Legislative Council

Thursday, the 15th November, 1962

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

QUESTIONS ON NOTICE

PERTH AIRPORT

Liquor License: Trading Hours

1. The Hon. A. L. LOTON (for The Hon. A. R. Jones) asked the Minister for Justice:

   (1) Does the Perth Airport liquor license come within the jurisdiction of the Licensing Act?

   (2) If the answer to No. (1) is "Yes," how are some of the activities of the licensee justified, such as—

   (a) Sunday trading till midnight;

   (b) open for dancing and serving of patrons till all hours;

   (c) open to the public for serving of drinks so long as there are customers; and

   (d) calling by advertisement for private hire as a night club?

   (3) Was it the original intention of the Act that the bar would be open for half an hour before and half an hour after the arrival of a plane to passengers and intending passengers, and those people waiting for the plane?

   (4) If the answer to No. (3) is "Yes," how can practically twenty-four hours trading be justified?

   (5) If the answer to No. (3) is "No," why are practically twenty-four hours a day trading allowed?

The Hon. A. F. GRIFFITH replied:

(1) to (5) Since the coming into operation of the Federal Airports (Business Concessions) Act, 1959, the State licensing laws do not apply to the sale and supply of liquor on the airport.

TRANSPORT

Subsidies on Cartage of Grain and Fertiliser

2. The Hon. A. L. LOTON (for the Hon. A. R. Jones) asked the Minister for Local Government:

   (1) Are subsidies being paid for the cartage of grain and fertiliser?

(2) If so—

(a) on what basis are the subsidies assessed;

(b) do different rates apply throughout the State—if so, why; and

(c) are the rates identical with those paid last year—if not, what are the reasons (if any) for variation?

(3) Is it a fact that payments were made recently and the recipients were subsequently requested to refund such payments?

(4) If the reply to No. (3) is "Yes"—

(a) who is responsible for the apparent error; and

(b) what action has been taken or will be taken against the irresponsible member or members of the Transport Board?

Meetings of Transport Advisory Board

(5) How many meetings of the Transport Advisory Board have been held since it was constituted, and what members attended each (if any) meeting?

(6) Do representatives of the Railways Department and the transport operators attend the meetings of the Transport Advisory Board?

The Hon. L. A. LOGAN: Unfortunately, owing to the detail that has to be collated to supply the answer, I am not in a position to answer the question today. I have therefore arranged with the Minister in another place to have a written reply to the questions asked forwarded to the honourable member.

PARLIAMENTARY ALLOWANCES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.7 a.m.]: I move—

That the Bill be now read a second time.

In order to give a clear picture of the Government's proposals it would be desirable for me at this stage not only to refer to the main features of this Bill, but also those contained in the Bill to amend the Members of Parliament, Reimbursement of Expenses, Act, 1953-1959. Although the Government has not followed the popular practice of referring the question of parliamentary allowances to a committee, it has had the benefit of the judgments given by the several bodies appointed in recent years to consider this matter.

The latest report was made in 1961 by a committee appointed by the Queensland Government to consider the salaries of members of Parliament in that State. The Hon. Sir William Webb was the chairman of this committee. In submitting its recommendations the committee made the following observation with respect to members' salaries; and I quote from its report:—

> The occupation of Member of Parliament is as much a full-time occupation as is any other salaried occupation in this State. That is not contested.
>
> As already stated, the salary of a Member of Parliament in Queensland was tied for about 4½ years—from May, 1953 till November, 1957—to a specified public service classification under an industrial award. But subsequent movements upwards in the salaries of the particular public servants made it unrealistic to retain, and now make it unrealistic to restore that standard, having regard to the salaries of Members of Parliament in other States, which must necessarily be a major, if not, indeed, the dominant consideration under existing or any foreseeable circumstances. After all, they do give the best indication of the consensus of Australian opinion, expressed as it is in legislation, and which no responsible person could feel at liberty to disregard, except in unusual circumstances which are neither present nor anticipated.

The Government finds itself in agreement with the opinion expressed by the Queensland committee and accordingly does not agree that members' allowances in Western Australia should be tied with the Public Service or that increases granted to public servants should automatically apply to members of parliament.

The public service as an occupation is no more comparable with that of a member of parliament, than say a teacher, or a university professor, or a judge; and in this respect it is important to note that the salaries for each of these occupations are determined quite separately from each other and are certainly not tied to any public service.

The salaries paid to each of the groups I have referred to are fixed in Western Australia having regard to the salaries of similar groups in other States, and it therefore seems to the Government that this is the most appropriate course to follow with members' allowances.

The present salary of a member of parliament in Queensland is £2,501 10s. which is the highest rate of all the States. Notwithstanding this fact, the Government is of the opinion that an allowance of this order should be paid in Western Australia for the reason that this is the latest assessment made by an independent tribunal set up in Australia.

Clause 3 of the Bill therefore provides for each member of the Legislative Council and the Legislative Assembly to receive an allowance at the rate of £2,380 per annum which, together with the existing basic wage allowance of £120, will bring the total to £2,500 from the 1st January next as compared with the existing rate of £2,220.

It is proposed that the new rate should apply equally to all members, both metropolitan and country, and accordingly the allowance of £50 a year which is now paid where any part of an electoral province or district is further than 50 miles from Parliament House is to be discontinued. It is considered that this allowance, where applicable, should be incorporated in the electorate allowance payable in accordance with the rates set out in the first schedule of the Members of Parliament, Reimbursement of Expenses, Act.

The increase which will be granted under the proposed amendment to the Parliamentary Allowances Act will therefore be £280 per annum in the case of metropolitan members and £230 for country members.

Now, in case any country member should get the impression that he will not fare as well as his metropolitan colleague, I hasten to refer to the proposed amendments to the Members of Parliament, Reimbursement of Expenses, Act. In the Bill to amend that Act, provision is made to increase the maximum rates of reimbursement—

By £150 for the Metropolitan, Suburban, and West Provinces, and also for the 22 metropolitan districts.

By £250 for the North Province and the Gascoyne, Kimberley, Murchison, and Pilbara Districts.

And by £200 for all other provinces and districts.

Therefore, members for metropolitan electorates will receive an increase of £280 in parliamentary allowance and £150 in the reimbursement of expenses, which is a total of £430 per annum.

On the other hand, country members, except those representing the North Province and the Gascoyne, Kimberley, Murchison and Pilbara districts, will receive an increase of £230 in parliamentary allowance and £200 in reimbursement of expenses, which is also a total of £430 per annum.

The total increase for the seven members representing the North Province, and the Gascoyne, Kimberley, Murchison, and Pilbara districts will be £480 per annum of which £230 will come by way of parliamentary allowance and £250 from reimbursement of expenses.

Whilst on the subject of reimbursement of expenses, I should mention the fact that the intended new range from £600 per annum to £950 per annum is a fair average of the other mainland States; and I will give further detail when dealing with the appropriate Bill.

The opportunity has also been taken to review other allowances payable under the provisions of the Parliamentary Allowances Act, in the light of payments made in other States. This review indicated that the allowance paid to the Leader of the Opposition in the Assembly was on the low side compared with New South Wales and Victoria in particular and, accordingly, provision has been made in the Bill to increase this allowance by £250 per annum.

The Bill also provides for the allowance payable to the President of the Legislative Council, the Speaker of the Legislative Assembly and the Chairman of Committees in each House to be increased by £280 per annum to conform with the general increase to be granted to other members.

The only other amendment contained in the Bill is the repeal of section 6C of the principal Act. This section is now redundant and it would be akin to carrying deadwood if it is left in the Act.

Debate adjourned until a later stage of the sitting, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

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MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES, ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [11.17 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this measure is to increase the maximum rates of reimbursement set out in the first and the second schedules to the Members of Parliament, Reimbursement of Expenses, Act, 1953-1959.

The first schedule sets out the province or district for which the member of Parliament is elected and the maximum rate of reimbursement to which the member is entitled. The new rates of reimbursement range from £600 to £950 per annum. Increases allowed for in the Bill are—

£150 for the provinces and districts appearing in the first schedule under the heading of item 1.

£250 for the province and districts under item 2.

£200 for the provinces and districts under items 3 and 4.

The comparable amounts allowed in other mainland States are:—

New South Wales, £650-£950 (4 zones).
Victoria, £550-£950 (4 zones).
Queensland, £325-£1,175 (many zones).
South Australia, £550-£800 (3 zones).

As I mentioned in my speech on the Bill to amend the Parliamentary Allowances Act, the maximum rates of reimbursement provided in the Bill now being dealt with are a fair average of the other States, and for this reason should be acceptable.

The second schedule to the Act sets out the maximum rate of reimbursement applicable to certain offices occupied by members of parliament.

The Bill details the proposed rates which are to operate from the 1st January next. The increases which have been allowed for are:—

	£
Premier	300
Deputy Premier	100
Leader of the Government in the Legislative Council	100
Minister of the Crown (other than the Premier, Deputy Premier, and the Leader of the Government in the Legislative Council)	30
Leader of the Opposition in the Legislative Assembly	50
Deputy Leader of the Opposition in the Legislative Assembly	10
Leader of the Opposition in the Legislative Council	10
Deputy Leader of the Opposition in the Legislative Assembly (when there is a recognised third party in the Legislative Assembly)	5
Leader of any third party in the Legislative Assembly when that party is a recognised party under the Parliamentary Allowances Act, 1911	10
President of the Legislative Council	30
Speaker of the Legislative Assembly	30

These increases have been provided in order to bring these allowances more into line with other States although of course the new rates are generally well below the amounts paid in New South Wales and Victoria. In this respect I think it would be of interest to members if I were to quote several examples.

In New South Wales and Victoria the Premiers receive an allowance of £1,500 per annum. In South Australia the allowance is £600, which is the rate now proposed for Western Australia. Ministers in New South Wales receive an allowance of £500 per annum whilst in Victoria the rate is £600 per annum. In South Australia it is £400. The new rate proposed for Western Australia is £200. I have not quoted any figures for Queensland as these allowances are merged with salary and cannot be separated from other payments.

I think it a fair statement to say that the Government has had due regard for the heavier responsibilities of office in the two major States of New South Wales and Victoria in fixing the allowances now proposed in the Bill.

The increases which this Bill and the Bill to amend the Parliamentary Allowances Act propose to apply from the 1st January next may be brought together and summarised as follows:—

	£
Premier	730
Deputy Premier, and Leader of the Government in the Legislative Council	530
Ministers, the Speaker, and the President	460
Leader of the Opposition in the Legislative Assembly	730
Deputy Leader of the Opposition in the Legislative Assembly	440
Leader of the Opposition in the Legislative Council	490

Members representing the North Province, and the Gascoyne, Kimberley, Murchison and Pilbara districts will receive a total increase of £480 per annum and other members £430 per annum.

The Hon. L. A. Logan: They will get a better increase than the Ministers.

Debate adjourned until a later stage of the sitting, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

(Continued on page 2858)

ALSATIAN DOG BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 14th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. S. T. J. THOMPSON (South) [11.24 a.m.]: I support the Bill. My purpose in getting the adjournment

last night was to allow certain members to gain further information. The apple industry is a peculiar one inasmuch as it appears that every second year there is a heavy crop; or, *vice versa*, every second year there is a poor crop. For some time I have been concerned because of the quality of the apples that are placed on the market. I feel the consumption of apples is being reduced, because of the poor quality of the fruit which is supplied to the public, and because of the high prices charged for it.

The Bill provides a trial period of 12 months to bring about better marketing of the fruit. I feel that better marketing will be of considerable advantage to the growers and the consumers. We had the spectacle a few years ago of many cases of apples not being picked off the trees—very good apples of different varieties. The Dunns variety was the one that was mainly affected in the 1961 picking season. In the main those apples were fed to stock. Some orchardists did not pick a case of fruit from the trees, but just fed the apples to stock.

If we could arrange some better method of distribution, these apples would be very acceptable to many people. Anything that can be done to ensure better distribution of apples to the public will be of great benefit to the industry.

The Hon. H. C. Strickland: Why were they not picked?

The Hon. S. T. J. THOMPSON: They were of grades not acceptable to the packing shed, or the storage facilities were not suitable for them. Apples are a perishable crop and have to be put into cold storage straight away. The growers did not consider they were worth the expense of packing and picking.

In country towns we have the spectacle on every main shopping day of fruit trucks with a load of apples; and that applies at every stock sale and farm auction sale throughout the apple period. Such apples sell readily, and on the whole they are of good quality. That method of distribution is a wonderful facility to people who live within easy reach of apple districts. It is too expensive, I suppose, to take apples into the outback wheat areas, but I feel there would be a ready market throughout the country if we could get the apples distributed before the growers are put to the expense of putting them into cold storage.

Those are some of the things that will probably be attended to by this measure. I personally hope the Bill will achieve the success that the department feels it will.

THE HON. H. C. STRICKLAND (North) [11.28 a.m.]: As the apple is a food which we all enjoy at various times, I feel I must agree with other speakers who have mentioned that apples are far too dear. I notice in the paper this morning that red apples in the market yesterday brought from 70s. to 80s. a dump case. That is surely a very nice return to the grower.

The Hon. G. C. MacKinnon: They have been stored for six months.

The Hon. H. C. STRICKLAND: The grower still gets the return; and he gets it whether they are stored for six years.

The Hon. G. C. MacKinnon: He has to pay the storage.

The Hon. H. C. STRICKLAND: It would not make that much difference. I feel the high price of apples to the public is deterring people from buying and eating apples. As a consequence we might have the result that the previous speaker mentioned—apple crops left on the trees and fed to stock because they do not suit the requirements of the board.

The Hon. F. D. Willmott: There is no board.

The Hon. H. C. STRICKLAND: Well, of the apple packing sheds, or the association.

The Hon. F. D. Willmott: No.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. H. C. STRICKLAND: That is what the previous speaker said. Those are the words of the previous speaker when I inquired why the crop of Dunns was not picked.

I am sure that if the people who attended stock sales with lorry loads of apples attended outside the public schools in the metropolitan area, they would have no difficulty in disposing of their apples at a reasonable price. I repeat: at a reasonable price.

I am not opposed to the Bill. In fact, to me it looks like a provision for the appointment of a Select Committee or a Royal Commission with a tenure of 12 months. When one examines the clauses of the Bill one discovers that a committee which will be directly concerned with the production and sale of apples will be in control of the industry and it will make recommendations to the Minister. For some reason unknown to us, the Minister may require some strength in the Act we have not been told about. But there are two further provisions in the Bill which give the Minister extreme power to act in regard to the sale of apples within the State. He can prohibit immediately the sale of apples within the State.

The Hon. L. A. Logan: The sale of certain grades.

The Hon. H. C. STRICKLAND: The grades are not mentioned, but the Minister will accept one of the recommendations of the committee in regard to grade. So whilst we have a committee making inquiries, we also find that power is provided for the Minister to act immediately. To my mind that suggests that there is a serious position existing somewhere which has not been made known to the members

of this House. However, I hope the committee will discover the trouble quickly and rectify it.

In my view, one of the apparent problems associated with the industry is the high cost of apples, and I sincerely hope that the committee will make inquiries in regard to it with a view to reducing the price of apples sold to the people of Western Australia. Not so long ago I bought Western Australian apples in Brussels. They were of high quality and cheaper there than the poor quality apple being sold in Perth. So it appears that the Western Australian consumer is, in effect, subsidising the Belgian consumer. That is how it appears to me

The position of the apple industry at the moment is rather puzzling. During the war years we all know there was an apple and pear board controlling the marketing of apples. It was a Commonwealth body constituted to ensure that the apple growers would be paid a reasonable price for the product they produced, and that the export sales which they lost through the advent of war would be offset by a guaranteed price for their product sold in Australia.

I have been unable to obtain the figures showing the exact quantity of apples the board did acquire during those years, and the quantity of apples it did not acquire; that is, the quantity of apples which were marketed and the quantity ploughed into the ground or allowed to rot on the ground.

The Hon. F. D. Willmott: They were acquired.

The Hon. H. C. STRICKLAND: That is correct. The total apple production in Western Australia was acquired by the board, but only half was made available to the public. In those years it seems that growers were well satisfied with the price the board fixed. In the short time available to me, I have been unable to look up the exact figures, but I recall that in those years the high quality apples which were placed on the Perth market, and rationed through the agents to the retailers, were sold at a fixed price. The price for the dump case ranged from 10s. to 16s. which, at that time, was thought to be exorbitant. That was the price for a high quality Granny Smith apple. The apples of the red variety which were placed on the market were sold at a lower figure.

When speaking, Mr. MacKinnon was of the opinion that the apple growers are extremely worried over their ability to dispose of their crops on the local market. By interjection, I mentioned that the market consumed quite a large share of the crop produced during the war years. For the information of members I can only quote the figures shown in the 1944 *Pocket Year Book of Western Australia*. The figures relating to the production of apples in 1943 show that 13,234 acres were under crop and 2,126,936 bushels of apples were produced. In 1961, 14,432 acres were under crop, which produced 2,052,000 bushels of apples. So, from those figures it can be seen that 1,208 acres more were under crop in 1961, but 74,936 bushels less were produced.

In 1959, 13,459 acres were under crop, which produced 1,550,341 bushels, and, in 1960, 14,039 acres were under crop, which produced a total production of 1,150,012 bushels. In 1943, the population was 481,479, and in 1961 it had risen to 746,174; an increase of 264,695. In making a comparison of prices, in 1943 best quality apples brought a price of from 10s. to 16s. per bushel, and in 1962 the same type of apple commanded a price of from 70s. to 80s. per bushel.

So when we quote the 2,126,936 figure for 1943, which represents the number of bushels produced in that year, it appears that it is well above the average crop. If only 50 per cent. of that crop was consumed in Western Australia under rationing conditions—they were rationed of necessity mainly because of the storage position; the available space for storage was just not available and, under conditions of war, cold storage space was at a premium—during those years, when the population, in 1943, was 481,479, it seems to me that in 1961, or for the current year, with 746,174 people in the State, apple growers have an excellent chance of disposing of their crop, and a greater portion of it locally, even if the bottom falls out of the export market—I do not think it will—at prices for which the crop is sold on the European market.

So I think this committee might investigate all aspects of the apple-growing industry. It is, of course, very heartening to note that the Government is taking some action to prepare for the future of apple growers and to try to ensure the disposal of their crops. I also feel that a Royal Commission appointed to inquire into the industry would have proved to be of great advantage, because the actual facts relating to the handling of the fruit could have been obtained.

The Hon. G. C. MacKinnon: This has arisen out of a Royal Commission's findings.

The Hon. H. C. STRICKLAND: If it has arisen out of a Royal Commission, it is something of which I am not aware.

The Hon. F. D. Willmott: There was a Royal Commission last year.

The Hon. H. C. STRICKLAND: Evidently there is room for more inquiry somewhere. If one looks at today's paper one will find that apples are retailing at 1s. 6d. to 2s. 8d. and the market price is 7½d. to 2s. 2d. If one considers the difference between 7½d. and 1s. 6d. it will be realised that the retailer is receiving a

big margin while the grower, out of his 7½d., has to pay the cost of casing, packing, and perhaps cold storage for five or six months, as was mentioned by Mr. MacKinnon.

There are all sorts of aspects which confirm my opinion that the greatest advantage that could be derived from an inquiry by this committee would be to the consumers of Western Australia. The consumer should not be asked to pay exorbitant prices for inferior apples when top quality fruit is being sold overseas at, perhaps, 50 per cent. of the Western Australian retail prices.

That is one of the main questions which I think this commitee, the Minister, and perhaps this House next year, when the findings of the committee are known, might be able to deal with effectively. I support the Bill.

THE HON. E. M. DAVIES (West) [11.42 a.m.]: I desire to support the Bill and I am pleased to see an endeavour is being made to have some control over the sale of fruit that is exported from Western Australia, and also to provide for better quality fruit for the consumers in this State. I think those of us who have visited overseas have always endeavoured to advertise the products of Australia.

I wish to make reference to a provision in the Bill which draws attention to the fact that the Minister may prohibit the sale of apples of a prescribed grade. The portion of the Bill reads as follows:—

> A person shall not sell, except for the purpose of export from the State, any apples of a prescribed grade of which the sale is pursuant to the provisions of this section prohibited, and any person who commits a breach of the provisions of this section is guilty of an offence against this Act.

I think members should take cognisance of that particular paragraph as I think it will make them recall that recently we have seen apples of a very inferior quality exhibited for sale in some of the retail shops. The point I wish to make is that in a few days ships will berth at Fremantle and will be known as floating hotels. Many people will reside in these ships while they are visiting our State to witness the Commonwealth Games.

In consequence, they will have the opportunity to visit some of the suburban centres, and no doubt they will make purchases of Australian fruit. As I said before, when we go overseas we endeavour to publicise the fact that the fruit we grow in Australia is exported to those countries; and we try to bring before the minds of those people that we are all part and parcel of the Commonwealth and that trade between the various Commonwealth countries is essential.

We point out that we grow excellent fruit in this country and that it is exported. However, I am afraid that when some of these visitors who will be residing in the ships to be known as floating hotels, see the quality of some of the fruit that is exhibited for sale in our shops—particularly some shops in the Fremantle area—they will form the opinion that they are seeing the usual type of fruit that is exported.

Therefore, I am pleased that something has been done by the bringing down of this Bill, and I trust that during the period of the Games, at any rate, some steps will be taken to ensure that good quality fruit will be on sale in the retail shops, particularly at the port and surrounding districts. I feel that these visitors will judge the quality of Western Australian fruit on what they see displayed in some of our shops.

I have pleasure in supporting the Bill, and trust it will be the means of doing something to improve the standard of fruit which is sold on the local market. Unfortunately, in recent times the quality seems to have declined very considerably. With those few words I support the Bill and trust it will be the means of producing beneficial results for the fruit industry of this State.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [11.47 a.m.]: It is very evident from the tenor of the debate that members of this House are cognisant of the value of this industry to Western Australia. It is also obvious from the tenor of the debate that they have issued a warning to fruit growers of their responsibilities and the necessity for them to see that a better product reaches the market. If it has done nothing else, this debate has brought that point out strongly; and possibly those members representing the fruit-growing industry will be able to take back to growers the expressions of opinion which have been made in this House.

Unfortunately, Mr. Strickland was absent when the findings of the Royal Commission were made available, and he would therefore not be aware that this Bill is the result of a recommendation by that commission. The commission did not entirely recommend this particular measure, but recommended the setting up of a marketing board. There was insufficient time for a marketing board to be set up as suggested by the commission; and as the fruit growers themselves were anxious that some measure of control be provided, they recommended this advisory committee so that if it was found necessary by the experience gained, a marketing board could be set up in, say, twelve months' time or perhaps a further twelve months after that. The fruit growers were of the

opinion that the information gained would assist in the formation of a marketing board.

