ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.05 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 26th August.

Question put and passed.

House adjourned at 5.06 p.m.

Legislative Assembly

Tuesday, the 19th August, 1975

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

QUESTIONS (29): ON NOTICE

1. PORT OF ALBANY

Report by Captain Hartley

Mr WATT, to the Minister for Works:

Following the completion of the report by Captain Hartley into all aspects of trade through the Port of Albany and its presentation to the Government, will he undertake to have the report made available to the public with a minimum of delay after consideration by the Government?

Mr O'NEIL replied:

No decision can be made on whether the report will be a public document until after it has been received by the Government.

2. BUILDING SOCIETIES

Low Interest Loans

Mr T. J. BURKE, to the Minister for Housing:

(1) Of a recent $5 million allocation of low interest home builders funds, how many loans were given to building societies in the Bunbury area?

(2) To which building societies in the Bunbury area were they given, how many loans went to each, and what was the value of each loan?

(3) How many loans were given to building societies in the Geraldton, Kalgoorlie and Albany areas and what was the value of each loan?

(4) What was the total value of loans distributed to building societies within the metropolitan area?

(5) On what basis are loans distributed between metropolitan and rural areas?

Mr P. V. JONES replied:

(1) Not less than $136 000 or eight loans.

(2)

	$
Perth Building Society Terminating Building Society	34 000
The Provincial No. 8 Building Society	34 000
The W.A. Terminating Society	34 000
Samson No. 2 Building Society	34 000

(3) Of the total allocation of $4 790 000, not less than $495 000 (or twenty-nine loans) is required to be placed in the following non-metropolitan areas—

	$
Bunbury	136 000
Albany	136 000
Kalgoorlie-Esperance	70 000
Geraldton	119 000
Northern Agricultural (excluding Geraldton)	34 000

Maximum advance is limited to $17 000 except for Kalgoorlie-Esperance where the limit is $17 500.

(4) Not more than $4 295 000 is to be loaned within the metropolitan area.

(5) Past experience and estimated current demand.

3. TRAFFIC CONTROL

Takeover from Local Authorities

Mr DAVIES, to the Minister for Traffic:

(1) How many local authorities have not yet elected to transfer licensing jurisdiction to the Road Traffic Authority?

(2) Which are the authorities concerned?

(3) What action is being taken to encourage such authorities to transfer jurisdiction?

Mr O'CONNOR replied:

(1) 76.

(2) Augusta-Margaret River
Beverley
Boddington
Boulder
Boyup Brook
Bridgetown-Greenbushes
Brookton
Broomehill
Bruce Rock
Capel
Carnamah
Carnarvon
Chapman Valley
Chittering
Coorow
Corrigin
Cranbrook
Cuballing
Cue

Cunderdin
Dalwallinu
Dandaragan
Dardanup
Denmark
Donnybrook-Balingup
Dowerin
Dumbleyung
Dundas
Exmouth
Gingin
Gnowangerup
Goomalling
Greenough
Harvey
Katanning
Kellerberrin
Kent
Kojonup
Koorda
Kulin
Mount Marshall
Mount Magnet
Meekatharra
Mingenew
Mukinbudin
Mullewa
Murchison
Nannup
Narembeen
Northam
Nungarin
Perenjori
Pingelly
Plantagenet
Quairading
Sandstone
Shark Bay
Tammin
Three Springs
Toodyay
Trayning
Upper Gascoyne
Victoria Plains
Wagin
Wandering
West Arthur
Westonia
Wickepin
Williams
Woodanilling
Wongan-Ballidu
Wyalkatchem
Yalgoo
Yilgarn
York
Kalgoorlie (Town)

(3) Authorities acting as licensing agents are not influenced in their decision to retain or surrender the licensing function.

4. HEALTH

Iron Ore Projects: Dust Monitoring

Mr DAVIES, to the Minister representing the Minister for Health:

(1) What is the extent of monitoring of dust levels in north-west towns associated with iron ore operations?

(2) Can the Minister table figures relating to comparative readings over a period?

Mr RIDGE replied:

(1) Eleven CERL dust gauges are sited in the Port Hedland area and eight gauges in the Dampier-Cape Lambert area.

(2) Yes. Tabled herewith.

The figures were tabled (see paper No. 327).

5. ROYAL PERTH HOSPITAL

Extensions

Dr DADOUR, to the Minister representing the Minister for Health:

(1) Further to question 45 of Wednesday, 13th August, does the Minister intend to alter or vary the already approved proposed extensions of the Royal Perth Hospital?

(2) If "Yes" what will be the new proposal?

(3) If "No" why was the private architectural firm notified on Friday, 8th August, by the Architectural Division of the Public Works Department to cease with the present proposal?

Mr RIDGE replied:

(1) Yes. In the light of new information on population trends in the metropolitan area, the Minister for Health has advised all major metropolitan hospital boards, including the Royal Perth Hospital Board to reassess capital works programmes.

(2) The Royal Perth Hospital north block will proceed but some variations in planning within the structure are likely. Details will not be known until the present review is complete.

(3) The private architectural firm has not been advised to cease work but on Thursday, 7th August, 1975, was requested to temporarily suspend work on planning layouts and to concentrate its staff effort on the building details, distribution of services and items of standardisation.

6. HOSPITALS

Laundry Service

Dr DADOUR, to the Minister representing the Minister for Health:

(1) What are the current charges (per kilo or article) of the linen and laundry services to the hospitals?

(2) Why have there been delays in filling the needs of the hospitals?

(3) Why is the laundering of uniforms of such poor quality, so poor in fact that a number of the nursing staff are forced to do their own?

(4) Is it a fact that on a number of occasions the delay and shortage of the linen supply has caused cancellation of operating lists at the hospitals supplied by the linen and laundry services, and if so, why?

Mr RIDGE replied:

(1) 54c per kilogram for all types of articles and materials.

(2) It would be impossible to answer this question as it is expressed because in any organisation of this type there are many factors which can assist to bring about delays.

Some of the major reasons for delays are—

(a) A worldwide shortage of cotton for the first year of operation of the service, causing extreme difficulty to contractors with orders for articles to be supplied.

(b) The failure of some items of equipment supplied by other contractors to perform to specification, to such an extent that some equipment had to be returned for modification to the manufacturer in another State.

(c) Most delays have occurred with "special linen items" which are those not included in the standard linen list and which must therefore be supplied by the hospital requiring that item. Many hospitals did not have adequate stocks to allow for the extra time required for transport to and from the service.

(3) There have been no complaints about the standard of laundering in relation to cleanliness, but there have been about the standard of finish.

This is chiefly because the equipment failed to perform to specification and there have been protracted negotiations with the suppliers to correct this.

Staff should not launder their own uniforms because in most cases they do not know the correct processing for poly cotton fabrics and their treatment of the material frequently results in the uniform being permanently incapable of being brought back to its proper condition.

Retention of uniforms by staff also causes shortages of stocks and this is a major problem at the service.

(4) So far as the Minister for Health is aware, there was one occasion many months ago when cancellation of an operating list for one day at one hospital was threatened but the crisis was overcome and the operating theatres continued to function. There have been no other instances of this sort reported.

It is suggested that the Member for Subiaco may assist his understanding of the hospital laundry and linen service by visiting it and making an inspection. This could be arranged at any time convenient to him.

7. FRASER'S MINE

Gold Theft

Mr T. D. EVANS, to the Minister for Police:

(1) Is he aware of the two Sunday newspapers (Western Australia) of 3rd August last alleging a big gold theft from Fraser's mine at Southern Cross?

(2) Was the alleged theft reported to the police?

(3) If so, by whom, to whom and on what date?

(4) Was the newspaper reported value of the stolen gold, that is $55 000, consistent with the value placed upon such gold either by the complainant, the police or some other person or persons competent to value the gold content of the ore alleged to have been stolen?

(5) What date is it believed the alleged theft took place?

(6) Has the alleged stolen gold yet been recovered?

(7) If not, are the police still investigating the allegation of such theft?

(8) Are police satisfied that the gold alleged to have been stolen in ore form had been removed from a bank and placed in a shed on the mine site as reported in *The West Australian* newspaper of Monday, 4th August last?

Mr O'CONNOR replied:

(1) and (2) Yes.

(3) Eric Bernard Carnicelli, to Southern Cross Police at 9 a.m. on 18th July, 1975.

(4) Yes, by the complainant.

(5) Between 6 p.m. 17th July, 1975 and 9 a.m. on 18th July, 1975.

(6) No.

(7) and (8) Yes.

8. FRASER'S MINE

Missing Return

Mr T. D. EVANS, to the Minister for Mines:

(1) Does he confirm or deny that one Mines Department Return for output from the Fraser's mine, Southern Cross, for the month of November 1974 is missing from the department's files?

(2) If his answer to (1) is a denial, will he please table the said return or a sworn certified copy of same?

Mr MENSAROS replied:

(1) It is denied.

(2) Yes. Document tabled for one week.

The return was tabled for one week (see paper No. 328).

9. FRASER'S MINE

Gold Theft

Mr T. D. EVANS, to the Minister for Police:

(1) Would he confirm that there has this year or at some other recent time thereto been a Commonwealth police fraud squad investigation into matters relating to Fraser's mine at Southern Cross?

(2) Would he furnish details as to the number of apprehensions of persons in the possession of alleged gold or gold bearing matter made by members of the gold stealing detection staff during the past three years, indicating in each instance the estimated value of the gold or gold bearing matter confiscated (open market price at the appropriate time) and the corresponding number of convictions recorded (also acquittals where appropriate)?

(3) If he is not aware, would he so make himself aware in respect of a news item which appeared in the *Kalgoorlie Miner* of 9th April, 1974 alleging a gold bar having been stolen from the safe of the gold stealing detection staff office in Kalgoorlie?

(4) Has the said gold bar yet been recovered and, if so, when?

(5) If "Yes" to (4), was an arrest made and a conviction sought?

(6) If "No" to (4), are the police still actively investigating the theft?

Mr O'CONNOR replied:

(1) Commonwealth police last year investigated alleged illegal export of gold from Fraser's Mine.

W.A. police fraud squad investigated allegations of fraud.

(2) Sixteen persons charged. Details as follows—

Date	Approx. open market value $
23/8/72	2 557.00
29/8/72	102.00
9/1/73	26.00
6/6/73	5.00
19/6/73	259.00
23/6/73 (two offenders)	2 553.00
25/9/73	686.00
10/12/73	799.00
22/1/74	9 115.00
11/3/74	4 467.00
22/10/74	36.00
26/2/75	815.00
26/2/75	136.00
23/3/75	650.00
20/7/75	125.00

All offenders convicted.

(3) The Minister for Police is aware of this theft.

(4) No.

(5) Answered by (4).

(6) Yes.

10. FRASER'S MINE

Returns and Output

Mr T. D. EVANS, to the Minister for Mines:

(1) (a) Have any returns from Fraser's mine (gold won) been processed through the State battery at Marvel Loch during the past three years;

(b) if so, would he state particulars as to weight of ore crushed and values won?

(2) Is he aware that ore from Fraser's mine during the past three years is alleged to have also been treated at a privately owned battery situated at the Radio mine, Bullfinch?

(3) If "Yes" or "No" to (2) should his department be aware of the returns of gold won from Fraser's mine irrespective of where it was treated?

(4) If "Yes" to (3) what have been the returns of gold won from Fraser's mine during the past three years from crushings effected at—

(a) Radio mine, Bullfinch battery; and

(b) any other battery or treatment plant other than the State battery at Marvel Loch?

Mr MENSAROS replied:

(1) (a) Yes.

(b) —

Month	Ore treated Tonnes	Gold won kg
August 1972	241·82	3·195
October 1972	393·97	1·077
November 1972	378·99	4·454
December 1972	296·44	1·660
January 1973	50·29	3·935
March 1973	419·12	5·948
June 1973	377·46	3·913
June 1973	612·42	5·501
July 1973	394·73	63·965
October 1973	353·33	28·541
December 1973	444·01	2·742
February 1974	403·00	3·777
April 1974	471·00	9·103
July 1974	593·00	4·680
		·309
September 1974	726·00	4·429
November 1974	500·00	2·090
December 1974	290·00	3·532
April 1975	300·00	1·520
July 1975	306·00	0·008
	7 551·58	160·379

(2) Departmental records show that some ore from the Fraser's Mine has been treated at the Radio Mine plant.

(3) Yes.

(4) (a) —

Month	Ore treated Tonnes	Gold won kg
October 1974	441	0·770
(b) —		
July 1975	111	1·333

(at State Battery, Kalgoorlie)

11. EDUCATION

Kalgoorlie Resource Centre

Mr T. D. EVANS, to the Minister representing the Minister for Education:

What plans, if any, are held for the establishment of an education resource centre in Kalgoorlie?

Mr GRAYDEN replied:

Negotiations are now in hand to secure space for this centre in the mines building in Hannan Street and an initial allocation has been made for equipment.

12. BOULDER SCHOOL

Rebuilding

Mr T. D. EVANS, to the Minister representing the Minister for Education:

(1) What is the present position re completion of a six-room cluster at Boulder Primary School which has been under construction for 12 months?

(2) Is it intended to carry out the previous planned stages of demolition of the old school buildings to be followed by rebuilding when stage 1 is completed?

(3) In what year is it intended to have Boulder Primary School completely rebuilt?

(4) Why cannot overall plans for the school building be made available to the school and the parents and citizens' association to better facilitate the planning of amenities for the school grounds?

Mr GRAYDEN replied:

(1) The building should be ready for occupation at the beginning of third term.

(2) to (4) It is intended to replace the buildings on this site, but the work must await fund availability. Until such time as funds are available, no architect can be commissioned to prepare overall plans.

13. POTATOES

Price, Production, and Imports

Mr H. D. EVANS, to the Minister for Agriculture:

(1) What has been the average price for potatoes per ton, paid to growers of potatoes in—

(a) Western Australia; and

(b) Victoria,

in each of the past six months?

(2) What is the estimated cost of production of one ton of potatoes in Western Australia?

(3) What value and amount of potatoes have been imported into Australia from overseas countries in the first half of 1975?

(4) Within the legal constraints placed on it, what action, if any, has been taken by the Western Australian Government with regard to the importation of potato products?

Mr OLD replied:

(1) The W.A. Potato Marketing Board has advised that potatoes are grown in three crops—"early", "midseason" and "late" and are marketed in separate pools.

Payments to growers are made in two or more instalments, the total amount received being influenced by the price set on the local market and the prices received for potatoes surplus to local requirements which are sold outside Western Australia.

The "late" crop pool which opened on 31st March has not been finalised and growers have received an initial first payment of $70 per tonne and a second payment of $12 per tonne. The amount of the final payment cannot be determined until the pool closes in October.

The "midseason" crop pool which closed on 12th April, has yielded a price to growers of $108 per tonne to date with a final payment to be made at the end of the season.

Average prices paid to growers in Victoria are not available to my department.

(2) A 1971-72 departmental survey in the Bunbury, Manjimup, and Albany districts showed that the cost of production of one tonne of potatoes at that time ranged from $50 to $86 according to district, time of planting, size of crop and individual management factors.

Allowing for recent increases in costs it is estimated that the cost of production of a tonne of potatoes may now range from $70 to $115.

(3) —

	Quantity kg	Value $
Fresh potatoes	nil	nil
Frozen potato products	4 953 051	1 763 754
Flour meal and flakes of potato	912 142	692 070

January—May 1975 inclusive.
Source: Australian Bureau of Statistics.

(4) The question of assistance to the Australian potato industry through tariff or other measures and the introduction of a possible by-law mechanism to meet local short fall circumstances was referred to the Industries Assistance Commission on 9th July, 1975.

The matter was discussed by Australian Agricultural Council at its August meeting when it was agreed that there was a need for urgency both in relation to the I.A.C. deliberations and subsequent consideration by the Commonwealth Government.

14. BUSES

Rockingham-Fremantle Service

Mr TAYLOR, to the Minister for Transport:

Has he any figures which would indicate—

(a) the average number of passengers daily and weekly which join the Rockingham-Fremantle MTT bus service within the Rockingham Shire and—

(i) terminate their journey in the greater Fremantle area;

(ii) continue their journey through or beyond the Fremantle terminal;

(b) the average number of passengers daily and weekly which join the Rockingham-Fremantle MTT bus service within that part of the Kwinana Shire south of Thomas Road and—

(i) terminate their journey in the greater Fremantle area;

(ii) continue their journey through or beyond the Fremantle terminal?

Mr O'CONNOR replied:

(a) (i) 229.

(ii) 66 (continuing through to Perth and included in the previous total).

(b) (i) 240.

(ii) 38 (continuing through to Perth and included in the previous total).

15. MEMBERS OF PARLIAMENT

Electorate Offices: Staff

Mr TAYLOR, to the Premier:

Has he had the opportunity of determining an attitude to the proposal to allow the appointment of relieving staff to Members' electorate offices during annual leave or periods of protracted ill health?

Sir CHARLES COURT replied:

Yes, a detailed examination has been made, although it was clearly indicated at the time of initial appointment, relief staff would not be provided.

It is proposed to take no action at present, but the matter will be re-considered again in the light of experience, after about 12 months.

16. COCKBURN ROAD

Realignment

Mr TAYLOR, to the Minister for Transport:

(1) Does responsibility for that section of Cockburn Road contiguous with the Coogee Beach reserve rest with the Town of Cockburn or with the Main Roads Department?

(2) If the latter—

(a) has the Main Roads Department any plans for realigning the road;

(b) if "Yes" will he table such plans;

(c) during what financial year is it hoped that work will commence with respect to any realignment;

(d) will any properties in Kiesey Street be affected by any such proposed realignment;

(e) if "Yes" which lot numbers;

(f) would any such acquisitions be by negotiation or by resumption?

Mr O'CONNOR replied:

(1) Town of Cockburn.

(2) (a) The Main Roads Department has prepared preliminary plans for upgrading of this route in anticipation of its future connection to the proposed Fremantle eastern bypass. It is also intended to seek declaration of the existing Cockburn Road as a main road this year.

(b) As plans are tentative at this stage and subject to adjustment following comment by interested authorities it is not proposed to table them at this stage.

(c) No date can be given for start of construction which will depend upon traffic growth in the corridor which will have a bearing on its priority and the availability of Federal Government funds.

(d) and (e) Lots 3 and 4 Kiesey Street may be affected.

(f) By negotiation if possible.

17. **TOURISM**

Jandakot Wild Life Sanctuary

Mr TAYLOR, to the Minister for Tourism:

(1) Have the proprietors of the Jandakot Wild Life Sanctuary at any time sought financial assistance from his department?

(2) If "Yes" on what date or dates and in what form?

(3) Have the proprietors of the sanctuary at any time lodged with the department an application seeking financial assistance from the Australian Government and seeking the support of his department in referring the application to the Australian Government for consideration?

(4) What are the major criteria laid down by the Australian Government with respect to the allocation of funds by the Australian Department of Recreation and Tourism?

(5) In what respect did the Cohunu Wild Life Sanctuary at Gosnells fulfil these requirements?

(6) In what respects might the Jandakot Wild Life Sanctuary have fulfilled such requirements or not have fulfilled such requirements?

Mr RIDGE replied:

(1) Yes.

(2) (a) Request from Conservation Council of Western Austalia dated 28th March, 1974 requesting investigation with a view to assistance.

(b) Letter dated 17th July, 1975 inquiring as to "the possibilities of the Jandakot Sanctuary and Wildlife Park receiving a grant to improve and extend our facilities, to cater for the increasing tourist trade being attracted to our park".

(3) No, apart from the implication of 2 (b).

(4) (1) The types of projects eligible for assistance are—

(a) tourist attractions such as native flora parks;

(b) fauna sanctuaries.

(2) Projects should—

(a) enhance visitor satisfaction;

(b) be available to the public generally;

(c) need support (it is not intended that the scheme be a substitute for finance from normal commercial lending institutions);

(d) preserve or enhance the quality of the environment in which they are developed.

