

The Hon. R. THOMPSON: Let us decide that in about 18 months' time.

The Hon. A. F. Griffith: In other words, evade the issue again.

The Hon. R. THOMPSON: Let us decide that in about 18 months' time. The Bill says that members of the board will be appointed to it from local authorities, but nowhere in the Bill does it stipulate how long a local authority member, whether he be a president, a mayor, or a councillor, shall serve. A member could be appointed to the board at the end of this year, and next March, April, or May, whenever the elections are held, he could lose his seat. Yet from the way I read the Bill he could remain on the board at the pleasure of the Minister.

The Hon. L. A. Logan: No, you have not read it right.

The Hon. R. THOMPSON: If I have not read it right I would like the Minister to point out where I have read it wrongly.

The Hon. A. F. Griffith: Any doubts can be cleared up quite readily, surely.

The Hon. R. THOMPSON: There are a lot of doubts about which the Minister cannot satisfy me. It says here that a member is eligible for reappointment.

The Hon. L. A. Logan: Providing he has the qualifications.

The Hon. R. THOMPSON: It does not say that. It says that once having been appointed to the board a member is eligible for re-election.

The Hon. L. A. Logan: Provided he has the qualifications.

The Hon. R. THOMPSON: He could be a defeated member of a local authority.

The Hon. L. A. Logan: No, he could not be.

The Hon. R. THOMPSON: I say yes. If he has to be re-elected to his position with the local authority it does not say so in the Bill.

The Hon. A. F. Griffith: How many times when a Bill has been in Committee have you asked for clarification of something?

The Hon. R. THOMPSON: Quite a few times and I will keep on asking for it.

The Hon. A. F. Griffith: Of course, and usually the position is clarified if there is any doubt.

The Hon. L. A. Logan: I have no doubts about it because I checked on it this morning.

The Hon. R. THOMPSON: That is the point I am making.

The Hon. L. A. Logan: I checked it with Crown Law.

The Hon. R. THOMPSON: You have?

The Hon. L. A. Logan: Yes.

The Hon. R. THOMPSON: That is not set out in the Bill, and Ministers change from time to time. Unless a thing is stated in the Bill I do not like it. It should be put into the Bill so we will know how the measure will operate.

I do not intend to support the measure, because I do not like its contents from start to finish. I think it is only putting on the shoulders of the members of the board—an ill-conceived board might I say—responsibility which should be that of the Government of the day in regard to water supply operations and the levying of rates. I oppose the measure.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

House adjourned at 10.13 p.m.

## Legislative Assembly

Tuesday, the 22nd October, 1963

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

## QUESTIONS ON NOTICE

1. and 2. *These questions were postponed.*

## COUNTRY HIGH SCHOOL STUDENTS

*Concession Fares on Buses*

3. Mr. W. A. MANNING asked the Minister for Railways:

- (1) Is he aware that many students attending country high schools secure board in the towns concerned and return home at week-ends?
- (2) Is he also aware that very few of these (if any) would find suitable bus services for both home and return journeys?
- (3) Would it be possible to provide single concession fares for the journey either way on a basis somewhat similar to that provided for students travelling daily between home and school in the metropolitan area?

Mr. COURT replied:

- (1) Yes.
- (2) Yes.
- (3) The new fare schedules which will operate as from the 1st November, 1963, provide for children's half fare travel to be extended to students up to 15 years of age. All restrictions concerning road bus travel will be lifted and students purchasing return tickets will obtain the benefit of cheaper rates; that is, single fare plus 50 per cent. for the return journey. The half-rate fare for children up to 15 years of age provides a single journey concession. However, the matter is being examined to see whether any further concession could be given in special cases.

## LAPORTE COMPANY

*Use of Collie Coal for Power Generation*

4. Mr. H. MAY asked the Minister for Industrial Development:

- (1) Would clause 5, paragraph F., of the Laporte Industrial Factory Agreement Act, which states: "Subject to its compliance with the provisions of the Electricity Act, 1945, the company is empowered to supply electric power generated by any electric power plant erected on the works site to any subsidiary company established on the works site" permit the company to use imported oil as against Collie coal in the generation of any such electric power?
- (2) If so, has the Government made, or does it intend to make, strong representation to the company in favour of Collie coal being used?

Mr. COURT replied:

- (1) and (2) It is understood that no electricity is to be produced on the works site from either fuel oil or coal, but it is expected that some electricity will be capable of being produced from heat obtained by an exothermic reaction from a chemical process.

## FACTORIES AND SHOPS INSPECTORS

*Staff Numbers*

5. Mr. HAWKE asked the Minister for Labour:

- (1) How many inspectors of factories were on the staff of the Factories and Shops Department at the 30th June in each of the following years:—  
1958;  
1959;

1960;  
1961;  
1962;  
1963?

- (2) How many inspectors of factories and shops combined were employed in each of the same years?
- (3) How many inspectors of shops were employed for each of the same years?

Mr. WILD replied:

Year	Factory Inspectors
(1) 1958	11
1959	11
1960	10
1961	9
1962	9
1963	9

(Includes the Chief Inspector and Assistant Chief Inspector).

- (2) No special category. Factory inspectors enumerated in answer to No. (1) combine inspections of factories and shops when necessary.

Year	Shop Inspectors
(3) 1958	4
1959	3
1960	3
1961	3
1962	4
1963	4

### FALSE ADVERTISEMENTS

#### *Tabling of Files on Investigations*

6. Mr. HAWKE asked the Minister for Labour:

Will he lay upon the Table of the House all files of the Factories and Shops Department which deal with investigations by the department into false and alleged false advertisements?

Mr. WILD replied:

Yes—for seven days.

### ROADS AFFECTED BY RAIN

#### *Government Assistance to Local Authorities for Repairs*

7. Mr. HALL asked the Minister for Works:

- (1) What was the cost to the Government for the repair and reconditioning of roads affected by heavy winter rains during this year?
- (2) What local authorities were assisted and how many made requests for assistance?

Mr. WILD replied:

- (1) The assessment has not yet been completed.
- (2) Answered by No. (1).

### ROAD TO CHEYNE BEACH WHALING STATION

#### *Sealing and Bituminising*

8. Mr. HALL asked the Minister for Works:

- (1) Has allowance been made in the 1963-64 Estimates for the sealing and bituminising of the road from South Coast Road to Cheyne Beach Whaling Station, Albany?
- (2) If so, what is the approximate estimate and when will work commence?

Mr. WILD replied:

- (1) £2,500 has been provided in the department's 1963-64 programme for waterbinding and bituminous priming of this road. Work is expected to commence about Christmas time.
- (2) Answered by No. (1).

### WATER SUPPLIES AT ALBANY

#### *Connections to Various Streets*

9. Mr. HALL asked the Minister for Works:

- (1) As considerations were being made with reference to connecting to the water scheme residences in Bond, Rufus, Bronte, and Coogee Streets, Albany, has a decision been made; and, if so, with what result?
- (2) If no decision has been made, will determinations be made as soon as possible in view of the oncoming summer months and the consequent hardship for the families in the area?

#### *Connection to South Coast Area*

- (3) Have determinations been made for water connections in the south coast area, Albany?
- (4) If final determinations have not been made, when can finality be expected?

Mr. WILD replied:

- (1) and (2) Field investigations are in hand, but no decision has yet been made.
- (3) and (4) Proposal will be listed for consideration in the 1964-65 draft loan programme.

### LOCAL GOVERNMENT ACT

#### *Amendments to Twelfth Schedule*

10. Mr. JAMIESON asked the Minister representing the Minister for Local Government:

- (1) Is he aware that the twelfth schedule of the Local Government Act, 1960, does not provide space for name, address, and occupation although this is required?

- (2) Is he also aware that 10,000 applications for absent vote certificate as provided by the twelfth schedule were printed by the Government Printer, order No. 46691/4/61, without space for necessary particulars, and issued to local government bodies?
- (3) Will he have the twelfth schedule amended this session so that forms can be printed in a proper manner?
- (4) Would he also give consideration to amending the declaration of the twelfth schedule to contain a statement of nationality so as to assist the returning officer when alien subjects apply for absent votes?
- (5) Would applications made on forms printed by the Government Printer by local authorities and not containing the wording as set out in the twelfth schedule as being form No. 1 be lawful applications for absent voting?

Mr. NALDER replied:

- (1) The Minister is aware that, to the purist, there may be a slight defect in the twelfth schedule, form No. 1; but this is of no consequence because, although the space is not provided, the words indicate quite clearly that a space should be left in any form used.
- (2) The Minister is aware that application forms were printed by the Government Printer, and through rigid adherence to the form, were unsatisfactory. New ones have since been printed and these are entirely satisfactory.

(1) The figures are —

	Contract Year					New Dairymen Licensed and granted quota
	1957-58	1958-59	1959-60	1960-61	1961-62	
1st March, 1957, to 28th February, 1958	....	....	....	....	....	32
1st March, 1958, to 28th February, 1959	....	....	....	....	....	18
1st March, 1959, to 29th February, 1960	....	....	....	....	....	20
1st March, 1960, to 28th February, 1961	....	....	....	....	....	24
1st March, 1961, to 28th February, 1962	....	....	....	....	....	18
1st March, 1962, to 28th February, 1963	....	....	....	....	....	18

(2) Number of dairymen licensed and granted quotas in each district:

Districts	Contract Year					
	1957-58	1958-59	1959-60	1960-61	1961-62	1962-63
Chittering Road District	1	....	....	....	....	....
Canning Road District	1	....	....	....	....	....
Armada-Kelmscott Road District	1	3	....	2	1	....
Serpentine-Jarrahdale Road District	2	1	1	....	3	....
Murray Road District	2	1	4	2	1	3
Drakesbrook Road District	1	2	3	3	2	2
Harvey Road District	11	8	4	7	6	3
Municipality of Bunbury	....	....	1	....	....	....
Collie-Coalfields Road District	1	....	1	....	....	....
Dardanup Road District	12	3	5	8	4	3
Capel Road District	....	....	1	2	1	7
	32	18	20	24	18	18

- (3) No—because there is no need to amend the schedule, and any minor variation is permissible because of section 678 of the Act, or section 25 of the Interpretation Act.
- (4) An amendment to the twelfth schedule is included in a Bill to be introduced in another place this week.
- (5) Yes.

### MILK QUOTAS

#### Number Granted, Localities, and Gallonage

11. Mr. KELLY asked the Minister for Agriculture:

- (1) What number of milk quotas were granted in the years 1958 to 1963 inclusive?
- (2) In which districts were quotas allocated and how many in each?
- (3) What was the maximum gallonage quota in each of the above years to each separate producer?
- (4) What was the total gallonage granted in each of the years?

#### Number Forfeited and Gallonage

- (5) How many dairymen forfeited quotas in each of the years in question?
- (6) What total number of gallons was forfeited in each of the six years?
- (7) How many applicants for quotas were dealt with on each occasion when quotas were allocated in the years 1958 to 1963 inclusive?

Mr. NALDER replied:

- (1) to (7) The information sought is contained in the following schedule:—

(3) and (4) The figures are—  
Contract Year

		Maximum Gallonage to each Producer	Total Gallonage Granted
1957 to 1958	...	27 dairymen each 50 gallons daily	1,488 Gallons
		4 dairymen each 25 gallons daily	
		1 dairymen with 38 gallons daily	
1958 to 1959	...	18 dairymen each 50 gallons daily	900 Gallons
1959 to 1960	...	19 dairymen each 50 gallons daily	975 Gallons
		1 dairymen with 25 gallons daily	
1960 to 1961	...	23 dairymen each 40 gallons daily	951 Gallons
		1 dairymen with 31 gallons daily	
1961 to 1962	...	18 dairymen each 45 gallons daily	810 Gallons
1962 to 1963	...	17 dairymen each 45 gallons daily	800 Gallons
		1 dairymen with 35 gallons daily	

(5) and (6) The figures are—

Contract Year	Dairymen Ceased	Quota Forfeited Gallons daily
1957 to 1958	23	1,115 gallons
1958 to 1959	13	368 gallons
1959 to 1960	10	410 gallons
1960 to 1961	6	270 gallons
1961 to 1962	8	266 gallons
1962 to 1963	3	102 gallons

(7) The figures are—

Contract Year	
1957 to 1958	Up to the 25th June, 1957, dairymen's licenses were issued to all applicants who satisfied board requirements and they were licensed to sell up to a maximum of 50 gallons of milk daily.
	On the 25th June, 1957, the board decided that new dairymen's licenses would in future be issued only from the 1st February in each year and to the 28th February, 1958, licenses were issued to all applicants who had complied with board requirements.

#### Number of Applications considered

1958 to 1959	47
1959 to 1960	72
1960 to 1961	94
1961 to 1962	111
1962 to 1963	101

### DALKEITH HOT POOL

#### Fire at Night Club: Tabling of Papers

12. Mr. GRAHAM asked the Minister for Police:

Will he lay on the Table of the House the papers relating to the burning down of the night club premises which were conducted by Mr. Ernst at the Hot Pool, Dalkeith?

Mr. CRAIG replied:

The file relates to the case history of a 15-year-old boy and therefore should not be tabled. I will, however, make the file available to the honourable member in my office.

### RAILWAY BUSES

#### Increase in Fares

13. Mr. TONKIN asked the Minister for Railways:

(1) Are fares on railway buses to be substantially increased as from the beginning of next month?

(2) If "Yes"—

(a) Who made the decision?

(b) On what date was the decision made?

(c) Has the decision been announced?

(d) Have the requirements of the State Transport Co-ordination Act, 1933-1961, been met?

(e) If the requirements of the Transport Co-ordination Act have not been observed, how was dispensation obtained?

Mr. COURT replied:

(1) Railway bus fares will be increased from the 1st November, 1963, but in some instances return fares will be cheaper than at present.

(2) (a) The increase was approved by Cabinet.

(b) The 16th September, 1963.

(c) Yes, in a general way, in the Treasurer's speech when introducing the Estimates. A

detailed explanation of the new rates is being released later this week.

- (d) The matter has been referred to the Department of Transport, as required under the Act.

(e) Answered by (d).

### RAILWAY SLEEPING BERTHS

#### *Increased Charges on Kalgoorlie Train*

14. Mr. EVANS asked the Minister for Railways:

How does he justify an increase in the charges for sleeping berth accommodation on the Kalgoorlie train in respect of the disparity between the increase of 4s. in the case of first-class accommodation and 9s. in the case of second-class berths on an ARM coach?

Mr. COURT replied:

The modernised ARM two-berth second-class sleeping compartments are comparable in many respects to first-class accommodation.

The disparity which exists between these carriages and the older ARS-type four-berth accommodation justifies the difference in the charges.

### TOTALISATOR AGENCY BOARD

#### *Legality of Credit Betting*

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

- (1) Does he agree that the statements following and which were made in court during the trial of Ronald Claude Burden, prove that there was a serious conflict of opinion between Mr. Justice Negus and the Crown on the question of the law relating to the taking of telephone bets by agents of the Totalisator Agency Board?

Negus J.: The agent had no right to take a telephone bet unless there was a deposit—a credit.

Parliament provided that credit accounts must be established before a punter may bet through the Board. That law was meant to be obeyed in the letter and the spirit.

Mr. Dodd for the Crown:

- (a) I would submit that the Board is entitled, on the literal interpretation of that section, to bet on credit so that as a legal proposition these bets—even if made without the deposit of money—are legal bets within the provision of section 33.

(b) I say that firstly, but I say that there is a popular misconception that what the intention of Parliament may have been (I can see this freely) was to see that there was no credit betting, but I would submit that the draughtsman has achieved the opposite because he has used common terms . . . the draughtsman has achieved the means by which the Board can bet on credit.

- (2) When did the Crown first form the opinion that it was legal for the board to bet on credit?
- (3) As the Minister of the day had assured Parliament that credit betting off course would no longer be legal, why has action not been taken to amend the law if, as stated by the Crown, the draughtsman achieved the opposite of what was intended?
- (4) If it is legal, as the Crown has asserted, for the Totalisator Agency Board to bet on credit, why was William Gerard Donohoe, a Totalisator Agency Board manager, prosecuted and fined for having accepted credit bets from people who did not have credit accounts?
- (5) Which opinion will prevail? That of the learned judge which is to the effect that the Statute provides for the intentions of Parliament or that of the Crown Law Department which, although it intended to provide that "credit betting off course in totalisator regions will no longer be legal, and bets will be possible only in cash or against cash deposits or winnings held by the Totalisator Agency Board" now says that because of the failure of its draughtsman the intentions of Parliament were frustrated?

Mr. COURT replied:

- (1) No. The statement by the judge was made during a discussion on the proper construction of section 33 of the relevant legislation (during which discussion several alternative submissions were made by counsel) and before the judge had heard the argument of counsel for the Crown. When later the judge gave his decision, he did not advert to the law involved in the statements quoted. There may be no present conflict of opinion between judge and counsel on that law.

- (2) The Crown has not formed that opinion, because regulations have always prohibited betting with the board on credit, without the prior establishment of a deposit account.
- (3) See answer to No. (2).
- (4) The Crown has not so asserted. The discussion with the trial judge did not include a discussion on the regulations.
- (5) See answer to No. (1). The regulations set out the relevant clause.

## QUESTIONS WITHOUT NOTICE RAILWAY FARES

### *Concessions under New Scale*

1. Mr. BURT asked the Minister for Railways:

Will the revised passenger fare schedules in force from the 1st November provide concessions for goldfields workers, and the women's and children's excursion fares?

Mr. COURT replied:

When the detailed schedules of rail, and railway bus fares, are promulgated later this week, they will set out the concessions that will prevail in respect of the goldfields workers and also the women's and children's excursion fares. I should add that the formula in respect of return fares does provide for the single fare plus 50 per cent. So, in effect, everyone will now get the same rate of calculation for the return fare as was available to goldfields workers in the past, but there will be an additional concession provided under the new system which incidentally provides, for the first time, a telescopic system for fares over a distance.

## COAL

### *New Contracts*

2. Mr. H. MAY asked the Minister representing the Minister for Mines:

Concerning the matter of new coal tenders to operate as from the 1st January, 1964, will he advise if he is now able to make an announcement regarding the finalising of such tenders and the details of same?

Mr. BOVELL replied:

A contract with one company has been signed. Some minor details are in course of being negotiated with the other company. It is expected that a release of details of the contracts will be made on the completion of the second contract.

## CLOSING DAYS OF SESSION

### *Standing Orders Suspension*

MR. BRAND (Greenough—Premier) [4.45 p.m.]: I move—

That until otherwise ordered, the Standing Orders be suspended so far as to enable Bills to be introduced without notice, and to be passed through all their remaining stages on the same day, all messages from the Legislative Council to be taken into consideration on the same day they are received, and to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees.

In moving the motion, I point out that the time has come for the suspension of Standing Orders, as is the case in every session. This motion simply provides that we can deal with all the stages of a Bill in one day instead of adopting the rather delaying process of dealing with each stage on a different day of the session.

The motion that is to follow this one contains a further move to give precedence to Government business over private members' business. I think we would have something like 10 more major Bills—maybe a dozen; and here are a number of consequential Bills—measures containing minor amendments of various Acts; and there could be up to 30 Bills altogether yet to be introduced, some of which, of course, will be introduced in the other House.

Mr. J. Hegney: What is the reason for the delay in bringing them down?

Mr. BRAND: There is no delay. Bills have been introduced as they have come forward; and it would not be the first time, of course, that a Government has delayed—if "delay" is the right word.

Mr. J. Hegney: I think it is about the right word.

Mr. BRAND: In any case, that is the situation.

MR. HAWKE (Northam—Leader of the Opposition) [4.47 p.m.]: I understand the Government wishes to finalise this session about mid-November in order to enable members of this Parliament to take part in the Federal election campaign; but whether it will achieve that objective has yet to be seen. It may be that it will have to adjourn the session for the final two weeks of November if it does not achieve its objective.

The members of the Opposition have no serious objection to the motion. But we would appeal to the Premier, and his ministerial colleagues, to bring down in the near future these 10 or 12 major Bills which still have to be introduced this session; otherwise this House and the

other House will be faced with a tough job towards the finish. We will be having pretty late sittings; and probably the Government will ask members to sit on Fridays, and all the rest of it.

If there are 10 or 12 major Bills still to be brought down, the fact that they are considered by the Government to be major in character, indicates they will require a great deal of consideration, and ample time should be given to members on this side, particularly, to study them.

Presumably all, or most of them, will seriously affect one or more sections of the community outside; and it is my view that people in the community who are likely to be seriously affected one way or the other by major legislation, or major pieces of legislation, should, in addition to members of Parliament, have a reasonable opportunity of understanding what is proposed in order that their views might be heard to the fullest possible extent before vital decisions are made in either House of Parliament in connection with the legislation.

