz. packs, 8 oz. packs, 10 oz. packs, 12 oz. packs, 1 lb. packs, 1½ lb. packs, and also in multiples of 1 lb.

That will be uniform throughout the Commonwealth. While the Act provides for these things to be done, it also states that there can be exemptions, and this is what worries me. One of the items that will be exempt is bread. A doubt is very often raised in the mind of a housewife as to whether the pound loaf of bread she buys does in fact weigh one pound.

This is very hard to determine. I understand some years ago there was an arrangement—I do not know whether it was between the then Factories and Shops Department and the union, or whether it was between the master bakers and the union—whereby it was recognised that it is possible to weigh bread in the bakehouse at the dough stage by allowing a certain number of ounces over one pound in the case of a one-pound loaf, and a certain number of ounces over two pounds in the case of a two-pound loaf.

This is to allow for the moisture to be absorbed, or for it to go up the flue, as the case may be, while the bread is being cooked. When it is ultimately sold, however, the bread must not be under a certain

weight, and there is a method for measuring this. By and large I have heard no great complaints about this system, although I do think it can lend itself to abuse if anybody wishes to abuse this method of selling bread in one or two pound loaves.

To be quite fair, however, I must say that I have not heard complaints in recent years, although I have heard people say on occasion that a pound loaf of bread does not appear to weigh a pound. There is an article which appeared in *The West Australian* this morning headed, "Only Wrapped Bread In Ten Years." The article states—

> In another ten years, all bread sold might be wrapped, says Mr. J. R. Brennan, president of the W.A. Bread Manufacturers' Industrial Union of Employers.

From the point of view of hygiene, the wrapping of bread will probably be a very good thing. I have heard people complain about bakers handling bread after they have been smoking or combing their hair. I have heard other people complain about bread baskets not being too clean. So the wrapping of bread could be a very good thing.

If bread is to be exempt from the Weights and Measures Act it is possible for some shady practices to intrude themselves into the selling of bread. For instance, one baker might use a very lightweight paper for wrapping his bread, while another might use very heavy paper. If the baker gains half an ounce or an ounce and he sells hundreds of thousands of loaves a week it is not difficult to see what could happen.

I do not say this will be the case, but the fact that certain things are to be exempt from the Act does not appear to me to be very good legislation. I make the point in connection with bread, because it is a commodity about which most people know something. So I am a little concerned that the regulations should exempt certain commodities, and I feel that this is where the danger lies.

I do not want to say anything more on this matter. Weights and measures legislation is a subject on which one could speak for hours. I think there has been an attempt throughout the Commonwealth to obtain a uniform standard.

I recall that when I was Minister for Police some years ago, I was approached by certain firms to give approval to the use of different types of packs. I referred the matter to the department, but it was not too happy, because the packs were not generally accepted by the public. In other words, while a 16 oz. pack was the recognised pack it was possible for a 13 oz. pack or an 11 oz. pack to look like a 16 oz. pack. That is where it was possible for snide practices to creep in.

By and large I think the House can support this legislation. I have no doubt if members analyse the Bill carefully they could possibly find weaknesses in one or more of the clauses. As I have already said, when I looked through the Bill my main concern was to ensure protection for the people who were buying a particular article, whether it was bread, furniture, or anything else. I wanted to be sure that they could see the article in question being measured, and that they would have an opportunity to check the details. If an article was delivered from the shop to the home, I wanted to be certain that there would be something attached to it showing its weight and size.

When I found these things were provided for, and that for people who committed breaches of the Act adequate penalties were provided, I was satisfied that the House could accept the legislation in its present form.

I am sorry to have been so long-winded about this matter, but I do not think we should treat legislation of this type lightly. One good feature is that the legislation will not apply immediately. It is possible it may not be adopted by all the States for another 12 or 18 months. The fact remains, however, that there will be an attempt to make the legislation uniform throughout the Commonwealth when the new system of weights and measures does apply.

Accordingly I think I can say that we on this side of the House support the legislation. We hope it will achieve all that is desired by the various weights and measures authorities throughout the Commonwealth. There are bound to be minor difficulties, but I think the main objective is to try to obtain uniformity, so that everybody will be working on the same basis of weights and measures when dealing with prepacked goods.

The Act is being amended to include an entirely new part which deals with prepacked goods, and the regulations—which the Minister was good enough to show me—deal comprehensively with the 30 different types of goods which can be prepacked.

The legislation is necessary, and if any weaknesses are evident when it applies throughout the Commonwealth, we will have an opportunity to amend the Act.

MR. DAVIES (Victoria Park) [8.19 p.m.]: This is a matter in which I have been interested for a great number of years. I am pleased to see that we are reaching the point where weights and measures will be standardised throughout Australia, although I have previously deplored the trend towards such standardisation, particularly when it has meant the surrendering of our rights and privileges to the Commonwealth. Although this is another instance of such a practice, it is one I am pleased to applaud.

This measure, in effect, seeks to extend the provision that was introduced initially in the 1965 session of Parliament when weights and measures came under the jurisdiction of the Minister for Police. On that occasion the Minister introduced some quite extensive amendments to the Act to provide for the adoption of new standards, for the varying of weights, etc. Among those amendments was one which provided for regulations to be adopted—regulations which would be built on the code which was then being established by the various States of the Commonwealth, and which it was hoped would become effective by the 1st January, 1967. In introducing the measure now before us the Minister gave a very detailed analysis of how this point has been reached. He said that in 1962 the Victorian Government appointed a magistrate, Mr. Cuthill, to conduct an inquiry in all States, including Western Australia. On that occasion I believe the Chamber of Commerce in this State gave certain evidence.

The report of that inquiry was tabled in the Victorian Parliament on the 28th April, 1964, so Mr. Cuthill took nearly two years to complete the inquiry. Both the Minister and the member for Swan mentioned that the report was compiled in six volumes containing over 2,000 pages. That was only the beginning of the work, although the inquiry had taken two years. Mr. Cuthill was not required to make any recommendations, but only to report on the position.

From April, 1964, the real work started. It meant going through the six volumes of evidence which had been gathered, and deciding whether or not it was necessary to introduce standard packaging throughout Australia. The evidence was overwhelmingly in favour of standardisation of packaging. This required the State Ministers to consider in conference—I understand they do meet once or twice a year—what action should be taken to standardise packaging throughout Australia. I am very pleased that they took this course of action and were prepared to act on Mr. Cuthill's report.

Up to that point I, along with many other people, had been very concerned with the marketing trend of many types of goods. We found the price was going up, the shape of the container was being altered, the quantity was becoming smaller, and in effect the consumer was getting less than he thought he was getting. This was achieved by altering the shape of the product or by putting it in fancy bottles with a deceptive shape. The consumer thought that he was getting a certain quantity, and because the quantity was not stated on the label he thought he was getting value for his money.

I shall not refer to the instances which I have related on other occasions, but I can refer to the comments I made in 1965, recorded on page 1790 of *Hansard* of that year, if any member is interested in reading them. At that time I drew the attention of members to the dilemma which confronted the housewife because of the packaging and markings on like products.

I thought nothing would be done on the report presented by Mr. Cuthill, but quite obviously a lot has been done. Tremendous problems have been experienced in establishing an Australia-wide code. Up till now we have operated mostly under the weights and measures legislation, which is a very small Act but which will be enlarged considerably when the Bill before us is passed. Some of the problems must be related to the trading outside a State. No useful purpose would be served in setting standards for packages if goods of a particular type are only manufactured in a particular State but have to be marketed in different sizes and in different containers, according to the requirements of the other five States.

Apart from the difficulty which section 92 of the Constitution would bring to the consideration of a uniform marketing code, we also had many individual problems which were associated with the existing weights and measures legislation in force in each of the States. Not to be daunted, the committee responsible for the uniform legislation pressed on. When the Minister for Police introduced the Bill in 1965 he was good enough to supply me with a copy of the proposed code, and in respect of the Bill before us the Minister for Labour, who is handling it, has likewise permitted me to view the code on which the regulations will be based in the future.