In regard to the point raised last night by Mr. Loton, I would say that the advisers of the Department of Agriculture keep in close contact with this industry. They have a knowledge in the early stages as to what kind of season it will be; they have a knowledge of any disease that is likely to affect the industry; and I think, all in all, before any of the first fruit reaches the market, those advisers have a good appreciation of the whole set-up.

The members of this committee will be responsible men whose interests cover a wide scope. They will represent not only the grower, but the seller, and the consumer as well. I think it is safe to say that the beginning of the season, when the majority of factors are known, is the time when this committee will make recommendations to the Minister on what type of fruit or which grades of fruit should be declared, and which grades should not be allowed to go on to the market. At that stage, it will be able to nominate the grades; and, according to the way the market goes, if some of this fruit deteriorates it will have to be declared and kept off the market.

Mr. Loton was worried about a retailer who purchased apples, had them in cold storage for a fortnight, and then it was decided that a certain grade would have to be kept off the market. He wondered what would be the position of the retailer. Nearly all these grades will be defined. If a retailer has purchased fruit according to the law, then he must be allowed to sell that fruit or receive compensation for it. If a retailer purchases fruit in all good faith and he is stopped by the Government from selling it, I think that in an ordinary court of law he would be allowed some compensation. I do not anticipate any trouble in that direction.

I happened to be in Bridgetown last Friday week, and I was amazed at the blossom on the apple trees in the orchards. It was quite a sight. However, because of the weather which we have had during the last few days—and last week there was hail in the Bridgetown area—I am told there is practically no blossom left. I am wondering whether the rough weather has had any effect on the fruit. I appreciate the contributions which have been made to the debate. Like all members I hope the measure will have the effect of putting on to the market fruit of good quality.

Something similar to this happened in the tomato industry in Geraldton. I think that we did not bring in legislation, and the growers then took control of their organisation. When we are sending fruit such as tomatoes from Geraldton to Melbourne, Singapore, and elsewhere, if there is no guarantee that the fruit is of good quality when it leaves Geraldton, then it will not be of good quality when it arrives at the other end. Some producers were sending everything they could pick out of their gardens; and by the time the fruit arrived at its destination the good name of the Geraldton tomato had gone down. Drastic action had to be taken in order to maintain the industry, because the production of hot-house tomatoes in Queensland, South Australia, and New South Wales was having an effect on the market.

Every case of tomatoes which is sent to Melbourne and Singapore, and so on, is now examined before it goes; and over the last two years the growers have been able to net from 7s. to 10s. per case more than they received previously. Whilst some people may go for the cheap article, we have to look at the problem from all angles. Perhaps on occasions the retailer gets more than his share. I have had experience of handling fruit and vegetables and I know there is a lot of waste on those commodities, and the margin has therefore to be somewhat large. The consumer is entitled to get these commodities of as good a quality as possible and at a reasonable price. I hope this advisory committee will be able to advise the Minister on the correct channels, and that it will turn out to be the best for the industry, the retailer, and the consumer.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Sections 3A, 3B and 3C added—

The Hon. A. L. LOTON: With regard to proposed new section 3A, I wish to say that I have been able to obtain information on some of the points about which I was not clear last night. This legislation is to remain on the statute book until 1963. I hope that when legislation is next introduced particular note will be taken of those points which were not clear. I thank the Minister for his explanation. We all want to do something to ensure that the public get a better deal and that growers will get some protection.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

FRUIT CASES ACT AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate, from the 14th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

BREAD ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 14th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. R. H. LAVERY (West) [12 p.m.]: This Bill is one that we must support as it will attempt to overcome an anomaly that will be brought about by an amendment to the Industrial Arbitration Act which was made a short time ago to give bakers a five-day week. As the Minister said in his notes which he read to the House, that is the reason for the introduction of this measure. It is to try to retain normality in the industry. If the measure is not passed, one baker who is just outside the present limit would be able to operate under the country section of the Act and take away from the other two bakers in his district the greater portion of their trade.

It is a pity that another amendment has not been introduced which would prohibit the delivery of bread on Saturdays and Sundays. Had such an amendment been brought down, I do not think this Bill would have been necessary; and, to a great extent, the fears that the metropolitan bread manufacturers now have would have been allayed. I think it will be admitted that this legislation will of necessity be an experiment, because we have already seen in the Press a challenge from the managers of some of the big firms in the city who state that they will have no trouble in getting thousands of loaves of bread brought into their shops on Saturdays.

Up to date the bread manufacturers and the road transport workers' union have worked in close co-operation with each other, and there has been complete harmony. I have been an official of that union for over 30 years, and any difficulties that have occurred have always been straightened out with the bread manufacturers without the necessity for the union to have recourse to strikes. However, certain difficulties will have to be overcome in view of the recent amendments that have been made to the award. The bread manufacturers in the city have a problem, and I have sympathy for them. I only hope that this Bill will be of some help to them; and, in my opinion, we have to support it.

The bread carters' section of the transport workers' union will be in the position of having a six-day week award whereas the bread manufacturing industry will have a five-day week award, and those who are now delivering bread will not in the future deliver bread on Saturdays. So, whether we like it or not, they will have a five-day week; and had an amendment been introduced which would have made it illegal to deliver bread on Saturdays and Sundays, the whole problem would have been overcome. I am sorry that was not done, because an amendment to that effect was moved in another place. However, I support the measure.

THE HON. N. E. BAXTER (Central) [12.6 p.m.]: I am a little concerned about the Bill because it affects the small town of Chidlow and the baker in that area. A good deal of discussion has centred around the bakers at Safety Bay and Rockingham, but the baker at Chidlow delivers to such places as the Wooroloo Hospital. He has a contract covering that institution. Up to date I have not had a chance to study the principal Act, but I take it from the Bill that he will be permitted to bake on only five days of the week.

The Hon. A. F. Griffith: How far is Chidlow from where he is?

The Hon. N. E. BAXTER: Chidlow is 27 miles by rail from Perth and it is naturally within a 28-mile radial distance of the G.P.O. Therefore if he bakes at Chidlow he cannot deliver to the Wooroloo Hospital, I take it, which is outside the 28-mile limit.

The Hon. F. R. H. Lavery: He is normally delivering there now?

The Hon. N. E. BAXTER: Yes.

The Hon. G. C. MacKinnon: If he is 25 miles away he is affected.

The Hon. N. E. BAXTER: It would be over a 28-mile radial distance.

The Hon. G. C. MacKinnon: Would it be under 25 miles?

The Hon. N. E. BAXTER: It would be over 25 miles but under 28 miles, and this Bill proposes to alter the 25 miles to 28 miles. It will preclude that particular baker from delivering to the Wooroloo Hospital. It strikes me as rather strange that we should ensure that plenty of

petrol is provided for people in the metropolitan area, where they have to eat stale bread over the week-end, but no petrol is provided for people in the country over the week-end, but they can eat fresh bread. When you look at the two questions it seems rather anomalous.

The Hon. A. F. Griffith: Is that bread and beer to you?

The Hon. N. E. BAXTER: No, bread and petrol.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member please confine himself to the Bread Act and its amendment?

The Hon. F. D. Willmott: Confine him to bread and water.

The Hon. N. E. BAXTER: I would like the Minister to tell me whether this baker will be precluded from delivering bread to the Wooroloo Hospital, or to any other of his customers in the Wooroloo area who are outside the 28 mile limit. If he is, he will not be able to deliver to customers in the Mt. Helena area, or in his own area.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [12.8 p.m.]: I am not in a position to advise the honourable member in respect of the particular problems in his electorate, because I do not know the distances involved. We had to change a certain distance the other night in regard to the Licensing Act to provide for a situation in respect of Bakers Hill and Wundowie. However, I am not in a position to advise how the baker mentioned by the honourable member will be affected.

First of all, let me make one or two comments on the points made by Mr. Lavery. I understood him to say that the introduction of the Bill was due to an amendment made to the Industrial Arbitration Act. I suppose he meant an amendment to an industrial award.

The Hon. F. R. H. Lavery: I must correct that.

The Hon. A. F. GRIFFITH: The honourable member meant an amendment to the award?

The Hon. F. R. H. Lavery: That is so. I must correct that. I meant an amendment to the industrial award covering the industry. I am sorry.

The Hon. A. F. GRIFFITH: I thought that is what the honourable member meant. That sets up an entirely different state of affairs. It is due to an amendment to an award. I will make no further comment about that, because the Arbitration Court makes its own decisions; but a decision such as this has caused complications.

The Government has not been anxious to act in a matter of this nature, because it knows full well that the consumers of the State are entitled to get fresh perishable commodities. The Bread Act is one of those types of legislation—as I mentioned in this Chamber a few days ago—which removes the initiative from the individual, and compels him not to do certain things when, in fact, he would like to do those things. It lays down that he shall not bake bread within certain hours. With the introduction of this award—not by the action of Parliament, but by the action of the Arbitration Court—we have a complete conflict between that award and the Act.

The Hon. F. R. H. Lavery: Parliament is indirectly responsible, because it gives the Arbitration Court that power.

The Hon. A. F. GRIFFITH: I will not argue that. I know it is Parliament which gives the Arbitration Court that authority. As a result of the introduction of this award there is a conflict between the Act which entitles bakers to perform their function of baking, on the one hand, and the carting of bread on the other.

The Hon. F. R. H. Lavery: That is why we support the amendment.

The Hon. A. F. GRIFFITH: I think the honourable member had a fair go while he was speaking. He is now making me labour my comments. The fact that carters on Saturdays will not have bread to cart is due to the Bread Act which, as I say, restricts the activities of those desiring to bake outside the hours laid down in the Act. In referring to the further amendment, I would remind the House that this legislation is an endeavour to sort out an existing anomaly, because I understand the two bakers concerned are so close to each other.

The Hon. F. R. H. Lavery: That is correct.

The Hon. A. F. GRIFFITH: One is on the one side of the borderline and the other is on the other side of it. This means that one man is free, while the other is restricted by the Bread Act.

I cannot answer the question raised by Mr. Baxter, because I do not know the situation, or the mileage involved. But the Government is aware of this problem in the area mentioned, and it is therefore designed to take the line out 28 miles, instead of 25 miles. That is all I can advise. I cannot conjecture what may happen somewhere else.

The Hon. N. E. Baxter: Could you delay it so that we could have the chance of checking the situation?

The Hon. A. F. GRIFFITH: Would it be for the purpose of stretching it to 29 or 30?

The Hon. N. E. Baxter: Only for the purpose of checking.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: I try so hard to satisfy the wants of the honourable member; so I will not proceed with the third reading until he has had an opportunity to check this.

The Hon. F. J. S. Wise: As the Minister knows, once you make a line of demarcation on any subject you create an anomaly.

The Hon. A. F. GRIFFITH: That is so very true. As I said the other day when we were discussing the licensing law, when there is a line of demarcation we are apt to do good for one person while harming someone else. But the Government is not at all anxious to see the consuming public go without fresh bread. This is trial legislation, and we must see how it goes along; we must allow experience in the next few months to determine whether or not there are any other anomalies that require attention. So if Mr. Baxter wants to press this point I do not mind taking the Committee stage later.

The Hon. N. E. Baxter: Would this affect the contracts of the hospitals?

The Hon. A. F. GRIFFITH: What if it does?

The Hon. N. E. Baxter: There may be some simple way around it.

The Hon. A. F. GRIFFITH: I do not think there is. If the legislation affects a particular person, then it will affect someone else, and so on. Is not that the situation?

The Hon. N. E. Baxter: It could be; but at least I will have a chance of checking it.

The PRESIDENT (The Hon. L. C. Diver): I would remind the Minister that this is not a dialogue, and I would ask him to address the Chair.

The Hon. A. F. GRIFFITH: I beg your pardon, Mr. President. In the meantime I will ask the House to agree to the second reading of the Bill, and I will take the Committee stage later.

Question put and passed.

Bill read a second time.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 14th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [12.17 p.m.]: The purpose of this Bill is to apply differential rates charged for water according to the type of residence, home unit, or flat, in which a person may reside, or which he may own.

Expressed briefly it means that if a person owns a residence and lives in it, or rents it, he will be on the rate provided in section 90 of the Metropolitan Water Supply, Sewerage, and Drainage Act, and on the water rate applying to ratable land for residential purposes. So if he is the owner of a residence, and lives in it, or rents it, those premises, and that area, are the subject of a rate applying to a residence.

But if he owns a home unit, or a flat, or a set of home units or flats, and lives in one of these, this amendment in the Bill will give to the owner of home units, or flats, a cheaper rate, or a residential rate, for the flat he occupies and lives in. But for the remainder of the home units within that particular property, a commercial rate is to apply. That is the proposition.

The Hon. L. A. Logan: Will you repeat that?

The Hon. F. J. S. WISE: If a person owns, as an investment, a set of, or block of, home units, whether it be perpendicular or horizontal, and he lives in one of them, the one in which he lives will be charged at the residential rating for water. In respect of the balance of those who occupy the flats and pay rent, the rate applicable to commercial or business premises will be applied.

The Hon. L. A. Logan: If they own the premises they will come under the residential rate.

The Hon. F. J. S. WISE: That is right. Although the rent paid by the tenant in the first place is normally a component within the rental struck by the owner—not by an authority which determines rentals—and the water rates and other rates bear a portion of the rental charge, this Bill will impose upon the occupier the higher rate.

If a person invests a like amount in home units, or in sections of buildings of the second type I mentioned, or builds eight to 10 houses as residences, every one of those would be on the residential rate, and every occupier would pay the residential rate for the water he used. The provision in the Bill undoubtedly gives to the owner of home units who resides within his block or on his property—the subject of his investment—the reduced rate; but for the rest the commercial or higher rate will apply.

In my view there can be no comparison, especially from the point of view of a family man—unless the family be small or the children be grown—between living in a flat and living in a residence, where the responsibility for keeping the surroundings of the residence in good order falls on the occupier or owner. To such people the lower water rate applies, although they pay for excess water; but I am not discussing the rate at all.

In the case of a flat, if the principle to be applied in this case—and the principle is acknowledged by the Government to be

one of a pay-as-you-use rate—is put into effect, then it may not apply to flat dwellers, because they cannot use a sufficient quantity of water to absorb the rate; and they would have to pay the water rate at the higher level.

I do not like the Bill, because it presents an unfair and anomalous situation, and penalises the person who is the occupier of rented premises. It poses the question of the Bill being entirely opposed to the suggested policy of the Government; that is, for water to be based on a pay-as-you-use rate. For that reason I intend to oppose the measure.

Debate adjourned until a later stage of the sitting, on motion by The Hon. L. A. Logan (Minister for Local Government).

(Continued on page 2852)

LAW REFORM (PROPERTY, PERPETUITIES, AND SUCCESSION) BILL

Assembly's Amendments

Schedule of seven amendments made by the Assembly now considered.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The CHAIRMAN: Amendment No 1 made by the Assembly is as follows:—

No. 1.

Clause 14, page 8—Delete the words, "rights of first refusal in a unit ownership agreement" in lines 23 and 24, and substitute the words "a preemptive right to acquire an individual unit or individual units of accommodation in a building containing several units."

The Hon. A. F. GRIFFITH: I want to explain the situation which has brought about these amendments which were made in another place. When I introduced the Bill in this House to amend the law relating to trustees there were a number of complementary Bills, of which the Bill before us was one. I explained at the time that the compilation of this work had been carried out by the Law Reform Committee of the Law Society. After a considerable period conclusions were arrived at, and it was decided to introduce a Bill which would bring up to date the law relating to trustees; and to introduce complementary Bills.

The member for Subiaco, a practising lawyer, made a study of the position and found that, in his view, some of the provisions should be questioned and some should be examined further. As a result the Law Reform Subcommittee of the Law Society, Crown Law officers —the draftsman in particular—and Mr. Guthrie got together and formulated these amendments, which give better effect in many respects to the original wording of the Bill. They have explained them to me as a layman; and to the best of my ability to understand them they appear to be satisfactory.

Rather than labour these amendments, I suggest that we accept them on the basis that they have been decided upon by those to whom I have just referred. I have here an explanation of each amendment and if anyone desires me to give it, I will do so to the best of my ability. I move—

That amendment No. 1 made by the Assembly be agreed to.

The Hon. E. M. HEENAN: It might be interesting for members to recall that this is new legislation dealing mainly with the rule against perpetuities. Members will know that perpetuities are contrary to the policy of the law and always have been because they tie up property, or attempt to do so, so that it can never be disposed of; or at least cannot be disposed of for some entirely unreasonable period. That is in the main what this Bill deals with.

The Hon. A. F. Griffith: That is the whole of the Bill.

The Hon. E. M. HEENAN: It seems obvious that the minor adjustments now proposed are an improvement. For instance, nowadays there are home units and they have created a state of affairs which the law was not called upon even to contemplate a few years ago. Apparently when a person buys a home unit he has certain options, and the situation in relation to home units is contained in this Bill; and a minor amendment has been made by the Legislative Assembly.

The Hon. A. F. Griffith: That is the first amendment with which we are dealing?

The Hon. E. M. HEENAN: Yes. Clause 20 deals with wills made in contemplation of marriage, and the Bill in its original state did not provide for the cancellation of such a will in the event of the marriage not taking place. An amendment is now proposed that will correct that position.

I have had a careful look through all these amendments. As we know we could go through these measures time after time and make small corrections to them. This has already been done and I wholeheartedly support these amendments.

The Hon. A. F. GRIFFITH: I would like to thank Mr. Heenan for his assistance. If the Committee desires, I can go through each of these amendments and explain them. I am quite prepared to do that.

Question put and passed; the Assembly's amendment agreed to.

The CHAIRMAN (The Hon. W. R. Hall): As it appears that no member desires to speak on any of the other amendments we

will take them all together. Amendments Nos. 2 to 7 made by the Assembly are as follows:—

No. 2.

Clause 17—Add a new subclause, to stand as subclause (4), as follows:—

(4) For the avoidance of doubt, it is hereby declared that this section has effect only as provided by section three of this Act.

No. 3.

Clause 20—Add a new subclause, to stand as subclause (2), as follows:—

(2) Without limiting the provisions of subsection (1) of this section, a will expressed to be made in contemplation of marriage is, unless the testator expressly provides to the contrary, not valid in the event of the contemplated marriage not being solemnised.

No. 4.

Clause 21, page 11, lines 35 and 36—Delete the words, "and who attain the age of twenty-one years."

Page 12, line 20—Delete the word, "bequest" and substitute the word, "legacy."

Page 13, line 23—Add immediately after the word, "Act," the passage, ", except in relation to a specific legacy or a specific appointment of any chattels."

No. 5.

Clause 24, page 15, lines 5 and 6—Delete the words "to the payment and of other persons" and substitute the passage, "(other than the plaintiff or claimant) to the payment and of other persons acquiring rights or interests through them."

No. 6.

Clause 25, page 15, line 19—Delete the words "after the commencement of this Act."

Delete subclause (2).

Insert a new subclause to stand as subclause (2) reading as—

(2) For the avoidance of doubt, it is hereby declared that this section has effect only as provided by section three of this Act.

No. 7.

Long Title—Add after the word "succession" the words "and for incidental and other purposes."

The Hon. A. F. GRIFFITH: I move—

That amendment Nos. 2 to 7 made by the Assembly be agreed to.

Question put and passed; the Assembly's amendments agreed to.

Report

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

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 14th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [12.41 p.m.]: I am grateful to the Minister for allowing the debate to be adjourned yesterday so that I could look through the Bill. I must say at the outset that I agree with the two speakers yesterday in their view that the Bill should not be proceeded with this session. I will endeavour to explain how I arrive at my conclusions.

In introducing the Bill, the Minister told the House it originated through the Public Works Department requiring control over the waters of the Gascoyne River at Carnarvon. The Gascoyne irrigation area at Carnarvon—as we generally refer to it—is most important to the economy of Carnarvon, and also to that of the State because of the export of beans to the Eastern States. It is essential that before any restrictive legislation is accepted by Parliament every effort should be made to probe the results of such legislation.

In my view this measure would be very difficult to police, and it would be difficult to implement at certain times of the year. I will endeavour to explain these points as I proceed with an analysis of the Bill itself. As I say, it endeavours to give the Crown rights in all water throughout the State.

Section 4 of the Act prohibits the Crown from having rights over water flowing from springs on properties, and also over wells which require mechanical pumping to raise the water to the surface—in other words, wells which do not flow to the surface as artesian wells do.

The amendment to section 4 deliberately places all wells throughout the State under the control of the Crown. It deletes portion of a proviso which is in the Act, and takes the control of such wells from the Crown and places it in the owner or occupier of the land. That is one part of the Bill, and there is another part which will enable the Minister, by proclamation, to license wells in any section of the State north of the 26th parallel. The measure will not allow the Minister to proclaim an area which requires licensing south of the 26th parallel. The reason for that has been explained in relation to the Gascoyne River area.

During my experience at Carnarvon—which is of some 40 years' duration—there has always been argument as to the water

supply from the Gascoyne River. In years past when the river failed to flow, wells in different sections of the river itself, and on blocks adjacent to the river, have been affected. That can be proved by the graphs, and by the probes that have been put into the river by the numerous planters who have lost their source of water supply following a flow.

It is amazing, but there are properties along the banks of the Gascoyne River which, in a very dry period, secured a flow of water which enabled the owners to carry on with their business. The river has subsequently run a banker—or a medium river has flowed—and in the next dry period the source which they had in the previous dry period has disappeared; dried up.

In my view the reason for that is that all the water in the Gascoyne River and in that basin comes down the Gascoyne River. By that I mean the Gascoyne River is the source of supply. The rainfall in Carnarvon averages 8½ in. a year, so one can imagine it will not fill any underground channels. So, in my opinion, the water flows down the Gascoyne River; and the river flows from some 400 to 500 miles, and perhaps 600 miles, inland; and there are its tributaries.

What I have said seems to be borne out by the probing that I have mentioned. It has been known for a grower to secure a good supply of water in the bed of the river itself, and then for other growers, prodding around below him looking for water, subsequently finding a suitable flow, and, when they tapped it, draining away the water from the grower higher up the river.

In my opinion, the only answer to the whole question—or the correct answer—of providing the planters at Carnarvon with water is to conserve the water in dams. No Government has attempted to dam any part of the Gascoyne River, although the previous Government did, on the recommendation of the State Geologist, endeavour to arrest the seepage, or the flow through the sands, into the ocean by putting a clay bar across the river.