If I might make a passing reference to the motion which is to follow this one, I would say that at least the members on this side of the House would require some undertaking from the Government that private members' business already upon the notice paper would be considered, and that opportunity would be given for each item of private members' business now upon the notice paper to be decided by vote or otherwise before the session closes.

#### *Point of Order*

MR. J. HEGNEY: On a point of order, Mr. Speaker, I would like to know whether the motion before the Chair has been seconded, because it is a very important one.

The SPEAKER (Mr. Hearman): Yes; it was seconded by the Minister for Lands.

MR. J. HEGNEY: I am pleased to hear that you have his name down as the seconder.

Question put and passed.

## GOVERNMENT BUSINESS

### *Precedence*

MR. BRAND (Greenough—Premier) [4.52 p.m.]: I move—

That on and after Wednesday, the 30th October, Government business shall take precedence of all motions and Orders of the Day on Wednesdays as on all other days.

In moving this motion I can certainly give the Leader of the Opposition the same undertaking as has been given in other sessions; namely, that the business on the notice paper will be dealt with and taken to a vote or otherwise to reach a decision.

I thank the Leader of the Opposition for his co-operation in this matter. I referred to "major" Bills perhaps for the want of a better word for important legislation, but I will give an undertaking to get them on the notice paper as quickly as possible.

Question put and passed.

### *Point of Order*

MR. HAWKE: Was not the vote which you just took, Mr. Speaker, on the first motion moved by the Premier?

MR. ROSS HUTCHINSON: No; both motions were put.

MR. HAWKE: I had the idea that the Premier was replying to the first motion.

The SPEAKER (Mr. Hearman): No; both motions were moved quite clearly.

## BILLS (2): THIRD READING

### 1. Totalisator Agency Board Betting Act Amendment Bill.

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

### 2. Government Railways Act Amendment Bill.

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

## LAND ACT AMENDMENT BILL

### *Third Reading*

MR. BOVELL (Vasse—Minister for Lands) [4.53 p.m.]: I move—

That the Bill be now read a third time.

MR. RHATIGAN (Kimberley) [4.55 p.m.]: As I did not speak on the second reading of the Bill because of circumstances beyond my control, I am taking this opportunity to air my views on the measure. When the Minister introduced this legislation I listened very attentively to him, and to me it was a speech more or less recording historical events. The same comment applies to the committee's report.

My main objection to the Bill is that it makes no provision for the subdivision of land or any portion of the leases, either voluntary or compulsory, and particularly in relation to the 1,000,000-acre properties. This Bill merely renews the leases of the properties under the existing terms; and it appears obvious that the Government, with its brutal majority of one, is intent on forcing this measure through the House. I can recall the present Minister for Lands—when he was in Opposition a few years ago—using those very words: "a brutal majority of one." At least when the Labor Party was in power it listened to reason; but in this instance the Minister for Lands will not listen to reason, and it is quite obvious he intends to force the Bill through with a brutal majority of one.

In this instance, as members know, the leases have another 19 years to run, so I cannot see any reason for the undue haste to pass this Bill. Why cannot the Minister be fair and reasonable and let the Bill drop and reintroduce it next session? I agree that members have had an opportunity to study the measure, but the taxpayers generally have not had a chance to do so; and as it is rather an important piece of legislation it takes one some time to get to the crux of it.

I do not intend to deal with the Bill at length, because my colleague, Mr. Kelly, the member for Merredin-Yilgarn, dealt with it in a most statesmanlike manner. Many of his suggestions are worth considering. So even at this late stage I appeal to the Minister to postpone the Bill until the next session of Parliament because, in my opinion, there is no need for any haste. If he agreed to such a move it would enable the taxpayers to know what is in the Bill and give them a chance to study it; and, as a result, further useful suggestions could emanate from them.

I do not think the committee, in the interviews it had with various people, questioned a sufficient number with practical experience of the pastoral industry. I will admit the committee interviewed a few such persons; but many of their witnesses were civil servants, and those not actively engaged in the pastoral industry, with the result that a good deal of the suggestions were based on theory. It would be interesting to know whether the Pastoralists' Association had some big say in the framing of this report.

I want to refer to page 11 of the report, where it is stated—

By 1927 returns to the grower from Wyndham had edged up to £3 18s. per head, whilst prices at Fremantle averaged £19 7s. Properties in East Kimberley deteriorated further, and few improvements were being effected due to absentee ownership and low returns.

To me, the absentee ownership question is a very important one because the leases are neglected. Continuing the quotation—

A Royal Commission at that time reported conditions near crisis. To attract capital for further development, they recommended the extension of the date of expiry of leases from 1948 to 1978, exemptions from taxation, and deduction of cost of improvements from profits in assessing taxable income—

that is a very important point, too. I continue to quote—

(Northern Territory was already tax free), . . .

I will leave the report at that point.

Had the Commonwealth Government given to the pastoralists of Western Australia the same concessions as it gave to

those in the Northern Territory, the situation would be vastly different. Advantage of the concessions given to the Northern Territory was taken by the firm of Vestey Bros., commonly known as Northern Agency Ltd. That company sent its stock on the pastoral leases in Western Australia to its pastoral holdings in the Northern Territory. The stock were cross-branded, and a year afterwards the same stock were returned to Western Australia and disposed of through the Wyndham Meat Works. By doing that the company was able to avoid the higher rate of taxation which was applicable in Western Australia. I knew about this because when I worked as a stockman at the Wyndham Meat Works I saw what happened, and I defy anyone to contradict me. That was the method adopted by the company to avoid taxation.

My colleague, the member for Merredin-Yilgarn, has dealt with the report of the pastoral committee adequately, so I do not intend to quote any further from it. I advise members that I am not condemning all owners of large properties in the north-west. I will mention some of the people with large pastoral holdings—I am referring principally to cattle stations—who have done a marvellous job of land husbandry. The first was the late Jack Guilfoyle, of Rosewood Station. This station is located slightly within the border of the Northern Territory, but a lot of the land comes within the border of Western Australia. The boundary runs between the native camp and the station. The cattle produced on this station are sent to the Wyndham Meat Works. This person did a fine job in improving that station, which was in a run-down condition, to one of the finest in the State. However, since that property was sold to an absentee owner in Melbourne about 15 years ago, it has reverted to its former condition.

The late Bill MacDonald was another who did a marvellous job with Fossil Downs Station, through the introduction of stud stock. He was commended for his work by Her Majesty the Queen. I can name many similar people, such as the Lilleys of Bow River, the Quiltsys, the Skuthorps, and the Emmanuel Bros., who, until a few years ago, were absentee owners. In respect of the last mentioned, through the wide authority given to the managers—the late Ted Millard; Arthur Millard; and Vic Jones, the present manager—a lot of the profit was put back into improvements. As a result, the three stations owned by Emmanuel Bros.—Gogo, Christmas Creek, and Cherubun—have been improved gradually.

I do not have a set against the owners of large properties in the north-west. The people I am against are those who have leased the land and plundered it. I refer to the absentee owners; and, in particular, Northern Agency Ltd. However, I exonerate their managers, because they are not

given the authority to spend the necessary money to maintain the stations in good condition. The managers are capable cattlemen, but unfortunately they have to obtain permission from England ultimately before they can do anything themselves.

Other stations in this category are Stuart Creek; Flora Valley; Gordon Downs; Nicholson; Turner; Ord River; Spring Creek; and Mistake Creek, which extends just over the border—where the homestead is situated—but a large portion of which is located in Western Australia.

I asked several questions in this House on the 16th October relative to the fencing of pastoral leases on the Ord River. The first was—

- (1) How many miles of fencing have been completed by the Government on the frontages along the Ord River, on the pastoral leases held by the Ord River Limited and the Turner Grazing Co. Ltd.?

The reply of the Minister for Lands was—

- (1) Two hundred and eighty-six miles.

The next question was—

- (2) What was the cost per mile?

The reply was—

- (2) £230 per mile.

The next question was—

- (3) What amount was paid by the Government?

The reply was—

- (3) and (4) The Government is recouped one-third of the costs by the company.

It means that the taxpayer bears two-thirds of the cost of such fencing, while the very people who have plundered the land and created the soil erosion bear only one-third of the cost. Personally, I think the Government should have resumed the holdings, and released the land to others who are prepared to utilise it correctly and adopt good husbandry.

The next question I asked was—

Has the whole of the fencing project been completed? If not, how many miles are yet to be fenced?

The Minister's answer was—

No. One hundred miles of fencing are yet to be completed. It is anticipated this work will be done during the 1964 dry season.

The next question was—

What amount of land has been reclaimed because of soil erosion from—

- (a) Ord River Ltd;
- (b) Turner Grazing Co. Ltd.?

The Minister's answer was—

Areas which have been enclosed in process of reclamation are—

- (a) 640 square miles.
- (b) 160 square miles.

There we see the taxpayer bearing two-thirds of the cost to bring these properties up to their original state. That is not fair or just. Had the stations put down bores 10 miles from the river frontages it would have obviated the necessity for the cattle to walk 10 miles to water. The banks of the Ord River rise steeply in many places. Cattle in poor health walking down the steep banks for water often are too weak to climb up again, and many of them perish along the river frontages. I speak from practical experience.

I would request the Minister to use his best endeavours with the Government to hold over this Bill until the next session of Parliament. I understand that Mr. Hamilton, the resident engineer stationed at Kununurra at the time, said that more than 5,000,000 tons of soil was carried down to the sea by the Ord River each year, and it was safe to say that most of that soil came from eroded leases of the Ord River and Turner Stations, owned by absentee owners. He further stated that the loss of 5,000,000 tons of soil a year represented an inch per year from over 36,000 acres of grazing country. If allowed to continue, the ultimate result of such erosion is frightening to contemplate.

I have no hesitation in saying this Bill is a direct negation of the Government's so-called policy of populating the north. I cannot see any sincerity in the claim by the Government, through the Bill before us, that it is attempting to populate the north. This Bill does not make provision for subdivision of properties, and I cannot see the sense of it, because no matter how keen or capable a person may be to take up land in the north-west there is none available. All the good land has already been taken up and is held by large companies, each with holdings of 1,000,000 acres; and many of them are not utilising the land they hold.

I would be more inclined to agree to a small landholder, situated next to a 1,000,000 acre property which is not being fully used, being given a portion of the large holding to increase his property. This Bill will ultimately be the means of closing out altogether the small landholder; and the octopus which, in the past, has been drawing its tentacles around the land will be able to continue. I can give an instance of one property consisting of 1,000,000 acres. When I worked on that land in my youth it comprised six stations. That was about 40 years ago; but now those six stations have been swallowed up by an octopus and drawn into one. This Bill will assist the large companies to continue doing that.

I now wish to refer to some reports which have been published in our newspapers. The first is a letter by Horrie

Miller, of Broome, which appeared in *The West Australian* of the 16th August, 1963. It is as follows:—

**H. MILLER, Broome:** The report and recommendation of the pastoral leases committee adds up to the sad position which must be faced—depopulation of the North-West.

The day is past when a young man could even contemplate taking up a block of country in the Kimberleys and trying to make a profit-paying station of it, whether it was 100,000 acres or 1,000,000 acres.

Even if he were inclined to try his luck he would find it almost impossible to get any land in the vast area except where there are no roads, no ports and insuperable difficulties.

That statement that "at present the maximum permitted holding is 1,000,000 acres," is hardly correct. Nearly all the big properties in the Kimberleys are owned by combines which take in several large leases and are operated by managers for absentee shareholders.

Unfortunately the absentee shareholders will not give their capable managers the authority to spend the necessary money to maintain the stations in a good condition. I cannot praise the managers too highly; but they seem to be up against a brick wall. The letter continues—

#### FUTURE OUTLOOK

This trend of combines seems to be the future for these large holdings and certainly there seems little hope that the small man, or small family, will be able to face the high costs of transport, stock and improvement involved.

I asked a series of questions in this House in an attempt to find out the identity of the absentee shareholders of Vestey Bros., or Northern Agency Ltd., but met with little success, because the answers were evasive. The answer to my last question given by the Minister representing the Minister for Justice reveals that not one of these shareholders is resident in Western Australia. They appear to be resident in the Eastern States. However, there is more behind this than meets the eye, and I still maintain that the people who are controlling the guns are resident in England, although the answers give a different picture.

If members care to look at *Hansard* No. 7, page 869, they will see the answers that were given. They are mostly the same shareholders. I know two of them personally: Mr. Bingle, who was previously a general manager for Northern Agency; and Mr. Eric Durack, who is now stationed at Darwin as property manager. In view of some of the names given here, I feel there is something a little bit fishy about it. I have not been able to ascertain the

true position. I am perfectly convinced that the people who are getting a profit out of these holdings—it is a colossal profit—are putting little or nothing back, and are resident in England.

I now wish to quote from an article which appeared in *The West Australian* on the 7th August, 1963; but I will not delay the House by reading the whole of the article. A portion of it is as follows:—

#### Erosion

The report says that much eroded land could be restored by modern methods, but such techniques are beyond the capabilities of pastoralists and little work has yet been carried out by the soil conservation services.

It urges a full-scale campaign of of reclamation, with more research, developmental and advisory services to assist in pastoral areas.

The committee has examined a suggestion made in 1959 by the then Surveyor-General, Mr. W. V. Fyfe, that leaseholdings should be subdivided to provide opportunities for people with less capital and help develop the North and North-West.

We get back to what I started on: that people have not had enough time in which to study this report. The following appeared in a subleader of *The West Australian*:—

It is astonishing that the Government should have announced its decision to legislate for extension of pastoral leases beyond 1982 without making public the report of an investigating committee it appointed as a result of a motion moved in the Legislative Council in 1961 by Mr. F. J. S. Wise.

Now we can understand the reason why the Government took so long to release the details of this report and bring this measure to this House, because this report contains a lot of information and requires a lot of study. So why not allow the taxpayers and the pastoralists further time to study it, before rushing this Bill through?

I admire *The West Australian* for its sincere endeavours to stimulate the population growth of the north. It has castigated the Government on several occasions in regard to the north-west; and an interesting leading article was published on the 10th August, 1963, under the heading, "Kimberley Lease Policy is too Cautious." Portion of the article reads as follows:—

There is a curious inconsistency in North-West Minister Court's comments on the Pastoral Leases Committee's report.

He describes a half-century tenure as an extremely sensible recommendation and then says that only in the Kimberleys is it possible to foresee intensive development. Precisely because

of this the Government should reconsider the report and make provision for subdivision of leases in a region that offers much more than the other pastoral areas.

I could not agree more. All of us know the sob-stuff spoken by Mr. Court (Minister for the North-West); and a measure such as this will play no part in populating the north. This measure will stop anybody trying to advance the north. It will give millions of acres to absentee owners, and they will be allowed to do what they like with the land.

There is not a shadow of doubt that quite a number of these properties could be subdivided into four. On the other hand, I admit that in rough country, 750,000 acres would be required in order to make a property pay. But surely to goodness there is no need to force this measure through at this stage when the leases still have 19 years to run! I appeal to the Minister again at this late stage to reconsider his decision and at least hold the matter in abeyance until next year. I have no alternative other than to oppose the third reading of this Bill.

**MR. HALL** (Albany) [5.20 p.m.]: As I come from an agricultural area it probably seems strange to members that I should make some comments on this measure. I do so because of the imposition that is placed upon conditional purchase land, in comparison to the freedom enjoyed by and the handout given to the pastoralists in the north-west. The Government seems so anxious to push this measure through that one has to become suspicious. However, I hope there is no hidden purpose.

Today, in regard to cattle production, research is taking place in Brisbane on a similar type of country to that which this measure will give to pastoralists—land on which they will have a free hand. The member for Kimberley has already covered the story relating to these large areas and it is obvious that we will be giving away land which we will want to distribute to other holders in the near future, particularly if the production of cattle and beef develops the way in which I think it will. In that event, we will be trying to resume some of this land from the large holdings in order to establish other people in the north-west. I think the member for Kimberley covered the position very aptly when he said we will perhaps be giving away our livelihood to these absentee owners.

If members refer to the conditions that apply to conditional purchase leases, they will find there are many restrictions placed upon people taking up land in that manner. Therefore, why should we give away this land in the north-west without any provisions at all?

**Mr. Bovell:** You apparently have not read the Bill.

**Mr. HALL:** I have.

**Mr. Bovell:** There have never before been such conditions imposed on pastoralists.

**Mr. HALL:** We find that conditional purchase leases run for 25 or 30 years, and settlers taking up land in this way have to carry out fencing, and so on. I noticed during the second reading speeches on this Bill that fencing is one of the main provisions that is lacking; and I am prepared to listen to men who have been in that particular area. There are many conditions which apply to a conditional purchase lease. Some are: Are you married?; state full names of family; state living conditions; state age; state how long you have been resident in Western Australia: are you a discharged member of the Australian Imperial Forces?; what is your occupation?; and, what occupation do you follow?

One could go on for hours stating the conditions that apply with regard to conditional purchase land. I would say that the pastoralists today are really riding on the cows, when one considers their position as compared with that of those holding land under conditional purchase conditions.

I am of the opinion that earnest consideration should be given to this matter; because, if the measure goes through in its entirety, we will be giving away land that we may wish to resume in the future in order to subdivide it into smaller leases so that the population of the north-west will increase and the pastoral industry will be used to its maximum.

**MR. KELLY** (Merredin-Yilgarn) [5.25 p.m.] It is not my desire to have a great deal to say at this stage, as I made several comments the other night. However, the Minister for Lands did not pay much attention to what I had to say, except to make interjections that were off the rails.

**Mr. Bovell:** I dealt with them thoroughly.

**Mr. KELLY:** I do not think the Minister has this Bill at heart; but he has evidently set his mind on achieving a certain objective, irrespective of the manner in which he does it. It seems that the Government is prepared to bulldoze this measure through, despite the fact that it might be one of the most important Bills that Parliament will be called upon to deal with this session. The measure has not been treated in that light by the Government; and I am really astounded and disappointed that greater attention has not been directed to framing something that would be worth while to cover the requirements of this industry for the next 50 years.

As I said during my second reading speech, I am not worried about the period for which these leases are to be granted. That is not the crux of the situation. The

position as I see it is this: The north-west, with very few exceptions, will remain as it has been over a period of years. We know there have been periods when this industry has been highly regarded, because of its service to the State. We also know there have been periods when the industry has been in the doldrums.

Under those conditions, the north-west came in for a lot of attention, irrespective of what Government was in power; and a great deal of assistance has been granted at various times to enable the industry to pull through. When times are bright, this industry is really bright. Because of that, it is in a fortunate position most of the time.

The member for Kimberley made a plea to the Minister that this Bill should be deferred until there is a much better appreciation of the requirements of the State, both by the Lands Department and this House. I wholeheartedly support that contention, because I feel the Minister has overlooked the fact that these leases still have 19 years to run. But he has decided that by hook or by crook he is going to get the legislation through this session. I am surprised the Premier allowed the wool to be pulled over his eyes—and we are speaking of the wool industry.

Mr. Brand: I did not allow the wool to be pulled over my eyes.

Mr. KELLY: Not only the Premier's eyes, but the eyes of other Ministers of Cabinet—

Mr. Brand: No fear!

Mr. KELLY: —because if recognition had been given to the true needs of the north-west this Bill would undoubtedly have never seen the light of day. I say to the Premier that these leases still have 19 years to run, and there was no need for haste in preparing this Bill. The matter could easily have been examined by a better than ordinary committee, such as the one that was appointed in the manner which I previously described. This problem is so huge, that the report should be one that members of this House could regard as gospel.

I said in the early part of my remarks on the second reading that I had a great deal of confidence in the men who were appointed to the committee. I know them to be men of high integrity; but, at the same time, I am aware of the conditions under which the evidence for this report—the backbone of this Bill—was taken, and it is a shocking indictment that we, in this House, should be asked to pass this Bill in its present form.

If the Government had any sense at all, it would re-examine the matter and present something to the House in conformity with the requirements of this State, and something in conformity with the needs of the pastoral industry, and so indicate that there is some justice in the

thoughts and expressions of the Government, and some sincerity in its desire to improve the population position of the north-west.

According to Press reports—and those are all that I have to go on—I understand that the Minister said very little in his reply to the second reading debate. So much so that he received about 2½ lines in the local Press. Had he anything substantial to say, I am sure the Press would have given him much bigger headlines.

Mr. Bovell: They gave you a big enough one.

Mr. KELLY: I do not know whether they did. If they had given me one that I deserved, it would have been across the front page; it would not have been tucked away on page 10. The fact remains that very little was said by the Minister in his reply to the second reading debate. Undoubtedly the Bill is of benefit to the big landholders.

Mr. Bovell: No it isn't!

