

the first time the legislation has been amended, because we amended it in 1965. Perhaps in the light of experience, in another year or two, or possibly more, we will find other points which need to be incorporated in the legislation to make it a better piece of legislation so that it will operate in a better manner.

I should just like to say that it is the function of the courts to impose sentences and I am not in a position, nor am I going to try in any shape or form, to tell the courts what they must do.

The Hon. F. R. H. Lavery: I could make suggestions as to what they should do.

The Hon. A. F. GRIFFITH: Courts operate in accordance with their functions. They mete out penalties according to the law. Necessarily this matter must be left entirely to the court to perform. Once the court has sentenced a man he comes under the jurisdiction of the Parole Board by reason of the fact that he is either given a period of probation or a minimum sentence. After he has served it he may come before the Parole Board for consideration for parole. That is the function of the board. If the parole officers have a case-load which is too high—and I admit it is too high—that is unfortunate. However, the whole of the blame should not be pointed in the direction of the parole officers who happen to be overworked.

The Hon. F. R. H. Lavery: You are not suggesting that I blame the officers.

The Hon. A. F. GRIFFITH: I am not even thinking of you at the moment.

The Hon. F. R. H. Lavery: I know I do not count in your eyes.

The PRESIDENT: Order!

The Hon. A. F. GRIFFITH: Isn't that a silly remark! This is a mutual arrangement whereby the parolee has his obligations in the same way as the parole officer has his duty. Some people require no supervision at all. Unfortunately some people in the community make one mistake, but they only make that one mistake; they are the sort of people who will go out on parole, complete it satisfactorily, and become good citizens again. However, there are others who do not learn and who will never learn. It does not matter what sort of supervision is given to these people, they will not improve. However that is the system. I am glad to know that the Bill, which is intended to improve it, has received support.

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.

House adjourned at 10.43 p.m.

Legislative Assembly

Wednesday, the 2nd October, 1968

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

QUESTIONS (35): ON NOTICE

1. *This question was postponed until Tuesday, the 8th October.*

MINERAL CLAIMS

Nimingarra Area

2. Mr. BICKERTON asked the Minister representing the Minister for Mines: Reverting to questions of the 19th September re mining claims in the Nimingarra area—

- (1) Has he for native welfare let a tribute to any operation for mining claims MC741 and MC742; if so, to whom?
- (2) If a tribute has been let, what action has he taken to ensure that the claims are operated?
- (3) Has he considered offering a tribute to some person or persons who is/are prepared to work the claims and so produce revenue for the Native Welfare Department?

Mr. BOVELL replied:

- (1) Tribute agreement No. 1/1965, Marble Bar, as between the Minister for Native Welfare and Thomas Martin, is registered against mineral claims Nos. 741 and 742 at Nimingarra in the Pilbara goldfield.
- (2) The matter is one for the Department of Native Welfare.
- (3) This would be in the province of the Minister for Native Welfare, who is the registered holder of the claims.

LAND AT BALCATT

Zoning and Subdivision

3. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

Adverting to the answer given to (a) of my question on the 19th September last regarding land zoned residential in an area bounded by North Beach Road and Cedric and George streets, Balcatta—

- (a) Can it now be accepted that the subject area has been finally approved as a residential area, and that no portion will be zoned for hotel purposes;

- (b) If not, then what is the position?

Mr. LEWIS replied:

- (a) and (b) Zoning can never be regarded as final. It is competent for a local authority at any time to initiate a rezoning. If such action were taken, the rezoning would be dealt with on the lines indicated in my answer to the honourable member on the 19th September.

RAILWAYS

Freight on Wool

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

- (1) What was the rail freight on wool for 150 and 250 miles in 1950?
- (2) What alterations have been made since?
- (3) What is the present freight as in (1)?
- (4) Are there any special regulations as to minimum loadings, etc?

Mr. O'CONNOR replied:

- (1) 150 miles—60s. 8d. per ton.
250 miles—85s. 8d. per ton.
- (2)

	1951	1953	1960	1965*
150 miles ...	85s. 2d.	110s. 9d.	118s. 6d.	118s. 11d.
250 miles ...	106s. 0d.	137s. 10d.	148s. 0d.	148s. 2d.

* The freight rates for goods rated similarly to wool were increased by 2½ per cent. in 1965, but as a special measure to the industry a 2½ per cent. reduction of the new rates has application to wool so that, in effect, wool was excluded from the general freight increase.

- (3) 150 miles—\$11.89.
250 miles—\$14.82.
- (4) When the exclusive use of a wagon is required a minimum charge has application. The relevant charges for (3) above being \$28.20 and \$37.80 per 4-wheeled wagon.

5. *This question was postponed.*

KALGOORLIE REGIONAL HOSPITAL

Appointment of Resident Medical Officer

6. Mr. T. D. EVANS asked the Minister representing the Minister for Health:

- (1) Has he received a letter from the Kalgoorlie Chamber of Commerce (Inc.) dated the 25th September last re the shortage of doctors at Kalgoorlie?
- (2) Will he give early consideration to having appointed to that centre at least one resident medical officer for the regional hospital?

Mr. ROSS HUTCHINSON replied:

- (1) Yes.
- (2) The whole medical situation at Kalgoorlie is under consideration.

LANDS DEPARTMENT

Divisional Office, Kimberley

7. Mr. RIDGE asked the Minister for Lands:

Will he give consideration to opening a divisional office of the Lands Department in Kimberley and staffing it with field and administrative personnel with the qualifications and authority to quickly and effectively process land transactions in the region?

Mr. BOVELL replied:

Consideration is now being given to establishing Lands Department representation at Port Hedland and Kununurra.

LOCAL GOVERNMENT ACT

Amendment

8. Mr. FLETCHER asked the Minister representing the Minister for Local Government:

Is there any intention of amending the Local Government Act this session to give ratepayers the right to express an opinion, by way of referendum, on the amalgamation of local government areas as suggested in the recent assessment committee report?

Mr. NALDER replied:

No.

NATIVES

Provision of Land

9. Mr. BRADY asked the Minister for Lands:

- (1) Is there any land set aside for the benefit of natives apart from native reserves?
- (2) What areas of land are set aside as native reserves and where are they located?
- (3) What conditions are native applicants for farming or pastoral properties expected to comply with?

Mr. BOVELL replied:

- (1) Land is reserved for the benefit of natives for various purposes including camping, community centres, farming centres, hostels, housing, land settlement, missions, and preservation of native art.
- (2) There are numerous areas of land throughout the State set aside for natives and an answer to this question would involve lengthy research. Information on a specific area or purpose could be supplied on request to the Lands Department.
- (3) There is provision in section 9 of the Land Act to assist any person descended from the original inhabitants of Australia in obtaining conditional purchase land made available under this section

of the Act. The conditions of development would be determined in accordance with the type of agriculture in the district concerned and under the provisions of section 47 of the Land Act. Native applicants for land under other conditions would receive equal consideration and the decision of the land board would be on the relative merits of each application.

Children: Educational Assistance

10. Mr. BRADY asked the Minister for Education:

- (1) Is any special help given to native children through his department where normal attendance at school is required?
- (2) Are native children given any assistance when attending boarding schools?
- (3) Will he outline the nature of assistance, if any, in each case?

Mr. LEWIS replied:

- (1) Natives in law receive \$3 for primary pupils and \$6 for secondary students—with an additional \$2 for manual training or home science if this applies—per annum towards books and materials required for school.
- (2) Boarding allowances are available to native children as they are to white students who have to board away from home to attend school. Department of Native Welfare bursaries are paid by the Department of Native Welfare to assist native children capable of gaining a Junior or High School Certificate. This assistance is not dependent upon the student being eligible for a living away from home allowance, but he must have the recommendation of the district superintendent.
- (3) Boarding allowance for—
 - (a) student boarding away to do full time primary or first three years of secondary course—\$80-\$160 depending on zone in which he lives;
 - (b) student boarding away to do fourth and fifth years of secondary course or course at a technical institution—\$120-\$200 depending on zone in which he lives.

Establishment in Agricultural Pursuits

11. Mr. BRADY asked the Minister for Native Welfare:

- (1) Has the department any plans for settling natives on the land as market gardeners or cereal producers?

- (2) Have any natives been assisted in recent years to carry out agricultural activities?
- (3) What has been the nature of the assistance rendered by—
 - (a) Department of Native Welfare;
 - (b) other departments?

Mr. LEWIS replied:

- (1) Yes.
- (2) Yes.
- (3) (a) Financial assistance and managerial advice.
- (b) The Lands Department has made land available in certain areas. The Department of Agriculture has assisted with professional and technical advice.

*MINING ACT
Amendment*

12. Mr. T. D. EVANS asked the Minister representing the Minister for Mines:

- (1) Is he now able to advise what legislative steps will be taken, if any, to amend the Mining Act to meet the request of goldfields members as recently placed before him by way of deputation?
- (2) If so, will he please indicate the nature of proposed amendments and when same will be introduced?

Mr. BOVELL replied:

- (1) and (2) The Minister has considered the matter and desires to have a further meeting with interested members, which he will arrange immediately.

*MOTOR VEHICLES
Safety Measures for Children*

13. Mr. DUNN asked the Minister for Police:

- (1) In view of the death of two young children who were thrown out of motor vehicles involved in accidents, one at Kewdale on the 8th September, 1968, and the other at Victoria Park, on the 27th September, 1968, would he have a full investigation made as to the desirability and suitability of a safety device currently on the market which claims to give children between the ages of seven months and five years protection similar to that afforded older children and adults who use safety belts?
- (2) Could this House be advised of the results of such an investigation when it comes to hand?

Mr. O'CONNOR (for Mr. Craig) replied:

- (1) and (2) Child restraining devices are currently the subject of an

investigation by the Standards Association of Australia (Document 1295).

A draft standard has been circulated for comment and a standard in final form will ultimately be published.

When this is done it will be the responsibility of the State to incorporate the standard in its legislation, similar to what has been done with safety belts.

In the interim an investigation as proposed would not serve any useful purpose.

KALAMUNDA HIGH SCHOOL

Lighting of Tennis Courts

14. Mr. DUNN asked the Minister for Education:

- (1) Is he aware that the Kalamunda High School has entered nine teams in the Kalamunda and Districts Basket Ball Association night competition this summer; if so, can he advise—
 - (a) If permission has been granted to equip the existing tennis courts with suitable lighting for night play without affecting their use as tennis courts?
 - (b) If the Education Department is prepared to contribute to the costs which may be involved and, if so, to what extent?
- (2) As the competition commences early in November and if approval is granted, could this matter be treated with a sufficient degree of urgency to allow for the courts to be ready in time?
- (3) In view of the high school teams using the courts of other teams in the association, can permission be granted for home matches to be played on these courts?

Mr. LEWIS replied:

- (1) No.
 - (a) An application to equip the tennis courts with suitable lighting has not been received.
 - (b) In view of the urgent requirements for classroom accommodation, financial assistance cannot be made available for this work.
- (2) See answer to (1) (b).
- (3) As lighting will not be available, use of the courts will not be possible. Special permission is required for school grounds to be used at night time.

HEALTH

Smoking and Lung Cancer

15. Mr. CASH asked the Minister representing the Minister for Health:

- (1) What knowledge has he of a report published by the Anti-Cancer Council of Australia indicating the connection between smoking and lung cancer and classifying cigarettes according to their nicotine content?
- (2) Was this matter discussed at the June, 1968, conference of health Ministers?
- (3) What steps are being taken in this State to reduce the incidence of lung cancer caused by smoking?

Mr. ROSS HUTCHINSON replied:

- (1) I am aware of a report by the Anti-Cancer Council of Victoria on this matter.
- (2) A National Health and Medical Research Council interim report on the labelling of cigarettes was discussed.
- (3) The effects of smoking are dealt with in the health education course given in secondary schools. Pamphlets have been distributed to school children by the National Heart Foundation. Health Education Council lectures community groups on the effects of smoking.

LOTTERIES COMMISSION

Turnover and Advertising

16. Mr. CASH asked the Chief Secretary:

- (1) By how much did the turnover of the Lotteries Commission increase or decrease in the period 1967-68 as compared with the period 1966-67?
- (2) What amount was spent by the commission on advertising in 1967-68 as compared with each of the previous five years?

Mr. O'CONNOR (for Mr. Craig) replied:

- (1) A decrease of \$425,000.
- (2) 1963—\$33,737.
1964—\$42,751.
1965—\$41,197.
1966—\$58,773.
1967—\$91,000.
1968—\$93,564.

DUPLEX DWELLINGS

Purchase by Tenants

17. Mr. GRAHAM asked the Minister for Housing:

- (1) Is it permissible or possible for the tenant of a commission duplex dwelling to purchase the unit occupied by him?
- (2) If not, what are the reasons?
- (3) Is consideration being given to

making it possible for tenants of such premises to purchase if they so desire?

- (4) If so, what progress has been made, and when can a final decision be expected?

Mr. O'NEIL replied:

- (1) No.
- (2) The commission recently resolved not to sell duplex or other multiple units, as these are to be regarded as forming part of the permanent pool of rental accommodation.
- (3) and (4) Answered by (2).

WOOD CHIP INDUSTRY

Exports: Control by Commonwealth

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

- (1) Can he indicate to the House the precise nature and extent of the controls proposed by the Federal Government on the export of wood chips from Western Australia?
- (2) Will these proposed controls have any delaying effect upon the establishment of a wood chip industry in this State; if so, to what extent?

Mr. COURT replied:

- (1) The precise nature and extent of the controls proposed by the Commonwealth Government are not fully known at this stage.

From parliamentary and Press comments from the Commonwealth Government and my discussions with the appropriate Minister, it would appear that in the granting of export licenses the Commonwealth will have regard for the factors of price, origin, control of capital involved in the venture, and degree of local processing.

The exact details of how the controls are to be applied are to be the subject of early discussion between the Commonwealth and the State Governments.

- (2) This cannot be determined at this juncture although it is appropriate to say that the State Government does not intend to allow the Commonwealth announcement to delay its final decision on the allocation of a forestry license so far as our own internal authority extends.

Needless to say, if an export license cannot be obtained from the Commonwealth on manageable conditions, establishment could be delayed.

I can now say that the Premier has this afternoon announced the granting of the license to Bunning Bros. Pty. Ltd.

COMMONWEALTH AID ROADS FUND *State Expenditure*

19. Mr. JONES asked the Minister for Works:

- (1) What moneys have been spent annually by the State from the Commonwealth Aid Roads Fund for the years 1965-66 to 1967-68 inclusive?
- (2) Of the above sum, how much was spent for the following purposes—
(a) acquisition of land for road purposes—
(i) country;
(ii) metropolitan;
(b) construction of roadways—
(i) country;
(ii) metropolitan;
(c) construction of bridges—
(i) country;
(ii) metropolitan?
- (3) What is the estimated expenditure on the above for 1968-69?
- (4) What was the total expenditure in the metropolitan area for the years 1965-66 to 1967-68 inclusive?

Mr. ROSS HUTCHINSON replied:

- (1) to (4) Considerable research will be necessary by the Main Roads Department to obtain the information required in answer to this question. However, when the information is available I will see that it is tabled for his information.

CANNINGTON HIGH SCHOOL

Completion of Work

20. Mr. BATEMAN asked the Minister for Education:

- (1) In view of the continued requests for information from the Cannington High School Parents and Citizens' Association, can he advise when it is anticipated the following work at the high school will be completed—
(a) general drainage;
(b) repair to paving;
(c) repair to P.A. system;
(d) completion of gymnasium?
- (2) When will the Cannington High School become a fourth year high school?

Mr. LEWIS replied:

- (1) (a) It is anticipated that a scheme and estimated cost for general drainage will be available for consideration in the very near future.
(b) Paving repairs are being investigated by the Public Works Department.

- (c) Repairs to the P.A. system are anticipated to be completed in the near future.
- (d) It is not likely that the gymnasium will be completed this financial year.
- (2) It is unlikely that it will be possible to retain fourth-year students in the school before 1970.
- (2) The count taken east of Lake Grace produced 194 vehicles per day, and the count taken west of Lake Grace produced 271 vehicles per day.

PORT OF DAMPIER *Naming and Definition*

24. Mr. TONKIN asked the Minister for Works:

- (1) On what date were discussions held between an officer of the Commonwealth and the Under-Secretary for the Public Works Department in this State as to whether the port for Hamersley Iron Pty. Ltd. should be called Dampier or King Bay?
- (2) Was information sought by the Commonwealth from the Under-Secretary, Public Works Department, concerning the definition of the area of the Port of Dampier?
- (3) If "Yes," what information was supplied?

Mr. ROSS HUTCHINSON replied:

- (1) to (3) No discussion has taken place between Commonwealth officers and the Under-Secretary, Public Works Department. However, as a result of hydrographical services of the Royal Australian Navy investigating the King Bay area, Hamersley Iron Pty. Ltd. approached the Department of Industrial Development for approval to name the area. The request was considered on the 29th April, 1965, by the Nomenclature Advisory Committee which recommended approval of the name of Dampier for the proposed townsite. This recommendation received the approval of the Minister for Lands. The bay remained named King Bay but the townsite was named Dampier.

DAMMING OF GASCOYNE RIVER

Rocky Pool and Kennedy Range Sites

25. Mr. NORTON asked the Minister for Works:

- (1) With respect to the damming of the Gascoyne River, what surveys have been completed at—
 - (a) the Rocky Pool; and
 - (b) the Kennedy Range, dam sites?
- (2) What surveys have yet to be completed in respect of the above-mentioned dam sites?
- (3) What work was carried out on—
 - (a) the Rocky Pool dam site; and
 - (b) the Kennedy Range dam site, during the last financial year?
- (4) What was the cost of the work referred to in (3)?

TRAFFIC SIGN

Station Street, Cannington

21. Mr. BATEMAN asked the Minister for Traffic:

In view of the traffic signs displayed in various places throughout Western Australia with respect to stock crossing roads, log hauling etc., would he consider putting signs up at Station Street, Cannington, to warn motorists of horses crossing to attend the Cannington trotting training track?

Mr. O'CONNOR (for Mr. Craig) replied:

The Main Roads Department will investigate the need to provide a special sign to warn motorists of horses crossing Station Street.

WIMBLEDON STREET, KENWICK

Development as Access Road

22. Mr. BATEMAN asked the Minister for Works:

- (1) When is it anticipated that Wimbledon Street, Kenwick, will be developed as a limited access road?
- (2) Is it a fact that this road will then become Albany Highway?

Mr. ROSS HUTCHINSON replied:

- (1) No date has been set for this work.
- (2) Yes.

DUMBLEYUNG-NEWDEGATE ROAD

Traffic Counts

23. Mr. YOUNG asked the Minister for Works:

- (1) When were the last two traffic counts taken on the Dumbleyung-Newdegate Road?
- (2) What was the vehicle density on each of these counts?

Mr. ROSS HUTCHINSON replied:

- (1) A traffic count was taken during the period the 23rd February, 1968, to the 28th February, 1968, 20 miles east of Lake Grace, and during the period the 1st March, 1968, to the 6th March, 1968, 25 miles west of Lake Grace.

- (5) When is it anticipated that a decision will be made on the feasibility or otherwise of constructing a dam on either or both of the sites?

Mr. ROSS HUTCHINSON replied:

- (1) and (2) Hydrographic, geological, topographic surveys, and foundation drilling have been completed to the stage of enabling feasibility reports to be prepared for these dam sites.
- (3) (a) Rocky Pool Dam Site—
Geological investigations, drilling and some topographical surveys;
(b) Kennedy Range Dam Site—
Some hydrographic information was obtained.
- (4) \$31,000.
- (5) Completion of feasibility study is expected by mid-1969.

RAPID TRANSIT TERMINAL, MIDLAND

Invitations to Opening

26. Mr. BRADY asked the Minister for Railways:

- (1) Is the general public being extended an invitation to the opening of the new railway terminal at Midland on Tuesday, the 8th October, 1968, or should invitations be sought from the Railways Department?
- (2) Are the representatives of local business concerns being specifically invited?
- (3) What organisations are being invited, if any?
- (4) Are employees who worked on the project receiving invitations to be present?

Mr. O'CONNOR replied:

- (1) An invitation to the public to attend the official opening will be extended through the Press.
- (2) 100 invitations have been issued to the Midland Town Council for distribution to councillors and representatives of local business concerns.
- (3) Invitations have been issued to representatives of the following organisations:—
Town of Midland.
Shire of Mundaring.
Shire of Swan-Guildford.
Metropolitan Region Planning Authority.
Town Planning Board.
Transport Advisory Council.
Perth Chamber of Commerce.
W.A. Chamber of Manufacturers.
Retail Traders' Association.

Commonwealth Employment Service.
Metropolitan Passenger Transport Trust.
Midland Workshops Welfare Committee.
Railway unions.

(4) No.

RAILWAYS

Overway at West Midland

27. Mr. BRADY asked the Minister for Railways:

- (1) Will he confer with the Main Roads Department to see if an overhead bridge for the safety of passengers can be built at West Midland Station?
- (2) Is he aware the parents and citizens' association at West Midland was one of the first organisations to request an overhead bridge for the safety of children?

Mr. O'CONNOR replied:

- (1) A subway is provided at the West Midland Station for the safety and convenience of passengers from the viewpoint of railway operations. The provision of pedestrian overways for adjacent streets is not a railway responsibility.
- (2) Yes.

RESERVE, ALDAY STREET

Development

28. Mr. DAVIES asked the Minister for Lands:

Does he know of any plans for the development in the near or foreseeable future of all or any part of the reserve at the corner of Alday Street and Albany Highway, East Victoria Park?