Things have altered since then, and only the one clay bar was put across the river. That was the only attempt ever made to conserve the water in the sands of the Gascoyne River and to arrest the seepage through those sands into the ocean. The present Government, in my opinion, has, in effect, followed the previous practice of all planters on the river of tapping the supply or the reserve which, in their opinion, is impounded in the riverbed but which, in my opinion, could very easily be seeping through the riverbed and supplying the growers further down the river.

The Government has spent a lot of money in providing and installing a pumping plant and some irrigation pipes to pump the water from the higher points down the river bank to planters along the lower reaches of the river. I hope I am wrong, but it seems to me that it is a repetition of the practice which has been carried on in the Gascoyne ever since I first went to the district; that is, one supply simply robs another.

The total quantity of water which serves the area comes down the Gascoyne River from inland. I do not think I am wrong in that contention, but I could be wrong when I say that any attempt made to tap the supply further up the river could mean that the Government would be depleting the reservoirs which at the moment supply underground channels from which certain growers downstream obtain water. The correct thing to do on the Gascoyne River, especially if this important industry is to prosper, is to endeavour to stem the water from the sand into the sea and thereby conserve greater supplies.

The object of the Bill is to regulate the quantity of water which each grower may draw from the river. The Public Works Department—and rightly so—is very concerned at the rising salinity of the town water supply which has been affected by the continual probings into the river and into the delta which surrounds the river mouth. Irreparable damage has been caused through no control being exercised over well sinkings by growers on that delta.

On the south side of the Gascoyne River there are some 10, or perhaps 15, plantations which have been put out of business completely because of the saline content which has filtered into their water supply over the last 10 years. In my opinion that was caused by irresponsible people being placed on properties which had a very poor, windswept type of soil on which it was almost impossible to grow anything at any time, even if the water supply was adequate and of good quality.

Those people probed into the clay subsoil which holds back, underneath, the encroachment of the sea water. It was found that salt water was getting into the boreholes; but more holes were made, with the result that the country resembled a colander. It became full of holes and instead of the water going down through the sand it seeped up through these holes and ruined the water supplies which already existed. I do not think there is any doubt about that, and I do not think there is any doubt that there should be some control by the Government to prevent the position deteriorating further.

I feel the Bill is reaching out a little far. I would have been pleased to be given the opportunity to consult the growers in the area as to their opinion of the Bill.

The Hon. L. A. Logan: I will give you some information on that later.

The Hon. H. C. STRICKLAND: I know that copies of the Bill were sent to two organisations last week, but no response has yet been received from them. I suppose it would take some time to organise meetings of those concerned.

It is certainly very important that each and every grower should be aware of what these measures mean, because under the provisions of this Bill the Minister will proclaim, in the Gascoyne district, any area being one where any person—a grower, occupier, or owner—will be required to obtain a license from the Minister before he can commence on a well; that is, to alter, deepen, or commence work. What does "commence work" mean? Does it mean that a man must not walk around and commence divining for water? I would point out that many men use divining rods to find water in the Gascoyne district.

What is going to happen in January or February, in a dry year—which we have seen occur on numerous occasions—when, suddenly, a grower's well goes dry because somebody else has tapped the stream some distance away? What is to happen when his water supply gives out? Under this Bill he will have to supply a plan of the area in which he intends to sink a bore. He will have to probe around until he finds some sign of water. He does this probing with the help of steel rods, but he will not be able to do anything like that when the Bill is proclaimed unless he obtains a license. He might have £3,000 or £4,000 worth of bananas under crop. What is going to happen to them whilst he is applying for a license to bore for water? Further, what is going to happen in January or February when the Minister and the departmental officers are away? The circumstances which I have outlined have been encountered on numerous occasions in the past.

When I say the Bill could not be implemented and administered under those conditions, I feel that, as a result of my experience in the district, that would be the position. It would be extremely difficult for any grower who finds his water supply inadequate and who is unable to deepen his well to do anything else about it, unless he first obtained a license from the Minister. The penalty prescribed for a breach of this provision is £100, and if the offence continues after the conviction it is £5 for each day the offence continues. That is an extremely harsh penalty to impose on growers in view of the difficult circumstances with which they are faced and which I have pointed out do arise; and they arise, without fail, every summer following the dry season.

There are not one or two isolated cases; at least 50 per cent. of the growers on the river are beset with these problems. If they are required to obtain licenses from the Minister before they can commence work of any kind they are going to be placed in a very difficult position in the future. Other crops can withstand a little salt and perhaps a dry period, but a banana crop cannot. The surface of the ground must be kept wet and the soil must have a very low salt content. I feel that the banana industry could be faced with extinction if the growers are to be subjected to the conditions which are set out in the Bill.

Sitting suspended from 1 to 2.30 p.m.

The Hon. H. C. STRICKLAND: Prior to the luncheon suspension I had been describing the effects which I thought this Bill would have on planters at Carnarvon in respect of their water problems. The Bill is divided into sections which have two separate applications. I mentioned that the Bill would take in all water supplies throughout the State. I believe that will be the result of section 4 of the Act. Whilst section 4 does reserve to the Crown rights over all water supplies, there is a difference between the reservation in respect of the area south of the 26th parallel and the area north of the 26th parallel.

North of the 26th parallel the Minister can by proclamation define an area in which all work must be carried out under license in connection with water supplies; but south of the 26th parallel only work on artesian bores would be necessary to be licensed—and even then there would be no need to obtain a license to alter an artesian bore.

There will be no need for a license in an area such as Safety Bay or the coastal strip along the foothills—namely, Rockingham and such places, which are well provided with subterranean water. There is no need for anybody resident there to apply for a license before they can sink a well or alter a well. But it will be necessary for anybody living north of the 26th parallel to obtain a license to do some work once the Minister proclaims the area. That appears to be the purpose of the Bill. Some members are of the opinion that the Bill will have no effect south of the 26th parallel; but that will be the effect of it.

The Hon. L. A. Logan: Only an artesian wells.

The Hon. H. C. STRICKLAND: Clause 4 of the Bill amends section 4 of the Act. It takes out portion of the proviso which prevents the Crown from having water rights in any subterranean source of water supply from which the water does not flow naturally but has to be raised by pumping or other artificial means.

That means that authorised officers will be able to enter upon any property and inspect any well with the object of preventing pollution. That is a very good objective indeed, particularly in respect

of those areas I have just described, such as Rockingham and Safety Bay. Somebody in those areas may empty a drain into a disused well, and it would have some effect on that person's neighbours who are using a well—particularly as there is no other water supply available in that area.

An amendment in the Bill to section 11 of the Act authorises the Crown, by means of its officers and servants, to enter a property, and they can regulate the draw of the water. They may interfere summarily to prevent illegal diversion of the water or pollution of such water.

The Bill has far-reaching effects. It is reaching, in my opinion, right throughout the State. Although section 4 of the Act contains a proviso that no spring rising on a person's property shall be subject to the Crown, I think that the amendments to sections 10 and 11 will wipe out that proviso. The amendments insert words which cover any water taken from a subterranean source. My understanding of a spring is that it could not come out of the air; that it must come out of the ground; therefore the spring would originate from a subterranean source. In my opinion a property which has a spring will come within the ambit of the Act.

As I mentioned initially, I am grateful for the few hours I have had to look into the effects of the Bill. I have come to the conclusion that we should have had a longer period in which to study the measure, and members should have had the opportunity to consult those people who will be affected by it.

To introduce a Bill of this nature in the final days of the session is asking members to agree to something which we really do not grasp. We do not grasp the effects sufficiently to enable us to pass sound judgment on the Bill. I agree that control is needed in the area I represent; but I can also see pitfalls, and a lot of harm may be done if that control is exercised without a great deal of consideration being given to those growers who may be affected.

Let us look at the case of a grower who purchases a property and who has, perhaps, paid a high price for that property because he knows that the source of water supply on the property is adequate and of good quality. He has, in effect, purchased a source of water supply. There is plenty of land without water, but that land does not command a price comparable with that of land which has a good water supply. The value of that property can be affected immediately by action taken by Government officials.

At the moment the Government has control of all the river water. It has that under the existing Act; there is no need for this Bill to give it control over water outside of private property. The effects of this measure could be disastrous for some men—and although there is not a great number there are some who would be affected by it. Only in recent months high prices have been paid for properties because they have a proven source of water. There is one in particular—I do not know the name of the owner at present—which changed hands within the last 18 months, and that property has had a proven water supply for the last 30 years. The bore on the property provides the plantation with sufficient water through good seasons and bad.

If that water supply is to be controlled then the price paid for the property will immediately fall, because the owner no longer has a water supply to sell and, consequently, he would have difficulty in getting the price he paid for it because that aspect was taken into consideration when he bought the property.

I admit that the Government is trying to rectify the position, but in my view we should have more time to study the effects of this legislation. As Mr. Willesee has pointed out, what harm would there be in withdrawing this Bill and introducing legislation in six or eight months' time? That would give everybody an opportunity to study its effects.

Nobody would be worse off if the legislation was not passed this session. It could be examined and reintroduced after all members had had an opportunity to study it carefully. There are some members here who have wells on their own properties and they could come within the ambit of this legislation if the Bill becomes law. If that is the case they will find that no longer will they have sole rights to the water in those wells.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.43 p.m.]: I am indebted to Mr. Strickland for his contribution to the debate because I am sure that by now he has convinced the House of the necessity for this Bill. Everything he had to say was really in support of its provisions, and he has given every reason why it should be passed.

He mentioned the case of a grower who has just bought a valuable property because it has an assured source of water. This Bill is designed to ensure that that man's equity is safeguarded. It is to prevent the man alongside him taking water for which he has paid thousands of pounds.

The Hon. H. C. Strickland: He could not dig a well on the property.

The Hon. L. A. LOGAN: Take the case the honourable member just mentioned where a man paid £4,000 or £5,000 for a property because it has an excellent supply of water. Probably that man paid an extra £1,000 or £1,500 simply because there was an assured supply of water on the property. If there is no control his next-door neighbour could sink a bore and take that water away from him. The Bill is designed to safeguard such people's interests.

The Hon. H. C. Strickland: Where would he put a well on his property?

The Hon. L. A. LOGAN: The next-door neighbour would put it on his own property.

The Hon. H. C. Strickland: They have been doing it for 30 years.

The Hon. L. A. LOGAN: That is what is happening at Carnarvon today, and the Bill is designed to give the department control over bores outside the river bed in the same way as the department has control over the river bed.

The Hon. W. F. Willesee: That means they could control their pumping?

The Hon. L. A. LOGAN: Yes.

The Hon. W. F. Willesee: Therefore you depreciate the capital value of the property.

The Hon. L. A. LOGAN: It will maintain the capital value of the property.

The Hon. N. E. Baxter: How many cases are there of this having occurred?

The Hon. L. A. LOGAN: There is not a great number from what I can gather. The point is that the department has control over the water in the river sands, and Mr. Strickland has told us that the water outside the sands of the river is from exactly the same source. What we want to do in the Carnarvon banana plantation area is to ensure that the department has power to control outside water as well as to protect the industry. That is what the Bill seeks to do; and what is wrong with that? That is why a limitation was placed on it; and there is a reference to north of the 26th parallel. From my own point of view I would like to see the legislation cover the whole of the State, and the sooner it does the better.

The Hon. H. C. Strickland: It does.

The Hon. L. A. LOGAN: No, only the artesian part, because the area north of the 26th parallel has to be proclaimed. If the honourable member reads the Act and the Bill he will realise that. We have a new definition and that is the reason why the two sections are altered.

I should like to read the report of the engineer in charge (Mr. Bryden) who is also the chairman of the advisory committee. I will then quote some comments from the file to show that the banana growers themselves have asked that this legislation be introduced.

The Hon. W. F. Willesee: Why didn't you introduce that material into your second reading speech?

The Hon. L. A. LOGAN: I am not responsible for everything that is sent to me. If members raise certain points on the second reading it is the job of the Minister who introduced the Bill to give whatever information he can when replying to the debate.

The Hon. W. F. Willesee: That was fundamental to this issue.

The Hon. L. A. LOGAN: What was?

The Hon. W. F. Willesee: The opinion of these two organisations in regard to the Bill was completely fundamental. That is what I said in my speech.

The Hon. L. A. LOGAN: As a representative of the area concerned, surely the honourable member knows what the organisations require and what the advisory committee up there has recommended. I thought the honourable member would know that.

The Hon. W. F. Willesee: No, I am not as smart as you are, unfortunately.

The Hon. L. A. LOGAN: I thought the honourable member would have that information.

The Hon. F. J. S. Wise: You didn't know until five minutes ago, did you?

The Hon. L. A. LOGAN: I did. I could have answered this last night.

The Hon. W. F. Willesee: Then why didn't you bring it out in your second reading speech?

The Hon. L. A. LOGAN: Because I am not responsible for the notes sent to me. The report from the engineer states—

> The ground water in general in the Carnarvon district is brackish and of no value for irrigation.
>
> However, the fresh water bearing sands under the Gascoyne River bed extend irregularly under the north and south banks of the river and for a limited distance; settlers whose properties are not on the river are able to pump fresh supplies from wells which tap these sands and which are located on their properties.
>
> The fresh supplies from these "block wells" are closely related to the supplies in the river bed and in the top levels are replenished with a "run" of the river.
>
> Under the Rights in Water and Irrigation Act control measures have been introduced for all waters pumped from the river bed and lands contiguous to the river but no such control is possible for wells within the properties remote from the river.
>
> This anomaly has been a concern to the Gascoyne River Advisory Committee and a meeting has not passed without the Carnarvon grower representatives inquiring as to the action being taken by the Government to provide legislation to enable control measures to be applied to these "block pumpers" in line with those pumping from the river bed
>
> At folio 26 of file 416/60 herewith is a unanimous resolution of the committee asking for legislation for this control.

The two grower organisations which represent the entire plantation community have also expressed similar concern as is evidenced by—

(a) the letter at folio 30 in which the Secretary of the Market Gardeners' Association draws attention to the fact that—

"Growers pumping from bores on their properties are not restricted, although the water comes from the same sources"; and

(b) additionally at folio 35 the "Carnarvon Fruit and Vegetable Growers' Association protests over the unfair advantage "block pumpers" who refuse to abide by the regulations restricting pumping water have over other members of the community."

The Secretary adds—

"I strongly urge you to take some positive action to curb their activities."

So we have the two organisations, in conjunction with the advisory committee, strongly recommending that some action be taken to apply uniformity in regard to water supplies for all growers in the Carnarvon banana-growing area.

The Hon. W. F. Willesee: That is the very thing I wanted to know.

The Hon. L. A. LOGAN: Perhaps I should apologise for not having been in possession of these facts last night. However, I have done my best, and have given them to the House now. It will be appreciated that on occasions information given to us on some of these measures which come from another place is not always as complete as it should be.

The Hon. A. F. Griffith: Sometimes you cannot anticipate things.

The Hon. L. A. LOGAN: That is so. However, I think I have overcome the omission, and I trust the honourable member will accept this in the spirit in which it is given.

The Hon. W. F. Willesee: Entirely.

The Hon. L. A. LOGAN: The position is that the advisory committee of which Mr. Bryden, the resident engineer, is chairman, has been trying for some time to get the Minister to introduce this measure. I think he was toying with the idea of recommending something like this for the whole of the State; but, as members will appreciate, to cover the whole of the State would need more time than does this proposal, because this is a specific request for a certain area.

The Hon. A. R. Jones: Would the Minister be prepared to give this a life of 12 months?

The Hon. L. A. LOGAN: I would say that if at the end of 12 months it is not working satisfactorily, it would be quite competent for us to amend the Act. I hope by that time we will have an all-embracing measure.

The Hon. A. R. Jones: So do I.

The Hon. L. A. LOGAN: Just quickly glancing through what Mr. Jones said last night about bores being put down in the State, members will recall that when I was sitting on a back bench some eight years ago, I advocated that every water borer should supply to the department the necessary information concerning all bores that he put down. This information is something which we lack in Western Australia.

The Hon. H. C. Strickland: Why confine it to the 26th parallel?

The Hon. L. A. LOGAN: Because this in itself will not cover the whole situation. This legislation was based on the result of a meeting of the Gascoyne River Advisory Committee which was held on the 11th May at Carnarvon. In the file we find the following minute dated the 14th February, 1962:—

It was unanimously resolved that in view of the delay in framing regulations that will apply State-wide—

and I think this answers Mr. Strickland's query—

—the Hon. Minister give consideration to introducing legislation that would apply to the Carnarvon district only in the control of subartesian supplies, in order to remove the anomaly between persons who pump from the river sands and those who pump subartesian supplies from private bores on neighbouring properties.

The Hon. J. G. Hislop: Does this increase the salinity?

The Hon. L. A. LOGAN: Members for the north-west will know that in Carnarvon we have the situation where there is a clay bank which was strengthened some time ago in an endeavour to keep fresh water back, and to prevent salt water from entering. If the fresh water is pumped out, the sea water will come in and take its place, and once that happens it is very difficult to get the salt water out again. That is one reason why the clay bank was put across; namely to control this aspect.

Two situations do arise—and Mr. Strickland mentioned them—where we have people putting down bores through which the fresh water runs. The borers then go deeper and deeper into the soil until they reach the clay country which, after all is said and done, is the barrier between fresh water and sea water. When they reach this point they pull out their pumps without plugging the hole.

One can imagine that in an area like Carnarvon if there are too many of these holes put through to the salt water, it will

naturally mean the salinity will be increased once the pumps are removed, if the holes are not plugged. This again is an excellent reason for the control of these bores; to ensure that if they are put down to a depth they must be plugged before they are left. The following letter of the 14th May was written by Mr. Berry, Secretary of the Carnarvon Fruit and Vegetable Growers' Association:—

> I have been instructed by the above association to write in protest over the unfair advantage block pumpers who refuse to abide the regulations restricting the pumping of water have over other members of the community.
>
> Such unfair advantage is not in the best interests of your Government in their endeavour to deal with the water situation here and I strongly urge you to take some positive action to curb their activities.

So we have two associations requesting that some action be taken in this regard. On the file is another letter, dated the 11th October, from Mr. Sanderson, Secretary of the Carnarvon Fruit and Vegetable Growers' Association, which reads as follows:—

> At the last meeting of the above Association members expressed concern at the number of growers still over-pumping their allocation of water.
>
> Members feel that while the present ration is more equitable it should not be altered in the next twelve months except perhaps to increase it if the river flows.

Then there is another paragraph which reads—

> Also is legislation to be brought down this year to control the block pumpers?

So they are still requesting this legislation; and so, irrespective of what members have said on this, I hope they will support the second reading of the Bill. I should perhaps take some of the blame for not giving all the information in the first place, but I hope I have remedied that omission.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. H. C. STRICKLAND: Now that the Minister has given us some information in connection with the objections which my colleague and I raised, I support the Bill. The Minister said that he was not responsible, although he felt that some of the blame should attach to him for not having produced the information earlier. I feel that whoever is responsible should have provided this information, and I hope this will be done in future. Our worries were mainly concerned with the people in our district; the growers. I hope that in future this information will be provided at an early date so that members can understand exactly the purpose of the legislation. If the growers' organisations require this legislation, I have no objection.

The Hon. L. A. LOGAN: It was not until I called for the file that I was able to obtain the information I supplied, and that was made available to me at 1 p.m. It was not my intention to deal with the second reading yesterday, but because the Bill was transmitted from another place I decided to proceed with it; and, as a result, there were some shortcomings on my part. I shall endeavour to ensure that the same misunderstanding does not occur again.

Clause put and passed.

Clauses 3 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.3 p.m.]: I move—

> That the Bill be now read a third time.

THE HON. W. F. WILLESEE (North) [3.4 p.m.]: Perhaps I should have known more about what was happening along the river in question. I can point to a great many people who have established properties along the river and who have outlaid considerable capital. They will not have a bar of water restrictions under any circumstances.

When differences exist among a small community it is essential for the parliamentary representative to work strictly according to the views of the organisations representing the majority of the growers involved. Therefore I do not retract what I said yesterday afternoon when I asked for a complete and up-to-date picture to be given. Having received the facts from the Minister, I see no reason now why the Bill should not be supported. I make this explanation because I think the remarks were unjust.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.5 p.m.]: Perhaps my remarks were unkind to the honourable member, particularly as I now realise that although copies of this

Bill were forwarded to the people concerned in Carnarvon no replies have been received. I apologise to the honourable member.

Question put and passed.

Bill read a third time and passed.

BREAD ACT AMENDMENT BILL

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 14 amended—

The Hon. A. F. GRIFFITH: I held up the Committee stage to enable Mr. Baxter to make some inquiries in his province. He should give us an explanation rather than allow the clause to be agreed to without comment.

The Hon. N. E. Baxter: I shall speak on the third reading.

The Hon. A. F. GRIFFITH: I tried to be as co-operative as I could, but it seems that clause 5 is to be passed without further debate. Am I to assume from the attitude of the honourable member that the requirements of those in his province in respect of this Bill have been satisfied?

The Hon. N. E. BAXTER: The Minister was somewhat premature, because it was my intention to allow the Bill to pass through Committee and then, on the third reading, to thank him for delaying the Committee stage. As the Minister has expressed a desire for me to make some comment, I thank him for agreeing to delay the Committee stage at my request. I have checked with the people concerned in my province, and I understand now that the bakery at Chidlow does not have a contract for the delivery of bread to Wooroloo. The bread is supplied by the Midland Bread Company which is in the province of the Minister.

The CHAIRMAN (The Hon. W. R. Hall): The debate on this clause has not been in order. I hope the Minister and the previous speaker are aware that their comments have nothing to do with the clause.

The Hon. A. F. GRIFFITH: The Committee stage was postponed to enable the honourable member to bring some information before the House in relation to the alteration brought about by the words "twenty-eight miles".

The CHAIRMAN (The Hon. W. R. Hall): I would point out that the Minister is talking on clause 4 which has already been dealt with.

The Hon. A. F. GRIFFITH: Clause 5 is consequential to clause 4, I did hold the Bill up and the 28 miles is to be included. I believe that the honourable member should have spoken on clause 4 to explain the situation.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

Sitting suspended from 3.14 to 4.6 p.m.

ALSATIAN DOG ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.6 p.m.]: I move—

That the Bill be now read a second time.

I am wondering whether it would not have been such a bad idea had I brought in a supply of muzzles before introducing this Bill this afternoon. I hope I will not be accused on this occasion of not supplying sufficient notes. I will endeavour to do the best I can in connection with the measure, and I hope members will be interested in what I have to say.