Mr. KELLY: It seems to have been framed with the one idea in mind of perpetuating what has been a drawback in the north-west; of perpetuating huge properties, many of which are only partly developed. The Minister is not prepared to examine that position at all. Whoever reads this report must be disappointed in the gathering of this information and the manner in which it was gathered; and the source, in many cases, from which it came. In saying that, I do not wish to cast any reflection on any person who gave voluntary evidence before the committee.

I think the decision should have been reached early in the piece that the Bill should be drafted only after an examination of evidence given under oath. This Bill will perpetuate the idea of 1,000,000 acres being the maximum amount of land to be held by any one person. The Minister and the House know it does not stop at 1,000,000 acres. We have a number of instances where huge companies have bought areas approximating 1,000,000 acres, and have bought several such areas. They are now grouped into big combines which embrace huge territories in the north-west. Only a very small number of those holdings have been fully improved.

An examination of the report in this document definitely shows that the country is not carrying a quarter of the sheep that it should be carrying at the present time; nor are the cattle figures anywhere near what they should be.

The Minister sits in his place and sucks the arms of his glasses, and does not take a great deal of notice. He is placidly allowing this measure to go through and become law for 50 years, with all the injustices contained in it. I do not think it is a reasonable proposition to submit to this House. The measure represents a lost opportunity, an opportunity which

comes only once in 100 years. The second time it comes is at the end of 100 years, to cover another 100 years which lie ahead. That is not good enough.

The member for Albany commented on the marked difference between the treatment of people in rural areas and their land obligations. There is no similarity. The treatment of the two sections of the community is directly opposite; yet all these people are more or less primary producers. These people, as a whole, are being handed on a plate a gilt-edged proposition that remains theirs for the next 50 years.

This was a wonderful opportunity for the Government to place the industry on a sound basis. It would have pleased the House to agree to conditions under which the industry was protected, the people in the industry were protected, and the rights and wrongs of the matter were given full consideration.

I mentioned during my comments that there were a number of properties which were changing hands at very high values. That was an indication of what these huge acreages enable people to do. In this morning's *The West Australian* reference is made to the passing of a very big pastoralist. The estate of this particular pastoralist has just been valued for probate, and the figure is £359,909. The report in the paper goes on to say that this figure is not a record amount and that there have been others that were higher. It enumerates several of them, and refers to a farmer and grazier at Woolawa and Walebing whose estate, on his death, was valued at £367,827. Further in the Press report we find that £290,896 was left in 1954 by a West Kimberley pastoralist who died in Britain. He left an estate there valued at £538,000. All these things are indicative of the conditions of the industry and that the position regarding some pastoralists is more than favourable.

I have asked the Minister to pay some attention to the fact that we are giving away the opportunity of bringing these stations on to a reasonable and worthwhile basis so far as the people themselves are concerned. These unwieldy stations are not being fully developed. It is not too late for the Minister and the Government to tarry a while. Let the Minister bring something convincing before the House and I will be the first to support him. But he has not done so. He has given us a *pot pourri* which affects a neglected section of the State. That section of the State has 558 stations, but the figure should be nearer 1,000. We have all this wonderful land in the north-west, and it should be worked properly in smaller areas, instead of huge areas which are not being fully developed.

At this late stage I appeal to the Minister to delay the passage of the Bill until it is put into better shape.

**MR. BOVELL** (Vasse—Minister for Lands) [5.39 p.m.]: I have listened with great interest to the comments of the members for Kimberley, Albany, and Merredin-Yilgarn. The lastmentioned member made a lengthy speech at the second reading debate. The main theme seems to be that the Bill should be further delayed. I pointed out when replying to the second reading debate that this matter was considered to be urgent by the Government that was in office in 1958. It called upon the then Surveyor-General to investigate the position because it considered, from the records on the file, that something should be done to see that the pastoral industry was given some future and that it might look forward to stability. It decided that legislation was necessary to provide that stability.

**Mr. Kelly:** In 1958 the Government thought it was necessary to grapple with this problem and not to gloss over it.

**Mr. BOVELL:** This Government is not glossing over it. The point was raised concerning subdivision of properties. No recommendation has been put forward for the subdivision of properties; and recommendations have been considered from every source.

**Mr. Kelly:** The source does not represent the owners!

**Mr. BOVELL:** In the Northern Territory the maximum area is 3,200,000 acres, with a lease tenure of 50 years; and that is just over the border of the area to which we are referring. The provisions in the Bill are very severe—

**Mr. Kelly:** Very generous.

**Mr. BOVELL:**—so far as the future of the pastoral industry is concerned. Regarding the subdivision of properties, the matter has been fully investigated. If at any time in the future the economy of the State requires that consideration should be given to smaller areas, then the Government of the day could give that consideration. The Bill provides for that, and the Government of the day could take the necessary action through the Governor.

**Mr. Kelly:** You would not like to be the Minister who would have to take that step.

**Mr. BOVELL:** The time is not opportune for a move in that direction.

**Mr. Graham:** It never is!

**Mr. BOVELL:** I am sure that members on the other side of the House have not read the Bill thoroughly. It says as follows:—

(b) by substituting for the passage, “, or any other purpose as in the public interest he—

that is, His Excellency the Governor—may think fit” in lines five and six, the passage, “or industry, or as in the opinion of the Governor

may be required for any purpose of public utility or for otherwise facilitating the improvement and settlement of the State".

That is an all-embracing clause which has never before been included in the legislation. There was a Labor Administration from 1933 to 1947 and from 1953 to 1959. No effort was made by those Administrations to include any such provision in the conditions applying to pastoral leases.

The Bill also includes the following passage:—

- (5) Any pastoral lease to which subsection (3) of this section applies is liable to forfeiture if the lessee permits or suffers all or part of the land the subject of that lease to deteriorate to such extent as to necessitate in the opinion of the Minister a lengthy period of protection from the grazing thereon of stock in order to effect regeneration of pasture, or to be utilised in such manner that the land is likely in the opinion of the Minister to deteriorate to that extent if depasturing of stock is continued thereon.

The lease will be forfeit. These conditions have never before been included in the legislation. The following appears in the amendment to the nineteenth schedule to the Land Act—

Provided also that this lease is granted on the following conditions:—

- (1) That the Lessee will comply effectively and to the satisfaction of the Minister for Agriculture with the provisions of the Vermin Act, 1919.
- (2) That the Lessee will, to the satisfaction of the Minister for Agriculture, take part in and contribute to any programmes or measures for the control of vermin organised by a local Vermin Control Authority or by the Agriculture Protection Board,
- (3) That the Lessee will to the satisfaction of the Minister for Agriculture comply effectively with the provisions of the Soil Conservation Act, 1945, and its amendments, and with the provisions of the Noxious Weeds Act, 1950, and its amendments.

I have quoted only a few passages from the measure, which imposes very stringent conditions on lessees. The Bill provides for the rendering of returns in respect of improvements. The Pastoral Appraisal Board, with the Director of Agriculture as a member, will consider these improvements year by year to ensure that properties are improved and their carrying

capacities maintained to the best advantage of the State. If pastoralists or lessees do not do these things, then their leases are liable to forfeiture. As I explained during the second reading debate, the measure is designed in the best interests of Western Australia.

Mr. Graham: It is a very poor job.

Question put and passed.

Bill read a third time and transmitted to the Council.

## BETTING CONTROL ACT AMENDMENT BILL

### Third Reading

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

## SPENCER'S BROOK-NORTHAM RAILWAY EXTENSION BILL

### Second Reading

Debate resumed, from the 17th October, on the following motion by Mr. Court (Minister for Railways):—

That the Bill be now read a second time.

**MR. HAWKE** (Northam—Leader of the Opposition) [5.47 p.m.]: This Bill provides for an extension of the existing Spencers Brook-Northam 3ft. 6½ in. railway line for an additional distance of slightly over two miles in a north-easterly direction from the Northam railway station. I think it might be better understood by those members who know the Northam township well, if I were to say here that the Northam railway station and the Northam railway yard are located in West Northam. There are two railway stations and two railway yards within the Northam township, the one I have already mentioned at West Northam, and the other at East Northam.

I quite agree with the Minister in what he said about the desirability of extending the existing Spencers Brook-Northam railway line as against bringing a new 3ft. 6½ in. railway line for at least portion of the distance between Spencers Brook and Northam, or West Northam, whichever we agree to call it.

The existing line from Spencers Brook to Northam is already established and appears to me to have a very good grade. Therefore I think it would be a bit foolish, and unnecessarily costly, to abandon the section of established railway line, or most of it, and to construct a new 3ft 6½ in. gauge line not far from it.

I was pleased to hear the Minister say the extension of the railway line from Northam over towards what will be the new broad gauge railway line will cross Fitzgerald Street per medium of a railway bridge, and also cross the Great Eastern Highway by a similar method, with a level crossing of the Toodyay Road. Had there

been level crossings at Fitzgerald Street and the Great Eastern Highway, even though such level crossings might have been serviced by warning lights, it would nevertheless have created serious road hazards as both Fitzgerald Street, Northam, and the Great Eastern Highway are busy roads, carrying a great deal of traffic most hours of every day, and for a good part of the night as well.

The Minister mentioned the anxiety of the railway officials to have something effective done about the section of railway line which runs from the West Northam railway station to the East Northam railway station. He told the House that it would be necessary to retain that section of the existing railway line servicing the Northam flourmill, which, as most members know, is located in Gairdner Street, Northam, which is really a continuation of what is known as the Great Eastern Highway. The Northam flourmill is in one of the most central portions of the town. I should say by way of an estimate that the flourmill is located not quite half a mile from the existing West Northam, or the existing Northam railway station.

Clearly the flourmill requires railway transport for the bringing of wheat to the mill, when it has to be brought by rail, and for the taking of flour from the mill when flour is being consigned to the metropolitan area, and especially to Fremantle for shipment to overseas countries. I certainly hope that in respect of the balance of the existing railway line, from the point where it serves the flourmill to the East Northam railway station, some effective and suitable arrangements will be made between the Railways Department and the municipal or town council, to the extent to which it would require to go into the matter, and the oil companies whose business undertakings are located between West Northam and East Northam.

There are altogether, if I remember correctly, three oil depots which are serviced by the existing narrow gauge railway line between West Northam and East Northam. They are centrally located in the town; and I suppose from the point of view of the executives of those oil companies, they would desire to remain where they are. I should think that the operation of the existing depots is most economic and can very efficiently be carried out with a minimum of expense in relation to the railway service which is so easily available to them.

Should they agree to remove their existing locations to other portions of the town I presume they would move out somewhere to be within a reasonable distance either of the proposed broad gauge railway line or of the proposed narrow gauge extension from Northam, or West Northam, to the point where that new narrow gauge stretch of line will link up with the proposed broad gauge or 4 ft. 8½ in. railway line.

I hope the oil companies will co-operate in this matter. I think it would be a good gesture of practical citizenship, and of public-spirited action on their part, if they would co-operate fully with the town council, particularly—and indirectly, of course, with the Railways Department—in order that the difficulties which now exist in the matter might be overcome in a manner satisfactory to all concerned.

Should the situation be reached where the oil companies would agree to move to a new location, or to new locations, then, as the Minister pointed out in his speech, it would be practicable, and most desirable, to close down the balance of the existing narrow gauge railway line between the point where the flourmill has to be served and the East Northam railway station. That would not only be a method which would be economical to the Railways Department but it would also remove some of the existing road hazards which operate at the level crossings, four of them in number, as between the point where the flourmill would be served and the East Northam railway station.

All of those existing level crossings are certainly served with warning lights. But we all know, from what we read, and also sometimes from what we see at these level crossings, that accidents sometimes happen—fatal accidents, too—in spite of the warning signals at the crossings; and on many other occasions there are very near misses when serious accidents, and possibly fatal accidents, are narrowly averted.

I have much pleasure in supporting the Bill because I consider it is a very progressive move forward; and if all the hopes of those concerned materialise, especially in relation to the closing of the existing section of the line between just east of Charles Street through to the East Northam railway station, then the final result will be altogether acceptable and satisfactory.

**MR. COURT** (Nedlands—Minister for Railways) [5.57 p.m.]: I thank the Leader of the Opposition for his support of the Bill. The only point he made which calls for comment was in respect of the oil depots' alternative locations. I cannot be specific as to where these depots are likely to go, but I can assure the honourable member we are doing our best to encourage these people to vacate their present locations.

It is a sign that some of these country towns have grown up more than most of us realise when we see that a place like Northam is really so short of space in the centre of the town that it cannot expand its commercial section. If at all possible we will endeavour to get the companies to vacate their present areas under a properly determined plan, and in co-operation with the council, to ensure that the areas, if vacated, are properly applied.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## RAILWAY (PORTION OF TAMBELLUP-ONGERUP RAILWAY) DISCONTINUANCE AND LAND REVESTMENT BILL

*Second Reading*

Debate resumed, from the 17th October, on the following motion by Mr. Court (Minister for Railways):—

That the Bill be now read a second time.

**MR. BRADY** (Swan) [6.1 p.m.]: Since taking the adjournment of the debate I have looked through the Bill, and the plan which the Minister for Railways was good enough to lay on the Table of the House. Gnowangerup is a fair distance away, and it is difficult to visualise what the proposals are without having recourse to a plan similar to that which was laid on the Table of the House by the Minister.

This is only a small Bill, dealing with a very small area; in fact the area of land involved—members will be surprised to hear—is 1 acre 25 perches. In length of line it comprises 7 chains 20 links. The plan tabled by the Minister is No. 54007. The land in question is really a very small continuance of an area of land set out in the first schedule of Act No. 76 of 1960. In that first schedule a description of the Gnowangerup-Ongerup railway which was to be closed is referred to as—

All that railway having a total length of 34 miles 45 chains or thereabouts, commencing at the south-western alignment of Yougenup Road in the townsite of Gnowangerup, and thence proceeding generally in an easterly direction, and terminating at the north-eastern boundary of the Ongerup Station Yard, being the south-western alignment of No. 3 Avenue in the townsite of Ongerup, which railway is portion of the railway constructed under the authority of the Tambellup-Ongerup Railway Act, 1911 (Act No. 11 of 1911).

That schedule is on page 550 of the Statutes for 1960. I can see no objection to the closure of this 7 chains 20 links; indeed I understand that the Gnowangerup Shire Council is sympathetic towards the project; and the Closure of Lines Committee, I believe, desires this legislation to go through to enable it to close this

section in conjunction with other work it is doing which was approved by the 1960 Act. Accordingly I support the Bill. I feel it can be accepted with confidence.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

## FACTORIES AND SHOPS BILL

*Second Reading*

Debate resumed, from the 15th October, on the following motion by Mr. Wild (Minister for Labour):—

That the Bill be now read a second time.

**MR. W. HEGNEY** (Mt. Hawthorn) [6.7 p.m.]: In speaking to the second reading of this Bill I think it would be pertinent for me at the outset to disclose, or to expose, a little of the hypocrisy indulged in by the present Government in regard to various forms of publicity for the purpose of misleading the public.

Over the last 10 or 11 months the Government, through the Minister for Works—and particularly through the Minister for Labour—together with the Deputy Premier, of Belgian hare and noxious weed fame, has been publicising what it proposes to do in connection with the Factories and Shops Act. I will now read an extract from an article under the jurisdiction of the Deputy Premier which appeared in *The West Australian* of the 13th July last. The relevant portion reads as follows:—

Breaches of retail trading laws should not be treated as semi-criminal matters—as they had been in the past—with resultant loss of time in court proceedings and the stigma associated with them.

A Retail Trades Advisory and Control Committee could consider these matters in a practical, rather than a purely legal, way and decide necessary penalties.

Courts—

that is in the plural—

could then be involved only if a trader wanted to dispute the penalties.

Mr. Nalder said the new laws, if adopted, would put W.A. ahead of all other States in their field.

I turn first of all to a clause in the Bill which deals with regulations. This will be found on page 93 of the measure; and I

would like to impress upon members that this is to be done by regulation, not by a provision in the Act. We find that amongst other things the Governor may—

prescribe any pecuniary or other penalty for any offences against the regulations, including in the case of any offences a minimum as well as a maximum penalty, but so that a maximum pecuniary penalty does not exceed one hundred pounds and provided, in the case of a continuing offence, for a penalty not exceeding ten pounds for every day during which the offence continues.

If members compare this provision in the regulations with the statement made by the Deputy Premier they will see immediately how inconsistent and misleading he was.

I would now like to deal with another provision in regard to shops, which appears on page 68 of the Bill. This refers to the hours and the trading conditions for chemists and druggists. Certain conditions are required to be fulfilled by chemists and druggists in regard to trading after hours, and also in connection with giving particular prescriptions on a prescribed form to the Chief Inspector of Factories. A shopkeeper who fails to comply with this provision commits an offence for which the penalty is £50.

The Deputy Premier is responsible for the statement which appeared in *The West Australian* on the 13th July last in which he said that breaches of the Factories and Shops Act were treated as semi-criminal matters, but that now they would be treated in a more practical way. Does the Minister for Works agree with the statement of the Deputy Premier, that the committee envisaged in this Bill will have the power to revoke or decide what fine shall be imposed on any shopkeeper?; because we find that the Deputy Premier says that "a retail trades advisory and control committee could consider these matters in a practical, rather than a purely legal, way and decide necessary penalties." Does the Deputy Premier consider that the retail advisory committee set up under this Bill will be a court of law, and that it will decide the penalties? Either the Deputy Premier is right and the Minister is wrong, or the Minister is right and the Deputy Premier is wrong.

Mr. Heal: They are both wrong.

Mr. W. HEGNEY: A study of the provisions in the Bill will show that in many instances penalties are provided for offences committed under the Act. I repeat that the mention I have made of the £100 penalty is not written into the Act as a definite penalty for a breach of a particular section of the Act. This can be done by regulation. Parliament could adjourn tomorrow, and the Minister could issue

regulations with this penalty in them, and that would have the force of law until Parliament met next year.

I make reference to that aspect of the Bill to show that the publicity and propaganda indulged in by the Government is most misleading and unfair to the public; and the public is beginning to wake up to the type of propaganda that has been put to the people over the last four and a half years.

The Bill contains a number of provisions which I think should be eliminated. It is a fact that many of the provisions of the existing Act have been omitted; some of them, I suggest, omitted intentionally. Very shortly I propose to point out to the Assembly just wherein these omissions have been effected, and what they mean to the people who work in factories and shops.

There is a background to the Factories and Shops Act. I find the Act was introduced as far back as 1904. I perused that Act and found there are some provisions in it which continue in force. During the time of the Hawke Labor Government of 1953-59 an endeavour was made to remove a lot of the dead wood from the Factories and Shops Act, but our efforts were thwarted by the Legislative Council. I am pleased to note that many of the provisions in regard to 48 hours, certain overtime rates, and other matters of an outmoded nature, have been removed from the legislation.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. W. HEGNEY: In 1920 the original Act was consolidated, but a number of its very important provisions have been excluded from the measure before us. I do not propose to read many of those which have been excluded. Suffice to say that some of them need to be recorded. Although the Minister may say these matters can be dealt with by regulation, I think some of them should have been included in the Bill.

In 1920 the Act provided, and the provision still operates, in section 46 as follows:—

No occupier of a factory shall employ a male under eighteen years of age or a woman in any part of such factory in which there is carried on—

- (a) the process of silvering of mirrors by the mercurial process; or
- (b) the process of making white lead.

Another provision in the Act is as follows:—

No occupier of a factory shall employ a female under eighteen years of age in any part of such factory in which the process of melting or annealing glass is carried on.

Yet another provision states—

No occupier of a factory shall employ a person under sixteen years of age in any part of such factory in which the dipping of lucifer matches is carried on.

Section 50 states—

A girl under sixteen years of age shall not be employed as a type-setter in a printing office.

Relating to the prevention of overcrowding, section 60 states—

(1) A factory or any portion thereof—

(a) shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein;

(b) shall contain such amount of cubical space for each person employed as an inspector shall in each case determine; Provided, however, that such reserved space shall not be less than three hundred and fifty cubic feet for each person working therein;

A further provision in the Act states that in every restaurant or tearoom the occupier shall provide a suitable change and rest room, suitably furnished for the use of persons employed by him, to the satisfaction of the inspector.

I am quoting those provisions to show they were included in the Act of 1920—40 years ago—and they have operated ever since. I want to be assured by the Minister that the existing provisions in the Act will continue in operation until the new Act is proclaimed. I would like him to assure me there will be no delay in implementing the gazetta! of the requisite regulations to ensure the protection, health, and safety of the workers in a general way. I am referring to workers employed in factories and shops.