Mr. BOVELL replied:

The area referred to was formerly Reserve 22529, Technical School Site, which was recently cancelled and made available to the State Housing Commission in exchange for land at Balga for the same purpose.

An area fronting Albany Highway has been retained as Reserve 28494 for the purpose of a park, although I am not aware of any developmental plan for this land at the present time.

Reserve 26956 was previously excluded from Reserve 22529 for the purpose of a fire station.

A diagram of the land concerned is submitted for tabling.

The diagram was tabled.

INDUSTRIAL FUMES, KWINANA*Effect on Workers*

29. Mr. TAYLOR asked the Minister for Labour:

- (1) On how many occasions since the 24th May this year have construction workers in the new Australian Iron and Steel Pty. Ltd. plant at Kwinana been ordered to stop work because of the suspected presence of gas?
- (2) On the 24th September, the occasion when two construction workers at this plant reported that they had been affected by gas, how many employees of Australian Iron and Steel Pty. Ltd. also reported that they had been affected by gas?

Mr. O'NEIL replied:

- (1) The Mines Department advises that there have been 51 stoppages, all at the instigation of the company's officers.
- (2) None.

Inspections

30. Mr. TAYLOR asked the Minister for Labour:

- (1) Does the question of work safety as regards fumes and gas come within the province of the Factories and Shops Act?
- (2) If "Yes," is a departmental inspector regularly employed in the Kwinana area to check on such matters?
- (3) On how many occasions since the 24th May this year has a factories inspector visited the area to carry out inspections?

Mr. O'NEIL replied:

- (1) Yes; on premises subject to registration under the Factories and Shops Act.
- (2) Factory inspectors make normal routine inspections in the area, but once again only in connection with premises registered under the Factories and Shops Act.
- (3) Routine factory inspections have been carried out on three occasions since the 24th May this year.

TRAFFIC SIGNS*Fairfield Street, Mt. Hawthorn*

31. Mr. BERTRAM asked the Minister for Police:

Will he investigate the accident history of the intersections of Fairfield and Ellesmere streets and Fairfield and Woodstock streets, Mt. Hawthorn, and advise whether "Stop" or other signs will be erected at either or both of them?

Mr. O'CONNOR (for Mr. Craig) replied:

The Main Roads Department will investigate the need for the provision of traffic control devices at the intersections of Fairfield and Woodstock streets, Mt. Hawthorn.

HIRE-PURCHASE ACT*Charges and Convictions*

32. Mr. BERTRAM asked the Minister representing the Minister for Justice: How many charges under respective sections have been laid and how many convictions have resulted under the Hire-Purchase Act in each of the last five years?

Mr. COURT replied:

None.

SODIUM LIGHTING ON CROSSWALKS*Accident Statistics*

33. Mr. CASH asked the Minister for Traffic:

Assuming that the sodium vapour lighting of crosswalks creates for motorists a greater awareness of the existence of the crosswalk, will he supply details of the change in daytime accident statistics for all crosswalks illuminated at night by sodium vapour lighting, as requested in part (2) (b) of question 5 on the 1st October?

Mr. O'CONNOR (for Mr. Craig) replied:

Daytime accidents at sodium lighted pedestrian crossings—

The 1st January, 1963, to the 31st December, 1965 (before sodium lighting):

Vehicles only	75
Pedestrians	15

The 1st January, 1966, to the 30th June, 1968 (after sodium lighting):

Vehicles only	95
Pedestrians	16

INDUSTRIAL FUMES, KWINANA*Inspections*

34. Mr. TAYLOR asked the Minister representing the Minister for Health:

On how many occasions since the 24th May, this year have officers of the committee set up under the Clean Air Act investigated the emission of fumes and gases from industry in the Kwinana area?

Mr. ROSS HUTCHINSON replied:

On seven occasions.

TOTALISATOR AGENCY BOARD*Credit Betting*

35. Mr. TONKIN asked the Minister for Police:

Are records being kept at T.A.B. agencies from which information may be obtained from time to time as to the number of persons, and their respective deposits, who take advantage of the authorised method of betting by telephone provided for in operating instruction 279/68?

Mr. O'CONNOR (for Mr. Craig) replied:

The acceptance of bets by telephone is permitted only against a deposit account established and maintained in accordance with regulations 20, 21, 22, and 23 made under the Totalisator Agency Board Betting Act, 1960-66, in which case full and separate records are kept on behalf of the board at the totalisator agency concerned.

Where, however, an agent of the board, acting on behalf of an investor, places a cash bet out of cash funds held, not on behalf of the board, but on behalf of the investor, in addition to the ordinary cash betting records, the original totalisator ticket, identifiable by the agent to the person on whose behalf the agent so acted, would normally be available in the agency on the day concerned. Such a ticket is held by the agent on behalf of, and as the property of, the investor.

QUESTIONS (4): WITHOUT NOTICE**KIMBERLEY ELECTION***Irregular Voting*

1. Mr. COURT (Minister for Industrial Development):

On Thursday, the 19th September, 1968, the Leader of the Opposition asked me, as Minister representing the Minister for Justice, the following questions:—

- (1) With reference to the reply given to questions asked on Tuesday, the 13th August last, concerning the false personation of George Widdjoe at the Gogo Station polling booth, Kimberley, have the inquiries which the Chief Electoral Officer undertook to cause to be made been completed?
- (2) If "Yes," will he table a copy of the report on the matter?

On behalf of the Minister for Justice I replied as follows:—

- (1) The Minister for Justice has been advised by the Chief

Electoral Officer that the police report was received this morning.

- (2) The Minister has not yet had an opportunity to examine the report, but when he does so, the honourable member will be further advised.

The relative papers are laid on the Table of the House for one week.

The papers were tabled.

YORK GAOL*Demolition*

2. Mr. GAYFER asked the Minister for Works:

My question without notice is occasioned by questions asked by me without notice on the 1st October, and I apologise for these further questions without notice, but certain events have happened rather quickly—

- (1) Would he please recall the tenders for the proposed demolition of part of the old York gaol until such times as a full appraisal has been made of the project by the Public Works Department in conjunction with representatives of the York Shire Council, local people, and the National Trust of Australia (W.A.)?
- (2) Would he ascertain if it is correct that by the proposed demolition to make way for a two-car carport accommodation for four cars (and at present in use) and a further two cars is being demolished?
- (3) Would he also cause investigation into the allegations that a sum, certainly not equal to the demolition charges and proposed new erection, could indeed preserve these old 1833 buildings and still provide the department with safe housing for two or more motor vehicles?

Mr. ROSS HUTCHINSON replied:

I would like to thank the honourable member for giving me some notice of this question. The answer is as follows:—

- (1) Yes. Tenders will be withdrawn.
- (2) Yes, it is correct that the proposed demolition would destroy accommodation at present being used as a garage.
- (3) Yes.

I have some additional information that may be of some value. At the time of the honourable member's question without notice

yesterday, Mr. Marshall Clifton, who is the architectural adviser to the National Trust, requested the department to have a re-examination of the proposed demolition. This, in conjunction with the question without notice asked by the honourable member, has resulted in the answers I have given to-day.

Furthermore, Mr. Clifton has advised this department that the people of York wish to save the whole structure and raise funds for restoration.

I give that information because it was given to me. I do not know whether I speak completely for the people of York, but this information was given by Mr. Clifton on behalf of the National Trust.

BILLS TO RATIFY AGREEMENTS

Amendment of Schedules

3. Mr. T. D. EVANS asked the Speaker: Will he please state the authority, if any, for the proposition that in the case of a Bill to ratify an agreement between the State and another party where such agreement is contained within a schedule to such Bill it is only competent for the Legislature to either accept the said schedule *in toto* or reject same *in toto* without the opportunity to amend the said schedule?

The SPEAKER replied:

I thank the honourable member for giving me some notice of this question. I cannot tell him what authority there is because I have not had time to look at the position, but I can tell him quite clearly the reason. A schedule to a Bill contains an agreement between the Government and a private company or a private individual and it is quite incompetent for some outside body to amend someone else's agreement. It would not be proper or correct for Parliament, say, to amend an agreement in which a company had undertaken obligations where, say, they were quadrupled or increased by 500 per cent. This would be quite wrong. It is a factual document and cannot be amended unilaterally or by an outside body.

In speaking on this, I would remind members that amendments to Bills do not come forward while I am in the Chair; it is when the House is under the control of the Chairman of Committees and he would have to form his own opinion. But my view is that the

operative part of the Bill is as open to amendment as is a clause in any other Bill. I will take, as an example, the Bill which was recently before the House dealing with the nickel refinery. Clause 3 is the operative clause and reads—

The Agreement is approved, and subject to its provisions shall operate and take effect.

It would be quite proper for an amendment to be agreed to by the Committee altering that clause to read—

The Agreement is approved and shall take effect subject to the company accepting certain amendments.

Those amendments could be detailed in the Bill. Then it would be open to the company to say whether it liked them or not. If it accepted them, then the ratification would take effect. If not, the Bill would be annulled.

GRIEVANCE DAY

Standing Order 224

4. Mr. GAYFER asked the Speaker: I would like to ask your opinion on Standing Order 224 dealing with grievance day.

The SPEAKER: Order! I must make it quite clear to the member for Avon and all other members that questions can only be asked of the Speaker after private notice.

BILLS (4): INTRODUCTION AND FIRST READING

1. Kewdale Lands Development Act Amendment Bill.
Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.
2. Timber Industry Regulation Act Amendment Bill.
Bill introduced, on motion by Mr. Bovell (Minister for Forests), and read a first time.
3. Industrial Arbitration Act Amendment Bill.
Bill introduced, on motion by Mr. O'Neill (Minister for Labour), and read a first time.
4. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
Bill introduced, on motion by Mr. O'Connor (Minister for Transport), and read a first time.

BILLS (4): THIRD READING

1. Railways Discontinuance and Land Revestment Bill.
Bill read a third time, on motion by Mr. O'Connor (Minister for Railways), and transmitted to the Council.

2. Motor Vehicle (Third Party Insurance Surcharge) Act Amendment Bill.

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

3. Justices Act Amendment Bill.

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

4. Local Government Act Amendment Bill.

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

DE VANEX v. QUARTERMAINE

Tabling of Papers: Motion

MR. TONKIN (Melville—Leader of the Opposition) [5.4 p.m.]: I move—

That all papers relating to a charge laid by Special Constable DeVanex employed by the firm of Charlie Carter Pty. Ltd. against a Mrs. Quartermaine for shop-lifting and which upon being heard by Mr. J. F. Syme, S.M., in May of this year was dismissed, be laid upon the Table of the House.

This is the type of motion in connection with which one does not rise with any great degree of relish. But when one has a duty to perform, irrespective of one's personal feelings in the matter, if one is convinced that there is such a duty then one is obliged to endeavour to discharge it without fear or favour.

Some months ago—very early in the year—my attention was drawn to an occurrence which disturbed me greatly, and I was asked to look into the matter. As my inquiries proceeded I became disturbed, indeed, that such a situation as had been described to me could exist in Western Australia. In short, the situation as explained was that it was possible to approach magistrates in Western Australia before cases were heard and get them to agree either to permit a charge being withdrawn, or that no conviction be recorded; that is, if one had sufficient standing in the community and sufficient prestige to be able to get such a result.

However, if one had very little standing then one had to stand the racket of whatever fault one had been guilty of or whatever offence one had committed.

Now, a charge was laid in March of this year by a special constable who was employed by the firm of Charlie Carter Pty. Ltd., and the charge was one of shop-lifting from that firm. This particular charge did not go before the court in the ordinary way, as charges generally do, within a matter of hours or days, but there appeared to be some delay.

When the special constable inquired from the prosecuting sergeant what date was likely to be fixed for the hearing of the case, the sergeant said, "This case is not coming on, is it?" Now I will leave it there for the moment and I will refer to another case which did go on. I will quote an extract from the *Daily News* of the 3rd June, 1968, as follows:—

**She Took 23c Pair of Gloves—
Bond, Shame**

A 68-year-old woman pensioner who has an invalid husband faced a charge of shoplifting today.

"The only money I have in the bank is for my husband's and my funeral," she said in Perth Police Court.

"We only draw \$23 pension a fortnight."

The lady concerned—

... admitted having taken a pair of rubber gloves valued at 23c from a self-service store in Beaufort-st., Mt. Lawley.

She was put on a \$30 six-month good-behaviour bond.

Magistrate F. E. A. Bateman told her: "For the sake of 23c you have risked your good name and suffered the indignity of having to appear in court."

"There are other people charged today with this type of offence and it will be a little hard not to treat you differently."

Two other women—both housewives—were also charged with stealing from the same store last Saturday.

Their names were given and both women were fined \$20. There was no suggestion that any magistrate would be approached in these cases, or that the cases could be withdrawn. Once the charges were levied, those people appeared in the court within a very short time of being charged.

Some time ago it was brought to my notice that a man's motorcar had been stolen, and he reported the theft to the police. The police subsequently found the car and the person who stole it. It happened to be the man's own son. The man then said to the police, "I do not want to press any charge against my own son for stealing my motorcar. I can deal with it." However, he was told by the police that, under the Police Act, the matter was out of his hands completely. It was then in the hands of the police and there was no authority to withdraw, and that case went to court.

Now I return to the particular case with which I am dealing. Some time elapsed and the case did not come on. The charge was laid in March, and finally, upon the special constable pressing, a date was fixed. Now, the day before the date fixed for the case to be heard—which

was in May, and the charge was laid in March—after a number of adjournments, a certain gentleman who was a member of the firm—and a highly placed member of the firm—to which the husband of the alleged shoplifter belonged, rang Charlie Carters and suggested that this was a matter about which they ought to talk. He said he could not talk about it over the telephone and that he would like to come down to the shop and talk about it, which he did.

He went into Mr. Birmingham's office and he discussed this case in the presence of the special constable and another member of the firm, and he asked that this charge be withdrawn. He said the husband had already suffered enough through the publicity. He said, "Think of what will happen. There will be television cameras and the like. This woman's husband occupies a high position, so I suggest that the charge be withdrawn."

The special constable told him, quite clearly, that this could not happen. The special constable would know because he had been a member of the Police Force for many years—eighteen years, in fact, 11 years of which were served in the C.I.B. He said this was a matter for the magistrate. De Vaney, having laid the charge, was in no position to withdraw it. At that, I am informed, this gentleman who went down to have the case withdrawn said, in the presence of witnesses who can be produced, "A magistrate can be got who will agree to the withdrawal."

According to what I was told by Mr. Birmingham of Charlie Carters, the suggestion that magistrates in Western Australia could be so influenced appalled him, and he said so. However the particular gentleman who went to see him was not at all concerned about his protest on that point and he said that Charlie Carters would be sorry if it proceeded with the charge and, in any event, the person concerned would not be convicted.

Mr. Speaker, you will appreciate the seriousness of this situation. If ordinary people like this 68-year-old pensioner have to go to court and take the punishment meted out to them for a misdemeanour, so should everybody else, irrespective of their prestige or station. As a matter of fact the way I view it, there is more justification for sending before the court a socialite than a 68-year-old pensioner who has no influence at court.

I was so disturbed about the matter that I spoke to the Minister for Justice and asked him if I might discuss the subject with him and see the magistrate's notes of evidence; because when the case did go before the court—as had been said by the person who went to Charlie Carters—no conviction was recorded. The case was dismissed with costs against the constable who laid the charge. Charlie Carters did

not lay the charge, but the policeman laid the charge and, as I have said, the costs were given against him.

Whether I had reason for saying it, or not, I believed that no warrant would be issued against the special constable if he did not pay up, and so I told him not to pay up. I said, "There will be no warrant for your arrest; make no mistake about that." Indeed there has not been. This is now October and the case was heard in May, yet no warrant has been issued for the amount nor has it been paid.

When I went to see the papers in the Minister's office, I saw noted on them by the magistrate, "No warrant to issue without reference to me." The Minister for Justice was very co-operative—I have no complaint about that—but he said that he would ask for a report from the magistrate before he discussed the matter with me. In due course the Minister received the report and then notified me. I went down and had a look at the magistrate's notes of evidence and, for the life of me, I could not see how the case had not been proved in the court. I was amazed that, on the evidence, a conviction had not been recorded.

During the time I was giving consideration to the matter I made some inquiries about the person concerned. I had heard that this was not the first time this particular person had been caught allegedly shoplifting. Accordingly I went to see the proprietor of a certain business and asked him straightout, "Has such-and-such a person ever been before you for shoplifting in your store?" He was most reluctant to discuss the matter, because he said the woman's husband was a friend of his. However, I have known this man for some 30 years, I suppose, and he could not lie to me even if he had wanted to, because I knew too much. Consequently he admitted that he had had to talk to this woman but he said he had not laid a charge because of his friendliness towards the husband. He thought this would be a lesson to her.

Knowing that, there was all the more reason for me to scrutinise carefully the evidence that was given in the case which was heard and subsequently dismissed. Naturally, when one views papers of this kind, it is on a confidential basis—that is the difference between a member of Parliament and an ombudsman, for example. I could not use, either outside or inside Parliament, what I saw on that file and so I sought to have the papers made available publicly. I did that by a letter which I wrote to the Minister for Justice.

At this stage I do not want to mention any more names than is absolutely necessary. I trust I will not be asked to table the letters I have, but they are available to anybody who wishes to peruse them.

I shall read the letters, leaving the names out. I wrote to the Minister for Justice on the 29th August as follows:—

Dear Mr. Griffith,

In March of this year Special Constable De Vaney, who is employed by the firm of Charlie Carter Pty. Ltd., charged a Mrs. — with shop-lifting.

Contrary to what generally happens in such cases, each time the case came before the court it was adjourned and I am informed that there was an impression in the Crown Law Department that the case would not be proceeded with.

However, towards the end of May the case was heard by Magistrate — and dismissed, with costs against De Vaney.

I have been informed by Mr. Birmingham and several other persons in the employ of Charlie Carter Pty. Ltd. that prior to the day fixed for the hearing of the case against Mrs. — which followed a number of adjournments, a Mr. — of the firm of — called at the office of Mr. Birmingham and requested that the case be withdrawn. He pointed out that Mrs. — was of considerable social standing and therefore had a lot to lose, and the publicity surrounding the case already was punishment enough and that further irreparable damage could be done to her husband's prestige. Because of all this, Mr. — requested that the charge be withdrawn.

It was pointed out by De Vaney that once the matter was in the hands of police, as this was, it had to be proceeded with and the magistrate would have to be satisfied about the reason given for withdrawal. Upon this — is alleged to have said that if De Vaney would agree to drop the charge he "could get a magistrate who would allow the case to be withdrawn."

When it was made clear to — that De Vaney would not apply to have the charge withdrawn, — is alleged to have said that if the case was proceeded with it would not do Charlie Carter's business any good.

Birmingham told me that he was appalled at the suggestion that a magistrate could be approached and induced to allow a case to be withdrawn.

The case has a number of unsatisfactory features to it. There were several adjournments and the case was eventually decided by a different magistrate to the one before whom it was previously called. Costs were given against Special Constable De Vaney who was actually carrying out the law with the same authority as any other policeman and the magistrate's notes of evidence, which by your courtesy I

had the opportunity of reading, enabled me to form the conclusion that the magistrate's decision was a most extraordinary one.

In view of the very definite assertion which several witnesses say was made by — that he was in a position to influence a magistrate—I feel that an inquiry into the whole of this case is necessary and I desire to know if you are prepared to arrange for such an inquiry to be held.

With kind regards.

Yours sincerely,

I want to say here that there is no doubt whatsoever that the special constable was a policeman, acting in the same way as any other policeman has to act in the enforcement of the law. I have a photostat copy of a letter from the Commissioner of Police dated the 30th November, 1967. It is addressed to the Managing Director, Charlie Carter Pty. Ltd. and reads as follows:—

Dear Sir,

In reply to your communication of the 23rd instant, I have to advise I will be prepared to appoint Mr. De Vaney a Special Constable as requested, subject of course to any inquiries he institutes on behalf of Charlie Carter Pty. Ltd. being finalised in its entirety by him if apprehension of any person is involved.

This briefly means, as a Special Constable he will be required to take all necessary action for prosecution, if necessary. He will have to make application at Police Staff Office for the requisite certificate.

There is no doubt that Constable De Vaney was appointed by the Commissioner for Police with full power to act as a policeman and to carry out all the formalities. Therefore there was no authority resting with De Vaney—or with any other policeman—after having laid a charge subsequently to withdraw it if asked to do so.

When Mr. Birmingham was approached and requested that the charge be withdrawn De Vaney told the person who approached him that he was a policeman, that he had laid the charge, and that he had no right or authority to withdraw a charge after having laid one. He said that when he laid the charge, after apprehending the woman, he took her to a police station and charged her with shop-lifting in the proper way.

To even suggest to him that he should withdraw the charge is, in my view, a serious offence in the same way as it would be a serious offence if anyone approached a traffic policeman who had apprehended somebody for drunken driving and said to the traffic policeman who had laid the charge, "What about withdrawing it, because the publicity

will be exceedingly damaging to my wife or to my family?" That was the situation here.

I will read the reply to the letter which I sent to the Minister and which has caused me to move this motion. The letter is dated the 13th September and reads as follows:—

Dear Mr. Tonkin,

I refer to your letter dated the 29th August, 1968, regarding a prosecution on behalf of Special Constable De Vaney against a Mrs. — for shop-lifting. The case has been discussed by the Under Secretary for Law with the Chief Stipendiary Magistrate.

Your actual request is for an enquiry into the whole of the case, in view of the alleged statement by a Mr. — of the firm of — that if De Vaney would agree to drop the charge, he, Mr. —, "could get a Magistrate who would allow the case to be withdrawn".