This Bill proposes the repeal of the Alsatian Dog Act and its replacement by a new measure aimed at effectively applying the law as originally intended, but since proven completely ineffective. The purpose of the original Act was to prohibit the keeping of unsterilised Alsatian dogs or part-bred dogs of that breed.

In Western Australia, over the years, we have received reports of killings by Alsatians or part-bred Alsatians. Quite recently, considerable trouble has been experienced in the eastern goldfields. Six part-bred Alsatians have been destroyed in this area since 1960 by Agriculture Protection Board doggers, and at least one by private people. Reports of extensive sheep killings by part-bred Alsatians were received. One was mated with a dingo bitch which had five pups.

It is not intended upon the passing of this measure to slaughter people's pets. The prime intention of this legislation is to ensure that owners of the Alsatian breed of dog comply with the law, and for the authorities to have a means of knowing whether the dogs have been sterilised or not. It cannot be denied that they are very strong, and fearless of humans. For this reason, one of their major functions is their use as guard dogs of highly secret defence projects. They were used, for instance,

during the war to guard German prisoner-of-war camps and to tear down any prisoners who tried to escape.

The law, as it stands, is not capable of being policed. People are defying the law, with the result that this State has become a wealthy market for Eastern States' breeders and local dealers.

Until 1960—and I think members should take note of this—only a few Alsatians arrived in Western Australia. An average number of only 11 a year over the 10 years prior to 1960 was reported to the Agriculture Protection Board. It was quite a practicable proposition to trace the few unsterilised dogs that were introduced. More recently, however, the breed has been promoted, with the result that in the 16 months between the 30th June, 1961 and the 9th November, 1962, no fewer than 336 dogs are known to have been brought in.

Clubs for the breed have been formed and as pets they enjoy the usual attention given to pets. Owners are, however, now openly defying the sterilisation requirements and are quite prepared to comply if caught, and pay the fine of £1 or £2 usually imposed. With such large numbers, it has been found quite impossible to couple certificates of sterilisation issued by veterinary surgeons with particular dogs. As a result, certificates appertaining to dead dogs may even be used for new dogs obtained, or a single certificate used to cover several dogs not necessarily sterilised. It is obvious that substantial amendments are essential to hold a most provocative situation which is getting quite out of hand.

Much has been alleged recently of the absence of restrictions against this breed of dog in other States. The position in other States of the Commonwealth and its Territories is as follows:—

New South Wales: The Pastures Protection Board Act provides that any Alsatian dog must be effectively sterilised within any pastures protection district to which the provisions of the Act apply. A number of districts were named in the amending Acts of 1949 and 1951, and further districts have been proclaimed since that time. The Act now operates in 38 of the 59 pastures protection districts.

A district is included only on the request of the Pastures Protection Board concerned, such action being taken by the board in the interests of stock owners within the district.

There is no doubt that any board which decides that the provisions of the Act shall apply within their district is concerned principally with the destruction of stock by wild dogs.

There is evidence that the Alsatian will cross with the dingo and, apart from the hybrid vigour of the offspring, it could be expected to be an even greater menace than the purebred dingo by reason of such factors as increased size and strength, greater cunning, and aggressiveness.

For the purpose of the Act in New South Wales, "Alsatian dog" means a dog, whether male or female, which is wholly or partly of the species or kind commonly known as "Alsatian dog" or "Alsatian Wolf Hound" or belongs wholly or partly to any variety of the said species by whatever name such variety may be known, but does not include any such dogs the property of the State used for police purposes.

Queensland: Local authorities make bylaws governing the keeping of dogs. Most local authorities in the western part of the State totally prohibit the keeping of Alsatian dogs as they are considered to be a menace to stock. Other local authorities make no such prohibition and Alsatian dogs may be kept in those areas provided they are registered with the local authority.

South Australia: The Alsatian Dogs Act provides that no dog of the species known as "Alsatian" or "Alsatian Wolf Hound" or any variety of the said species shall be kept outside of local government boundaries or within the areas controlled by the District Council of Hawker (in the northern part of the State) and the District Councils of Kingscote and Dudley (Kangaroo Island). Within all other council areas, Alsatian dogs may be kept and bred subject to registration.

The area of South Australia covered by council boundaries comprises the southern portion of the State, and the remainder of South Australia is outside of council boundaries.

It is stated that the South Australian Government is giving further consideration to the keeping of Alsatians in that State following recent attacks by such dogs on young children in the metropolitan area. A special registration fee of £2 is imposed on Alsatians, compared with 10s. for other dogs.

Tasmania: There is no legislative control over Alsatian dogs.

Victoria: The Dog Act, 1958, makes special provision for the registration of Alsatian dogs. Alsatian dogs, when not on the premises of the owner, must be muzzled or on a lead. A special registration fee of £5, in addition to the usual fee, is imposed.

Australian Capital Territory: Ordinance No. 44 of 1936 "An ordinance relating to Alsatian dogs," provides that—"Any person who keeps in the Territory an Alsatian which is not effectively sterilised is guilty of an offence—Penalty £50."

For thoroughbred Alsatians, a fee of £2 10s. is required, and a fee of 5s. for all other breeds. Part-bred Alsatians must be sterilised. It is understood that in Canberra people are now allowed to keep unsterilised thoroughbred Alsatians provided they regularly attend classes on dog training and control, and provided the dog is always on a lead when off the owner's premises.

Northern Territory: The Alsatian Dogs Ordinance, 1934-57, prohibits the keeping in the Territory of any Alsatian dog that has not been sterilised.

Papua and New Guinea: The introduction of Alsatian dogs and Wolf Hound dogs is prohibited by Gazette Notice under the Animal Disease and Control Ordinance, 1952-58.

Commonwealth—The importation of Alsatian dogs is prohibited under the Customs Act.

Turning to our own Act, it is considered necessary to obtain its repeal in order to make provision for a law that can be effectively applied and policed. At present, because of the difficulty in policing certain forms of sterilisation, and also the doubtful efficiency, particularly of vasectomy, it is proposed to define "sterilised" as an operation of desexing by a registered veterinary surgeon, in the case of a male dog by castration, and in the case of a female dog by ovariectomy.

It is proposed that the Act will be administered by the Agriculture Protection Board subject to the Minister. Because of the necessity for speed in taking the action usually required, delegation of authority by the board will be necessary.

In order to overcome the present confusion regarding certificates of sterilisation issued by veterinary surgeons, a permit system is to be introduced. Certificates originally made out to the owner in the Eastern States have, up to the present, been the only acceptable proof of sterilisation. Ownership of these dogs usually changes several times and, in some cases, many times, so that there is very often no way of relating a certificate to a dog or to its owner.

It is proposed that permits must be obtained to keep Alsatians and that a certificate of sterilisation must be produced first. After that, it will be the permit which must be produced. It is also proposed to use a tattooing marking system for individual identification of dogs, otherwise any attempt to control them will be quite useless.

The Hon. F. J. S. Wise: Will that be tattooing inside the ear?

The Hon. L. A. LOGAN: I think it is "as prescribed", but mainly it would be in the ear. A special staff will need to be employed to administer and police the Act, at an estimated cost of £2,500 per annum. In order to meet some of the cost of administering the Act, a fee of £5 for registration or transfer of ownership, will be required, with an annual renewal of £2. Permits for guide dogs and police dogs are exempted from this charge. In other States special registration charges are made; and, in Victoria, the charge is £5 in addition to the normal fee.

The Bill proposes that, in the event of any dispute or doubt, the Chief Veterinary Surgeon or the Chief Vermin Control Officer may determine whether a dog is Alsatian or part-Alsatian. That is to overcome the situation which has already arisen in which an owner who denies a dog is an Alsatian—when undoubtedly it is—obtains a court order on departmental officers to prove identity of type. In the second schedule to the Bill, it will be seen that a detailed description of an Alsatian is given. That is in order to cover any possible breeding differences and cross-bred dogs. Much of the description relates to the ideal characteristics of the breed looked for by judges, with allowances necessary for variations in dogs not up to the standards laid down, though still of the Alsatian or part-Alsatian breed.

The Bill originally provided that the owner of an unsterilised Alsatian may be required to have it destroyed immediately at his own cost and without compensation. This will enable action to be taken against the travelling public, who have proved the greatest problem. Unless immediate action can be taken, the people may have travelled out of effective reach, and, with further contact lost, their apprehension could become quite doubtful.

Their dogs could have bred quite readily during their travels, or even be left with another person. That provision was in clause 11 which was subsequently amended in another place. It has since been ascertained that the amendment was quite unnecessary because redress is provided in clause 16. There is an amendment on the notice paper in regard to that clause.

Under clause 16, civil or criminal proceedings may be taken against any person for any act, matter or thing done or commanded to be done by him for the purpose of carrying out the provisions of the Act if done without reasonable or probable cause. In that event reasonable compensation would be obtainable.

It is also proposed that, where an Alsatian is found at large, it may be captured, and if no proof of sterilisation can be found by way of the identification marking, the dog may be destroyed. Should there be some doubt, the dog may be impounded until a decision is made and then, if it is sterilised, the usual laws regarding the impounding of stray dogs will apply.

It is also proposed that a permit must be produced to a local authority before a dog licence is issued. There is a similar requirement in the present Act, but certificates of sterilisation are mentioned. As already exists in the Act, local authorities will be empowered to have any unsterilised Alsatians destroyed and to take action against offenders. The Bill contains the usual authority in measures of this kind for officers to search premises and to stop and search vehicles and vessels for Alsatian dogs. The usual provisions regarding obstruction are included.

In conclusion, it is emphasised that people have openly defied the existing law, and it is therefore proposed by this Bill that the maximum penalty of £50, and an irreducible minimum of £15, should be provided for keeping an unsterilised Alsatian or refusing to destroy one. A maximum of £50 is provided for other offences and a fixed penalty of £2 a day is contained in the Bill for any continuing offences.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.21 p.m.]: It is obvious from the remarks of the Minister that some very unfortunate occurrences have been experienced with Alsatian dogs, and apparently they have caused damage in other States sufficient to warrant the very restrictive type of legislation which is in existence in the four other mainland States. I would say they cannot all be wrong. As the Minister pointed out in the course of his speech, the legislation varies as from State to State in regard to the severity of the control; and in some cases there is district control.

From the remarks of the Minister it appears we have had only a few cases of savagery or of serious damage in Western Australia; but there appears to be such persistence on the part of the officers in charge of vermin in this State, and of legislation of this kind, that their opinions must be respected when presented in this form.

I can appreciate the position in which people who are interested as breeders are placed, and I can appreciate the reasons for the numbers of letters that all members have received from breeders and organisations. However, the personal view and the individual benefit can at no time override the State interest and the interests of the industries—in this case the rural industry—of this State. If there is a menace it should be controlled.

I have raised that deliberately because to my knowledge I have found no voice raised strenuously, in Parliament or amongst members generally, in opposition to the Bill, which has very serious proposals for restriction on the keeping and non-breeding and use of Alsatians. I am a bit fascinated by the fact that approximately three pages of the Bill contain definitions in the first part and a detailed description of the Alsatian in another part, while 18 clauses of the Bill occupy less than six pages.

There is an attempt to make sure that the animal is adequately described, and I am wondering if that is not a mistake; because the more we define and detail a description the more difficult it may be to recognise an animal. If we prescribe for all animals the particular characteristics that are prescribed by this Bill they could easily belong to many animals other than Alsatians. Let me give an illustration. Clause 4 of the Bill states—

> "Alsatian dog" means a dog of either sex wholly or partly of the Alsatian or German Shepherd dog breed and includes a dog determined as being an Alsatian dog, under the provisions of section nine of this Act;

That is the general description of an Alsatian. Then we get on to the intimate details of what an Alsatian looks like, or should look like, if it is to come within the ambit of this Bill; and that is where I think the danger might lie—in giving far too adequate a description and expecting a dog to fall in with all of those characteristics. May I seriously present this one?—

> Colour—Sable, wolfgrey, brindle, black and black and tan preferred, with white, part white, cream and other colours occurring.

The Hon. A. L. Loton: Rainbow dogs.

The Hon. F. J. S. WISE: It allows the colour artist, or a person portraying the dog, a wide range of colours to fit in with that definition. There are some formidable descriptions in this part of the second schedule. For example, as regards the teeth, the schedule states—

> Teeth—Sound and strong, gripping with a scissor-like action, the lower incisors being just behind, but touching, the upper.

A person might not have a chance to get that close to make an examination, if that is to be the determinant. Take the description of the tail—

> Tail—Hanging in a slight curve and reaching as far as the hock, when at rest. Raised during movement and excitement.

The officer in charge of this legislation must be an enthusiast judging by the persistence with which the legislation has been brought before Parliament this session. However, it suggests there is a need for the legislation, but he may be going too far in trying to fit those descriptions to an Alsatian rather than relying on what an Alsatian is known to be from the definition clause in the Bill. I may be wrong.

The Hon. E. M. Heenan: Apparently this is an addendum.

The Hon. F. J. S. WISE: It is like the child who is only a few weeks old and whose adoring aunts and uncles come to see him. They gather around and one says, "He has his grandfather's nice mouth", and somebody else says, "Yes, and he has his Uncle George's chin". Then somebody else says, "He has his father's hair", but father may be as bald as a billiard ball, and Uncle George's chin may be something the child will never be able to produce.

I am afraid that in practice this schedule could be a deterrent instead of an assistance in the absolute and accurate identification of an Alsatian dog. I may be wholly wrong, but that is my reaction to it. In general I think on this occasion the Minister made out a good case and I am prepared to support the Bill.

THE HON. N. E. BAXTER (Central) [4.30 p.m.]: I, too, agree that the Minister has made out a good case for this amending legislation. There are, however, certain provisions in the Bill with which I am not particularly happy. The definition of Alsatian dog is as follows:—

> "Alsatian dog" means a dog of either sex wholly or partly of the Alsatian or German Shepherd dog breed and includes a dog determined as being an Alsatian dog, under the provisions of section nine of this Act.

Clause 9 of the Bill says that the Chief Veterinary Officer, or the Chief Vermin Control Officer, may determine that a dog having some or all of the characteristics set out in the second schedule, and not being a dog in respect of which a permit is issued under section 6 of the Act, is an Alsatian dog for the purposes of this Act.

I do not know whether the Chief Veterinary Officer or the Chief Vermin Control Officer are recognised as judges of dogs in their private capacity; or whether the agricultural societies and dog breeders association recognise them as such, and as being able to say definitely that a dog is an Alsatian, or that it is a half-breed, quarter-breed or whatever the case may be.

I wonder what qualifications are necessary to determine the description given in the schedule. These two officers would have to decide whether the dog was part-Alsatian or not. I have a dog. He is a fine looking animal. To all intents and purposes he would fit the description contained in the schedule, yet to my knowledge he has not a bit of Alsatian in him. The dog I have is a sheep dog. I know who his mother was, though I do not know who his father was, but I am certain he was not an Alsatian. As I have said he would fit the description contained in the schedule. He is well proportioned, with great suppleness of limb, neither massive nor heavy, and free from any suggestion of weediness.

Why the Bill should go into such detail I cannot understand. Some of the characteristics contained in the second schedule also state that the Alsatian is strongly boned, with extensive muscle, and capable of endurance, speed and quick, sudden movement. I cannot imagine that a dog of that type would show any inclination to weediness. The description further says that the Alsatian's head is proportionate to his body. We all know that there are some funny looking dogs around the place, but I have yet to see the average dog whose head is not proportionate to his body. We know that in the case of a Percheron horse its head is not proportionate to its body, as it has a large body, long neck and small head; but this is not so with dogs.

This detail is difficult to understand. We are then told that another characteristic of the Alsatian is that his nose is black. How many dogs have you seen, Mr. President, whose noses are not black? We are further told that his eyes are almond-shaped. There are not too many dogs with googly-looking eyes. It also says that its eyes are placed to look forward. Have you ever seen a dog with eyes that look backward, Mr. President?

Further in the description we are told that his ears are moderate sized, but rather large than small, broad at the base and pointed at the tips. Most dogs have ears that are broad at the base. I cannot understand why there is so much detail in the description of the Alsatian. It becomes most confusing. In describing the colour of this breed we are told that it is sable, wolf-grey, brindle, black and black and tan preferred. We do not know, however, whether he is a mixture of all those colours, or whether he is just black and tan preferred; or any of the particular colours mentioned.

I am not too happy that the Chief Veterinary Officer, and the Chief Vermin Officer, may determine that a dog having these characteristics is an Alsatian under the Act. Take, for instance, my own case.

The Hon. F. J. S. Wise: You do not conform at all!

The Hon. N. E. BAXTER: If my dog happened to look like an Alsatian—even though I was confident he had no Alsatian blood in him at all—somebody could report to the officers concerned that my dog was suspect, and if later it was determined that he was a part-bred Alsatian I would be liable to a penalty for keeping that dog.

The Hon. L. A. Logan: You have not read the provision properly.

The Hon. N. E. BAXTER: It says that anybody committing an offence against this Act is liable to a penalty of £50; and that is what I would have to pay if my dog were classified by the officers concerned as an Alsatian. This provision could be rather harsh, and there should be some outlet whereby a person, if he does

not know that he has an Alsatian dog—he may be given a pup by somebody, as I was —would not be subject to a penalty.

What cause for action would a private citizen have against the department? None at all under this amending Bill. The person might be able to go to a court of law to obtain justice, but that could be an expensive business; and at the same time he would be deprived of an animal which he might value very highly. It could be that the dog that was destroyed was a good sheep dog, as is the case with my dog.

The Hon. C. R. Abbey: They are a distinctive breed.

The Hon. N. E. BAXTER: When they are cross-bred they are much like other dogs; but under the Bill the officers could classify the dog as an Alsatian. There should be some amendment to provide that if the owner could produce evidence that the dog was not an Alsatian, it should not be destroyed. I support the Bill.

THE HON. S. T. J. THOMPSON (South) [4.42 p.m.]: Despite the levity this debate has caused, the Bill in front of us is quite a serious measure, introduced to protect the agricultural areas. A number of red herrings have been drawn across the trail in past months concerning Alsatians, but I do not think we should lose sight of the fact that the measure is introduced to protect the agricultural areas.

In reply to Mr. Baxter's remarks, I suggest that the remedy would be to have the dog sterilised. This would obviate any difficulty. I am sure the officers in charge of the administration of the Act would not be unreasonable. It is possible that the detailed description is necessary so that all cross-bred dogs may be included. I understand that in the past the department had difficulty under the section of the Act in describing what a cross-bred dog was. The range contained in the measure will remedy that difficulty. With those few remarks I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.44 p.m.]: The description of the dog contained in the second schedule which has caused so much hilarity is put there as the result of a judge's consideration of the points of an Alsatian. A judge of Alsatian dogs was asked to give his points on the matter, and what one should look for in an Alsatian dog. One does not look to see whether it has a black nose or a bumblefoot to determine whether it is an Alsatian dog. One considers all the points together before coming to that conclusion; and that is the opinion of people who have had experience in judging such dogs.

As Mr. Wise said, the description of the characteristics of the Alsatian has been included in the second schedule to settle disputes on the true breed of any dog. Under the interpretation clause an Alsatian means a dog of either sex wholly or partly of the Alsatian or German Shepherd dog breed. There is a further description of the characteristics in the schedule. If it is not possible to determine the breed of a dog from the characteristics in the second schedule, then other means could be adopted to do so.

Reference was made by Mr. Baxter to the function of the Chief Vermin Officer, but he only comes into the picture when a dispute arises as to the breed of a dog covered by the proposed Act. If a person applies to register a dog and registration is refused on the ground that it is an Alsatian within the meaning of the Act, he can have the breed determined by that officer. With all the safeguards contained in the Bill, and with the characteristics of the anatomy of the Alsatian described, there will be little trouble in determining the particular breed.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation—

The Hon. A. L. LOTON: I have circulated typewritten copies of an amendment which I intended to move in line 1 on page 3, but in view of the need for the Agriculture Protection Board to issue a license for the keeping of an Alsatian dog I do not intend to proceed with the amendment. That board will have to ensure an Alsatian dog is sterilised before it can be registered.

No doubt sterilisation will be performed by a veterinary surgeon, who will issue a certificate. Without a certificate it is very often difficult to determine whether or not an Alsatian has been sterilised. In the case of male animals, sometimes the testicles are not visible when they are ruptured, and I imagine the same applies to the Alsatian dog. Therefore, when the owner of an Alsatian takes the dog before the board for registration he could claim that it had been sterilised because the testicles were not visible, and a mistake could be made. But if a certificate by a veterinary surgeon has to be produced then no mistake will be made.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Dogs not to be kept without permit—

The Hon. N. E. BAXTER: When an owner desires to register a dog he does not have to produce it before the registering authority. A form has to be filled in and submitted, together with the required fee.

A full description of the dog has to be given. When registration is approved a metal disc is issued by the local authority and that is the end of the matter.

If an Alsatian is registered in this manner, without the local authority knowing anything about its breed, then the owner could overcome the need to obtain a permit from the Agriculture Protection Board. I would like to hear the comments of the Minister on that aspect.

The Hon. L. A. LOGAN: Subclause (1) merely provides that after three months from the date of the coming into operation of the Act a person shall not keep an Alsatian dog unless he has obtained a permit from the protection board.

The Hon. N. E. Baxter: What about a part-Alsatian dog?

The Hon. L. A. LOGAN: Such a dog is also covered by the Act.

The Hon. N. E. Baxter: How would the authority know the dog was part-Alsatian?

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): This is not a private conversation. Will the Minister please address the Chair?

The Hon. L. A. LOGAN: Most people know from the general appearance of an animal whether it is Alsatian or part-Alsatian. If the owner of such a dog registers it in good faith, but is subsequently advised that it is regarded as an Alsatian under the Act, I am sure he will do the right thing by having it sterilised or destroyed.

The Hon. F. R. H. LAVERY: I refer to subclause (3) under which a fee of £5 is to be paid on the issue of a permit or on the transfer of a permit. Under this provision, when the ownership of a dog changes hands a fee of £5 has to be paid.

The Hon. L. A. LOGAN: The cost of administering the Act after the Bill comes into operation is estimated at £2,500 a year. It is necessary for the board to obtain some revenue.

The Hon. F. R. H. Lavery: I am not objecting to the initial fee of £5 for the permit, but I cannot agree to a further fee of £5 on the transfer of a permit.

The Hon. L. A. LOGAN: The fee is £5 for the issue of a permit or the transfer of a permit; the fee is only £2 for the renewal of a permit.

The Hon. F. R. H. LAVERY: I think the imposition is too severe, because the owner of such a dog may pay £5 for a permit and then transfer the ownership the following week to someone else, and the new owner wil be required to pay a further fee of £5.