I now return to the Bill itself. I have made a close examination of the provisions contained therein, and at this stage I refuse to believe that the Bill is the work of the Chief Inspector of Factories. I cannot believe that a man of his experience would write into the Bill some of the provisions contained in it. I understand he was relieved of his duties as Chief Inspector of Factories in January or February last, since when he has been employed exclusively in the drafting of the measure. I can see the hands of the Employers Federation and various other interested parties in the drafting of the Bill, because some of the provisions seek to undermine the protection which is now given to the workers. Before I resume my seat I hope to prove that is the case.

The first proposal contained in part II of the Bill relates to administration. It is proposed to repose administration in the

hands of the Secretary for Labour, subject to the Minister. I have consulted various bodies concerned, and I am satisfied that the appropriate officer to administer the Act is the Chief Inspector of Factories; and I propose to move an amendment to that effect. In all, I have given notice of over 30 amendments for consideration in the Committee stage.

I propose also to move an amendment to reduce from four to two the number of persons employed in a factory, before it is covered by the Act. One of the most important provisions in the Act is that the inspectors under the Factories and Shops Act are empowered to exercise the same rights and authority as the industrial inspectors appointed under the Industrial Arbitration Act. The Minister, on behalf of this Government, has deliberately omitted that provision in the Bill. I pose the question: Why?

During the second reading the Minister indicated it was proposed to appoint industrial inspectors under the Industrial Arbitration Act. For what purpose will they be appointed—to carry out the functions now performed by the factories and shops inspectors? That must be the case; otherwise there would not be a duplication of the duties and responsibilities of the present inspectors. If it is proposed to appoint inspectors under the Factories and Shops Act, and also under the Industrial Arbitration Act, there will be a duplication in administration—that is the plain fact—and occupiers of factories will be visited not by one class of inspector, but by two—those under the jurisdiction of the Factories and Shops Act, and those under the jurisdiction of the Industrial Arbitration Act. I refuse to believe this provision has been the work of the Chief Inspector of Factories.

I can see the hand of the Government in this Bill, which has excluded the provisions I have referred to. It has been prompted to do so by the Employers Federation, because the latter is anxious to take away the powers of inspectors to take industrial action after examining certain books. If the Bill is passed, then when it is found that wages paid to employees are not correct, or that the industrial award or agreement has been abrogated, the industrial inspectors will not be empowered to take action under the Industrial Arbitration Act.

One of the main functions of an inspector appointed under an Act of this nature—which is supposed to be designed for the safety, welfare, and betterment of the workers in industry—is to ensure that the rates and conditions of employment, as laid down by the Arbitration Court, are adhered to; and if they are not, then requisite action can be taken under the law. I have therefore prepared an amendment, which will appear on the notice paper, to write into this Bill the provision which has operated for the last

40 years—because the necessity for it was found to be desirable as far back as 1904—to protect workers who are obliged to take employment in factories and shops. Specific provisions have been written into the Act to safeguard their health and welfare; yet the Government now comes along with this Bill which excludes a provision that has existed for 40 years.

The Minister stated it was the function of the unions to police their awards and industrial agreements. To some extent that may be the position; but the inspectors under the Act have more power than the officers of the unions. The very purpose of appointing the inspectors was to ensure that the rates and conditions of employment were observed in shops and factories. I believe the object of the Government in excluding this provision is to throw the onus on the unions, and to undermine the work of the industrial inspectors. I am now referring to factories and shops, because under the provisions of the Bill industrial inspectors are to be given the right to enter both types of establishment.

If the Government elects to do so, it can appoint additional inspectors; but I doubt if it will, because it has reduced the number. Yet day after day we hear the Minister for Industrial Development telling us about hundreds of additional factories being established in Western Australia. Today the number of inspectors appointed is no greater than the number some years back. The time has arrived when the requisite number of inspectors should be appointed to keep pace with the industrial growth of Western Australia for the express purpose, not of hamstringing the employers, but of ensuring that the industrial laws are observed.

I revert for a moment to the constitution of the factory welfare board which is proposed under the measure. The Minister mentioned it is not a new idea, and I agree with him. Such a board has been operating in Queensland and New South Wales. I am pleased to note that the proposed membership of the factory welfare board is to be made up as follows:—

The Secretary for Labour, who shall be chairman.

We hope that this office will be filled by the chief inspector. Other members of the board are to be as follows:—

One person nominated by the Chamber of Manufactures and the Employers Federation.

One person nominated by the Trades and Labour Council of Western Australia.

That board is to be given certain powers of recommendation to the Minister, for the purpose of regulating safety and welfare generally, as well as sanitation and other matters affecting the workers in any particular factory. In my view this board

should be given a reasonable trial period; because I think that in due course it will function satisfactorily.

Now I turn to another authority which the Bill proposes to set up. It is not to be called a board, because there would be confusion; it is to be known as a committee entitled the Retail Trade Advisory and Control Committee and it is set out that the chairman will be the Secretary for Labour. Again, I hope it will be the chief inspector. There will also be a representative nominated by the Retail Traders Association, the Retail Grocers and Storekeepers' Association, and another person who will be selected by the Minister to represent purchasers of goods. We are prepared to give that committee a trial, but not unless the purchasers' representative is nominated by the Trades and Labour Council of Western Australia.

In one part of the Bill provision is made for a Trades and Labour Council representative to be on the factory welfare board. As far as the retail industry is concerned, a representative of the Trades and Labour Council should act as a representative of the purchasers, because that would provide uniformity of representation. I believe the workers in industry are entitled to direct representation; but the attitude of this Government, except for the provision for the factory welfare board personnel, has been one of antagonism to representation of workers in industry.

Only the other evening we were dealing in this Chamber with a Bill to change the departmental administration and control of the Metropolitan Water Supply, Sewerage and Drainage Department to that of a board. We on this side of the House made efforts to ensure that on that board would be a representative of the industrial unions. However, the Minister said, in effect, that he could not care less; he was not interested in worker representation on such a board. We hope that in the Committee stage of this Bill an amendment will be agreed to, which will appear on the notice paper, providing for the purchasers' representative on this committee to be nominated by the Trades and Labour Council.

The powers of this retail advisory and control committee are astounding. As I indicated prior to the tea suspension, the Deputy Premier was reported in *The West Australian* of the 13th July—and this has not been contradicted—as having stated that the committee would have power to impose penalties on traders. I would like the Minister to interject now and indicate whether this Bill provides for such power. Of course it does not! It is just too silly; but that is the sort of publicity the Government is providing for public consumption. Under this Bill the committee can do quite a number of things, but it cannot impose penalties on traders for breaches under this legislation.

What it can do is quite remarkable, and I propose to give my interpretation of some of the provisions of this Bill.

After the committee has been set up, where there is any particular industry or calling involved, the retail traders' representative on the committee, on the decision of the chairman will be eliminated, as it were, or asked to stand down, and a representative of the particular group or class of shops or industry will take his place. That means that the purchasers' representative—who I hope will be a Trades and Labour Council representative—and the chairman will be permanent, as far as the personnel of this committee is concerned, but the representative of the Retail Traders Association and the Grocers and Storekeepers' Association will be superseded from time to time by a representative of the Automobile Chamber of Commerce, the Pharmaceutical Guild of Western Australia, and a number of other bodies mentioned in the Bill. We are not actually against that, but my personal opinion in regard to the welfare board and the committee is that the one authority should have been set up to deal with factories and shops, the same as applies in New South Wales and Queensland.

I believe that if we had a body with a responsible chairman, a responsible member of the employers, and an equally responsible member of the employees, we would have some uniformity. The men concerned would become expert in their particular duties, and there would be nothing to stop them calling in any representative of a section of industry from whom to obtain advice and views from time to time.

In this regard, I can quote no more appropriate example than the Arbitration Court of Western Australia. This consists of a body of three men—the president, a representative of the employers, and a representative of the employees. Neither the employees' representative nor the employers' representative need be a tradesman. They may not be expert in any trade or calling; but over a period of years, due to their experience in the court, they obtain the knowledge required for the carrying out of their functions. These men have cases submitted to them by the representatives of the workers and the representatives of the employers, and in the light of evidence adduced from time to time they make their decisions. However, this is only my personal opinion, and I am not going to oppose the setting up of this committee.

I do, however, believe that its powers are too wide, and I think that in due course the committee will be incorporated in the factory welfare board. As the committee is to be set up, these are a few of the things which it may do, and this is, to

my way of thinking—I was going to say astutely worded, but it is at least studiously worded—

(b) Subject to the approval of the Minister, where the committee is of the opinion—

(i) to meet the needs of the public—

that is pretty wide, too—

it is necessary or in the circumstances of the case it is desirable in the public interest to do so; or

(ii) because of the celebrations or observance of any special occasion or the holding of any event in a particular locality it is desirable to do so,

the Committee may, subject to any award, for any period and on such terms and conditions as it thinks fit, grant to any shopkeeper a permit authorising the occupier to open the shop during such hours in addition to or in substitution for, the hours during which under this Act the shop may be open, as the Committee thinks fit and specifies in the permit.

(c) A permit granted under paragraph (b) of this subsection has effect according to its tenor.

(d) The Committee may in its discretion revoke or vary any permit granted by it under paragraph (b) of this subsection.

Now, listen to this! This is giving the committee some power—

(3) The Committee may in addition to the powers conferred on it by this Act carry out such other functions and duties and exercise such other powers as may be prescribed.

This is a committee set up under the Factories and Shops Act. I would like an indication from the Minister as to what extra powers are envisaged by this provision. This is the committee which is to recommend to the Minister that shops—any kind of shops in any place—may open at any time or for hours in substitution for the recognised hours. Now we find this—

The Chief Inspector shall, on the recommendation of the Committee grant to any shopkeeper of any class of shop prescribed for the purposes of this section having for sale therein goods of a class so prescribed (in this Act called "privileged shops"), a permit on such terms and conditions as the Committee thinks fit and as are specified therein, authorising the shopkeeper to open the shop during

such hours and on such days in addition to those referred to in section eighty-five as are so specified.

Then it goes on to say that if the particular shopkeeper or group of shopkeepers do not carry out the conditions of the permit, the chief inspector may suspend the permit for a period not greater than three months. The chief inspector would not suspend a permit unless the circumstances warranted it.

However, there is a further provision to the effect that the committee may revoke, amend, or alter the suspension order of the chief inspector. I believe that is going to lead to chaos. The Minister has said that for particular purposes it may be desirable to, in other words, throw the gate wide open in certain seaside resorts. When one starts to examine that statement, one will find that once a provision is made or a permit is issued by this committee in one or more cases, the gate will be thrown open and industrial conditions will be broken down. The Minister referred particularly to seaside resorts. Geraldton is a seaside resort, and there is a shop assistants' award in Geraldton.

Mr. Wild: Don't they have to obey award conditions?

Mr. W. HEGNEY: I am glad the Minister mentioned that, because I was just going to deal with that particular fact. I mentioned Geraldton, but I will come nearer to the metropolitan area to bring the matter home to the Minister. Cottesloe is a seaside resort, as also are Wembley and Coogee. What is going to be the reaction of shopkeepers in Fremantle and on the main highway in Cottesloe if certain shops are to be given an open sesame, as it were, to trade during any hours they wish? That is the point I would like the Minister to answer.

There will be unfair competition; and once one starts, the next will ask for a permit, and all shops will be open any hour of the day or night, and it will be difficult for the unions to police the award. If the award is adhered to, it will be found that overtime rates will have to be paid and articles will increase in price.

Let us look at what one section of the community which will be involved says in regard to this matter. The following appeared in *The West Australian* of the 17th October of this year:—

#### LONGER HOURS UNNECESSARY, SAY GROCERS

The Government's proposal to extend trading hours for small shops was criticised yesterday by representatives of the Retail Grocers and Storekeepers' Association.

In the Factories and Shops Bill outlined in the Legislative Assembly on Tuesday small shops could open from 6 a.m. to 11.30 p.m.

Mr. P. A. Brown, a member of the association council, said the majority of association members opposed such long hours.

"They will not help small shopkeepers. The public will spend the same amount, but postpone some shopping until the evening," he said.

"If the plan is adopted big shops will open for similar hours. This would mean overtime payments which would be passed on to customers."

Association past president W. McGilvray said longer hours would force more small shopkeepers to stay open at night to meet competition.

But it would not increase their profits.

"I doubt whether night takings would pay for the electric light used," he said.

That brings me to this point: Under this Bill there will be exempted shops—small shops and privileged shops. Provision is already made for exempted shops in the present Act. I agree that should be so. The reference is to flower stalls, certain tobacconists' shops, undertakers' establishments, vegetable shops, and so on. There have been no small shops registered under the present Act for many years, but the definition under this Bill is no different from the definition under the Act, and I have no objection to it. I do not think it will make any difference to them. The provisions concerning the small shopkeepers are set out very clearly.

Now we come to privileged shops. According to the Minister's second reading speech, these were formerly known as suspension shops; and there are a number of them in the metropolis. One can see them in practically any street in the suburbs. Those are the lines they generally follow. In one section they may have fruit and vegetables; they will have the requisite refrigeration for milk and cool drinks; and they will carry chocolates and sundries. They are entitled to remain open until 10 o'clock or 11 o'clock at night. Nobody objects to that; it has been in vogue for many years.

But in the same building, room, or structure, and on the same floor, there will be a big grocer shop. It is necessary for the grocery section of the shop to be partitioned off after six o'clock at night, and then only the fourth schedule section of the establishment can remain open until 10 o'clock or 11 o'clock; and nobody takes any notice of that, and I hope they never will.

Under the Bill, however, there will be privilege shops. The committee will be entitled to grant to the privilege shops the right to open for hours beyond the ordinary closing time provided for in the award. Such shops will be entitled to open their grocery section at any time they like. So

they will crowd out the small shop; and then, if I know anything about human nature—it might not be very much, but I know that once these shops are allowed to open in the suburbs, the retailers in the city block, and elsewhere in the metropolis, will want the same privilege; and in the final analysis we will have the employers asking the employees to return in the evening, and then we will get back to the late shopping night which this Government is doing its damndest to introduce in the metropolitan area.

The history of the late shopping night is of great interest to the industrial movement in Western Australia. Many people can recall when shops were open until 11 o'clock at night in Perth, and then until 10 o'clock at night and 1 o'clock on Saturday. It was then decided that the late shopping night should be abolished, and people said the State was going to rack and ruin. The late shopping night was then held on Friday night, and after a period of years it was abolished; and I have heard no great outcry against the present shopping hours in the metropolitan area or anywhere else in the State.

The traders do not want late shopping hours, but the Minister has to cater for all sections of the community, and this measure is the result of about 10 months of talking and negotiating with the different interests in the metropolitan area, the seaside resorts, and elsewhere.

As far as I am concerned, this committee is not going to have the power to willy-nilly issue to people permits to trade at any hour of the day or night. I repeat that once the barriers are broken down in seaside resorts like Cottesloe and Coogee, and other places, we will have increased costs and we will have the industrial workers fighting against the introduction of a late shopping night.

Another illustration in this: For five years when the Opposition formed the Government, one of our private members, by arrangement, introduced a Bill to eliminate Saturday banking. The members of the present Government on five successive occasions vehemently opposed the proposal and said it would be a backward step. But then, for political reasons, they authorised the present Minister for Health to introduce a Bill to abolish Saturday morning banking. There has been no great hue and cry against that practice; everything is going along all right. In this State the hours of trading are reasonable; and I hope, as I said before, that the proposed committee will not be given the powers envisaged in the Bill.

Another provision in the Bill refers to exempted shops, and I hope to have that provision eliminated. The exempted shops are set out, and the final paragraph says—

(k) any shop that on the recommendation of the Committee is prescribed.

So the committee would have the power to exempt any shop at all. As far as I am concerned, the committee will be clipped of that power, which I do not believe it should have.

I have already mentioned that certain things are to be done by regulation. I am not going to quote the provisions again. Suffice it to say there are a number of provisions in the Act which provide severe penalties for breaches of particular sections; and there are provisions in the Bill—very few of them—carried over from the present Act; and I refer to outworkers. Even in the Act of 1904 provision was made for the protection of outworkers; and there is a special section in that Act dealing with the system known then as sweating. The word "sweating" is also used in the 1920 Act, because it is known that in the earlier years men and women were exploited in regard to this outwork. They had to take their work home and do certain things—especially in the clothing trade—on piecework at sweated rates of pay.

The Bill contains a provision dealing with outworkers; but I have placed a number of amendments on the notice paper so as to more adequately protect the interests of those people and to ensure that any certificate of registration granted by the Chief Inspector of Factories under the particular clause shall be provided to the secretary of the appropriate industrial union. In that event he can ensure that reasonable conditions will prevail for outworkers. I have placed some other amendments on the notice paper and they are designed to give protection to outworkers. I will not read them in detail because they can be discussed in Committee.

I propose to refer to another portion of the Bill which is famous, or infamous, because of the exclusion of certain provisions. The Bill provides that where an accident causes serious injury or death to a worker, the occupier or employer shall immediately, or as soon as practicable, give verbal notice to the Chief Inspector of Factories; and it is incumbent on the Chief Inspector to immediately visit the factory to inquire into the circumstances surrounding the accident.

We have had cases where union secretaries have not been immediately advised of an accident which has occurred through negligence; and, by the time they have been notified, the circumstances have altered and they have not been able to obtain the true picture, with the result that they have been jeopardised in their efforts to protect the widow, in the case of the death of the worker; or to protect the injured worker, in the case of injury due to negligence.

This Act refers to the welfare of workers; and we believe that when an accident causing death or serious injury occurs, the union should be advised of the

accident at the same time as the Chief Inspector of Factories is notified so that the union secretary, acting on behalf of the widow or the injured worker, may visit the particular undertaking and obtain as quickly as possible whatever information is available.

There is an amendment on the notice paper dealing with this matter; and I hope the Minister will not adopt the attitude that he is not interested in having the welfare of the workers catered for. We propose to amend the Bill so that the union secretary shall be entitled to attend a coroner's inquiry to represent the interests of the member concerned.

There are a few other clauses that I do not propose to deal with at this stage, but amendments in respect of them have been placed on the notice paper. In addition to that, I propose to move for the exclusion of some clauses. I know that the question of trading hours for chemist shops has been a bone of contention. We do not propose to strongly oppose the provision in the Bill, except to suggest that medicines, surgical appliances, and medical goods shall be supplied in cases of necessity or emergency.

I would like to say that, generally, I am not over-enthusiastic about the Bill, because I believe that one of the objects of the measure is to open the way for a late shopping night. I say without any qualification whatsoever that so far as I am concerned there will be no reversion to the late shopping night, because those people who had experience of it in years gone by realise that conditions today do not warrant a reversion to it.

In the present Act emphasis is placed on a maximum of 48 hours a week. Several years ago we tried to alter that provision, as well as a number of others, but the Liberal members in another place defeated the measure. I recollect that when efforts were made to reduce the standard hours from 48 to 44, there was strong opposition and hostility to the movement by certain interests. They said Australia could not stand it.

But Australia has stood it, and we find today there is a Federal election about to take place, and we can pick up the daily papers at any time and be advised that the economy was never so sound. Yet, when we endeavoured to reduce the standard working hours from 44 to 40, a hue and cry arose throughout Australia, and it was said that the country would be ruined and industry would be ruined. Now we have come to the 40-hour week; and, as I just mentioned, it will be noted from day to day that the economy of Australia could not be sounder; everything is buoyant.

Why these extended hours? The Minister, or some other member of the Government, may say I am exaggerating, but I

do not think I am, in regard to the powers and functions of the committee to be established under this legislation.

I make no apology for saying this—and I have said it before—that I can see the hand of the Employers Federation, and of other outside interests, in the measure; and I do not blame them. I refuse to believe that this measure is anywhere near what the Chief Inspector of Factories recommended. I know that certain interests are out to try to break down the existing industrial conditions; and in the process there will be the opening of shops, and trading, at any hour of the day or night.

Before I conclude I must refer to another portion of the Bill just to show the inconsistency, if not the hypocrisy, of this Government; and I refer to the part dealing with the hours for petrol stations. Some seven years ago I happened to be the Minister for Labour, and I was instructed to introduce a Bill on behalf of my Government for the purpose of regulating the hours of trading for petrol stations. After a consideration of all the circumstances, and after negotiations with the Automobile Chamber of Commerce, we introduced the system which has been in vogue ever since—the zoning system. Instead of the petrol companies, or their agents, or the petrol stations opening for 114 hours a week, we adopted a sane and commonsense system whereby there would be a roster and zoning; and that system was introduced.

Members of the Government who were then in Opposition strongly opposed our suggestion and our Bill, and the measure was passed only with the assistance of one or more Country Party members in another place. Since then that system has operated satisfactorily. Last year the Minister refused to accept an amendment moved by the member for Victoria Park to strike out paragraph (c) in one of the sections of the Factories and Shops Act, that paragraph referring to the opening of petrol stations from 9 a.m. to 12 noon on Sundays.