In support of your request, you make a number of assertions upon which I feel I should comment.

In the second paragraph of your letter there are two assertions, the first being: "Contrary to what generally happens in such cases, each time the case came before the Court, it was adjourned". As to this assertion, I let you peruse the relevant file which showed that adjournments (which could be granted only for a maximum of eight days at a time) were originally granted pursuant to medical advice that the defendant was unfit to attend Court, and later were granted in order to set a date for hearing which would be convenient to both parties.

I might interpolate here to say it was convenient to one party to have the trial any day. Continuing—

The Chief Stipendiary Magistrate advises that this procedure was not contrary to, but was consistent with general practice in the Perth Court and in Courts in other parts of the State.

The second assertion in the second paragraph of your letter is that you have been "informed that there was an impression in the Crown Law Department that the case would not be proceeded with". The Under Secretary for Law advises me that enquiries have been made within the Crown Law Department and there is nothing to suggest that the information given to you was correct.

That makes me smile. Just imagine any officer in the Crown Law Department admitting to the person making the inquiry that he was the one who had said that

he thought this case was not going to come on! What hope would there be for an inquiry of that kind?

Just fancy the Under-Secretary for Law saying to one of his officers, "Did you give anyone the impression that this case would not be coming on?" What answer could anyone expect him to get? In answer to that I would point out that De Vaney sticks very solidly to what he says; namely, he was told more than once that it was understood there that this case would not come on. This letter continues—

In the fourth paragraph of your letter, you state that you have been informed by Mr. Birmingham and several other persons in the employ of Charlie Carter Pty. Ltd. that prior to the day fixed for the hearing of the case against Mrs. Quartermaine, Mr. Herbert requested that the case be withdrawn, and then follow some details of what Mr. — is alleged to have said. It is not clear from your letter whether the "several other persons", in addition to Mr. Birmingham, heard what Mr. — said—

I did not say in my letter that they were deaf. I told the Minister they were present and I think a reasonable assumption is that if they were present at the discussion they heard what was said. The letter goes on—

—and you have forwarded no statement by Mr. Birmingham or by any of the "several other persons".

I admit I did not, but I reported what they told me. I did not think it was necessary to obtain statements from them at that stage, but I can get them. Continuing—

In the eighth paragraph of your letter, you state, "The case has a number of unsatisfactory features to it" and you list the following factors in support of that statement—

- (a) "There were several adjournments".

The reasons for these are shown above. They were quite normal in the circumstances and consistent with Court practice.

All I want to say here at this stage is that the treatment of this 68-year-old pensioner was very different indeed. The letter continues as follows:—

- (b) "The case was eventually decided by a different Magistrate to the one before whom it was previously called".

The confidential report of Mr. — S. M., dated 11th July, 1968, which I let you read, showed that four adjournments

had been granted by Mr. — D. M., one by Mr. — S. M., and one by Mr. — S. M.—

These are two different magistrates. Continuing—

—and it was Mr. — who eventually heard and determined the case on a day when Mr. — presided in the Traffic Court where 26 charges were heard. As Mr. — stated in his confidential report, "The arrangements for hearing the case presently under discussion were exactly in accord with the established practice".

I can only say again that to take from March to May to hear a case of shoplifting seems to me to be very different from established practice in regard to such a case. The letter continues—

- (c) "Costs were given against Special Constable DeVaney".

In this regard, I quote the following from the confidential report of Mr. — S. M., which you read, namely—

"2. The case was dismissed because I did not accept the prosecution evidence in some material particulars. Discrepancies between the evidence of certain prosecution witnesses raised a reasonable doubt in my mind. The defendant was entitled to the benefit of such a doubt. These reasons for dismissing the charge were given by me from the Bench at the time. It is perhaps surprising that Counsel did not follow the usual practice and take a note of my remarks which is generally considered to be their duty.

3. Costs were awarded after Counsel had been invited by me to make submissions as to costs. The only submission put to me by Mr. Ilbery of Counsel for the complainant related to the amount to be awarded and not to the propriety of awarding costs at all. It is perhaps proper to observe that both parties were represented by senior Counsel of considerable experience.

It was in the nature of a private prosecution—

This is what amazes me, Mr. Speaker! Continuing—

—and I could see no good reason why the defence which had succeeded should have to bear the costs."

If a person goes into a shop where there is no special constable and a shopwalker suspects that person of shoplifting and

puts the matter in the hands of the police, that is not a private prosecution; that is a police prosecution. But if the firm employs a policeman, properly sworn in, and that policeman apprehends a shoplifter, according to this document that is a private prosecution. What a remarkable state of affairs!

If a person steals from a firm which employs a special constable, no charge is laid against that person unless the firm is prepared to lodge a charge privately, even though that person has broken the law. However, if a person enters a firm which does not employ a policeman, and the proprietor of the firm is prepared to get a policeman and lay a charge, that is a public prosecution in the name of the law. What a ridiculous state of affairs! Surely shoplifting is contrary to the law whether it is done in a shop where there is a special constable employed or not, and if a charge is laid it is the administration, the executive, which is laying the charge to ensure the law is upheld; and, in my view, to make this distinction and to call this a private prosecution is so much nonsense.

If in a place where a special constable is not employed a charge was laid by the police and the charge was dismissed, would the policeman who laid the charge have to pay the costs? Of course he would not! That being so, there is no reason why, in this case, when the policeman laid the charge, costs should have been given against him, and that is why there is some difficulty in issuing a warrant for his arrest. Just imagine issuing a warrant for the arrest of a policeman who had laid a charge against a person who had committed a breach of the law; and yet that is the situation this case has reached. I will proceed to read the letter—

The Chief Stipendiary Magistrate has since confirmed that this award of costs was in accordance with normal practice.

- (d) That from your reading of the Magistrate's notes of evidence, you formed "the conclusion that the Magistrate's decision was a most extraordinary one".

If the complainant or his solicitor had regarded the Magistrate's decision as "a most extraordinary one", there was a right of appeal to a superior court. Even now, there could be such an appeal if the Supreme Court should grant an extension of time.

At this point I want to say that I am not concerned about the decision of the court as such. I have no desire to see this woman convicted; none whatsoever! However, the decision is in line with what was said before the case came on; that is, if it were not withdrawn when it did come

on, there would be no conviction. That is the angle of this case which concerns me.

I would be much lighter in heart if I could believe that this woman was not guilty of the offence and that the judgment was a sound one, but unfortunately I cannot believe that yet. The letter continues as follows:—

There is no evidence that Mr. — could, in fact, "get a Magistrate who would allow the case to be withdrawn", and there is no identification of which Magistrate he had in mind.

These are the very reasons why I want an inquiry. The letter continues—

As you are aware, complainants are not infrequently approached to settle or withdraw an action or prosecution. The submissions may or may not be accepted. Some people are inclined to infer that they have a "friend at court" by alleging they know a policeman, a politician or even a Magistrate. In fact, the case in question was heard and disposed of on the evidence brought before the Court.

I am quite prepared to arrange for any proper enquiry into the administration of justice but I cannot see that "an inquiry into the whole of this case is necessary" as suggested by you, when the case has been properly before the Court and when the only allegation of any substance is the allegation of Mr. — referred to above.

After receiving that letter I decided I had to take the matter further; I was not prepared to allow the matter to rest on the Minister's letter. The statements made to me were so definite—because they were corroborated by four people as to what had transpired at the meeting the day before the trial—as to cause me the greatest concern over the situation; and I say that something has to be done. These people have to be examined on oath in order to see just what did take place in this case, because if it did occur—as has been explained to me—then it is a shocking state of affairs.

It boils down to this: If a person has sufficient influence, a magistrate can be found who will allow the charge against that person to be withdrawn, or who, if the charge is not withdrawn, will not convict him; but if a person is one of the ordinary rank and file of the people, then he has no such hope and he will have to stand the racket.

I am asking that the papers be tabled. It was impossible for me, in the time available in the Minister's office, to memorise all that appeared in the magistrate's notes of the trial. This is not something which is a secret matter; and lawyers are entitled to obtain notes of trials. Further, they are published from

time to time in law reports, so why should not the papers be made available? If they are, then proper thought can be given to them in the light of the circumstances, and a decision can properly be made as to whether or not the matter can be taken further.

I do not want to be forced into a situation of having to move for an inquiry until I am perfectly satisfied that an inquiry is justified. I have at the moment very serious doubts as to the propriety of what went on, so I have asked for an inquiry; but that has been refused. Now I want the papers to ascertain whether I am justified in moving in the House for an inquiry; and I am reluctant to move for an inquiry until I and other people have had a look at the papers.

I repeat that I get no joy from being obliged to act in this way. I would far rather that the matter be not on my plate, but as it is there I have a duty to perform. I could not go to sleep if I believed this sort of thing was happening in Western Australia, and that if a person was a 68-year-old pensioner he would be brought before the court and his name would be published to the world, but if that person had a friend at court then the case could either be withdrawn or dismissed, and thus he would get off.

We have to do something about this sort of thing. We have to be satisfied it does not happen, or if it has happened we should put a stop to it. For that purpose I think it is imperative that the papers be laid upon the Table of the House.

MR. COURT (Nedlands—Minister for Industrial Development) [5.50 p.m.]: I think the Leader of the Opposition has not only done himself a great discredit this evening, but he has attempted to bring the whole of this institution into disrepute. The question we have to ask ourselves is: Has he through this motion, and from what he has said, attempted to attack the magistrates of this State; or has he attempted to indulge in a muck-rake, or both? It cannot be denied from what he has said this evening, quite apart from what appears in the motion, that he is implying that the magistrates of this State are suspect; and I take the strongest exception to this, not only as a Minister but as a citizen of this State, because there is one thing this State has been very proud of, and that is the reputation of the judiciary and the magistrates.

If the Leader of the Opposition has any just cause to complain about a magistrate or magistrates, there is a procedure laid down, but I notice he has not adopted that procedure. Therefore we have to assume that he wants this veiled allegation—although it was not so veiled, as illustrated by some of the things he said

against the magistrates tonight—to stick. The way in which Parliament can handle the position is not only to express some views from this side of the House, but also to throw out the motion.

Mr. Graham: Let us have a look at the papers. That is the answer.

Mr. COURT: What the motion deserves is to be thrown out. The case of the Leader of the Opposition falls to the ground completely, because he implies that there are some people in this community—and dealing with this specific case—who can arrange for magistrates to have a case either struck out, or, when they hear it, to make sure that the person is found not guilty.

In point of fact, this particular case was tried in the normal way, and the magistrate made a decision. If the Leader of the Opposition is implying that the magistrate made the decision which he did make because somebody could get at the magistrates, then he is being very insincere in coming to this House with the motion. In fact, I would say his action is completely improper, because if he wants to say this particular magistrate was got at, he could have said so by moving an appropriate motion. Personally, I have complete confidence in our magistrates.

The Leader of the Opposition who was given every facility by the Minister for Justice was not satisfied, but I venture to say that every other member of this Chamber would be satisfied with a reading of those papers and with the facilities made available.

Mr. Jamieson: If you want to give every facility why not table the papers?

Mr. COURT: There is a very good reason why they should not be, and it is a reason which the honourable member in his heart would accept. In a similar situation he would be taking the same attitude as I am taking. This particular magistrate heard the evidence, two very good and experienced counsel acted for the respective parties, and the magistrate made his decision. It is significant that counsel for the complainant did not take any action to appeal against the decision, although he is a very experienced lawyer, particularly in this type of work. He did not take any steps to appeal. If his client felt so strongly about this matter and considered that the decision was wrong he could still ask for leave to appeal.

Mr. Tonkin: Who would lodge the appeal?

Mr. COURT: De Vaney is a special constable, and he was the complainant in this case. He would be quite in order in lodging an appeal. The fact is he had a very experienced lawyer acting for him, but he took no action to appeal. Does

that not mean that they were satisfied with the decision, and that from the evidence given they were satisfied the magistrate had made the right decision? If the people who employ this special constable had felt strongly about the matter they would have said to him, "You go on with the case." They did not go on with it. The magistrate found in favour of the defendant and awarded costs in favour of the defendant.

I want to clean up one particular point in regard to this matter. The Leader of the Opposition keeps referring to the fact that this is said to be a private case, and implies it was treated differently from any other. I agree it is a private case, and the very letter he read from the Commissioner of Police spells out the conditions under which the special constable operates. If he did not operate under the conditions laid down by the Commissioner of Police, then members on both sides of the House would want the law to be amended.

The magistrate found against De Vaney, and awarded costs against him. The endorsement on the file to which the Leader of the Opposition made reference is a logical one to make under the circumstances, because the magistrate in trying to protect the defendant and the complainant said there was to be no warrant issued without reference to him. The Leader of the Opposition said this would not be an issue if it had been handled by the police in the ordinary way, but being a private case it would be competent to issue a warrant against De Vaney. So the magistrate, I submit, with good sense, said that no warrant was to be issued for the arrest of this man without prior reference to him. I thought the Leader of the Opposition would accept that as being the proper and sensible thing for a magistrate to do under the circumstances.

Mr. Jamieson: It would be a rather unusual minute for a magistrate to note on the file.

Mr. COURT: It is not.

Mr. Jamieson: Can you show us any other case where the same thing was done?

Mr. Tonkin: Of course he cannot—not a single case.

Mr. COURT: The Leader of the Opposition, and now the member for Belmont, are looking under bushes for gremlins.

Mr. Jamieson: You are making those statements. You should justify them.

Mr. COURT: The magistrate was entitled to do what he did, and under the circumstances he showed good sense in doing what he did.

Mr. Jamieson: It was rather unusual.

Mr. COURT: It was not.

Mr. Jamieson: Can you show me another similar case?

Mr. COURT: I am not prepared to dig up files for such cases. I am telling the honourable member that this is not an unusual practice.

Mr. Jamieson: If it is not an unusual case you should agree to table the papers.

Mr. COURT: The Leader of the Opposition did not give proper weight to the fact that the conduct of this case was—I refer to the letter from my colleague read to the House and sent to the Leader of the Opposition in trying to be co-operative with him—submitted to the Chief Stipendiary Magistrate. The honourable member would not doubt his ability, his capacity, or his integrity. Without any hesitation the Chief Stipendiary Magistrate gave a completely clean bill of health for the way in which the case was handled by the magistrate concerned.

I want to point out another thing to the Leader of the Opposition, because he has given the information to the House, based on the letter he had received from the Minister for Justice, that these remands are not unusual, and that they are being granted in all sorts of cases: These remands were heard by no fewer than three magistrates, any one of whom could have gone on with the case. In a case in which an adjournment or a remand of eight days—that is all that a magistrate can give—is sought, the magistrate hears both parties, and if he is not satisfied with the story he can go straight on with the case.

I am amazed that the Leader of the Opposition, knowing as much of the circumstances of the original adjournment as he does, would want to make an issue of the matter. He knows there was an incontrovertible certificate of adverse health given by a reputable doctor setting out in clear terms why the person concerned could not appear. Does the honourable member expect the magistrate to ask that the person be dragged in on a stretcher? From listening to him this evening it seems he wants the person to be brought to the court in an ambulance.

Those are the facts of the case. Three magistrates heard the applications for adjournment, and one of these applications was to suit the convenience of the parties—I emphasise not a party, but the parties.

Mr. Jamieson: How many remands were on the basis of ill-health?

Mr. COURT: I do not know exactly—

Mr. Tonkin: Of course you do not.

Mr. COURT: —but what does it matter? Any one of those magistrates could have gone on if he felt the medical certificate was not a valid or *bona fide* one. In the other case it was to suit the convenience of the parties; and the Leader of the Opposition knows this is not unusual when, because of the clients concerned or because

of the desire of the practitioners themselves they, by arrangement, ask for a date that is convenient to both the parties. He is not going to hold that against the magistrate, surely! If the magistrate had wanted to, he could have said that it might not have been convenient to them, but it was to him; because he is the master.

I come back to the point that there were three magistrates who heard this case and any one could have gone on with it. Is the Leader of the Opposition implying that all of them were “get-at-able”? because that is the only thing he could have been implying from his comments.

I want to come to a broader aspect of this and that is this: If the Leader of the Opposition persists in this attitude, where do we go as a Parliament, and where do we go under our judicial system? Does it mean that every time a person complains about a particular case—and goodness only knows these people complain enough to local members that they feel the magistrate or judge was biased—there must be a full-scale inquiry? Good heavens, we could not administer justice that way! That is the reason we have a system of appeals, and in this case the parties did not decide to use their right of appeal.

If we are to have this system whereby every time someone is unhappy about a decision, as I presume the informant of the Leader of the Opposition is, we would have every one of these cases—about five out of 10, anyway—wanting a full-scale inquiry; and magistrates and judges would not know where they were going. Also, if we were to table papers in every case of this kind, we would get precisely nowhere under this judicial system. The Leader of the Opposition was afforded every courtesy and he had the unusual privilege of being able to look at the magistrate's notes to indicate there was no reservation on the—

Mr. Tonkin: Why was it unusual, when they are available to solicitors if they want them?

Mr. COURT: They are not!

Mr. Tonkin: Yes they are!

Mr. COURT: You are getting mixed up with judgments.

Mr. Tonkin: I am talking of notes of evidence.

Mr. COURT: The fact is that the magistrate or judge makes his own private notes as he goes along and it is most unusual for these to be made available. However, to remove any doubt from the mind of the Leader of the Opposition, the Minister for Justice arranged with the magistrate to make these available. But that did not suit the Leader of the Opposition. He wanted this to be brought into public so he could either make a vile attack on the

magistrates or do some muckraking in respect of an individual. In this regard I invite his attention to the fact that although he was careful to leave out the name from the correspondence he quoted, he was not so careful to leave it out of his motion on the notice paper.

Mr. Tonkin: I could not; but I would have if I could have.

Mr. COURT: So the damage was done, and it makes me feel he had no other intention than to cause some disaffection in this community and imply that there is one law for one set of people and another law for another set; and there is not!

Mr. Tonkin: That is what we want to establish.

Mr. COURT: The Leader of the Opposition's case really centres around this question of what an employee of the husband of the accused said to the people at Charlie Carters. What the Minister for Justice said in his letters—

Mr. Tonkin: He is a member of the firm.

Mr. COURT: Well, a member of the firm and employees then, if the Leader of the Opposition wants to be precise.

Mr. Tonkin: I do. He is a director.

Mr. COURT: Mr. Birmingham and his employees then, if the Leader of the Opposition wants to be pedantic. It suits me. It is alleged this man said he knew a magistrate and he would have this struck out; or words to that effect. In his letter the Minister for Justice, I feel, dealt with the matter very effectively and properly, and in a very common-sense way.

There is hardly a member in this Chamber who has not had people come to him and say, "If you do not do this, I am going to see so-and-so." Only last week I refused an application for financial assistance for a business, and the person concerned said, "All right. I will see Mr. Tonkin." I was supposed to shudder and quiver and quake—

Mr. Tonkin: Were you asked to lay a charge?

Mr. COURT: I am trying to illustrate to the Leader of the Opposition—

Mr. Tonkin: You are not illustrating very well.

Mr. COURT: —that if he had some more understanding and humanity, he would get further. Say this person did say these things. What does it matter?

Mr. Tonkin: "Say" he did! I can prove he did!

Mr. COURT: Well, say he did say them, and say that the Leader of the Opposition can prove it. The point is that he could not do anything about it.

Mr. Tonkin: How do you know?

Mr. COURT: If the Leader of the Opposition will just listen for one moment as we listened to him, I will continue. The case went on. It went before three magistrates for remand and was eventually heard by a magistrate—a very experienced magistrate with full legal training. Proper counsel were involved for both parties. The magistrate awarded costs, which were not challenged in principle. Only the amount was challenged, and no appeal was made; and, to the best of my knowledge, no attempt is being made to apply for leave to appeal.

I come back to my point: Just what does the Leader of the Opposition want to achieve if we table the papers, which we do not intend to do? He has already seen them, anyway, and had ample time and opportunity to see them. He has received a very long, courteous and explanatory letter from the Minister for Justice, which he has now made public. However, if we do table the papers, where do we go? He will go over exactly the same information he has dealt with tonight, again impugning the magistrates in this case as "get-at-able"; and I think this is a shocking thing.

If Parliament did the right thing, it would pass censure on the Leader of the Opposition for putting Parliament in this particular position..

Mr. Jamieson: It was not his statement. He was saying that someone else said the magistrate—

Mr. COURT: We will come to that point now. The Leader of the Opposition was not prepared—and this is where I come to the muckraking part of the exercise—to let this matter rest on the court case. Oh no! He sets himself up as a private detective and goes off and sees a senior executive of the management of another store, and this, to my mind, was the weakest and most despicable part of the case.

Mr. Tonkin: Look, I just want to give you a warning! If you are not careful I will say plenty! If you continue in that vein you will invite it!

Mr. COURT: I invite the Leader of the Opposition to say it. We have nothing to hide.

Mr. Tonkin: I am talking about you! I am saying that if you are not careful I will say plenty as to why you are acting in this way!

Mr. COURT: I invite the Leader of the Opposition to say it because I have heard him in this vein before.

Mr. Tonkin: No you have not! Oh no you have not!

Mr. COURT: Yes I have! He goes off to this firm and says, "Has this lady ever been before you previously?" The man eventually says, "I have had her in my office," or words to that effect.

Mr. Tonkin: He said more than this.