(3) Project developers might be State or local government authorities, community and non-profit organisations or private enterprise. It is intended, however, that assistence afforded private entrepreneurs generally will be by way of loans (e.g., through Commonwealth Development Bank) rather than grants.

(4) In assessing applications account will be taken of the State Government attitude to the project and the priority it is accorded by the State.

Grants are available only for works of a capital nature.

(5) Cohunu Wildlife Sanctuary satisfied all requirements of the criteria set. The situation of the

park, its combination of free roaming fauna, its flora reserves and the conceptual layout by a well known landscape artist, all contributed to the assessment by the Department of Cohunu Wildlife Sanctuary having considerable tourist merit.

The Cohunu Wildlife Sanctuary proprietor has a 21 year lease on his property from the Town of Gosnells. There is no right of purchase attached to the lease and the proprietor cannot claim ownership on any of the fixtures put into the Sanctuary.

(6) Jandakot Wildlife Sanctuary would fulfil a large part of the requirements 1 to 3 in (4).

There is a body of informed opinion that Jandakot operates as a successful commercial venture, and is not in need of support. In addition, the saving of motherless joeys and the rehabilitation of sick and wounded birds may be commendable, however, this is only a part of sanctuaries activities.

In the course of assessing the tourist merit of the facility, a departmental officer was informed that its prime function was the caring for sick and wounded animals and birds. However, the final assessment was that the sanctuary did not have sufficient merit on which to justify a grant of funds from either State or Commonwealth tourist resources.

18. BUSES

Kwinana Terminal

Mr TAYLOR, to the Minister for Transport:

(1) Have contracts been let for construction of the proposed Kwinana bus terminal?

(2) When is it antic'pated construction will commence?

(3) What is the budgeted cost of construction?

(4) What is the anticipated completion date?

Mr O'CONNOR replied:

(1) No. Agreement has not been reached with the Australian Government on cost.

(2) When approval is given by the Australian Government.

(3) $64 000.

(4) Dependent on commencing date.

19. CRIMINAL CODE AMENDMENT BILL

Offences on High Seas

Mr BERTRAM, to the Minister representing the Minister for Justice:

Relative to the Bill to amend the Criminal Code, does the 100 miles referred to therein commence from—

(a) low water mark;

(b) high water mark; or

(c) the extremity of the territorial sea?

Mr O'NEIL replied:

Normally the 100 miles would be measured from the extremity of the territorial sea but, pending the decision of the High Court in the challenge of the States to the Seas and Submerged Lands Act, the matter remains in doubt.

20. FRASER'S MINE

Tribute Agreement

Mr T. D. EVANS, to the Minister for Mines:

(1) Further to question 8 of date 14th August, 1975 regarding Fraser's Mine, Southern Cross, would he please table a copy of the tribute agreement referred to in part 3 of the said question and also indicate, if the agreement is not now subsisting, the date of its determination?

(2) If he declines to table the agreement copy would he please outline the names of the parties thereto and their respective interests in the proceeds of gold won whilst the agreement was operative?

Mr MENSAROS replied:

(1) Yes. Document tabled for one week. The withdrawal of the tribute agreement was registered on 27th June, 1975.

(2) Not applicable.

The document was tabled for one week (see paper No. 329).

21. MENTAL HEALTH

Tresillian Hostel: Sale Price

Mr DAVIES, to the Minister representing the Minister for Health:

(1) With reference to question 3 of 14th August, 1975 regarding Tresillian Hostel, and assuming the valuation was carried out by the Public Works Department, was the valuation $125 000?

(2) If not, what figure was given and why was such figure departed from?

(3) Similarly, was the valuation of Kareeba Nursing Home the same as the agreed purchase price?

Mr RIDGE replied:

(1) The Public Works Department valuation used to negotiate a figure of $125 000 with Nedlands City Council was—

	$
Building	75 000
Land	52 000
	127 000

and rounded off at $125 000 for sale purposes.

(2) See answer to (1).

(3) The Public Works Department valuer arrived at a figure of $285 000 walk-in-walk-out which, after negotiation, was agreed at $290 000.

22. JOHN FORREST HIGH SCHOOL

Collapse of Gymnasium

Mr BRYCE, to the Minister for Works:

(1) (a) Has the cause of the collapse of the school gymnasium at the John Forrest Senior High School yet been established;

(b) if so, will he provide details?

(2) Will he indicate—

(a) when work on the gymnasium will recommence;

(b) when the building is now expected to be completed?

Mr O'NEIL replied:

(1) (a) No.

(b) See answer to (1) (a).

(2) (a) and (b) Until investigations have been completed and cause of the failure established it is not possible to set a date for recommencement of construction of the gymnasium.

23. ELECTORAL

Metropolitan Seats: Quotas

Mr JAMIESON, to the Minister representing the Minister for Justice:

(1) With reference to the proposed new metropolitan boundaries under the Electoral Districts Act how many electors will be transferred from agricultural mining and pastoral area to the metropolitan area?

(2) What will be the respective totals in each of the two areas?

(3) What will be the approximate anticipated quotas for each of the two areas?

Mr O'NEIL replied:

(1) and (2) The Bill for an Act to amend the Electoral Districts Act provides that the Electoral Commissioners shall use the rolls in the form in which they are made up on the 30th September, 1975 for the purpose of forwarding their final report to the Minister.

The number of electors in the proposed metropolitan area, and the number of electors in the proposed agricultural, mining and pastoral area as at that date will be required by the Electoral Commissioners. It is not possible to anticipate those figures.

(3) It is likewise not possible to anticipate the quotas for each of those areas because no transfers of electors to draft rolls as a result of the final report of the Electoral Commissioners would be made until after that final report has been made.

Any approximation, apart from involving heavy staff commitments, could be misleading and is therefore considered not justified.

24. LOCAL GOVERNMENT

Regional Groupings

Mr TAYLOR, to the Minister for Local Government:

(1) Is he aware that a major theme in the addresses given by guest speakers at the recent Country Town Councils Association conference was that group association by local government bodies, that is, regional groupings, had many features to commend them?

(2) Is he aware that at least one speaker reminded those present that the Liberal Party Government of New South Wales had in fact been encouraging local authorities in that State to work together in regional groupings but had "soft pedalled" this policy since the present Australian Government took office?

(3) Is it a fact that he stated during the course of the conference that he and the Government were against any form of regional association?

(4) If "No" to (3), would he clarify his position with respect to regional associations?

(5) Whether "Yes" or "No" will he indicate those differences where his Government's policy differed from suggestions made by any of the three major speakers?

Mr RUSHTON replied:

(1) to (3) No.

(4) and (5) The only forms of regional association of municipal councils which I recognise are those constituted under section 329 of the Local Government Act or as "Post Offices" or administrative devices being authorised regional organisations for the purposes of the Grants Commission Act of the Commonwealth.

25. GRAIN MARKETING AUTHORITY

Legislation

Mr H. D. EVANS, to the Minister for Agriculture:

Does the Government intend to introduce legislation to set up a single grain marketing authority in the current session?

Mr OLD replied:

Yes.

26. PILBARA

Population: Sex Imbalance

Mr JAMIESON, to the Minister for the North-West:

(1) What action has the Government taken either unilaterally or in conjunction with companies operating in mining ventures in the Pilbara to correct the male-female imbalance of population in this region?

(2) What is the present estimated male and female population of the Pilbara electoral district?

(3) Have any of the established firms in the Pilbara taken action on their own initiative to provide more employment opportunities for female employees to help in rationalising the population inequalities of sex in towns solely associated with their own industrial activities?

(4) If no action has been taken what is the Government's plan for the future to overcome this unnatural population problem of the region?

Mr O'NEIL replied:

(1) The Government actively encourages the attainment of a high married/single ratio. Ratios as high as 70 married to 30 single have been reached.

Negotiations between Government and mining companies ensure that adequate accommodation is provided to house single staff for the medical and educational facilities and a large percentage of such staff is female.

The Government's policy of requiring secondary processing and support for the establishment of service industries in the Pilbara will assist in achieving better ratios.

(2) Estimated male population as at 30/6/74; 24 300. Estimated female population as at 30/6/74; 11 950. Total 36 250.

(3) Yes. The iron ore companies and the local authorities have made positive steps in increasing the employment of female workers. Landscaping, security, office, administration, canteen and stores are occupations made available to females.

(4) Plans for new industrial activities based on the offshore and on-shore resources, particularly in coastal towns, offer a much wider employment opportunity for females.

27. PENSIONERS

Bus Services in Country Towns

Mr CARR, to the Minister representing the Minister for Community Welfare:

With reference to subsidies paid by his department to bus services operating in country towns for carrying pensioners—

(a) which bus services receive the subsidy;

(b) what was the value of the subsidy to each service for each year since its introduction;

(c) how many pensioners has each service carried each year;

(d) how is the extent of the subsidy determined?

Mr RIDGE replied:

(a) Loves Bus Service—Albany

Coopers Bus Service—Bunbury

Trotts Bus Service—Busselton

Eastern Goldfields Transport Board—Kalgoorlie

Wilkinson's Bus Service—Mandurah.

(b) and (c) —

			Subsidy	Est. No. of pensioners trips
			$	
Albany	from	1/11/71 to 30/6/72	2 500·00	17 403
		1/7/72 to 30/6/73	6 760·00 p.a.	34 162 p.a.
		1/7/73 to 30/6/74	8 200·00 p.a.	41 600 p.a.
		1/7/74 to 30/6/75	10 400·00 p.a.	44 200 p.a.
Bunbury	,,	1/7/71 to 31/12/71	1 911·00 p.a.	12 740 p.a.
*		1/1/72 to 30/6/73* (18 mths)	4 165·20 p.a.	27 768 p.a.
		1/7/73 to 30/6/74	4 580·00 p.a.	30 545 p.a.
		1/7/74 to 30/6/75	8 385·00 p.a.	39 000 p.a.
Busselton	,,	18/9/72 to 30/6/73	2 000·00 p.a.	6 112 p.a.
		1/7/73 to 30/6/74	2 300·00 p.a.	8 970 p.a.
		1/7/74 to 30/6/75	2 300·00 p.a.	8 970 p.a.
Kalgoorlie	,,	1/7/71 to 30/6/72	3 896·00 p.a.	48 700 p.a.
		1/7/72 to 30/6/73	5 760·00 p.a.	72 000 p.a.
		1/7/73 to 30/6/74	6 400·00 p.a.	80 000 p.a.
		1/7/74 to 30/6/75	16 000·00 p.a.	90 000 p.a.
Mandurah	,,	3/4/75 to 30/6/75	4 400·00 p.a.	8 112 p.a.

Subsidies for 1975-76 have not yet been established as the review which is conducted by the Transport Commission is not due until October-December, 1975. Payment will be backdated to the beginning of the financial year.

(d) Estimate of numbers of pensioners using each section of bus service, as shown by the proprietors and confirmed by spot checks carried out by the Transport Commission, calculated yearly and at full price. Subsequent loss of revenue to bus service proprietor in letting pensioners have free travel then becomes the subsidy paid by the Treasury.

28. ROCK LOBSTERS

Coastal Patrols

Mr T. J. BURKE, to the Minister for Fisheries and Wildlife:

(1) Is he aware of alleged concern among responsible crayfishermen in the Geraldton area that there appears to have been a recent decrease in the incidence of mobile coastal patrols north and south of the Geraldton regional office?

(2) How many breach reports arising from patrols were submitted by the regional mobile patrol officer to the Geraldton and/or the Perth office for the 12 months ending 31st December, 1974?

(3) How many reports as in (2) above have been submitted since 1st January, 1975 to present date?

(4) If there has been a decrease in patrols has this been as a result of—

(a) instructions from head office or Geraldton regional office; or

(b) for what other reason?

Mr P. V. JONES replied:

(1) No concern was expressed to me in my recent visit to the Geraldton district nor has any been expressed to senior departmental officers.

(2) This information is not readily available. To obtain accurate totals would require checks of all the correspondence originated by each of the officers who have, in the period mentioned, acted or assisted in the capacities concerned. This would be most time consuming. A check of readily available records has revealed four breach reports submitted by the regional mobile patrol officer at Geraldton in the twelve months ended 31st December, 1974.

(3) A similar check has noted eleven such reports so far in 1975.

(4) (a) and (b) Checks of immediately available records show that the days spent on patrol by the regional mobile patrol officer at Geraldton have not decreased as suggested but were as follows—

January-July 1974—43
January-July 1975—47.

29. COUNTRY WATER SUPPLIES

Standpipes

Mr COWAN, to the Minister for Water Supplies:

(1) How many standpipes in agricultural areas are there that draw water from sources other than the comprehensive water supply, and which are maintained by Country Water Supplies?

(2) How many of these standpipes which the Country Water Supplies maintain are metered?

(3) Will he detail where these standpipes are located?

Mr O'NEIL replied:

(1) 203.

(2) 74.

(3) The information requested by the Member is as per the table attached, which I ask to be tabled.

The answer was tabled (see paper No. 330).

QUESTIONS (6): WITHOUT NOTICE

1. TELEVISION

North-West

Mr LAURANCE, to the Minister for the North-West:

(1) Which centres north of the 26th parallel have been provided with a direct television reception?

(2) What centres are served by a "closed circuit" television service?

(3) Which centres do not have a television service?

(4) What is the current population of each of the centres mentioned in (1) to (3) above?

Mr O'NEIL replied:

I thank the honourable member for adequate notice of the question, the answer to which is as follows—

(1) Direct television reception—

Carnarvon
Dampier
Karratha
Port Hedland
Roebourne
Wickham

Repeater Station Networks—

Koolan Island/Cockatoo Island
Newman
Tom Price/Paraburdoo

(2) Closed circuit television—

Shay Gap
Goldsworthy

(3) No other centres have a television service. These include—

Broome
Camballin
Denham
Exmouth
Fitzroy Crossing
Gascoyne Junction
Halls Creek
Kununurra
Marble Bar
Nullagine
Onslow
Pannawonica
Wittenoom
Wyndham
Derby

(4) Population figures (current estimates)—

Carnarvon	6 700
Dampier	3 200
Denham	320
Exmouth	3 000
Gascoyne Junction	45
Goldsworthy	1 500
Karratha	4 700
Marble Bar	1 070
Nullagine	65
Newman	4 381
Onslow	470
Pannawonica	750
Port Hedland/ South Hedland ..	12 350
Roebourne	1 600
Shay Gap	875
Tom Price	3 800
Wickham	2 450
Wittenoom	300
Paraburdoo	2 000
Camballin	95
Broome	2 300
Derby	2 400
Fitzroy Crossing	850
Halls Creek	750
Kununurra	1 300
Wyndham	1 600
Cockatoo Island/ Koolan Island ..	630

2. MINING BILL

Replies to Submissions

Mr MAY, to the Minister for Mines:

With a view to restricting amendments to the Mining Bill resulting from recent submissions by interested organisations, would the Minister make available copies of his replies to those organisations?

Mr MENSAROS replied:

I thank the honourable member for some very short notice of the question which enabled me to prepare a reply which I hope will satisfy his query. There have been numerous negotiations and discussions with various organisations which made written submissions or only a request for a meeting with the Minister and/or departmental officers.

Certain agreements have been reached as to Government amendments.

In some cases the parties making representations were satisfied with the explanations they received. In other cases it was understood that the Government is not prepared to accept a particular request.

However, as a number of submissions are still coming in, no firm reply has yet been sent to any written submissions other than to acknowledge the submissions and to indicate that their contents will be considered.

The honourable member will realise that if the Bill is to proceed, new submissions—for which there has now been almost a year of time given, and I have invited them through advertisements, Press releases, interviews, and so on—have to cease or be ignored at some time or another. When this happens—and it is obvious that the community and particularly the mining industry want a new Bill—I shall place the Government's amendments on the notice paper and they will give all the information required by the honourable member.

Generally speaking, only at that time will I finally reply in merit to the parties who made submissions. Therefore I suggest to the honourable member that for the sake of restricting unnecessary amendments he awaits the Government's amendments before placing further amendments of his own on the notice paper.

3. MILK QUOTAS

Negotiability

Mr H. D. EVANS, to the Minister for Agriculture:

I apologise for the total absence of notice, but as my question concerns a matter of policy, I can visualise no difficulty in his replying. Does he concede it is desirable for market milk quotas to be sold by farmers to the Dairy Industry Authority only, except in exceptional circumstances?

Mr OLD replied:

I suggest that particular question will be well covered in an item on the notice paper which will be dealt with under private members' business.

4. KAREEBA NURSING HOME

Alternative Accommodation

Mr BRYCE, to the Minister representing the Minister for Health:

(1) In view of the fact that the Government has announced its decision to purchase Kareeba Nursing Home, does he agree that the need for the elderly patients of that hospital to be reaccommodated elsewhere has now arisen?

(2) Will the Minister indicate what arrangements the Government has made or proposes to make to assist the patients of Kareeba Nursing Home in their need to seek alternative accommodation?

Mr RIDGE replied:

The Minister for Health thanks the honourable member for providing notice of the question, the answer to which is as follows—

(1) No.

(2) At this stage it is not necessary for the Government to participate in the transfer of patients, as the matron of Kareeba Nursing Home is engaged in successfully arranging alternative, mutually acceptable accommodation.

5. DRUNKEN DRIVING

Patrol of Venues

Mr CARR, to the Minister for Police:

(1) Has the policy of patrolling outside hotels included surveillance outside the police canteen, select city clubs, and Parliament House?

(2) If the answer to (1) is "Yes", can he advise dates and numbers of apprehensions if any, and if the answer is "No" will he explain why these sections of the community are being treated differently from the rest of the community?

Mr O'CONNOR replied:

I thank the honourable member for no notice of the question, the answer to which is as follows—

(1) and (2) I instructed the Police Department and the traffic authority to pay particular attention to drinking venues. I did not mention any particular venues.

6. DRUNKEN DRIVING

Random Tests

Mr B. T. BURKE, to the Minister for Police:

Are the police in fact not carrying out random testing of motorists?

Mr O'CONNOR replied:

As I had no notice of the question, I ask the honourable member to place it on the notice paper.

BILLS (3): THIRD READING

1. Friendly Societies Act Amendment Bill.

   Bill read a third time, on motion by Mr Ridge (Minister for Lands), and passed.

2. University of Western Australia Act Amendment Bill.

   Bill read a third time, on motion by Mr Grayden (Minister for Labour and Industry), and passed.

3. Stipendiary Magistrates Act Amendment Bill.

   Bill read a third time, on motion by Mr O'Neil (Minister for Works), and passed.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.02 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to insert into the Weights and Measures Act the power to make regulations in relation to deceptive packaging of prepacked articles. Crown Law officers have advised that the current Act is relatively wide in its powers for the making of regulations but does not permit those contemplated for deceptive packaging without this amendment.

The Ministers for Consumer Affairs in all States and Federal territories have agreed on the need for uniformity in this matter. Queensland and South Australia have regulations in force already, whilst New South Wales and Victoria are expected to introduce regulations shortly and Tasmania and Western Australia are committed to doing so.

As an appropriate way to achieve this uniformity, model regulations have been adopted so as to allow each State to reflect the accepted principles by amending regulations now operative or by introducing new regulations. In the main the content will cover specifications for maximum permissible free space in cavities and recesses in packed articles and packages, and the method of ascertaining it, as well as making provision for exempting classes of articles or packages as determined.

In this type of legislation adequate notice of intention will be given to the trade before fully enforcing the more restrictive requirements.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Skidmore.

EVIDENCE ACT AMENDMENT BILL

Second Reading

MR O'NEILL (East Melville—Minister for Works) [5.05 p.m.]: I move—

That the Bill be now read a second time.

This amendment seeks to provide in the Evidence Act power for the Governor to make regulations with respect to fixing and requiring the payment of fees and expenses for witnesses and interpreters called by the Crown in criminal proceedings and petty sessional cases or at inquests held by a coroner. For many years, payment of allowances and expenses of witnesses called by the Crown in these proceedings has been in accordance with a scale of allowances promulgated by administrative direction.

In this proposal, interpreters will be dealt with specifically, whereas at present they are treated as professional persons for the purpose of payment.