What do we find now? We find that, in general, the 1956 Act will continue to operate. How inconsistent can a Government get! In the Bill no mention is made that double the number of existing petrol stations will remain open. Such a move will be made as a result of a recommendation from the Automobile Chamber of Commerce. Last year the Minister tried to tell us that the Automobile Chamber of Commerce would make the decision. That is what members of the public were led to believe, but it is far from the truth. Ever since 1956 provision has been made in the Act for the Minister to proclaim certain roster stations on the recommendation of the Automotive Chamber of Commerce; but it was not obligatory, at any stage, for him to accept such a recommendation.

If he considered there were insufficient petrol stations open in the metropolitan area, all he had to do was to advise the Automotive Chamber of Commerce—officially or unofficially—that it should give further consideration to more petrol stations being open on the roster. It would have been as easy as that. We now find that the same verbiage is used and negotiations have taken place between the Minister and the Automotive Chamber of Commerce; and if this Bill is passed the roster system will not operate from 1 p.m. on a Saturday, and from noon on a Sunday. Instead, only certain petrol stations will open at key points in the metropolitan area. As with the Bank Holidays Act Amendment Bill, the Government is being inconsistent.

When the Bill goes into Committee I propose to move the several amendments I have mentioned. When I do so I hope the Minister will not adopt a dogmatic attitude, but rather a reasonable attitude and realise that the amendments which have been placed on the notice paper are necessary if this Bill is to function reasonably in the interests of all those affected by it and in the interests of the shopkeepers of Western Australia.

In conclusion, I thank the Minister for raising no objection to my request for a week's adjournment on this Bill. It is a comprehensive measure and some time is needed to study all its ramifications. I thank the Minister once again for granting the adjournment of one week.

**MR. MOIR (Boulder-Eyre) [8.19 p.m.]:** I do not intend to cover the ground which has just been covered by the member for Mt. Hawthorn. Suffice to say that I believe his criticism of the Bill is pertinent, and would represent the views of many people who will be affected by this measure if it becomes an Act.

It is an extraordinary Bill, containing some extraordinary provisions. One provision seeks to delegate the power of Parliament, in a large measure, to a committee. When the composition of the committee is considered, it is found it will be Government-dominated by virtue of the fact that the Government will appoint the chairman and some other individual as a representative of the consumers. That individual could be anyone; and, from past experience of this Government, one could not expect it to appoint any person who would give the Government any worry in the use of the powers delegated to the committee and the decisions made by it. In addition, there is provision for a representative of various bodies to be on the committee, one at a time, to consider matters that arise regarding some particular interest.

I am extremely concerned about some aspects of the Bill, especially those relating to safety provisions and the powers that

inspectors will have. I find there is no provision covering the people who are vitally concerned when accidents occur and a worker suffers injury. The Government does not see fit for a representative of the workers to be present at any inquiry, or to have the right to attend at the scene of an accident, to interview witnesses, and to appear at the subsequent inquiry—for which provision is made under the Bill—to examine and cross-examine witnesses.

This is rather remarkable when one brings to mind that during the various debates that take place in this Chamber from time to time on measures to amend the Workers' Compensation Act, one member of the Government—and a very influential one—chides the members of the Opposition—and, in fact, when we were the Government he chided the Government—that the workers, or their representative, would only take action through the Workers' Compensation Act in the event of an accident to a worker instead of taking civil action against an employer if negligence could be proved. I want to ask the Minister how negligence can be proved against the employer when the representative of the employees does not have the right to visit the scene of the accident to inspect it, and with a view to interviewing witnesses.

Another aspect of that matter is that there is no provision in the Bill to prevent the owner of a factory or any other establishment mentioned in the Bill from interfering with the appliances, or making alterations at the scene of the accident after it has taken place. The clause merely states that the employer shall notify the inspector as soon as possible. It does not state the time when he shall notify the inspector after an accident has taken place. If such a provision were in the Bill it would not be creating a precedent, because a similar provision has been in the Mines Regulation Act for many years. That Act sets out a great deal of procedure regarding accidents that occur in a mine, and by virtue of the nature of the mining industry serious accidents happen all too frequently.

For the information of the Minister, it might be pertinent at this stage to refresh his memory on some of the provisions of the Mines Regulations Act. He should be acquainted with this legislation, because I know he spent some time in the mining industry. In regard to accidents, the Mines Regulation Act provides—

The manager shall, on the occurrence of any accident in the mine involving loss of time to the worker concerned, give notice thereof to the inspector or in the absence of the inspector, to the warden or mining registrar or Under Secretary for Mines and to the Secretary of the mining branch of the body known as the Australian Workers' Union, Western Australian Branch, Industrial Union of Workers

at Boulder in the State, within one week from the occurrence of such accident.

I will not go to the trouble to read those sections which provide that when a serious accident takes place nothing at the scene of the accident shall be moved or interfered with until an inspection as been carried out.

There would be nothing unusual in inserting in this Bill a provision such as that. It would not need to designate any particular union, but it could provide what another section of the Mines Regulation Act provides on accidents. This section reads as follows:—

A representative of an industrial union of workers, representing the particular workers concerned, shall, subject to the regulations, be entitled to examine the place where the accident occurred, and may appear at inquiries held respecting mining accidents, and shall have the right to call and examine or cross-examine witnesses.

I suggest that this very necessary provision should be in the Factories and Shops Act, dealing as it does with so many industrial matters and with many establishments where accidents can be expected to occur. I would point out that the body that is constituted under the Mines Regulation Act to inquire into a mining accident, has all the powers of a court of petty sessions under the Justices Act, 1902. The relevant provision in the Mines Regulation Act goes a good deal further than the provision in this Bill which only provides for an inquiry to be held.

Another section of the Mines Regulation Act provides—

The place in which any serious accident has occurred shall not be interfered with, except with a view to saving life or preventing further injury, without the written permission of the inspector or of a person appointed by the warden or mining registrar under the provisions of section thirty-two or, where the accident has proved fatal, until the coroner has granted permission.

Over the years, that provision in the Mines Regulation Act has worked extremely well indeed. I have firsthand knowledge of it because on many occasions I have appeared at the inquiry as the representative of the workers when an accident has taken place. Without such an inquiry being held, and if the workers' representative did not have power to inspect the scene of the accident, the injured worker, or his relatives, would have a remote chance of obtaining the necessary evidence to proceed successfully in a civil court to obtain damages from his employer when negligence could be proved.

We know also, of course, that unfortunately such cases do happen. We have had them happen in the mining industry where, by and large, the managers of the mines are conscious of their duties and their responsibility to do all in their power to prevent accidents from happening. Over the years we have had, unfortunately, from time to time, cases where negligence has been proved on the part of the employer, which negligence has resulted in a serious accident, and indeed sometimes has resulted in the loss of the life of the employee.

This Act has a wide scope in regard to factories; and considering the large number that are in existence and will come into existence in the future, in my opinion, the Act will not by any means be complete if it does not contain the provisions of the Mines Regulation Act in regard to accidents, and the right of the accredited workers' representative to inspect the scene of an accident and also appear at any subsequent inquiry to examine and cross-examine witnesses with a view to protecting the particular injured worker's interests.

I am surprised that this provision is not in the Bill, because at least one prominent member of the Government—the Minister for Industrial Development—has said in this Chamber on more than one occasion that workers are too prone to accept the benefits of workers' compensation without taking the necessary steps, where circumstances warrant, to proceed against the employer and obtain damages through a civil action, for negligence, where it has occurred. I think the Minister has been lacking in his duty in not bringing down a Bill to amend the Industrial Arbitration Act to provide for the inspectors mentioned by him. He said in passing that it is his intention to introduce such an amending Bill; but because he has not yet done so, it places us in the position of not being able to have an informed opinion on the projected measure.

It is important that this should be done, because we know that under the Factories and Shops Act in the past the inspectors did carry out a lot of industrial work; and in the outer areas of the State there is a small number of workers who are not covered by awards. We have awards in this State that are confined to workers in a certain area—the metropolitan area, or the South-West Land Division—and if an award is not made a common rule, we find small numbers of workers in the country who are not covered at all.

Previously these workers were covered under the Factories and Shops Act; and, in addition to that, where a union has an award for just a particular area, it has no jurisdiction outside that area and cannot take proceedings against the employer to have him pay his employees an

adequate wage, or a wage commensurate with what is being paid in an area where the arbitration award is in operation.

I have known of cases, from time to time, where the factories and shops inspector has found that people have been underpaid—in some cases, grossly underpaid—and he has been able to persuade the employer to pay what he considered to be a reasonable amount; and in other cases where the employer has been obstinate, he has been able to take action in the court against that employer, and the employer has been forced to pay an adequate wage.

Until we know what the Minister intends to include in the Bill which he is going to bring down to amend the Industrial Arbitration Act, we are completely in the dark as to what powers will be given to these inspectors whom he proposes to appoint and who will take over the job of policing awards and the remuneration of employees, which was previously done under the old Factories and Shops Act. It would have been quite easy for the Minister to introduce the other Bill to allow members to peruse it in conjunction with this Bill so that they could form their opinions in the light of the two measures.

There is one provision in this Bill—I do not recall the previous speaker mentioning it—which is absolutely priceless, and shows that this Government is not sincere in what it proposes to do. If one reads through the Bill, one will see the requirements that an employer or an owner of a factory has to meet, and the penalties that are laid down if they do not do these things.

The inspectors seem to have very wide powers. On pages 16 and 17 of the Bill we find that—

an inspector may at all reasonable hours by day and night—

- (a) enter, inspect and examine any place used or intended to be used, as a factory, shop or warehouse;
- (b) call to his assistance any member of the police force where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties;
- (c) question either alone or in the presence of some other person with respect to matters under this Act, any person he finds in or on any place referred to in paragraph (a) of this section or whom he has reasonable cause to believe to be, or within the last preceding two months to

have been, an employee of the occupier of the place, and require that person—

- (i) to answer any questions put to him by the inspector; and
- (ii) to sign a statutory declaration of the truth of his answers;

It then goes on for a page and a half defining more powers of the inspector, and what he can do to people, and what he can require them to do. Then we find this provision, which is absolutely priceless, tucked away in the Bill. It says—

A person shall not be required, under the authority of this section, to answer any question or give any information tending to incriminate him, and before any person is questioned by an inspector pursuant to this section the inspector shall advise the person accordingly.

I know perfectly well that under the Criminal Code a person is not required to answer certain questions if he feels they are going to incriminate him. He is protected to that extent. Why give an inspector the power to ask these questions and then say a person need not answer them if he feels the answers will incriminate him in any way?

The way this Bill is drafted, we could find that when an inspector asks a simple question it could be said to him, "I refuse to answer that question because it may incriminate me." Just imagine what the position would be in a case where someone was being underpaid, and that person's employer was not complying with the provisions of this proposed Act. That employer would refuse to answer any questions put to him by the inspector. In fact, if an inspector, in opening the conversation, mentioned that it was a fine day, the employer concerned could feel he should not answer that question or make any comment. Therefore, the powers of the inspector under that provision are not worth the ink they are printed with.

There are other provisions in this measure with which I can find fault. However, as was mentioned by the previous speaker, there are amendments on the notice paper; and when this Bill is in the Committee stage—if it reaches the Committee stage—we will have an opportunity to debate these particular points.

In general, I think this Bill is something of a confidence trick. It is supposed to do certain things, but it will not do those things; and I am of the same opinion as the member for Mt Hawthorn, that it is just a cover-up to give a license to some people to trade at any hour of the day or night they wish.

It must be remembered, too, that there are people who are prepared even now—they have been breaking the law for a long

time with impunity—to trade long hours. Apparently when it suits this Government, people can break the law in any manner they see fit. For some reason or other the factories and shops inspectors who operate under the present Act appear, to say the least of it, to have been hamstrung in the carrying out of their duties, because we see the law being broken with impunity.

It must be remembered there are some people who enter into a small business without any regard for a decent standard of living, or any desire to observe reasonable hours of trading. They take on these businesses in order to make as much money as possible in as quick a time as possible, and then they get out of the business and probably go into another where they are able to live in the reasonable manner in which ordinary human beings have a right to live; and they do not trade during all the hours that are available.

In the metropolitan area I have seen people trading until the small hours of the morning. When they trade late, they do not trade in the commodities they are permitted to sell outside of the ordinary hours; they trade in anything they have in the shop to sell, so long as somebody has the money to pay for it. It is not a question of closing down at midnight. I have seen some open until 1 a.m.

I used to reside near a shopkeeper who closed at midnight; and if he heard a motorcar pull up outside his shop, he would open the doors, probably to sell something to eat. Somebody was probably returning home from a party and felt hungry, because the party was probably one of those that had liquid refreshments and not much to eat. This person probably had an appetite and wanted to buy something on the way home. I know of that case from my own personal experience.

Those particular people do not intend to carry on working for the rest of their lives in that business. They intend to make as much money as they can in a short time and then get out of the business. It is to the disadvantage of other shopkeepers who believe that they should do a day's work and then close up their shops; that they should knock off work like other people, and have a bit of time to themselves and with their families. However, they are compelled, from self-interest, to open their shops when the man down the street has his shop open at all hours of the day and night. With those comments I reserve the rest of my criticism for when we get into Committee.

**MR. FLETCHER** (Fremantle) [8.46 p.m.]: I take exception to certain portions of the Bill. Unlike the member for Mt. Hawthorn, who is in charge of the Bill on this side of the House and who is in process of preparing amendments to

the measure, I do not propose to take up much time of the House. However, I am pleased to notice that penalty rates are retained. The measure seems desirable in that respect. Other award conditions are retained. I would point out, however, that under the old legislation penalty rates were supposed to be maintained and protected, but in fact they were not; and there is no guarantee that this Bill will achieve anything more in protecting awards and conditions.

I recently asked a question of the Minister, who very carefully avoided answering it. My question was relevant to the Bill. I knew the Bill was being prepared and I attempted to prepare some relevant material. However, the Minister carefully frustrated my attempts in that respect. My question was asked on the 11th October, and was as follows:—

- (1) Will he make available to the House the total known figure of underpayment of wages by employers against whom proceedings were taken for recovery during the years 1960-61, 1961-62 and 1962-63?
- (2) What number of employees was affected?
- (3) What number of employers was involved?
- (4) What was the largest individual amount of short payment during each of the years mentioned?

The Minister replied—

- (1) to (4) This information is available in the Western Australian *Industrial Gazette* issued by the Crown Law Department and published quarterly.

I consider that the answer was discourteous. I will admit that the information was available had I cared to seek it, as suggested. But I sought the information because I wanted to ventilate the matter in Parliament of underpayment of wages which is being indulged in despite the requirements of the Act.

The member for Mt. Lawley quite rightly took me to task recently for making assertions against certain employers. Here, I had in my grasp the opportunity of demonstrating that there were certain employers who contravened Acts of this nature; but the Minister carefully protected himself by evading my questions.

I rise to speak to this Bill as a result of meeting factories and shops inspectors. They are under bond to the extent of something like £100 not to reveal information, so naturally I will not mention their names. However, they brought up certain points, including the fact that Mr. Warman had, since December, 1962, been rewriting the Factories and Shops Act; and we see

the Bill before us this evening. There must have been knowledge of what was being attempted. One of the inspectors—

Mr. Brand: Where did you meet them?

Mr. FLETCHER: —told me that a high officer in the Department of Labour alluded to his work as being "silly police work." He implied that it was silly police work for the inspectors to go into factories and look for contraventions of awards and conditions. I was told that the figure per year for underpayment of wages is £10,000.

I was seeking that information from the Minister. I could not receive it because the Minister knew that it would compromise the Government if the information were given in this House.

The purpose of this Bill is, in part, to strip those inspectors of the authority which they previously had to investigate this type of case and to take a case to court. It is proposed to create industrial inspectors. That is an innocuous name, but it is significant. Factories and shops inspectors have, in the past, been able to police the Act to the satisfaction of the trades unions and they are now likely to be stripped of their authority as a result of this measure. In that respect the Bill is undesirable.

Another point raised in discussion was that supermarkets employed juniors and immediately those juniors reached the age when they required increased wages, they were replaced by other juniors. That situation is likely to now become more prevalent with the small shops now allowed to open in the evening when the supermarkets are closed. The inspectors suspect that the practice of replacing juniors when they reach a certain age will increase if supermarkets find that their profit margin is being affected.

Union officials will be handicapped as a result of authority being taken away from inspectors. I would point out that recently an organiser of the Federated Engine Drivers and Firemen's Union was escorted off Australian territory at the V.L.F. polaris submarine signal base at North West Cape. That incident is well known within the trade union movement, and I believe the incident was reported in the Press. If that is so, it shows that a union official may be escorted off the premises. But under the Factories and Shops Act an inspector would be able to enter such territory and investigate a situation or industrial conditions that were supposed to prevail there.

I propose to mention the case of another employer. I will not mention his name, but as a consequence of underpayment of award rates that man finished up in the lock-up in Perth. He was not sent to Fremantle gaol. Recently the member for Beelo commented, "Yes, complete with television set". The man to whom I am

referring was made comfortable in the Perth lock-up, although he was there for underpayment of wages. I am wondering whether because of the zeal which factories and shops inspectors displayed in preventing such malpractices they are now paying the price for their zeal.

On the eve of investigations into car dealers' activities, the car dealers were informed that investigations were pending. That was on the eve of policing certain trade practices that were being indulged in by car dealers. It is significant that the Department of Labour made known to these dealers the fact that Factories and Shops Department investigations were pending. Here is one department playing off against another. It looks as though the Department of Labour is going to usurp the prerogative of the factories and shops inspectors.

I now propose to deal with the measure as it affects chemists. I was approached by a chemist in the Fremantle area. That chemist is working for a big undertaking in the main street of Fremantle. Again, I will not divulge any names. He gave me certain information to be made known to the House in opposition to what the Bill proposes. He and many other chemists advocate a rostering system. I quote the following from the Federated Pharmaceutical Service Guild of Australia. It is headed "Chemists Roster for After Hours Service", and reads as follows:—

Dear Member,

In order to bring you up to date on our activities regarding the Government moves to extend trading hours, Mr. Geoff Tennyson our Federal Public Relations Officer and myself met the Minister for Works, Mr. G. P. Wild for an informal discussion.

At our meeting the Minister appeared to be committed to a policy of extended hours, in preference to our suggested roster system. He stated that he intends to legislate for an extension of hours to 8.30 p.m. for Chemists who wish to extend their trading to that hour and then allow any Chemist after 8.30 to supply urgent medical requirements. Mr. Wild when pressed defined urgent medical requirements as a doctor's prescription.

However, from information obtained we believe that Cabinet has now considered including urgent medical requirements as well as prescriptions in its extended hours trading bill. Urgent medical requirements would mean almost anything in a Pharmacy.

The Minister was the first to point out that his Government has only a majority of one, and is under pressure from a number of sources to extend trading hours generally.

It is up to you now as Members of this Guild to exert pressure on this Government to protect your trading rights as a free enterprise Chemist.

We ask you to personally state our case to your local member and to emphasise the seriousness of the position where a Liberal and so called Free Enterprise Government is taking steps to disrupt the trading activities of an important section of the community—the Chemists.

The Guild believes that by offering a widespread rostering service that it is protecting its professional reputation and doing a service to the community.

The roster service is intended to offer this:

- (a) 40 zones in the metropolitan area open from 7 p.m. to 9.30 p.m. This would mean that no patient would have to travel more than 2 miles to a roster pharmacy.
- (b) The Guild intends to provide an emergency telephone answering service so that patients can obtain the location of the nearest rostered Pharmacy.
- (c) Notices will be placed in Pharmacy windows and Doctors' surgeries showing the location of the nearest roster pharmacy.
- (d) In the case of a patient being too ill to personally call on a rostered pharmacy for urgent medicine the doctor can arrange to have it delivered.
- (e) Should a roster be required in any of the larger country towns an application by the Chemists concerned to the Minister would be all that should be necessary.

It would be a retrograde step if Pharmacy was forced to revert to the longer hours which our predecessors fought so hard to have reduced. It is now up to you as an individual to fight to have the roster system introduced. Contact your member and put your case to him.

Yours faithfully,  
G. D. T. ALLAN,  
President.

As a consequence I am doing just that. I was approached as a member and requested to give this information to the House. There are also some further

matters which I wish to make known, in part. This information is dated the 31st October, 1962, and it reads—

#### • Rostering of Pharmacy

On November 8th a general meeting of pharmacists will be held to discuss the possibility of rostering pharmacy for emergency prescriptions.

We, the undersigned, are only a few of the chemists who feel that rostering by legislation is the only answer to the chaotic position that pharmacy is in, and if the present trading hours remain, then pharmacists will be forced into working longer and longer hours to preserve their goodwill.