As I said earlier, it was anticipated that the proposed code would come into operation on the 1st January, 1967, but because of the many difficulties which were associated with the establishment of the code that date was found to be impractical. It looks as if the target date will be the 1st July, 1968. I think the member for Swan said it would take several years to reach agreement on a uniform code, but on reading the speech of the Minister I find the target date is less than 12 months away. From private conversation with the Minister he appears to be quite confident that this target date will be reached.

I shall not detail what is in the proposed regulations, because sufficient has been said about them by the member for Swan. The important point is that probably all the basic food needs of a housewife or a family are covered by the regulations. They set out the minimum sizes in which the goods shall be marketed, and the various multiples of those sizes which can be marketed. It appears that the regulations also provide for the maximum amount which shall be marketed in any one lot.

I have before me both the initial code, and the code on which we are to operate.

I find there have been some substantial changes, but in the time that I have had to look at them I am quite convinced the changes are all for the better. The amendment introduced by the Minister for Police in 1965 will no longer operate, because the Minister for Labour said when he introduced the Bill that there was provision for the inclusion of a new part, —part IIIA—in the Act. He told us that within this part will be set out the various provisions to deal with the framing of regulations which will, in due course, be gazetted.

There are one or two other minor, but necessary, amendments. Each one of those, as far as I can see, appears to be necessary. I would like to echo the sentiments of the member for Swan when he expressed concern over the fact that bread has been excluded. This is a matter on which I have spoken on a number of occasions. I have known cases where a loaf of bread sold to a customer has not been what it was purported to be. I realise that bread is covered by a separate Act of Parliament, but perhaps the Minister will at some time look into that Act to see how it relates to the marketing of food covered by the legislation under discussion.

It might be necessary to make some adjustments, so that we can have standardised packaging of bread, as well as the other items which are listed. The wrapping of bread is highly desirable, but it increases the price of a loaf by 3c at the present time. I notice that many supermarkets are selling wrapped bread, but I understand an additional charge of 3c per loaf is made.

That figure may be wrong, but that is how the position has been put to me. However, we are not discussing bread; we are discussing a proposed new standardisation of marketing regulations to come into force. Perhaps it would be better if I said "packaging" instead of "marketing" as I think it might be the better term.

I mentioned previously that I had glanced through the regulations; and I wish to refer to clause 26 on page 34 of the Bill, which seems to give an inspector pretty wide powers as far as the inspection of premises is concerned. He can enter at any time and conduct any inspection which he considers necessary. I do not know whether this is entirely desirable. If the Act said that goods could be sold only under certain conditions, the inspector should have the right to inspect only at the point of sale and not at the point of packaging or any other point. I think the point of sale is where goods should be judged by an inspector; he should not have the right to enter factories to inspect general packaging conditions and take any action necessary at that point. I may be be reading a wrong implication into the clause, and perhaps the Minister could let me know his views when he replies.

The rest of the legislation appears to be based on a standard Act to deal with the regulations; but, rather than introducing a completely new Act, we are adding to our existing Weights and Measures Act. I have said that standardisation in this case is desirable, but one thing does concern me: I refer to the trend of standardisation that is going on, particularly in regard to food-lines. I am worried about the takeovers in Australia by international food companies of what are considered to be essential foods. I think most of us have read the recent reports of American and British firms being involved in takeovers. I refer particularly to the British Tobacco Company and Nabisco, which are taking over the supply of what has generally been looked upon as basic foods.

I am wondering whether this legislation is going to assist those international firms in any way. I am also wondering whether smaller manufacturers and suppliers are going to say, "We will not bother to comply with the law in regard to standardisation of packaging; we would just as soon sell out to a person who is already complying with the regulations." We have seen many small Australian firms go to the wall. We saw the firm known as Great West Products, which manufactured jams, pickles, and so on, taken over, if I remember rightly, by Foster Clarkes. That turned out to be a bad takeover and the company was eventually taken over by another firm and we finished up with no local factory here.

Another feature in regard to the international set-up that is supplying food is that we are told to eat one kind of breakfast food and we are told we can enjoy it; but we want a choice, not standardisation. The same type of product is marketed under half a dozen different names; and this has happened in quite a number of different areas.

Those members who have read the papers will have noted that many of the confectionery firms are now being looked at by international firms; and if they are taken over and become part of the international scene, I do not think it will be good for Australia. Things would be well if capital were brought in to establish new industries, but I do not like to see overseas capital come into Australia to take over industries that are already established.

Whilst weights and measures provide for standardisation of packaging, that is about the limit of their scope. I have noticed that American confectionery and quite a few American foods are coming direct into Australia and being sold in various supermarkets. Most of these products have on the side of the packet a

fairly detailed analysis of the ingredients the product contains. This would probably come under our pure food laws, but they are lacking when compared with the pure food laws of America. It would seem that this is another area which could be looked at in order to protect the consumer. After all, this legislation is basically directed towards protecting the consumer.

We know that because of the absence of protective legislation, there can be monopoly control of any of the food markets within Australia; and if these markets get into the wrong hands, it will be a matter for regret. This Government has not followed the lead given by some of the other States, particularly by its own Liberal and Country Party coalition Government in Canberra, by passing the necessary restrictive trade practices legislation to apply in this State.

As far as I can understand the position, the Commonwealth restrictive trade practices legislation is ineffective as far as the individual States are concerned, particularly this State, with its harsh attitude towards legislation of this kind. This Government has a very lenient attitude towards restrictive trading. This State must be a bonanza as far as monopolies are concerned—it must be the best of all the States, because there is certainly no effective restrictive trade legislation on our Statute book.

The SPEAKER: I hope the honourable member will relate his remarks to the Bill.

Mr. DAVIES: I shall confine my remarks to the Bill, Mr. Speaker. Since we are considering the standardisation of packaging to protect the consumer, I would ask the Minister to give consideration to the establishment of a consumer council, as I think the two matters go hand in hand. If the Government considers it is correct that the consumer must be protected by bringing down legislation to standardise packaging, surely there are other areas in which the consumer could be protected. This is something to which other States have been pleased to give effect. Victoria, for instance, has a consumers' council; and, if I remember correctly, Mr. Askin, the Premier of N.S.W., fought a by-election on the appointment of a consumer council. This was one of his three policy points on that occasion. However, he lost the by-election so presumably he did not receive approval to establish a consumers' council.

For some time I have had on my file a pamphlet entitled *Consumer Protection and Guidance in Britain*. It deals with the packaging of foods and other legislative measures which have operated for many years in that country. I might point out that the pamphlet was printed in July, 1964, and one of the articles contained in it deals with the establishment of consumers' councils. With your permission, Mr. Speaker, I will read out the four functions of the council, which are as follows:—

(1) to inform itself about the consumer's problems and about matters affecting his interests;

(2) to consider, after consultation where necessary with other affected interests, the action to be taken to deal with such problems, or to further or safeguard such interests and to promote that action;

(3) to provide advice and guidance for the consumer, in particular through the Citizens' Advice Bureaux and other appropriate organisations and by its own publications;

(4) to publish an annual report, which would be presented by the President of the Board of Trade to Parliament.

The composition of the consumer council, which is an official Government body, is 12 members appointed by the President of the Board of Trade for their personal qualities and not as representatives of any other organisations.

I believe this kind of council would be admirable within Australia because of the various tendencies within the marketing framework which I have already mentioned during my address. I hope that the Australian Labor Party at the next election will include, as part of its platform, the establishment of a consumer council. I know that the need for such a council has been adequately shown in the legislation presented to this Parliament, and that it is a body which would work for the benefit of the community at large and not for sectional interests. After all, we are all consumers in some way or other.

The last point I want to raise concerns the gazettal of the regulations. I presume this will be done in the normal way through the *Government Gazette*, and they will apply from such and such a date. After the regulations have been formulated, gazetted, and accepted, what then is the position in regard to any future changes? Does it mean that changes will be made only upon the agreement of the six States, or will any State at any time have the right to legislate as it desires in order to make necessary alterations to the legislation?