This amendment will also clarify the responsibility of departments and instrumentalities for payment of fees and allowances. At the present time there is no provision for payment of witnesses called by other departments, statutory corporations, or local authorities in petty sessional matters, and it has been left to negotiation between the parties to settle fees and allowances.

This proposal to recoup witnesses and interpreters at reasonable rates for expenditure incurred and time spent in attending court will be more satisfactory administratively and from the point of view of members of the public who become involved in court matters in this way.

I have some additional comments giving details of the current scale of fees and the proposed fees, which I think will save time in the Committee stage.

Approval in principle of a revision of allowances to witnesses and interpreters was contingent upon suitable legislative backing, and the precise details of what is to be included in regulations has yet to be resolved. Basically we are trying to achieve a more realistic yet flexible scale and to eliminate the more finicky aspects of the present scheme. Recognition of the separate role of interpreters is also proposed by providing a scale of allowances for them as is the practice in other States, rather than treating them as "professional" persons.

The present scale also provides a separate fee for "professional" persons as a class irrespective of the nature of the evidence they are able to give, whereas the proposals are to distinguish such persons only when they are required because of their professional expertise.

The scale has remained basically unaltered since 1952, although some items of daily allowance were adjusted up to 1965. It is not possible to ascertain how the rates were arrived at but they were probably considered reasonable in the circumstances at that time.

The present scale provides in part as follows—

	$
Professional persons	8.40 per day
Other adult males	4.00 per day
Males 18 to 21	2.50 per day
Adult females (if employed)	2.50 per day
Other females 18 and over	2.00 per day

The rates are halved for morning or afternoon attendances.

These provisions were recognised as outdated but were largely neutralised by the discretion vested in the Under-Secretary for Law to recoup demonstrated loss of earnings. The burden of work so generated was one of the catalysts for the proposed review of rates.

The existing scale provides nothing specifically for meals—except for children not entitled to a witness fee—but this is a factor considered by the under-secretary in claims for accommodation expenses. The travelling rates pertaining to public servants are, in practice, adopted as the ceiling for accommodation expenses for witnesses. Fares are provided for, or kilometreage where travel by road is more appropriate, at 5c a kilometre.

The new scales proposed are as follows—

Ordinary witnesses:

Half day—$10.

Full day—$15.

With discretion to recoup, upon reasonable proof of loss, up to $40 per day.

Interpreters: up to 3 hours—$13.

Hourly thereafter—$3.50 up to daily maximum of $40.

Expert witnesses: up to 3 hours—$18.

Hourly thereafter—$5 up to daily maximum of $40.

Clause 3 is considered necessary to facilitate consideration of claims by self-employed persons and the like whose loss of income is not easily demonstrated and to allow delegation of authority to appropriate departmental officers for assessment of claims.

Debate adjourned, on motion by Mr Bertram.

Message: Appropriations

Message from the Lieutenant-Governor received and read recommending appropriations for the purposes of the Bill.

CHICKEN MEAT INDUSTRY COMMITTEE BILL

Second Reading

Debate resumed from the 6th May.

MR H. D. EVANS (Warren) [5.12 p.m.]: This measure is of great interest to us because it indicates some solutions that have been found to problems in the chicken meat industry. I suppose the chicken meat industry could be considered a Lilliputian example of all rural industries and many of its problems are common to rural industry generally.

At the outset it would probably be fair to say that the chicken meat industry is one of the most vigorous, and certainly the most intensive, of the Australian livestock industries. The remarkable degree of success achieved by the chicken meat producers is all the more difficult to understand because it is a very young industry. However, it may be this very fact which explains why some of the inherent problems of the established livestock industries have not been encountered to the same degree in this area.

In a comparatively short time, the chicken meat industry has risen from what was literally a backyard industry to a very high degree of sophisticated production. Fairly predictably, this growth has been matched by the advances in the stockfeed industry in delivering the high compound foods that are sought by its clientele. There would not be much future in endeavouring to raise hundreds of thousands of chickens each year without the specialised nutrients they require for good health and quick growth. This factor, coupled with sound breeding programmes, has resulted in cutting down considerably the time necessary to rear a chicken ready for the market. Of course, no chicken has ever told us whether he likes what he is fed, and neither has he commented on the standard of housing he is subjected to in this day and age. However, the industry's main concern must be the economics of production.

The year 1968 was a fateful year for the chicken meat industry because that was the year in which the boom in chicken meat reached a crisis point. We had an inevitable overproduction situation, and the prospects for the producers were very cloudy, to say the least.

The situation in Western Australia was not as bad as that experienced in some of the Eastern States. In fact, production in the broiler industry actually stood still at that time. However, it was a very different situation elsewhere in Australia, and in some States the position verged on the chaotic. To fight back from this precarious position, with commendable wisdom, the industry took a number of steps. These steps could be used for material for a textbook on rural industry, and particularly in regard to the production of livestock.

First of all the broiler industry called on a recognised world authority to examine in depth the problems confronting it in Australia. Mr Jess Merkle—a leading production and marketing expert in the United States—was invited to address the representatives of the industry. His visit and advice stimulated research in processing to a marked degree resulting in a greater demand for the product and consequent increased profitability. Of course, this was the whole object of the exercise, and chicken thighs and chicken breasts now command a much higher price per pound than does a whole bird.

During the past few years there has been a marked trend towards the selling of more fresh poultry than frozen. The take-away food trade has accentuated this trend; it has increased the demand for chicken pieces and it has stimulated the market. We are all familar with the major firms which retail take-away chickens in various forms.

Probably everyone is aware of the degree of organisation in the industry and its approach to marketing research. The researchers found some very interesting statistics, and it is probably apposite to quote some of these to enable us to compare the chicken meat industry with less well organised livestock industries which are in severe difficulties today.

In the decade between 1960-61 and 1970-71, the consumption of chicken meat rose dramatically. During this period the consumption of chicken as a percentage of the total of all meats rose from 1.5 per cent to 11.2 per cent. To achieve such a rise in the course of 10 years is a remarkable feat.

In that same period the Australian *per capita* consumption of chicken meat increased from 3.6 pounds to 27.7 pounds annually, and is still rising. Also during this time the wholesale price dropped from 55c to 44c per pound, and it has now levelled out at an additional 3c per pound: that is, 47c per pound.

While consumption has increased dramatically, costs generally have risen, and yet the price of chicken meat has decreased markedly since 1960. Even more dramatic has been the drop in prices since the late 1940s when chicken meat was 78c per pound. These figures illustrate what has been achieved in an industry that set out to master the problems of presentation and marketing.

The chicken growers have gone a long way towards solving marketing problems by gearing their production to the demand, whilst bearing in mind the consumer's ability to pay. Probably these are the two golden rules for the marketing of any product.

The growing popularity of poultry has affected other meat prices. The influences are probably there. There are other factors, of course, which come into this question; but certainly the advent of chicken meat has had an effect in this regard. Although the extent of the effect is hard to assess, it would be fair to suggest that the price of beef, lamb, and other meat would be higher if chicken meat did not offer such an attractive alternative.

The figures between 1960-61 and 1970-71 —that decade for which figures are relatively more easy to obtain—show that the *per capita* consumption of meat in Australia increased by less than 10 pounds, while the *per capita* consumption of chicken meat increased by more than double that amount during the period. So chicken meat has certainly received more than its fair percentage of the trade for the reasons I have suggested. In fact, the figures suggest that poultry largely supplemented mutton, the *per capita* consumption of which fell from 63.2 to 43.5 pounds in the same period—a drop of one-third—and obviously this must be regarded when assessing the popularity chicken meat has achieved.

I doubt very much indeed whether the youthful vigour and imagination of the poultry industry in its innovations in production and marketing have been lost on other livestock producers, particularly in the field of pigs.

Coupled closely with this has been the development of the attitude of chicken meat producers towards the other adjunct of the industry; namely stockfeed manufacturers. They have a very close interrelationship for obvious reasons. They have combined and co-operated fairly well and the union has been fruitful on both sides.

Stockfeed manufacturers in Australia are producing more than 500 000 tons of feed a year to nourish in excess of 126 million chicks which are raised, so it can be seen that this is a business of some magnitude. The price of feed accounts for something in the order of 60 per cent of the total cost of raising chickens, and any rise in the price of feed must inevitably add to costs of production. Naturally enough, the feed manufacturers are very closely attuned to the rises and falls in the price of grain and they can and do manipulate their formulas to a great deal of advantage.

One of the most interesting adjuncts to this is the new feed ingredient, sweet lupins, and Western Australia has developed an embryo industry which could have far-reaching ramifications in the course of supplying world demand. Dr John Gladstone of the Western Australian Department of Agriculture was to a very considerable degree responsible for the achievements in this respect.

There is no doubt that sweet lupins can play a vital role in supplementing to a great degree the self-sufficiency of producers in a world shortage of protein not only for stock consumption but possibly also for human consumption, and the conversion that is implied in this. The sweet lupin has great potential firstly in respect of its pallatability and secondly because it is amenable to production in many parts of the State. Its potential in the role it could play in this State is indeed important.

Stockfeed manufacturers have made significant improvements to the livestock industries of Australia and have played a large part in the economical production of chicken meat and eggs. Industry efficiency has been developed to a large degree. Feed mills have progressed from the paddle mixing type of not so very long ago to a fully automated operation that works on punch card computers. The transition in this field has been marked indeed. Computerised formulas are used extensively to ensure that high quality feeds are compounded and produced not only for poultry but for livestock of all kinds.

The manufacturer has an advantage in the range of formulas which enable him to switch from one ingredient to another as prices rise and fall, and he uses this to the advantage of his total operation. This is a degree of technological achievement which is very impressive indeed. At the beginning of the 1960s the types of mixed feed were roughly the sheep nut class, and in those days bulk handling was practically unknown. That is a far cry from today when in excess of 80 per cent of feeds leave the mills in bulk; and, naturally, this is an important consideration in keeping prices down.

The use of synthetics has been stimulated by the shortage and high cost of animal protein in the past. This is a matter we cannot disregard; it is something which is invariably in the background. The use of synthetics in this area has been stimulated in much the same way as the use of synthetics was stimulated in the clothing industry. Synthetics made great inroads into the traditional clothing materials some decade or more ago, and at the time this was related to the shortage and high cost of natural fibres. Of course, the chemist is always at hand to seek an opportunity if the price is right.

It is probably fitting to make reference to the words of Mr Fred Kellow, the head of Heinz in Australia. He predicted that if the world food shortage does not ease within five years people will accept synthetic foods as part of the natural scene. Of course, that is a challenge to the producers of livestock. Mr Kellow, who must be accepted as an authority in this field—being the head of Heinz—was quoted in *The Australian*, which is a sufficiently authoritative newspaper to enable us to give it full regard, as saying that producers are not able to meet the needs of his company. He said, "They are just not market oriented." This accusation perhaps is not true in respect of the chicken meat industry, which is more sensitive towards and closely attuned to the marketing situation than any other livestock industry. Therefore, we can discount that comment of Mr Kellow to some extent, but I do feel that livestock producers should listen with open minds when a man of the calibre of Mr Kellow makes an utterance of that kind.

Mr Kellow does not seem to be keen on the use of synthetics and, moreover, he admits probably they would present a major marketing problem. However, he claims they could well be forced upon him and other manufacturers in the same business for the reasons that he set out.

From all this you will gather, Sir, that the efficiency of the chicken meat industry has resulted from the efforts of the scientists in respect of the breedng of birds, the development of feeds, the development of management techniques, and market research; all these have been combined to achieve a degree of efficiency that must be the envy of many other industries.

The development of special cross-bred chicks which are very quick growing and give a high conversion rate of feed to meat has been the basis of the effective manner in which producers can place a bird on the market. Only a limited number of strains are available which can attain full maturity in a matter of eight or nine weeks and then be sent to the processor. Of course, the biologist is involved in this development. Basically, he would be responsible for initiating the development which has been achieved.

During the time Parliament sits each year, growers can raise two cycles of chickens, and even allow for the cleaning of their sheds as well. This level of turnover has been achieved through the development of the right kinds of crosses and strains. The management skills of the producers have brought greater efficiency into the farms and sheds. The industry has come a long way from the backyard, cottage-type industry of a relatively few years ago; at the same time, standards of hygiene and health control measures have been applied more effectively than before. Automatic feeding within the shed, restricted movement and intense raising in terms of numbers have become the normal features of production.

I have already referred to the specialised science which feeding has become, with bulk transport and computerised formulas meeting the exigencies of the existing economic situation and the cost of the various grains. However, the processing and marketing side of the industry also must be considered. I refer to the take-away food outlets, the sale of chicken pieces and the "finger-lickin'" product with which we have become so familiar. Further developments have taken place overseas with innovations such as the boneless chicken joint. I would imagine that the cost of setting up machinery to bring about such an innovation places it some time in the future; however, inevitably it will come, and will represent another step in developing a product to satisfy the palate of the consumer.

Industry organisation is fairly complete; it has become integrated to a high degree and probably will become even more so as time goes by. The hatching of birds by firms, and the raising of those birds by contract farmers until they are ready for processing is becoming the norm, especially among those farmers connected with firms which have the franchise for the best chicken cross strains. This means that feed is obtained by the firms, usually under contract, and the birds are killed and marketed by the processors who in many instances are tied up with the provision of the feed and the production of the chick after hatching.

While a high degree of industry integration is being developed, I see a danger of the farmer being reduced to a cog in an operation—in other words, for a contract figure per bird he takes delivery of the chicken, raises it to maturity and passes it back for processing. The provision of feed has been handled for him and the marketing decisions are not his; he is not involved in any way with the initiatives that would be apparent in other areas. Is such vertical integration in industry a good thing, or do we need to have some reservations about it? It certainly reduces costs, and it can increase margins to growers, although this does not necessarily follow.

While benefits may accrue, the other side of the picture is that a producer may be reduced to a contract serf if the situation is not watched. I understand that in some parts of the world where canneries have become established, farmers have been reduced to a very low level of subsistence by their dealings with various producers. Cases have been quoted to me of farmers actually going into debt to a cannery on the basis of the produce they furnish to the cannery. The inherent problem here, of course, is the cheap production of top quality material; this will always be the case as far as canneries are concerned, and there certainly is a need to watch the situation.

On the one hand there is the need to produce more economically and more effectively; on the other hand, the rights of the individual operators as epitomised by the yeomanry of 19th century England are disappearing very fast. This principle was transported to Australia by some of the early settlers, and the independence of farming operations has been part and parcel of the scene for many years.

However, we may have no escape from this situation when we consider the economic trends of increased costs and decreasing or stable prices, which force on the producer a rationalisation of the stages of his operation. It is partly for this reason that I see with some approval that the contract system offers the grower a guaranteed return and a safeguarding of his rights. In this instance, albeit for only one crop, it certainly is a step in the right direction; it is the sort of industry organisation which is desirable and, mutually safeguarded, should be to the interests of the producer and the processor.

I deviate from my line of argument briefly to outline how this happy situation has been achieved in another industry organisation, the Lamb Marketing Board. I understand that the lamb drop for the forthcoming season, and its disposal at a fair price has been virtually assured. This sort of thing must be achieved in all rural industries if primary producers are to have any long-term security.

The Chicken Meat Industry Committee Bill is an interim measure which seeks to provide stability in the industry until the matter has been resolved on a general basis throughout the States of Australia. I mentioned earlier that the Eastern States have experienced far more difficulty with regard to the broiler chicken industry than has Western Australia. The answer I received to a question I put last Thursday showed that we are importing a great number of chickens from the Eastern States; currently, in the nine-month period of the 1974-75 season, we have imported 186 722 kilograms of chicken meat —a considerable amount.

With the scope of the industry in Western Australia, and the danger of overproduction in the Eastern States, our industry could be threatened. Industry stability such as has been achieved in the potato, lamb, and meat industries is most desirable; equally, it is desirable that such legislation be on a national basis as it is the only way we can safeguard our growers. However, it is good to see that such a stage has been reached.

I turn now to the provisions of the Bill. I thank the member for Mt. Marshall for clarifying one point for me. In his second reading speech, the then Minister stated—

> The Government considers that it is necessary to proceed with legislation in Victoria to improve the stability of the broiler chicken industry in this State . . .

That is the significant point. I had intended to query the composition of the committee, but I find that it is correct as it appears in the Bill. The committee totals seven in number, three members representing the producers and three representing processors. In the second reading speech it was stated as six of each.

The appointment will be made by the Minister and, as far as possible, the intention is that no processor will have more than one representative on the committee and, similarly, each representative of growers will come from a processor-grower unit. That is a common-sense, if indeed not an essential provision.

Provision is also made in the Bill for written agreement to be made between a processor and a grower except when the two are synonymous; that is, where the grower and the processor are the one person. The committee will set guidelines to assist processors and growers to draw up agreements. Also it will examine the agreements and, where they appear to be satisfactory, it will approve of them. Obviously, where two groups of this kind are negotiating, an inherent ingredient of the negotiation will be dispute. It would be virtually impossible for two groups of persons negotiating over a contract which involves effort and price to reach consistent amicable agreement. Therefore in the event of a dispute occurring provision has to be made for the committee to mediate and negotiate prices between processors and growers.

In setting up guidelines for the drawing up of agreements, the committee will ensure that the guidelines are of sufficient detail and form so as to assist in and provide for, specifically, what is listed in the Bill. This list includes continuity of contract; a basis for determining and reviewing the prices paid to ensure that efficient growers have a satisfactory return, and the participation of efficient growers in the benefit of any growth expansion of a processor's output.

This seems to be only reasonable and fair. If a producer has been supplying continuously at an acceptable level of efficiency it is only fair that he should have an opportunity to expand an operation if an opportunity arises. The guidelines also provide for the discounting of efficiency where the failure of a grower to be efficient is due to the quality of the chickens or feed, to disease, or to any other cause whatsoever which is beyond the control of the grower. Obviously this is a fair and just provision.

Under the Bill an efficient grower is defined as one who meets the criteria for an efficient grower laid down from time to time by the committee. The Bill further provides that where the committee is unable to settle a dispute—this is an important feature of the Bill—between a grower and a processor—and that dispute includes the price to be paid—the facts shall be reported to the Minister who, after consultation with the committee, may refer the matter to a single arbitrator. So it is possible to have arbitration to break any deadlock between a processor and a grower that cannot be resolved by the committee.

Penalties are specified in the Bill and it may be debatable whether they are at a sufficient level, but as they are to apply to both the processor and the grower, perhaps it may be wise to keep the penalties at a low level, but this is a matter that can be rectified, if necessary, in the light of experience at a later date in the Parliament. A measure of this kind does need the benefit and experience that comes through operation of the legislation for at least a short period.

So all in all I do not suppose the measure changes the structure of the industry greatly, but it will permit access to arbitration where this is considered desirable. To this end it is an arrangement which has been mutually agreed upon, which all those engaged in the industry should appreciate. From my inquiries I understand the processors are generally in agreement, although not unanimously, but on the other hand the growers have accepted all the provisions of the Bill without reservation. Whether or not the provisions go far enough for the growers is difficult to say, but they have not queried them. So on that basis—although there are several points I would like to raise in the Committee stage—we on this side of the House give our support to the measure, and I cannot refrain from saying that when legislation is introduced to control an industry it can only be described as being a degree of socialism. However so long as the Government does not get carried away with the level of socialism it introduces it can be assured of support from those on this side of the House.

MR NANOVICH (Toodyay) [5.47 p.m.]: After hearing some of the final comments of the member for Warren, I appreciate we are the Government that is introducing legislation of this kind to provide arbitration for those who are engaged in an important industry. However, in conclusion, the former Minister for Agriculture did come back to refer to the Bill before the House at the moment which deals with the chicken meat industry.

The main purpose of the Bill is to establish a broiler industry negotiation committee to improve stability in the broiler chicken industry in this State—

Mr H. D. Evans: Nasty socialism!

Mr **NANOVICH**: —and provide arbitration for both processor and grower who for many years have done a great deal for the industry in this State and throughout Australia. This industry has shown rapid growth which is exemplified by the fact that last year approximately 14 million birds were grown for the market, representing about 16 000 tons of dressed poultry meat. It can therefore be seen that this is no longer a backyard industry. In fact, the figures clearly indicate that it has grown to a stage where it has become an important and vital industry not only to this State but also to the whole of Australia.