Let me interpolate here that this Bill will break down what we on this side have been trying to maintain regarding hours and decent working conditions for those we represent. We say that as far as pharmacists are concerned this Bill will be breaking down their working hours and conditions. Another paragraph reads—

Service means to give something freely without thought of reward. Would those pharmaceutical chemists who claim to give "service after hours" continue to practise if they did not receive ample remuneration for so doing?

I have figures here to demonstrate that apparently the all-night chemists do very well out of this all-night trading, because the TV time spent in advertising is considerable, and that cost must go on to the price of the commodities sold and, as a consequence, make those items dearer to the public. Another paragraph reads—

Roster systems have operated successfully in the Midland and Fremantle areas, and have proved practicable. Neither the doctors nor the public have been confused as to whom the roster chemist was—in fact, doctors welcome the fact that they know exactly who is on duty.

I should like to show members the type of card that is exhibited in chemist shop windows, and in doctors' surgeries for the benefit of the public. Another paragraph reads—

Rostering by mutual consent among the pharmaceutical chemists would have been more dignified than by legislation, but unfortunately for obvious reasons impracticable in W.A. Such conditions could not arise in Melbourne where the law is adamant that pharmacists must close at 6 p.m.

The final paragraph reads—

In conclusion, we ask you to give this matter your urgent consideration—one way you will have dignified and professional status and the other way you will join a vicious rat race to survive.

I refer members to those last words—a vicious rat race to survive. This Bill will take away from chemists the dignified and professional status that they have had and reduce them to a position where they are forced to sell cosmetics, cameras, trinkets, and Christmas presents to make a living. This is brought about because other members of their trade or profession are indulging in all sorts of ridiculous hours, extending into the early hours of the morning, and sometimes for all night.

I did undertake to make available to the House the type of card displayed under a rostering system. This system has worked beneficially in the Fremantle area. The card I have, and which is displayed in chemist shop windows, and in doctors' surgeries is about 14 in. by 10 in., and this one says—

Dispensing Service  
Duty Chemist  
This week Monday to Sunday  
Beacon Pharmacy  
M. J. Crawford,  
89 Hampton Road,  
Beaconsfield.  
Hours 7.30 p.m. to 9 p.m.

That card was displayed in every chemist's window in Fremantle, and also people attending the doctor could see from the card at the surgery who was the duty chemist for the week.

Another card, which was sent to all doctors in the Fremantle area, reads—

Emergency Pharmacy Service  
Monday 5th August to Sunday 11th  
August.  
Gibson's Pharmacy  
114 High Street, Fremantle,  
Hours 7.30 to 9 p.m.

I read those cards to discount the propaganda which is used to support the case for all-night chemists. I submit that these chemists are not necessary when a rostered chemist is available for those really in need.

The same chemist made available to me a form showing a doctor's emergency drug supply, and if a doctor is called out on an emergency case he has these various drugs in his possession. They are the basic requirements of every doctor and are to be found in every doctor's bag. The excuse used by all-night chemists is that they have to be open in cases of emergency. But if there is an emergency, and a doctor is called in, he has these emergency supplies in his possession. The list is set out on the form I have, and it shows various sulfanilamides and other antibiotics in injection and tablet form. There is an adequate supply in a doctor's bag for every emergency, so the excuse that night chemists have to stay open all night for such emergencies is not valid.

I also have with me a proposed rostered area in map form showing something like 40 areas which could be made known to

the general public and advertised by way of cards, which I have shown members, displayed in chemist shop windows and doctors' surgeries.

I did think of reading to the House the amount of TV time spent on advertising all-night chemists. The information I have received from a chemist in Fremantle is that the TV time at £9 a night, costs £63 a week. I have no way of proving whether that information is right or wrong. I do not know how he settled on a figure of £63 for advertising for all-night chemists, but presumably at £9 a night it costs £63 every week, and that goes on to the price of the articles sold. I think that is a very undesirable feature, particularly if this Bill is going to perpetuate that sort of thing.

Surely we are being over-charged already! Here is another point made by this Fremantle chemist. Although he admits that the proprietors of some all-night chemist shops are living upstairs, others are not even on the premises. Naturally I have no way of proving whether this information is right or wrong, but that is what this chemist asserts. He said that they are paying their employees £1 an hour up to 11 p.m.—and do not ask me to prove it because I do not know; but that is what the chemist told me—and for the remainder of the night the chemist who is on duty is paid £1.

One chemist in Fremantle employed a young qualified chemist who did indulge in this practice. He was anxious to make money in a hurry to set up in his own shop. This young fellow worked all day in Fremantle and then at night he went to this all-night chemist under the conditions I have just outlined. Consequently, when he went back to work in Fremantle next morning he was very sleepy; and, quite frankly, I would not like him to make up a dangerous prescription for me, because he would be too sleepy.

That is the sort of thing that the Bill continues to make possible. The malpractices that are indulged in now, are contraventions of industrial awards and conditions. This Bill is not merely likely to perpetuate them, but would certainly do so. I object to the Bill, not only because of what is in it but also because of what is not in it to protect the public against the practices I have outlined.

There was a roster system operating in Fremantle from the 17th August, 1959, to the 13th January, 1963, but it ceased because a newcomer to the town started a 24-hour service. There is quite a history to the background, but I shall not weary the House with it. However, it turned out in the finish that in Fremantle the various chemists competing one with the other were watching each other from their doorways to see what trade each of them was doing, simply because there were no customers in their shops after 9 p.m.

I think chemists should and can be placed on a rational basis, such as the one I have mentioned, under which a roster system can be inaugurated and cards such as I have illustrated placed in chemist shop windows and doctors' surgeries to advertise for the benefit of the general public who is the particular rostered chemist open for the week. The chemists in Fremantle, and the people themselves think that it is the same thing to do to put all chemists on a roster basis. I undertook to make this information available to the House, and I have done so. In the process I have also pointed out that there is no prospect of factories and shops inspectors being able to do their jobs as they have in the past in policing industrial awards and conditions. As a consequence, I see a likelihood of this Bill stripping them of all or at least some of their power, and to that extent the measure is undesirable.

**MR. WILD** (Dale—Minister for Labour) [9.12 p.m.]: I listened with some attention to the spokesman for the other side when he spoke to this Bill: I refer to the member for Mt. Hawthorn. I would say that he must have had a sleepless weekend from the sound of his speech. He was all over the place like a yo-yo, and did not present his usual type of level-headed speech. He jumped all over the place from clause to clause. Consequently, it was very difficult for me to take any notes to enable me to give him a fairly reasonable sort of reply.

However, I think I should reply to one or two of the points he raised before we get into Committee, and one which is worthy of comment was the question of the Chief Inspector of Factories and Shops. He implied that the chief inspector had come under the hand of the Government when he was seconded for some months. Let me clear up that point here and now. He was seconded to do this job and I do not suppose I would have seen him on more than two occasions during the five months he was working on it.

From the Government's point of view all we asked was that he ensure that certain principles were followed, and in the main the Bill was to bring the factories and shops legislation more into line with 1963 thinking regarding services to the public. That is the predominant feature of the legislation.

The Bill is the outcome of many deliberations which the chief inspector had with the various committees set up with representatives from the Employers Federation, the Chamber of Manufactures, and the Trades Hall. As the honourable member well knows, they were in it almost from the start—and the chief inspector gave them credit for it—and as a result we will now have a factories welfare board. That is one of the things which has come out of modern thinking, and as a result this Bill is before the House.

I should like to mention a point about its flexibility and the question of regulations and allowing the committee to recommend changes in hours. The member for Mt. Hawthorn talked about seaside resorts.

**Mr. W. Hegney:** So did you.

**Mr. WILD:** He talked about Cottesloe and Scarborough. But I would like to mention the position at Mandurah earlier this year: I think it was during the Easter holidays. How stupid it is when people have to come to a Minister and he has to sign regulations not allowing shops to be open on Saturday mornings at a place like Mandurah where, over the holidays, there are 12,000 or 13,000 extra people. How ridiculous! But I was a party to it, and I had to sign the regulations, because the Act said I had to do so. They had no elbow room, and were unable to move. This legislation is made flexible, and that is the idea of having the committee.

I was rather disappointed to hear the member for Fremantle say that he had been talking to officers of the department. I do not think that is very nice. It places the officers in a most invidious and stupid position, and makes them equally culpable with the honourable member. The least said about that the better.

**Mr. Fletcher:** They try to protect the people.

**Mr. WILD:** As I have remarked, the least said about that the better. I was also twitted about the change of front over the petrol trading hours. Let me again make that clear. If members look at the past debates in *Hansard* they will see that the reason why the Government did not agree to this matter was that the petrol people came to me and asked me to allow them to charge 2½d. extra for petrol sold in the roster hours. I said that had nothing to do with me. After having observed the workings of this Act for 4½ years, and having spoken to numerous people, and having used petrol myself on Sundays, I was firmly of the opinion that if we were able to get more roster stations it would be reasonable for them to close.

**Mr. Davies:** That is what we offered you last year.

**Mr. WILD:** That may be so; but they wanted to charge 2½d. extra.

**Mr. Davies:** Your excuse was not valid last year, and it is not valid this year, either.

**Mr. WILD:** When the member for Mt. Hawthorn spoke to the Bill he was all over the place. I think it would be preferable if we allowed the measure to get into Committee, at which stage the member for Mt. Hawthorn will be able to get his teeth into the 20 or 30 amendments which he has handed me. The honourable member has had a week in which to consider this Bill, and I regret he did not place the

amendments on the notice paper. Perhaps he had a difficult time over the week-end, and so at the eleventh hour he hands me amendments which he wants inserted.

Mr. Graham: You know there are party meetings and things like that.

**Question put and passed.**

**Bill read a second time.**

### *Committee Stage*

**MR. WILD** (Dale—Minister for Labour) [9.19 p.m.]: I move—

That the Speaker do now leave the Chair in order that the Bill may be considered in Committee.

Mr. W. HEGNEY: Perhaps I could explain the reason why the amendments were not handed in earlier.

The **SPEAKER** (Mr. Hearman): The honourable member cannot speak now. The motion is that I do now leave the Chair.

Mr. W. HEGNEY: Can I not speak on that? Can I not give reasons why I do not agree to the question before the Chair?

The **SPEAKER** (Mr. Hearman): The honourable member will have to stick to that very closely.

Mr. W. HEGNEY: I am in complete unison with you there, Mr. Speaker. I was only able to have these amendments finalised this afternoon.

The **SPEAKER** (Mr. Hearman): That has nothing to do with my leaving the Chair.

Mr. W. HEGNEY: I think it has; but if you, Sir, decide otherwise, I will wait until you have left the Chair.

**Question put and passed.**

### *In Committee*

The Deputy Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Wild (Minister for Labour) in charge of the Bill.

**Clause 1: Short title—**

Mr. W. HEGNEY: I was only able to finalise these amendments after consultation with the appropriate bodies, including members of the Opposition. I thought the Bill would not reach the Committee stage this evening, and that the amendments would be placed on the notice paper for tomorrow, thus giving the Minister and his officers time to consider them. It was not intended to take the Minister by surprise by handing him these amendments.

**Clause put and passed.**

**Clauses 2 to 4 put and passed.**

**Clause 5: Interpretation—**

Mr. W. HEGNEY: I move an amendment—

Page 5, line 6—Delete the word "four" and substitute the word "two".

I think that where two or more people are engaged in work they should come within the purview of this Act. Provision could be made later in the Bill for an undertaking which was not a factory within the meaning of this clause to be regarded as such by gazettal or proclamation. This would be subject to review by Parliament.

Mr. **WILD**: I oppose the amendment. The honourable member had many years in which to change this while he was Minister. Surely two people cannot be considered a factory! I think four people are sufficient. The number should be increased rather than decreased.

Mr. W. HEGNEY: In principle the Minister has already agreed to this.

Mr. Wild: I have not.

Mr. W. HEGNEY: I would refer the Minister to clause 6 of the Bill.

Mr. Wild: That refers to special cases. Why didn't you amend this in the six years you were Minister?

Mr. W. HEGNEY: Some years ago I tried to amend sections of the Act; but the Minister for Labour, together with the Minister for Industrial Development, and others, refused to agree to the provisions of the Bill, and it was defeated in another place.

Mr. Wild: Did you try to amend this?

Mr. W. HEGNEY: There was a time when the definition of factory was more conservative, and I think we should accept two people as constituting a factory.

**Amendment put and negatived.**

Mr. W. HEGNEY: I move an amendment—

Page 6, line 17—Delete the word "four" and substitute the word "two". The Minister has spoken about the welfare of people. This will attend to the welfare of people working in sandpits and claypits. It will give the inspector authority to inspect, and if there is any danger relative to a particular pit he will be able to ensure the safety of those working in it.

Mr. **WILD**: This is getting stupid; and for the reasons I gave previously I oppose the amendment.

Mr. **TOMS**: I wonder whether the Minister is losing sight of the fact that this deals with claypits and sandpits. Not so many years ago 20 employees were required to work a sandpit or a claypit; but with modern machinery only two men are now necessary.

**Amendment put and negatived.**

Mr. W. HEGNEY: I move an amendment—

Page 9—Delete the interpretation "the Secretary for Labour" in lines 30 to 34 inclusive.

My purpose is that the Chief Inspector of Factories should administer the Act. It is true the Secretary for Labour is the head of the Department of Labour, but I suggest it is most necessary that the Chief Inspector of Factories be the spearhead in administering the Act. He is a highly qualified officer, who understands the ramifications of factories and shops, and he would be the appropriate officer to administer the Act. I do not think the appropriate officer is the Secretary for Labour.

Mr. WILD: The whole basis of this Bill is to have the Secretary for Labour as chairman of both the proposed committees, and he is to be responsible to the Minister. In practice, the Chief Inspector of Factories will be the officer to look after the implementation of the Act. I have to insist that the Secretary for Labour should be responsible directly to the Minister and should be chairman of the two bodies, and I cannot agree to the amendment or to similar ones following.

Mr. J. HEGNEY: I support the amendment. Over the years, ever since the Act came into force, the Chief Inspector of Factories has been in charge of the department; but under the Bill it is proposed to place the Secretary for Labour in charge. No reason has been given by the Government for deviating from the practice which now operates.

The Chief Inspector of Factories would be the officer most conversant with the activities of this law. The Secretary for Labour has a multiplicity of duties, apart from the administration of the Factories and Shops Act as proposed in the Bill. In view of the experience of the Chief Inspector of Factories he is the appropriate officer to be appointed chairman of the two committees, and head of the department. In no other State in Australia has the Chief Inspector of Factories been replaced as the head of a similar department.

The proposal in the Bill is a retrograde one because the chief inspector is a specialist in this line, and he has the necessary experience and knowledge to make this Act workable. Even if the Secretary for Labour were appointed as head of the department he would have to depend on the advice and experience of the chief inspector.

Mr. W. HEGNEY: In another portion of the Bill, one provision seeks to relegate the Chief Inspector of Factories to a very insignificant position. Under the Act at present the powers of the chief inspector are defined, and he is charged with the administration of the Act. For that reason he should be appointed chairman of the two committees proposed in the Bill, and should be given the responsibility to safeguard the conditions in factories.

If the Secretary for Labour is appointed as chairman, then the chief inspector will be subservient to the proposed advisory committee; and in that event, although he is empowered to act under the provisions of the Bill, his recommendations could be overridden by the proposed advisory committee.

Another provision in the Bill confers regulation-making powers on the committee for prescribing and proscribing the activities of the Chief Inspector of Factories, and those working under him. The appropriate officer to administer the Act is the chief inspector, especially in these days, with the number of factories and shops increasing. An officer with the knowledge, training, and experience of the chief inspector would be the most suitable one to administer this law; and the best interests of factories, employers, and workers would be served by appointing the chief inspector to the main position.

Mr. DAVIES: I support the amendment. The Secretary for Labour has a very onerous duty in administering the Department of Labour, but the Bill seeks to impose extra duties on him, and that is grossly unfair. Apart from that, I do not think he would bring to the new position any specialised knowledge.

As the proposed factory welfare board is to be responsible for the health, sanitation, safety conditions, and general welfare of the workers, the most qualified person to act as chairman is the Chief Inspector of Factories because of his long association with, and experience of this legislation.

Under the constitution proposed in the Bill, neither the representatives of the trade unions, nor the representatives of the employers, need be qualified men. For that reason it is essential for the chairman to have the widest possible experience of these matters; and he should be the Chief Inspector of Factories.

The successors of the present Secretary for Labour, who will fill the position of chairman, need not have any training in the many facets of the work of the factory welfare board. If the Secretary for Labour were appointed chairman, in the future we could have the situation of three members of the board being appointed, with none having the requisite experience.

Amendment put and a division taken with the following result:—

Ayes—20

Mr. Davies	Mr. Kelly
Mr. Evans	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller)

## Noces—21

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. Mitchell
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Crommelln	Mr. O'Connor
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Wild
Mr. Grayden	Mr. Williams
Mr. Hart	Mr. O'Neill
Dr. Henn	

(Teller)

## Pairs

Ayes	Noces
Mr. Curran	Mr. I. W. Manning
Mr. Bickerton	Mr. Herman
Mr. Brady	Mr. Craig
Mr. Oldfield	Mr. Guthrie

Majority against—1.

Amendment thus negatived.

Clause put and passed.

Clauses 6 to 13 put and passed.

Clause 14: Inspector subject to Secretary for Labour—

Mr. W. HEGNEY: I had intended moving two amendments to this clause, but I will not move the first one in view of the reception a previous amendment received. I move an amendment—

Page 15, line 28—Insert after the word "Act" the words "including those of an industrial inspector appointed under the Industrial Arbitration Act, 1912-1952."

If this amendment were passed it would bring the powers and duties of inspectors in line with their present functions. During the second reading debate I pointed out the appropriate reasons why those powers should be retained. The Minister said that I jumped all over the place, but I think that all members—even those on the Government side—understood what I was saying and could follow me very closely. At least they had intelligent looks on their faces.

Mr. Brand: They always do have.

Mr. W. HEGNEY: I intend to insist on this amendment because it is vital in the interests of employees in factories and shops, and it is also vital to the proper administration of the Act. Up to date the inspectors have been able to protect the interests of the workers, many of whom are women and young children. The Minister might say that he proposes to appoint industrial inspectors under the Arbitration Act to do this work. If that is the case, in the first place it will mean a duplication of officials visiting factories and shops; and, in the second place, the present inspectors who were appointed and operate under the Act have the right to negotiate with the employers in connection with anything involving the workers; and if necessary, they can take action under the Industrial Arbitration Act. This is important.

If the Minister does intend to provide for inspectors under the Industrial Arbitration Act, I would like to know how

many he intends to appoint, and also what their functions will be. The number of inspectors has been reduced, but the number of factories and shops is increasing. The Minister need only appoint one inspector under the Industrial Arbitration Act in order to carry out his assurance. I refuse to believe that the Government is sincere in its desire to ensure the welfare of the women and young people in factories and shops. If it were sincere, it would not attempt to oppose this amendment; nor would it have excluded the provision from this Bill.

I would like the Minister to give the true reason why he has excluded this provision; and, if he is going to oppose this amendment, the true reason for his opposition.

Mr. FLETCHER: I would like the Minister to explain this to me also, and to inform us whether these inspectors will be retained and that merely their title will be changed, or whether their services are to be dispensed with.

I am wondering whether the Minister for Industrial Development is concerned because these inspectors have been zealously policing the awards and conditions under the Act. Perhaps the Minister considers that capital from overseas might regard the industrial climate as unsatisfactory in Western Australia if factories and shops inspectors are permitted to investigate too closely industrial awards and conditions and malpractices indulged in by private enterprise on occasions in this regard.

Mr. WILD: I am going to oppose this amendment. The reason for the exclusion of the provision was that when this legislation first came on to the Statute book there were no industrial inspectors. These were appointed at a later date. These inspectors are going to be retained by the department as welfare inspectors. The task of industrial inspection will be carried out under the auspices of the Arbitration Court, and not under this legislation. They serve a dual purpose at the moment, as members know; but under this legislation they will not.

On the question of welfare, I would remind the honourable member that not all unions have these inspectors. What about the building trades? They do not have inspectors to check up on correct wages. What about the union of the waterside workers? Do they have inspectors for this purpose? Of course they do not!

Mr. J. Hegney: There is a big difference between that union and the shops and factories workers' union—a mighty difference!

Mr. WILD: The members of the Opposition are not going to put me off that way. Those are the cold facts, and they know it. The union representative has a responsibility and will be made to stand

up to it. The factories and shops inspectors will not be industrial inspectors. If need be, we will appoint them under the Industrial Arbitration Act.

**Mr. W. HEGNEY:** The Minister says these inspectors are going to cease to serve dual functions. Then he says they are going to be welfare officers. Welfare officers on whose behalf? Whose welfare are they going to look after?