The Hon. W. F. WILLESEE: I move an amendment—

> Page 4, lines 21 to 24—Delete subclause (3).

In my view the amount of £5 is far too great for the registration of an Alsatian, and there is no reason why the fee should not be the same as that for the registration of any other breed of dog.

The Hon. G. C. MacKINNON: Parliament decided many years ago to make a distinction between the Alsatian and other breeds of dogs. In recent times owing to the increase in the number of Alsatians in Western Australia it is sought to prescribe a higher fee for registration of this breed. It is proposed that the owner of an Alsatian shall obtain a permit for which the fee is £5, and such revenue will be used to cover the cost of administration of the Act. Subclause (3) merely refers to the need to obtain a permit, and does not relieve the owner of an Alsatian from the requirement to register it under the Dog Act.

The Hon. A. L. Loton: The same fees are not prescribed for motor vehicles.

The Hon. G. C. MacKINNON: In these times many types of licenses have to be obtained for various activities. In the case of a person conducting an estate agency a license has to be obtained; when the business is sold the new owner also has to obtain a license. Similarly when the ownership of an Alsatian is transferred the new owner will be required to obtain a permit.

I take it that under this Act certain inspections will have to be made. Therefore it will be necessary for the names of the owners to be known. Consequently, for the pleasure of owning an Alsatian these people are being asked to pay a fee. That would seem logical enough, but it is not to be confused with the actual registration of a dog as such.

The Hon. H. K. Watson: Clause 6, subclause (1) includes the words "in respect of that dog."

The Hon. G. C. MacKINNON: We are talking about Alsatians. That is my interpretation of it, and I would be interested to hear the Minister's comments. I still maintain that if inspections are to be made, some form of permit will have to be issued, and this seems to be a reasonable basis.

The Hon. N. E. BAXTER: I also wonder about this fee. When the Minister was speaking on the matter I raised earlier, he stated that there would not be a huge set-up to police this legislation. He did not use those words, but that was the inference. Yet, in his second reading speech he said that a special staff would have to be employed to administer the Act at an estimated cost of £2,500. It is because of this estimated cost that the fee of £5 is being charged for a permit and £2 for its renewal, as well as £5 if a dog is transferred from one owner to another.

I cannot reconcile those two statements. If the legislation is not to be policed to any great extent, what is to be done with the £2,500? The Minister stated that there were about 300 dogs in Western Australia. I would not think that £2,500 would be required to keep a register of only 300 dogs. As the clause stands, I am not very happy about agreeing to it.

The Hon. L. A. LOGAN: Surely if we are to have an Act and it is going to be run properly, there must be a registration fee. There is already a registration fee necessary under the Dog Act, but this is a different measure dealing only with Alsatians.

The Hcn. N. E. Baxter: It is a permit fee to keep a dog, not a registration fee.

The Hon. L. A. LOGAN: If that is the way the honourable member likes to put it.

The Hon. N. E. Baxter: That is the way it is stated in the Bill.

The Hon. W. F. Willesee: It is a penalty to keep a dog.

The Hon. L. A. LOGAN: Why?

The Hon. W. F. Willesee: Why do you bring it up?

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Order!

The Hon. L. A. LOGAN: If someone wants to own an Alsatian dog, whose existence it has been proved is not in the best interests of the State—

The Hon. W. F. Willesee: I do not agree.

The Hon. L. A. LOGAN: —surely he should have to obtain a permit!

Several members interjected.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Order, please! The Minister has the floor.

The Hon. L. A. LOGAN: I said it would cost £2,500 to set up the staff to control this Act. When dealing with the position raised by Mr. Baxter, I was really referring to the fact that we were not going out of our way to shoot dogs or destroy them unnecessarily. That is what I meant to say, even if I did not say it in that language.

During my second reading speech I supplied the figures of the fees paid in other States, and in Victoria an extra £5 is charged over and above the ordinary registration fee. The only reason we are altering the legislation now is this: up to date we have not been able to put into effect its provisions because we have been unable to ensure control.

When introducing the Bill, I said that 336 dogs had come into the State between the 30th June, 1961, and the 9th November, 1962. Because of this big number we should do something to control this particular breed.

We have heard a lot of people say they have not heard anything about Alsatian dogs. This is because until recently the dogs have not been coming into the State. People have been abiding by the old law.

The Hon. W. F. Willesee: We are worrying about subclause (3).

The Hon. L. A. LOGAN: Is there anything wrong with asking these people to pay a permit fee of £5 for the privilege of keeping one of these dogs? I do not think there is, and I hope the Committee will agree to retain the provision. With regard to the transfer fee, why should not a person who is obtaining a dog from someone else, pay £5? The original owner had to pay £5.

The Hon. H. K. Watson: No; I think £2 is sufficient.

The Hon. L. A. LOGAN: I do not think it is. Why should the board have to take sums which are allocated to it for other purposes, to police this legislation? It will probably have to use a little of such money in any case, but I believe the £5 for a permit or a transfer is quite equitable to all concerned.

The Hon. N. E. BAXTER: I am not satisfied with the Minister's explanation. I cannot see that £2,500 would be necessary in connection with 300-odd dogs.

Several members interjected.

The Hon. N. E. BAXTER: Even if there were 1,000 dogs in the State, this amount of money would not be required to keep a register for them. What is the extra money to be used for?

The Hon. L. A. Logan: You only have to appoint two men and the £2,500 is gone.

The Hon. N. E. BAXTER: That is the explanation I was seeking. Is that the way the money will be used? Does it say anywhere in the Bill that two men are to be employed? The Minister said the legislation was not going to be policed very much, or that the board was not going to look for dogs; but apparently that is what the money is to be provided for.

The Hon. E. M. HEENAN: I did not intend taking part in this debate, but only two days ago a number of pastoralists in the Murchison area drew my attention to the grave menace that dingoes were becoming.

Money is required for the renovation of the vermin-proof fence in that area. I attended a public meeting at Meekatharra, and was impressed with the fact that this was a No. 1 problem and should receive attention. When I went into the question I ascertained that the Protection Board has a certain amount of money allotted to it by the Government, and with that money it has to do the best job it can for the extermination of vermin in the whole of the State.

I mention this apropos of the fact that this animal is dangerous. It can cause great trouble in our State, but certain

people desire to own one or more of them. I can understand, perhaps, their desire to keep these animals. I know there is a difference of opinion about their habits, and so forth, but it seems to me to be proved beyond question that they are potentially a big menace. It seems therefore only rational that the people who desire to keep these animals should not expect the rest of the community to pay for them to have that privilege.

I would be sorry if money is to be taken from the Agriculture Protection Board in order that this legislation might be administered, because that money could be more properly spent in the areas to which I have referred. For those reasons I side with the Minister. It might be a bit hard on the owners, but if I wanted to keep a dangerous animal—

The Hon. F. R. H. Lavery: They are not dangerous animals at all. That is only a myth. They might do damage but they are not dangerous.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Order!

The Hon. E. M. HEENAN: The Minister said that in other States these dogs have been known to attack children; and I have vivid recollections of reading such reports from time to time in the newspapers.

The Hon. G. C. MacKinnon: There was one such report about ten days ago.

The Hon. E. M. HEENAN: They are my views. It seems a reasonable estimate that £2,500 a year would be required to keep an eye on these dogs and ensure that the law is complied with. It also seems reasonable to me that people who want to keep these dogs should comply with the requirements of the Act.

The Hon. H. C. STRICKLAND: There seems to be some difference of opinion about whether £5 should be paid for the transfer of the permit as well as on receipt of the original permit. As I see it, the person who obtains the transfer pays £5, and the person who obtains the original permit pays £5. No one person pays two lots of £5. So surely this provision is reasonable. The second person should not get away with having to pay only £2. Personally I cannot see anything wrong with it.

The Hon. W. F. WILLESEE: I have moved for the deletion of subclause (3); and with all due respect to Mr. MacKinnon's advice I was quite aware of the purpose of the subclause. It is rubbish to talk about the seriousness of this animal in respect of the conditions under which it will be brought into Western Australia. I do not know of a finer breed of dog, and I have trusted them—and still do—with my children.

It is unfair that we should introduce sectional legislation against people who desire to have a family pet. People wish to have pets, and we suddenly come up with this type of legislation which provides for an additional fee.

The Hon. L. A. Logan: We have had this on the statute book for many years.

The Hon. W. F. WILLESEE: Not this particular provision; otherwise it would not be here.

The Hon. A. F. Griffith: We have had an Act which has not been any good.

The Hon. W. F. WILLESEE: I cannot see that it has done any great harm. We have heard talk about Alsatians going bush and killing sheep. A dingo is not an Alsatian breed; it has not been proved to be so; and if we put the Minister in the bush he would eat anything if he were hungry. If an Alsatian kills to eat, because he is hungry, he is a criminal of the worst type, but if a Pekinese eats a butterfly he is a pet.

The Hon. F. R. H. LAVERY: Seeing that I started this kitten fight in regard to the second £5—

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Is the honourable member speaking for or against the total deletion of subclause (3) of clause 6?

The Hon. F. R. H. LAVERY: I happen to be reasonably clear in my own mind about this. I drew attention to the fact that the fee of £5 would be paid for a permit; and then the continuing fee caused Mr. Willesee's amendment. Mr. MacKinnon and others have told us what we can do and what we cannot do. We can have a £2,000 motorcar, or a £250 motorcar, and it costs only 10s. or £1 to transfer it after the first fee is paid.

The Hon. F. D. Willmott: Motorcars cannot breed.

The Hon. F. R. H. LAVERY: Subsequent transfer fees cost 10s.; but £5 is to be paid under the measure before us. There is one simple answer to this. The Minister might not like to say it, so I will say it for him. Here we have new legislation which will raise some finance, so let us get the full amount first and not come back in 1963 and increase it by 10s. or some other amount. This clause is completely out of keeping with commonsense, and I agree with Mr. Willesee that this provision should be deleted. If an amendment were inserted to increase the registration fee from one guinea to two guineas I would be in favour of it.

Amendment put and negatived.

Clause put and passed.

Clause 7: Alsatian dogs to be sterilised—

The Hon. L. A. LOGAN: Last night the other place added certain words to clause 7, and now it does not read quite right. I move an amendment—

> Page 4, line 39—Insert after the word "tattooing" the words ", in the prescribed manner."

It is no good having the method known as tattooing if we do not say the method by which it is to be done.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8: Alsatian dogs to be kept by permit holder only and not to wander at large—

The Hon. L. A. LOGAN: This clause was also amended last evening, but I have been advised that it should be tidied up somewhat. I move an amendment—

> Page 5, lines 8 to 11—Delete all the words commencing with the word "by" down to and including the word "person" and substitute the following:—
>
> by any other person, for a period exceeding fourteen days, unless—
>
> (a) that other person is his servant, his employee or a member of his household; or
>
> (b) the permit is transferred to that other person.

The effect of the amendment is that an owner may leave his dog with any of the people mentioned for a period of 14 days without having to get a permit, but if he goes away for a longer period he will have to get a permit.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Compensation for, and costs of, destruction of dogs—

The Hon. L. A. LOGAN: Here again an amendment was made in the other place last evening, but the clause does seem to conflict with clause 16. It also differs from the provisions in this respect in the Dog Act and in the Vermin Act, I move an amendment—

> Page 6, lines 17 to 20—Delete all the words in the clause and insert the following:—
>
> Without otherwise limiting the rights of a person at law, compensation is not payable in respect of an Alsatian dog destroyed under the provisions of this Act.

The amendment really speaks for itself. Where a person is aggrieved because his dog has been unduly destroyed, and the provisions of section 16 do not apply, he will have the right at common law to apply for compensation.

The Hon. N. E. BAXTER: I object to the clause, and I think the amendment is worse than the clause. Admittedly under the amendment a person will have certain rights at common law; but why should a person have to take action at common law for the destruction of his dog due to a wrong decision by the parties who decide whether a dog is an Alsatian or not? In such a case it should be a simple matter for the person concerned to seek compensation from the proper authority. I believe the clause as it stands is better than the amendment to deal with the position.

The Hon. A. L. Loton: It conflicts with clause 16.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 to 14 put and passed.

Clause 15: Offence of personating an inspector or officer—

The Hon. A. L. LOTON: I draw attention to the word "personates" appearing in the clause. I have here *The Concise Oxford Dictionary* which defines "personate" as meaning—

> Play the part of (character in drama, also fig.); pretend to be (person) esp. for fraudulent purpose.

The same dictionary defines "impersonate" as meaning—

> Represent in bodily form, personify; play the part of, personate; act (character). Hence impersonation.

I ask the Minister whether he has any objection to altering the word "personates" to "impersonates".

The Hon. L. A. Logan: Would the honourable member read again the definitions of "personate" because one of the definitions he read is much more direct than the definition of "impersonate".

The Hon. A. L. LOTON: The definition says—

> Play the part; pretend to be (person).

The other one states—

> Represent in bodily form.

I would say that the word "impersonate" is the right one to use, and I would like to hear Dr. Hislop's opinion on it.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Regulations—

The Hon. L. A. LOGAN: As the clause now stands, it does not prescribe the fee that will be charged. I think it is desirable that some fee should be stipulated and therefore I move an amendment—

> Page 7, lines 36 and 37—Delete subclause (2) and substitute the following:—
>
> (2) Regulations made under this section may prescribe fees, where not otherwise provided by this Act, in an amount not exceeding five pounds.

The Hon. N. E. BAXTER: I hope the Committee agrees to the first part of the amendment, but I also hope it does not agree to the words which the Minister proposes to substitute for the words

deleted. Under this legislation a person must first pay £5 for a permit to keep the dog, £5 for a transfer, and £2 for any renewal. It is now proposed, by this amendment, to have a regulation made prescribing fees which will not exceed £5. I think we are entitled to an explanation from the Minister why we need to have a regulation to provide for the payment of other fees when it is considered that the fees already provided are heavy enough. Therefore, I hope the Committee will agree to the deletion of the words as proposed in the first part of the amendment but not to the substitution of the words contained in the amendment.

The Hon. L. A. LOGAN: At the moment I do not know what other fees may be prescribed by regulation. All I am trying to do is fix the maximum. In any case any regulation gazetted must be approved by Parliament. So there is a safeguard there.

The Hon. W. F. Willesee: They are a bit late being brought before Parliament sometimes.

The Hon. L. A. LOGAN: I do not know about that. I know that regulations have been disallowed after they have been brought before the House.

The Hon. F. J. S. Wise: The regulation has to be approved by the Minister. Let us leave the provision as it is.

The Hon. L. A. LOGAN: Yes, I think it is safe enough.

Amendment put and negatived.

Clause put and passed.

Clause 18 put and passed.

First and second schedules put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with amendments.

BILLS (3): RETURNED

1. Motor Vehicle (Third Party Insurance) Act Amendment Bill (No. 2).
2. Adoption of Children Act Amendment Bill.
3. Simultaneous Deaths Act Amendment Bill.

Bills returned from the Assembly without amendment.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Second Reading

Debate resumed, from an earlier stage of the sitting, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.40 p.m.]: The introduction of this Bill was brought about as a result of the experiences of the committee which was constituted to hear appeals against water rating in the metropolitan area. The committee recommended that because of the current trend to build home units in multi-storeyed buildings, and the owner of each unit having a separate title, it was appreciated that he was entitled to the same rating valuation as that assessed for the ordinary householder. It was not intended to go any further than that because otherwise it would involve the owner of any building made up of several flats and home units from which the owner was making his living as a commercial man.

That is the only reason for building home units; so that an owner is, in fact, by law, issued with a title of his own for his particular home unit for which he would be assessed at a rate on the same basis as that of an ordinary householder. To go further than that and include the whole box and dice of flats in other parts of the building, would, I am told result in the loss of £100,000 in revenue. Therefore, I do not think we can contemplate such a situation arising for one minute.

Let us proceed quietly on this for the time being. Although the owner of a home unit is living, say, three storeys above the ground, he has a title to that home unit and it is regarded as his own home. So I think he should be given the right to be charged the same rate as the owner of an ordinary residence.

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

Ayes—15	
Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
Hon. G. C. MacKinnon	*(Teller.)*
Noes—10	
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. H. C. Stubbs
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. Thompson
	(Teller.)

Majority for—5.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 90 amended—

The Hon. J. G. HISLOP: I am rather loth to speak on this clause as I am one of those who will be personally interested in its results. But there are hundreds of others who are vitally involved in this. I do not think there is very much justice in this clause, and it should be looked at carefully before it is passed by this Committee. What is going to happen is that the person who is financial enough to buy a home unit will receive water for 6d. less than he would pay if he were living in a block of flats which would have been erected by a syndicate. Thus, we are conferring a benefit on those who can afford this expensive way of living.

If an individual purchases a home unit in a block of flats, that individual is going to get his water at a cheap rate; but because a syndicate erects flats to assist persons to obtain a reasonable flat in which to enjoy life, and because those persons do not own the flat, they will be charged 6d. more for the same quantity of water. This means that we are going to impose upon persons who live in cheaper flats a higher cost for water than will be imposed on people who live in home unit flats of a more costly type.

I understand that if the water rates for flats were the same as they are for a house, the cost of a bachelor flat could come down by about 3s. or 4s. a week. However, people living in flats are to be denied that reduction in their rent if this measure is passed.

The Hon. L. A. Logan: People in a syndicate build for a profit.

The Hon. J. G. HISLOP: They have to make a reasonable profit, because a block of flats has to be maintained; and there are always repairs to be done after a tenant leaves. If the rates were less than those charged at present, people living in flats could pay a lower rental.

In the South Perth area flats are being built in which two persons can live because the major bed-sitting room is of a large size. Here in the city flats of that sort are for only one person; and that one person is usually a young woman or a young man starting out in life. However, there is no possibility of their receiving the benefit of this cut in water rates because the owners of the flats will pass the higher water rate on to the tenants in the rental they charge.

I cannot see any equity in this at all. In Mount Street there is a block of flats named Meltham. They are unit-ownership flats and each person desiring to live there has to purchase the flat. The higher one goes in Mount Street, the better the view, so the flats cost more. These people are buying a home; they are not in business. However, I think they have a pretty good eye to the future. This can be realised when a man who has just bought a unit flat has been offered £5,000 on his original purchase price.

The Hon. A. F. Griffith: He was not in business so he is now having his water at a lower rate. It is no different from a man selling a house at a profit.

The Hon. J. G. HISLOP: The person who buys one of these flats is in a pretty good business, too. On the other side of the street a block of flats is being erected which will be ordinary residential flats, and the individuals in those flats will have to pay the higher water rate in their rent.

The Hon. A. F. Griffith: The man paying rent has not the capital invested.

The Hon. J. G. HISLOP: This measure is a start, but I think the reduction should apply to all flats so that flats and home units will be regarded in the same way. When I first lived in Mount Street, the total rates were about £80 to £100. When I left there they had gone up to about £250. Now that a new block of flats has been erected on that block of land the total rates have gone up to something over £2,000. That is a lot of money that the public authorities are obtaining from private enterprise. The rates on the land I have just talked about have gone up eightfold.

I repeat that this clause should be looked at carefully; and people living in a flat erected by a syndicate and those who live in a home unit which they have purchased should be on the same basis. This Bill is taking it off one small section who are wealthy, and putting it on to others who are not so well off. Is that justified?

The Hon. A. R. JONES: I cannot see that there is anything reasonable about the provision. We are placing those people who occupy home units or flats into the same category as owners of property. Occupiers of flats would not use anything like the same quantity of water which is used by the owner of an ordinary house.

I recall visiting the late Mr. Ackland at his flat in Nedlands. There were four flats in the block. He was tending a small garden and he said that he had plenty of water; that he had been allocated 250,000 gallons. Two of the flats in the block were upstairs and they had little chance of having a garden and therefore only a small amount of water would have been used. I repeat that I do not think this provision is reasonable.

The Hon. H. K. WATSON: I agree in some respects with what Dr. Hislop said, but I disagree with him in other respects.

I am unable to appreciate the suggestion that this is giving a benefit to a wealthy person as against a person who is not so wealthy. I would say that it is placing the person who owns a home unit which is in a block of buildings and which is worth £10,000 on precisely the same basis as a man who owns a private residence worth £10,000.

The Hon. A. F. Griffith: That is exactly what is intended.

The Hon. H. K. WATSON: I can imagine nothing fairer than that. But does the Bill go far enough? We were asked why the same rate should not apply to any flat, regardless of who owns or occupies it. I must confess that it is not easy to argue against the justice of that proposition. The problem arises from the fact that this is a basic anomaly in the Act; that there is a distinction between commercial premises and non-commercial premises, or between investments by landlords and investments by owners. For the life of me I cannot see why there should be any distinction. It is a water rate. Regardless of the nature of the property, there should be a standard rate right through. We would then not have the problems with which the Minister and Dr. Hislop are concerned.

The Hon. A. F. Griffith: Do you think that the T & G building, which uses 1,000,000 gallons of water a year, should be assessed at the same rate as a block of 10 flats using that amount of water?

The Hon. H. K. WATSON: The Minister is speaking of the annual value. It does not matter whether the value is £1 or £10,000, the rate should be the same right through. It is the annual value which provides the balance between the value of one's own property and that of one's neighbour. In my opinion the rate should be the same. Two men may each have £50,000 to spend on properties. One man puts his £50,000 into a shop or a warehouse in Hay Street, and the other puts his £50,000 into a block of flats, one of which he occupies, the others being let to tenants. Both men proceed to let their properties. Why should either of them pay a separate water rate? A third man may put his £50,000 into 10 houses worth £5,000 each. He lets those houses, and they are assessed at a different rate. It does not add up. There should be no difference in the water rate.

The Hon. H. C. Strickland: Can the Minister advise me whether many houses under his jurisdiction are under the commercial rate?

The Hon. A. F. GRIFFITH: There are not many. Houses let or purchased by the State Housing Commission are individual units. If we rated metropolitan houses or urban houses in the same way as we rate large buildings, I am sure that people living in houses would pay considerably more than they do now in water rates. A very large percentage of the income of the Metropolitan Water Supply Department is derived from the type of building Mr. Watson mentioned.

There are certain factors associated with these large buildings which do not apply in connection with a man who owns either one house or 10 houses. A man may invest £5,000 in order to live in a house in a certain street in Nedlands. Another man may invest the same amount of money in a home unit overlooking the river. They each have £5,000 invested in a place in which to live, and it is their own place.

Home unit ownership is something new, but it is something which has come to stay. Five people or 10 people may combine with each other to build a block of flats and they may occupy them as home units. There is no difference between those people and 10 people who live in 10 difference houses in the suburbs. They should all be entitled to the same water rate. In respect of the State Housing Commission, the homes are separate units and are rated on a domestic basis.