Mr. COURT: This is a very despicable thing; and the Leader of the Opposition has certainly cast a very serious stigma on this woman, more far reaching than the court case itself which was bad enough for her. The Leader of the Opposition has gone and followed this through in an endeavour to pursue it to the bitter end to try to imply the magistrate had erred, either wittingly or unwittingly. In any case, even if she had been up before this manager, that is not evidence that she was wrong in the other case.

Mr. Tonkin: I know it is not.

Mr. COURT: This is the law under which we operate; and, for heaven's sake, do not let Parliament break it down, because we have, over the years, endeavoured to protect citizens against the very type of thing which the Leader of the Opposition was practising! I invite the attention of members to the fact that practically all the comments made by the Leader of the Opposition were prefaced by remarks such as "I am informed" and "according to what I was told."

Mr. Burke: What was the nature of this women's illness?

Mr. COURT: That is not for me to say.

Mr. Burke: It was in the medical certificate.

Mr. COURT: It is not for me to decide on this. The Leader of the Opposition has seen the certificate and I do not think, having seen it and knowing the serious nature of it, he would question that she was too ill to go to court. I would be amazed if he did. It is not for me to say. It is a matter between the doctor and the magistrate. The doctor was doing his duty, and the magistrate was doing his.

Mr. Davies: I wish the State Housing Commission would accept some doctors' certificates occasionally.

Mr. COURT: I do not think there is any need for me to labour this matter any further. The fact is that the Leader of the Opposition has brought forward this motion. I come back to my original point: What was his objective? Was it to attack the magistrates and to cast a slur on them? Was it to cast suspicion on them in the public mind and to destroy public confidence in them? Or was it just to rake up some muck about the place and try to imply that there is a law of one sort for one and a law of another sort for another?

Mr. Tonkin: What about giving the reason why the papers should not be tabled?

Mr. COURT: Because if we start tabling the papers for every court case, there will be no end to it.

Mr. Graham: Not every case; just this one!

Mr. COURT: If we do it for this one, why not for the lot?

Mr. Graham: If you are so right and the Leader of the Opposition is so wrong why not prove it by the production of the papers?

Mr. COURT: That is no reason at all on the part of the Deputy Leader of the Opposition, who is trying to help his leader out of a mess.

Mr. Graham: You can abuse him because you are covering up the papers.

Mr. COURT: We have no intention of tabling the papers, and I hope that other Governments will have no intention of tabling any, because if this is done our system of magistrates will fall to the ground.

Mr. Bovell: It will destroy our whole system of justice.

Mr. Graham: Not because of one, no!

Mr. Bovell: Of course it will!

Mr. Graham: You have something to hide. That is why you say, "No."

Mr. COURT: The Leader of the Opposition has made some very serious allegations and inferences. Magistrates are involved, and a private person and persons are involved. If he had felt so strongly about this, the right place for him to have raised it was outside this Parliament and its protection, because people who have no opportunity at all to answer have been attacked tonight.

Mr. Jamieson: This is typical of you!

Mr. COURT: Their good name has been impugned. Their professional integrity has been—

Mr. Jamieson: This is typical! Every time you are in a spot you use those—

The SPEAKER: Order!

Mr. Jamieson: You know it, too!

The SPEAKER: Order! Order!

Mr. COURT: The character of individuals has been attacked. I think it is a despicable motion and what the Leader of the Opposition has said has certainly only reduced—

Mr. Jamieson: You would not know anything about character—a person like you!

Mr. COURT: —my opinion of him, because he holds a very responsible office and he should be setting a lead to his own back-benchers, as well as to the members on this side of the House.

Mr. Jamieson: You just would not know!

MR. TONKIN (Melville—Leader of the Opposition) [6.13 p.m.]: Despite several promptings of the Minister to give reasons why the papers should not be tabled, he refused to give even one reason why they should be withheld. The whole of his speech—

Mr. Court: I gave the basic reason.

Mr. TONKIN: —was directed at me personally to try to berate and besmirch me—and for no other reason. I could, if I wanted to, follow on and say a few things about the Minister himself in connection with this case—

Mr. Court: You say them.

Mr. TONKIN: —and the people associated with the case.

Mr. Court: I challenge you to do it.

Mr. TONKIN: I just will not do it. I will not follow the Minister into the gutter!

Mr. Court: You know there is nothing—

The SPEAKER: Order! I will leave the Chair until the ringing of the bells.

Mr. Graham: That is one way over it!
Sitting suspended from 6.14 to 7.30 p.m.

Mr. TONKIN: I had commenced to reply to what purported to be a case put by the Minister for Industrial Development for not tabling certain papers that I desire to be tabled. In order to make out a case for the tabling of the papers, it was obviously necessary for me to give justification, and that I attempted to do in moderate language and, as far as possible, without disclosing the identity of a number of persons concerned. The Minister's response was to accuse me of being despicable a number of times. However, I am used to that sort of thing from the Minister. The Minister himself made no attempt whatever to make out a case as to why the particular papers should not be tabled. One would have expected at least one reason, but no reason was given for not tabling the papers.

It is not unusual in the Parliament for a motion to be moved for the tabling of papers and, in the time at my disposal, I sought out one which I thought might be a typical sort of case. I quote from *Hansard* No. 1 of 1953 when, of course, Labor was in Government. The Hon. J. Murray moved in the Legislative Council—where, of course, the now-Government members knew they would have a majority and would be able to succeed—that all files and papers relating to the calling of applications for the position of Conservator of Forests be laid on the Table of the House for a period of 14 days. That would have involved making available the personal file of Government servants. In the course of his argument The Hon. J. Murray said—

Whatever the papers contain, let them be made public. In such a case, members should not have to be content with getting their ears tickled by whatever a Minister of the Crown and others say is on the files or by their maintaining silence on the points on which we desire information, implying that everything is fair, square, and above-board.

Without labouring the question, let us have a look at the division list for the tabling of the papers. We find that Liberal and Country Party members to a man, including The Hon. A. F. Griffith, who is now Minister for Justice, voted for the tabling of the papers.

Mr. Graham: That is hypocrisy for you. Black one day and white the next.

Mr. Brand: You can hardly say that without smiling.

Mr. TONKIN: I repeat that Mr. Murray said, in effect, "Let us make the papers public whatever they contain." Tonight the Minister made no attempt to show that these papers contained information which should not be made public. Surely that would be the only valid reason for not tabling such papers; that is, some reason why the public should not know what is in the papers. However, not a single syllable was uttered by the Minister to substantiate such a view; but, instead, he contented himself with levelling personal charges against me of muck-raking and being despicable. What has that to do with the argument whether or not these papers should be laid upon the table?

The Minister said, "Why didn't the experienced lawyers in connection with the case lodge an appeal?" I am told—the Minister objects to my using the words, "I am informed" or "I am told"; but I would like to know how else I am to know about these things—by men who should know, that the form of this judgment made it extremely unlikely, if not altogether improbable, that an appeal could succeed. Here is the justification for that point of view. I quote from volume 89, 1953-54 of the *Commonwealth Law Reports*. This was an appeal from the Supreme Court of Victoria. The report states—

Held, that while the appellate power of the Court extended to the re-examination of the facts, the judge's estimate of the respondent and co-respondent was of the first importance and his estimate not only of the general credibility of the witnesses for the petitioner but of the reliability of their detailed observation was decisive and these were matters on which his opinion could not be revised by a court of appeal. The circumstances found were enough to support an inference of guilt and the learned judge's interpretation of them was made in the light of his estimate of the parties and what appeared in the course of the trial. His finding could not be reversed.

Although I cannot disclose what I read in the notes of evidence taken by the magistrate—because they were shown to me on a confidential basis—I am supported in my recollection of the situation by a quotation which was not given to me confidentially, but in the letter written to

me by the Minister which quotes a part of what the magistrate said in his report. This is as follows:—

The case was dismissed because I did not accept the prosecution evidence in some material particulars. Discrepancies between the evidence of certain prosecution witnesses raised a reasonable doubt in my mind. The defendant was entitled to the benefit of such doubt. These reasons for dismissing the charge were given by me from the bench at the time. It is perhaps surprising that Counsel did not follow the usual practice and take a note of my remarks, which is generally considered to be their duty.

If counsel had taken a note of the magistrate's remarks, they would be public. However, the Minister argues we should not make them public; we should not table the papers. However he gives no reason why we should not table the papers.

Mr. Court: But there is nothing confidential about the Magistrate's summing up and his decision. This was available for the Press and everybody else.

Mr. TONKIN: All there is in the magistrate's notes of evidence is a record of what he was told by the witnesses.

Mr. Court: That is normal.

Mr. TONKIN: Surely to goodness Parliament is entitled to know in a case like this what the witnesses said. Newspaper reporters are in the court from time to time, reporting on cases, and saying what witnesses said. What difference is there in those cases from a case of shoplifting?

Mr. Court: You are getting confused between the magistrate's notes and his judgment. If there had been an appeal, the appeal judge would have had access to the magistrate's notes.

Mr. TONKIN: I was informed that if the solicitors had asked for a copy of the magistrate's notes they could have been supplied.

Mr. Court: I understand not. Of course his judgment is another matter. However, I understand the notes are the magistrate's own property, but if there is an appeal the appeal judge has the right to see them.

Mr. TONKIN: In Supreme Court cases the full evidence is taken down and printed. What is so sacrosanct about evidence of shoplifting that it should be treated differently?

Mr. Court: There is nothing sacrosanct. The Press are present at such cases and the cases are held in public. If the parties are not satisfied they appeal.

Mr. TONKIN: I have given one of the reasons why an appeal was not considered in this case. Another reason is that, although the Minister continues to assert this was a private prosecution, I say it

was not. It was a case of a breach of the law; it was stealing. Are we to believe that if one steals from a place where there is no special constable that is a different act from stealing from a place where there is a special constable? So far as I am concerned it is still stealing. If the Police Department itself takes action in the first case as a public prosecution, surely that is what happens in the second case. Whose duty is it to uphold the law? Is it the duty of the Police Department or of a private individual who happens to employ a special constable?

Mr. Court: But this point is not at issue at all. The thing was dealt with by a magistrate.

Mr. TONKIN: Yes, it is at issue. The Minister kept saying this was a private prosecution and that was the justification for the magistrate noting on the papers, "No warrant to issue without reference to me."

Mr. Court: Would you rather the magistrate had left it open for the man to be arrested?

Mr. TONKIN: Before any thought was in the mind of the magistrate about putting this on the file, I said that no warrant would be issued for the constable's arrest. I told the constable. The very day I became aware of the situation, I told him not to be afraid of the situation, and not to pay the costs, because no warrant would be issued for his arrest. Yet I am not clairvoyant.

Mr. Court: Are you accusing the magistrate of having some bias in the matter?

Mr. TONKIN: I am making no accusations at all.

Mr. Court: You are making a strong implication.

Mr. TONKIN: I want to see the papers and then I will make some, if necessary.

Mr. Court: You have seen them, and you have read the Chief Stipendiary Magistrate's comments.

Mr. TONKIN: I am stating information supplied to me, and corroborated, to justify a request that the papers in connection with this case be tabled. I, personally, am making no accusation against anybody at this stage.

Mr. Court: You have made some pretty strong inferences about magistrates.

Mr. TONKIN: I am drawing logical conclusions from the facts.

Mr. Court: You are putting your foot in it further.

Mr. TONKIN: That is what I am doing. I want an opportunity to see whether my conclusions are justified or not; and the Minister wants to deny me, and everybody else, that opportunity. I say in common fairness to all concerned who have inevitably been involved in this, the papers

ought to be tabled; because upon their tabling it will become immediately evident, I would suggest, from what I have already seen, whether or not an inquiry should be held.

You will appreciate, Mr. Speaker, that I would be in a difficult situation moving in the House for an inquiry without being able to use the information which is on the papers. That is one of the weaknesses of a situation like this; when one asks to see papers one can only see them on a confidential basis. Why, if I were at liberty to disclose just one thing I saw on the papers I would be quite certain of carrying this motion—just one statement made by the person who was charged. But, of course, I cannot do that.

Mr. Court: In other words, you are getting at the magistrate.

Mr. TONKIN: I am getting at nobody.

Mr. Court: Not much.

Mr. TONKIN: I am asking for the papers to be tabled, and I am making out a *prima facie* case to justify seeing the papers. If this is all fair, square, and above board; if everybody has acted properly; and if nobody has anything to hide, what is the justification for withholding the papers?

Mr. Graham: It is obvious.

Mr. TONKIN: What is the justification for it? From time to time Ministers justifiably can say security is involved, as has been done in the Commonwealth Parliament when a request was made for the tabling of papers in regard to the F111 aircraft. Finally the Prime Minister agreed that he would table some of the papers but he withheld others because questions of security and other aspects were involved. Nobody will argue with that. If the Government had submitted some valid reason to show that these papers should not be tabled it would be a different matter. However, all the Minister could say was that I am muckraking; that I am acting despicably, and that there is nothing wrong. How does he know? He does not know as much about the case as I do.

Mr. Court: We are waiting for you to tell us. Before the tea suspension you said you would tell us about the case, and my alleged association with it, but we are still waiting. The first time I got the details of the case was at half-past 12 today.

Mr. TONKIN: Now if the Minister keeps on tempting me—

Mr. Court: We are asking you to tell us. I got the details of this case from the Minister at half-past 12 today.

Mr. TONKIN: That's what the Minister says. He was speaking personally on behalf of close friends.

Mr. Court: What close friends?

Mr. TONKIN: I have said enough.

Mr. Court: No, you have not said enough. You come to a conclusion and talk of this alleged association with me.

Mr. TONKIN: The Minister knows. There is no need for me to go into details.

Mr. Court: You are being very unfair.

Mr. TONKIN: No, I am not.

Mr. Court: You are being despicable.

Mr. TONKIN: The Minister asked for it and that is as far as I will go.

Mr. Court: You are being despicable, because you allege an association by me with this case without giving details. I saw the Minister at half-past 12 today and that is when he told me about it.

Mr. TONKIN: The Minister knew it was listed and that I had been involved in it.

Mr. Court: I knew that you gave notice of your motion yesterday and you have mentioned names in it. All through your remarks you tried to make out you were trying to protect people by leaving names out when they were already in your motion. It is just pious humbug.

Mr. TONKIN: Does the Minister deny that the people concerned are friends of his? Does he deny that?

Mr. Court: I would not say they are close friends of mine. I know them but probably I have more friends than you have, thank goodness.

Mr. Graham: That's what you think.

Mr. Ross Hutchinson: That's what he knows.

Mr. TONKIN: Does the Minister deny they are very close friends of his?

Mr. Court: They are not very close friends of mine. I know the people concerned, like I know a lot of other people.

Mr. Graham: That is a partial admission. They are personally known to him.

Mr. Court: I think the honourable member has met them. He has met them under the same circumstances as I have met them.

Mr. TONKIN: Not quite.

Mr. Brand: The Minister represents the Minister for Justice, in this House, and he normally takes that Minister's cases.

Mr. TONKIN: I am not complaining about that.

Mr. Brand: Not much. You are implying he has done something here for friends of his.

Mr. TONKIN: Of course he has! There is no doubt about that.

Mr. Court: Oh?

Mr. O'Connor: Does the Leader of the Opposition know the people concerned?

Mr. TONKIN: I do; and what irks me is that I am fond of one of the persons concerned.

Mr. Court: I would not have thought so tonight.

Mr. TONKIN: But, as I emphasised before, I have a duty to perform.

Mr. Graham: And so has the Minister.

Mr. Lapham: Let us see the papers.

Mr. Graham: The Minister does not rely on logic.

Mr. TONKIN: What justification would I have for continuing to occupy the position I hold if after a matter of this kind had been brought to my notice, with corroborative evidence, I said, "I will do nothing about it"—in a case where it is shown to me that a 68-year-old pensioner who purloins a pair of gloves worth 23c is brought before the court and has her name plastered all over the place because she has no friend in a high place to intercede for her, but another person, a socialite, who takes something worth a great deal more is charged in March and when the case comes on finally in May it is dismissed.

Mr. Bovell: Then she didn't take it. You have made an allegation that is not true.

Mr. Court: Don't you believe what the magistrates say in their decisions?

Mr. TONKIN: The fairest way for all concerned is to table the papers.

Mr. Court: That will not resolve anything at all.

Mr. TONKIN: Yes it will.

Mr. Court: You are implying that the magistrate made his decision because it suited somebody's friends.

Mr. TONKIN: I am saying that if the papers are put on the table there will be no doubt whatever as to what action ought to be taken.

Mr. Ross Hutchinson: Then why don't they make an appeal?

Mr. TONKIN: Has the Minister been asleep? I have already covered that aspect.

Mr. Ross Hutchinson: You have advanced no real reason at all.

Mr. TONKIN: We will let it go at that as far as the Minister is concerned.

Mr. Ross Hutchinson: From what you say an appeal would be an open and shut case.

Mr. TONKIN: What I say is that an appeal would be most unlikely to succeed on the grounds I have already given.

Mr. Court: Therefore the magistrate was right.

Mr. TONKIN: No.

Mr. Court: Therefore the complainant must have felt the magistrate was right.

Mr. TONKIN: Apparently what I said before went straight over the heads of the Minister for Industrial Development and the Minister for Works.

Mr. Court: I heard what you said. Counsel for the complainant never challenged the principle of costs being levied against his client. He only challenged the amount of the costs.

Mr. Graham: Do you think it will ever sink in if you say it again? I don't.

Mr. TONKIN: Let me quote from the *Commonwealth Law Reports*, vol. 89, 1953-54, page 212. This is very relevant to the point under discussion. It was—

held, that while the appellate power of the Court extended to the re-examination of the facts, the judge's estimate of the respondent and co-repondent was of the first importance—

This is referring to the original trial. To continue—

—and his estimate not only of the general credibility of the witnesses for the petitioner but of the reliability of their detailed observation was decisive and these were matters on which his opinion could not be revised by a court of appeal.

From the way the judgment was given in this case, great stress was laid by the magistrate on the way the evidence was given. He himself indicated that he did not accept the evidence as given because of discrepancies. If the case went to appeal, in view of this judgment that the appeal court could not decide on those aspects, the chances of success would be exceedingly slight. Further, of course, the person in this case who would have to lodge the appeal would be the police constable, and he would be liable for the costs involved.

Mr. Court: With a wealthy employer?

Mr. TONKIN: The employer did not lay the charge.

Mr. Court: Oh now!

Mr. TONKIN: This was a police charge.

Mr. Court: You are splitting straws.

Mr. TONKIN: I ask the Government: Why, in some cases, where there is a breach of the law, no action is taken unless a private individual takes it; whereas in other similar cases where there is a breach of the law the Police Department acts on its own initiative. What is the justification for that? If a person goes into any of the shops in Hay Street, where no special constable is employed and steals, who is expected to take action? The Police Department will take action. And let me remind members that once the attention of the Police Department has been

drawn to it they will say that under the Police Act a charge cannot be withdrawn; it must be proceeded with.

Also, let me remind members of the case I have already quoted where a man reported to the police that his car was stolen. When the police subsequently found out that the man's own son stole the car, and he asked that the charge be withdrawn, the police said, "No. It cannot be withdrawn," and the case went to court.

Mr. O'Neil: This charge was not withdrawn.

Mr. TONKIN: No, but it was asked to be.

Mr. O'Neil: How do you know?

Mr. TONKIN: Because, on the corroborative evidence of reliable and respectable people, that was the position. That is what I eventually want to be able to prove. Then we will see whether it was done and, if so, who did it. The Minister made great play in an attempt to justify the length of time which elapsed between the time the charge was originally laid and when it was finally heard. He advanced the reason that a doctor's certificate was presented; and when he was pressed to answer how many times the adjournment took place because of ill-health, he dodged the question.

Mr. Court: Frankly I would not know. I am not supposed to know, or to go into details on those aspects. The magistrate decides that.

Mr. TONKIN: I have in my possession a volume known as *The Criminal Law Review*, 1968. In this book there are some very interesting articles on shoplifting. I propose to quote some sections from this review, because they are very germane to what is under discussion. At page 423 we find the following:—

Most shop managers, indignant at the losses they sustained, felt that the urge to shoplift was promoted solely by greed. They argued that most of the offenders have money on them and later offer to pay. The members of the police who were seen, emphasised the middle-aged woman demanding attention and help, the middle-class woman, bored and neglected, who finds shoplifting gives her a sense of excitement and release. Magistrates admitted to lenient attitudes, feeling that the offence was not serious compared with others, sympathising with the middle-aged female depressive, whom they appeared to see as the "normal" shoplifter, and often blaming the shops for tempting shoppers. One security officer considered it a waste of time to send a shoplifter before a particular court in the area—where the magistrates regarded the new supermarkets as not only an unfair temptation to

shoppers but an eyesore—because the offenders were so frequently dismissed or absolutely discharged.

It is possible that excuses of illness are produced on more occasions than are justified. It seems probable that many women feeling depressed or bored will shoplift in order to treat themselves in much the same way as a bored or unhappy person will keep taking snacks or buy a new dress. The police described a few examples of kleptomania when hoards of articles, sometimes of the same type, were found unused in private houses, but evidence or recognition of this was quite rare.

At page 425 we find the following:—

- (2) Publicity given to offenders by the local press might deter, at least from a subsequent offence, since offenders express a fear of this.

There are several articles in this publication which I would recommend, firstly, that the Minister for Industrial Development should read, after which they should be read by the rest of his Cabinet colleagues, in order that they might get a proper appreciation of what probably did take place in this case.

Surely the request of the Opposition is not unreasonable in this matter. The papers contain the original charge; the statement of the charge by the special constable; and a reference to the number of appearances in the court of the different magistrates who presided on each occasion, together with the reasons given for the adjournment. We then have the final hearing and the report which the Minister for Justice obtained from the magistrate, together with a copy of the magistrate's notes of the evidence of the case. That is what is contained in the papers. But it is that information which the Government is apparently going to deny Parliament the right to see.