As I support the trend towards standardisation, I feel it would be desirable that all States should agree before any amendments are made to the initial regulations as gazetted; but I also believe that if for some reason one State particularly requires an amendment, it is highly desirable that it should—and we all should—exercise its right to go it alone and make the necessary amendment.

I do not know what the position will be and I do not know how the Minister

views the situation. I do not know what the Ministers say when they meet to decide these regulations. I do not know whether it is a unanimous decision, a majority decision, or whether the chairman has a casting vote. The Minister possibly would be giving secrets out of school if he gave us any of these details. However, I would like to know how changes are to be made in future.

It has taken a long time for this legislation to be presented to us. The first action was taken in June, 1962, although no doubt other preliminary action was taken before that time. Further time elapsed after June, 1962, and it has taken since April, 1964, to reach the present stage. I applaud the fact that this stage has been reached. I would have bet London to a brick that the Government would not take any action, but I am pleased that it has; and I support the legislation.

MR. O'NEIL (East Melville—Minister for Labour) [8.44 p.m.]: I thank the members for Swan and Victoria Park for their contribution to this debate. Firstly I must say that the Bill is essentially enabling in form and perhaps those members who have not made as thorough a study of the measure as have apparently the members for Swan and Victoria Park, will not have gained a full picture of the Bill and its proposal. Perhaps after I have concluded my comments in reply to some of the queries raised by the two honourable members, I will give the House a very brief explanation of some of the principal features of the Bill which will, in fact, by regulation affect the ordinary consumer.

Whilst not being critical, I would first of all like to correct the member for Swan, because he stated that section 9 was to be repealed. In actual fact it is section 9 of the amending legislation of 1965 which is to be repealed, and whilst that section does bear some relation to the same subject, it is not quite as the member for Swan believed it to be.

The situation is that when the Act was amended in 1965, it was deemed at that time that an amendment to section 9 of the principal Act would, in fact, enable the Government to promulgate regulations to bring about a uniform code of packaging. However, further study in the matter by the parliamentary drafting committee which was appointed to look at this, revealed that this was not so; and consequently a further amendment had to be made to enable the code to come into being.

The member for Swan and also, I think, the member for Victoria Park mentioned some of the items which will be exempt, and bread was mentioned particularly. In fact there is another item—coal—which is exempt from the provisions of the Acts and regulations of all States. This is because in all States there is already appropriate legislation which deals with the correct weighing of these two commodities.

It is true that the weight of bread is controlled prior to its being cooked. However, because of various methods of baking and the like, the finished article out of one bakehouse could be completely different from the finished article from another bakehouse, despite the fact that both pats of dough—if that is the correct expression—would have entered the ovens at exactly the same weight.

Furthermore, there is a greater diminution of weight in bread that is not wrapped, than in bread that is wrapped, because of the loss of moisture. It might also be a matter of interest for members to know that the bread the housewife gets on Friday morning would weigh less than the bread she gets on Thursday because, in many cases, the bread she receives on Friday has been out of the oven for three or four hours longer when it is delivered, than is the case on Thursday morning. Therefore, I give the same advice to those who like to freeze bread to keep it fresh, that I have given my wife; that is, to buy Thursday's bread to freeze in order to keep it fresh over the weekend because of no delivery on Saturdays and Sundays, rather than Friday's bread, because Thursday's bread has a higher moisture content for the simple reason that Friday's bread has been out of the oven for a longer time before it is delivered.

Mr. Davies: That is nice to know.

Mr. O'NEIL: There are provisions for exemption under the Act and I think members will realise these would be necessary. For instance, for some reason an importer might unwittingly bring goods into the State or country, although they are not marked in accordance with the provisions of our new code. Nevertheless, for some reason it might be desirable that these goods be marketed. Under these conditions the Minister can, if he is satisfied that it would be in the interests of the consumer to do so, issue a license for the sale of the goods under very strict conditions, including the number of articles that may be sold, and the time by which they must be sold.

The situation may also occur, following the coming into operation of various sections of the Act, that there may be a backlog of some commodity which is not correctly marked. However it would be unfair simply to ban the sale of these goods, and therefore there is a provision under which the Minister, if satisfied, may permit such articles, not correctly marked, to be sold under very strict conditions—and they would be very strict indeed.

It may also be stipulated that a notice be placed on the shelf containing these articles indicating clearly to the customer

that although the articles are not marked in accordance with the uniform packaging code, special permission has been given to sell them unmarked.

One factor which was not brought out was that of package size. There has been a great deal of criticism directed at packages and cartons containing goods where the packages or cartons are apparently not full. The expression used is, "slack-filled package." Many people do buy a carton which appears to be only three-quarters full of some commodity, and they imagine they are being gypped by the vendor. This is not necessarily so.

Right throughout Australia firms are now specialising in packaging commodities. The firms do not manufacture or produce the commodity but they pack the goods for various producers. For example —and this is purely an example—one firm could pack several brands of soap powders for various manufacturers. The machines which are used are made to handle standard sized boxes or cartons. Various goods have different densities so it would be found that if one pound of tea were packed into a certain sized carton it would take up a lot more space than one pound of salt packed in the same sized carton.

The important point about uniform packaging is that each brand must bear, on the package, figures indicating the exact contents—either weight or measure. If we insist on no slack-filled cartons we might face price increases. Different machines would be required to pack different commodities, and a very much larger range of carton and package sizes would be necessary. So, in an endeavour to keep down costs, under the present method of packaging we cannot expect that every carton will be completely filled.

It has been decided that the contents will be shown very clearly in a specified sized print so that the consumer will know exactly what weight is in the package.

Mr. Davies: What about the case of small tubes of toothpaste being packed in large packages?

Mr. O'NEIL: I suppose that this, too, presents a problem. A particular toothpaste company might manufacture two or three different sized tubes but it may be cheaper to market all the sizes in the same sized carton. However, problems do not arise so much in that respect. It is the use of misleading expressions which causes the main problems.

The member for Victoria Park did indicate what I think we all feel—the tendency to seek uniformity for its own sake would appear to be a surrendering of the State's soveriegn rights. This outlook might be reasonable in certain matters of principle and policy, but in a matter such as this, with interstate trade, and goods from this State being sold in other States, I think uniformity has more advantages than disadvantages. I think the member for Victoria Park admitted this.

The copies of the regulations which I made available to the member for Swan and the member for Victoria Park, whilst they contain in essence the principles which will be part of the uniform code, may be difficult to reconcile with this Bill. The reason for this is that the Commonwealth drafting committee did, in fact, produce a sample Bill which would stand on its own as a uniform prepacked article Bill. Therefore, the regulations which are still in draft form—but which are virtually agreed upon—refer to that Bill and any attempt to refer the regulations to this particular Bill would be in vain.

It might be interesting for members to know the present state of the legislation throughout the Commonwealth. At the last meeting of the Ministers for Labour we decided that at the end of this calendar year we would advise one another how we had got on in piloting this legislation through our various Houses. At the last check South Australia was a little in front because the legislation in that State had reached the second Chamber. Apart from that I think we are next in line, but I have reason to believe that similar legislation will be introduced into each State Parliament this year. This gives us greater hope that we will be able to indicate to one another that we have the enabling legislation and we will be able to proceed with the gazettal of the necessary regulations.

I would now like to refer to some of the matters which I mentioned would be covered under the regulations rather than by the Bill. There will be certain prohibited expressions, such as the use of adjectives to alter the meaning of what could be regarded as a fixed quantity. For example, the use of the expression "large pound" will not be permitted. There is no such thing as a "large pound." A pound is a pound and that is that. Another expression is "bigger gallon." There are quite a number of these expressions which will be prohibited.

Mr. W. Hegney: What about, "King Size"?