As a result of a request that was made the Government decided to introduce legislation and this has resulted in the Bill now before the House. Its provisions seek to provide arbitration to allow this industry to continue to progress and to save it from stagnation, because I believe the industry could have stagnated had not this Bill been introduced to the Parliament.

I believe there should be limited interference with the private sector, but after many attempts to settle by negotiation and conciliation, discussions between growers and processors broke down. This led the previous Minister for Agriculture to form a committee consisting of an equal number of representatives from both growers and processors, with an independent chairman; that chairman being the Director of Agriculture. These attempts again failed and, as a result, the committee which had been formed was dissolved. That was why the growers decided unanimously to approach the Government, and ask it to assist them.

The member for Warren has indicated that certain provisions in the Bill are not entirely satisfactory to the processors. However, the majority of the clauses are favoured by the growers.

On a number of occasions I had the opportunity to convene meetings of growers and processors. What fortified my thoughts on the need to introduce legislation arose at a meeting of growers and processors which I convened and at that meeting an indication was given that legislation should be introduced to assist the industry.

In the normal course of business between the processors and the growers, no written contracts are drawn up. Verbal agreements are made between the parties. Today the industry faces the difficulty of rising costs. Broiler chickens are raised in insulated sheds which need to be fully equipped with modern facilities. About four years ago the cost of providing such a shed was \$30 000-odd; but today the cost runs into \$90 000 to \$100 000. This gives an indication of the huge cost that is involved to produce chicken meat. In this past four years the cost of production has galloped.

Under the normal arrangements for the production of chicken meat, the processors supply the feed and the modern means of medication, while the growers are responsible for all other costs.

When the recent increase of 1c per bird was awarded to the growers, the processors immediately increased the amount of money that is retained from the growers for the period of three months. As a result the growers have not received very much benefit from the increase of 1c per bird.

After listening to the comments of the member for Warren I feel sure that the Opposition supports the legislation that is before us. However, other speakers might also wish to make a contribution to this debate. In my view the Bill is needed urgently. The industry should go forward, and not backwards, because it is important and vital to the State.

The problem that exists in Western Australia exists also in other States. At present similar legislation is being introduced in Victoria; and I believe legislation has been introduced in South Australia, which is waiting to be proclaimed.

I commend the Bill, and I support the remarks of the Minister who introduced it.

MR OLD (Katanning—Minister for Agriculture) [5.55 p.m.]: The support of the member for Warren for this Bill is appreciated, and his remarks are noted. An industry, so important as the broiler chicken industry, certainly is deserving of some means for establishing prices that are satisfactory to both the producer and the processor. The Bill before us is designed to achieve that very objective. It provides for the appointment of a committee and the establishment of a forum under which the difficulties experienced by the industry can be discussed, and hopefully satisfaction between the processor and producer can be achieved.

I trust that the committee will be able to solve the problems encountered by the industry, but failing agreement between growers and processors the Minister will have the prerogative of appointing an arbitrator to make a final determination.

Since the 1960s the broiler chicken industry has grown rapidly, and up to the 1970s it expanded so quickly and efficiently that, in fact, it was possible to implement price reductions, as was pointed out by the member for Warren. As a consequence of this, the consumption of chicken meat received a boost. This industry plays a very important part in the food production of Western Australia.

The number of producers fell from 63 in September last to 51 at the present time. I think this is an indication of the situation which confronts the broiler chicken producers. It was with this in mind that my predecessor, the previous Minister for Agriculture, introduced the Bill in an endeavour to ease the situation.

The cost of production between July, 1974, and February, 1975, rose by 1.02c to 1.32c per bird. Whilst this does not appear to be very great, it is still a factor to be considered when the producer is working on a small margin. The cost of production for a four batch per year cycle is calculated at 17.8c per bird. The processors in Western Australia total 12; of these I understand that two account for 70 per cent of the total production. One of these companies, in fact, produces around 50 per cent of its chicken meat output; while the other is totally reliant on the producers for the broiler chickens it processes.

As was pointed out by the member for Toodyay, the processors provide the feed and the medication, while the producers provide the sheds and the expertise to raise broiler chickens. The amount of capital invested by the grower is high, and for this he is entitled to a fair return.

When the committee, as proposed in the Bill, is formed it will comprise an equal number of processors and growers, and the chairman of the committee will be an officer of the Department of Agriculture.

I think most of the points contained in the Bill have been covered, and once again I thank members for their support.

MR McPHARLIN (Mt. Marshall) [5.59 p.m.]: I did intend to speak to the Bill earlier, but seeing that I was the one who introduced it I was advised that had I spoken earlier I would have closed the debate.

As has been mentioned by other speakers the broiler chicken industry has been experiencing some problems, as a result of which representatives of that industry made approaches to the Government to have their problems investigated with the aim of easing the situation and providing them with some protection. After numerous meetings it became evident that a committee was necessary in order to try to resolve the unsatisfactory situation existing between the processors and the growers, and so a request was made for legislation to offer some form of protection. The main purpose of the Bill before us is to establish a committee to improve the stability of the broiler chicken industry.

The problem in the industry is not confined only to Western Australia; it is experienced in other States as well. At various times this matter has been discussed at Agricultural Council level and, as mentioned by previous speakers, legislation has been submitted in other States. The main purpose of the Bill before us is to establish a committee which will set guidelines for the assistance of processors and growers. Further functions of the committee will be to examine agreements and approve of them if possible and to mediate if disputes arise between processors and growers. A dispute could arise, for instance, regarding the assessment of an amount payable under an agreement. The committee will also negotiate prices between processors and growers and will report to the Minister on any matter relating to the industry referred to it by the Minister, or on any other matter the committee may consider it necessary to investigate.

The Bill provides guidelines under which the committee will operate in an effort to provide the stability and protection the industry is seeking.

Previously the industry asked for a cost of production survey to be carried out and this was done by the Department of Agriculture which went into the subject in a fairly comprehensive way covering capital requirements, improvements on the land, plant requirements, labour input, the size of operation, the output of birds and meat, the cost of feed, and income. In addition the imputed costs, depreciation, interest on capital, controlled environment and naturally ventilated sheds were all covered in the survey which seemed to meet with the approval of the association. Following the survey a request was made for some form of legislation to assist the industry.

It is gratifying to know that the Bill has now met with the approval of the House. Not only will the broiler growers themselves be gratified, but also the processors because, although not entirely in agreement with the legislation, they have not seen fit to bring any strong pressure to bear on the Government to have the legislation deferred or defeated. I think that fact is significant because it indicates they are co-operating to that degree and will work with the producers to enable the legislation to reach the Statute book. I give my support to the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Old (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Functions of Committee—

Mr H. D. EVANS: This clause refers to the functions of the committee and amongst those functions there is reference to the definition of an "efficient grower". Subclause (3) reads—

> (3) In this section an "efficient grower" means a grower who meets the criteria for an "efficient grower" laid down from time to time by the Committee and "efficiency" in relation to a grower has a corresponding meaning.

To my way of thinking this seems to be a rather loose method to arrive at a definition. While I appreciate that the committee would comprise eminently qualified people to deal with the determination of efficiency, there should be some broad guidelines setting out the principles and the bases on which the definition could be determined. There should be some indication to individual growers with regard to their needs to establish a reputation of efficiency.

It could well be that the committee could set requirements which would involve excessive overcapitalisation, and penalise growers in some cases. To leave it to the committee to work out its own determination of an "efficient grower" seems to derogate the authority of this place. A grower should at least know the categories of his operation which will be used to determine the quality of efficiency necessary to enable him to meet the requirements in the preceding passages of this Bill.

I would seek some indication from the Minister with regard to precisely what is involved in the definition.

Mr OLD: As has been pointed out the subclause does provide for the definition of an "efficient grower". The definition will be laid down by the committee, comprising both growers and processors in equal numbers. I feel those people will agree on a satisfactory definition.

I do not see any real problems because, once again, there will be a final resort to arbitration. The provision has to be left fairly loose because the definition of an "efficient grower" could vary considerably from time to time. I understand that an "efficient grower" will be judged upon his performance in producing a broiler chicken in a set time with a minimum of loss. I think the matter will be well covered by the committee.

Mr H. D. EVANS: I appreciate the point made by the Minister but the provision is still too loose. The Minister referred to two aspects of the definition of "efficient grower" in terms of producing a broiler from the chicken stage through to the processing stage, and reaching that stage with a minimum number of fatalities. Those two provisions are by no means exhaustive of all the qualities which will be considered, and it comes back to the fact that the particular headings, under which efficiency will be judged, should be noted. Certainly, there will be changes in technology and managerial situations but there will be certain set categories and areas of operations which will be static and upon which efficiency can be determined.

I think we should be made aware of those categories and areas of operations before the Bill goes through this place. The matter should not be passed to a committee outside the control of this Parliament. If we are to approve the format, and pass something which is unfinished and incomplete, I feel there is need for some indication to the producers by way of guidelines.

I agree there should be flexibility and elasticity in the definition, but the present definition is too broad. I do not propose to endeavour to amend the Bill at this stage or, indeed, at any stage because I would not be happy about giving a definition of "efficiency". I would like the provision examined before the Bill is debated in another place.

Mr JAMIESON: I do not wish to get involved in an argument about an "efficient grower" because from my examination of the Bill the composition of the board will mean that the determination will come back to the Department of Agriculture. To that extent I am happy to indicate—and I am sure that you, Mr Chairman, would think it remiss of me if I did not—that I compliment the Government in bringing forward such good socialistic-principled legislation. Without this sort of coverage primary producers will continue to run into troubles which they cannot overcome. The provisions of this Bill will mean that those in the chicken broiler industry will receive a fair return for their product. No person should be expected to produce without receiving a reasonable and fair return, and the socialistic intent in legislation such as this is to be admired.

Mr Nanovich: It is not socialistic.

Mr JAMIESON: As a socialist, I admire this sort of legislation; I never deny myself. The member for Toodyay does not know the meaning of "socialism", and the member for Karrinyup would always imply that I deny my own belief. I accept the responsibility because I view matters in this socialist light; it is a good light in which to view them.

Sitting suspended from 6.15 to 7.30 p.m.

Mr JAMIESON: As I was saying before the tea suspension, this kind of approach to rural industries is very encouraging. We see this as a system which must eventually be applied to all these industries. My only comment is that if the member for Warren had dared to bring in such a measure we would have had the red hordes running up the sandhills at Cottesloe and we would not have been able to control them. We would not have got the legislation through.

It is a pity it is sometimes necessary to have a Liberal-Country Party Government in order that socialist measures may be put through this Parliament. When they have come forward I have always applauded them and considered them to be desirable. It might be said members of the Liberal and Country Parties are not socialists, but one does not understand socialism in its true form if one thinks this measure is not socialistic.

The problem with socialism is that it will not work unless all parties to the venture want it to work. This will apply to the grower and the processor. If the grower suddenly sees a more lucrative market and has some way of pulling out of the scheme for the time being to go into that market, the whole system will fail. Those who are wedded to the private enterprise system fail to realise that there is another system which will work if people want it to work. The system of selling to the highest bidder does not always work. We had to socialise the potato industry for a brief time so that the people of Western Australia could be assured of supplies and the growers discouraged from sending their potatoes to the Eastern States.

Some of the members opposite fail to recognise socialism. The red hordes might come up the beach further north than Cottesloe, and we would be in trouble trying to keep them back.

Mr Sodeman: What about the Pilbara?

The CHAIRMAN: With due respect—

Mr JAMIESON: Yes, with due respect I think we should get back to the provisions of the Bill. I complimented the then Minister by way of interjection when he introduced the measure. So long as the present Minister continues to wear the plume of socialism I will be happy.

Mr HARTREY: Much as I agree with the general observations of the deputy leader of our party, I do not necessarily agree that because socialism is a good thing it must be administered by a bureaucracy. The member for Warren pointed out a weakness in clause 13. It is essential that the producer knows whether or not he is an efficient producer, because he is the only one who will be protected and he depends for his protection upon a committee which is not required to carry out an examination or provide a curriculum, handbook, or guide as to what the producer must do. It can be inferred from subclause (2) (d), which exempts specific kinds of inefficiency or what may otherwise amount to inefficiency, but there is no indication of the sort of efficiency which is intended. A producer has an idea what efficiency is. Anyone who was making a living from raising chickens would be insulted if he were told he was not efficient.

I agree with the member for Warren that a bureaucracy should not have delegated to it a function which is properly a function of this Parliament. It is not what some committee intends but what we intend that matters. We are being asked to say we do not know what we intend and we are handing the matter over to some other people to say what they intend.

Clause put and passed.

Clause 14: Agreements—

Mr HARTREY: I have a suggestion to make in relation to the text. I hate to see bad English. Paragraph (a) of subclause (1) should be amended to read—

> (a) a processor shall not receive or purchase from a grower broiler chickens for processing;

The broiler chickens are for processing; they are not for "processing from a grower". The same applies to paragraph (b).

The CHAIRMAN: Are you moving an amendment?

Mr HARTREY: I am pointing out a very simple correction designed to make a clumsy piece of English much more comprehensible and even more elegant. I move an amendment—

> Page 7, line 19—Insert after the word "purchase" the words "from a grower".

Mr JAMIESON: This clause deals with the making of agreements between the two parties. From the answers to questions asked by my colleague, it appears there are in this State nine processors of any size who would come within this category.

Poultry is a commodity which has generally come down in price because of efficient production. It is not now very much dearer than it was in pre-war times. I can remember that around Christmastime one would pay rather handsomely for poultry. Many people did not see poultry except on special occasions or when the fowls they kept at home became too old and it was decided to chop off their heads. However, these days chicken has become part and parcel of our everyday fare, and my worry is that the companies may start to merge until we reach the stage where we have one company only.

It is at this point that the wrestle between the growers and processors would have to be umpired by this very efficient person who will be appointed to the committee from the department. He would have a hard time coming to a reasonable decision if he did not have a number of companies plying one against the other for these broilers from the producers. I hope the Minister can assure us either of some protection to the industry or that some watch will be kept on the situation to ensure that we do not have a monopoly. Once a monopoly is in existence, we would see the price of the final product increase at an alarming rate. Probably it would then be compared with other sources of protein, and with the price of beef de-escalating as it is at the moment, chicken would become less attractive to housewives. Efficiency must be maintained at all stages—production, processing, and the final marketing—so that the consumer obtains the best deal possible.

Most of the companies appear to have fairly substantial backgrounds, although some of them are not very well known to me. If we have competition between them for the major outlets, we will guarantee a product at a fair price; this could not be assured with a monopoly.

Mr OLD: The Deputy Leader of the Opposition mentioned seven companies of some size.

Mr Jamieson: I said nine companies.

Mr OLD: I am sorry. In fact, there are 12 such companies, although some of them are small. Two of the companies control a large proportion of the market—something in the order of 70 per cent. However, I understand that these companies are fairly well entrenched and have been in the processing industry for some time. Therefore, I do not see any great problem in regard to a diminishing number of processors. The number could be reduced perhaps to nine companies, but I do not think any further.

The purpose of the committee is just as the Deputy Leader of the Opposition suggested; that is, to ensure equity between the growers and the processors. At the same time, the committee will watch the price of chicken meat very carefully so that it is within the reach of consumers.

The CHAIRMAN: I draw the attention of members to the amendment of the member for Boulder-Dundas to insert the words "from a grower" after the word "purchase" in line 19 on page 7. I would like to point out that the second reading of this Bill was on the 6th May and it seems to me members have had plenty of opportunity to give notice of any amendments they wished to move.

Mr OLD: I cannot agree to this amendment. Possibly the English is not quite as the member for Boulder-Dundas would like to see it, but the meaning of the clause is there. I see no problem in the interpretation. In fact, it is a—

Mr Hartrey: Botch.

Mr OLD: —mirror of the Victorian legislation, which is working efficiently. Therefore, I see no reason to accept the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 17 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from the 8th May.

MR BERTRAM (Mt. Hawthorn) [7.47 p.m.]: This is a relatively small measure, but a most important one. It does not confine itself to offences under the Criminal Code, and members will see that one part of the Bill seeks to extend the ambit of all the Statutes of the State for a distance of 100 miles outside of Western Australia. The Bill touches also on several more or less unrelated aspects of the Criminal Code. Generally the Opposition supports the measure.

I would like to point out that the Criminal Code became law in or about 1913. The sad thing about these amendments to the Criminal Code is that we are not seeking—albeit extremely belatedly—to revise the whole of it but rather we are seeking to revamp it or patch it up. Mr Snedden said recently that he wanted to patch up the Liberal Party platform, and that is what the Government is seeking to do here.

The fact that the Criminal Code is 60 or more years old suggests, prima facie, that it is long overdue for an overhaul. It may have been an excellent piece of legislation originally, but many people take the view today that it is well out of date and it should be brought into line with modern thinking.

Chapter III of the Criminal Code deals with the application of criminal law, and I believe that chapter contains sections 11 to 17.

The first thing the Bill seeks to do is to insert a proposed new section 14A in chapter III of the Code. In the first instance this proposed new section has to do with any person connected with Western Australia who, while in, on, under, or over the high seas within 100 miles of Western Australia does any act or makes any omission, etc. Further on the provision does not so much deal with a person who is connected with Western Australia and who is defined, but it talks more about a person who does any act in relation to a person who is connected with Western Australia.

The legislation, in regard to this aspect to do with the high seas, is very poorly timed. It should not be before the Parliament at the moment at all for reasons I shall give. Only a few months ago there was a High Court case involving the Queen and Bull and others, a report of which is to be found in 48 *Australian Law Journal Reports* commencing at page 232. In the course of his judgment the Chief Justice of the High Court (Sir Garfield Barwick) expressed the opinion that it was time the Australian Government did something about the high seas adjacent to Australia. It appears he said that the circumstances of this case point up the need for the Parliament to exercise its legislative power under section 76 (3) of the Constitution. That section states—

> The Parliament may make laws conferring original jurisdiction on the High Court in any matter—
>
> (iii) Of Admiralty and maritime jurisdiction: . . .

There is currently before the High Court litigation in respect of the seas and submerged lands legislation. The challenge in respect of that Act was heard by the High Court in March or April of this year, and its judgment was reserved. In the ordinary course the judgment would be delivered at a very early date. Now, I should have thought that very clearly the State Government should have had regard for the judgment in Bull's case, to which I have referred, and that it should have awaited the decision of the High Court in respect of the currently pending case in order that we may know just what the law is instead of legislating on some presumption of what the law might be.

It would seem the Australian Government has taken that view because I noticed a Press release the other day in which the Attorney-General (Mr Enderby) said—

> What is clear, however, is that only national legislation can deal effectively and thoroughly with the problem of offences committed at sea, both in the territorial sea and on board Australian ships on the high seas.

> The legislation—

That is legislation which he is having prepared. He continued—

> —will also extend Australia's off-shore jurisdiction to the contiguous zone in accordance with Article 24 of the 1958 Geneva Convention on the Territorial Sea.

The law is uncertain, and in my view and that of the rest of the Opposition it is completely absurd for us to be legislating before we know just how the law stands in respect of seas off the coast. It is not as though we will have to wait another 10 years, because on the probabilities we will have a judgment in the High Court if not within the next few days, then certainly within the next few weeks.

The Opposition believes that the timing here is bad and that proposed new section 14A is an exercise in shooting in the dark. We could easily find that, having legislated in this manner and before the legislation is proclaimed, the law is such that this legislation is a nullity or unnecessary; or we could find that the proposed new section produces a result different from that which we expect and intend to achieve. This position is made all the more apparent when one considers question 19 on today's notice paper in which I asked the Minister representing the Minister for Justice—

> Relative to the Bill to amend the Criminal Code, does the 100 miles referred to therein commence from—
> (a) low water mark;
> (b) high water mark; or
> (c) the extremity of the territorial sea?