**Mr. Fletcher:** The employers' welfare.

**Mr. W. HEGNEY:** The employers' welfare as well as that of the employees.

**Mr. Wild:** Of course they are!

**Mr. W. HEGNEY:** If the Minister says they are going to be welfare officers and are going to look after the industrial welfare of those in factories and shops, is not one of the functions of inspectors to ensure that the correct wages under the law are paid? Of course it is!

The Minister then said that the provision for inspectors had not always been in the Act. That provision has been in the legislation for the past 26 years, and the very reason which prompted Parliament to include it was that in a number of cases correct wages were not being paid; nor were provisions regarding conditions being observed in factories and shops. Many of the workers involved were women and juniors who were being exploited. Yet the Minister says that the inspectors are going to deal with welfare matters and not industrial matters. Where will the line of demarcation be drawn? Is not the welfare of women and juniors working in factories and shops bound up in the rates of pay and conditions under which they work?

**Mr. Hawke:** Yes.

**Mr. W. HEGNEY:** Of course it is. I will give members one of the reasons why the Minister, on behalf of his Government, wants this provision deleted. It is because the factories and shops inspectors have been sincerely and conscientiously carrying out their duties. They have, when the circumstances have warranted it, taken action in the Arbitration Court against certain employers, and have recovered wages on behalf of the employees. The Minister has let the cat out of the bag, because I understand he issued instructions recently to the effect that the inspectors were no longer to take action in the court for breaches of the award.

He said that the waterside workers and the building trades workers take care of themselves. I will tell him that the waterside workers and the building trades workers are industrially strong enough to do so. However, that does not apply to the factories and shops workers, the majority of whom consist of defenceless women and juniors. These workers are merely to have welfare inspectors looking after them. How silly can the Minister

get? It is obvious that the Shop Assistants' Union is doing its best to police its award, but it is almost impossible for it to do so adequately. In the meantime, if this provision is excluded, women and juniors will be exploited and they will be able to do nothing about it. It is quite obvious from the Minister's attitude that the Government intends to do nothing in the interests of the workers in the shops and factories.

I believe also that if inspectors are appointed under the Industrial Arbitration Act they will be hamstrung in the same manner as the factories and shops inspectors are being hamstrung at the moment.

**Mr. DAVIES:** I cannot believe that any Government, including this one, would want to do away with protection for workers; but that is precisely what this Government is doing—showing a complete disregard for the workers—by taking away the main function of the inspectors.

The Chief Inspector of Factories, in his annual report for 1962, draws attention to the amounts of money his inspectors have been able to gain for the workers. He also says that the guidance of the Industrial Arbitration Court has had to be sought in some particularly difficult cases, whilst the task of a limited staff of inspectors has not permitted reasonable scope of investigation to discover a large number of unsatisfactory practices which include the keeping of doubtful time and wages records.

That is the report of the Chief Inspector, and I think it shows some concern because the department is not doing all that is possible to protect the rights in respect of hours and wages of the workers; and, as the member for Mt. Hawthorn has said, particularly the rights of women and children.

We know the Government does not favour unionism. We had earlier in the year an appeal from the hierarchy of the Liberal Party to the Government to take some action to stop compulsory unionism in any form. Now the Minister has the hide to stand here and say, "Go to your unions." He knows there are many people who do not believe in unions and only go to them when they find themselves in some kind of trouble. Because of the attitude that has been expressed from the Liberal Party headquarters in regard to compulsory unionism, this is a snide method of taking away some of the protection that the workers have enjoyed over the years. This provision takes the teeth completely out of the legislation as far as industrial inspections go. Surely the Minister cannot deny that welfare and industrial inspection go hand in hand!

If he proposes to do the work that is now being done by the factories and shops inspectors, then surely he must need the

same number of inspectors to do the same amount of work. This will mean added expense to the Government, and expense which need not be brought about if the Government would only allow the powers of the inspectors to remain as they are at present.

The most significant part of the Minister's reply to the member for Mt. Hawthorn is that the Minister gave no assurance that these inspectors would be appointed. He said that consideration would be given to the matter if need be.

If the Government were honest in its intention to maintain the protection which is at present afforded to certain classes of workers, it would readily agree to the amendment. Many kinds of workers are unable to be in unions because there are no unions to cater for them. The reasons for this state of affairs are many. It may be because there has not been someone with sufficient initiative to organise the workers into a union; or it may be that the number of workers is not sufficient to enable a union to be registered. Once this measure is promulgated as an Act there will be no protection for these people whatever. I support the amendment.

Mr. TOMS: I am not surprised that the Minister has declined to accept the amendment; rather am I disgusted at the attitude he has adopted on the clause. I believe his reply to the member for Mt. Hawthorn was given with his tongue in his cheek. For many years we have had a body of factory inspectors who have been able to do a marvellous job, particularly when we have regard for the limited number of inspectors. Now it is the intention of the Government to reduce those inspectors to welfare officers; and the Minister now says, "We will make the union secretaries do their job."

Will the Minister give this side of the Chamber an assurance that he will introduce a Bill to give the union secretaries and organisers the same right of entry and the same powers as are now vested in the factories and shops inspectors? I do not think he will give such an assurance. His utterances in reply to the member for Mt. Hawthorn were given with his tongue in his cheek. The member for Victoria Park hit the nail on the head when he said that this is a snide way of obeying the dictates of the hierarchy of the Minister's own party. Nothing could be further from the truth in regard to the welfare officer.

I believe this could be a two-edged sword which could eventually rebound upon the Minister's head, inasmuch as the honest businessman who has been prepared to obey the awards will find himself having to resort to snide practices because of the inefficiency of the administration of the Act.

The Minister claims we are not here to have industrial peace. That is one of the very things we want, and we believe we can get it by sane legislation and not by legislation adopted by a particular party irrespective of the effect of the legislation on employees or employers.

Mr. FLETCHER: A while ago I said that a union official was escorted from an industrial undertaking at the shortwave signal station at North West Cape. Yet the Minister, with his tongue in his cheek, says that the institution of these welfare officers will ensure that the union secretaries do their job.

I have given an illustration to the Minister of where a union official was escorted off the undertaking when he was trying to do his job in respect of investigating the award conditions. Will the Minister give this Chamber an undertaking that union officials will have the support of the Government and the Arbitration Court in regard to seeing that awards and conditions are maintained; and will he give an undertaking that the union officials will have the authority to go anywhere on any job in Western Australia to investigate the industrial conditions?

**Amendment put and a division taken with the following result:—**

**Ayes—20**

Mr. Davies	Mr. Kelly
Mr. Evans	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller 1)

**Noes—21**

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Mr. Mitchell
Mr. Cornell	Mr. Naider
Mr. Court	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Hart	Mr. Williams
Dr. Henn	Mr. O'Neill
Mr. Hutchinson	

(Teller 1)

**Pairs**

Ayes	Noes
Mr. Curran	Mr. I. W. Manning
Mr. Bickerton	Mr. Hearman
Mr. Brady	Mr. Craig
Mr. Oldfield	Mr. Guthrie

**Majority against—1.****Amendment thus negated.****Clause put and passed.****Clause 15 put and passed.****Clause 16: General Powers of Inspector—****Mr. W. HEGNEY: I move an amendment—****Page 18, lines 8 to 13—Delete sub-clause (2).**

The member for Boulder made reference to this matter during his second reading speech, and it is amusing to think that the Minister for Labour says that this measure is for the welfare of the industrial workers, and yet a provision such as this subclause finds its way into the Bill. Who is going to say when an answer will incriminate an occupier or employee? Who designed this clause?

Mr. Wild: If you look at the original Act you will find the wording is practically the same.

Mr. W. HEGNEY: It might be the same, but it is much different! That is the position.

Mr. Wild: That is your interpretation of it.

Mr. W. HEGNEY: There is no meaning in the existing Act equal to any meaning in this provision. I am going to move for its deletion because it would hamstring the inspector even more than the Minister thinks. I would like to know who designed this clause. It must have been someone who had a vested interest, or an interest inimical to the welfare of industrial workers.

Mr. WILD: For the benefit of the member for Mt. Hawthorn I would point out that the existing Act provides that no person shall be required to answer any question that will incriminate him. All the Parliamentary Draftsman has done is to open the provision out a little bit more so that—

A person shall not be required, under the authority of this section, to answer any question or give any information tending to criminate him, and before any person is questioned by an inspector pursuant to this section the inspector shall advise the person accordingly.

Is not that fair enough?

Mr. W. Hegney: No.

Mr. WILD: Anyway, I am not going to agree to the amendment.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 17 to 27 put and passed.**

**Clause 28: Renewal of registration—**

Mr. DAVIES: The existing Act provides that registration can be made up to the 31st December. Due to the Christmas and New Year holidays, it is not unusual for some time to be given to permit registration to be made, because these matters can be easily overlooked. I was wondering why the date had been altered in this provision, because it would cause some confusion when people are now used to registering up to the end of January.

Mr. WILD: I think the honourable member is under a misapprehension. I have both provisions here, and the one in the existing Act is the same as that in the Bill.

Mr. Davies: Thank you.

**Clause put and passed.**

**Clauses 29 to 32 put and passed.**

**Clause 33: Time and Wages book—**

Mr. W. HEGNEY: This clause deals with outworkers, the relevant provision with which I am dealing appearing at the foot of page 28. I propose to move an amendment to paragraph (c), appearing on page 29, by adding words after the word "payment". The position is that the rate of payment would not disclose the actual position unless the total amount for the particular work was known also. The amendments I propose deal with conditions for outworkers, and I think this first amendment is very necessary so that the actual amount which is paid for outwork would be known. I do not think there should be any objection to the amendment. I move—

Page 29, line 2—Insert after the word "payment" the words "and the amount".

**Amendment put and passed.**

Mr. W. HEGNEY: I move an amendment—

Page 29, lines 28 to 35—Delete subclause (9).

Regarding the powers and duties of inspectors, the position would be that if there were any alleged offence against the provisions of the Act and action were taken, the defendant would be entitled to give his evidence and state his case before the appropriate authority; that is, the magistrate. I do not think there is any need for this subclause.

Mr. WILD: I cannot see why the honourable member wants to take this subclause out of the Bill. Surely it is only common decency and British justice that if a man co-operates and indicates to an inspector that he acted in good faith without any intention to evade the provisions of the Act, he should not be convicted.

**Amendment put and negatived.**

**Clause, as previously amended, put and passed.**

**Clauses 34 to 40 put and passed.**

**Clause 41: Registration of outworkers—**

Mr. W. HEGNEY: I move an amendment—

Page 33—Insert after subclause (6) in lines 22 to 26 the following new subclause:—

(7) "A copy of every certificate of registration issued under this section shall be forwarded as soon

as practicable to the registered office of the appropriate Industrial Union of Workers."

I think that where outworkers are engaged the appropriate industrial union of workers should be advised. It is very difficult to keep track of outworkers. As this clause is designed for the welfare of workers, then I think this amendment should be accepted so that industrial unions would know what activities are taking place regarding outworkers.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 42: Prohibition of employment of other persons by outworkers—**

**Mr. W. HEGNEY:** I move an amendment—

Page 33, line 27—Insert the subclause designation (1) before the word "A"; and insert the following new paragraph after paragraph (b) in lines 32 and 33:—

(c) not directly or indirectly sublet the work or any part thereof by way of piecework or otherwise.

My amendment will prevent the worker from subletting work or any part thereof by way of piecework or otherwise. It is lifted from section 41 (3) (i) which reads—

No person to whom the work is let or given out as aforesaid shall—

(i) directly or indirectly sublet the work or any part thereof, whether by way of piecework or otherwise; or

I think it is desirable to retain that provision and I move accordingly.

#### *Progress*

**Progress reported and leave given to sit again, on motion by Mr. Wild (Minister for Labour).**

### **BILLS OF SALE ACT AMENDMENT BILL**

#### *Second Reading*

**MR. COURT** (Nedlands—Minister for Industrial Development) [10.33 p.m.]: I move—

That the Bill be now read a second time.

This is a very small Bill. It has already been considered in another place, and it is intended to remove an anomaly which arises out of the operation of the Companies Act, 1961-1962, in conjunction with the Bills of Sale Act.

The Bill is technical in nature. Its purposes are twofold. Firstly it will establish, with clarity, that where a future charge is given by a company the Bills of Sale Act has no application to that charge. Secondly, it will ensure that a security

given by a company prior to the commencement of the Companies Act, 1961, and registered under the Bills of Sale Act, will continue to be affected by the latter Act to a limited extent after it is registered under the Companies Act. It is as simple as that. It is purely to remove an anomaly that has developed between the Bills of Sale Act, and the Companies Act, 1961-1962.

**Debate adjourned, on motion by Mr. Evans.**

### **VERMIN ACT AMENDMENT BILL**

#### *Second Reading*

Debate resumed, from the 5th September, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

**MR. D. G. MAY** (Canning) [10.35 p.m.]: This Bill proposes to extend the ban prohibiting the trapping or shooting of rabbits during organised poisoning drives. The purpose of the ban is to protect people from consuming contaminated rabbits, animals, and birds. While I subscribe to the principle contained in the Bill there are a couple of points I would like clarified. It is unfortunate the Minister is not in his seat at the moment, but I would like to refer to section 102A of the principal Act which sets out—

(3) Where the Protection Board or a board of a district proposes to use, or specify under section ninety-eight of this Act the use of, poison or other means likely to endanger or be detrimental to human health or life, for the destruction of vermin in any part of the State, the Protection Board or board, as the case may be, shall cause notice to be published in the Gazette, the local newspaper or newspapers circulating in the area, and in such other manner as the Protection Board, or board considers necessary in order to notify the public of the proposal.

Subsection (1) of section 102A states that to take rabbits means to trap, snare, shoot or catch rabbits by any means except by poisoning. The amendment in the Bill seeks to substitute for the word "rabbits" the words "any animal or bird specified . . ."

I am a little concerned regarding the fact that the amendment has been altered to read any animal or bird specified in the notice. If there are any animals, or birds in the proposed poisoning area, and if they are vermin, the property owners should be given the opportunity to eliminate them. With the amendment it would mean that we would be referring to any animal or bird specified in the notice for human consumption. Let us take an example. Let us say there was an emu or

some similar creature which, of course, would not be taken for human consumption. That being so, why could not the property owner or anyone in the area dispose of that animal by shooting it?

Mr. Nalder: That is possible under the present Act. It shall not be taken for human consumption because it says the trapping of rabbits shall not be allowed for human consumption when there is a drive on, and that notice appears in the *Government Gazette*.

Mr. D. G. MAY: According to the amendment in the Bill rabbits will be deleted, and "any animal or bird" will be inserted. For instance let us take the case of a kangaroo. When the Minister was moving the second reading of the Bill he said that kangaroos have been known to eat bait put out for other animals during a poisoning drive. If that is the case we could have birds and small animals which are nomadic leaving the area and dying, and being consumed by a kangaroo or other animal, and if the kangaroo or other edible animal were consumed it would be detrimental to anyone who consumed it.

My idea is that people should be allowed to shoot or trap animals, unless those animals are to be used for human consumption. This point is not of great moment, because the taking of rabbits means the snaring, trapping, or shooting of them. The provision which now exists in the Act defines taking as the trapping, snaring, shooting, or catching of any animal or bird specified in the notice. I ask the Minister to inform me whether that aspect was given consideration when the Bill was being drafted. I am quite happy with the amendment proposed in the Bill, but I would ask the Minister to give consideration to the point I raised: namely, that if any animal or bird is shot it should not be used for human consumption. If that point were inserted into the Bill the position would be made clearer.

The other portion of the Bill to which I make reference is the provision which seeks to decrease the area for rating under the Vermin Act from 10 acres to five acres. Originally the area of 10 acres was suggested by the Taxation Department, to conform with the existing policy at that time. When this legislation was before the House last year it was the desire of members that the area be reduced to five acres. The amendment in the Bill is not contentious, because it will bring the acreage into line with that proposed by the Agriculture Protection Board. Other than the point I raised in regard to the shooting of animals or birds, the Bill is quite sound. It merely seeks to bring the Vermin Act into line with the Noxious Weeds Act.

MR. NALDER (Katanning—Minister for Agriculture) [10.44 p.m.]: I assure the honourable member of the justification for

extending the provision relating to the taking, shooting, or catching of rabbits. If the Bill is passed, and the Agriculture Protection Board considers that in a particular area other animals or birds, taken for human consumption, might have eaten a poison bait, it would recommend that such animals or birds be included in the exclusion. In that event no-one would be allowed to take or shoot the animals or birds prescribed during a poison drive.

Mr. D. G. May: Under the proposal in the Bill no one would be allowed to shoot an emu or a hawk during such drive.

Mr. NALDER: That is so. No-one would be allowed to do that if the meat was to be used for human consumption. The position is that any person can shoot or destroy vermin at any time; as a matter of fact it is the responsibility of the landholder to take or shoot any animal that is declared as vermin; but he is not permitted to do so if the animal is to be used for human consumption.

The proposal in the Bill seeks to include animals or birds other than those now specified, that might be used for human consumption. If the Agriculture Protection Board considers that an animal or bird might be taken—during a poison drive—for human consumption, it will prohibit the taking of such animal or bird in the area.

Several local authorities felt that under the provisions in the Bill no person would be allowed to proceed with a drive to rid the district of a particular vermin, but that is not the case. There will be no interference with a drive on vermin in any area, and I can assure the House on that point.

Mr. D. G. May: The rabbit is being deleted from the provision.

Mr. NALDER: Yes, for the purpose of including all animals and birds. There are two points involved in the Bill: One is to prevent people from going into an area where there is a poison drive, in order to take animals or birds for human consumption. In this respect, the Agriculture Protection Board wants to widen its powers.

Mr. D. G. May: In the existing Act rabbits are specified, and there is no mention of other animals. Now the provision is to be amended, but no particular animals or birds are specified.

Mr. NALDER: They will be specified by the Agriculture Protection Board.

Mr. D. G. May: Would it not be better to specify in the Bill the taking or shooting of animals or birds specified, for human consumption?

Mr. NALDER: That is the very intention of the Bill.

Mr. D. G. May: I cannot find anything to that effect in the Bill.

Mr. NALDER: I give an undertaking to the honourable member to have this point investigated; and if his view is correct, the Bill will be amended in another place. I thank him for his support.

**Question put and passed.**

**Bill read a second time.**

### *In Committee*

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

**Clauses 1 and 2 put and passed.**

**Clause 3: Section 103 amended—**

Mr. NALDER: I move an amendment—

Page 2, lines 20 to 30—Delete paragraphs (a) and (b) and substitute the following:—

- (a) by substituting for the words, "Protection Board", in line three of subsection (1), the words "Commissioner of Taxation";
- (b) by substituting for the word, "ten", in the first proviso to subsection (1), the word "five";
- (c) by substituting for paragraph (c) of the fifth proviso to subsection (1) the following paragraph—
  - (c) all land owned by, or vested in,—

- (i) any person, society or body and occupied, or used, exclusively for, or in connection with, any public hospital, benevolent institution, charitable purpose, mechanics institute, school of art, or any church, chapel or school attached to, or connected with, or the residence of a minister of religion ministering at, a place of public worship;

- (ii) a municipality or other statutory public body;

- (iii) a religious body; or

- (iv) an organisation formed and operating for a charitable purpose;

and

- (d) by substituting for subsection (2) the following subsection:—

(2) The Commissioner may, by one assessment, assess both the rate payable under the provisions of this section and any rate that is, or may become, payable under the provisions of the Noxious Weeds Act, 1950, and the sum of the two rates as so assessed, or, failing such assessment, the rate payable under the provisions of this section, is payable on demand and is recoverable as if it were land tax of which payment is in default.

This amendment is the result of a request by the Taxation Department. The idea is to group the assessment under the Vermin Act and the Noxious Weeds Act so that it will go out to ratepayers on the one notice. Members will note that in paragraph (c) (i) details are given of those bodies which will be exempt from this tax. The recommendations from the Taxation Department have been considered by the Parliamentary Draftsman and the Chairman of the Agriculture Protection Board. Therefore, I ask the Committee to accept the amendment as outlined.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Title put and passed.**

### *Report*

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

## **NOXIOUS WEEDS ACT AMENDMENT BILL**

### *Second Reading*

Order of the day read for the resumption of the debate, from the 5th September, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

### *Point of Order*

Mr. W. HEGNEY: Last year, Mr. Speaker, a Bill similar to this one was introduced by the Deputy Premier and the House, in its wisdom, decided that the Bill was not properly before the House. I now rise to point out that as this Bill

includes something other than the imposition of a tax, under section 46, sub-section (7) of the Constitution Acts Amendment Act, the Bill is out of order.