The Hon. F. J. S. WISE: It is necessary to go the next step which the Minister omitted to take. Ownership of a rented house in the suburbs—on a residential purposes rate as prescribed in subsection (2) of section 90 of the Metropolitan Water Supply, Sewerage, and Drainage Act—extends to an owner's second, third, fourth, or fifth house which is occupied by a tenant; and the tenant pays, if he lives in a residence, the residential rate for water. But if the tenant lives in a flat he pays a different rate at a higher amount. Does that make sense? Of course it does not.

The whole trouble stems from section 90 where the classification of the land or the premises, or the purposes for which the land is used, brings about an ability for the Crown to use different sorts of rates; and this Bill adds a fresh paragraph under subclause (3) to stand as paragraph (b), to bring in owners of home units or of flats who themselves live in one of the home units or flats. However, there still remains the anomaly which I raised when I first spoke to this Bill. We are discriminating between people who rent a residence and those who rent flats.

Regarding Mr. Watson's point concerning the person who has a certain amount of money to invest, if such a person were to build 10 homes and were to occupy one of them and rent the other nine, the nine tenants would pay the same water rate for the house and grounds as the owner pays for the house he lives in.

A person living in a flat and renting a flat could not possibly use the water for which he pays, and yet the policy pretends

to be "pay-as-you-use". That is a discriminating situation, and it creates a further anomaly.

The Hon. A. F. Griffith: It does not "pretend" to do anything more than it sets out.

The Hon. F. J. S. WISE: We will be bringing in a discriminating clause.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. J. G. HISLOP: I suppose one must regard oneself as being in the position of fighting a losing battle, but there are certain aspects which, I think, should go down in *Hansard* because of any inquiry which may be made afterwards. This may be the start of a measure which will bring some justice to all people; but I think it is obvious that irrespective of where an individual lives, whether it is in a house, or in a flat which he occupies or owns, everybody should be on the same basis.

The statement has been made that £100,000 would be lost by doing this, but I still cannot see why, if a single house is converted into two flats, it is justifiable, when the authorities are able to tax on a double basis, for an increase to be applied in regard to the rates of the second flat. The principle, wherever one lives, should be the same throughout the whole legislation.

The building of flats, whether on a commercial basis or not, is a tremendous saving to the authorities. If instead of building flats in Mount Street we had decided to build 51 small houses somewhere, the cost to the authorities for the provision of electricity, water mains, roads, and so on, would have been enormous. By putting all those units into one block we have saved the authorities a tremendous sum of money in capital expenditure. Yet they feel they are justified in charging a higher rate because these flats are occupied by people who do not own them.

That aspect must be taken into consideration and the whole matter should be reviewed at an early date; because if the authorities insist that home units or houses are the only ones which will have the normal rate they will find the city spreading out at a rate which we cannot afford.

When the town planning inquiry was held Miss Feilman pointed out to us that the spreading out of houses along roads was completely impracticable so far as the future of the city was concerned. If people went out to buy a cheap block some distance away from existing houses, and the local authorities had to take everything to such residences, the cost would be enormous. Therefore, in my opinion there is no justification for increasing the rates payable by people simply because they do not own their own flats.

I have been chided when I have said that we are being kind to the rich and unkind to the poor. But to the young person who has not got the money to build a house, and who has to live in a flat, £5,000 capital is a lot of money, and the person who has it is rich. Whether we like it or not it is a question of relativity.

I shall vote for the clause under the pretence that it is justifiable, but I am sure it is not; it has not got one ounce of justice in it. I am voting for it only in the hope that those in charge of the sale of water to the people of Perth and the surrounding districts will look at this matter squarely. We need a commission to investigate the whole story, and if a commission were given the job of selling water we would not have the anomalies that exist at the moment.

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

Ayes—14

Hon. C. R. Abbey	Hon. J. Murray
Hon. N. E. Baxter	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. R. C. Mattiske
	(Teller.)

Noes—12

Hon. E. M. Davies	Hon. R. H. C. Stubbs
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. Thompson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. F. R. H. Laverv	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. R. F. Hutchison
	(Teller.)

Pair

Aye	No
Hon. J. M. Thomson	Hon. G. Bennetts

Majority for—2.

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

PARLIAMENTARY ALLOWANCES ACT AMENDMENT BILL

Second Reading

Debate resumed, from an earlier stage of the sitting, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [7.41 p.m.]: The original Act providing for the payment of parliamentary allowances was passed in the Parliament of Western Australia in the year 1900. That Act stood as the Statute providing for and governing payment to members until the year 1911. In that year the 1900 Act was repealed and a new Parliamentary Allowances Act was introduced and passed. The 1911 Act with

amendments is the present Act governing payment to members, and this Bill we are discussing amends that Act.

It requires an Act of Parliament to approve the official payment to members of Parliament, and it requires an Act of Parliament to vary the payment to members. There can be no avoidance on the part of Parliament to deal with Bills to amend the existing law, or to provide for any amendment to that law at any time it is considered necessary. No matter what authority, tribunal, or set of persons considers the aspects dealt with in this Bill, Parliament is the only medium through which amendments to this law may pass and be dealt with. Therefore, as with all other Statutes, and with all statute law, until it is repealed, Parliament is the institution to deal with the amendments; and however the position may be misjudged, misinterpreted, or expressed, members of Parliament are the only ones who can vote for a change in the law.

It may be considered to be an invidious and unfair position for parliamentarians to be placed in; but there is no avoiding that situation, since it is governed by statute law. In this case we are advised that the Premier gave consideration to all of the allowances appertaining to similar positions in all States of Australia, and to all of the relevant payments in connection with members' allowances as they affect members of those other States.

It is obvious that the Premier arranged for some high-level officers to collect all the available data on this subject from all States, and with the comparative data, and the full information in its hands, the Government made a decision for the presentation to Parliament of the Bills we are now considering. So we find these Bills—the outcome of an inquiry of a somewhat different sort from other times —are presented to Parliament after a review of somewhat comparable conditions.

I would point out that the assessment of salary, or emolument, or allowance—members may call it what they will—is for the value of the position. It does not particularly apply to the individual; it applies particularly to the position—to the position of a member of Parliament. The assessment on the part of someone of the value of the services of members of Parliament in this case has been a matter of review and recommendation by some authority. It is not a question at all of what individuals as such may be worth as parliamentary representatives, but what the position may be worth as a remunerated position.

I would say that no matter what sort of tribunal judges this situation, it must be acquainted with the many and varied duties of members of Parliament, who are not confined to their duties within the Houses of Parliament. That unfortunately is the line of thought very many people use for their prompting in thought as to what members of Parliament do, as citizens and persons, serving in their various realms in this community. The duties are not confined to Parliament itself; they are many and varied.

I would now like to refer to the tribunal. There have been many ways of endeavouring to meet the circumstances of changing conditions and changing responsibilities through the years. Many years ago the Commonwealth Government tried an outside body to act as a tribunal to assess the situation in the Commonwealth sphere. It is understating the situation to say that tremendous criticism of the recommendations was levelled at the Commonwealth Government and the committee, and that criticism continued for a considerable time. Those recommendations were made by an independent authority outside of Parliament.

Queensland had an independent inquiry which resulted in recommendations tying values to salaries of senior civil servants. After a very short experience that was considered to be wholly impracticable for the reason that the levels grew so high in the case of the civil servant that the scheme was abandoned.

In this State the salaries of under-secretaries, and some other senior civil servants, were considered at one stage of investigation to be the proper level to which to tie, or align, or compare, the salaries of parliamentarians. Not long ago—it was a few years ago; five or six years ago—the salaries of under-secretaries were very close to those of members of Parliament, and a proposal was put to the Government that that be a sort of datum peg around which to base a decision of comparable allowances to be brought to Parliament and to be made law.

I would remind the House that had that happened there would not be the continuing adverse comment and outcry we experience from time to time, because this would have been automatic in its effect; the matter would not, of necessity, have been brought to Parliament at any later stage. It would have varied according to the circumstances of the comparable civil servant at the time.

It is generally known that within the institution of Parliament, and belonging to the conduct of affairs of members themselves, is a body known as the Rights and Privileges Committee. After a very careful analysis of the situation as it appeared in 1955, that committee placed certain recommendations before the Government. At that time the nearest grade was that of the under-secretaries of this State; and the salaries of members were 87 per cent. of those of the under-secretaries. Now the salaries of members are 57 per cent. of the salaries of the same classified officers.

I believe the submission that the Rights and Privileges Committee made to the Government in recent times was that it should not be even 87 per cent., but 75 per cent., of the salaries of under-secretaries. Indeed that would not have brought them anywhere near the highest scale of civil servant. The highest scale of officers in the various departments of the State was at the time of the review to which I refer closely allied in value, and very close in actual receipts, the one with the other.

I do not wish to weary the House at this point, but I could mention many other highly paid civil servants of today who were within £150 of the parliamentary salary of seven years ago, but whose salaries and allowances have gone far beyond the scale proposed in these Bills, and of any endeavour to adjust the situation to something commensurate with services given, or with today's relative values between the two positions concerned.

To digress from my direct line of thought for a moment, this Bill proposes to delete a certain section of the parent Act—section 6—which is considered to be redundant; at least it will be after the passage of this Bill. If members will read the Parliamentary Allowances Act of 1955 they will find in section 6c the very essence for the basis of the calculation of comparable positions, and comparable responsibilities and circumstances, which, perhaps, has been used to sort out a figure for this case to emulate.

The starting point of section 6c came from the Rights and Privileges Committee, and was the basis of the formula which was recommended as the one to follow; and it mentions the adjustment of remuneration by the allowances granted to other persons serving the State; and, in addition to the allowances so prescribed, is goes on to deal with other aspects as they directly affect members of Parliament.

I draw attention to the fact that Parliament consists of members drawn from all walks of life. I have always held the opinion that Parliament, particularly in a State such as Western Australia, is composed of men representing a line through the community of this State; they are representative citizens. There are many members who have not had the opportunity to acquire high academic qualifications, but who are men of undoubted ability. In some cases able laymen have been chosen overwhelmingly by the electors in preference to professional men, the majority of those who vote for the candidate being the determining element.

We have members skilled in their professional spheres who have earned more, and who could still earn more, than they have as members of Parliament. I repeat that the electors and electorates, as a rule, return people typical of the citizen of the electorate, according to the number of votes cast. There are many successful people in this community, in this city, and in this State; successful in business spheres, who cannot afford to be members of parliament, not from the point of view of emoluments received, but from a very important and unfortunate feature attaching to, and associated with, men in public life.

One great deterrent is the odium and criticism which is sometimes popularly encouraged and levelled at men in public life. This deterrent keeps many good men away from Parliament. Even if there were no payments made at all to members of Parliament there would still be criticism of them by some people, simply because of their aversion to authority of any kind, and their innate desire to pull down the individual placed in authority.

Is it the desire of those people to have a Legislature which is composed only of men who can afford to become members of Parliament because of their wealth? I can think of the great objection which can be raised at the class distinction produced under a Legislature set up in that manner. It would not be tolerated in this Parliament, which is an offshoot of the centre of the British way of life—the House of Commons, and the Mother of Parliaments.

In my view the main task is to find the correct basis to fix the remuneration of members of Parliament, and to find the right tribunal to review such remuneration. If that point can be reached a lot of unpleasantness which periodically arises will disappear when the remuneration of members of Parliament is up for review.

I read with a great deal of interest the leading article in today's *The West Australian*. It contains a suggestion which I wish to discuss. That newspaper has very strong views on public and political matters, and expresses them forcefully. In most cases I do not agree at all with the political presentation of matters in *The West Australian*, but I respect the ability of its component staff. In my mind there is no good reason why the subject of parliamentary allowances and reimbursement of expenses should not be examined publicly and reported on at any time during the session. There is no reason why it should not be examined even at the beginning of the session. I would not be averse to the report being presented for consideration at the beginning of the session.

I return to the point of the need for an acceptable and an impartial tribunal to be established. It should consist of persons with ability and with experience, able to assess the services given by men in public life. Impartiality in reviewing the situation is very important. No prejudice

should govern the thoughts of the members of such a tribunal, and they should have a clear and open mind. I refer to a paragraph in the leading article which reads as follows:—

> But the best method would be for the Government to take legislative action on the recommendations of a tribunal headed by a West Australian judge and including a representative of the politicians and a representative of the taxpayers, who in this case are the employers.

I would have no objection to this proposal; in fact there could be much merit in it. The tribunal could consist of a judge nominated by the Chief Justice, a representative of the parliamentarians selected by themselves, and a representative of the taxpayers who should be a citizen with long experience and contact with people in public life and with their duties. No-one could cavil at the composition of such a tribunal.

In my view I would be right on the spot in naming the members of that tribunal; they should be the sort of men who have long experience and ability in determining these questions. For impartiality I could think of no-one better suited than Mr. Griff Richards, the editor of *The West Australian*, to be a member of the tribunal. He has had vast experience in the Press galleries of this State, he has been a ministerial roundsman, he rose through the ranks to become the editor-in-chief of the newspaper, and in a matter such as this I would be prepared to rely upon his selection as the citizens' representative.

If this suggestion were implemented forthwith we would know where the *status quo* would rest. In my view, at the very least the *status quo* would be the position after the passing of this and the complementary Bill. I am positive of that, but I would be prepared to accept a determination by them either way, based on an open inquiry as suggested by *The West Australian*.

I should highlight the position that Parliament, and the members of Parliament, alone can amend the Statute governing this matter. Whether or not members of Parliament like it, and whether or not those who criticise unfairly care for the view, the unassailable fact is that members of Parliament alone can amend the law which affects this question. It is unfortunate that that should be the situation, but that is unavoidable.

In all fairness, let those who, as a popular pastime, go out of their way to deride and pull down men in public life—men who for years, have accepted great responsibilities—realise the problems of their parliamentary representatives.

On many occasions members of Parliament have performed their duties to the detriment of their health, and many have given up their lives in the national interest. Others are not prepared to take things easy, but are always anxious to serve the people, and they leave their professions to do so. Many of them become so far immersed in their work as parliamentarians that the first law of nature operates; that is, the preservation of one's own interests. That occurs because most members of Parliament have burned their boats and cannot retrace their steps.

Having made those remarks it is obvious I intend to support the measure, and I hope that those who are prepared at times to criticise unfairly will study the sentiments I have expressed.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

MEMBERS OF PARLIAMENT, REIMBURSEMENT OF EXPENSES, ACT AMENDMENT BILL

Second Reading

Debate resumed, from an earlier stage of the sitting, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

> That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [8.14 p.m.]: It is not my intention to delay the House very long after having claimed the indulgence of members for so long on the debate on the associated measure. This Bill is so extremely interwoven with the other measure that detailed comment is barely necessary.

This Bill provides for increases and adjustments to the reimbursement of expenses of parliamentarians. They are the allowances paid to members of Parliament to cover the expenses associated with their work within their district, and travelling in and out of their district, no matter how far-flung their electorates may be.

Those of us who belong to distant places must have been very interested to hear that Victoria as a State has allowances for outlying districts. The State of Victoria could be fitted very many times into the North Province, which I attempt to represent with my two mates and colleagues. Indeed, some of the outer suburban and near-urban areas would in area be encroaching into the distant parts of Victoria in a proportionate way. We find in that State that consideration through

the years has been given on a scale which is no basis for fair comparison with conditions in this State, when payments made to members have far outweighed the sort of compensation which members in this State have been provided with.

There is little for me to say in this connection except that this, in my view, is a valid part of the reimbursement to members of the costs which are occasioned and which in many ways they are subjected to and unavoidably brought into contact with. Many of us, and more particularly perhaps the members in the near-metropolitan and suburban areas, are almost conscripted—I could use another word—to belong to dozens of organisations because of certain pressures. The services that members render to outlying places in every district are becoming a very heavy tax upon them in person and in pocket.

Speaking personally—and those who know me will know I am speaking without ego—this year will end my 30th year in a Parliament within Australia. I have attended 30 sessions of Parliament including this one and including five years which were spent as President of the Legislative Council of the Northern Territory.

With that background and having known so many worthy members through those years—not merely the 80 who from time to time are the current members of Parliament here, but also those who have passed on, resigned, or gone to other spheres—I have known very few who could be classed as lazy people in the interests of the community they served and represented. They have been men who have discharged their duties assiduously; men who have attended to the every needs —especially during the wartime when there were some extraordinary needs—of citizens, and at very great personal cost in some instances.

The basis within this Bill is simply something to be compared by any examination with the compensation received by people in other walks of life, some of whom have not the call upon them which members of Parliament have. This is an approach to a reimbursement for some of the needs and some of the expenses which members have to meet. This matter is one which, in my view, might well be referred by a Government to the sort of tribunal discussed a few moments ago. It is nothing to be frightened of; nothing to be ashamed of; and nothing to be concerned about. It is merely an attempt to get this matter put on a proper footing by people qualified to judge. I support the Bill.

THE HON. J. G. HISLOP (Metropolitan) [8.21 p.m.]: It is a strange coincidence to me in reading this measure to find that the allowance for reimbursement of a member holding a seat in the Metropolitan Province should be exactly the same as the total income of a member when I first entered this Chamber in 1941. At that time £600 was the total emolument. It is indicative of the changes that have taken place in those 21 years. The situation then was regarded in the light that one entered this Chamber with the thought that a great honour had been conferred upon him. The question of monetary reward was not considered.

Those in Parliament at that time were, in the main—apart from the seven members of the Labor Party—men of very considerable wealth. They were men who had done a tremendous amount for their fellows and they were men for whom I had the highest esteem. Although I separated the Labor men in that way, I did so purely on the basis of the finance they possessed outside this House. I would like to say also that the men on the Labor side at that date were men whom I learned to respect very highly and of whom I have a very precious memory. From that day onwards, it has been a privilege to be a member of this Council.

However, all through those years, no matter whether the salary was as small as I have stated, there seems to have been in the minds of some people a considerable misunderstanding as to exactly what the reward of a member of Parliament should be. I have been amazed that many of my friends, well versed in business, have taken it for granted that the salary earned in this Parliament is free of income tax. That is a common belief. Some of my friends have said to me, "You have another occupation as well as being a member of Parliament, so probably with that amount tax-free, you are in a very good position." They do not realise for one moment that anything one earns here or elsewhere is subject to taxation.

There has also been a misapprehension about what is called the salary of the member for Parliament. This amount is the individual's gross income. If one likes to look at the sordid facts, in the last Parliament since 1955, there has been on an average about £164 per month earned by the member of Parliament. With the increase in the population and the greater antipathy due to the changing events that have occurred, the life of the member of Parliament has also changed. There is a much greater activity demanded of him; there is a greater number of organisations of which he is expected to seek membership; and out of that gross salary, after deducting taxation, superannuation, and the like, the individual must possess, replace, maintain, and run, a motorcar; he must attend many more functions, which demands that he maintain an appearance in keeping with his position; and there are constant demands upon him for contributions to almost every charity within the State.

The Hon. A. R. Jones: Sometimes twice.

The Hon. J. G. HISLOP: Well, it is continuous day by day. I have sometimes wondered myself how the citizen who accepts membership in this Parliament without any added income can maintain a normal standard for himself and his family. I am not ashamed to state here that in 1949 I had to decide very carefully whether or not to accept the Ministry of Health. I had to decide whether I was going to dedicate not only my own life but the future of my family to the public, or whether I was going to place my family first and refuse a position in life which at that time I would have very much liked to accept. I could not have maintained the education of my family on the salary of a Minister in 1949. When I look back on what my family has been able to do, I feel I made the right decision. I have endeavoured to maintain outside this Parliament, as well as inside it, a standard of social service of which I am not ashamed.

However, if the public desire those elected to Parliament to render service, then they must adopt the attitude that they will pay a suitable reward to those persons who devote their time, and sometimes their life, to that occupation.

I do not believe that even on this adjustment the Premier, the Leader of the Opposition, or the Ministers in office are over-rewarded, because this is only a temporary post for three, six, or nine years—very seldom longer than that—after which the individuals concerned return to the status of a private member. Because of the number of calls made upon the Premier, the Leader of the Opposition, and the Ministers, I am sure they cannot save very much for a rainy day.

The Hon. L. A. Logan: There is certainly no saving in health.

The Hon. J. G. HISLOP: There is certainly no saving in health. In the years I have been here those who have given their services in this way have paid for it not only in a monetary sense but also in a physical sense.

So after 21 years as an ordinary member of Parliament I have a very high regard for those people who were able and willing to take high office in this Parliament for the benefit of the State; and I see those in high office now wearing themselves out. I think they deserve many more thanks than they receive; and I still continue to regard them with great respect.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

Sitting suspended from 8.35 to 10.30 p.m.

LICENSING ACT AMENDMENT BILL (No. 3)

Returned.

Bill returned from the Assembly with a schedule of six amendments.

Assembly's Amendments: In Committee

The Chairman of Committees (The Hon. W. R. Hall), in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Assembly is as follows:—

No. 1.

Clause 51, page 20 lines 5 to 8—Delete paragraph (c) and substitute the following:—

(c) by adding the following passage after the word "advance" in the last line of paragraph (e):—

The determination of such defined subscription shall be at the absolute discretion of the club, and the Court is hereby precluded from requiring such defined subscription to be in excess of one pound per annum as a condition of registration.

The Hon. A. F. GRIFFITH: It is a great pity that at this stage in the proceedings of the session we cannot have these amendments delivered in duplicate from the Legislative Assembly so that they can be understood. As we have no other item on the notice paper, we have no alternative, while awaiting the receipt of the Appropriation Bill, but to proceed with the consideration of these amendments forthwith. I have a little knowledge of what has transpired because I have a copy of the notice paper from the Legislative Assembly, but I am sure other members are not so fortunate. However, to deal with amendment No. 1, the provision contained in the Bill was to the effect that a club should have a minimum subscription fee of two guineas. I cannot remember whether or not there was a division on this matter.

The Hon. R. Thompson: There was.

The Hon. A. F. GRIFFITH: However, the clause was passed and it had the effect of amending section 184 (e) of the principal Act. The original amendment in the Bill was to make the minimum subscription two guineas. Members will recall that we debated this at some length. I think Mr. Garrigan led off in this connection,

and he told us that he did not think Parliament should dictate to a club what its subscription should be .

The Hon. J. J. Garrigan: That is correct.

The Hon. A. F. GRIFFITH: I pointed out to him that this minimum fee of £1 had been in the Licensing Act since it was first passed in 1911. One pound a year represents 4½d. a week, approximately. I said at the time that with the changing value of money, and the desire to reach a situation where clubs should not be able to offer the excuse that they required the money from liquor sales to build up their finances, it would be better to prescribe a minimum fee of two guineas.