Mr. Court: Do you want the same papers for any court case published to be made available on request by a member of Parliament?

Mr. TONKIN: I am not moving that the papers of every court case that has taken place be made available at all; I am moving for the papers in respect of this particular case, in connection with which there have been allegations that an approach would be made to a magistrate who could be secured to see, firstly, that if a request were made for withdrawal, a withdrawal would be given and, secondly, if a withdrawal were not asked for, then no conviction would be recorded in any case.

In the face of this allegation I say we are entitled to see these papers, and if the Government insists on withholding them it will only heighten the suspicion that something took place which should not be

countenanced in this society. In some countries, of course, it is the accepted thing that there can be corruption.

Mr. Court: What is your suspicion in this case: that the magistrate acted wrongly?

Mr. TONKIN: What I am acting on at the present time is that I have been given corroborated statements by a number of persons who were present at an interview with a certain representative of a firm when this representative said it would be the worse for the firm if it went ahead with the case; when he asked that the case be withdrawn; and when he was told by the police constable concerned that it could not be withdrawn once the charge was laid under the Police Act. In answer to that statement the persons present were told by this particular person that arrangements would be made to get a magistrate who would agree to the withdrawal.

Mr. Court: It did not get him very far. It went to the court in the regular way, and there were three magistrates.

Mr. TONKIN: A withdrawal was not asked for, but the case was allowed to proceed as it should have been allowed to proceed.

Mr. Court: Who is challenging that?

Mr. Brand: No-one did.

Mr. TONKIN: When it did proceed it was dismissed.

Mr. Court: You seem to be terribly upset. I do not know whether you want the person lynched or gaoled.

Mr. TONKIN: I want the papers made public in order that a full opportunity can be afforded to see whether the matter should be taken further or not. So that we can be perfectly clear on the situation regarding special constables, I quote from the Police Act, section 35A of which reads as follows:—

- (1) The Commissioner of Police may appoint special constables.
- (2) Any person appointed a special constable shall have all the same powers and be entitled to and enjoy all the same privileges and be subject to the same duties and obligations as any constable duly appointed under this Act.
- (3) Any special constable may receive such payment for his services, and may be provided with such equipment and necessities as may be allowed and provided to a special constable appointed under the provisions of this Act.
- (4) All appointments of special constables made by the Commissioner of Police before the commencement of the Police Act Amendment Act, 1915, are hereby ratified and confirmed, and this

section shall apply to such appointments as if it had been enacted by this Act.

Therefore it is quite impossible logically to draw a distinction between a charge laid by a special constable and a charge laid by an ordinary constable acting on behalf of the Commissioner of Police. Both constables are acting on behalf of the Commissioner of Police when they lay a charge.

Mr. Court: What was the difference of the practical effect in this case?

Mr. TONKIN: The practical effect was that in no circumstances would costs be given against the constable acting on behalf of the Commissioner of Police if he took a charge and the charge was dismissed; but in this case costs were given against the constable.

Mr. Bovell: The court did that.

Mr. Court: Because it is a private case in that respect.

Mr. TONKIN: It is not.

Mr. Court: The practical effect is exactly the same.

Mr. TONKIN: I do not know what one must do to establish what a situation is. The Police Act makes absolutely no distinction between the duties, obligations, and privileges of a special constable and an ordinary constable; and to establish that point, which is vital, I will quote section 35A of the Police Act again. It reads—

- (1) The Commissioner of Police may appoint special constables.
- (2) Any person appointed a special constable shall have all the same powers and be entitled to and enjoy all the same privileges and be subject to the same duties and obligations as any constable duly appointed under this Act.

The point I want to make is that if a case of shoplifting occurs in a shop where there is no special constable and the proprietor of the shop notifies the police and a charge is laid, then, under no circumstances would the costs be given against the particular policeman who took the charge. But in this case, because the charge was laid by a special constable, costs were awarded against the special constable; and the Minister continues to argue it was a private case. Just imagine upholding the law in some cases and saying it is private business, and that in other cases it is public business.

Mr. Court: The companies know the position; they have engaged these people.

Mr. TONKIN: The law says, "Thou shalt not steal."

Mr. Bovell: That is one of the Ten Commandments.

Mr. Graham: The Rev. Bovell speaks.

Mr. TONKIN: That is in conformity with the Ten Commandments; but the Minister wants to say that if one steals in a shop where there is no special constable and a charge is laid, that is a public matter.

The SPEAKER: The honourable member has another five minutes.

Mr. TONKIN: Thank you, Mr. Speaker. But if a person steals in a shop where there is a special constable, that is not a public matter at all; it is a private matter. That reasoning is completely beyond me.

Mr. Court: It is a private case.

Mr. TONKIN: That is the position, and I refuse to spend any more time on it. In conclusion I say that no valid reason—and I repeat, no valid reason—has been given as to why these papers should be withheld from scrutiny; but instead there has been a tirade of abuse and vilification against me for having the temerity to discharge a public duty.

Mr. Court: For leaving this inference to be drawn against people who are not able to defend themselves.

Mr. TONKIN: Let the Minister produce the papers and an opportunity will be afforded them to be completely cleared.

Mr. Court: You should be fair to these people and say outside the House what you have said here.

Mr. TONKIN: There is every justification for the motion I have moved, and I trust members will exercise their judgment in this matter and consider what the consequences will be if, without any reason at all as to why the papers should be withheld, they are withheld from the scrutiny of this Parliament.

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

Ayes—20

Mr. Bertram	Mr. May
Mr. Bickerton	Mr. McIver
Mr. Brady	Mr. Molt
Mr. Burke	Mr. Norton
Mr. H. D. Evans	Mr. Sewell
Mr. T. D. Evans	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Harman	Mr. Tonkin
Mr. Jamieson	Mr. Davies
Mr. Jones	
Mr. Lapham	

(Teller)

Noes—24

Mr. Bovell	Mr. Mitchell
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. O'Connor
Mr. Cash	Mr. O'Neill
Mr. Court	Mr. Ridge
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stewart
Mr. Hutchinson	Mr. Williams
Mr. Kltney	Mr. Young
Mr. W. A. Manning	Mr. I. W. Manning
Mr. McPharlin	
Mr. Mensaros	

(Teller)

Pairs

Ayes	Noes
Mr. Fletcher	Mr. Craig
Mr. Bateman	Dr. Henn
Mr. Hall	Mr. Lewis

Question thus negatived.

Motion defeated.

BILLS (2): RECEIPT AND FIRST READING

1. Nurses Bill.

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

2. Child Welfare Act Amendment Bill.

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

EDUCATION ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

RURAL INDUSTRIES IN THE SOUTH

Inquiry by Royal Commission: Motion

Debate resumed, from the 28th August, on the following motion by Mr. H. D. Evans:—

That in the opinion of the House a Royal Commission should be appointed to enquire into the rural industries in the South West and Great Southern areas in respect to:—

- (1) The costs, returns and trends in the dairying, apple growing, wool and lamb, and the dairy beef industries of those areas.
- (2) The problems confronting the producers.
- (3) The preservation of the small farmer.
- (4) Make such recommendations which could assist in resolving the problems revealed by the investigation.

MR. NALDER (Katanning—Minister for Agriculture) [8.20 p.m.]: The time has come tonight to discuss a matter that is concerning a number of people throughout the length and breadth not only of Western Australia but of Australia. I think we can say that at this point of time it is recognised conditions for some farmers have worsened owing to the fall of wool prices in 1967; and, to some extent, the subsequent devaluation of sterling had some influence on this situation.

Before I proceed further, there are a few points made by the honourable member when he moved the motion which I feel need some correction. I do not think he determinedly set out to misinform the House, but no doubt his informants, in some cases, may not have been fully informed of the situation. Therefore, at this stage, I believe I should make some comments in this regard.

First of all, when introducing the subject, the honourable member made some criticism of the Government's attitude to—

wards industries in the south-west portion of the State. He said—

This Government is well on the way to being regarded by posterity as the "compass government," because it points only in one direction, that direction being the north. The time has just about arrived when it must review the reciprocal bearing and pay attention to the plight of some of the industries in the southern areas.

I asked the honourable member if he knew what money had been spent in the southern areas and he said that it was not sufficient.

I wish to inform the House that during the period 1960-68 the Government spent \$490,264,000 in the southern portion of the State—that is below the 26th parallel—and \$84,000,652 in the northern portion. So when people make statements without being prepared to back them up, it is time they were corrected. That is the first point I wanted to make in replying to some of the issues raised by the honourable member.

He quoted a tremendous number of figures and in some cases I have no cause at all to criticise them, but I wish to comment on several of the figures he did mention, as I consider they are not in line with the actual facts. The honourable member said—

In the last two weeks of July the prices of lamb showed a variation of \$3.30 to \$8.20 and \$5.30 to \$7.70. Last week the prices of lamb showed a variation of \$3.80 to \$7. Similarly, a downward trend can be seen in the price of ewes. In this case for the last two weeks of July the prices quoted ranged from \$3.80 to \$5.80 and from \$2.70 to \$4.60. In the first two weeks of August the prices were \$2.50 to \$3.60 and \$3.20 to \$4.60.

I have no criticisms to offer about those prices because they are as reported.

The honourable member went on to mention the plight of a couple of farmers who, I understand, are in the Manjimup area. In regard to one farmer he said—

In the case of the first farmer, his average return for lambs in 1966 was \$7.16; in 1967, \$6.11; and in 1968, \$5.73. Three years ago this farmer valued his ewes at \$14.60 each. In 1967-68, he can expect \$4 for the ewe and the lamb.

If members have regard to the figures I quoted previously, they will see that the two lots of figures do not agree. Therefore, I think it is possible the honourable member has been misinformed in this connection because if the prices for a lamb and a ewe are added together—even taking the lowest of the prices—this would certainly amount to more than \$4. According to my reckoning the amount would be \$6.

Mr. Davies: From what page did you quote?

Mr. NALDER: From pages 723 and 724 of *Hansard*, Wednesday, the 28th August.

The honourable member then went on to speak of the situation with reference to land values. This is an interesting matter because I have had some inquiries made. I cannot find the figures at the moment but will come across them shortly. I thought it advisable to make contact with those in authority to obtain some information with reference to land values that existed in various parts of the State. I therefore contacted the chief officer of one of the stock firms that does a great deal of business in land sales. I requested information as to whether, generally speaking, in the various parts of the State, land values had dropped.

When the honourable member was moving his motion the member for Dale interjected and asked, "What would be the land value of the properties you are quoting?" The honourable member replied—

The trend of land values has also declined over the same period. The decline has been appreciable and I have the figures for the four years, if any member is interested in them.

The chief officer of one of the stock firms, whom I previously mentioned, said that he would not agree there had been an appreciable decline in values. He was referring to farms that had been offered for sale. He made the comment that properties at this stage were harder to sell than on other occasions.

I then contacted the chief rural valuer of the Taxation Department because I felt in this situation one should get the latest information. He said there had been no decline in land values in the established farming areas of the State. The south-west and the Great Southern are mentioned in this motion, and they come into the older established farming areas. The chief rural valuer of the Taxation Department goes on to say—

In general terms there has been no falling off in values—the general level of values is being maintained throughout the State.

There has been some reduction in values of partly improved Conditional Purchase leases in newly developing fringe areas, but not in established districts.

Mr. Bickerton: We do not want to know what he thinks; what do you think? Do you think there has been a decline in land values?

Mr. NALDER: No, I do not; and this is proved if one will only look at some of the reports that were mentioned. I think, by the member for Collie. I looked at some of these reports to find out

whether a lot of farms were being offered for sale in the area represented by the honourable member.

I want to show that although we realise there are difficulties associated with various areas of the State, things have not got to the stage where everybody is putting his tail between his legs and rushing away saying that this is the end of the road.

I want to make the point that the number of farms being offered for sale in some of the areas in the south-west and the great southern is not considerable. The areas concerned cover all of the farming land, and in one list are as follows:—

Bremer Bay; Geraldton; Coolup; Jerramungup East; Denbarker; Esperance; Katanning; Moora; Quairading; East Northam; Bruce Rock; Mt. Barker; Korbel-Merredin; Wyalkatchem; Lower Chittering; Dandaragan; Rocky Gully; and Wagin.

There are some 20-odd farms for sale in the list, and they were advertised on the 26th September.

Mr. Jones: Were there any offers to buy?

Mr. NALDER: No doubt some of the properties are being sold. I have here a copy of the *Review* published by Dalgety-N.Z.L. dated the 12th September, listing the following areas where farms are for sale:—

Boyup Brook; Cordering; Lake Grace; Binnu; Busselton; Watheroo; Bullfinch; Moora; Boddington; Ongerup; Kellerberrin; Lake Grace; West Beverley; and York.

Just as a matter of interest I have another list here which I would like to quote, and the areas concerned are—

Mingenew; North-East Northampton; West Mt. Barker; Bridgetown; Bokal; Boddington; Dandaragan; Kojonup; Central Great Southern; Burakin; Marchagee; West Three Springs; Carnamah; South Busselton; Brookton-Corrigin; West Northam; Serpentine; Perillup; and Mandurah.

Those lists indicate that farms are being sold, or are being offered for sale, right throughout the length and breadth of the South-West Land Division and do not suggest that there is a depression in the south-west, that everybody is concerned about the future, and that farms are being offered for sale everywhere.

Mr. Jones: Then for what purpose are meetings being held right throughout the State?

Mr. NALDER: The other point I wish to refer to has reference to beef prices. The honourable member was well and truly off the beam in regard to this matter.

Mr. Jones: The information I asked for is confidential, like the oil prices.

Mr. NALDER: The member for Warren stated figures paid for baby beef as \$73, \$72, and \$56 for the years 1966, 1967, and 1968 respectively. All I can say, regarding the last figure, is that the animal referred to was not in any way comparable with the animals sold in 1966 and 1967. I have with me a diagram which shows the prices of stock during last year and this year. This information is on page 22 of the *Wesfarmers News*, dated the 26th September, 1968, and is available in the reading room for those who wish to read it.

Mr. Jamieson: You appear to have most of the reading room up here.

Mr. NALDER: The prices quoted for baby beef, as printed by the associated agents, indicate that for the 1st June, 1967, and for the 1st June, 1968, the prices are almost identical. The prices follow an almost identical pattern right up to the last few weeks, when the price of baby beef has risen above that quoted in 1967.

So I want to say that the honourable member's informant has tried to make the situation worse than it is. I am using this as a factual situation, and I hope that when such information is given to the House it is as near as possible to the factual situation.

Mr. Davies: What part of the member for Warren's speech are you quoting?

Mr. NALDER: Page 724, in the second column.

Mr. Davies: He is not referring to market prices.

Mr. NALDER: The honourable member was talking about prices.

Mr. Davies: The Minister is completely misleading the House.

Mr. NALDER: No, I am not. The honourable member gives the figures for baby beef. He does not appreciate the situation when he says that the figures for 1966, 1967, and 1968 were \$73, \$72, and \$56 respectively.

Mr. Jones: That is a specific case history.

Mr. NALDER: That is right, and it means just what I have said. It is quite obvious that the cattle sold in each of those three years were not identical. I am trying to point out to the member that the price of baby beef has not fallen, so the type of animal must have been different. That is the point I am making.

Mr. Bickerton: It must have been a kangaroo.

Mr. NALDER: More recently a group of farmers in the Bridgetown-Boyup Brook-Greenbushes area were affected by the season, and there is no doubt that the situation referred to exists in those three places. The season broke off rather short last spring and there were no follow-up rains. The pasture deteriorated very rapidly and then, of course, the rains did

not arrive early in the 1968 season. Almost every other part of the South-West Land Division was getting ample rain, but the area I have mentioned missed out.

We appreciate the situation and I want to make some reference to it because the member for the district invited me to Bridgetown to discuss the position with the presidents of the two shires. I refer to the Upper Blackwood Shire and the Bridgetown Shire. There was an apology from the President of the Greenbushes Shire, who was not able to be present. Those men pointed out the serious situation which had developed in the area and we discussed the matter fully for some considerable time.

I received a request from the two presidents that every effort be made to assist the farmers to obtain fodder to feed their stock during this critical period. Every effort was made. The grain pool, which handles the sale of oats, made arrangements to have oats available at Bunbury for any farmer who wished to cart the oats either by contract or by his own means. He could go to Bunbury and purchase the oats at market price so that he could feed his stock. Arrangements were also made with the Deputy Director of Agriculture to meet the agents to find out where fodder was available where it was not required.

Discussions took place and the information was made available regarding supplies of surplus oats. An approach was also made to the Minister for Transport and he agreed it would not be necessary, under these circumstances for contract carters to get a permit to cart the oats. This meant there were no difficulties, and no holdups for the carters in respect of travelling to wherever they could find fodder and carting it to the areas where it was required. This was done during the first week in June and every effort was made to facilitate the transport of fodder for the cattle and the sheep—or for the people who needed it for their stock. As I have said, there were no holdups in obtaining permits.

I know that this situation was appreciated and I am sure that quite a number of farmers took advantage of it. I did not inquire from the Grain Pool as to how much oats was sold at Bunbury, but I know provision was made to reserve a quantity for the farmers. I want to make special mention of this because a difficulty did exist in that particular area because of seasonal conditions. This situation, of course, does not apply only to Western Australia. At the moment it applies to other parts of Australia, and no doubt some members saw a news item on television the other night which indicated that in parts of New South Wales, even at this moment, very difficult times are being experienced as far as drought is concerned.

In all these cases farmers developing properties—not only small acreages, but also large properties—have problems, which can be expected to be encountered, involving financial difficulties. More recently, the severe drop in the price of surplus sheep normally used for export as carcase mutton, or boneless mutton, has caused further problems to farmers who have bought sheep at high prices. I think it is just as well to remind members of this situation.

No doubt members would appreciate that during the last few years there has been a great demand for breeding-stock, and I am referring to sheep. I refer not only to merinos, but also to crossbred sheep for the breeding of fat lambs. We know only too well that this demand has caused quite a bit of concern from the State's point of view. Many sheep were being brought from the Eastern States to build up our numbers, and the stage was reached where people were paying very high prices for breeding-stock. They were being encouraged to do this—to pay high prices—because at that time any surplus stock which was available brought quite satisfactory prices.

It will also be recalled that last year the average price of wool dropped to the lowest figure since 1959, and 1961-62—two periods that I recall. I remember that the price went down to approximately the same as it was last year—about 42c per pound.

This situation has caused an additional problem to the many farmers who laid out large sums to purchase stock, in the main from the Eastern States, for breeding purposes.

Apple production was also mentioned by the honourable member. I know that a year ago growers were apprehensive about the export market, but the price, for the season, turned out to be quite satisfactory. This was especially so with regard to the sales made to Great Britain.

Mr. Tonkin: Did not a grower in the south-west recently rip out 1,000 acres of apples?

Mr. NALDER: No, they were peach trees. They were taken out as a result of the producer not being able to obtain a market for that particular variety. They were canning peaches. The member for Warren has reviewed the overall position in his speech, and has given a picture of the areas in which he is interested; and, as I said earlier, I believe the facts are generally correct.

Perhaps this would be a favourable opportunity for me to refer to the overall agricultural position in Western Australia. Farmers in the South-West Land Division of the State, I think, have been endeavouring, generally, to improve their farming practices by such methods as increasing the acreage of their pasture. If figures were made available it would be found that

almost every district of the State, without exception, has extended the areas under pasture, and others have endeavoured to plant clovers and grasses for the purpose of increasing their carrying capacity.

By such methods farmers have enlarged their holdings to the extent that the gross average value of rural production rose from \$204,000,000 for the five-year period to the 30th June, 1955, to \$432,000,000 for the year ended the 30th June, 1968. This is a rise of 112 per cent. in gross income from an increase of 17 per cent. in the number of active farms. Of course, costs have risen, so I should refer to net value; that is, gross value, less cash costs, other than labour, of rural production. For the three years ended 1955, the figure was \$6,947, and for the three years ended 1968, it was \$13,037.

I realise that the general position, as indicated by the figures I have quoted, is meagre comfort for those most affected by the changing situation, including those farmers whose activities are based on merino sheep or fat lambs, and who, therefore, depend on returns from wool and sheep meat.

I have endeavoured to ascertain the source of the criticism that has been levelled. To be fair, I do not know whether the criticism has been made on the basis that it is merely indicating the situation in which farmers are placed, but it has been said by individuals, and it has been quoted at various meetings, that the problem is a financial one and has arisen mainly as a result of the attitude adopted by the financial institutions towards farmers. In an endeavour to clarify the situation, I invited the Manager of the Associated Banks, the Manager of the Commonwealth Bank, the Chairman of Commissioners of the Rural and Industries Bank, and the heads of the associated agents to discuss the matter with me.

I also met the manager of one of the insurance companies in this State which lends a considerable amount of money annually to those engaged in the agricultural industry. As I have said, I took this action because of the criticism that has been levelled against the Government. Whether such criticism was deliberate or not, I could not say. However, I discussed the matter with the gentlemen I have mentioned and I was amazed to find that all of them were directly interested in the success of each and every client regardless of the area in which the client was operating. I wish to emphasise to the House that I was assured by these people that neither the banks nor the stock firms have withheld financial support from farmers, nor do they intend to do so. In fact, all of them reported increased monetary advances to those engaged in the agricultural industry throughout this State.