Mr. O'NEIL: No, not "King Size." The prohibited expressions will be those adjectival phrases used to distort what is recognised as a fixed unit of measure. The use of the term, "heaviest pound" will be illegal. Other expressions will be restricted to some extent, and these will come under another regulation. This regulation will cover such expressions as, "Jumbo," "King Size," "Economy," and a few expressions which I had not heard until I attended the Ministers' conference. When such expressions are used there will be a requirement that the positioning of the figure, showing the quantity of the contents will be in close proximity to the expression which is used.

I have already mentioned the matter of slack-filled packages and the difficulties which would be experienced in having package sizes which would indicate the quantity of the contents rather than a printed indication on the package. Another matter which might also cause difficulty is the use of the expression, "Net weight when packed." The problem here is similar to that which applies to bread. Many commodities lose weight following packaging. Most of them lose weight because of a loss of moisture, and soap in blocks and soap powders in packets suffer in this way.

I am given to understand that whilst the weight of the contents might diminish because of the loss of moisture, in fact the article or the commodity has lost none of its potency and none of its effectiveness. Members who studied science at school will recognise that many materials and substances absorb moisture. I believe that salt is one commodity which absorbs moisture.

There could be a variation in weight or quantity depending on the temperature and the humidity. At the Ministers' conference I noted that Queensland and Western Australia are faced with the same difficulty. Where it could be expected that the average loss of weight through evaporation would not vary greatly in the State of Victoria, there could be a considerable difference between the loss of weight over a fixed time of goods in Wyndham as against the same goods in Esperance. So there is some difficulty here to determine whether or not it would be possible to specify in the Bill the percentage of diminution of weight permitted.

It was agreed that this was not feasible and each State would determine, on its own experiences—even, if necessary, for certain areas of the State—what percentage of loss or gain would be permitted before an article was deemed not to come up to the standard specified as, "Net weight when packed."

Experiments have been carried out right throughout the various parts of Australia. These were carried out by the standards laboratory, and on behalf of the Ministers and others. The experiments indicated that it would be extremely difficult to give a percentage tolerance which would apply over the whole of a State of the size of Western Australia. Based on the experience which will be gained in dealing with these matters, I think the problem will be overcome. By this I mean that inspectors of weights and measures in the different States will know from experience what sort of tolerance to allow and this will be prescribed in the regulations in respect of packaged goods, particularly in the matter of soaps and soap powders.

The member for Victoria Park referred to other matters which I would like to discuss with him. However, I am sure, Mr. Speaker, that you would not permit me to deal with these subjects now. One is the problem of conformity, where a small company prefers to be taken over rather than conform. Other matters relate to restrictive trade practices and the like.

The final point raised related to the gazettal of the regulations and the methods that will be employed in order to maintain the uniform code. I do not think this will be accomplished without some difficulty. We are already receiving correspondence from one State which is objecting to certain things which, in fact, were agreed to at the conference. These are not matters of major moment, but they are such that the uniformity possibly could be destroyed before it starts. However, the Minister concerned has been requested by us all to play the game. If he wants a variation, and he can persuade us that it is worthy of consideration, this will be followed up at a further conference.

I do not know there is any way by which we can guarantee we will be unanimous, or that another State will not suddenly move away from the principle and, once again, start out on its own. Experience with the uniform companies legislation indicates that it is extremely difficult to maintain uniformity. However, while we have a common cause in mind, and one which has been basically agreed to, I think the difficulties will be overcome. In respect of the uniformity of regulations, it is intended that as each State sorts out the regulations relating to a certain part of the packaging code, these regulations will be sent to other States through correspondence and they, in turn, will bring them into being. When introducing the Bill, I said the matter has been under consideration for a great number of years. That is quite true. I also said that all the people concerned in the proper implementation of it—that is, packers and producers—have been fully aware for a long time of what will happen. I believe that quite a number of the packages which now contain goods are being marked in accordance with what is expected by the uniform regulations.

I do not anticipate there will be any difficulties with the measure. It is essentially a Committee Bill, and I indicate my preparedness to answer what questions I can during the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr. Mitchell) in the Chair; Mr. O'Neil (Minister for Labour) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 21 repealed and re-enacted—

Mr. DAVIES: The Minister said this was essentially a Committee Bill, and he would be pleased to answer any queries in connection with it. I do not know whether he can answer the query I wish to raise; but it is one I have always wondered about, and this does seem to be a wonderful opportunity to seek an explanation.

Why does the brewery guarantee only 9½ gallons in a 10-gallon barrel of beer? Generally it is accepted that the minimum amount in a 10-gallon keg will be 9½ gallons, and similarly the amount in a 5-gallon keg will be 4½ gallons. Why is this pretence continued? Is it not possible now to have a 10-gallon keg?

Mr. Ross Hutchinson: At least it is better than nine gallons.

Mr. DAVIES: The Minister might be able to give a short answer to this query. It seems to me that if we are going to sell what some people fondly imagine to be a 10-gallon keg of beer, under these conditions it should be possible to guarantee that the keg contains 10 gallons and not 9½ gallons. Can the Minister enlighten us on this point?

Mr. O'NEIL: The Minister will try. I think there is a certain factor to be taken into consideration. We know that when liquid solidifies it increases in size. It is only necessary to put a bottle which has no air space into a refrigerated compartment, and the bottle may soon burst. This may be the reason why there has to be an air space left in kegs. This air space is relatively small. However, I can assure the honourable member that even though he may obtain only 4½ gallons instead of five, it is still worth the price.

Mr. DAVIES: As we are dealing with standardisation of packaging and marking of packages, perhaps in the forthcoming regulations it could be stipulated that a 10-gallon keg should be labelled accordingly; that is, the 10-gallon keg of beer, water, or stout should be labelled as being guaranteed to contain at least 9½ gallons. In the ultimate, I do not know whether this would have any effect, but we might as well standardise.

Clause put and passed.

Clauses 8 to 12 put and passed.

Clause 13: Section 27B added—

Mr. GAYFER: An amendment to line 37, page 8 appears under my name on the notice paper. The point of making this suggestion to the Committee is to counteract a practice which is followed in the shipment of bulk wheat to overseas destinations.

When a ship is loaded to its Plimsoll line, or it has its required tonnage on board, and a slack hatch exists because no more wheat can be loaded, under the grain, coal, and ballast regulations, it is necessary to overstow with four tiers of bagged grain which are placed on top of the bulk cargo to prevent movement whilst the ship is bound for its destination.

Also, the bulk handling authorities have been shipping consignments of grain in bags to various destinations throughout the world, and it is practically impossible to weigh each individual bag. It is possible to weigh the whole cargo and ship it as such, but it is not possible to mark each individual bag. Following the comments already made during the second reading debate, I fully realise that the point I am raising is most likely covered by the exemptions referred to by the Minister and others. Unfortunately I was not able to sight the exemptions before I placed the amendments on the notice paper, and at this stage I do not wish formally to move them until the Minister has clarified the exemptions relating to this matter.

Mr. O'NEIL: There are two points to be made in answer to the question raised by the member for Avon. Firstly, it would be a fair view to express that once the goods are stowed in the hold of a ship they would have been sold, and therefore the breaking of big bags into smaller ones for the purpose of overstowing would not be of any concern. However, it is important to realise that the question of the sale of produce normally sold in bags has been covered and in clause 13 proposed new section 27B, in subsection (4), reads—

> In subsection (1) of this section, "exempted article" means—
>
> (a) bread; and
>
> (b) an article of any description that is wholly exempted by the regulations from the operations of this Part and the regulations in force thereunder.

In the proposed regulations exemptions will cover such things as a prepacked article that is not intended to be sold by weight or measure and which, ordinarily, is not so sold. For example, a box which normally contains 20 lollyballs is sold neither by weight nor measure.

Another regulation covers—

> Wheat, maize, oats, chaff, potatoes, and other agricultural produce of a like nature, if sold by weight in full sacks of standard size and of more than sixty pounds gross weight.