The answer I received was—

> Normally—

Note that; I suppose it is a matter of legal opinion and the weight one could place upon it would vary. It continues—

> —the 100 miles would be measured from the extremity of the territorial sea but, pending the decision of the high Court in the challenge of the States to the Seas and Submerged Lands Act, the matter remains in doubt.

So the answer confirms the point I am making: that we are here seeking to build some legislation upon laws we are not sure of. We are trying to build an edifice on a foundation which may not be good, and we do not often get the result we are looking for when we do that.

As I have pointed out, the timing here is very poor. At the moment if we were to agree to the insertion of the proposed section we still do not really know just how far we would be extending the jurisdiction of the State. We do not even know whether we are doing something that is lawful or whether the legislation will be a complete nullity. What intrigues me is that we are seeking to extend the jurisdiction of the State not 20 or 98 or 150 miles, but we are purporting to extend it by 100 miles from some starting point of which we are not really sure. Why? If we look at the Minister's speech we will not find the answer.

It seems to me to be a highly unsatisfactory state of affairs that a State should be dabbling in the offshore seas to the extent of 100 miles. When we were only a colony that was the view taken by Britain; it legislated to extend its jurisdiction over the high seas right out to the colonies, as is reflected in the Minister's second reading speech on this Bill. It took the view that it could better handle the seas than the colonies—and probably could, too—but by the same token I suggest that offshore jurisdiction to the tune of 100 miles is clearly a matter for the Australian nation.

How many people in Western Australia would be enthusiastic about the prospect of, for example, Mr Bjelke-Petersen creating some *denouement* 98 miles off the coast of Queensland which had national or international repercussions? He could create an international incident and cause all sorts of embarrassment; and we in Western Australian have no control over him. It seems to me to be a ludicrous position.

We are not told what the other States have done. Does the international sailor, or whoever he may be, when he is passing Western Australia travel 100 miles offshore? When he gets to South Australia, does he veer in to 98 miles or 10 miles offshore? When he reaches Victoria, does he charge out again? What a ludicrous thing it is to have States acting unilaterally and apparently without consultation, drawing up laws of this kind.

Clearly, they should be national laws and we on this side take the view that Labor Party legislation, probably pursuant to section 77 (3) of the Commonwealth Constitution—which legislation has been encouraged by the Chief Justice of the High Court of Australia—is the sort of legislation we want to see. We do not want each of the States, unilaterally, without consultation and independent of the Australian Government running off and legislating or purporting to legislate to give itself powers 100 miles or more offshore. It seems to me to be an extraordinarily absurd thing, and I question its validity. It also seems to be unfair to the people who use the seas and who should be able to travel around the whole of this nation and be obliged to know only one law; namely, the Australian law, not the laws and Statutes of all the States and territories of Australia. That seems to me to be utterly ludicrous and completely unfair.

On matters to do with the nation and international questions we on this side take the view that the Australian Government is the one that should be doing the legislating and the law making because we in Western Australia and all the other States can call upon that Government to account for its legislation, whereas we in this State have neither the right to complain nor the capacity to insist upon any of the State Governments around Australia conforming with what we are doing.

So, while generally the Opposition agrees with this Bill, it does not like this particular provision and we would very much like to hear the Minister's comments on these various issues. For example, he could tell us why a distance of 100 miles has been decided upon; he may be able to tell us the implications of pending cases before the High Court, and so on.

As I have said, we are not seeking simply to extend the Criminal Code. For the benefit of members, I will read the entire proposed new section 14A(1). It states as follows—

> 14A. (1) Any person connected with Western Australia who, while in on under or over the high seas within one hundred miles of Western Australia, does any act or makes any omission of such a nature that if he had done the act or made the omission in Western Australia he would have been guilty of an offence against the statute law of Western Australia is guilty of an offence and shall be liable to arrest, prosecution and punishment in all respects as if such act or omission had occurred in Western Australia and the courts of Western Australia shall have jurisdiction accordingly.

That applies not only to the Criminal Code but also to any of our Statute law. Let members imagine themselves as people from overseas, travelling around Australia and being confronted with this type of legislation. It is barely fair, and I doubt whether there is any precedent for it anywhere in the world; if there is, no doubt the Minister will be good enough to let us know where. Of course, it may be simply a *bona fide* attempt to close up the alleged hiatus occurring off our coast; it may also be somewhat of a political posturing exercise, having regard to the two recent cases before the High Court, one of which has been decided and one of which has been reserved and is receiving consideration, and in respect of which a judgment will be delivered—perhaps in the next few days—by the High Court.

I leave that matter for a moment, and proceed to the aspects of the Bill with which we are in sympathy. For some time there has been pressure to give unto the Crown in respect of matters arising out of the Criminal Code a right of appeal equal to the accused or convicted person which currently and for many years the latter has enjoyed in respect of sentences and orders of that kind. We in the Opposition are unable to see any reason that the one million-plus people of Western Australia should be put behind scratch and discriminated against in this fashion.

Of course, we are most anxious that the convicted person should be given a fair trial from the very start to the conclusion of the proceedings; we are not interested in taking anything from him. What we and, I believe the one million-plus people of Western Australia—that is, all those other than the accused—are concerned about is an equal right of appeal.

In other words, they should be given a fair go and should be put on a level equal —not superior—to the accused in respect of appeals against convictions, orders and this type of thing. In some States, this provision already exists; other States do not have it; however, the Opposition believes it is a worth-while move. We believe there should be rights of appeal generally.

Furthermore, in this case, the convicted person is protected because provision is made for his costs to be met so that the extra tier of court hearings will not put him in a position where he cannot continue to uphold his rights. He can have counsel, and this type of thing, and while he is able to fight another appeal, he is not placed at any disadvantage. But as well, the disadvantage suffered for many years by the other one million-plus people of the State is to be removed. It seems to me that the way the law is at the moment, it gives the convicted person a superior right, rather than an equal right over the rest of the community.

That savours a little of the situation we have in our electoral districts under the Electoral Districts Act, where in some areas one vote is worth one vote, while in other areas it is worth anything up to 17 times that vote; that of course is palpably bad to anyone with a sense of fairness. Similarly, this present provision of the Criminal Code is unfair to the bulk of the citizens of the State.

I think it is clause 6 of the Bill which gives the convicted person protection in regard to costs in cases where there is a right of appeal on the part of the Crown; this is done by way of an amendment to section 698 of the Criminal Code. Another amendment contained in this Bill is to enable the Attorney-General to refer questions of law to the Court of Criminal Appeal for determination. Once again, the accused is protected in this case in regard to his costs; furthermore, that is specifically set out in this case. Where there is merely a question of determination—nothing to do with a penalty, but rather a question of law—the accused or the convicted, as the case may be, shall not be in any way affected by the decisions made consequent to or in respect of that reference.

It is a simple procedure being followed to allow the highest criminal tribunal in the State to resolve certain difficult questions which are currently arising and remaining unsolved. These can be referred by the Attorney-General to a court of criminal appeal, resulting in a precedent being established for resolving questions of law arising in future cases without in any way harming the accused or convicted person in any referred case. A worthwhile provision in the Bill is contained in subsection (5) of proposed new section 693A. This appears on page 4 of the Bill and reads as follows—

> (5) There shall not be published—
>
> (a) any report of any request made—

That is, any request made by the Attorney-General. Continuing—

> —pursuant to subsection (1) or this section; or
>
> (b) any report of proceedings under this section which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial.
>
> and any publication in contravention of this subsection shall be punishable as a contempt of the Court.

That is a very sound provision. Publishing the names of persons charged with this offence will not help in any way whatsoever. The idea of the reference is to clear up a question of law and not bandy about the names of people associated with the trial. It is an objective exercise and the people associated with the trial should not be made to suffer in the process merely as a result of the procedure contemplated in this Bill; that is, to clarify and determine matters of law referred to the Court of Criminal Appeal by the Attorney-General.

Cheap and nasty publicity could result from such an exercise, and it may be said that the provision should allow publication of the names of those people associated with the trial. We do not subscribe to that, but we do subscribe wholly and solely to the intention of the amendment; namely, to ban the publication of names of people associated with the trial.

Clause 8 is a worth-while provision because it seeks to remove the ceiling of an amount the court may order to be paid to a person who has suffered loss of property or who has incurred expense because of an offence. This is compensation that must be paid by the convicted person and I see no reason why there should be a ceiling placed upon it in this instance. The provision seems necessary, and all the more necessary should significant inflation continue in the years to come.

Another provision in the Bill has been inserted following representations by members of the Law Society. It does not matter who made the representations, but one would expect them to come from the Law Society, because it expresses the view that the time allowed for an appellant in a criminal action to make an appeal is inadequate. Very often there is need to study pages and pages of transcript and decisions that have been made before drafting the appeal, and it is said that inadequate time is granted to an accused or his counsel to perform this work. I see no objection to granting additional time for this purpose. It seems to be an exercise in fairness. It might also be said to be an exercise in giving greater justice and showing some common sense.

So, generally, we support the measure. As I have sought to emphasise, we are not at all satisfied with the first provision in the Bill; namely, to amend chapter III of the Code by inserting proposed new section 14A. This new section seeks to extend the jurisdiction of the State over the high seas to a distance of 100 miles from its shores. This provision is poorly timed and is shooting in the dark. No indication is given as to why the distance should be increased to 100 miles. It is not clear as to what the law is now, and therefore we are not clear on what the law provides at this time. This is completely unsatisfactory. No suggestion is made that we should shoot in the dark because the matter is urgent. There is no suggestion of urgency whatsoever.

As I said earlier, what we do have is the knowledge that a case was heard in the High Court and a judgment is expected shortly. If there is a hiatus in this Code it has been there since 1913, so why the great hurry to amend it now, 62 years later? There has been no explanation of any need for haste. Therefore without any good explanation we do not believe we should be wasting our time here only to find that later what we have provided by legislation was not what we intended; or what we provided by legislation was a nullity because of some decision of the High Court, or because of legislation to be introduced by the Australian Government, not in an endeavour to act in excess of its power, but merely to legislate under section 76 of the Constitution at the behest of none other than Sir Garfield Barwick, the Chief Justice of the High Court.

MR HARTREY (Boulder-Dundas) [8.18 p.m.]: For the most part I agree with the remarks made by the last speaker in that we both object to the provision contained in clause 2 of the Bill. I object to it as much as the member for Mt. Hawthorn does, but probably for different reasons.

It does not seem to be a valid exercise of power, no matter what reason could be advanced for it either by the State or the Commonwealth. I do not know what right an entity has to legislate to claim sovereignty on the high seas 100 miles distant from its shores. Originally the limit was three miles, but when prohibition struck the United States of America it was increased by that country to 12 miles in an endeavour to protect the USA from corruption by importation of alcohol. As that country is a powerful nation and possesses a mighty navy, the world more or less acquiesced that the limit should be 12 miles.

The explanation given for the original three-mile limit was that this was the distance a cannon could shoot a cannonball in those days. In the days of prohibition—which was about 1919—a cannon could shoot considerably further than three miles, and even much more than 12 miles. So there would have been an excuse to increase the limit to 12 miles, but I doubt whether any entity, under international law, could claim sovereignty up to 100 miles from the shoreline of Australia. Therefore I see no sense in the provision being enacted by the State, or any sense in its being enacted on behalf of the Commonwealth, especially, as my colleague has said, as the matter is at the moment under consideration by the High Court.

We have to face the fact that whatever the High Court says is the meaning of the Constitution must be accepted at the present. There might come the day when the Constitution will be amended. I hope to see that day before I pass away, and that might not be so very late either! For the present we must acknowledge whatever the High Court says is the meaning of the Constitution. That is the Constitution, without the right of appeal to any man.

I do not see there is any point in the State purporting to exercise jurisdiction 100 miles from its coastline, because as far as I can see the State could not enforce its jurisdiction at that distance and neither could the Commonwealth. So, it depends on whose ship is involved. If it is a Russian or a United States vessel I do not think we will be able to exercise jurisdiction 100 miles off our coast. We would be very irrational if we tried to do so.

For those reasons I oppose the same clauses which the member for Mt. Hawthorn has opposed, but I do not oppose them on the ground that the Commonwealth ought necessarily to own the offshore oil resources of Western Australia. That is a very different argument. It may be that the High Court will say we have no jurisdiction over that oil, but at the moment this matter is still *sub judice* and I shall say nothing more about it.

I want it to go on record that, as a legal practitioner over many years who very frequently has been concerned with the criminal jurisdiction of the State, I cannot favour, I cannot vote for, and I cannot support in any way an increase of the powers of the Crown against an accused person.

A very long time ago in the evolution of British law the angry barons told King John in plain English verbally, and ecclesiastically in Latin, that justice should not be sold, denied, or delayed. Appeals undoubtedly have the effect of delaying justice in many instances, particularly where the battle is very unequal. That is what I want the House to realise. We talk about equal justice to the Crown and to the accused, and that sounds all right, but we should think what "equal justice" means.

I refer to a case in Victoria which resulted in the accused, Ryan, being hanged eight or nine years ago. He had a very able counsel to defend him—Mr Phil Opas, a Queen's Counsel who retired from the practice of law in Victoria and became legal adviser to a very big mining company in Australia. He commented one night on television on the reasons for his retirement, and on what were his recollections of cases, particularly in respect of capital punishment which he had handled. He said, "What impressed me and hurt me most was the loneliness of the accused against all the array of the State." In my own experience I was similarly impressed on many occasions, and that is so true.

The accused does not have an array of Crown Law officials behind him; he has not all the machinery of the Police Force working for him; and he has the entire powers of the Crown stacked against him. He has a hard task.

It may be said that we balance the accused evenly against the Crown, because if the accused is acquitted by a jury he is free, and if he is convicted he has a right of appeal, so why cannot the Crown have the same right? The accused has a right of appeal against the verdict of a jury, but it is a very difficult appeal to make and is seldom successful. However, the appeal could be made.

This is one of the few concessions that the courts and the Legislature have always made to the accused person, because he is so much disadvantaged with the powers of the Crown stacked against him. To say that we will equalise or go a step towards equalising the situation of the Crown against the accused is like saying that we have a fair division in a rabbit pie, when there is some horse meat in the rabbit pie in the proportion of "one horse, one rabbit." That represents exactly the situation of the accused and the Crown; the accused is the rabbit and the Crown is the horse. The pie which contains proportionately the quantity of meat in a horse with the quantity in a rabbit can hardly be described as a rabbit pie. For those reasons I oppose any provisions of the Bill which play any part at all in increasing the burden on the accused person.

I should point out that the accused is not a guilty person merely because the Crown says he is guilty. He is not necessarily guilty. He must be presumed innocent. We must frame our laws on the basis that if he is acquitted he should not be brought back to trial again. Nothing should be done to embarrass the accused, or to make it more difficult for him to defend himself under the Criminal Code. I assure members that this is a well balanced and well considered view, and I will not favour any part of the Bill which increases the burden on the accused, or diminishes the burden on the Crown.

MR O'NEIL (East Melville—Minister for Works) [8.28 p.m.]: Firstly, I want to thank my learned friends in the Opposition for their comments on the Bill and for what I regard to be their general support of it. Perhaps I can deal with the remarks of the member for Boulder-Dundas at the beginning and make it quite clear to the House that there is no intention of giving the Crown a right of appeal against a verdict of not guilty; it is to be purely a right of appeal to the Crown against the inadequacy of sentences.

As I understand the position some query as to whether the Crown should have the right of appeal against the determination of guilt of the accused has been raised. However, that aspect is not covered by the Bill before us. The Bill simply contains a provision giving a right to the Crown to appeal against the inadequacy of sentences, because the convicted person has a right of appeal against the severity of a sentence.

As members of Parliament representing our constituents, often we have been appalled at the inadequacy of some of the sentences given, and certainly on many occasions the public have been up in arms against what they consider to be inadequate sentences. So, this proposal in the Bill simply provides a right of appeal against sentences.

According to the advice given to me this right of appeal is contained in the legislation of many other States and in other jurisdictions having a common heritage with the Australian States, although such a right does not exist in all places. We are certainly bringing the legislation of this State closer to that of the places which have adopted a similar code of law.

I suppose it is a very good field of argument and discussion among lawyers to determine the jurisdiction of the Criminal Code of Western Australia beyond what are the physical boundaries of the State.

Mr Bertram. In fact of all our Statutes.

Mr O'NEIL: The member for Mt. Hawthorn indicated that there was nothing in my introductory speech which set out the reasons for such a proposal.

Mr Bertram: As to the 100 miles.

Mr O'NEIL: Perhaps there is not as to the 100 miles, and I will certainly raise with my colleague, the Minister for Justice, the query as to why the figure of 100 was selected.

Mr Hartrey: He would not know.

Mr O'NEIL: This legislation does have to run the gamut of another place. Let me assure my learned colleague on the other side that the comments in respect of this particular provision will be conveyed to the legal eagles who have prepared this particular piece of legislation.

Getting back to the issue that no explanation was given, I wish to indicate that on Thursday, the 8th May, just slightly prior to the House rising for its recess, I said—

> As the Criminal Code is currently framed, its provisions extend by section 12 to persons who are in the geographical limits of Western Australia at the time of commission of an offence. They also apply, by section 12, where an offence comprises several elements, to cases where one such element or act occurs in Western Australia or the person afterwards comes into Western Australia.
>
> Section 13 applies the Code to persons who, while out of Western Australia, procure persons within the State to commit an offence and then come into Western Australia. Section 14 applies the Code to persons who are in Western Australia and procure an offence to be committed outside the State which is an offence not only in the place where committed, but also in Western Australia.

So the framers of the original Criminal Code covered almost every contingency except one. It is the purpose of the Bill before us to cover the remaining contingency.

Mr Bertram: And the other is dealt with by the British Admiralty law.

Mr O'NEIL: That is right. In my comments I also had this to say, referring to the provision included in the Bill—

> The provision has required careful drafting, because this Parliament is limited in its power to make laws having an extraterritorial operation to the power to make laws for the peace, order and good government of this State, hence the form of the provision. It still will not cover all possibilities but more general legislative enactment would, we think—

That is a lawyer's expression—"would, we think".

Mr Hartrey: On the other hand!

Mr O'NEIL: To continue—

> —be beyond power. We believe that the time is now right, and that recent difficulties have been such that we ought to provide so far as we are able for the extension of the protection of our criminal laws to the citizens of this State who conduct their legitimate activities off our shores.

The member for Mt. Hawthorn referred to a certain case before the High Court at the present time and to the answer provided by the Minister for Justice in respect of a question as to where this 100-mile provision starts. Quite clearly it was indicated that there is still some doubt because of the fact that there is a challenge in the High Court to the Seas and Submerged Lands Act. He used these arguments as to the doubts which presently exist in the law to back up his suggestion that we should not proceed to amend the Criminal Code in the form proposed.

In this case he takes a stand different from that which he usually takes. Governments have often stated that they would not proceed to legislate until someone else had had experience in that particular field and the member for Mt. Hawthorn is one who has always told us to exercise our initiative and not wait for things to be found necessary or for something to be proven, but let us go it alone. That is precisely what we are doing. It is quite clear from the answer—

Mr Bertram: It is a poor old case.

Mr O'NEIL: —given to the question that we are still in some doubt as to where the 100-mile limit starts; but does that mean we do not make the provision? I suppose there must be many laws which have been introduced and, because of other circumstances and things, have been found inoperative, ineffective, or unnecessary. Is that an excuse not to attempt to legislate to cover the citizens of our State in respect of happenings whilst they are outside the now supposed boundaries of the State? I do not think so.

In any case I find myself, as a layman representing the Minister for Justice, arguing with two legally qualified people. All I can say is that I will certainly bring the points which have been raised to the attention of my colleague in another place and I am sure that adequate consideration will be given to them when the Bill finds its way into that Chamber.

In the meantime I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 14A added—

Mr BERTRAM: I simply want to repeat very briefly the Opposition's objection to this clause which is poorly timed, shooting in the dark, and just not ripe for legislative action at all. We have asked for some indication as to why the application of our laws should be extended to 100 miles as proposed. We have simply been told that this will be checked out here and there and when the Bill reaches another place something will be done about it. That is all very well, but it is here that we must make a decision at the moment.