You will recall, Mr. Speaker, that last year the point was raised and a discussion took place as to the difference between a rate and a tax, and it was decided by the House that there was no difference and that the Bill was not properly before the House. As a result, it was ruled out. This Bill is on all fours with the measure that was under discussion last year, as it provides for the imposition of a rate of tax and other matters. I want to know your ruling as to whether the Bill is in order or not.

#### *Speaker's Ruling*

The SPEAKER (Mr. Hearman): My ruling is the same as it was last year. If the Bill raises a charge to cover a service that is rendered, and so long as the charge is not excessive to the point where the Treasury shows a return from it, it is a charge and not a tax. Unless the Treasury does show a profit from the charge, it is not a taxing measure. In this case, the Treasurer will be called upon to pay out an equal amount of money. Therefore, the Bill is in order.

#### *Dissent from Speaker's Ruling*

Mr. W. HEGNEY: I move—

That the House dissent from the Speaker's ruling.

The Constitution very definitely says—

Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Last year, the House, in its wisdom, decided that the Bill which was then before it, was out of order. If I might say so, I think that the Minister, knowing what the decision of the House was last year, offered, I suggest an unconscious insult to the House. There was nothing to stop the Minister from introducing two Bills—one imposing the tax and the other setting out the machinery provisions.

Mr. Nalder: It is not an insult to the House at all. It is upholding the Speaker's ruling, which is correct. That is the Crown Law opinion.

Mr. W. HEGNEY: I read the Crown Law opinion which was read out by the Minister when he introduced the Bill. I wish to quote the following from page 2382 of *Hansard*, 1962:—

MR. NALDER (Katanning—Minister for Agriculture) [9.35 p.m.]: I move—

That the report of the Committee be adopted.

Mr. W. HEGNEY: Is it true that the Bill imposes a rate of taxation?

Mr. Nalder: That is correct.

Mr. W. HEGNEY: I would refer the Committee to section 46 (7) of the Constitution Acts Amendment Act—

You, Mr. Speaker, called me to order; and later on the question arose as to whether the Bill was in order and a discussion ensued on the difference between a rate and a tax. As far as I am concerned, there is no difference. I am not going to quote the authorities mentioned in this *Hansard*. Suffice to say that in every dictionary I have consulted, the definition of "rate" includes a reference to a "tax." That is the position.

I do not intend to read the definitions and report what happened last year; but the member for Mt. Marshall and others considered that the Bill was imposing a tax; and a tax or a rate means the imposition of a levy or a monetary contribution for public purposes. This is not a local tax, because it can apply to the municipal district, or in the Sandstone district, and at Manjimup as well as elsewhere throughout the State, as far as I know. It is not local. We may call it a rate or a tax. It is a charge on certain people and it is a public Bill. As it is a public charge it imposes a levy or tax on the people. As such it should not have been included in this Bill.

The Minister knew this. With all due respect to you, Mr. Speaker, the House decided in a deliberative vote of 23 to 22 that the Bill was not correctly before the House last year, and yet the same principle has been introduced again this session. In fairness to the Assembly, I reiterate that there was nothing to stop the Minister from introducing a Bill imposing the rate of 3d. and then he could introduce the machinery clauses at the same time in another Bill.

I take it as an affront to the Assembly that a Minister should, when a deliberative vote is taken on a Bill, introduce the same principle during the following session. The only difference now is that a legal opinion has been obtained to bolster up its introduction. I regret that I must again disagree with your ruling, Mr. Speaker.

Motion (dissent from Speaker's ruling) put and a division taken with the following result:—

#### *Ayes—20*

Mr. Davies	Mr. Kelly
Mr. Evans	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller)

## Noes—21

Mr. Bovell  
Mr. Brand  
Mr. Burt  
Mr. Cornell  
Mr. Court  
Mr. Dunn  
Mr. Gayfer  
Mr. Grayden  
Mr. Hart  
Dr. Henn  
Mr. Hutchinson

Mr. Lewis  
Mr. W. A. Manning  
Mr. Mitchell  
Mr. Nalder  
Mr. Nipomo  
Mr. O'Connor  
Mr. Runciman  
Mr. Wild  
Mr. Williams  
Mr. O'Neill

(Teller)

## Pairs

Ayes  
Mr. Curran  
Mr. Bickerton  
Mr. Brady  
Mr. Oldfield

Noes  
Mr. I. W. Manning  
Mr. Crommelin  
Mr. Craig  
Mr. Guthrie

Majority against—1.

Motion (dissent from Speaker's ruling) thus negatived.

*Debate Resumed*

MR. D. G. MAY (Canning) [11.5 p.m.]: At the outset I would like to state that it is not my intention to oppose the principle in this Bill, although I certainly am not in agreement with the imposition of a further tax on the primary producer. However, there are several matters which I would like to bring to the notice of the House.

This Bill was discussed at considerable length during the last session and I feel that members are fully aware of its implications and ramifications. Broadly it was introduced to reduce the area for rating from 10 acres to five acres and I think we are all in accord with this principle in view of the fact that owners of small properties of five acres are just as responsible as others to the community for ensuring that their areas are kept free from noxious weeds.

I agree with the member for Merredin-Yilgarn who, last year, stated that the eradication of noxious weeds was a national responsibility. At the moment we are only touching the surface of this problem, and in order to substantiate this contention I would like to explain in detail some of the investigations I have made in regard to this legislation.

The fact that an additional tax is to be levied on the primary producer does make it incumbent on the Government to ensure that full supervision is given to the method of eradication of noxious weeds. It is essential that the members of the Agriculture Protection Board are conversant with their duties, and to demonstrate this I would like to read the following article which appeared in the *Kalgoorlie Miner* on the 7th September, which was only last month:—

#### CAMPAIGN AGAINST SAFFRON THISTLE

Officers of the Department of Agriculture are at present conducting a campaign to eradicate saffron thistle from the sides of roads near townsites

with a view to prevent it from spreading to pastoral areas.

The department is killing the weed by the use of sprays or by grubbing, whichever method is more suited to the various conditions encountered.

The work is mainly being carried out near Kalgoorlie, Leonora, Menzies, Coolgardie and Norseman.

This is the part which is very confusing and demonstrates that the officers of the board should be given more, shall we say, education. I am not saying that the board does not do a good job, but evidently some of them are not conversant with their duties, because the article continues—

An officer of the department said yesterday that there was no compulsion for pastoralists to combat saffron thistle growth on their properties but it would be in their own interests if they were to take effective steps to eradicate it where possible.

Here is a member of the department telling the people up there that it is not their responsibility to eradicate saffron thistle; yet the Act provides that where a declaration declares plants to be primary noxious weeds and affecting private land the occupier shall, subject to the provisions of the Act, destroy the plants in or upon the land. The penalty for the first offence is £20 and for any subsequent offence, £50. If we are going to impose this tax on the primary producer, then he should be given an assurance that the money will be spent to the best possible advantage.

Departmental officers should be fully conversant with their duties. On the one hand, we are going to receive additional moneys from primary producers; and on the other hand, property owners are going to be advised that there is no need for them to eradicate this thistle.

Another pertinent aspect of the Bill is the lack of an inspection depot at Norseman. I recently had occasion to travel to and from the Eastern States. I was amazed at the amount of thistle which exists in those States. With the advent of the main east-west road it is obvious that there will be a lot more interstate hauliers coming into Western Australia. It only requires one seed to blow into the State and we will have the problem in Western Australia. Interstate hauliers travel roads which are alongside our fields. These trucks should be inspected at Norseman. I know there is a move afoot for an inspection depot to be established there.

These weeds can be introduced into the State in many ways. They can be introduced in bags of produce. There is an inspection depot at Kalgoorlie and another at Fremantle. With the advent of the standard gauge railway produce will come direct to Perth or Fremantle. There will

be no transshipping point *en route*. Normally it is difficult to police produce which comes into Western Australia. A lot of produce is taken off the train at Kalgoorlie and it is then conveyed by private transport to private properties. With the development of Esperance, bagged produce could be taken off the train without being inspected, and could be taken into the Esperance plains. Once the weeds got into that area we would be in trouble.

Some years ago when I was stationed at the Fremantle goods depot, officers of the Department of Agriculture were continually inspecting the bulbs and seeds that arrived in Western Australia. It was a very big job. With the quantity of goods that are coming into Western Australia, closer supervision is necessary.

The member for Murray asked several questions of the Minister on the 10th September. He asked how many check points for noxious weeds there were between the Eastern States and Western Australia. The answer was two: one at Fremantle and one at Kalgoorlie. The number of interstate hauliers is considerable and the number will increase as the black road is extended from east to west.

On the 12th September I asked the Minister some questions concerning the annual expenditure on noxious weeds in other States and how finance was obtained in those States. We are relatively free from noxious weeds in Western Australia, although I read in the newspaper recently about an outbreak of a certain type of weed in the north-west. Primary producers in this State are paying for something which is coming from the Eastern States.

The questions that I asked of the Minister on the 12th September were as follows:—

- (1) Will he indicate the annual expenditure on eradication of noxious weeds in Queensland, New South Wales, Victoria, and South Australia for the year ended the 30th June, 1963?
- (2) Will he further advise the method and conditions of obtaining finance in these States from—
  - (a) owners of holdings;
  - (b) Government grants?
- (3) Is there any record, and if so, to what extent has the Commonwealth Government assisted in the eradication of noxious weeds?

The Minister promised to obtain the information for me. I asked the same questions on a subsequent date and he replied that he was still endeavouring to obtain the information. I am still interested in securing that information concerning how finance is obtained in the Eastern States.

The Minister mentioned during his second reading speech that it is anticipated that £16,000 will be obtained from the tax which is to be imposed. He also stated that certain institutions, public bodies, and local authorities would be exempt from the imposition of the tax. He said that the amount of £16,000 would be the same even though the ratable area had been reduced from ten acres to five acres.

I believe that a lot more than £16,000 will be obtained. In my area alone there is a large number of five-acre properties and the revenue will be increased considerably as a result of this measure. I only hope the money that will be raised will be used to the best possible advantage.

I hope the Department of Agriculture will ensure that the inspectors are fully conversant with the Act. Their role is similar to that of public relations officers. Although they have the duty of enforcing the regulations, they can also advise primary producers on the provisions of the Act. If we can grasp the situation firmly we will be able to do something to eradicate these noxious weeds.

This is more than just a State matter; it is one of national importance. It is a matter about which the majority of farmers are concerned. My electorate is a semi-rural area, and there are quite a lot of five-acre properties. The people there are genuine in their efforts to eradicate noxious weeds; and they feel that if a tax is to be imposed, then they would be only too pleased to pay it if the money is to be put to the best possible use.

It seems very hard on the primary producer because it is obvious that the least affected areas will contribute to those which are most affected, because of their high unimproved capital value. In any case, that is something that can be looked at by the Minister; and I hope that, when this matter is discussed by the Department of Agriculture with the inspectors concerned, every consideration will be given to a close supervision of the regulations made under the Act and the provisions in the Act. I have much pleasure in supporting the Bill.

**MR. HALL (Albany)** [11.21 p.m.]: Having dealt with this legislation last session I feel I should say something about the measure, although I will not keep members for very long. It is encouraging to find that the Minister has agreed to a limitation of five acres; because people in municipalities and shires who have properties of less than five acres will not be penalised by the imposition of the tax. I feel that even if it were imposed they would have very little to gain from it, although we all hope that noxious weeds throughout the Commonwealth of Australia will be eradicated for the protection of all concerned. I do not think any of us

would dispute the fact that we look forward to seeing a total eradication of noxious weeds.

However, I want to draw the Minister's attention to the working expenses of the department and to the fact that it is growing so large. At the 30th June, 1963, according to the Auditor-General's report, the working expenses of the department were £49,254, and for the year ended the 30th June, 1963, that figure had increased to £87,259. So members can see how this legislation has actually become a taxing measure and is increasing the money held in the Government's coffers at the Treasury. Just how much is ploughed back into the field of eradication I do not know.

Mr. Nalder: It is all being ploughed back into that work.

Mr. HALL: We will check on that to see if it is right. The recoup and sundry expenses for the year ended the 30th June, 1962 was £30,421, and for the year ended the 30th June, 1963, the figure was £45,548.

I would not dispute the fact that the Minister is trying to eradicate noxious weeds, but I merely ask him not to allow the department to become too top heavy. The field of agriculture protection seems to be growing in magnitude. There is the question of Argentine ants and the vermin section of the department, and other sections dealt with solely by the Agriculture Protection Board. I do not think there is anything detrimental in the Bill, but we look forward to the day when all noxious weeds will have been eradicated. I know that is a gigantic task, particularly to get rid of all weeds throughout the State.

Mr. Rowberry: Or get rid of the Government!

Mr. HALL: Perhaps we can exterminate the Government by other means and the Treasury will have more money in it by the time we get there. I support the measure, but I would ask the Minister to keep an eye on the Agriculture Protection Board—because it is getting a little out of balance—and to make sure that the revenue received from this taxing measure is directed to the right source.

MR. GAYFER (Avon) [11.25 p.m.]: I support the measure, but there are one or two points that come to mind after listening to the previous two speakers. The member for Canning mentioned an inspection point at Norseman, I think he said. That is a must, as we all know. It is one of the reasons why this measure has been introduced. However, the difficulty is to know whether to establish this point at Norseman or somewhere else. We know that if such an inspection point is established at Norseman it will be possible for people to go from Balladonia to Esperance, and thus bypass the inspection point. Therefore it may be

more advantageous to establish it closer to the border, or even on the other side of the border.

This measure is something which the country shires and the Farmers' Union of Western Australia are in favour of and have asked for, because they will administer it.

Mr. Nalder: And the pastoralists.

Mr. GAYFER: On the A.P.B. there are five members of the country shires of Western Australia, and I used to be a deputy on the board before I undertook the sudden leap forward into this House. There are two Farmers' Union representatives on the board, and I am also a union man, and there is one pastoralist. The point I am making here is that the board has good country representation and I am sure its members will make every endeavour to see that the whole of the money obtained is used to the best advantage.

The member for Albany said that he was pleased to see a minimum of five acres provided in the Bill, but we have to realise that there are a number of these small properties in towns adjoining the east-west railway line. Many of them have Bathurst burr growing, whether they be church yards, public land or parks, and the like. Those areas can be sprayed, and I should imagine that the cost of such spraying will have to be borne by the owners of the land concerned. The passing of this measure does not mean that the owners of such land will be free of the cost of the spraying.

It is very interesting, when driving around the city, to see how much Cape tulip is growing at places like Rosalie Park, Queen's Park, and parks and gardens in the city areas, and also on quarter-acre blocks. At Queen's Park, and other low-lying areas, we see as much Cape tulip and other weeds as there are proportionately on some properties in country areas. Therefore we believe that everybody should bear the cost of eradication.

However, the Bill provides for a minimum of five acres; and because of our anxiety to see noxious weeds generally eradicated throughout the country, farmers are prepared to stand behind the legislation and see how it goes. We know quite well that it will be a costly procedure to tackle Cape tulip as it will have to be tackled, even to make a mark on it. In the Avon Valley and Narrogin districts, Cape tulip has a very heavy hold and it will be an expensive proposition to get rid of it, especially as some of the sprays are not as good as they should be or as we hope scientists will eventually make them.

We hope that we may be able to get a spray to eradicate doublegees, and the sooner we can do that the better it will be. This weed is spreading rapidly, and

at the moment there is no positive killer for it, although I understand the C.S.I.R.O. is now reasonably confident that it has a solution to the problem. We have seen the infiltration of Bathurst burr and we absolutely abhor that; but what can be done at present? There are no checking points, and there is no finance available to build them. Therefore the sooner we can build something along those lines the better it will be for all concerned. I support the measure.

**MR. NALDER** (Katanning—Minister for Agriculture) [11.29 p.m.]: I thank members for their support of the legislation and I would like to make a point regarding the comment of the member for Canning about this being another tax on primary producers. I can assure the honourable member that this is a request which has been supported by the Farmers' Union. It has asked the Government to bring this Bill forward and, in the interests of agriculture in Western Australia, the Government has agreed and established the principle that in the future it will meet any sum of money put up by the farming community, pastoralists, landholders, or others, pound for pound. In addition to meeting any such amount on a pound for pound basis, the Government will accept its responsibility in an endeavour to eradicate noxious weeds. If they cannot be eradicated immediately every effort will be made to contain them with a view to their eventual eradication.

There is no doubt that wholehearted support is forthcoming from everyone concerned in an effort to control noxious weeds. Members who represent pastoralists in the Kalgoorlie district will be interested to learn that following a meeting that was held in that centre some time ago in an effort to control Bathurst burr the Government hopes to contain this pest and eventually eradicate it from Western Australia, despite the fact that it is a very difficult weed. At the meeting held in Kalgoorlie, the pastoralists present indicated it was a serious problem because the burr was extremely difficult to eradicate.

The Government intends to subsidise the pastoralists over the next three years by assisting in the purchase of the weedicide which is used to spray the Bathurst burr. The Government considers that it should assist to encourage the pastoralists in their efforts to eradicate this weed. It intends, therefore, to make a sum available to help the pastoralists in their eradication work over the next three years. A review of the position can then be made to ascertain what degree of success has been achieved as a result of the concentrated spraying of the area. I feel sure that members representing the parts affected will be pleased to have this information. It is anticipated that the expenditure incurred will amount to several thousand pounds,

but the Government is prepared to expend this money in an all-out effort to encourage the pastoralists.

The Agriculture Protection Board will also assist by spraying roads, reserves, and Crown land in the area in an effort to contain the Bathurst burr for the time being, but I feel sure that continued efforts will eventually eradicate this pest. There is no necessity for me to underline the importance of this work in trying to get rid of this pest, and I would not be exaggerating if I were to say it would cost millions of pounds a year to woolgrowers if this curse were extended throughout the pastoral and agricultural areas.

I have noted the comments of the honourable member on the work of the inspector. They will be passed to the Chairman of the Agriculture Protection Board to ensure that the officers are made fully aware of the responsibility. I have received many reports from many local authorities and interested people stating that they appreciate the work performed by these officers. Nevertheless, I realise that there may be some officers who are not fully cognisant of their responsibilities. Representation will be made to the Agriculture Protection Board to ensure that its officers are fully advised as to the responsibility of the duties they perform.

I have no further comment to make except to indicate that I have a small amendment on the notice paper with reference to the request by the Taxation Department for the collection of this tax, which amendment I will move in Committee.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

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

**Clauses 1 and 2 put and passed.**

**Clause 3: Division 6 to Part V added—**

**Mr. NALDER:** As I indicated in my reply to the second reading debate, I move an amendment—

Pages 2 and 3—Delete all words from and including line 25 on page 2 down to and including line 41 on page 3 and substitute the following:—

(2) The weed rate shall not be imposed, or be chargeable, on any holding that is exempt, under the provisions of section one hundred and three of the Vermin Act, 1919, from the rate imposed by that section.

This amendment is similar to the one made to the Vermin Act Amendment Bill. I was requested by the Taxation Department to assist by enabling the two assessments to be included in the one rate. I

feel sure this amendment will be accepted by the Committee in an effort to reduce costs in the collection of this rate.

**Amendment put and passed.**

**Mr. NALDER:** I move an amendment—

Page 4, lines 1 to 5 inclusive—Delete all words and substitute the following:—

(3) The Commissioner of Taxation may, by one assessment, assess both the weed rate and the rate payable under the provisions of section one hundred and three of the Vermin Act, 1919, and the sum of the two rates as so assessed is payable on demand and is recoverable as if it were land tax of which payment is in default.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 4 put and passed.**

**Title put and passed.**

#### *Report*

**Bill reported, with amendments, and the report adopted.**

*House adjourned at 11.42 p.m.*

## Legislative Council

Wednesday, the 23rd October, 1963  
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The **PRESIDENT** (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

### QUESTION WITHOUT NOTICE

#### LEGISLATIVE COUNCIL PROVINCES: REDISTRIBUTION AND ADULT FRANCHISE

##### *Introduction of Legislation*

The Hon. R. F. HUTCHISON asked the Minister for Mines:

Is it the intention of the Government to introduce during this session the necessary Bills to give effect to the principle affecting the franchise and other matters, as contained in the motion moved by The Hon. J. G. Hislop and carried unanimously by this House?

The Hon. A. F. GRIFFITH replied: The matter is receiving consideration.

### QUESTIONS ON NOTICE

1. *This question was postponed.*

#### FLUORIDATION OF WATER SUPPLIES

##### *Health Education Council: Cost of Campaign*

2. The Hon. N. E. BAXTER asked the Minister for Mines:

What was the cost incurred by the Health Education Council in the campaign on fluoridation of water supplies for each of the following—

- (a) travelling, lecturing, etc.;
- (b) printing and distribution of literature;