Wool and agricultural products in full bags are exempted, but if in store a bag is broken open for the purpose of selling smaller quantities those quantities must be weighed before the customer and duly marked.

The honourable member has my assurance that if any difficulty arises in regard to the shipment of grain from Western Australia it will be quickly rectified, because I think the Ministers in charge of weights and measures legislation in each State will

agree to an appropriate amendment. However, I am firmly convinced it will not be needed.

Mr. Gayfer: Will you repeat your comments on wheat, maize, etc., where you mentioned 60 pounds gross weight?

Mr. O'NEIL: The relevant regulation reads as follows:—

> Nothing in this part of these regulations applies to or in relation to—
>
> (c) Wheat, maize, oats, chaff, potatoes, and other agricultural produce of a like nature, if sold by weight in full sacks of standard size and of more than sixty pounds gross weight.

It may be that this exemption applies to those products when they are in a retail store, but if the bags are broken open to provide smaller quantities, those smaller quantities must be properly marked or weighed in such a manner that the customer can see the weight on the weighing machine.

The other point I made was that I have been advised that wheat which has been loaded into a ship for export has in fact been sold and therefore would not be subject to marking requirements under this legislation.

Mr. GAYFER: I thank the Minister for his explanation, but I draw his attention to the fact that the cargo may not be sold. That is neither here nor there, but having received his assurance that if there is any difficulty with regard to wheat exported from Western Australia it will soon be rectified, with the Committee's permission I will not proceed with my amendment.

Clause put and passed.

Clauses 14 to 25 put and passed.

Clause 26: Section 27Q added—

Mr. DAVIES: During the second reading debate I expressed some concern over the powers to be given to inspectors under this clause. I am not certain whether the Minister replied to my remarks, because unfortunately I had to leave the Chamber for a short while, so perhaps he can now give me reason for the wide powers to be given to inspectors so that I may decide whether they are acceptable or not.

Mr. O'NEIL: I am sorry I did not reply to this query which I recognise was raised during the second reading debate. I think the question was whether inspectors should have power at any time to enter premises to carry out inspections, and take possession of articles, and so on. The words "reasonable times" appear in the new section. I know the legal fraternity has some difficulty in determining the meaning of the word "reasonable," but if one looks further into the Bill itself one will find an aspect which I regard to be somewhat unusual; in fact, I am not certain whether it has been done before. In my opinion, the Bill goes a good way towards providing what could be regarded as a defence against certain charges laid against a person who has committed a breach of the Act. Whilst the clause grants very broad powers to an inspector, in my view they are quite reasonable. Certainly there is a very clear specification of defences which are afforded when breaches of the Act are reported to have been committed.

Mr. DAVIES: In substance it seems that this clause repeats the purport of the three sections mentioned—sections 36, 37, and 38. The wording of those sections is much the same in relation to the immediate powers of the inspector as that contained in the proposed clause. Because it is merely repeating what is already contained in the Act, I am prepared to accept it.

Clause put and passed.

Clauses 27 to 33 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

FAUNA PROTECTION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 24th October.

MR. NORTON (Gascoyne) [9.25 p.m.]: I think there should have been a little more added to the title of the Bill. Perhaps we should have added the words, "to hand over control of 4,000,000 acres of land to the authority." Virtually that is what the Bill does.

In essence the measure proposes to make four amendments to the original Act. First of all it seeks to change the name of the authority and of its personnel. It then makes provision for the classification of sanctuaries—which is something we have not had before—and for the licensing of processors—which also is something we have not had before. The Bill also seeks to establish a fauna conservation fund.

I do not suppose it matters very much what the Bill is called, so long as the form of description indicates what it seeks to do. But the Bill seeks to change the constitution of the authority in a considerable number of ways, the first of which deals with the number of members who will constitute the authority.

I notice the Minister has on the notice paper a number of small amendments which affect the constitution of the authority and its numbers, and will make the position little different from what is set out in the Bill. The previous authority consisted of six members. There was the Chief

Warden of Fauna, the Chief Inspector of Vermin, and the Conservator of Forests. I understand each of these officers had his deputy sitting with him on the occasions the authority met. Apart from the three I have named there were three members appointed by the Government, and these had a practical knowledge of fauna.

The amendments in the Bill seek to increase the number of members to 11. One of these shall be the Director of Fisheries and Fauna, who is to be chairman; there will then be the Chief Warden of Fauna, who will be deputy chairman; the Chief Vermin Control Officer; the Conservator of Forests, a botanist, two zoologists, and three persons who are not officers within the meaning of the Public Service Act, of whom one at least has a wide practical knowledge of the native fauna of the State.

This set-up appears to be a little unbalanced. I would like to have seen included on the authority persons who have had wide experience on stations and in agricultural areas, where a number of the fauna referred to are actually considered vermin. When we consider the personnel of the authority we find that these persons are more or less fanatical in their outlook. Perhaps it may not be altogether right to use the word "fanatical"; but they are certainly wrapped up in the preservation of fauna, whether it be vermin or not. Perhaps it is not altogether correct to say that of the Chief Vermin Control Officer because of his experience in another direction. Those, however, are minor points in the Bill.

One of the major provisions in the measure deals with the classification of sanctuaries, or reserves, as they are generally termed under the Land Act. We find that the various reserves are spread from the north of the State to the south, and they vary from perhaps a half acre to 1,000,000 acres. I would say that some of them are of little or no use.

I have one particular area in mind which has caused concern both to the member for Geraldton and myself. This is a reserve on the Murchison River, where mostly kangaroos, emus, and a few wild pigs breed. They are a source of annoyance to the surrounding farmers. It is a big area and both the member for Geraldton, when that area came within his electorate, and I have received complaints in respect of it.

Today I asked a question of the Minister for Fauna as to how many individual areas had seen set aside for the protection of fauna in Western Australia. The Minister replied that there were 206, including multi-purpose areas. I take it he was referring to the areas set aside for water conservation as well as for the protection of fauna and flora. If we take into account the total area reserved for fauna we have 4,182,014 acres which, more or less, come under the control of the authority.

In 1957 I asked a similar question in this House. The answer given at that time was that a total of 71 areas had been reserved for fauna, with a total area of 2,465,755 acres. In the detailed list that was supplied at the time I noticed that a large number of reserves were not included —for instance reserve No. 26004 in the Shark Bay area. This reserve, which comprises 13 islands varying in size from half an acre to 400 acres, was not included, and neither were the Abrolhos Islands. I did notice that Barrow Island was included, as were the two islands off Carnarvon, Dorre Island and Bernier Island. I have been advised that these are a different type of reserve; they are not classified as fauna reserves yet they are regarded as fauna reserves. Just what area has been reserved for fauna, and just what the authority will have under its control, is difficult to determine.

Mr. Ross Hutchinson: It will have the 4,000,000 acres, and it will have a close interest in the ones you have mentioned.

Mr. NORTON: In regard to the provision in clause 10 which classifies the reserves, the authority will have a very difficult task, especially if it issues pamphlets in respect of them, as was suggested by the Minister. The authority will have to issue over 200 pamphlets to cover the reserves under its care and control. In regard to the types of reserves, the Minister told us of five classifications, but there could be more. In the clause there is, firstly, the classification of "prohibited areas," but why any area is to be prohibited I do not know because if restrictions are imposed on the use of firearms, or the taking of dogs, cats, or other animals onto them, then the fauna will not be disturbed to any great extent.

If we examine the position at Rottnest Island and Barrow Island we find that the fauna is very friendly, and becomes almost a pest around the camps. If the fauna is intimidated in any way it will diminish in numbers. We have to decide whether fauna can live with the public, and the public with fauna, while still retaining what is desired. If the legislation is administered in the proper manner this can be achieved.

Mr. Kelly: It has been achieved at Rottnest Island.

Mr. NORTON: I have referred to that.

Mr. Ross Hutchinson: I think that the closeness of civilisation always affects fauna and flora.