As is quite obvious to every member of the Committee who is listening, we do not know whether that limit should be 100, 150, 10, or any other number of miles. I know that 100 sounds all right, but that is all we can say about it. We have been given no evidence or explanation. There is a complete void on the question as to how many miles it should be anyhow.

We are duty bound to point this fact out to the Committee and to have it on record that because we have absolutely no case to justify the 100 miles we are left in the position with absolutely no alternative but to oppose that aspect of the clause; and it is a fundamental and vital part of the clause.

I repeat that there has already been an important case heard by the High Court. Its judgment has been reserved. The Seas and Submerged Lands Act is under review by the High Court and, as admitted in an answer to a question put today to the Minister representing the Minister for Justice, there is an area of law here which is in doubt and it will be determined, if it is determined at all at this juncture, only by the High Court in a few days' time.

Members will recall that it is no longer necessary for us to go traipsing 12 000 miles to people on the other side of the world, people who possibly have not even seen Australia, but who had to decide what the law in this State was. So far as the High Court determines this, that is the last court of appeal and it should bring in its decision shortly.

There is also the risk involved that this provision will be inconsistent with the provisions in all the other States, and that seems to me to be thoroughly unsatisfactory. No explanation has been given as to why this should be.

Mr Hartrey: The Victorians think that Victorian law is good.

Mr BERTRAM: It may be that Victoria has a distance of 100 miles in its legislation, but that is hardly a yardstick. Legislatively, the Victorians can barely be described as progressive, although the other day I think they put themselves ahead of us by abolishing hanging—somewhat belatedly—while we still have the problem with us.

Furthermore, we have been told that the Australian Attorney-General proposes to legislate, and he has been encouraged to do so by the Chief Justice of the High Court, no less. The Attorney-General intends to introduce a Bill shortly. Would it not be a good idea to wait a short while? There is no urgency about the matter. If there is any urgency it has been kept a strict secret—which is nothing new in this place.

It is desirable to place on record that we have been given no reason at all that we have to legislate now on this particular issue, and why we cannot wait for a few days or a few weeks. In those few remarks I have virtually repeated what I had said during my second reading speech. It is quite unsatisfactory and completely unfair for the Opposition, which represents half the people of the State—and probably more—to be bulldozed in this manner. It is not unusual, but so long as this continues to happen we on this side must continue to protest, and this is a protest.

If there were some sort of indication of urgency it would be a different matter. As I have already said, it seems to be the sort of legislation which, on the face of it, is really national legislation. It could have national consequences and international implications. For each of the States of Australia to fiddle with this matter piecemeal, and not even in unison, or in a consistent manner, seems to be completely ridiculous. I oppose the clause.

Mr O'NEIL: I do not want to take the risk of creating a hiatus in this Committee relative to the matters which the honourable member has raised. He canvassed the point with which he was concerned very expertly during his second reading speech, and during the Committee stage he has repeated his argument. However, he now applies some expressions which I find I cannot accept. He talked about bulldozing—bulldozing legislation through.

This Bill was introduced at 11.26 p.m. on Thursday, the 8th May, and left to lie until today during a period of recess when any amount of research could have been done by anybody at all, whether in this Chamber or elsewhere. Amongst a number of issues, one point raised was why we picked on a distance of 100 miles. I have indicated to the Committee that I will ask the Minister for Justice to take note of the comments raised by the two legally qualified people on the other side of this Chamber who have spoken to the Bill. But it seems passing strange to raise the particular argument when the honourable member asked a question today as to where the distance of 100 miles commences. I suppose he knew he would receive the sort of answer supplied, which was that we do not know. However, he did not ask why a distance of 100 miles was selected.

The honourable member has had ample opportunity since the 8th May last to raise these queries. This Bill is not dissimilar from, say, the Mining Bill which was introduced at a time to allow it to lie on the table in order that interested people could examine and check it, and put forward suggestions.

So, I take exception to the comment that we are bulldozing this legislation through. I have given an undertaking that I will ask my colleague, the Minister for Justice whom I represent in this Chamber, to take note of the matters which have been raised by the two legally qualified people on the other side. We are discussing a piece of academic law. I do not know anything about the law of the sea and I do not think too many others in this Chamber do either. So, I do find myself at that disadvantage.

I am quite certain, of course, that the Minister for Justice who is responsible for the preparation of the draft legislation would know the answers. I have given the undertaking and I say again that the queries raised by members in opposition, in respect of this particular clause, will be brought to the attention of the Minister. I trust that a satisfactory explanation will be given when the Bill passes through another Chamber.

Clause put and passed.

Clauses 3 to 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

RADIATION SAFETY BILL

Second Reading

Debate resumed from the 8th May.

MR DAVIES (Victoria Park) [8.47 p.m.]: It will probably be of interest to you, Mr Speaker, to know that to operate, use, manufacture, store, transport, sell, possess, install, service, maintain, repair, or otherwise deal with a radioactive substance, irradiating apparatus or electronic product, one will have to have a license. The provision will not apply only to you, Mr Speaker, but to anyone who deals with or in any way uses those items.

That makes it sound as though it is a terrible piece of legislation but, although I have some trepidation about it, I believe the Opposition has no alternative but to support the measure. Whilst in general terms what I have just said is the effect of the legislation, it does contain some other features as well. One, of course, is the repeal of the existing legislation which deals with matters of this nature—the Radioactive Substances Act, and amendments thereto, of 1960-1964.

If members examine the Minister's introductory speech they will appreciate that after 21 years of progress in this field of ionising and nonionising radiation, and electronic advancement, there is a considerable need for the legislation to be updated, and for it to be fairly severe because of the nature of the product with which we are dealing.

Radiation is something one cannot see, of course, and for the most part, one does not know it is present. Unless control conditions are very stringent irreversible damage can be done. For this reason it has become necessary for the Government to update the legislation. I say "for the Government to update the legislation". The Government is introducing it, but once again it is a measure which is more than vaguely familiar to me because I saw some mention of it on several occasions when I was the Minister. I do not suggest that had I had control of the Bill I would have brought in another type of legislation or that it would have differed substantially from the measure which has been presented to the House.

I noticed the Deputy Premier's condemnation of the Opposition for not making known to the Government during the period Parliament has been in recess such amendments as it may require. I do not know that there is any requirement on the Opposition to do that. I suppose members of the Opposition are required to do other things while Parliament is in recess. Legislation does not exist only for the information of the Opposition; it exists for the community at large. If the community wants any amendments and they do not come forward until the last minute, the Opposition does not want any blame or condemnation of the type the Deputy Premier has laid. I think we are able to run our side of the House, and if the Government can run its side we will all be happy.

The proposed radiological council must provide an annual report by a certain date each year, but I note the report is not to be tabled. This is the second occasion in something like 12 months that we have had to suggest to a Government which professes open government that a report which a body has to present to a Minister should be tabled in Parliament. I cannot see that any damage is likely to be done if the proposed council which is to control this type of activity were to report its feelings and findings at the end of each year not only to the Minister but also to the Parliament as a whole. I think it is not unreasonable that the report of the council be tabled in Parliament.

I make that suggestion. I will not advance an amendment because I have found that to be a waste of time with this Government. The Government says, "Don't bother us with amendments. Tell us what you think the position should be and we will have it attended to in another place if it pleases us." I have never quite followed that philosophy. I do not know why a period of investigation is necessary and why the Government cannot make a snap decision on matters which are as simple as the one I have suggested. For that reason I have not placed an amendment on the notice paper. I do not think it would be to any advantage. It is an amendment which could be made immediately with the concurrence of the Chamber if the Government agreed. I hope in demonstration of any concern it has for open government the Government will see fit to ensure that the report of the radiological council is made available to all members of Parliament by way of tabling, and consequently to the public at large.

The legislation updates a number of definitions. It deals in particular with "electronic product", a new definition which did not appear in the old Act; with "irradiating apparatus", which appears to be exactly the same as the definition in the old Act; and "radioactive substance", a new definition which seems to combine the two separate definitions "radioactive substance" and "substance" in the Act which this Bill repeals. We must bear in mind that in this Bill we are dealing with those three items—"electronic product", "irradiating apparatus", and "radioactive substance".

These definitions cover a very wide field. From the information I have received, the definitions cover not only the operations in existence in Western Australia at the present time but also any likely known advances which could be made or which are known to exist elsewhere but which do not exist in this State at the present time and could be introduced in a period of up to 20 years hence. It is not easy to look so far ahead and be definitive about the matters we want the legislation to cover.

During the period since Parliament last sat I have taken the opportunity to seek information from people I would expect to know something about this type of activity and from organisations which have been working in this field. Apart from minor comments, they all seem to think the Bill as presented is acceptable and necessary.

We know, of course, that the Minister for Lands only represents the Minister for Health in this House, but in his introductory speech he did not mention whether during this updating process advantage had been taken of the opportunity to set an Australian standard. When so many aspects of handling, using, and dealing in this type of material are covered, there must be considerable crossing of borders by the people concerned, and it might have been an opportunity to set an Australian standard. It may be that this legislation is based on an Australian standard, but if it is not it would have been a good opportunity for us to fall into line with the other States, provided they had legislation which was not less valuable than that now proposed in this State. The Minister mentioned that in America there was some updating of legislation in 1968, and that some of the provisions in this Bill had their genesis in the amendments which were made in the United States at that time.

While the proposed legislation is much more extensive than the Act which it will replace, basically it covers very much the same field. There was previously a Radiological Advisory Council, which is now to be called the radiological council. It will comprise roughly the same number of persons but the membership of the council is much more clearly defined and it will be a far more professional committee, if I can use that word, than may have been the case in the earlier legislation.

One matter I applaud is that the legislation now before us takes quite a heavy load off the Commissioner of Public Health. I have said previously that heads of branches have to attend far too many committee meetings. Because of their position, we automatically put them in charge of committees and subcommittees which are set up, but very often it is an onerous load which could be handed over to somebody else. I believe in this case the right step has been taken. Although the Minister is still in charge of the legislation and responsible for protecting the public, the Commissioner of Public Health is no longer to be the head of the proposed council. The head is to be a medical man who will be named and appointed.

No doubt there will be a great deal of liaison between the Government and the council because, as I have said, although the Minister is technically in charge, this aspect of medicine and industry—and members know there is a great deal of radiation in industry—will be controlled in almost an autonomous manner by the proposed council. I am a little concerned about the tremendously wide powers which will be given to this council. Once again, I console myself with the thought that it is necessary because of the nature of the matter with which the council is dealing.

To return to the setting up of the council; I believe the success or otherwise of the Government's proposed action will depend wholly on the calibre of the people who are appointed to it. I do not think I need worry about this because I am sure the Government will be above politics when appointing people to such important positions. The only difficulty will be to persuade people to accept appointment to the council. I say this because the type of people listed as being necessary for the establishment of the proposed council are in fairly short supply in Western Australia. Because of this shortage of people in the profession, we may find that those we would like to have on the council are not available. They may not have the time, or indeed, they may not be public spirited enough or find such appointments financially attractive enough to give up their present work so that they can devote time to the proposed radiological council. I hope the Government is able to attract the very best people available in the various classifications. However, if it is necessary to raise the remuneration, the sitting fees, etc., to attract a person of a better calibre, I will be very much in favour of doing so.

I would like to point out again that the council has control over electronic products, radioactive substances, and irradiating apparatus. It can say whether or not a license will be granted to use a substance or machine, whether it is safe to use, under what conditions and where it can be used, and in fact, it will have complete control over such apparatus and substances. However, the council does not have to judge the effectiveness of any such apparatus or substance. If the council attempts to set itself up as a body to judge the effectiveness of apparatus to be licensed, it would, of course, be going beyond the intention of the legislation. This applies particularly in the medcal field. I believe the effectiveness of any machine should be decided by clinical investigation and not simply by investigation to see whether or not it is safe for the public and whether or not it presents a radiation hazard of any nature. I hope the Government keeps this point in mind.

I hope also that the council in its deliberations will divorce itself from any feelings in regard to the medical or clinical effectiveness of a substance or machine when it is deciding whether or not an apparatus or a substance is safe for use. The Tronado machine is lying idle currently at the Perth Medical Centre, and the council could be asked to determine whether or not the machine should be licensed. I hope that in making such a decision the council will consider only the question of whether the machine is safe for public use. Without becoming involved in a discussion on this matter, I would like to point out something I have referred to on many occasions: no-one has yet proved that the Tronado machine is dangerous, and yet we are not permitted to use it. I am aware that on some occasions medical politics become important in an issue, but it would be a great shame to see a council of this type try to go beyond what it is required to do and attempt to judge the clinical effectiveness of machinery rather than its safety for public use.

Some of the powers to be given to the council are a little frightening. When I commenced my speech, I used the words set out in the Minister's speech which read—

> . . . it an offence for a person to operate, use, manufacture, store, transport, sell, possess, install, service, maintain, repair, or otherwise deal with a radioactive substance, irradiating apparatus or electronic product . . .

Any person who has any dealings at all with such substances will come under the control of the proposed council. The council has power over life and death of the individual. It can demand licensing, give permits, cancel or withdraw licenses, and inflict penalties. However, no-one knows under what circumstances the council will be able to do this because these matters will be set out in the regulations. We do not know what the regulations are likely to be, and probably they will not be written for some considerable time.

The legislation provides for a transition period to ensure that no-one with a license under the present legislation is disadvantaged while waiting for a license under the proposed legislation. However, I can see that some new conditions will be brought into vogue because of changing circumstances, and also because of the doubt which exists now in some areas and the difficulties which have been found in properly policing the present legislation.

The council will have the power over life and death of people in industry, and I hope that it will have regard for all circumstances. The withdrawal of an operating license can have serious consequences. At one time when I was the Minister for Health, we were required to withdraw a license for the use of an X-ray machine. This action was taken with great reluctance, and only after repeated requests had been made to the particular hospital to provide safety measures. Our requests had not been complied with, and the only alternative was to withdraw the license. As members can imagine, a hullabaloo followed and the matter was corrected by the offender very quickly. This is an extreme penalty and one that has to be applied with a great deal of care.

I do not know what the charges will be for all the "benefits". We are given no indication in the measure whether a license fee will be $10 or $200 per year. I thought we may be given some indication of this. I imagine the present charges will be at least doubled if not trebled; that is, if they have not been increased over the past few years. If I remember rightly, they were not increased while I was in office because we knew the legislation was being prepared and the fees would be adjusted.

It may be that if we give these wide powers to the council it will find it is raising a considerable amount of revenue. Whilst on the score of cost, I notice that the council is to be run with moneys allocated by Parliament each year and, here again, no indication has been given of the likely cost. It is always a matter of interest, especially when setting up another board or replacing or extending an existing board, to know what will be the likely expense to the community. However, no indication was given in the Minister's speech.

Also, on the same matter I can see that an additional Government appointment will be required because a secretary will be needed to attend to the everyday running of the council. No indication has been given regarding whether this will be a full-time appointment and whether the appointee will be drawn from within or without Government circles. No mention is made of his likely remuneration. Perhaps we may be able to obtain some indication by comparing the work of the proposed council with the body which already exists. The Bill says that the Minister may appoint a secretary, and the Minister's extensive speech notes do not give us a lead regarding the likely cost to the State of the council, or of its revenue potential. Nor have we been given any indication of whether money raised by the council will be used to maintain the council, what staff will be appointed, and under what conditions the secretary will be appointed.

I did notice—and this comes back to what I suggest is quite a degree of autonomy of the council—that the council is directed in the Bill to maintain close liaison with the Public Service and this, of course, is necessary and vital. I hope we will not find the tail wagging the dog and the radiological council, having been given certain powers under this legislation, trying to bounce the Publice Service. I do not think councils usually do that, and I hope a spirit of co-operation will exist between this council and the Public Service and that impossible demands will not be made.

Occasionally we find some people lack a proper understanding of the Civil Service and therefore have a very poor opinion of it. As a consequence, they do not seem to have a proper rapport with it.

Another provision in the measure in respect of which the Minister may have some information is that if a person's license is withdrawn or suspended or certain other things happen, he can appeal to the Supreme Court; yet later in the Bill clause 51 provides that all proceedings in respect of breaches of the legislation shall be dealt with by a stipendiary magistrate.

If a person is aggrieved by certain things listed in clause 12 he may appeal to the Supreme Court. I think there might be some danger in that provision inasmuch as no time limit is set regarding the appeal. If we said that the appeal must be made within three months this would certainly have the effect of preventing any argument. This suggestion is not as unreasonable as the Minister may think, because quite recently an industrial firm approached me and said its license was suspended some eight or nine months ago, and I pointed out to the firm that it could go ahead and appeal if it wanted to. I do not know whether it has or whether it is likely to, but perhaps rather than stating that a person "may appeal therefrom to the Supreme Court" it would not be unreasonable to say that a person may appeal therefrom to the Supreme Court within a period of three months, six months, or whatever period the Minister and his department may think is reasonable.

Of course, there is always some difficulty involved in getting to the court. I think further on in the Bill it is stated that the judge may initially hear the appeal in chambers, and then take the matter to the Full Court if he so desires. I am not a legal man so I will not pursue that matter. However, I am sure there could be some difficulty in obtaining a quick hearing of an appeal in a court. Of course, when one considers that the reason for the appeal may well be that the appellant is losing his income then it is highly desirable that the appeal be heard quickly. If it cannot be heard quickly by the Supreme Court then it might be better for it to be dealt with by a stipendiary magistrate, as is provided under clause 51 in respect of breaches of the legislation.

I notice members of the council are to be appointed for a period not exceeding three years. On other occasions we have found that it is generally desirable to appoint members to serve for various terms of 12 months, two years, or three years so that not all members come up for reappointment at the end of a three-year period, and some continuity is maintained. Perhaps it is not likely that the terms of appointment of all the members of this proposed council will expire at the one time, and possibly a safeguard is included by the use of the words "not exceeding".

I also notice that the usual conditions apply in respect of a person being eligible to sit as a member of the council. Once again, a person will be ineligible if he is convicted of an indictable offence. I wonder if the Minister is yet able to tell me what an indictable offence is. We have been arguing about this for some 10 years to my knowledge. It comes up fairly regularly in various pieces of legislation. If one asks lawyers about it one is given the two-handed lawyers' answer: "On the one hand this, and on the other hand that". I have never really ascertained what "indictable offence" means. I thought I knew at one stage, but then I found that I did not; and it is unsatisfactory to include such a term in the Bill if we do not really understand what it means.

A new provision in the measure provides that a person who "sells" this type of equipment or deals with any of the three items to which I have referred must ensure that the person to whom he is selling it is properly licensed. He must also report to the radiological council any dealings he may have in this respect. This seems to be a double insurance on the part of the Government because if A sells something to B he must ensure that B is a person who is allowed to have the material, and at the same time A must inform the council of the transaction so that the council is aware that B is in possession of the material. Surely the council could check up and see that B is licensed to handle the material when it receives that advice from A. I think that is where the responsibility should rest. It should not rest with the seller.

Surely a motor vehicle dealer is not obliged to ensure that a person to whom he sells a car is licensed to drive that car. In my opinion the situation with which we are dealing carries the same overtones, although I appreciate that the goods involved are much more dangerous. However, as I have said, the second safeguard is provided and I feel it should be the responsibility of the council properly to check the returns it receives and to ensure that the new holder of the goods is properly licensed.

It is the responsibility of the purchaser to ensure that he holds the proper license, just as much as it is the responsibility of the car owner to ensure he has a driver's license before he wants to drive. I do not think it is necessary to put this obligation on the seller.

One of the matters that concern me is the likelihood of people with microwave ovens having to obtain a license to own them. This is not clearly defined in the Bill itself. If the radiological council says that a microwave oven is a proclaimed piece of equipment, a person must have a license to operate it. According to an article in the Press in, I think, November last year Mr King from the State X-ray Laboratories highlighted the need for people to keep microwave ovens clean, but said that at that time there were not a great number in domestic use in Western Australia. However, there are quite a number in use in the various catering services throughout the State and I would imagine it will not be long before they will be a proclaimed piece of equipment and a person will need a license to operate one or to have one in his home. This in turn will raise difficulties in the proper policing or controlling of the requirement. Also, who is to hold the license? Will it be the husband or the wife?