One of the strongest arguments put forward was by Mr. Lavery who said that to his knowledge only four or five clubs would be affected. When we consider this message from the Legislative Assembly we should have regard for that sort of statement. We thought that by making the fee two guineas a year, which would make it 9d. a week instead of 4½d., we would not be imposing any great hardship upon members of clubs, bearing in mind that Mr. Lavery had said only four or five clubs in the metropolitan area would be affected.

I would have been quite satisfied if the Legislative Assembly had taken out our amendment and allowed the *status quo* to remain, so that we could have dealt with it on its merits when the Bill was returned to us. But now we find we have these extra words added, and it will reduce it to a ridiculous state of affairs. It simply means that the Licensing Court will not have the power it had before in respect of the minimum fee—it will have no power whatever.

We talk about hotels being required to be kept up to a certain standard. If we pass this we cannot expect the hotels to be kept up to any standard at all.

The Hon. A. R. Jones: You could have a shilling membership fee.

The Hon. A. F. GRIFFITH: Take the case of a club which has 200 members. It will get £200 by way of subscriptions; and let us say it employs a secretary who is paid a minimum of £800 per annum. The subscriptions of club members would equal a quarter of the secretary's salary. On top of that there are all the other incidental running expenses. According to the Act a club may sell its liquor at a profit, but that is not the object of the club. The club's object cannot be to make profits from its liquor sales and charge only a nominal amount as a membership fee.

Under the Act the Licensing Court can refuse the registration of a club; and it is the function of the court to interpret the intention of Parliament. Members of the court would read this clause and say the intention of Parliament was that the minimum fee would be £1 and the court should have no right whatever to interfere with that fee. And, in fact, it shall be a minimum of £1, and the Licensing Court shall not exercise its authority under this Act to refuse to grant a license, because the minimum fee is £1.

The Hon. J. J. Garrigan. What about the maximum?

The Hon. A. F. GRIFFITH: This is the maximum. It says the Licensing Court cannot interfere. The purpose of the Bill will be defeated and the membership fee will be at the absolute discretion of the club; the court will have no say whatever.

The Hon. G. C. MacKinnon: Perhaps the Minister should clarify the position about the maximum.

The Hon. L. A. Logan: If the club decides on £1 as a maximum, the Licensing Court has no jurisdiction.

The Hon. A. F. GRIFFITH: I understand the reason given for putting forward this matter is that the Licensing Court has said on occasions—I do not know on how many occasions—that in its opinion the membership fee was not high enough, and that if it were raised to a certain amount the court would issue a registration.

The Hon. H. C. Strickland: Why should that affect the court?

The Hon. A. F. GRIFFITH: Surely the court is responsible.

The Hon. H. C. Strickland: Should it not be the business of the club?

The Hon. A. F. GRIFFITH: It is the responsibility of the court to issue a license. I spoke to the Chairman of the Licensing Court this afternoon and asked whether he had occasion, when he was chairman, to refuse to register a club for the reason I have given above, or whether he had ordered a club to put up its fees before it was registered. He said that it had not happened to his knowledge, though there had been an occasion when it was suggested that the club fee could be a bit more than it was.

If we leave things as they are the position will be ridiculous. The sale of kegs by clubs was argued the other night. I would not have minded giving that away, but I do mind giving this away, because not only do we not maintain the *status quo*, but we take away from the court the right to maintain a standard. I am sure the clubs would not want this sort of thing to the complete detriment of others in the community who are supposed to provide accommodation for the people who visit our city and country areas.

The Hon. H. C. Strickland: Your latest hotel has 18 beds.

The Hon. A. F. GRIFFITH: What is the force of that interjection? There are no beds in a club.

The Hon. J. J. Garrigan: Some clubs have accommodation.

The Hon. A. F. GRIFFITH: Mr. Garrigan should not try to drag that red herring across the trail. In a minute the honourable member will try to compare the Commercial Travellers' Club, with a bowling club, a rifle club, or even a golf club, where there is no accommodation. I am satisfied to let members express their opinions, but I hope the Committee will not agree to the amendment. I move—

That amendment No. 1 made by the Assembly be not agreed to.

The Hon. E. M. HEENAN: I share the Minister's concern for the maintenance of a good standard of hotels in Western Australia. We must agree that in recent years clubs have increased numerically, and have assumed proportions which were not envisaged some years ago. This has decreased the trade which in former years went to the hotels. I have in mind the travellers who come from the Eastern States and arrive at Norseman. It is our obligation to provide them with good hotels at Norseman, because these people leave good homes. They have had long journeys, and we should see that the hotels in which they stay have adequate standards to meet their requirements. They need decent rooms, beds, and toilet facilities, and also decent meals. We must keep a proper balance between clubs and hotels. We must not place hotels in the position where it is impossible for them to provide the necessary amenities.

The Hon. R. Thompson: What has that to do with subscriptions.

The Hon. E. M. HEENAN: I will come to that in a moment. Though I share the Minister's concern to a certain extent, I do think he is unduly worried on the point under debate, because for years section 184 has provided that the rules of a club shall stipulate a minimum subscription of £1 per annum. I do not think the present position is alarming. The Bill proposed to increase the subscription to two guineas, and the Legislative Assembly has disagreed with that, and desires to retain the *status quo* and keep the subscription at £1; and the Licensing Court cannot stipulate what the subscription shall be. There is nothing to be alarmed about in the Assembly's attitude. In its desire to safeguard hotels the Government proposed to increase the yearly subscription of clubs from £1 to two guineas. Perhaps the Government thinks that will stop clubs increasing numerically.

The Hon. A. F. Griffith: No; it is purely to assist in stabilising their economy. It has nothing to do with hotels whatever.

The Hon. E. M. HEENAN: I am concerned about the average man who patronises hotels, and I want to see improved the bars at which he drinks, the amenities provided for him, and the parlour into which he takes his wife. The clubs, to which the average man does not belong, do not have it all their own way. The majority of people in Kalgoorlie, which is the main centre of my electorate, do not belong to clubs. They drink in the hotels and they go to them on Saturday nights for their enjoyment. I want to see them get a fair go as the hotels are their clubs. I want to see that the bars are improved; the facilities are improved; and that the amenities for the wives of people are improved.

But we cannot have those improvements if the clubs continue having things their own way; and I am entirely in sympathy with the Minister if that is his viewpoint. I repeat again that we are grabbing at straws in this matter, because anyone who applies for the registration of a club in future has a big hurdle to overcome. This will be realised if one reads section 198 of the Act. When one applies for a club one first of all has to have a block of land of adequate proportions and suitable for the building of substantial premises. In addition, that section reads as follows:—

(a) hear, inquire into, and determine on the merits of all such applications, and also all objections which are made to any such applications;

(b) hear on oath such witnesses as are called;

(c) grant or refuse the application entirely in the exercise of its discretion, and against such grant or refusal there shall be no appeal; and may

(d) direct that such additional accommodation shall be supplied in or repairs made to such club premises and in such manner and within such reasonable time as it deems fit.

One can see that the Licensing Court has vast powers in granting the registration of any club. The applicant has to be in a position to build premises at a minimum of probably £20,000 or £30,000; so what is the difference between £1 and two guineas subscription going to make?

The court can refuse, and there is no appeal against its refusal. It does not have to give any reasons for its refusal. It can refuse the registration of a club entirely at its own discretion. I do not think the question of giving the court the power to dictate the subscription fee is a drop in the ocean.

The Hon. H. C. Strickland: That is not the answer.

The Hon. E. M. HEENAN: I do not think this amendment made by the Assembly will amount to very much. Apparently there are a few clubs that can carry on with £1 subscription per year but

how they do it goodness only knows. No clubs will be formed in Western Australia in the future that could get away with such a small subscription. Whilst I share the Minister's anxiety in some respects, I do not think this is worth worrying about. As far as I am concerned, if the Assembly has amended the provision I will not worry a bit.

The Hon. R. THOMPSON: The closing remarks of Mr. Heenan were the important ones, inasmuch as he said that very few people will be affected by the £1 subscription. Since I moved my amendment when the Bill was previously in this Chamber I have checked with the secretary of the clubs' association and he has informed me there is only one club in the metropolitan area that has a fee of £1. It is the Wyola Club in High Street Fremantle.

The Minister indicated that this is to bring stability to the industry and is not intended to aid or assist the hotels in any way. That does not make sense. When I dealt with this measure before I said it was a most dictatorial attitude for us as members of Parliament to take, and I stand by that statement. Why should we determine at any stage what any person who voluntarily joins a club should pay as a subscription fee.

The Hon. A. F. Griffith: Despite the fact we have had it for 50 years.

The Hon. R. THOMPSON: I was not here 50 years ago, and I do not agree with it.

The Hon. A. F. Griffith: You do not agree with the law.

The Hon. R. THOMPSON: I would not break the law, but I can disagree with the law; and there are plenty of laws that the Minister has helped to make which he does not like. I contend this is a dictatorial attitude.

The Hon. J. G. Hislop: What does the Fremantle Club charge?

The Hon. R. THOMPSON: It charges four guineas to join and two guineas per year. Do not let us fool ourselves that the hotelkeepers do not make sufficient profit. I previously pointed out where a relation of mine who was in charge of a hotel did not want anybody in the house upstairs. He only wanted to sell beer. If people form a club and make sufficient profit at the bar to reduce their fees to £1, well and good.

The Hon. F. J. S. WISE: I oppose the motion as moved by the Minister. I agree with the sentiments expressed by Mr. Ron Thompson and rise for one purpose only: to clarify the position which was raised by the Minister in regard to the taking away of all the authority of the Licensing Court, which would mean that the purpose of the Bill would fail to operate. That is what the Minister said. It is sheer nonsense; and I can give illustrations of recent decisions of the court in respect of the statements of the present chairman. What I am about to state has come from the advocate of the clubs involved in the court recently when the City Beach bowling club in its application for a renewal of its license stated its rule imposing a fee of five guineas, and it was advised that the license would be granted subject to the fee being increased to ten guineas.

Another club in the northern part of this city had the experience of being told in somewhat similar terms that the license would be renewed if the fee was raised from five guineas to seven guineas. That information has come from the attorney who took the case for both clubs before the Licensing Court; and if there is anything within the autonomy of a club which is a domestic affair it is the fixing of a fee which is within the ability of its members to pay.

I am not concerned with extraneous matters between the hotels and the clubs in their businesses. I am concerned with clubs determining their own domestic affairs, something which these amendments seek to obtain, rather than that these things should be determined by the court.

The Hon. A. F. GRIFFITH: I am grateful to Mr. Heenan because to some extent he supported the point of view I hold. I am also grateful that he drew attention to section 198 of the Act. I would remind members that section 198 must be read in conjunction with section 184 (e) which says that the subscription for a club shall be £1 per year.

The Licensing Court has at least some bargaining power. I would not for a moment contradict what Mr. Wise has said, but if we accept this amendment the Licensing Court will have no jurisdiction whatsoever. Therefore, if a club with a £1 membership fee goes along to the Licensing Court for registration the Licensing Court will have no power whatsoever. We have been talking about clubs that are in existence today; and we say there is only one club in this direction and only one in that direction which will be affected.

The Hon. R. Thompson: I said the metropolitan area.

The Hon. A. F. GRIFFITH: I am with you on this point.

The Hon. H. C. Strickland: He is wrong, just the same.

The Hon. A. F. GRIFFITH: I am coming to that. I am not speaking about the clubs which are in existence; I am speaking about clubs which will be coming into existence. If those clubs go to court they will say that Parliament intended that the court should have no right to say anything. The clubs could say that it was the objective of Parliament that the clubs themselves should be in complete

control of the situation. There could be many clubs applying to the court for a license, and the court would have no bargaining rights to say, "Would you not be better off with two guineas, three guineas, or some other amount?"

I am grateful to Mr. Heenan for pointing out that situation. I am concerned that such a situation will prevail. A good deal of work has gone into this Bill over many months. I am quite prepared to give way the point on kegs. I should not do that, because I think it is right that the selling of kegs should be in the hands of hotels and licensed premises. There are a good many provisions contained in this Bill. It tidies up a lot of anomalies which have existed for years. But I will exchange none of those for this one. If the Legislative Council is prepared to insist on this one, then I am prepared to give up the Bill.

The Hon. H. C. STRICKLAND: It is difficult for me to understand the attitude of the Minister. The Minister is threatening the Council.

The Hon. A. F. Griffith: I am not threatening the Council.

The Hon. H. C. STRICKLAND: It is nice to have the wind behind one when one is in charge of a House; but to draw red herrings across the trail in connection with this matter, as the Minister has done, is a crime. This matter deals with the domestic affairs of a club, and nothing else. A number of people could form a club and say, "If we want to kick out the rough, we will charge 100 guineas or 50 guineas", or they may decide to charge only £1. For the Minister to argue that the court would not be able to say to an applicant for a club license, "Do you not think you would be better off if you charged two guineas?" is ridiculous. The court has simply said, "You will charge 10 guineas."

The Hon. A. F. Griffith: Will it be able to say that if this amendment goes through?

The Hon. H. C. STRICKLAND: I think the Council should be fair and indicate that the court should not have a say in the domestic affairs of a club. I think that is the substance of the argument. The Minister draws a red herring when he says that the court is left with no power. It has powers in respect of other requirements, and its decision is final. If the court is convinced that certain premises are not up to standard and its refuses a license, that decision is final. The Minister is prepared to do drastic things; he has insinuated that he is prepared to lose his Bill. I think it is ridiculous that the Minister should look at that side of the question. It is purely a domestic matter.

On the question of protecting hotels, I was not in the House when the Bill was first debated, but I did read *The Sunday Times*. I read that a new hotel which has been opened in the metropolitan area can accommodate 18 persons. That hotel is in a built-up area at Mt. Pleasant, and it accommodates only 18 guests. In my opinion that is no more than a glorified club. The Minister must learn to look further than his own little territory.

We have a club at Cockatoo Island because no hotelkeeper—not even the Swan Brewery—would erect a hotel there. They know that the life of the island is governed by the amount of ore which is there; and the way the ore is being removed, there will be no-one on Cockatoo Island in approximately 10 years' time. The same thing applies at Koolan Island. A recreation club will be established there. The fee may be one guinea or the court, if it gets the jurisdiction which the Minister wants it to have, may say that the fee has to be 10 guineas. Nevertheless, the people will have their liquor. Should those people be penalised because they are living in a remote area under tropical conditions?

The Hon. A. F. Griffith: Who said they were going to be penalised?

The Hon. H. C. STRICKLAND: If the Minister is going to refuse those people a license, it will be very hard on them.

The Hon. A. F. Griffith: You know that I have no control over the granting of licenses.

The Hon. H. C. STRICKLAND: The Minister for Justice is taking a very narrow view on this particular amendment. It has nothing to do with the granting of a license. It is the condition, etc., of the premises that determines whether or not a license will be granted. The domestic affairs of a club, surely, should rest with the club. That is all this amendment requires. I hope the Council will accept the Assembly's amendment.

The Hon. A. F. GRIFFITH: Let me make this perfectly clear to the honourable member, in case he has any misguided views: the statement that I may not grant a license to somebody is, of course, ridiculous. He knows, with all his experience, that the Minister controlling the Licensing Act has no say whatsoever in the granting of licenses; and I defy the honourable member to show me one word in the Licensing Act which gives me any power as the Minister in control of the Act for the time being. The whole thing is under the control of the Licensing Court. The honourable member should not give me that sort of stuff, because it is not true. He said, "If the Minister does not intend to grant a license."

Point of Order

The Hon. H. C. STRICKLAND: On a point of order, Mr. Chairman, I must ask the Minister to withdraw his remark that I said something which was untrue.

The Hon. A. F. GRIFFITH: I am not going to reduce myself to the point where I will be put out of the Chamber; therefore, I will withdraw my remark.

Committee Resumed

The Hon. A. F. GRIFFITH: Having withdrawn my remark, the Committee should know full well that I have no control over how these licenses are granted. That is done by the Licensing Court. Whether or not the people on Koolan Island get a license has nothing to do with me. I would not have minded had I been able to come to an understanding with the Legislative Assembly that we could maintain the *status quo* and leave the Licensing Act as it has existed for 50 years. So far as I am concerned, this is not a political Bill. It has been demonstrated by Mr. Heenan that there is no politics in it. Had Mr. Strickland been here when divisions were taken, he would have seen that; because we all voted in the interests of the people of the State.

The Government has tried to bring down a set of amendments which would improve the provisions of the Licensing Act, and which would tidy up a lot of anomalies that have existed for years. These amendments were the result of the work which was undertaken by an all-party committee of which Mr. Heenan was a member. He knows that a lot of things which it was decided should be done, have been done in this Bill. So far I am concerned, the good work is going to be destroyed because we are not even retaining what was done before.

The Hon. H. K. Watson: You have not moved on that.

The Hon. A. F. GRIFFITH: I have moved to disagree. If the Legislative Assembly had sent this back to the Legislative Council merely disagreeing with the amendment we made to section 184, I would not have objected. I would have moved to agree with the Legislative Assembly; at least, it would have maintained the *status quo*. However, it has cut out our amendment to section 184 (e) and has added certain words. If we could retain what we had before, I would not mind. I would be satisfied in all the circumstances; but I am not satisfied to accept this.

Mr. Strickland made the point that the court has the right to refuse a license. So it has. If the court refused to grant licenses in respect of clubs which have a £1 subscription fee, and it refused to grant licenses one after the other, *en bloc*, do members not think that the court would be accused—and rightly so—of defying the will of Parliament? The will of Parliament was that the court would have no say whatever over the determination of club fees. There would be a hullabaloo if the court started to do that.

The Hon. H. K. Watson: Its action would be unlawful.

The Hon. A. F. GRIFFITH: I think it would be. Somebody would probably challenge the right of the court to refuse a license on that ground. I do not know at the present time how we can return to the point from which we started. If we could reach that point I would be quite happy.

The Hon. G. C. MacKINNON: There is no doubt, as expressed the other evening, that the club of the ordinary working man is the front bar of the hotel. Several members the other evening pointed out that hotels had looked after those men in the main, and yet we find tonight that they are working extremely hard for the clubs to the detriment of the hotels in which the workers drink. Make no mistake about it, the complete economic life of a hotel depends on the trade in the front bar, in which the worker does his drinking. Further, the facilities that a hotel is able to offer a worker depend on the volume of the trade which the hotel gets.

Despite this, I am surprised when I look at the notice paper of another place and note the name of the member above the amendment, because this amendment is designed to keep the membership fee of a club so low that it could virtually wipe out a hotel.

Let us take the worst situation that could happen. Let us take a mixed group of people who are members of a bowling club, as mentioned by Mr. Wise a few moments ago. That club obtains a license to serve liquor to a certain number of people. In that club there is a certain number of working men, with other people ranging up through what is popularly known as the middle class. They set the membership fee of the bowling club at £1 so that they can attract as many residents of the area to the bowling club as they can.

The Hon. R. Thompson: You are only putting up a hypothetical case.

The Hon. G. C. MacKINNON: Most of the arguments that have been advanced by members in this Chamber have been based on hypothetical cases. Why should some members be concerned about the membership fee of any club being more than £1 when there is only one club in the metropolitan area which has a membership fee of £1? I am sitting alongside Mr. Ron Thompson and I am prepared to accept his word for that. Yet, apparently, his colleague, Mr. Garrigan, claims that he is wrong.

The Hon. J. J. Garrigan: I meant Australia-wide and not just in the metropolitan area.

The Hon. G. C. MacKINNON: I take the word of Mr. Ron Thompson that there is only one club in the entire metropolitan area that charges a membership fee of £1,

and yet all members of this Chamber can read the name on the top of this amendment. They know the name of the honourable member, and yet there is only one such club in the metropolitan area. Surely members can realise that this is not purely a domestic matter because a club, if it gets a license at a lower fee, could have a very marked and deleterious effect—

The Hon. N. E. Baxter: Where is any club going to get a license at a lower fee?

The Hon. G. C. MacKINNON: This amendment is designed so that a club can charge members a low fee.

The CHAIRMAN: (The Hon. W. R. Hall): Order please!

The Hon. G. C. MacKINNON: I thank you, Mr. Chairman. I am having difficulty with all the interjections.

The CHAIRMAN (The Hon. W. R. Hall): I ask the honourable member to address the Chair, and he will not be bothered with interjections.

The Hon. G. C. MacKINNON: Surely the members of this Chamber are desirous of keeping the hotels extant for two reasons. One is to ensure that accommodation is made available for travellers, even if a hotel has only 18 bedrooms, as Mr. Strickland pointed out.

The Hon. H. C. Strickland: No, accommodation for 18 guests.

The Hon. G. C. MacKINNON: Yes, accommodation for 18 guests, plus the fact that we maintain a hotel which an ordinary man can enter without payment of any membership fee whatever.

The Hon. A. L. Loton: And he does not even have to buy a drink when he does go in.

The Hon. G. C. MacKINNON: That is so; he does not even have to buy a drink if he enters the hotel merely for the purpose of having a game of darts. The front bar of the hotel is the ordinary working man's club.

The Hon. J. J. Garrigan: How often have you patronised the front bar of a hotel?

The Hon. G. C. MacKINNON: Very often, because I have been a member of a union in the past, and I have often patronised the front bar of a hotel.

The Hon. J. J. Garrigan: In the last few years?

The Hon. G. C. MacKINNON: No, not in the last few years. However, I have been in the position of having entered the front bar of a hotel and having used it as my club. I think we are in a most unusual situation, particularly when we bear in mind some of the speeches made on the Bill when it was previously discussed in this Chamber.

As members of the Liberal Party we find ourselves trying to maintain the hotels, any one of which, without doubt, is the club of the ordinary working man in this State. On the other hand we find the Labor Party battling to maintain the *status quo* relating to clubs, and to have more and more of them established.

The Hon. R. THOMPSON: I am very pleased that my colleague sitting on my right made that last statement. He did not quite complete it. He said that he and other members of the Liberal Party are fighting the cause of the people who cannot afford to join a club and who patronise the front bar of a hotel. If he were a little sincere he would have said that this is a Swan Brewery Bill.

Point of Order

The Hon. G. C. MacKINNON: I object, Mr. Chairman.

The CHAIRMAN (The Hon. W. R. Hall): Order! The honourable member will resume his seat.

The Hon. G. C. MacKINNON: I say I am sincere—

The CHAIRMAN (The Hon. W. R. Hall): Are you speaking on a point of order?