The following statement, which is indicative of the manner in which banks respond to the situation, was issued by the Australian Bankers' Association Research Directorate on the 16th September, 1968:—

Mr. C. H. Rennie, Chairman of the Australian Bankers' Association, said today that criticism of the Banks by some farmers in Western Australia was unfounded. The Trading Banks were responsive to the problems which adverse prices or seasonal conditions created for producers and always assisted the farmers to the fullest extent possible.

Mr. Rennie said that the rural lending policies of the Banks provided for preferential treatment for producers, both in terms of the availability of finance and interest rates charged.

There had been no change in these policies and in fact loans approved for rural purposes had been at a record level during the past year.

In Western Australia nearly one-third of all Trading Bank advances outstanding were held by farmers compared with the national average of 24 per cent.

Mr. Rennie said that the Banks were proud of their record in the field of rural lending and had always treated the rural community sympathetically.

The words of the other gentlemen that I met were almost identical with the words I have just quoted. I then requested an interview with the Chairman of Commissioners of the Rural and Industries Bank to discuss this matter, and although I spoke to the chairman, the following information was provided over the signature of the deputy chairman:—

We have maintained our standard practice of meeting the reasonable needs of all our customers and consequently we have not been enforcing reduction in farmers' borrowing arrangements with us. In fact, these have shown a substantial increase over the past two years, partly attributable to the lower prices received by farmers for their produce.

The purpose of my meeting these people was to obtain their assurance on the situation in order to try to restore confidence among members of the farming community. I believe such confidence exists, although one would be led to believe it does not. I repeat that the Government appreciates the problems faced by many members of the farming community; and it is prepared to meet them and discuss their problems to see what can be done to improve the conditions in the areas that are affected.

Mr. Tonkin: Is the Minister going to Milking?

Mr. NALDER: No, the Minister is not going to Milng. It so happens that I have received a number of letters inviting me to attend various centres, but at this point of time I have not been able, because of prior arrangements, to go to any of the meetings that have been called. The two meetings at Geraldton last Monday were both held in the afternoon when Cabinet was in session, and the Leader of the Opposition would appreciate my position in this particular instance.

Mr. Bertram: Would not the increased borrowings from banks be indicative of the farmers' financial position?

Mr. NALDER: One could place whatever interpretation one likes on such a situation, but the honourable member should also appreciate that development is continuing to take place throughout Western Australia. The best way to answer the honourable member's query is to read again the last part of the letter I have just read to the House. It is as follows:—

In fact, these have shown a substantial increase over the past two years, partly attributable to the lower prices received by farmers for their produce.

I would also make the point that the self-same information was given by the associated agents, which indicated to me that quite a number of farmers had been assisted to the extent of millions of dollars. The information also suggested to me that these people were prepared to meet farmers to discuss their problems and, in the majority of cases, be prepared to assist them. Many cases have been brought to my attention which have indicated that the banks have been most sympathetic in their attitude towards assisting farmers.

I can recall the case of a farmer in the great southern who made an application for assistance to put down a key dam on his property. At the time he applied there was no possibility of the comprehensive water scheme being extended to his property, and so the bank agreed to make a sum of money available to him to build his dam. Almost in the same breath the bank said that should he require more money to build sheds or to improve his property in some other way the finance would be made available to him.

One of the managers of the bank mentioned that in their programming for the year they allocated a certain sum of money to the various branches in country areas and that although in two of the areas the amount they had allocated had been overdrawn, in another area the advances made to farmers had not reached the total amount. This indicated to me that the situation was reasonably fluid. Further, a similar attitude was shown by

the Manager of the Commonwealth Bank and also by the insurance company I mentioned which lends a large sum of money to those engaged in the agricultural industry.

I do not want it to be thought that there are no farmers in a difficult financial position. We always hear of a few individuals who cannot carry on, but this happens whether times are good or bad. When I visited Bridgetown I called on two of the banks at that centre. I did not know the managers, and they did not know that I had intended visiting Bridgetown. I asked them what the situation was in the Bridgetown area and they informed me that it was a case of business as usual. I inquired about the general situation of farmers operating in the Bridgetown district and their chances of obtaining financial assistance if required, and they advised me they were prepared to make money available to any farmer to purchase fodder to keep his stock in reasonable condition.

I pointed out to them that I had heard there were three farmers in the district who were in a fairly difficult position and there was a possibility they would have to walk off their properties. I was informed by the managers of these banks that these three men would probably be in the same position no matter what the seasonal conditions might be. We cannot put our heads in the air in regard to this situation. Some farmers, through no fault of their own, have run into difficulties and it is quite impossible for them to carry on.

In circumstances such as that I do not think it is wise that we should place ourselves in the position where we feel that, under these conditions, every farmer must be catered for. We must be reasonable about the matter and, in the main, I think farmers realise that, if they have reached a position where they find they cannot carry on, the best course for them to follow is either to sell their properties or to lease them. They should make every endeavour to realise as much as possible from what they own, whether it be stock, machinery, or the land in which they have an equity.

Mr. Hall: Will the Minister agree to meet a deputation from farmers situated in the south-west area?

Mr. NALDER: On many occasions in reply to correspondence I have received inviting me to attend meetings I have written letters regretting my inability to be present, but I have offered to meet a committee or any representatives from the particular area to discuss the problems with which they are confronted.

Mr. Hall: What about receiving a deputation?

Mr. NALDER: I have never refused to meet any deputation. Any group that wishes to interview me to discuss this arrangement is quite welcome to do so.

In order to see the situation in proper perspective some comments should be made on certain aspects of our agricultural production. Firstly, and I mentioned this earlier, the average price for wool for 1967-68 of 42c per pound, is low compared with other sales, including the sales for the two seasons I mentioned—1958-59 and 1960-61. The prices for the coarser wools such as those emanating from fat lamb producers have been most affected.

It is interesting to note from this morning's newspaper the prices obtained from the wool sale which was held at Fremantle yesterday and which is continuing today. There was a strong demand for crossbred wools, and this development is most encouraging. Since the period I mentioned when the low average price of 42c per pound was obtained, there has been a gradual rise in prices. This has been the experience of the sales conducted in Western Australia in recent times, such as the sale at Fremantle a month ago, the sale at Albany last week, and the sale at Fremantle yesterday. The prices are improving. The estimate of the price per pound of wool is up by about 4c, and in some cases higher. This suggests that the wool prices are improving to the stage where farmers, generally, will be reasonably satisfied.

More recent information also indicates a better demand for other wools. That is, the higher class merino wool has been bringing better prices over the last few months. Secondly, farmers are concerned about the prices that are likely to be obtained from the sale of lambs. This matter will be dealt with in another motion before the House. It will be appreciated that the main crop of lambs in the spring has always caused a glut. That has been the situation for as long as I can remember; and prices generally deteriorated to the export level. We know from experience over a long period of years that previously the export price for lambs was satisfactory, but gradually the price decreased until this year it reached the lowest level it has been for many years. The price being paid today is in the vicinity of 14c a pound on the hoof for top grade lambs.

Usually the price of lamb tends to improve when the flush period is over, and almost without exception from the new year until the following July or August there is a marked increase in the price caused mainly by the local demand. Because of the smaller number of lambs which were available at that period of the year encouragement was given to farmers to breed lambs for the off-period. However, in September of last year there was a glut, and many farmers decided to hold back their lambs, because they thought

they would receive a better price during the autumn months, but that did not eventuate. Not a few, but quite a large number of farmers did this, and consequently there was little improvement in prices. This trend has to be taken into consideration.

I would like to point out that the position which exists in Western Australia also exists in the Eastern States. I make passing reference to this aspect, because at the present time the price of lambs in Adelaide is about the same as that in Western Australia. The prices shown in the market reports which appeared in a stock journal in Adelaide on the 19th September last are almost identical with the prices in Western Australia. In Adelaide the prices of best lambs ranged from \$5.80 to \$6.40; best medium from \$5.70 to \$5.75; and light from \$5 to \$5.25. To make a comparison with the prices in Perth, sucker lambs fetched from \$5 to \$5.60; the top price about \$6.40; fair to heavy from \$4 to \$5; and best breed \$5 to \$6. That shows the prices are almost identical.

Mr. H. D. Evans: That does not make the prices fair.

Mr. NALDER: No. Not only do we in this State experience difficulty, but also the producers in the other States. The other evening when I was travelling home I heard over the air a debate on the primary industry appropriation legislation, and I was very interested in the remarks made. In the House of Representatives Mr. Duthie, who I understand represents an electorate in Tasmania, indicated that the same position in regard to lamb prices exists in his State. In the *Hansard* report of the speech he made on the 12th September, 1968, appearing on page 1019, he had this to say—

I am sorry to say that the honeymoon for our primary producers is over. The post-war boom years have ended. We have entered a period of hard slogging. There must be changes in marketing and changes in attitudes towards primary production.

Mr. Pettitt, who represents an electorate in New South Wales, also took part in that debate, and his contribution appears on page 1023 of the Federal *Hansard* for 1968. He started off by making some reference to the Australian Wool Board being the responsibility of the Minister for Primary Industry, and then said—

No primary industry has greater problems to overcome at the moment than has the wool industry. This applies particularly to wool growers in the western areas. They have great difficulty in lifting their production. It has been a lucky year for us in the inside areas. I know that there is a tremendous variation in the returns on wool. I have seen reports on this

by the Bureau of Agricultural Economics, and I have seen the variations. In my own district I have seen returns of from 15 per cent. to 18 per cent. on capital on some of the best farms and returns of 2 per cent. on some of the less efficient properties. Greater attention will have to be paid to efficiency, we will have to use all the latest methods.

Those remarks indicate the problems exist not only in Western Australia but in other States of Australia, and they affect the marketing of wool, fat lamb production, dairying, and the beef industry. At this point of time, however, the beef industry is one of the best of the primary industries, as far as economics are concerned.

Mr. Norton: These problems exist all over the world.

Mr. NALDER: Production in the United States of America has presented a problem. The American Government pays the wheatgrowers not to grow wheat, because of overproduction. The fact is that many problems exist in regard to agriculture. I want to strike a brighter note, because I believe the position is likely to improve.

I mentioned the situation in reference to wool, and I now proceed to mention the fact that farmers are concerned with the prices that are likely to be obtained for their lambs. In this connection it will be appreciated that the main crop of lambs in the spring has always caused a downward trend in prices. This year we experienced that almost to the week.

Mr. Norton: Has not the price of lamb been down since last June?

Mr. NALDER: Although the price has risen slightly during the autumn months it did not rise by very much. It has since dropped to the low figure I mentioned.

Mr. Norton: In June of last year the price was 16c a pound.

Mr. NALDER: The price at the present is about 14c a pound on the hoof at Midland for top quality lambs. I met a lamb producer this afternoon who told me that he received only \$6.40 for his consignment of lambs this week. Perhaps the most sudden and the drastic change in price has been that obtained for old sheep which are sold as surplus to the requirements of producers. In the main these old sheep are used for boning out purposes. There is a restricted market for carcase mutton in various parts of the Far East; this is not a great market, but only a market for a limited quantity. The greatest percentage of this old stock is used for boning out, and the meat is sent to various parts of the world.

A number of live sheep are normally exported to Singapore and this trade is continuing. We also have a market in the countries around the Persian Gulf. Recently I called in the representatives of the organisation of exporters in Western

Australia to discuss with me the possibility of extending the market to other parts of the world, in an endeavour to increase the competition for old sheep sent to Midland. I have not the actual figures, but it is interesting to note that mutton prices at Midland have increased considerably. However, the prices for mutton in South Australia are going in the reverse direction.

Last year South Australia experienced a drought, and now the producers are building up their sheep numbers. They are doing what the producers in Western Australia have been doing for the last three or four years—keeping the old stock in order to breed more sheep and increase the numbers on their properties. Today the number of mutton sheep coming on the market in Western Australia is greater than the number which the local trade can absorb. The curious aspect is that there is very little mutton sold to consumers in this State.

Mr. Norton: You cannot buy mutton in the butcher shops.

Mr. NALDER: I am glad of that interjection. My wife went into a butcher shop in Applecross the other day and asked for a leg of mutton. The butcher told her that he had no sale for mutton, but only for lamb and hogget.

Mr. Bickerton: Mutton is sold only as hogget.

Mr. NALDER: In reply to the honourable member I should point out that last year we took steps to remedy the position.

Mr. Bickerton: Perhaps the Minister would like to see my butcher.

Mr. NALDER: I would willingly go with the honourable member to his butcher and buy a leg of lamb which he suggests comes from an old ewe.

Mr. Norton: One butcher told me that he sells it only on order.

Mr. NALDER: This is the trend. The consuming public in Western Australia is determined to get the better quality and is prepared to pay for it. Therefore lamb is bought in preference to mutton.

I earlier mentioned the exporters and I am pleased to say that over the last two weeks I have had a ring back from them and have been told that there has been an increase of some 240 tons of boned meat sold as a result of their determined efforts to try to locate new markets. Every effort is being made to obtain a keener market which will enable the price of stock to improve.

I believe the situation is going to improve. I believe from the evidence which is coming forward, that we now find ourselves in a trough. My suggestion to farmers at this time is that if they are in a position to do so, they should hold their surplus stock. I am not referring

to their lambs, because sucker lambs cannot be held back as they must be sold when they are in their prime. However, as far as surplus sheep are concerned farmers should hold them back.

There is one point I wish to make in this regard because I believe it to be important. If a farmer sells his mutton on the hoof today, and the animals have been closely shorn, he will not get anything at all for the pelts. A farmer the other day showed me a consignment note for 145 wether pelts. He had sold the wethers to an exporter and the skins were to go to the farmer. They were duly taken and dried, and after this had been paid for, plus the cartage fees, commission, and so on, he had to pay out 2c for the 145 skins. In other words, instead of receiving anything at all for the 145 skins, he had to pay out 2c.

My advisers inform me that skins with a length of half an inch of wool or more are bringing from 80c to \$1.15. This suggests to me that if the stock were held a while until the wool could grow a little, the skins would be far more valuable.

It is much more profitable to carry the sheep on for a while longer, especially when we consider the good seasons being experienced almost throughout the length and breadth of the land. It would pay farmers to hold on to their sheep rather than sell them and create a glut such as the one we experienced last year, when, in one week, 70,000 sheep were up for sale at Midland. I hope farmers will take the advice and that those responsible for conducting the sales will ensure we do not have a glut similar to that experienced last year. If the sheep are fed onto the market gradually and some are held back for a period to enable the wool to grow, the farmers will be compensated for the time they wait.

I believe the situation will improve. At the moment we are experiencing low prices, but there is a bright spot on the horizon and if farmers take this advice a situation will be created which will be in their own interests.

I am informed that the main and most profitable market for mutton has been Japan, but, unfortunately, at present there is practically no demand from that country because of the large stock of meat held by it. It has gained this huge stock firstly because of the large sales of mutton from Victoria as a result of the sheep slaughtered last year on account of the drought. This meat has been held in store and is now being fed onto the market. The second reason is the situation in New Zealand where huge stocks of mutton have been held and are now being fed onto the market.

In due course these stocks will be depleted and we hope that exporters in this country will be able to take advantage of some of the sales because, as I have said,

those in South Australia, Victoria, and parts of New South Wales are still trying to improve the numbers of stock on their holdings. These numbers have been depleted because of the drought, experienced one, two, and three years ago.

In general, the information obtained from the exporters is substantiated by the local representatives on the Australian Meat Board, with whom I also conferred. Exporters have made a determined effort. As a matter of fact, one exporter that I know of is at present overseas endeavouring to improve sales of boneless mutton. Every ton of mutton we sell at this time will relieve the situation and improve the ruling prices. In addition, there has been the trade to the United States, but exporters are reluctant to risk losses as a consequence of the rejection of meat in which cysts are found.

The Department of Agriculture, in conjunction with the Department of Primary Industry, is endeavouring to make a determined effort to reduce the incidence of this problem. I do not intend to go into detail here on this matter because I believe more information will be made available as these efforts are continued.

Unfortunately, the trade in live sheep to the Persian Gulf has met with severe competition from the Corriedale sheep from the Argentine, and local export sales can be made only at lower prices. However, I am pleased to say that one exporter informed me that a substantial number of sheep have recently been sold to the Persian Gulf and, of course, this will assist the situation further.

It should be made clear that lower sheep prices will not seriously affect farmers whose main income is obtained from wool and who breed their own flocks. The only difficulty they are experiencing is as a result of the lower prices they are receiving for their surplus stock. The fact is that the wool price is improving and therefore the position of those who breed their own stocks and who are, perhaps, in a position to purchase stock at the moment, is quite reasonable.

The farmers who are adversely affected are those who bought their sheep, and hoped to quit them at prices much higher than they are able to obtain today.

I now want to return to the situation with reference to the Royal Commission. It is reasonable to expect that such a commission would have clearly defined objectives. I want to say here and now that I am opposed to the appointment of a Royal Commission. I believe that no good purpose would come of the appointment of a Royal Commissioner to investigate the situation outlined by the honourable member, and I will give my reasons for this belief.

In his motion the honourable member first of all referred to the rural industries in the south-west and the great southern.

If a commission were appointed for any purpose, it should be to investigate the whole problem.

Mr. Bickerton: We could easily amend the motion to include that.

Mr. NALDER: I am going to give reasons for there being no necessity to appoint a commission.

Mr. Bickerton: I thought you were going to support it.

Mr. NALDER: The honourable member wants an inquiry into the costs, returns, and trends, in the apple-growing, wool and lamb, and the dairy-beef industries in those areas to which I have referred. I am just wondering how long the honourable member or any other member of this House would anticipate that an inquiry of this nature would take. I would hazard a guess that a lot of members in this Chamber would not be here when this report came to hand.

Mr. Bickerton: That would be a good idea.

Mr. NALDER: It might be, too. The Commonwealth Government conducted an inquiry into the dairying industry and members know full well the result of that inquiry. We are only now being informed of the results of it. Not directly, but apparently, no doubt, in some way, the inquiry is responsible for the Commonwealth Government deciding to make money available to assist the dairying industry. However, the point I want to make is that the Commonwealth Government appointed this committee to inquire into the industry in Australia.

I am quite sure that if a person was appointed to make an inquiry into the dairying industry here, he would have to go to the other States to compare the problems, and so on. Even if he did not take 12 months, certainly a considerable time would elapse before he could issue a report. So much for an inquiry into the dairying industry.

The next one on the list is apple-growing. Only a few years ago we appointed a Royal Commissioner (Judge Gillespie) who inquired into all aspects of the industry. He took 10 months to make full inquiries. He not only looked into the situation here but he also compared it with that in other States, and so on, and it was 12 months before he submitted a report on the apple industry alone.

If it took a committee 12 months to inquire into the dairying industry, and a commissioner 10 months to inquire into the apple industry, it would involve the best part of two years to deal with this matter, and not even half the points in the motion would have been dealt with.

What about the wool industry? What a problem this individual would have in trying to inquire into that! Not one person,

but hundreds of people in Australia have been endeavouring, through conferences, debates, discussions, and meetings held in every part of the country, to find a solution to the problems confronting the wool industry. The Commonwealth Government has appointed a wool committee which is in action at present.

I would say, and I think members, in the main, would agree, although there may be some dissentients, that if we hope to achieve anything worth while in regard to the wool industry, any scheme must be on a Commonwealth basis. If members are not aware of the results when a country tries to go it alone, they have only to look at the situation in New Zealand. Most primary producers believe it would be very difficult to try to adopt a scheme and go it alone.

I suggest we continue to support the Commonwealth Government's wool committee which meets from time to time. I understand that it will very soon decide on its recommendations. I do not think we should waste our time, which is what I believe we would be doing if we tried to do anything on our own in the way of an inquiry into the wool industry in Western Australia.

Mr. Davies: What contact has Western Australia with that committee?

Mr. NALDER: It has its direct representatives on it. As a matter of fact, I understand that the chairman of that committee is the President of the Wool Section of our own Farmers' Union. We have direct representation on that committee, and they are responsible people elected to discuss this situation in the interests of the industry in Australia. We would be a laughing stock if we appointed an inquiry into the industry in Western Australia when an inquiry is already in progress on an Australia-wide basis.

We would only be duplicating the situation. To my mind the end result would be that an inquiry would say, "It is in the best interests of the State to co-operate with the other States in setting up a nation-wide wool scheme that will be of value to the whole country."

I make the point that there are already the three situations which I have mentioned. There has been an inquiry into the dairy industry and the Commonwealth Government has already promised to make \$20,000,000-odd available to the industry in Australia. Western Australia will gain an advantage from this and, doubtless, the dairying industry will benefit by it.

Secondly, we have already had an inquiry into the applegrowing industry. I might say, in addition, that the Department of Agriculture has conducted a survey into the rural economics and marketing of the apple industry. The results of the survey are available for anyone who wishes to have a look at them.

Let us turn to the lamb industry. Some comments have been made about the lamb industry and we will be talking about it at a later stage. The Farmers' Union already has a lamb committee, and I have met the members of the committee from time to time. Our economics adviser is assisting the committee and together they are working on a plan to try to improve the situation as far as lamb producers in Western Australia are concerned. As I have said, the committee of inquiry into the lamb industry is already functioning.

I want to say that the Government has given consideration to this aspect of the problem, and the honourable member in his speech supported the idea which the Government decided upon. I wish to make reference to the matter at this point, because it applies to a section of the motion; that is, the lamb section of the industry in Western Australia.

The Government intends to set up a committee of inquiry immediately. As a matter of fact, it will be under the chairmanship of the co-ordinator of agricultural industries, Mr. J. M. Clayton, who is held in the highest regard in Western Australia. The committee will inquire into the meat industry and report at the earliest possible moment. I refer to the comments made by the member for Warren himself when he said at page 728 of *Hansard*—

The request for a Royal Commission stems from the fact that a committee of inquiry would not be able to fulfil its function in the current session of Parliament. As a consequence, the Government would have grounds for refusing a committee of inquiry, and that left the only alternative—the appointment of a Royal Commission.