Mr. NORTON: That is true. In the case of our marsupials we have to harvest them to keep down the numbers. Since the pastoral properties have come into existence, and water has been supplied from wells and conserved in tanks, the

kangaroo has bred prolifically. The kangaroo of the outback areas is different from the kangaroo found in the southern part of the State. The outback kangaroo travels constantly, and it has no fixed habitat. It moves from place to place very quickly, and the shooters have to go after it.

Going back to the various classifications mentioned in clause 10, we have, firstly, the prohibited areas; and then the limited access areas, but what they are I do not know. Perhaps the Minister will tell us. It is difficult to see where the limited access areas fit in. Then there are the shooting or hunting areas. I take it these are the duck shooting areas, because there are no kangaroo shooting areas in the more settled districts of the State. Then there are the unlimited access areas. I take it they are reserves, such as the one I mentioned on the Murchison River, onto which anyone can go. As they are unlimited access areas I assume that shooting on them will not be prohibited. Why such areas should be classified as reserves I do not know. If these are unrestricted areas with unlimited access, then it appears that both fauna and flora on them will be disturbed. The provision then mentions such other classes of areas as the authority thinks necessary for the purpose of giving effect to the objects of the Act. These would include many classifications of reserves.

In regard to reserves, there is provision in the Bill to penalise people who go onto them. The authority is empowered to put up signs and notices to show the classification or the nature of a reserve. With so many reserves in the State, of so many varying sizes, and with the reserves being so widespread, it is very difficult for any persons to be sure where the reserves are or what are their classifications.

It is provided that a person is not relieved of any liability for the contravention of any provisions of the Act by reason of the fact that there is no notice to describe an area or to indicate that it is a sanctuary or a reserve. In this respect the provisions in the Bill are a little harsh. If people are to be liable for a contravention of the Act under these circumstances, then they should be notified as to exactly where the reserves are.

It will be interesting to follow up the attitude and the action of the present Minister for Fauna in regard to these reserves, because he is reputed to have said, in speaking of the Shark Bay area, that he could not care less for a few scaly fish or a few mutton birds. He was referring to the fauna on Slope Island and the inlets around Shark Bay. If that is the attitude he is adopting in respect of one fauna reserve, I wonder what attitude he will adopt later on?

These various reserves could be excellent tourist attractions. The two islands to which I referred earlier—Dorre and Bernier, each containing 140,000 acres—would make ideal tourist centres and each would be as popular as Rottnest. Excellent fishing can be had at these islands, only 25 miles off the coast from Carnarvon; and there are also three different types of small marsupials, which are like the quokka, but are not the same, living there. I understand also there are quite a few species of very small birds which are more or less indigenous to that particular area on the islands.

If the islands were properly operated as tourist resorts and guns, cats, dogs, and so on were kept away, I believe that a portion of these islands could still be used for the beneficial work of fauna conservation, as well as providing a very attractive place for tourists. The area is particularly good for game fishing and sail fish, tuna, albacore, and even quite large marlin have been caught off the coast in that locality.

If these islands were allowed to develop as a tourist attraction, as some people would like to see them developed, it would be very beneficial. Portion of the islands could be developed in that way and provision made for a small runway on which private aircraft could land. The islands would be very popular and their leasing would bring in some revenue to the fauna protection authority which it could place in its conservation fund.

With the introduction of the licensing of processors we are entering into a comparatively new field in respect of this Act. The Minister mentioned that a license must be held except where fauna is declared vermin. I would like to know just where kangaroos are declared vermin. I understand that a certain type of kangaroo in the Kimberley is declared vermin, but does this apply to the kangaroos in the Gascoyne, Murchison, and other places in the south?

Mr. Ross Hutchinson: There are some in the South-West Land Division.

Mr. NORTON: I ask the question, because I would like to find out. Before going into the licensing of processors and so on, one should get an outline of what is actually taking place in respect of the processing of kangaroo meat. At Carnarvon we have two processors; there is another one at Meekatharra, and others at Mullewa and so on. They all have freezing works; and they also have refrigerator trucks which they send south. They have a main freezing depot to receive the kangaroos, but scattered around the country they have mobile freezing plants. Each of these plants may have one or two utilities—land rovers—attached to them; and it is usual to have two shooters to each utility. The shooters shoot at nighttime. They head, tail, gut, and chop off the legs of the kangaroos and put them in the freezer at daylight where they are held until the truck comes around to pick them up to take them to a central depot. One chap

at Carnarvon has three of these mobile freezers and the shooters.

The definition "to process" reads as follows:—

> "to process" in relation to any fauna other than fish or whales means to cut, skin, treat, freeze, can, cure, pack or preserve any part of the fauna and derivatives,

and so on. So it covers everything. If a person shoots a kangaroo he immediately starts to process it, because he has to gut it; and that immediately makes him a processor. We find that the definition of a processing establishment is very wide indeed. The definition reads as follows:—

> "processing establishment" means any land, building, tent or other structure of any kind or any vehicle, boat or other conveyance of any kind on or in which processing of fauna other than fish or whales is carried out for the purposes of sale.

Does the shooter have to take out a license to process? Does he then have to take out a license for his processing establishment? When the kangaroos are brought into the owner's depot—that is the central depot—does he too have to take out a processor's license and a license for a processing establishment?

If that is the position, it would mean one operator at Carnarvon would have to carry at least eight licenses for one operation. The position is vague to me and, if he can, I would like the Minister to clear it up. I think he can see the point I am getting at. One cannot see where this matter starts and finishes under the Bill.

Mr. Ross Hutchinson: I think we could say he would not have to get eight licenses.

Mr. NORTON: He would have to do so under the Bill as it reads at present. It is just as well to bring these matters up in the early stages because there are many operators who could be affected. All of these licenses would represent quite a lot of money to the industry. I can give an instance of two shooters who remained on one station for four years. By and large, shooters will not stay on one patch unless they are getting 80 to 100 kangaroos each night. In two years these shooters took off that particular station more kangaroos than there were sheep running on the station. So when one has regard for a period of four years, the number of kangaroos could be doubled or trebled in relation to the number of sheep on the station. I think the member for Wembley will know the area to which I am referring, because he worked in close proximity to it.

Dr. Henn: I think at that stage the pastoralist would have referred to the kangaroos as vermin, wouldn't he?

Mr. NORTON: Yes. In feeding the kangaroos are more destructive than sheep as they feed higher and can move quickly from place to place when storms are about. They also pick out the best of the food. They will never be shot out at the present rate of shooting. In a good season does have been known to have at least three joeys with them; one on the teat; one in the pouch; and one running. With the present abundance of water, kangaroos breed very quickly and move at a fast rate from area to area.

I want to raise one or two points during the Committee stage and do not think it is worth while to comment on them now. Actually they are more or less machinery matters which should be rectified.

By and large I think the Bill in itself is quite good, but I would not like the task of classifying and designating these sanctuaries and doing the job which should be done. Particularly is this so in view of the areas involved and the distances over which they are spread, to say nothing of their very diversified nature. I support the second reading.

MR. HALL (Albany) [9.51 p.m.]: I am very pleased to see that the Minister is in the House this evening to hear my remarks. This Bill contains so much that is ridiculous that it should not have been introduced. It is true that certain portions of it are designed to protect fauna and flora; but let us take a complete view of the situation.

Under the Bill people will be denied the opportunity to enjoy the pleasures of miles and miles of our beaches. The Minister may smile, but I wish to refer to the situation at Two People Bay. A number of people like to visit this particular beach, but under this legislation they will be denied the opportunity.

Mr. Jamieson: Don't you think you should find out whether the Minister for the noisy scrub bird is here?

Mr. HALL: The Minister for the noisy scrub bird is here. He is on his feet.

I would say that almost a crank was responsible for the compilation of this legislation. I have asked the Minister to accompany me to Two People Bay, but he has refused to do so, probably for physical reasons.