Mr Ridge: I can clear this up very quickly. The manufacturer is the person who must obtain a license when purchasing these microwave ovens; the person who purchases one for his home is not required to have a license. That was outlined in my second reading speech.

Mr DAVIES: Is the Minister able to give the House an assurance in that respect?

Mr Ridge: As I said, it is stated in my second reading speech. Perhaps I could find the reference for you.

Mr DAVIES: I had a quick look at the second reading speech, but I could not pick it up. It occurred to me that if the council decides that microwave ovens represent a potential danger, it can demand that operators of these ovens be properly licensed and to be properly licensed one would need to have an operator's license.

This in turn could create confusion as to whether the husband, the wife, the children, or the housekeeper should hold the license, and whether or not other members of the family would be permitted to use the oven if the holder of the license were absent. All kinds of strange problems could arise if we took it to extremes.

While the Minister may be able to give us an assurance now in regard to microwave ovens, there is no assurance that they will not have to be licensed in the future.

I notice also that the council is to be given some protection, but that this will not preclude any civil action being taken by persons who claim they have been harmed. I take this to mean that if some person has wrongly suffered some injustice at the hands of the radiological council, he will be able to take civil action to obtain some redress. I do not imagine that this would happen very often, but occasions may arise when a wrong decision is made. If one were a manufacturer, a tradesman, or a professional person, one could be seriously affected and lose quite a bit of income. I should hope the legislation contains nothing which would stop people taking civil action against what they believe to be wrong action on the part of the council or any of its servants.

Mr Ridge: They are quite able to do that. Members of the council are not personally responsible, but individuals will be able to take action against the council as such.

Mr DAVIES: The suggestion was put to me that it is unlikely to happen, but it is one point which could be looked at quite seriously.

I do not think there is very much more for me to say on the legislation, other than to highlight the sections under part IV, which deal with inspection, and enforcement of the regulations. I only hope a jackboot attitude is not adopted and that persons conducting these inspections will be reasonable persons, because they will have tremendously wide powers—powers to which, at other times, I might take exception but to which now, because of the nature of the material in question, I am not objecting.

On the question of secrecy, I am pleased to see a much more concise clause included in the Bill than was included in, for instance, the environmental protection legislation. I have always thought that particular clause was quite cumbersome, and needed tidying up. I believe clause 49 of this Bill is a much more concise way of ensuring the secrecy provisions are observed. I notice that the penalty for breaching secrecy is to be increased from $1 000 to $2 000 and that the term of imprisonment also is to be increased. I agree with that. Indeed, the penalties prescribed under the legislation are most severe, providing for a fine of $1 000, plus an additional $50 a day for a continuing offence. Again, because of the nature of the material, I believe we could well impose a daily rate of $250; this would not be unreasonable, because we are unable to judge immediately in some instances what damage is done by the improper use of this type of equipment.

The legislation makes no reference to the Australian Atomic Energy Commission. I understand previous Australian Governments have enacted legislation aimed at controlling certain aspects of atomic matter, and I wonder whether this legislation falls in line with existing Commonwealth legislation; if a conflict of interest exists, which legislation has the overriding right and, indeed, whether there is likely to be any conflict of interest. Of course, we have had atomic energy legislation in this State for some years.

The legislation is intended to be in operation for many years. Possibly it could be amended from time to time, although the previous legislation was amended only twice in 21 years; so, it is feasible that this legislation could operate successfully for another 20 years. I said at the beginning of my remarks that the Bill is deliberately wideranging and comprehensive. I believe its success or failure will depend entirely upon the composition of the radiological council—that is, the quality of those appointed by the Government to the various positions. I only hope that the Government will obtain the services of the very best people available. I am happy to support the legislation.

MR RIDGE (Kimberley—Minister for Lands) [9.29 p.m.]: At the outset I should like to express my appreciation to the member for Victoria Park for his support of the Bill. As he indicated, it will replace the existing Radioactive Substances Act, which was promulgated in 1954 and amended in 1960 and 1964. As he also said, since those days there have been some rather significant advances in technology, and where the Radioactive Substances Act once had very restricted use in medicine and associated professions, radioactive substances now are becoming available in increasing quantities and of course are potentially more harmful.

The Government considers that if their uses are not controlled these substances could present a hazard not only to the users but also to the public in general, and the Bill seeks to ensure that such a hazard will not present itself.

The member for Victoria Park commenced his speech by referring to a person being obliged to hold a license to perform certain acts; that is, if he transports, sells, stores, installs, and so forth, as the honourable member went on to say. However, he also acknowledged that no Government would make it compulsory for a person to hold a license to perform all these acts. Accordingly, it is laid down in the Act that certain matters will have to be prescribed by regulation. I think this is the safeguard the honourable member is seeking and, of course, the Government would require such a safeguard, too.

The member for Victoria Park said that he had seen this legislation before him in some form or other when he himself was

Minister for Health. I understand that is quite correct. In fact, the Public Health Department has been considering this legislation for many years; it was also drawn to the attention of the Minister who preceded the member for Victoria Park as Minister for Health.

Mr Davies: It is almost out of date, then.

Mr RIDGE: That is right, and of course we have this up-to-date legislation as a result. The member for Victoria Park commented on many matters, but the only one which appeared to offend him was the fact that in submitting an annual report the council or the Government was not obliged to table this report in Parliament. Quite honestly, I cannot see why it should not be tabled. In one of the instances where a Government had refused to table a report referred to by the honourable member, the circumstances were quite different, because the report could quite easily have referred to individuals. Yet I see no reason why this report should not be tabled.

Mr Davies: You misunderstand me. The point I was making was that in an earlier piece of legislation it was not required to be tabled.

Mr RIDGE: As I recall, in the instance referred to by the honourable member, there was good reason for the Government not wanting the report to be tabled. However, I cannot see any reason why the report should not be tabled. In this case I am quite happy to refer the matter to the Minister and I do not think he would have any violent objection to the suggestion made.

The honourable member referred to the definition of "electronic product". It is intended that this definition should apply to articles such as microwave ovens. I understand that the Tronado machine would also come under this definition. That is the reason for the new definition of "electronic product" in the Bill.

In connection with this State setting an Australian standard, I understand that New South Wales and Tasmania have set standards along these lines, but I am not sure that they have been completely accepted. I believe, however, they have been considered by the Parliaments of those two States.

I take the point of the member for Victoria Park that the effectiveness of the council will depend upon the calibre of its members, but on reviewing the qualifications it is expected that these people should have, I feel certain we can expect it will be very successful.

Mr Davies: There are good and bad in all professions.

Mr RIDGE: I agree, but nevertheless I think the department would have a good knowledge of the people it proposed to appoint to the council.

The member for Victoria Park referred to the Tronado machine and, in doing so, said that the council has control over the issue of licenses, but it should not be able to judge, from a clinical point of view, the effectiveness of the machine, the apparatus, or whatever else it might be. I think I can put the mind of the honourable member at rest. As far as I can understand I do not think this was ever intended to be the case. The purpose of forming the council is to ensure that no apparatus or machine is in use which permits leakages of radiation, danger from radioactive substances, or anything like that.

One point raised by the member for Victoria Park was a charge for "benefits". I believe the benefits will be substantial. In fact, even if only one life is saved over the next 10 or 15 years that will be the type of benefit we will obtain. As for the charges for these benefits, I must confess I have no idea what they will be. I do not know what it will cost to run the council or whether the secretary to be appointed will be employed permanently or on a part-time basis. I am quite happy to obtain this information and to supply it to the honourable member during the third reading of the Bill.

The member for Victoria Park may have a good point in connection with a person claiming to be disadvantaged in not having a time limit placed on an appeal to the Supreme Court. For obvious reasons it may be well worth considering the question of prescribing the time in which an appeal can be made. Once again, this will be brought to the notice of the Minister for Health in another place.

In reply to the suggestion made by the member for Victoria Park that appointments could be staggered by appointing a member for one, two, or three years so that all members do not retire at the same time, I feel certain that by providing that the period shall not exceed three years it is intended to imply the appointments will be staggered.

On the question of microwave ovens, the member for Victoria Park was concerned that a person would be required to hold a license if he purchased a microwave oven for his home. During my second reading speech I explained this point in the following paragraph—

> Clause 28 provides for the registration of premises where radioactive substances are manufactured, used, or stored; where irradiating apparatus or electronic products are used or operated, or which are likely to be affected by radioactive waste or otherwise from any of the three sources of radiation. The clause also provides for the registration of irradiating apparatus and electronic products generally. There is provision for exemption and, for example, it is not intended to require householders to

register such items as microwave ovens of a type which comply with acceptable safety standards.

I think that gives the honourable member the assurance he seeks.

The member for Victoria Park also referred to part IV of the Bill whereby persons could carry out inspections and he said that this was—

Mr Davies: A jackboot type of clause.

Mr RIDGE: Yes, that is correct. I think that is being a little unfair, even in suggesting that this is so.

Mr Davies: I was thinking of meat inspectors, fruit-fly inspectors, and the like.

Mr RIDGE: I think we are dealing with a class of person quite different from a health inspector or a fruit-fly inspector.

I do not know what the intention is in regard to the Atomic Energy Commission. There is no reference to the commission in the Bill or in the second reading speech. If there is any conflict on the matter perhaps I can clarify this point once again on the third reading of the Bill.

As the member for Victoria Park has said, there may be some requirement for us to amend the Act in the future. If this is necessary, the Government will have no hesitation in bringing forward the required amendment. I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr Ridge (Minister for Lands) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Crown bound—

Mr DAVIES: The provision in the clause is something of a contradiction. I have pointed out that the Commissioner of Public Health will not be associated with the proposed radiological council, so he has no immediate and direct contact with it.

In effect the Commissioner of Public Health becomes the licensing authority for the hospitals under his charge, because the clause sets out that certain things may be done by him. Subclause (1) reads as follows—

> The possession, storage, use, handling or disposal of, or other dealing with, any radioactive substance, irradiating apparatus or electronic product by the Commissioner of Public Health or an officer authorized by him in the performance of his duties under this or any other Act is not unlawful.

The commissioner can deal with these things, and presumably an officer authorised by him who is within the structure of the Government hospitals would also be able to do these things. If these acts are done by anybody else it is unlawful; similarly it is unlawful for the Government or any member of the Government to do these things unless authorised by the commissioner. It seems that complete power which is vested in the radiological council is to be given to the Commissioner of Public Health in respect of the hospitals system of Western Australia.

This does not seem to be the spirit of the legislation. I imagine every person holds a license to operate this apparatus; yet the Commissioner of Public Health could operate the apparatus without a license or he may direct some person to do so, and it would not be unlawful.

Is it necessary for all these persons to hold licenses, to pay for the licenses, and be registered; or does a different system apply to those under the Government hospitals system as against those in the private sector?

Mr Ridge: I agree you have a point, but I do not have the answer now.

Mr DAVIES: Will the Minister check on the matter? The provision states that the Crown is not bound in the instances I have mentioned.

Mr RIDGE: The honourable member's point is well taken. The provision in the clause appears to be a little strange. I will have the point checked, and advise the honourable member at the third reading stage.

Clause put and passed.

Clauses 8 to 41 put and passed.

Clause 42: Power of entry and inspection—

Mr DAVIES: I take this opportunity to point out that a wrong interpretation has been made of my remarks in the second reading debate. Perhaps I used an unfortunate term in saying that I hoped we would not get the "jackboot" type of inspectors, because the enforcement provisions in this part of the Bill are far more stringent than those in other Acts of Parliament. I thought the legal members would have taken exception to some of these powers, because they are so wide and confer so much authority on the representatives of the council. I hope the most understanding type of person will be in charge of inspections or inquiries which may be necessary.

Clause put and passed.

Clauses 43 to 59 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

DOOR TO DOOR (SALES) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th May.

MR HARMAN (Maylands) [9.50 p.m.]: The activities of the Government never cease to amaze me. This Bill is another example of the Government putting out a smokescreen by stating that it is doing something for the consumers while at the same time veiling what it really proposes; that is, to provide for unrestricted sales at doors by anyone who wants to sell anything at all. That is virtually what the amendment proposes.

Mr Grayden: Nothing of the sort.

Mr HARMAN: The Minister has said it is nothing of the sort. It is a shame really that in this private enterprise system it is necessary for so many checks to be made on people who operate under the system. Since I have been in this Parliament I have witnessed several new Acts which have been necessary to restrain those people who want to take advantage of the public. One piece of legislation dealt with land agents and another with persons who sell used motor vehicles. Later tonight we will be debating a Bill dealing with finance brokers and a short while ago we considered a Bill which licensed certain people associated with radioactive substances. Because of our private enterprise system all sorts of regulations and Acts are necessary to control those who operate under the system because if such controls were not provided the public would be disadvantaged.

Under the Bill before us we will, in effect, license people who want to sell items at our doors because it has been said those people are taking advantage of the public. However, if members take a very close look at the Act they will find that the definition of "goods" means—

> any books or parts of a book, or engravings, lithography or pictures or any other like matter whether illustrated or not and includes any articles prescribed to be goods for the purpose of this Act.

Under the Bill the Government is including a definition of what it calls "exempted goods" and at the same time—and this is the smokescreen to which I referred—it is providing legislation to control the activities of all people who want to sell at our doorsteps by stating that those people can sell now up to 8.00 p.m. However, here is the crunch. The definition of "exempted goods" reads—

> (a) flowers or things of a perishable nature; or
>
> (b) any goods, or the goods included in any class or description of goods, for the time being declared pursuant to subsection (3) of this section to be exempted goods for the purposes of this Act;

What the Government is doing on the one hand is providing that all goods capable of being sold are to be controlled while on the other hand it is exempting certain classes of goods. Consequently all the Government has to do is to start exempting certain classes of goods including those which are at present subject to the Act, thus making it possible for them to be sold at our doorsteps. The discretion lies with the Minister, and that is the smokescreen to which I referred.

Mr Sibson: They should all be exempt.

Mr HARMAN: I do not agree. A Government member has just interjected and said that the whole lot should be exempt. I am not in favour of people knocking at my doorstep to sell me goods of any description and I do not think there are too many people in the community who welcome that sort of activity.

Mr Sibson: Did you read the paper the other day?

Mr HARMAN: The Bill provides that not only shall we be subjected to this sort of selling between 8.30 a.m. and 5.30 p.m. but, because the Government insists upon this, we shall be subjected to it until 8.00 p.m. Is this in the interests of the consumer or of those people who want to take advantage of the public?

Mr Grayden: It is unrestricted at the present time. You realise that don't you?

Mr HARMAN: Now the Government intends to make it lawful for persons to come to the door at any hour up to 8.00 p.m.

Mr Grayden: Rubbish!

Mr HARMAN: The Government is saying to the public of Western Australia that those who want to sell at the doorstep can do so until 8.00 p.m. Will the Minister deny that?

Mr Sibson: No-one is denying that.

Mr Grayden: Now they can come at any time at all.

Mr HARMAN: Now the Government is saying that people who sell books can do so until 8.00 p.m.

Mr Laurance: Are they teaching you any logic in your course at Murdoch?

Mr HARMAN: That is not becoming of the honourable member. That is exactly what will occur as a result of the passage of the Bill. No matter what happens—we might divide and do all sorts of things—it will make no difference because the Government has the numbers here and in another place.

I just wanted to point out to the Government that under the Bill it is doing three things. Firstly, it is providing a smokescreen and the public is being conned because the Minister has the discretion to exempt goods and once he exempts those goods, the Act will have no application to them at all.

The second aspect is that from here on in for all those classes of goods not exempted the public of Western Australia will have to put up with salesmen knocking on their doors until 8.00 p.m.

Mr Grayden: They are now.

Mr HARMAN: They will have to put up with this in respect of all those goods not exempt. The Government is legalising persons whose activities have so far been restricted to 5.30 p.m. to enable them to undertake their activities until 8.00 p.m.

Mr Sibson: Working women particularly are not available until after 5.30 p.m.

Mr HARMAN: When the irate housewife is getting tea or preparing the children for bed or whatever she may be doing she will be confronted with a salesman at the door. It must be remembered that these salesmen do not take "No" for an answer very easily. Most times they endeavour to get one foot in the door so they can, by their high-pressure salesmanship, make a sale. This is what the Government is making possible.

Mr Grayden: You obviously do not understand what is in the Act.

Mr HARMAN: I would like the Minister to explain it.

Mr Sibson: He does not understand salesmen, either. A salesman wouldn't be game to go to anyone's door at that time because he would know he would not sell anything if he did so.

Mr HARMAN: Here is the salesman coming out in the member for Bunbury. I will not say anything about him.

Mr Sibson: You are quite at liberty to do so.

Mr HARMAN: Another aspect of the Bill was explained by the Minister, but it is one I find hard to accept. It is proposed to delete two areas where sales are prohibited or where, if they are actually made, they are unenforceable. I am referring to the credit purchase agreement entered into at a place of employment or technical school. In his speech the Minister gave as a reason the fact that this type of activity had decreased and there was no need for such a provision in the Act. This is another smokescreen because I would consider that it would be better to retain this provision. If we delete it these types of salesmen are given an extended opportunity to go into places of employment, with the permission of the employer, or into a school, again I assume with the permission of the principal, to make a sale. It could be a sale of exempted goods.

The whole Bill seems to suggest far too much preference on the part of the Government for making the position easier for the door to door salesmen, and harder for the consumers. If the reasons I have advanced in opposition to the Bill are analysed that is the only conclusion one can arrive at.

A point which would probably tend to advance my argument further is the fact that the Government has placed on the notice paper a number of amendments dealing with the cooling-off period. The Government discovered—possibly because of submissions by business people—that the provisions of the legislation worked against the dealers and the businessmen who want to make sales in homes.

Mr Grayden: And also worked against the consumers.

Mr HARMAN: I agree, in some cases it would act against the consumers. So, the Government has drafted amendments which will provide for a person to sign a statement to exempt him from the balance of the cooling-off period, and the sale will be able to take place in accordance with the provisions of this Bill.

With those few remarks which I think are to the point, I oppose the amendment to the Door to Door (Sales) Act and I seek some clarification from the Minister on the points I have raised.

MR FLETCHER (Fremantle) [10.03 p.m.]: I had a recent experience which has some relevance to this Bill. My purpose in rising is to make known to the House, and to the Minister, the nature of that experience for the purpose of obtaining from the Minister a reply to my query as to whether this Bill affords protection to myself, my neighbours, or others who receive unsolicited goods.

In the absence of myself, and in the absence of my wife, four bottles of cordial called Jingle were left on our front doorstep.

Mr Blaikie: Jingle juice!

Mr FLETCHER: A week later an additional four bottles of cordial were left on our front doorstep, with an account which, if I remember correctly, amounted to $2.68. I want to know from the Minister whether or not under the provisions of the Act—including the proposed amendments—I am liable to pay for those goods which have been inflicted on me.

Mr Coyne: Unsolicited goods are not required to be paid for.

Mr FLETCHER: The definition of "goods" appears on page 4 of the Bill and reads as follows—

> "goods" includes anything that is the subject of trade, manufacture or merchandise but (except in section seven A of this Act) does not include exempted goods;

Quite frankly, I have not looked at the parent Act to see whether or not the goods delivered to me are exempted. Bottles of cordial seem to be a rather innocuous product, but they are not the kind of goods which I would ask to be delivered.

A dealer, in relation to a credit purchase, is defined on page 3 of the Bill. Credit was inflicted on me in the manner I have described. The definition reads as follows—

> "dealer" in relation to a credit purchase agreement means a person, not being the vendor under

> the agreement or an agent or servant of the vendor, by whom or on whose behalf any negotiation, transaction or dealing leading to the entering into or making of the agreement is carried on or arranged, and includes the servant or agent of that person;

I have no idea whether the goods were delivered by an agent of the dealer or the vendor. However, I care when unsolicited goods are left on my doorstep because I do not like to be in debt. I do not like debt thrust upon me in my absence in the manner I have described. I do not even like minor debts. The only debt I have is for the morning newspaper and that is only because it is usually too cold to get up and pay cash when the paper is delivered.