That is the very point. We believe that if a committee of inquiry is involved, it will go on and on, and will not report back until the next meeting of Parliament, probably in March. The Government believes this is an immediate problem and we should go to work and have the committee appointed immediately. As I have said already, this is exactly what we intend to do. I make reference to an article which appeared in the country edition of *The West Australian* on the 2nd October, 1968, and which relates to an inquiry into meat. It says—

The Farmers' Union executive committee has asked the State Government to investigate the reasons why the big decreases in producer returns on meat have not been matched by corresponding adjustments in retail prices.

Consequently the Farmers' Union is prepared to support the proposal under the points which I have made.

I want to mention the inquiries that have been made in the various sections of agricultural industry. I mean to refer to what the Commonwealth Government is doing as well as what we are doing in the State sphere.

The Bureau of Agricultural Economics has had surveys in operation. A sheep industry survey has been going on since 1966-67. This information is available. That is the point I want to emphasise.

A survey into the dairy industry was conducted by the Bureau of Agricultural Economics in 1964, and I have a copy of the survey with me. The report was produced in 1966 as the result of a survey which had been conducted over a period of two years. A survey into dairy beef was undertaken by the Department of Agriculture. In addition there has been a potato survey and an economic survey of land development in the Esperance Plains, and marketing reports have been published yearly in respect of lamb, mutton, beef, wool, dairy production, eggs, and grains.

There has also been the department's agricultural management studies apple survey, the Williams-Arthur River survey, in 1965, the lake district survey in 1965, and the central wheatbelt survey was begun in 1968. In addition, a survey into the irrigation of small farms in the south-west was commenced this year. Other assistance has been the appointment of an officer at Esperance to consider the economic adjustment problem, and the Government has also given economic advice to new settlers.

I wish to comment on the other point which the honourable member made in his motion with reference to the dairy beef industry. I am sure many farmers wish that they had not followed the advice given to them by some farm advisers; namely, to get out of cattle and go into sheep. Many people today in the great southern and the south-west are lamenting their decision to do that, and the majority of them are trying to get back into beef production as quickly as they can. In this instance I am referring to dairy beef. This is very productive and the economics are very encouraging at the present time. In fact, it seems as if they will be so for some years to come.

The department has undertaken some research work into this industry and I wish to mention that work is being done in this field at Wokalup, Bramley, and Denmark. I think the research will indicate points which will be valuable as far as dairy beef is concerned. At the present time the price of beef is such that it is a most economic section of the industry. I see no reason at all to inquire into an industry which is profitable, progressing, and playing a part as far as the economics of farmers are concerned.

If we had a good reason to inquire, we could consider it, but there is no reason at all. One thing I wish to emphasise is what is predicted in regard to the baby beef industry which has been productive in Western Australia. Everybody knows that a joint of baby beef is a very tasty morsel of meat. The present situation will continue while there is a local demand for baby beef. It may be two, three, four, or five years in the future, but the time will come when baby beef production will reach the stage of over-production. Farmers will have to appreciate the situation that, when that time comes, they must be prepared to carry their baby beef on for perhaps 18 months or 2½ years—whatever the case may be—until they can sell it profitably on the local market and export it.

The time of overproduction of baby beef will come, and it will be up to the farmers to readjust the whole of their plans and be in the position of carrying their stock to a more mature age. I predict it, and I believe officers of the department and many other people predict it, too. Consequently I issue the warning today that this will be the position at some time in the future and it will be up to the farmers to be prepared for that eventuality.

On the industry side, we have the Wool Board, the Australian Wool Industry Council, to which I have referred, the Australian Meat Board, the Dairying Marketing Board, and the Apple and Pear Board.

I think I have covered all the aspects of the situation and have given the reasons why I believe, at this point of time, there would be no value in appointing a Royal Commissioner, because he would be given an impossible task. He could not restrict his inquiries into the industries mentioned in the motion to Western Australia; he would have to go to the Eastern States and overseas. I predict it would be at least three to five years before he would be able to come up with a report.

Mr. Graham: Break it down!

Mr. Brand: And then he would tell us no more than we know now.

Mr. NALDER: The Premier has hit the nail on the head; he would probably not tell us much more than we know now.

Mr. Graham: What are you going to do about it?

Mr. NALDER: What we have done and are continuing to do; namely, have inquiries made by competent people who are endeavouring to research and assist the situation. I repeat that I am prepared to meet any section of primary producers in this State to discuss their problems. I am prepared to go with them, or refer them, to financial institutions where they might be able to obtain some assistance.

I want to emphasise we are doing all we possibly can to create more markets for the surplus products which are currently depressing the situation. If we could obtain \$7 or \$8 per head for surplus sheep—ewes and wethers—we probably would not have the situation we have today. In addition, of course, various areas of the State have experienced a bad season.

This is inevitable. I have said more than once in the House that it is up to the farmer in every possible situation to conserve not only water, but also fodder, against those days when, as sure as I am standing here, we will not have such a good season as we are experiencing this year.

I hope this information will be spread far and wide, because many people forget after two or three good seasons. They say, "It could not happen here; we are living in a paradise." I say the situation must be watched. It is good insurance to put aside a quantity of fodder with which we will be able to stave off the likely result of a bad season. This is one of the problems we face and we are endeavouring to encourage farmers to tackle the problem. I referred to the key dam on the great southern. It is the Government's hope they will do this and endeavour to overcome the difficulties which no doubt will be experienced at some time in our history.

I think I have given the House all the information on this matter which I had hoped to give. At least I have given reasons why I think a Royal Commissioner inquiring into so many aspects of the farming interests today would be faced with an impossible task if he were to come up with a reasonable report which would have any effect. Heaven knows what likely changes will have taken place in two or three years' time. No doubt there will be many of them, and for the better.

Mr. Graham: A change of Government.

MR. JONES (Collie) [9.43 p.m.]: I support the motion moved by the member for Warren. From listening to the Minister for Agriculture it would appear that things are not too bad in the industry, and although, perhaps, there is room for some improvement, generally, within a short space of time things should right themselves.

I wonder how many years it is since we have seen organisation within the agricultural sections of Western Australia. From the information which I can obtain, it seems we have not seen this kind of organisation since the depression days. Meetings have been held in the north, in the metropolitan area, in the south—indeed all over the State. Why are these meetings being organised by this section of the industry? It is quite obvious, from the meetings which I have attended and from representations made to me by

farmers and fruit growers, that there is a serious problem due to rising costs and a decline in the value of primary production.

In the Minister's opening remarks he dealt with the question of the development barometer in the north and that in the south; but, unfortunately, he did not indicate where all this expansion is taking place.

As I see the situation, there has been some rapid development in the north, but such is not the case in the south-west of the State. The references made did not apply to the metropolitan area. The references made by the member for Warren applied to areas generally within the south-west of the State itself.

I should like to refer to the opening remarks in the maiden speech I made in this Parliament. It is quite clear that there is a decline generally in the south of the State. Not only are the unions and the shires in the south concerned at this, but a number of other organisations are concerned; and, from time to time, they bring their concern to the notice of the Government.

The Government Statistician's figures reveal that in the last seven years there has been a decrease in the population of the south-west by some 4,305 people. In addition, too, during the same period industry has suffered in a similar way. I believe in the last 12 months six timber mills in the south-west have closed down, and more are to suffer the same fate. We have the spectacle of the fibre factory at Donnybrook, which makes cartons for packing fruit, having to close down; and one of the biggest industries in that part of the State—namely, the coalmining industry—has also suffered a decline and the employment figures have reached the level of 1935.

Everywhere in the south-west we see general concern being felt about the deteriorating position. The Minister, during the course of his remarks, paid little attention to the plight of those engaged in the fruit-growing industry. I would like to inform members that a number of representations have been made to me by orchardists from the Preston Valley. They have drawn my attention to their plight and the need for something to be done, or the need for some authority to investigate the position of those engaged in the apple-growing industry.

I have a copy of a survey conducted by the Bridgetown Farm Management Club and it shows the trend from 1965 to 1968. This survey indicates the decline in the position of many farmers. They are facing lower returns and increasing costs. The survey also shows the position facing many farmers today in regard to taxation. As regards Bridgetown, accountants' figures show that in 1965-66, 80 per cent. of the farmers were paying taxation. That

figure was reduced to 50 per cent. in 1967-68, and it dropped still further to 20 per cent. in 1968-69.

So it will be seen that, as I said a moment ago, a great deal of concern is being felt in the farming areas in the south-west. Why are all these meetings being organised by farmers? I think it would be true to say that if they were connected with the Trade Union movement meetings would be called, but that is not the case in this instance. These people are not connected with the Trade Union movement, but meetings are being held all over the country and it is obvious that the farmers themselves are most concerned with the position of the primary industries.

I should now like to refer to the plight of those engaged in the apple industry. I noticed when the Minister was speaking to the motion moved by the member for Warren he made reference to the fact that a Royal Commission had been set up in 1962 to examine the position, and he mentioned the surveys that have been carried out. However, I do not think he is aware of the problems confronting the orchardists themselves. Numerous meetings have been held throughout the south-west part of the State to consider the problems. A big meeting was held in Bunbury last year at which the plight of various orchardists in the Preston Valley area was mentioned. One of the orchardists, in his submission, said that in 1953 Granny Smith apples sold for about \$2.75 a case, with 70c to 80c packing costs. Today they sell for about \$2.50 and the packing costs are now \$1.20.

The report of that meeting shows the concern of orchardists generally, and if we examined the position of those engaged in the apple-growing industry we would find that the profits of the growers have been cut considerably but, at the same time, their costs of production and prices generally, have increased out of all proportion.

I should now like to refer to the question of packing, freight, and other charges, and I have here a return from one of the orchardists in the Argyle area. He is well known as is considered to be a very efficient orchardist. His returns show the general position in the industry at the present time. The figures I have are not old figures; they were referred to me following consultations I had with growers in that particular part of the south-west. The figures show that this orchardist forwarded 601 cases of fruit through Blue Moon (W.A.) Pty. Ltd. They were Granny Smith apples, and for the fruit he received a total of \$1,458.30, but the costs associated with the selling of the fruit are rather alarming. The costs included levies, \$22.54; a pit retention charge of 20c a case, \$110.20; packing shed charges \$577.83 and

\$55; receiving and sorting, \$120 and \$11.20; making a total charge of \$896.77 for handling the fruit.

So this grower, after forwarding 601 cases of export apples, for which the return was \$1,458.30, had to pay \$896.77 in handling charges. Therefore, his net return was \$561.53. I have taken those figures from the credit note which was forwarded to the grower concerned, and they indicate the plight of the orchardist engaged in the apple-growing industry in the south-west.

Additional charges have to be considered, too. There are packing shed charges from \$1.20 to \$1.25 a case, and other additional charges which reduce considerably the orchardist's margin of profit.

There are other matters, too, which concern the orchardist—I refer to the selling of low-grade fruit in supermarkets. This is having an effect on the market generally and I do not think that factor could be denied. I would very much like to see some control over this aspect so that people in the metropolitan area will get fruit of a reasonable quality for the price they pay.

To indicate the position on the local market I would like to refer to a report of the United Fruit and Vegetable Growers Co-Operative Limited, dated the 12th June, 1968. If we look at the prices quoted for fruit in *The West Australian* newspaper, and the prices which the growers receive it will be seen that the growers have a reason for being concerned about the plight of their industry. The report shows that one grower sent 40 cases of Granny Smith apples to the Metropolitan Markets and he received \$56 for them. However, from that \$56 had to be deducted costs for commission, railway and general cartage, and so on. These costs amounted to \$19.59 and so, in the final analysis, the farmer received \$36.41 for 40 cases of Granny Smith apples.

Yet if we look at the price being charged for fruit in shops in Perth we will see how ridiculous the position is. I have a cutting from *The West Australian* newspaper of the 31st August and it shows that Granny Smith apples were retailing at 9c to 15c a pound. Therefore, if we examine the situation we will see that at 15c a pound the shopkeeper receives \$6 for 40 lb. I would say the difference between what the grower receives and what his product is sold for warrants some investigation.

The same situation obtains in the citrus fruit industry where, at the moment, oranges are selling for as low as \$1 a case. Those associated with the industry know that only a few years ago growers were getting up to 60s. a case for the same class of fruit. I realise it is not easy to find an answer to the problem.

However, there are numerous reports which could be quoted to prove the case we are putting forward. I have here an extract from the *Western Australian Fruit Grower* of January, 1968. A report in that journal shows the position in regard to increased costs and reduced returns to apple growers. The article reads as follows:—

Costs of Production

The apple orchard total costs for the average orchard in the State were \$9,554 in 1963-64 and \$11,812 in 1964-65.

Those are the latest figures available and they clearly indicate that costs are increasing.

I think the Minister will agree that when he attended the conference of the Western Australian Fruit Growers' Association, growers expressed some concern at the state of the industry. At the time the Minister said, "We will have to grapple with the problems." So it is evident to him that there are problems associated with the apple-growing industry, otherwise all these meetings would not be held. The farmers want something done to arrest the situation.

Mr. Bovell: There always have been and always will be problems associated with agricultural production.

Mr. JONES: How long is it since the Minister has been at any of these meetings? Has he witnessed the position over the last few years?

Mr. Bovell: During Show Week I travelled 2,000 miles throughout the country areas of this State. I saw the people in those areas.

Mr. JONES: Have you discussed the position with the dairy farmers at Cowaramup? Have they any problems?

Mr. Bovell: I was there not long ago.

Mr. JONES: Are the dairy farmers at Cowaramup happy?

Mr. Brand: Not after you had been around.

Mr. JONES: I was not down there but I have friends, although the Premier may not think so.

Mr. Bovell: I was at the Cowaramup Club birthday celebrations. You have been down there.

Mr. JONES: I have never attended yet because I knew the Minister would be there. If I know the Minister is not going I will certainly go along next time. However, to get back to the motion. It is clear to me that something needs to be done and I realise that in dealing with this matter we have to take into account the relative position in the other States of the Commonwealth. I have studied the Government Statistician's figures showing

the price movements in all States of the Commonwealth. I realise this may be a national problem but, at the same time, something will have to be done and someone will have to look at the position.

As I said earlier, I have seen the position of the orchardists deteriorating, and we all know the number of meetings they have held. These people are not members of the trade union movement—I refer to those who have been to meetings at Anzac House, at Geraldton yesterday, and at Boyup Brook a couple of weeks ago. These people called on the Government to take some action. They do not support the Opposition; a great number of them are supporters of the Government of the day, but it is evident to me, from the approaches that have been made from orchardists in my district—from the Preston Valley—that there is a need for some general inquiry.

Amendments to Motion

I support the proposition moved by the member for Warren, but before I conclude I would like to give notice that I intend to move an amendment.

The SPEAKER: The honourable member should move his amendment now to part (4) of the motion.

Mr. JONES: I propose to delete the figure four in brackets and insert the word, "and."

The SPEAKER: The honourable member should move to delete the figure 4 and the brackets for the purpose of inserting another word.

Mr. JONES: Very well. I move an amendment—

That the figure and brackets "(4)" be deleted with a view to inserting a word.

Amendment put and passed.

Mr. JONES: I move an amendment—

That the word "and" be inserted in lieu.

Amendment put and passed.

Motion, as Amended

MR. MITCHELL (Stirling) [10 p.m.]: I wish to oppose the motion as amended, and I will give a few reasons for so doing. I first want to say clearly that one of my main reasons for opposing the amended motion is that I believe the appointment of a Royal Commission to inquire into this problem would be far too long-winded. I am certain that the Minister's suggestion to appoint a committee to make immediate investigations would get far quicker results.

Before I go any further, I would like to draw attention to one or two startling statements made by the member for Warren when he moved his motion. I

would first like to draw his attention to his reference to the rule of thumb method for the sale of lambs at Denmark, when he talked about the price of one lamb for every 10 sold being a criterion. The cost of sending a lamb from Denmark to Midland is approximately 70c, and the margin is over 30c, which would make the cost \$1. As most lambs do not bring in more than \$4, I would therefore suggest that the cost is one lamb in every four, and not one in every 10.

The honourable member also comments on the decrease in the export price. The export price has been exactly the same for a number of years; it has been a guaranteed price of 17c in England, which is equivalent to 13½c in Western Australia.

The only reason for not having taken advantage of this export price for a number of years is that lambs in Western Australia are bringing higher prices than they are on the overseas market. But the export price has been the same for a number of years.

It is very refreshing for me to see two of the newer members of the Opposition making the comments they have on this motion, which deals with the plight of farmers in Western Australia; because prior to their coming to this House we on this side of the House—especially the members of the Country Party who are mostly practical farmers—have been accused by the Opposition of being parasites battenning on the community, and of making fortunes out of the less fortunate people of the State.

It is a wonder to me that these two new members have been able to alter the opinion of the people on their side of the House so far as to move this motion, which seeks to improve the lot of the farming community. One would think they were the first people to realise that the farmers were faced with problems. Most of us who are farmers have realised for a long time that the farming community was confronted with problems, and we have been doing all we can to tackle those problems. As a matter of fact the Country Party conference carried a motion asking for an investigation into the meat industry.

Mr. Jamieson: They carry a lot of motions but it does not mean very much.

Mr. MITCHELL: Over the last three years when I have spoken to the Address-in-Reply debate, I have referred to the problems of the farmers, especially the problems of the small farmers, and have pointed out where I believed these farmers to be in difficulty and what I felt they should do to overcome those difficulties.

One of the factors was the high price of sheep, which has had an effect on the small farmers in the south-western area in particular, because they are not breeders of Merino sheep, but purchasers of them. Such a high cost was placed on these

sheep that they are now feeling the effect as a result of having to pay too much for their replacement stock.

Members opposite who have spoken to this motion are not the first to realise that we are faced with problems. We have been doing something to alleviate these problems.

In my opinion, the problem of the small farmer is basic—and I have said this on many occasions—to the instability of the wool market. As the Minister pointed out, any action in regard to the stability of the wool market can only be taken on an Australia-wide basis, and therefore until we can get some stability in the wool market it will be very difficult to get stability in the farming community, because the farmers in the south-west who are purchasing so many sheep each year are influenced by the wool market; and, accordingly, if wool increases in value, then they pay what they feel is probably too much for their stock. They feel it is essential that they have this stock.

Members opposite have mentioned quite a lot about meetings that have been held and it is amusing to realise that the farmers have at last woken up to the fact and are suggesting that something be done about it. But we must consider the *bona fides* of some of the people who call these meetings and see whether they are sincere.

The gentleman who called the famous meeting at Boyup Brook has no doubt had a change of heart, which I daresay we all have at times. But I remember only two years ago there was an agitation among the clover seed and small seed producers in Western Australia to do something about organising their industry and having organised marketing with Government assistance. The greatest opponent of this scheme was the gentleman who called the meeting at Boyup Brook. He did not want to organise the industry, or have organised marketing, or Government assistance.

Now, however, he has changed his mind and he wants the Government to come to the aid of all the other industries. Let us have some sincerity in these things; we should not merely jump on the band wagon when we feel something is going wrong. As I have said, this gentleman was opposed to organised marketing, and to Government interference, but now he wants the Government to guarantee prices for all primary producers.

Some of the worst hit people, especially in the south-west, are those who were dairy farmers and who, on the advice of farm advisers, went from dairy farming into sheep farming. I know of cases where these advisers told the dairy farmers that as they were only milking 20 cows they could not hope to make money out of it; that they must go into sheep farming.

They overlook the fact, however, that people cannot make money out of 200 sheep, which is all their land could carry.

The meeting at Boyup Brook suggested that the Government guarantee prices for primary producers—the dairying industry had a guaranteed price. This was started by the Commonwealth Government. I do not suggest the price was good enough or that the industry was supported fully enough, but at least it was backed by the Commonwealth, and the people went out of that industry into the sheep industry, about which they knew nothing.

The people concerned paid exorbitant prices to get into this industry, because they felt they were getting into something which was easy. They are now in difficulties. I have done my best to warn settlers that this would be the case, but it is very difficult to advise people, and when they get hurt they approach the Government for assistance. We are, of course, bound to do something to help them.

I notice many of the figures quoted by the member for Warren were quoted by the farm advisers. Many of the farm advisers have a habit of getting people into trouble by advocating a change of industry, and they are now looking for a scapegoat.

In my particular district a few years ago they suggested that everyone should get out of cattle and go into sheep. Fortunately, however, not too many people took their advice, and those who stayed in cattle have reaped the benefit of having done so. They have stayed in an industry about which they knew something.

One must be very careful about advice given by people in the agricultural industry. In theory it is very easy to make a fortune out of farming, but it is not quite so easy in practice. At times it is not easy to make a living.

We know that the problem of the sale of surplus sheep is a difficult one, but for years people have overlooked the fact that the districts which have the rainfall have been consumers of sheep. Districts as far down as Esperance have been consuming sheep, because of their carrying capacity and, as a result, the problem of surplus sheep has arisen. Most farmers have reached their capacity and the problem of getting rid of surplus sheep is a very real one. The Government, the agents, and everybody generally, are trying to do all they can to expand the export market. This is the only way we can improve the position, and I believe, in time, we will solve the difficulty and that the export market will take up the surplus.

The Government has been accused of doing nothing about these problems. There are many problems facing the south-west, and the area to which the motion refers. These problems are not easily solved. The Government has done a great deal in trying to find a solution by

establishing a research station at Manjimup; by improving the research station at Denmark, and by establishing a research station at Mt. Barker.