How many areas are we going to reserve for fauna? Let us take a serious look at the situation. No thought would be given to flora or fauna if the Japanese were to invade us tomorrow. The Minister might smile and sit back in his seat, but let us face up to the problem. How many millions of acres are we going to set aside for the preservation of fauna? Members might feel that my imagination is running riot, but in a land of development we cannot reserve millions of acres for this purpose. The Minister for Agriculture and the Minister for Lands are well aware of the vast areas which have been opened up in the last few years and this has meant a tremendous amount of development in

Western Australia. This point is substantiated by the editorials which have appeared in the Press recently indicating that we are still riding on the sheep's back. That cannot be disputed.

I doubt whether the reasons for evicting the squatters from Two People Bay were submitted. Actually I doubt very much whether the person responsible had the sanction of the Crown Law Department. If he had, I do not think this Bill would have been submitted. I could have accepted the situation if the action had been legal, but I am sure that on this particular occasion the person responsible exceeded his authority. It is on occasions like these that the House should know what the general public thinks.

A petition with 850-odd signatures was presented here, but it was completely ignored by the Government. The people who once had access to the beach at Two People Bay will now be deprived of that enjoyment because under the protection of this Bill a fence is to be erected.

I know the provisions of the Bill were not designed to apply to Albany only. They will apply to the whole State. However, we should look carefully at the legislation before we go any further, in order that we will not deprive ourselves of the right of access to our beaches.

Mr. Acting Speaker (Mr. Crommelin), I know you are a plain type of fellow, but never mind. You must realise that a principle is involved. We are to be deprived of our rights and privileges by this Government. When we are denied access to our beaches because of Government domination, then we must seriously consider whether we have a democracy or a dictatorial Government.

Mr. Ross Hutchinson: The public does have access to the beaches.

Mr. HALL: Under this Bill the public does not have access. They must get a permit to go through the reserve. If the Minister studies the legislation, he will find they have to get a permit to go to the beaches and therefore, because of the Government's attitude, they are being deprived of their rights and privileges. That cannot be denied.

I would challenge the Minister to accompany me to other areas which are protected by a provision similar to the one contained in this Bill. I can show him the noisy scrub bird in other areas. How many acres of land will we pin down? Let us face up to this matter seriously. How much more land can we give away because of the noisy scrub bird, or because of any other bird? The answer is that we cannot keep on giving away acres of land because some crank comes along and says, "This is it." I say that seriously; one crank comes along and says, "This is it."

If a bird has to be protected, let us protect it. I recently made some representations to protect an eagle, and I had to go through a tremendous amount of red tape on that occasion. As a matter of fact, it has been suggested that if we could eat the red tape we would get over the problem.

Mr. Jamieson: I think the eagle may have done that.

Mr. HALL: Yes, I think it was an evil eagle. We have overstepped the mark with this ill-conceived legislation because we have been misled and badly guided. We have to get down to basic facts and realise that we cannot keep putting aside acres of land to protect one bird.

I can only empasise my point by saying that if the Japanese came here tomorrow there would be no argument about the bird and no argument about the land. The bird would be lucky to get room space. Let us face the practicability of the problem and realise that the bird can still be protected and live in harmony with people, which it has done for many years. This is the most nonsensical piece of legislation that has ever been introduced in this House.

MR. MITCHELL (Stirling) [10.3 p.m.]: I would like to make a few comments on the Bill. Naturally I support the measure because I think it is an attempt to improve the protection of the native fauna in this State. Anything done in that direction has my full support. I also have a few criticisms and a few observations to make in relation to the matter.

First of all I would say that, unfortunately, over the years anyone in the country who suggested the protection of fauna was considered to be a crank. He was considered to be only a practical man who did not understand the implications of the situation. However, the farmers of Western Australia probably have done more to protect the fauna of the State than they have received credit for. I think they will continue to do that. If anything is lacking in developing the fauna in this State, I think the blame should be placed on the shoulders of Government departments, and not on the farming community who are so often blamed for the destruction of fauna.

Under the provisions of the Bill the size of the fauna protection committee will be increased, and I think that is a good move. Some of the representatives of the Farmers' Union are rather perturbed that the declaration of vermin is to be taken out of the hands of the Agriculture Protection Board, and placed in the hands of the fauna protection committee. Those representatives suggested there was something wrong with that, but so long as we have sufficient country representatives on the board to balance the experts, I think we will be on safe ground. We have to realise that whilst fauna is and should be preserved we have to strike a balance between its preservation and the time when it becomes vermin.

I remember that some years ago emus in the Great Southern area of the State were protected. At the time they were probably doing more damage in some areas than was being caused by the rabbits. Yet they were protected! At that time nobody could be shifted from his view and made to realise that native fauna could not be preserved to the detriment of the agricultural areas.

Under the present legislation that problem could be overcome. Fortunately, we have tremendous areas of forest reserves in the south-western part of the State. I am told by some of the experts that the forest reserves are of no use for fauna preservation. I do not know whether kangaroos can read, but apparently they will not go into the forests. Admittedly, they live on the edge of the forests and cause considerable damage to farmers' properties. For that reason some of the farmers are not very receptive to the idea of the preservation of native fauna.

If the Government wanted to do the right thing—and I believe it does—in the preservation of fauna, especially kangaroos, it would encourage the kangaroos into the forest areas. It could be done with very little expense. There would be no fire hazard and if they could be encouraged into the forests they would not live on the edges of farming properties and cause so much damage to fences, pastures, and early sown crops.

However, one dare not suggest this because fauna has no right to go into the forests. We have huge reserves under the control of the National Parks Board, but those areas are not fauna reserves, and fauna has no right to be there. I think, we need to take a new look at this problem and do something to encourage the native fauna into the natural reserves which we have spread throughout the south-west and the great southern areas. I believe they would be a profitable tourist attraction and would help to preserve the kangaroos and wallabies and other types of animals we are so anxious to keep as our natural fauna.

A lot has been said about trying to improve the situation so far as duck shooting is concerned, and the preservation of wild ducks. Here again, perhaps the farmers of Western Australia have made a real contribution because right throughout the State in the drier areas they have provided the water for these birds to live on. By the provision of that water farmers have helped to preserve the ducks. The green geese are distinct vermin if their flocks get large enough, and at times they have to be destroyed because they pollute the water. They can be a serious menace to stockowners if they pollute the water and make it unusable for stock.

However, farmers are doing quite a bit to preserve ducks and to encourage their breeding. A lot of people, of course, have the idea that ducks breed in the water in the swamps. Of course they do not. They breed adjacent to it, and often up to a mile from water. They travel to the water when the ducks are young.

In my own area we endeavour, at a cost of some effort, to try to prevent shooting on some of the swamps which are quite sizeable. It is interesting to see the number of young ducklings, which would probably run into thousands, which go to the swamps. The birds seem to know they are protected. I often wonder whether a person could have private property declared a bird sanctuary, because it is difficult to keep the shooters off despite the fact that it is wished they should be kept off.

There are other species of birds which are very valuable in their place, but which can become quite a menace. It will be necessary to have an enlarged fauna protection board to give the necessary permission to destroy birds when they become vermin, and to protect them when they are useful to the community.

I notice the Minister has some amendments on the notice paper which suggest the appointment of one other country representative on the proposed board. I mentioned this earlier, and I think it is all to the good. As I also said before, we must have a balance between various experts and practical men. The formation of the board along these lines will preserve the balance between the destruction of vermin and the protection of true fauna.

The idea of providing licenses for duck shooters and the establishment of a trust fund is a good one. I believe that at times we might have to consider closing the season for duck shooting for the whole year. In my opinion, the duck population cannot keep up with the extra shooting that is taking place. If we charge for these licenses, we will have to realise that on some occasions it may be necessary to close the season for a full 12 months. I have wondered whether it would be an advantage to close the season much earlier and just have it very short so that the ducks would not be disturbed towards the end of the shooting season. It might give them the opportunity to mate earlier and perhaps have two hatchings in the one year. It is a suggestion; and I put forward the thought that if we are to keep the numbers up, it may be necessary to close the season for a whole year.