I do not know whether my experience could be described as a credit purchase as defined in clause 3 of the Bill. The answer may be found in clause 8, which will amend section 7A of the parent Act. The provision reads—

> 7A. (1) Any person who at any time—

And these are the important words. To continue—

> —other than a time during the permitted hours calls at, enters or attempts to enter the place of residence of another person—

That is the preamble. I do not know when he, she, or they called to deliver the goods, and nor does my wife. However, I am concerned. If I pay the account can somebody sneak in later and clutter up my front steps again with additional bottles of the cordial, lolly water or whatever it is?

Mr Sibson: Jingle juice.

Mr FLETCHER: Whoever delivered the cordial to my house had a poor regard for my health and my palate. I may want to create trade and employment, but not in this surreptitious manner. I did not ask for the goods, or for the debt, and I do not want to have anything further to do with the particular product.

I ask the Minister: How do I get out of the situation? If I pay the debt does that acknowledge I owe for something I did not ask for? I have related my experience to the House not for the purpose of confusing the Minister; I am confused as to how to get out of the situation. I am worried as to whether or not this Bill is relevant to my experience. If it is not I want an amendment included to make sure that the same thing does not occur again at 28 Minilya Avenue, Hilton.

MR SKIDMORE (Swan) [10.09 p.m.]: I rise to join with my colleagues in their opposition to the Bill in its present form. I do not intend to speak at length because during the Committee stage I will speak to the clauses to which we take exception. I find there are many such clauses which seem to weigh down the legislation.

On the one hand the Bill tends to set out that all goods will be covered by the Act but then in another clause exemption is provided for flowers and perishable goods of that nature. The Minister is then given the right to declare that other goods can be exempted and that seems to me to be opening the door too wide to enable pressure groups to demand that particular goods should be exempted for whatever reason they care to put forward.

I leave it at that; I do not wish to labour the point. However, I will certainly do so during the Committee stage.

MR GRAYDEN (South Perth—Minister for Consumer Affairs) [10.10 p.m.]: I thank members for expediting the passage of the Bill. The member for Maylands raised a couple of points which I think should be refuted. He seemed to be under the impression that this was a Bill to license and thereby encourage salesmen, when in fact at the present time, except in a relatively few categories such as lithographs, pictures, and books, salesmen can visit homes at any time. This Bill restricts them to certain hours. The honourable member is completely wrong in his assertion. At the present time only the hours during which books, lithographs, pictures, and the like may be sold are controlled, but the Bill now before us takes into account persons who sell goods of any type over the value of $20. The exemption clause will give flexibility to the Act so that if at any time it is found desirable to exempt a particular product it can be done without bringing the matter to Parliament.

I do not know that the member for Maylands raised any other point of consequence. If he reads my second reading speech he will find the answers to the points about which he is in doubt. If the honourable member can indicate by interjection any point he wants elucidated, I will be glad to do so; but most of the points he raised touched on the question whether in fact the Bill limits the activities of salesmen.

Mr Harman: What about the extended hours?

Mr GRAYDEN: We have extended the hours of those who sell books, lithographs, pictures, and engravings and limited the activites of all the rest. There are many legitimate salesmen who depend for their livelihood on selling vacuum cleaners, and so on.

Mr May: Why has the Government reversed its decision? When we first introduced the legislation we wanted to cover all goods but you would not allow it.

Mr GRAYDEN: Is the honourable member talking about the then Opposition?

Mr May: You were in Government because I introduced the Bill as a private member.

Mr GRAYDEN: The situation is changing constantly. These high-pressure tactics are now more prevalent than they were in the past.

The member for Fremantle raised the question of unsolicited goods. That has nothing to do with this Bill. In the circumstances he mentioned, he should get advice, but my advice would be to leave the goods where they are. He has no responsibility for them; he did not request them or enter into any agreement in respect of them. That situation certainly has nothing to do with this Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Grayden (Minister for Consumer Affairs) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 2 amended—

Mr SKIDMORE: I draw the attention of the Chamber to the deletion of a definition which impinges upon a matter I wish to raise at a later stage. I refer to the deletion of the definition of a technical school. If we do not define a technical school, it is left to the law to determine that issue if and when the occasion arises. However, the Government of the day thought it prudent to define a technical school in the Door to Door (Sales) Act, and I wish to have sales at technical schools controlled by that Act. The Minister should give consideration to inserting into the Act a definition of a technical school. This has reference to my desire to move an amendment or draw the Minister's attention to an inconsistency later in the Bill. The insertion of a definition of a technical school will give the benefit of the legislation to students in regard to sales at those schools.

Mr GRAYDEN: Selling at schools and places of business has been deleted because it has been found that this practice has ceased over a number of years. Principals of schools no longer allow salesmen of this kind onto their premises. The provision has been found to be completely redundant, and that is the only reason it has been deleted.

Mr SKIDMORE: I am unable to accept the Minister's argument. He says in essence that because there has not been any incidence of sales in this area there will not be any in the future. When the Act was first brought into being the legislators at that time envisaged that sales could take place at technical schools.

The fact that no such sales have been brought to the Minister's notice or that no action has been taken in this respect does not prove that sales have not taken place at technical schools. The Act now says that door to door sales are subject to certain rules and regulations. If the rules and regulations did not apply to sales at technical schools the Minister would not know about them, anyway.

Apprentices are approached by high-pressure salesmen at technical schools and at their places of work. I have allowed salesmen into shops which have been under my control to enable them to sell goods and materials to apprentices. I have no doubt this practice still continues, whether or not we like it.

Mr Grayden: It is up to the principal.

Mr SKIDMORE: It is not up to the principal. If we want to leave it to the principal, we should put something to that effect in the legislation.

Mr Hartrey: This will not protect the apprentice.

Mr SKIDMORE: That is so right. The protection should remain; the apprentice should not be denied the right of redress he has now. This provision would take away the apprentice's protection when he purchases goods at a technical school. The Government is saying to any salesman, "You are not now bound by the Door to Door (Sales) Act, and you may sell your goods at a technical school." If the Minister proceeds with his intention to delete the section from the Act, the door will be opened wide for salesmen to enter schools and business places. This is an impressionable time for an apprentice; he seizes on all the knowledge available to him. He may succumb to a sharp salesman who is able to convince him that certain books are very necessary to him. I suggest the Minister should give further consideration to that aspect.

Mr HARMAN: Earlier I informed the House that this Bill is a smokescreen. It is not intended to assist the consumers, but to assist the salesmen. When the Minister was replying to the second reading debate, I asked him, by way of interjection, to explain the reason for extending the hours. Did the Committee note the reasons he gave? Surely his reply supports my submission that the Government's intention is to help the salesmen and not the consumers. In his reply the Minister did not refer at all to the poor old consumer who will now be saddled with book sellers attempting to sell encyclopedias or other books until 8.00 p.m.

Mr Bertram: Unsolicited?

Mr HARMAN: Yes, when this legislation is passed, every person in Western Australia may be subjected to book salesmen knocking on their doors until 8.00 p.m.

Mr Skidmore: And other salesmen.

Mr Grayden: They will be prevented from selling after 8.00 p.m.

Mr Bertram: What is the law now in respect of book salesmen?

Mr HARMAN: At the present time salesmen are permitted to knock on doors to solicit sales until 5.30 p.m. The Bill proposes that salesmen may attempt to sell books or other items until 8.00 p.m.

I would like also to ask the Minister what will happen in the case of exempted goods. If a credit purchase agreement is entered into, is that agreement enforceable or unenforceable?

Mr Grayden: When?

Mr HARMAN: When a salesman sells exempted goods at a doorstep, is such a credit purchase agreement enforceable? Do the provisions of the legislation apply in any way to such a sale? The whole point of my argument is that once a certain range of goods is exempt, the provisions of this Bill will have no application and there is no protection for the consumer. If the Government exempts a range of goods, the salesmen can have the whole field to themselves and the poor old consumer will have no protection.

Mr GRAYDEN: Members have raised a couple of queries. One member referred to sales at technical schools, and I wish to emphasise that this matter will be left entirely in the hands of the principals of such establishments. In practice, principals do not allow salesmen to come onto technical school premises.

Mr May: But they could do so.

Mr GRAYDEN: Again let me refute what the member for Maylands said. At the present moment, except for a relatively small number of goods, a salesman can canvass actively at any hour of the day or night. This provision is very objectionable to many country people, and in particular the Country Women's Association has made strong representations about it. The Bill before us will prevent salesmen calling after 8.00 p.m.

Mr J. T. Tonkin: Unless you exempt the goods.

Mr GRAYDEN: Yes, but I do not imagine there will be many exempted goods. To answer the other query raised by the honourable member, exempted goods do not come within the provisions of this legislation.

Mr SKIDMORE: The Minister's answer does not satisfy me, and that is nothing unusual because he has not satisfied me on any matter previously. I believe he has been completely dishonest in his approach to the people who need the protection of this legislation. In essence he is saying, "No matter what happened in the past, we as a Government, feel we can rely absolutely on the principal of a school to determine whether or not a salesman can enter a school to sell goods to students."

This legislation is supposed to protect people from the activities of salesmen, and it surprises me that the Government of the day will allow the principal of a school to determine whether or not the legislation will prevail. We may find that some principals believe salesmen should be permitted to sell goods to students, and apprentices may be talked into purchasing books or tools. As the member for Maylands has said, this Bill is an abrogation of the Government's responsibility in regard to door to door sales because the Minister says, "Do not worry about sales to apprentices because the principals of the schools will not let salesmen on the premises." That is a specious argument, because such a salesman could wait for the students to come out of the building; he may overcome the objection of the principal and circumvent the very good provisions presently in the legislation by selling the books outside the fence. I hope that good sense and judgment will prevail. Perhaps the Minister will have a change of heart and I may be able to squeeze a little blood out of the piece of stone resting squarely in his chest.

Clause put and passed.

Clause 4: Section 3 amended—

Mr GRAYDEN: We ask members to vote against this clause with the object of inserting another in its place at a later stage. This matter has already been referred to.

Clause put and negatived.

Clause 5: Section 4 amended—

Mr GRAYDEN: The same thing applies in this clause, but it goes further in respect of public holidays.

Clause put and negatived.

Clause 6: Section 5 amended—

Mr GRAYDEN: I move an amendment—

> Page 6, line 28—Insert after paragraph (a) the following new paragraph to stand as paragraph (b)—
>
> > (b) by deleting the words "damage arising from the normal use of the goods or" in lines four and five of paragraph (d) of subsection (3);

Mr SKIDMORE: I am concerned that the Minister seeks to delete the words "damage arising from the normal use of the goods". Section 5 (3) (d) states that the purchaser or bailee shall be liable to pay compensation to the vendor for any damage done to the goods whilst the goods have been in the custody of the purchaser, other than damage arising from the normal use of the goods or loss or damage arising from circumstances beyond his control.

As the definition has now been changed and the provision encompasses a wide range of goods, I can envisage many difficulties facing people who make purchases under the terms of the Act. For instance, a person could purchase a vacuum cleaner from a door to door salesman. The cleaner could be faulty, and this could be unknown to the purchaser. If we remove the term "normal use of the goods" that person would not be covered. I assume normal use of a vacuum cleaner would include switching it on and trying it out to see that it works. However if the cleaner was damaged prior to the purchase, I wonder who would arbitrate in a court regarding whether the cleaner was damaged before the purchase or whether it could have been damaged by the purchaser. This area of doubt would not exist if the term were left in the Act.

The vendor is well and truly covered under the Act in so far as other damage is concerned, and I do not quarrel with that. The point I make is that it could be that the clamp holding the electric cable to the vacuum cleaner was not assembled properly, with the result that the wires are pulled out, causing fusion. Who would be blamed for that? Obviously the purchaser would be blamed because the Minister is removing his right of normal usage. The term should be left in the Act because it provides protection to the purchasing public and does no harm whatsoever to salesmen. That is what the Act is all about; it is not a matter of validating the type of machine being sold, but merely a matter of protecting people from salesmen.

In this case that protection is being removed because the salesman is being given the right to say that the goods are faulty as a result of damage caused by normal use when in fact they could have been faulty from the start.

The CHAIRMAN: Order!

Mr SKIDMORE: Mr Chairman, I do not mind interjections.

The CHAIRMAN: Nor do I if they come one at a time and at such a level that the *Hansard* reporter can hear them.

Mr SKIDMORE: Then I will ignore the interjection. Surely the point I have made is valid.

Let us assume that a person buys an encyclopedia composed of 20 volumes, and he may not find it is damaged until he gets to volume 14. He would have to pay for the damage caused by normal usage, and he should not have to do that. It could be said that the damage arose from circumstances beyond his control. Once again we have a point of argument whereas the Act at present makes it quite clear. It seems to me it would be far better to leave the Act as it stands. The Minister should give consideration not to removing something which gives protection, but to strengthening the protection provided in the Act. He has told us that is the purpose of the Bill.

Mr GRAYDEN: The ambit of the Act is being greatly increased and all sorts of goods will now be under control. In those circumstances it is imperative that if goods are left with the occupier of a house any damage arising from the normal use of the goods should be paid for. One can envisage the situation of a salesman travelling around the pastoral areas selling an item such as mattresses. If a person purchases a mattress, uses it, and damages it, then he should be liable to pay compensation if he terminates the sale during the cooling-off period.

A firm could install curtains in a home in the metropolitan area, and those curtains could be set alight in the course of a party. In those circumstances the person who has ordered the goods and made use of them should be liable to pay compensation if they are damaged.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Section 6 amended—

Mr GRAYDEN: I move an amendment—

> Page 7, line 4—Insert after paragraph (a) the following new paragraph to stand as paragraph (b)—
>
> (b) by deleting the words "an unsolicited" in line seven, and substituting the word "a"; .

The word "unsolicited" occurs quite frequently throughout the Act, and it is being removed because it is felt in legal circles it could lead to doubt, and that the situation will be clarified by its removal.

It has been suggested that a door to door salesman who carries an advertisement on his vehicle could be charged with having solicited a sale. Similarly, if a salesman operates from a warehouse or factory and a customer invites the salesman to visit his home, it could be construed that the salesman solicited the customer. Therefore it has been decided to remove the word "unsolicited" wherever it appears.

Mr Bertram: On whose suggestion?

Mr GRAYDEN: At the suggestion of all parties.

Mr Hartrey: Except the Labor Party!

Mr GRAYDEN: It is not contained in the Victorian Act, and it is felt that this will give a clearer indication of the intent of the Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8: Section 7A repealed and reenacted—

Mr GRAYDEN: I move an amendment—

> Page 8, line 19—Delete the words "an unsolicited" and substitute the word "a".

This is a repetition of the previous amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Section 7B added—

Mr GRAYDEN: I move an amendment—

Page 9, line 25—Delete the words "an unsolicited" and substitute the word "a".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10 put and passed.

Clause 11: Schedule amended—

Mr GRAYDEN: I move an amendment—

Page 10, line 12—Insert after paragraph (b) new paragraphs as follows—

(c) by deleting the word "Schedule" in line two of footnote ‡ to the statement, and substituting the word "statement";

(d) by deleting the heading "NOTICE." in the Appendix and substituting the heading "NOTICE OF TERMINATION.".

Amendment put and passed.

Clause, as amended, put and passed.

New clause 4—

Mr GRAYDEN: I move—

Insert after clause 3 the following new clause to stand as clause 4—

Section 3 amended.

4. Section 3 of the principal Act is amended—

(a) by deleting the passage ", at his place of employment or at any technical school" in lines three and four; and

(b) by inserting before the word "Schedule" in line one of paragraph (c) the word "First".

Mr SKIDMORE: I have already expressed my stand on this issue, and the Minister has not convinced me one iota that he has not reduced protection previously provided to apprentices. All I can say is that it is a sorry state of affairs when protection which is already contained in existing legislation is removed by a Government.

New clause put and passed.

New clause 5—

Mr GRAYDEN: I move—

Insert after clause 3 the following new clause to stand as clause 5—

Section 3A amended.

5. Section 3A of the principal Act is amended by deleting the words "an unsolicited" in lines two and three of paragraph (c), and substituting the word "a".

New clause put and passed.

New clause 6—

Mr GRAYDEN: I move—

Insert after clause 3 the following new clause to stand as clause 6—

Section 4 amended.

6. Section 4 of the principal Act is amended—

(a) by deleting the passage ", at his place of employment or at any technical school" in lines three and four of subsection (1);

(b) by deleting the words "in the Schedule to this Act" in the last line of subsection (1), and substituting the words "to that statement"; and

(c) by deleting the words "notice set out in the Appendix to the Schedule to this Act" in lines three and four of subsection (2), and substituting the words "Appendix referred to in that subsection".

New clause put and passed.

New clause 7—

Mr GRAYDEN: I move—

Insert after clause 3 the following new clause to stand as clause 7—

Section 4A added.

7. The principal Act is amended by adding after section 4 a section as follows—

Confirmation of agreement.

4A. (1) At any time after the day on which a credit purchase agreement is made at the place of residence of the purchaser or bailee, the vendor or dealer may post to the purchaser or bailee a statement in the form of the Second Schedule to this Act together with, if the person posting the statement thinks fit, an explanatory letter in or to the effect of a form prescribed for that purpose.

(2) Subject to subsection (3) of this section, where a statement is posted to a purchaser or bailee pursuant to and in accordance with subsection (1) of this section and the purchaser or bailee confirms the credit purchase agreement by completing and posting a notice in or to the effect of the notice set out in the Appendix to that

statement to the address shown in that Appendix, the purchaser or bailee shall not thereafter be entitled under section four of this Act to terminate the agreement.

(3) If, after a statement has been posted to a purchaser or bailee pursuant to subsection (1) of this section, the vendor or dealer has contacted the purchaser or bailee to suggest that the purchaser or bailee confirm the credit purchase agreement, the provisions of subsection (2) of this section do not apply.

New clause put and passed.

New clause 11—

Mr GRAYDEN: I move—

Insert after clause 10 the following new clause to stand as clause 11—

Heading substituted. 11. The principal Act is amended by deleting the heading "SCHEDULE." after section 8, and substituting headings as follows—

SCHEDULES.

FIRST SCHEDULE.

New clause put and passed.

New clause 12—

Mr GRAYDEN: I move—

Add after clause 11 the following new clause to stand as clause 12—

Second Schedule added. 12. The principal Act is amended by adding at the end thereof a schedule as follows—

SECOND SCHEDULE.

STATEMENT.

To ....

(Insert name and address of purchaser or bailee)

You may, by completing a notice in the form of the Appendix to this statement and posting it to the address shown in that Appendix, confirm the agreement made by you on the .... day of ....19........ with respect to ....

(Insert concise description of goods or services.)

Under the Door to Door (Sales) Act, 1964 (as amended) you also have the right to terminate the agreement within seven days of its making.

If you did not receive a statement of your rights to terminate the agreement at the time you made the agreement you should seek advice.

NOTE.—If you complete and post a notice in the form of the Appendix to this statement you will lose any rights you may have had under the Door to Door (Sales) Act, 1964 (as amended) to terminate the agreement.

APPENDIX.

NOTICE OF CONFIRMATION.

To ....

(Insert name and address of person who has sent statement.)

Take notice that I hereby confirm the agreement made by me on the ....day of ....19........ with respect to ....

(Insert concise description of goods or services.)

I understand that in completing and posting this notice I lose any rights that I might have to terminate the agreement under section four of the Door to Door (Sales) Act, 1964 (as amended).

Dated this ....day of ....19........

*(Signed)....................................

*To be signed by the purchaser or bailee.

New clause put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 10.50 p.m.

Legislative Assembly

Wednesday, the 20th August, 1975

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

Resignation: Statement

MEMBER FOR GREENOUGH

SIR DAVID BRAND (Greenough) [4.32 p.m.]: Mr Speaker, I seek leave to make a statement to the House.

The SPEAKER: Leave is granted.