This has all been done to overcome the problems which confront the south-western and other areas. The fact is that we are inclined to look at this rich, fertile country and imagine we can make a living out of it by treating it as a straightout grazing proposition. I do not think it was ever intended that we should treat it only as a straightout grazing proposition.

By the establishment of these research stations we will be given an insight into better types of cash crops to grow; we might, perhaps, branch into the growing of oil seeds; and we will diversify our industry to the point of being less dependent on meat and wool.

When we talk about increased production, it must be realised that many people think this is merely a catchcry. I will give one instance of just how much increased production can mean. I know of a farmer in my district who has 1,000 ewes lambing. He hopes to get 110 per cent. return, which means 1,100 lambs. If he sells these at \$5 each—it is possible he may only get \$4.50—that will give him \$5,500. Other farmers may get a 70 per cent. return, which would mean 700 lambs. This would give a financial return of \$3,500.

This farmer by better management and the use of minerals, is getting a return of \$40 a week from that one item alone—that is, from the 1,000 ewes.

There we have an example which shows that, perhaps, increased production and good management could make a terrific amount of difference in the small, but more intensive farming areas of the State. One of the problems which I have mentioned in this House on several occasions was mentioned again tonight by the Minister. I refer to the fact that throughout the State we have pockets of drought at various times and it behoves everybody in the farming community to provide themselves with a reserve of fodder to carry them through for the year. We had such a pocket in the Bridgetown area this year, but I do not say that it was the cause of all the complaints.

I have here harrowing details in connection with the number of stock some people lost. If a farmer has a run of seven or eight good years and has a decent farm, he should make provision for the conservation of fodder to carry his stock through for one year if there is not sufficient rain. I am told this is costly. Of course it is, but the Government does make finance available for machinery such as hay balers, mowers, and the like in order to give a farmer a chance to conserve his fodder. Perhaps had some of these farmers, instead of paying so much

income tax over the years, put this money into the provision of a shed to conserve fodder, they would be better off than they are today.

I have heard much criticism of the financial institutions. Some people say they want more long-term finance. However, I think one of the problems has been that over the past few years too much finance may have been made available. Unfortunately many people have taken advantage of this without giving thought to what the result would be. They have taken advantage of the very generous finance made available by the Commonwealth Development Bank to improve their properties. The position is that when these loans are due to be repaid, the property is not producing sufficient money for this purpose, and the person concerned has to go to one of the other banks to make arrangements to meet the repayments to the development bank. So perhaps long-term finance is not the answer to the problem. More careful use of the finance available might be the better course.

I am sure we all think the interest rate is too high. These rates are varied from time to time and there is very little one can do about it. A person has to work his property to try to meet the interest rates being charged.

The member for Collie made some comments in regard to the apple industry. That is a problem industry—it is a luxury industry—and it is dependent more than any other on the weather, as well as being vulnerable to pests and diseases. It is a costly industry to maintain. People do not realise the sacrifice that many of the primary industries are making in order to provide a good type of produce to the people in the city areas at reasonable prices.

The cost of getting apples from the orchards to the consumer is growing. We enjoy a high standard of living with which goes a high wage structure. Much labour is required to get a case of fruit from the orchard into the market and it is no wonder that the labour cost is quite significant.

The honourable member also said that a lot of fruit is going through the supermarkets. I believe this is probably a great break-through for the fruit industry as we are at least getting fruit to the supermarkets by the use of bulk bins, which obviates packing and wrapping. In addition to this, after a few days the fruit would have to be taken out of the wrappers in order to put it on the shelves of the shops in the metropolitan area.

I know when it was suggested earlier at a fruitgrowers' conference that fruit be sold in supermarkets, somebody violently objected because he thought it would ruin the fruit industry. In my opinion the fruit

industry will only survive if it can sell its produce locally, and the best way is to sell it in bulk as it is the most economical method.

Mr. Jones: What about quality?

Mr. MITCHELL: I believe in handling in bulk. This is being done and the fruit is reaching people in the city at a reasonable price. I do not want to labour this point but wish to state that I support what the Minister has said. In my opinion it would be far better to appoint a committee under the chairmanship of Mr. J. M. Clayton, because he gained a tremendous amount of experience with the war service land settlement scheme in Western Australia in latter years when he was in charge. I believe he finalised the war service land settlement scheme in a very satisfactory manner. It is interesting to note that when war service settlers had any problems the first man they went to was Mr. J. M. Clayton.

If the Government did decide to appoint a committee under his chairmanship, I believe it would make immediate and important investigations into the problems confronting, first of all, the meat industry. I hope the committee's investigations into that industry would be so successful that the Government would then say, "Some other industry is not progressing as well as it might, so what about having a look at it." On that basis, I am sure we would improve the situation and do much to bring confidence to the people who have begun to wonder whether farming is going to be any good again. I have had that remark said to me on numerous occasions.

A few of us can remember the days of the depression; and I said to one man the other day that those of us who lived through the 1930s and know what the depression was like, all thought we might as well walk off our farms because there was no hope of making them pay. However, since the 1930s quite a different situation exists in Western Australia. We have these ups and downs, but I believe they put the industry to the test. However, I am quite convinced there is no need for pessimism in the farming industry. There are problems which will have to be overcome, but pessimism is something which I do not think belongs to the farming community and, given a chance within the next year or so, I am confident the farming industry will be on a sounder foundation than it has been over the last year or two.

I oppose the motion because I believe the suggestion of a committee is better than that of a Royal Commission, which would take a long time to make its findings and it would be a laborious process. People would go broke before the Royal Commission submitted its findings.

Mr. Gayfer: Before the honourable member resumes his seat—

The SPEAKER: The honourable member must resume his seat.

MR. NORTON (Gascoyne) [10.25 p.m.]: I rise to support the motion as amended because it has been moved at an opportune time and in a very businesslike manner. The Minister, when speaking, tried to gloss over everything and make out that the situation was rosy. I do not see how he can hold that opinion when we are aware of the large number of meetings that are being held throughout the country and as far north as Geraldton, where one was held yesterday and attended by approximately 600 farmers. I believe four resolutions in respect of farm produce were passed at that meeting.

I have not the exact text of the motions, so I am not going to quote them. I feel the member for Warren, when introducing his motion, did so very efficiently and put forward some telling points. I think one of the most important things he had to say was in connection with the report of an auditor in Bridgetown. He did not say how many clients were referred to, but did mention the fact that last year the auditor's clients would have paid \$360,000 in tax, whereas this year he doubted if they would pay \$30,000. If that is an indication of the drop in returns to farmers, there must be some sort of crisis within the industry.

When one looks at the prices which have been paid for mutton and lamb, one can see that the farmer is not getting a just deal. I have here a photostat of the same graph from which the Minister quoted; and if we look at the mutton prices for June of last year and June of this year, we find that the price of mutton in June last year ranged from 12c to 15c a pound, whereas this year it was 7c during the month of June. That is indicative of the price for June, July, August, and September.

With regard to lamb prices, we find that in June last year they ranged from 28c to 35c and this year from 16c to 20c. When we come to last month we find that the prices range from 14c to 15c and then back to 14c per pound; whereas in the previous year they varied—it was quite a big variation—from 16c to 29c. This definitely shows there has been a drop in the return to farmers as far as sheep and lambs are concerned.

I think there is quite a bit more behind this than the actual drop caused by over production and more sheep and lambs coming onto the market. It appears to me that the public is being forced to buy lamb irrespective of whether they like it or not. One can go into any butcher's shop today and ask for a side of hogget only to be told that the butcher is sorry

he has none. Another butcher will say that if one wants hogget or mutton and will give a firm order for it he will get it in. Butchers are boycotting mutton and selling lamb because the margin is so much greater.

Over the past week or so we have had sent to us a summary of the low incomes of farmers, and alternative proposals. This has been compiled by Henry P. Schapper, Reader in Agricultural Economics at the University of Western Australia. It is a good pamphlet and well worth studying. This gentleman has written a number of pamphlets on different types of farming throughout Western Australia. I think his comments on page 4 are quite pertinent to the subject which we are discussing at the moment. They are—

Given that the foregoing analysis is not too far wide of the realities of the Australian farming scene, it may be appropriate to spell out the elements of a national policy specifically designed to meet the income needs of inadequate income farmers. The major elements are as follows:

There is no doubt that we have a number of different types of farmers. We have the farmer who has just the bare amount of land from which to make a living, with no prospect of expanding his farm so that he can keep up with the ever-rising costs involved in production. We also have the farmer who has sufficient land, and the farmer who is farming in a big way; but each of those farmers, in his own way, has his particular troubles. The report continues as follows:—

1. Recognition of, and provision for, a welfare need among inadequate income farmers for whom it is impracticable to leave their farm.

It was mentioned earlier that it would be necessary for some farmers—if they are to get a living at all—to accept other jobs in conjunction with their farm work. However, in many cases this is not practicable. The report continues as follows:—

2. Specific rejection of farm price subsidies as a basis of solving the low income farm problem. In Australia, which has such a large farm sector, prohibitive transfers would be required from tax-payers to raise, by subsidies, the incomes of all low-income farmers to adequate levels. This is not to reject price subsidies as compensatory payments, for example, for tariff-induced costs.

I would agree that they receive some assistance but I cannot see that giving farmers subsidies on a general basis would solve the economic problem. It would mean that all farmers, irrespective of their income, would have to be treated on the same basis. However, there should be some

method of helping the farmers, and I hope to be able to point out such a method later on. To continue the report—

3. Special viability finance for farms with potential to become economic units, to be made available specifically for the purpose of becoming viable.

That is quite a good idea because there are many farmers who have not the land, and who are not likely to get the land to increase their holdings or, for financial reasons, they are not able to develop the land. A Royal Commission could investigate the position in these circumstances to find out what is required by this type of farmer. The report continues—

4. Provision for farmers who are able and willing to be re-trained for an off-farm occupation.

In this case I think Dr. Schapper is looking to the farmer who is willing to leave his farm provided he can be taken to another industry which will provide him with a reasonable living. To continue with the report—

5. Provision for uneconomic farms, without potential for economic viability, to be purchased for consolidation into, or with, viable economic units faster than through normal market processes. These processes often perpetuate the small farm and low income farm problem.

This is something which had to take place in England, and in many other countries where this problem has arisen. I believe we should have a method, as is suggested here, to overcome our problem. The report continues as follows:—

The foregoing elements are directed only towards low income farmers. The following measures are directed towards improved educational facilities and marketing whereby all farmers may gain. These measures alone could not adequately help low income farmers.

Dr. Schapper then deals with the educational problem of the farmers and he points out that the low income farmer has great difficulty in keeping his children at school after reaching the secondary school stage because of the high cost of education these days. It is almost impossible for a farmer to educate his children to the high school standard. It is suggested that a considerably greater allowance should be made for the children in the remoter areas so that they can carry on and get a better education. They could then pass out of the agricultural industry, as it were, and go into other industries.

This could be very necessary when one realises that with the extensive mechanisation of farms the requirement for a great number of labourers has been

reduced. Farmers now have to look elsewhere for employment because there is no land available at a reasonable price on which they can settle their families.

The next item he mentions is probably one of the most important, and reads as follows:—

2. More aggressive export salesmanship. The national export drive should not be confined to secondary industry. All farm produce marketing boards should consider doing their own wholesaling in foreign markets and not use agents who handle other countries produce.

Here again is a problem which a Royal Commission could very easily look into, and make recommendations.

Mr. Nalder: What do you think about all these suggestions?

Mr. NORTON: The suggestions, in general, are quite good. The reference to marketing is particularly good. Trade missions are being sent all over the world from this State to sell secondary industry products, but how many missions are going abroad to sell farm produce?

Mr. Nalder: There is one away at the moment.

Mr. NORTON: That is the first one, I take it.

Mr. Nalder: No.

Mr. NORTON: One very seldom hears about them.

Mr. Lewis: Farm missions have been sent away over the years to sell our products.

Mr. NORTON: One never hears much about them. There is no doubt that the farmer has to be helped, and only last night the Premier said, in his Budget speech—

Although the spectacular developments in mining in recent years have tended to draw the spotlight from the other sectors of primary industry, there is no doubt that farming is still the cornerstone of the Western Australian economy.

If farming is to remain the cornerstone of Western Australia's economy, then we have to look at what is needed to get it on a very firm footing so that it can remain the cornerstone which we require.

After the last war we find that in England the British Government had to set to work to find a way of rehabilitating the agricultural industry. In 1947 the British Government brought in an agricultural Act. I have read the Act and I consider it to be an excellent piece of legislation. The introductory paragraph reads as follows:—

For the purpose of promoting and maintaining, by the provision of guaranteed prices and assured markets for the produce mentioned in the First

Schedule of this Act, a stable and efficient agricultural industry capable of producing such part of the nation's food and other agricultural produce as in the national interest it is desirable to produce in the United Kingdom, and of producing it at minimum prices consistently with proper remuneration and living conditions for the farmers and workers in agriculture and an adequate return on capital invested in the industry.

I think the sentiments set out in that Act, are those which we should follow, not only in this State but on an Australia-wide basis. The produce referred to in the first schedule are fat cattle, fat sheep, fat pigs, cows, milk, eggs, wheat, barley, oats, rye, and potatoes.

The Act also sets out in five parts, how this is to be achieved. Part II deals with good estate management and good husbandry; part III deals with agricultural holdings; part IV deals with small holdings; and part V deals with administrative and general.

Not only was that Act introduced in 1947, but in 1957 another Act was introduced to make provision for guaranteed prices and assured markets for producers of agricultural products in England. A Royal Commission could very well look into those two Acts and make recommendations with regard to the parts which should be used to help stabilise our industry, which is so vital to us. Those of us who can recall the 1930s will remember the meetings which were held by farmers. The farmers held up the delivery of their wheat and other produce, and the same thing is starting to develop again. It is up to us to see that those conditions are not perpetuated, and it is up to us to see if we can get stabilisation of the industry before we are faced with a depression.

It is in this direction that I believe a full inquiry could be undertaken and a recommendation made, not only for the State, but for the Commonwealth to put the industry on a firm basis which could be carried on for a number of years. If this were done we would not be hearing about the various meetings being held around the country.

We also have to look at our taxation system, and the road maintenance tax and other such taxes which increase the costs to farmers. Costs are getting beyond the profit line of production. The Minister said he believed that the beef meat industry would be good for many years yet, but I would issue a warning that the beef industry could be in the same position as the lamb industry within three years.

Likewise, the pig meat industry could also be considerably reduced in that time. As a matter of fact, prime porkers were selling last week at 21c a pound, which

is an indication of the drop which has already occurred. We have to look at these things very clearly. Large numbers of cattle are being reared on the farms throughout the country and within a very short time we will find the same position developing as exists in the sheep industry. I support the motion as amended.

MR. KITNEY (Blackwood) [10.44 p.m.]: I would like to make a few comments on this motion, as amended. I would not suggest that the fruit-growing industry should be subjected to an investigation by a Royal Commission. The fact that my electorate includes some of the most important fruit-growing areas of the State, and because of the fact that my own family has been actively engaged in fruit growing for over half a century, I feel qualified to state that I have an appreciation of the problems facing the apple-growing industry.

If I believed, for one moment, that a Royal Commission was the answer—or would find an answer—to the problem of the apple growers, I can assure members that I would be amongst the first to approve of such a Royal Commission.

However, it was only six years ago that a Royal Commission was appointed to inquire into the apple industry. It was appointed in 1961 to inquire into the buying, presentation, handling, transport, marketing, and shipping of apples grown in Western Australia; it was appointed at the request of the Western Australian Fruit Growers' Association, and the main reason for its appointment was the dissatisfaction of growers with the net prices paid to them by shippers, and with the net returns for apples sold on the local market.

Those very same factors which led to the appointment of the Royal Commission in 1961 are the factors which exist today. I have before me a copy of the report of the commissioner and it consists of 61 pages. I am quite certain that if anyone were to look through the report he would find that any recommendations which were considered to be practical have been implemented. It is quite obvious that very little was revealed by the report of which the growers were not aware, and very little of real value to the industry was made known. In view of the time and cost involved in holding this Royal Commission, I think the growers were disappointed with the outcome of it.

Since the motion before us was moved in the House I have spoken to a number of growers and, without exception, they have said to me, "Do not let us get involved in another Royal Commission."

Mr. Jones: We must have talked to different growers.

Mr. KITNEY: That is the attitude of the growers. They feel that the 1961 Royal Commission did not achieve what

they had hoped it would achieve, and they do not now wish to become involved in another.

Within the last two years two economists appointed by the Department of Agriculture did undertake a survey into the cost of production within the apple industry in the south-west. A very thorough and comprehensive report was produced, and the findings were published in the *Journal of Agriculture* and in the *Western Australian Fruit Grower*. It was made obvious in the report that the cost of production was extremely high, but the report also recommended ways and means in which growers could combat the rising costs by applying better methods with chemical thinning, by irrigation, and by other means to increase production and thereby reduce the costs.

It was obvious from the discussion at the annual meeting of the Western Australian Fruit Growers' Association held recently that the association was very much aware of the causes and the effects of the problems that confront the producers. These problems are not confined to Western Australia. They are Australia-wide. As I mentioned in my maiden speech, one of the problems which confront the growers is overproduction. This is a world-wide problem. By adopting controlled atmosphere storage the European countries, which in the past have looked forward to the Australian apples during the out-of-season period, are now able to store apples for 12 months of the year; and these apples come out as fresh as when they were picked. This makes a great difference to the price of the Australian fruit when it arrives on the European market.

I feel the fruit growers' association is completely aware of the problems. Recently the Commonwealth Government invited the States to submit proposals for a scheme of assistance to be implemented. This is being done at the present time. The States are submitting proposals as to how they can help themselves, while at the same time they receive some assistance from the Commonwealth.

As far as the local market is concerned, it is a problem of overproduction. The member for Collie made reference to the quality of apples. One thing which came out of the Royal Commission and which has been of some benefit was the suggestion for the appointment of the Apple Sales Advisory Committee. This committee was appointed with the object of controlling the quality of fruit coming onto the local market. In a heavy crop year the standard was set higher than in a year when there was a light crop. So in a light crop year the grade could be reduced slightly, and producers would still receive a reasonable return.

One of the problems of policing the sale of apples is that up to this year only two inspectors have been appointed to police the whole crop throughout the State. Owing to the lack of finance it was not possible to engage those inspectors for the whole of the year, and at the end of August their services were dispensed with. From that point the regulations were lifted, and fruit held in cold storage could be put on to the market without restriction. This year four inspectors have been appointed, and the regulations will be applied until the end of the year. I think this will possibly assist in keeping a lot of the poor quality fruit off the market. Even with four inspectors it is still a tremendous job to police the regulations and to ensure that good quality fruit is sold. I admit that a lot of poor quality fruit finds its way onto the market.

One other aspect which growers appreciate and look forward to as being of benefit to the industry is the increased processing of apples. At present there is only one factory in the State which processes apples, and the quantity of apples it purchases is limited, although this year—fortunately for the growers—there was not a sufficient quantity of rejected fruit to meet the factory's requirements. I also understand that at this stage there are not sufficient apple rejects to meet the demand that has arisen for apple products and apple juice in Australia.

From the comments I have heard I feel quite sure that in the near future there will be greater competition created within this State which will probably mean a greater demand for fruit which, in turn, will improve the returns growers receive for their processed apples.

So I consider there is no need to appoint a Royal Commission. The last Royal Commission that was appointed did not achieve very much and the growers at present are fully aware of the problems they are facing and they are considering various ways and means which will give them a better price for fruit sold on the local market. As I have said, the growers are aware of their problems and what is needed to solve them. Therefore they do not need a Royal Commissioner to tell them what to do. What they do need is a sympathetic hearing from the State and Commonwealth Governments for additional financial assistance.

The member for Collie mentioned the carton factory at Donnybrook. Unfortunately it has not been the success it was hoped it would be in the early stages, but in spite of what the member for Collie said, it has not closed down but is continuing to operate with a small staff. When speaking to the manager of the factory only a week or 10 days ago, he told me he feels confident that when the season opens up his factory will be

working at full capacity to cope with the incoming crop. He considers that the future for the factory is reasonably good. Therefore I feel I cannot support the motion for the appointment of a Royal Commission into the rural industries in the south-west which would include an inquiry into the apple-growing industry.

Debate adjourned, on motion by Mr. Runciman.

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough—Premier) [10.54 p.m.]: Before I move the adjournment of the House, Mr. Speaker, may I have your permission to remind members that in all probability the House will be sitting on Thursday evening, the 17th October, and on each Thursday evening thereafter. As we will be getting on to the Budget debate, every member will have to have his speech ready, and I would add that the House will be sitting longer hours than it has been to date. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 10.55 p.m.

Legislative Council

Thursday, the 3rd October, 1968

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

QUESTION WITHOUT NOTICE

THURSDAY SITTINGS

Duration

The Hon. W. F. WILLESEE asked the Minister for Mines:

As time is getting on and we are nearing the end of the first part of the dual sittings for the parliamentary session, I ask the Minister: Can he give us any idea of what he intends to do as regards Thursday sittings in the future?

The Hon. A. F. GRIFFITH replied:

I think the House should sit after tea on Thursday from today fortnight—that is, the 17th October. I did contemplate asking the the House to sit after tea next Thursday; but, in conversation with the Premier last night, I ascertained that the Legislative Assembly would not sit on Thursday nights until that date and I think it desirable that there should be some degree of uniformity. However, according to requirements, it may be necessary for us to sit earlier on Wednesday as time draws on.