Of course, the duck numbers have improved considerably over the last few years since the 1080 poison has been used most successfully on the fox population. The use of 1080 to poison rabbits has probably had its biggest effect on the fox population, and that has given ducks a greater chance than they had before. It is known that foxes did not get at all the young ducks; but in the days when rabbits were bad and foxes were in huge numbers

throughout the country, it was almost a sight to see a clutch of ducklings. Today we have the situation where there are not many foxes and it is quite possible for the ducks to breed in peace, with the result that there is a bigger duck population than we had in the past.

Altogether, I am very happy to support the legislation. It is a step in the right direction. I believe we have a duty to preserve the fauna of the State, and I believe it can be preserved in conjunction with the increase that is taking place in agriculture. We have set aside sufficient reserves through the great southern and south-western areas of the State to make this preservation possible. As I said before, we should make some effort to see that the fauna uses the reserves, and that it does not become a menace to the farmers. If that is done, I believe the farming community, the fauna protection board, and everybody concerned will live in harmony and we will achieve what we want; that is, an increase in the fauna population and, of course, to continue to go forward with our agriculture.

MR. JAMIESON (Beeloo) [10.15 p.m.]: I would like to speak briefly to this measure and to object somewhat to the proposed composition of the authority. In the main, it seems as though it will be a repetition of the present committee, and I think it could be much wider. There are other organisations which do a very good job in connection with local fauna. I am thinking of the Avicultural Society of Western Austrlia. I have noticed by correspondence from that organisation that it seems to have considerable trouble with the Minister. The Minister and the society seem to be living on two different planets and on a number of occasions they shoot at one another. This is not advisable. The organisation is very good and, due to the efforts of those concerned, it has saved many species of fauna which could have become extinct.

I consider that some of the practical people who are interested in the protection of various species of bird life should be encouraged to take a greater interest in fauna protection, and one of their number should sit on a board for that purpose. It should not be as highly "governmentised" as it is. If one looks at the composition of the board, one sees there are very few people who do not owe full allegiance to the Government by the nature of their employment.

Mention has been made of certain powers which the authority will have. Despite what some members have said, there will be various things which the authority can do. It will be able completely to prohibit the entrance into areas, to limit the access to areas, to declare areas shooting and hunting areas, and to declare areas unlimited access areas and such other classes of areas as the authority thinks necessary for the purpose of giving effect to the objects of the Act.

As the member for Gascoyne indicated, there are occasions when some of our native fauna can live quite well with human beings in close proximity, provided the people understand that the fauna is protected. Under these circumstances, no damage is done to the fauna. The creatures become very friendly, and they probably multiply in far greater numbers when people are about than they do under normal circumstances. This is because they are protected from various things, mainly from predators. In this country the predators seem to be mainly in the form of bird life.

This is the biggest problem when the animals are young. Outside predators, such as the fox, have been referred to by the previous speaker. They have had a counter effect on animals attacking bird life. However, various types of birds in this country are the main offenders. The kookaburra, which was introduced, has had a rather startling effect on the smaller type of animals in this State. Indeed, one wonders whether it should be declared to some extent as vermin. I know this idea is objectionable to some people. The ordinary crows are known to do a tremendous amount of damage to the small animals and, in particular, to the small wallabies. If they are able to do so, they pick out their eyes. The wallabies soon die, and the crows devour them after this.

There are all sorts of problems to be overcome, and these are not only the problems of human beings going onto the reserves which may be created from time to time; there are the problems of making sure that a balance is retained and that no unnecessary build-up of one species, as compared with another, is induced.

This of course has been the experience in the very large parks such as Kruger Park in South Africa where at times it has been found that certain species of fauna have had to be slaughtered because of the more or less foreign conditions that have affected their natural habitat. It has been found that action has had to be taken to limit their numbers rather than to protect them and encourage their breeding habits. So there is not only the possibility of one species being eradicated as a result of interference, but there is also the possibility of other species growing too great in numbers.

In some of the Eastern States some species have grown to plague proportions. This has been brought about as a result of pasture being available to a far greater extent than it would be in their natural habitat. Under such conditions they naturally thrive.

All in all it would appear that the main endeavour of the Bill is to clothe this committee with far greater legislative powers

than it has had in the past to ensure it has the necessary authority to perform these added duties which are regarded as being desirable. However there are several matters which arise on submissions put forward by the Agricultural Society which I would like to mention. One is that it is considered there should not be any reason why all national parks, catchment areas, and forest reserves, should be declared flora and fauna reserves. This may be regarded as being a good move, but others may consider it would be difficult because State forests cover a fairly large area, and most of them are catchment areas, particularly in the hills districts.

However there may be some merit in the proposal that we should give consideration to a catchment area being part of a fauna reserve.

Mr. Davies: Are national parks reserves?

Mr. JAMIESON: Not all of them are fauna reserves.

Mr. Ross Hutchinson: Not all of them; they have multiple purposes.

Mr. JAMIESON: Yes; they are kept for multiple purposes. For example, there would not be a great deal of fauna in the way of animals in King's Park. There is probably a good deal of bird life in King's Park, but there would not be many animals in existence there compared with what there would have been in the past. Some of our national parks are developed for the preservation of flora rather than fauna, but in my opinion flora and fauna should go hand in hand with each other as much as possible.

I think difficulties could arise where foreign species of fauna are introduced to a particular area. It appears to me there are problems associated with wild fowl whose numbers from time to time decrease and increase. The latest claim is that because of the activities of farmers, the numbers of wild fowl are on the increase, no doubt because of the provision of dams. For example, the musk duck was particularly noticeable around the metropolitan area at one time, but it is very rarely seen now. In the main the musk duck does not fly. I doubt whether it leaves the ground to any extent, but it relies on waterlogged scrub country for its natural habitat, and as this type of country is being drained and developed, the duck is going out of existence. This duck is one of the larger varieties of water fowl seen in this State and it is a pity that its numbers have decreased.

In regard to one aspect of the Bill I do not agree with my colleagues. At times one has to specify an area as a particular fauna reserve immediately it is discovered, when there are good reasons for doing so. A classic example was in regard to the short-necked tortoise. When the tortoise was discovered, if the area in which it had been found had not been classified immediately, no other recognised habitat would have been reserved for it. Therefore, when a rare species of fauna is discovered, it is necessary that action be taken expeditiously to find an area similar to its normal habitat to avoid jeopardising its chance of survival. Such action would become part of the responsibility of this new authority.

If the authority carries out its activities wisely, the only condemnation or criticism I could offer against the new set-up is that the authority seems to be heavily loaded with Government personnel. A broader attitude could be expressed by representatives of other organisations who are interested in the welfare of these creatures, apart from the Government-appointed representatives, because probably they would be able to give greater attention and offer more expert advice than those who are proposed as members of this newly constituted authority. However, no doubt other members can be added to its numbers from time to time as the necessity arises.

This is a starting point from which the authority can commence to carry out its duties and we will have to see whether it will live up to all the requirements sought by the people of this State. Of course, to protect all the fauna we have it must be recognised that with the development of agriculture this task is almost impossible. As a result of evolution there are certain types of fauna species which would, in any case, be almost non-existent now, and no doubt it would be difficult to re-introduce them to fauna reserves and encourage them to breed to ensure they would become, once again, in plentiful supply.

The types of fauna we know are in existence could be watched closely to ensure their numbers and varieties were maintained, and that they did not reach the stage where they became rare. We should take steps to assist them to multiply if at all possible. Of course, in some cases it becomes almost impossible to provide the necessary habitat for a particular species which might require goodness knows how many miles of undisturbed territory which could be put to better use for agricultural purposes. However, it is desirable that certain areas be reserved for the protection and preservation of fauna, and it will be the duty of the Government to ensure that these are provided.

Debate adjourned, on motion by Mr. Runciman.

House adjourned at 10.29 p.m.