The Hon. G. C. MacKINNON: Yes, Mr. Chairman. I say I was quite sincere in what I said.

The Hon. R. THOMPSON: I do not doubt the honourable member's sincerity, but I doubt other things.

Committee Resumed

The Hon. R. THOMPSON: The majority of the hotels are owned by the Swan Brewery.

The Hon. L. A. Logan: Only Swan beer is sold in them.

Several members interjected.

The CHAIRMAN (The Hon. W. R. Hall): Order! I cannot hear what the honourable member is saying.

The Hon. F. D. Willmott: It is mostly rubbish, anyhow, and we are not listening to it.

The Hon. R. THOMPSON: I have been told that I have made a statement tonight which is wrong; that is, according to Mr. Strickland. If it is wrong I did not make the mistake intentionally, because I say now that there is only one club in the metropolitan area which has a membership fee of £1, and that is the Wyola Club in Fremantle. The reason that club maintains the membership fee at £1 is to keep the fee in line with the Anzac Club membership fee, because it serves a similar purpose. That is the information supplied to me, and I hope and trust it is a true statement.

In the debate on this issue many hypothetical cases have been introduced. I think I can prove to the Committee that much has been said about hotels having to provide accommodation, but not one

word has been said in this Chamber about the accommodation provided by motels which do not even apply for a license. Yet they have proved to be the principal source of opposition to hotels in taking the accommodation trade from them.

In the debate in another place a member, not of my political colour, said that a hotel had been constructed at a cost of £180,000 with provision for only six bedrooms. I am drifting away from the Bill, Mr. Chairman—I realise that other members did, too—so I will return to the club issue. What happens if we raise the membership fee to two guineas, three guineas, or four guineas? The club will show a profit and so it will reduce its charges or provide another amenity. The Wyola Club in Fremantle, which is identical to the Anzac Club in Perth, charges a membership fee of £1, and it would be the only one that would be affected.

The Hon. A. F. GRIFFITH: I do not want to labour this matter unduly because I am anxious to settle it. I am going to offer a compromise. If I can obtain permission to withdraw my motion that the amendment made by the Legislative Assembly be disagreed with, I would then be in a position to move that we agree with the Assembly's amendment, subject to a further amendment, the further amendment being to delete all the words in the amendment after the paragraph designation "(c)" in line 1. If we could do that we would finish up with what we have had in the principal Act for 50 years.

In a spirit of compromise I offer to waive the claim of Parliament in insisting that the minimum fee shall be two guineas, and so the position will return to what it is now; namely, a fee of £1 per annum. Surely that compromise is acceptable to members!

I ask members to appreciate that I realise that if the Committee does not permit me to withdraw my motion I could go on. I ask leave of the Committee to withdraw my motion on the understanding that the amendment I intend to move will return us to the position in which we were originally placed.

The Hon. A. L. LOTON: Mr. Chairman, has not the Minister moved a motion that the amendment made by the Legislative Assembly be not agreed to? Is he asking for leave to withdraw that motion?

The CHAIRMAN (The Hon. W. R. Hall): Yes, that is correct.

The Hon. F. J. S. WISE: Is it permissible to speak on the request made by the Minister?

The CHAIRMAN (The Hon. W. R. Hall): On a point of order, yes.

The Hon. F. J. S. WISE: If the motion of the Minister is agreed to it will destroy entirely the amendment made by the Assembly. In that event an added opportunity will be available for making a further amendment.

The CHAIRMAN (The Hon. W. R. Hall): The question is—

That leave be granted to withdraw the motion.

Motion put.

The CHAIRMAN (The Hon. W. R. Hall): There being a dissentient voice leave is not granted.

The Hon. A. F. GRIFFITH: That is most regrettable, because I outlined the course which I proposed to adopt.

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

Ayes—15

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	*(Teller.)*

Noes—11

Hon. E. M. Davies	Hon. R. H. C. Stubbs
Hon. J. J. Garrigan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan
Hon. H. C. Strickland	*(Teller.)*

Pair

Aye	No
Hon. J. M. Thomson	Hon. G. Bennetts

Majority for—4.

Question thus passed; the Assembly's amendment not agreed to.

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 2 made by the Assembly is as follows:—

No. 2.

Clause 51, page 20, lines 11 to 25 —Delete new subsection (2).

(New subsections (3) and (4) consequentially renumbered (2) and (3).)

The Hon. A. F. GRIFFITH: I move—

That amendment No. 2 made by the Assembly be not agreed to.

The new subsection should be retained, because the proposed minimum subscription of two guineas has been retained.

Question put and passed; the Assembly's amendment not agreed to.

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 3 made by the Assembly is as follows:—

No. 3.

Clause 51, page 20, lines 33 to 45 —Delete definition "country member" and insert new definition as follows:—

"country member" means, in the case of a club the premises of which are situated within the metropolitan licensing district,

a member who ordinarily resides at such distance (not being less than 25 miles) from those premises as the rules of the club shall prescribe, and in the case of a club the premises of which are not so situated, a member who ordinarily resides at such distance (not being less than 15 miles) from those premises as the rules of the club shall prescribe.

The Hon. A. F. GRIFFITH: I move—

That amendment No. 3 made by the Assembly be agreed to.

This amendment will clarify the position.

Question put and passed; the Assembly's amendment agreed to.

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 4 made by the Assembly is as follows:—

No. 4.

Clause 51, page 21, lines 1 and 2—Delete definition "honorary member" and insert new definition as follows:—

"honorary member" means a member elected or deemed an honorary member pursuant to section 185 and includes an honorary life member.

The Hon. A. F. GRIFFITH: I move—

That amendment No. 4 made by the Assembly be agreed to.

This amendment again clarifies the position.

Question put and passed; the Assembly's amendment agreed to.

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 5 made by the Assembly is as follows:—

No. 5.

Clause 51, page 21, lines 3 to 5—Delete definition "ordinary member" and insert new definition as follows:—

"ordinary member" means a member (not being of any other class of member prescribed by the rules of the club) who is entitled to exercise without restriction the full privileges of the club.

The Hon. A. F. GRIFFITH: I am not prepared to argue about this either. I do not think it is important but is merely another way of describing the situation—perhaps in more detail than at present. I therefore move—

That amendment No. 5 made by the Assembly be agreed to.

Question put and passed; the Assembly's amendment agreed to.

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 6 made by the Assembly is as follows:—

No. 6.

Page 24—Delete clause 59.

The Hon. A. F. GRIFFITH: This is one of the two clauses that has caused so much concern and debate. This one deals with the right of clubs to sell kegs. I do not intend to labour this point. The Government is of the opinion that it is the function of hoteliers and gallon licensees, not clubs, to sell kegs. However, we compromised and if I remember rightly we inserted the four-mile provision. The situation has not changed and I therefore move—

That amendment No. 6 made by the Assembly be not agreed to.

The Hon. R. THOMPSON: As the Bill stands at present, I could debate it for some time to show why we should insist on the amendment; but I think it would be a waste of time. For the Bill to see the light of day, it would have to go to a conference, so I am not going to argue the point further. I will certainly insist upon the amendment.

The Hon. A. F. GRIFFITH: It is a preconceived idea that because the Legislative Assembly has made some amendments, it is going to insist on them and not give way; and I am sorry to hear the honourable member express that opinion.

Question put and passed; the Assembly's amendment not agreed to.

Report, etc.

Resolutions reported and the report adopted.

A committee consisting of The Hon. F. J. S. Wise, The Hon. A. L. Loton, and The Hon. A. F. Griffith (Minister for Mines) drew up reasons for not agreeing to amendments Nos. 1, 2, and 6 made by the Assembly.

Reasons adopted and a message accordingly returned to the Assembly.

ALSATIAN DOG BILL

Assembly's Message

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

Sitting suspended from 12.41 to 5.9 a.m.

APPROPRIATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.10 a.m.]: I move—

That the Bill be now read a second time.

The main purpose of this measure is to appropriate the moneys required for the services of the current financial year as detailed in the Estimates of Expenditure from the Consolidated Revenue Fund and the General Loan Fund.

The Bill also provides for a grant of supply in addition to that contained in the two Supply Acts passed earlier in this session. Supply is granted in total amounts from the Consolidated Revenue Fund and the General Loan Fund. Provision is made in the Bill now being introduced to appropriate those amounts under the respective heads of expenditure detailed in the Estimates. The purposes for which the appropriation known as Advance to Treasurer is required are set out in a schedule to the Bill.

The Bill appropriates, in addition to expenditure for the current year, the amounts spent during 1961-62 in excess of the Estimates for that year, and details of those excesses are set out in appropriate schedules to the Bill. There is a requirement in section 41 of the Forests Act, 1918-1954, that a scheme of expenditure from the reforestation fund be submitted annually to Parliament for approval.

The scheme of expenditure for 1962-63 summarised in a schedule to the Bill, has been laid on the Table of the House.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.13 a.m.]: With other members of this Chamber I have had the opportunity to study the Estimates of revenue and expenditure in the Budget tables, from the time the Estimates were first presented to the Legislative Assembly. Having availed myself, as I am sure other members have done, of this opportunity to study items of State interest and of district interest, and having raised some matters in the course of other debates, I intend not to delay the House on any specific items in this Bill.

We know what the Bill contains. It is a replica of the Budget Estimates as presented to Parliament, together with the various schedules of the different departments. I have no further comment to make except to say that for the purpose of making good the supply granted to Her Majesty in the passing of two Supply Bills, and to secure the necessary amount to carry on the affairs of the State, this Bill must be passed. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 4 put and passed.

Schedule A put and passed.

Schedule B—

The Hon. F. R. H. LAVERY: I see that an amount of £865,716 is allowed for the Minister for Local Government, Town Planning, and Child Welfare. This seems very small appropriation for departments such as those, and perhaps the Minister might like to tell us whether there is any significance in that figure.

The Hon. L. A. LOGAN: I point out that the Local Government Department, as such, is run at a very meagre cost to the Government. We also endeavour to run the Child Welfare Department as cheaply as possible under the conditions applicable in the State. Since I have been Minister for Child Welfare I have saved the State, one way and another, some thousands of pounds on the cost of the department itself. I admit that we do not receive as much as we really require from loan allocations, and so on, particularly when one bears in mind that it is necessary for us to administer such institutions as Riverbank, Hillston, the Mt. Lawley Reception Home, and Tudor House, added to which we will, in the near future, have a girls' hostel in Mt. Lawley.

It would seem that the allocation of money for child welfare purposes has always been a secondary consideration from the public point of view. It should be appreciated that with a greater allocation of loan funds and revenue to the Child Welfare Department the welfare of the youth of this State will be better looked after. I am endeavouring to do the best to obtain the greatest possible allocation. It is not an easy matter to administer the Child Welfare Department with the funds at its disposal.

Since I became the Minister for Child Welfare I have called for volunteers from people in the community. Men and women who were prepared to undertake six months' training at their own expense and time were given the responsibility of looking after the welfare of the youth. In the last few weeks the department called for further applications, and these worthy citizens devote their time and energy, without reward, for the benefit of the youth of the State.

Although the allocation to the department is not great, it has been possible to use the funds to combat starvation among unfortunate members of the community. I was amazed at the number of widows and children who required assistance. They included deserted wives with children, and women living as *de facto* wives. Not one was allowed to starve, and the department assisted every needy case. From the social service point of view we have to consider the effect of this assistance, because Western Australia was penalised to the extent of about £200,000 last year by the Grants

Commission, and the department has to be careful in regard to the manner in which the funds are used.

The Hon. F. R. H. LAVERY: I thank the Minister for the information he has given. This year I have had close contact with the Child Welfare Department, and I am aware of the wonderful work it has done. I congratulate the Minister and his staff. With the small allocation it is amazing the success the department has been able to achieve.

The Hon. A. R. JONES: I take this opportunity to refer to some questions I asked in this House concerning the Perth Airport liquor license, and to the answer I received. In 1956 a liquor license was granted to the airport, and at the time I thought it would come under the jurisdiction of the Licensing Court, but from the answer I have been given it appears that is not the case. The answer I received was—

> Since the coming into operation of the Federal Airports (Business Concessions) Act, 1959, the State licensing laws do not apply to the sale and supply of liquor on the airport.

It is disturbing to learn that is the position, in view of what was said over the years on this question and what has been recorded in *Hansard*.

I bring before the notice of the Minister an undesirable aspect which has crept in, namely, the supply of liquor at all hours to customers at the airport. I have made an inspection of the establishment, and it is known that on Sundays there is an open slather. Provided there is a customer the bar remains open until even 12 midnight. More and more people are becoming aware of this easy means of obtaining liquor after hours. If we do not put a stop to the use of the bar facilities by the local people, we will deprive air passengers and their friends of a reasonable service.

The Hon. H. C. Strickland: I understand it is a night club of some sort.

The Hon. A. R. JONES: It has been advertised as a night club. I have been informed that liquor is available for practically 24 hours of the day, depending on the availability of customers. It seems that the Federal authorities are not playing the game. We certainly should provide at the Perth Airport what is provided at other international airports, but we should ensure that there is no abuse by the local people. I pass this information on to the Minister for Justice who is equally concerned with this state of affairs, and leave it to him to make further investigations.

The Hon. A. F. GRIFFITH: I propose to discuss this matter with the Federal authorities to find out what is being done, and what can be done.

Schedule put and passed.

Schedule C—

The Hon. H. C. STRICKLAND: There is an appropriation of £4,551,000 of loan funds to the Railways Department. Six years ago Parliament agreed to introduce a procedure into the railway system which would eliminate the necessity for appropriating millions of pounds for expenditure by the department. It seems to me that at that time, when the railways were requiring from the loan fund amounts of from £5,000,000 to £6,000,000 per year, we had very good cause to take the action that Parliament took to arrest the drift in railway accounts and the enormous loan fund expenditure.

In the last session of Parliament we were told—and there is no doubt about it—that the results of the deliberations and the votes of Parliament brought about a financial position in the railways where the railways were not an excessive burden on loan funds and Treasury funds. So, I am wondering, after having put the railways—I am not giving credit to one Government or another, because the motion was brought to Parliament and Parliament agreed to it; the motion was to close certain lines—in a better financial position, and after having reached a state where railway revenue was sufficient to meet railway expenditure, why we are now faced with another problem of an excessive burden on the loan fund account.

In this particular schedule there is an appropriation of £4,551,000 for the railways. That is quite a substantial amount out of £22,000,000, which is appropriated under this schedule for public works. Therefore, I am wondering after all our long deliberations and careful thought to the recommendations put up by various authorities, committees, and so on, in relation to the terrific drag by the railways on public expenditure, and after we had reached—according to published statements last year—the position where we balanced our accounts and where the railways would not have required millions of pounds of expenditure, whether the Government has kept an eye on this excessive expenditure.

I would be appreciative if the Minister would enlighten us on the necessity for the appropriation of more than £4,500,000 out of loan fund expenditure under this schedule.

The Hon. A. F. GRIFFITH: There is no doubt that the financial situation of the Railways Department has improved tremendously, but I venture to suggest that to some extent the Railways Department will continue to be a burden on loan funds for very obvious reasons.

If the honourable member would look at the first schedule of the Loan Bill he would see where a lot of this money is

going; and, of course, a lot of it will come back. For instance, over £1,000,000 will be spent in connection with the standard gauge railway, but this will come back under the arrangement. An amount of £900,000 will be required for the deviation for the alumina works and the Kwinana-Mundijong-Jarrahdale railway project. In connection with the new Fremantle railway bridge £250,000 will be required; the Welshpool marshalling yards will need £200,000, and rolling stock £1,250,000. That makes a total of approximately £4,000,000.

The position is not nearly as bad as it looks, because new works are involved; and two of the items I have mentioned will require £2,000,000.

The Hon. H. C. STRICKLAND: I am grateful for the Minister's reply. However, it is a pity that perhaps the Bill to which the Minister referred is not introduced first so it could be an explanation of the appropriation of these moneys. It seems to me that the cart is before the horse. I appreciate the expenditure the Minister has pointed out and I raise no objection to it, because I happen to have been the Minister for Railways when part of that expenditure was planned.

These Bills came to us only 45 minutes ago from another place, and it is very difficult to appreciate why such enormous sums of money should be required for the railways if the financial position had been cleared up following the motion that was presented to Parliament in 1956. I accept the explanation of the Minister and I appreciate the information he has given. Had I had that information prior to you, Mr. Chairman, putting schedule C, I would not have got to my feet.

The Hon. A. F. GRIFFITH: Briefly, the Bills are in their right order. The honourable member will recall that the Loan Bill passed through the House yesterday. It is followed by the authority to appropriate the money, and the Bills must be in that order.

The Hon. H. C. Strickland: The Bills could be in order, but perhaps the Minister's explanation is out of order.

Schedule put and passed.

Schedules D to G put and passed.

Preamble put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

CLOSE OF SESSION

Complimentary Remarks

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.41 a.m.]: That completes the business of the first session of the twenty-fourth Parliament of this State. I would like to take the opportunity of expressing on behalf of my colleague (Mr. Logan) and other members of the Chamber some points of appreciation. The session has been an extremely interesting one. We have dealt with something like 96 Bills the great majority of which have been passed. I think there are only about four or five which were not passed.

The Hon. L. A. Logan: I lost two.

The Hon. A. F. GRIFFITH: Some of these Bills will prove in the future to be of great consequence to the State of Western Australia.

At this point in our proceedings it is customary to pass remarks which pay tribute and give thanks where tribute and thanks should be given. I am sure I will be forgiven if at this early hour in the morning I make my remarks as brief as possible; but, nevertheless, they will be sincere.

First of all, I would like to thank you, Mr. President, for having, this session, shown us the great forbearance that you have in the past. The duties of the high office of President, which you hold, have been carried out with dignity, and, with great benefit to yourself personally and to the Chamber.

I want to take the opportunity of thanking very sincerely my colleague, (Mr. Logan) for his extremely effective assistance and to congratulate him on the way he handled the Bills which, to say the least, have at times been extremely difficult.

I would particularly like to thank Mr. Wise, the Leader of the Opposition in this House. In his leadership of the Opposition, he has displayed three characteristics—determination, fairness, and co-operation. We could not ask for any more than those three qualities in a Leader of the Opposition. I feel that as the years go by the honourable member and I understand each other better, and I have found it a great pleasure to work with him although at times I am obliged to work against him.

I would like to mention that Mr. Strickland is back with us after returning from his trip overseas. He is looking very well and I am pleased to see him back and to know that he had such an enjoyable journey.

Mr. Hall and his deputies have continued to perform valuable service for us, not only acting as chairmen but keeping the balance in the Chamber. I thank you, Mr. Hall, and your deputies, very much.

It would be wrong of me, of course, if I did not particularly mention the staff of Parliament House. I do express to Mr. Roberts, the Clerk of the Legislative Council, and his staff, my personal thanks and thanks on behalf of all members of this Chamber.

To you Mr. Browne, we have already expressed privately our good wishes for your future, and for the purpose of recording the remarks in *Hansard* I would like to reiterate what has already been said to you. We all hope that you have a long retirement and that the trip you are to take overseas with your wife will be of benefit to you.

We have Mr. Ashley who does a great job for us in helping in the conduct of the business of the House. We also have Mr. Carrick, and Mr. Joyner, and our thanks go to these men for their assistance given at all times. There is the *Hansard* staff whom, of course, we could not do without, because if we did not have *Hansard* nothing would be taken down to be used in evidence against us.

The Hon. L. A. Logan: That might be a good idea; members might not talk so much.

The Hon. A. F. GRIFFITH: Nevertheless, I do express our thanks to the Chief *Hansard* Reporter and his staff. We also thank Mr. Burton and his staff for keeping the inner man satisfied by providing us with all our requirements in that respect. On behalf of us all I express thanks to the members of the Press, who, even at this late hour, are still in attendance doing their job. I think it appropriate that I should also convey my thanks and the thanks of Mr. Logan to our secretary (Mr. Whitely) who really does work very hard to obtain the information sought by members, and in preparing notes for us, and generally in giving us a great deal of assistance.

All those remarks can be summed up this way: Without the assistance and cooperation of everyone concerned it would not be possible for us in a Chamber of this nature to handle the amount of legislation that we handle from time to time. I believe that during the last five years a record number of Bills have been dealt with by Parliament.

It is very early in the piece to wish people a merry Christmas but nevertheless I do so. I wish everyone in the Chamber the compliments of the season. We are going to enter a very busy year with, first of all, the Games coming on during which time His Royal Highness the Duke will be visiting us, and then, in the new year, Her Majesty the Queen and the Duke coming here on an official occasion. So we look forward to a very busy time, but by the same token the affairs of the State must go on; and I think that Western Australia has a very bright future. We will all do everything we can to ensure the continued well-being of the State. Thank you very much.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.50 a.m.]: My words will be brief. I wish, as is customary on such an occasion and at such a time, to express my thanks to Mr. Willesee, and to all those who have been associated with me in the party to which I belong, in regard to our endeavours in this Chamber during the past session. As the Minister pointed out, this is my first attempt as Leader of the Opposition in the Legislative Council, but I trust my endeavours have been worthy of the requirements of the position. Whatever they have been, they have only been possible by the loyal and continued assistance of all those—my mates—who have been associated with me.

To the Ministers I would say particularly that although we must, because of being opponents in political thought, be very rigid in disciplining ourselves, firm in our beliefs, be as hard as it is possible to be in expressing our desires in the formative way necessary in the framing of legislation, we may, even though we are vigorous opponents, continue to have respect between man and man and respect for each others qualities. That applies also to all those who are associated with the Ministers in their parties.

To you, Sir—with great respect to your high office as well as to you as a person—I express appreciation for the manner in which you have been of help, and for extending at all times courtesies, kindnesses, and encouragement to me. I hope that your health continues for you to remain in that honoured position in charge of this Chamber for a long time. My thanks are due, too, to the Chairman of Committees and his deputies for their courtesy and patience.

The staff of Parliament House are, of course, legion in their capacity, unobtrusively, to help members at all times. We may knock on the door and hope that the Clerk (Mr. Roberts) or any of his staff are in their rooms, but no matter how pressed they may be with matters of the day, it is always with a feeling of welcome that we receive assistance from them. I would not specify anyone in particular because I believe we are fortunate in having such a fine team to assist us in the service they render.

To Mr. Browne, who is leaving us, we have said something earlier in the day, or yesterday. However, I still present the point of view which I had at that time, that I would like to know the recipe for perpetual health which he appears to have acquired. We do wish him well in retirement and we hope that he has the opportunity of enjoying the rewards of the services and the labour he has given.

The *Hansard* staff, of course, deserve particular mention by all of us, because no Parliament could be better served by a body of men making a record of parliamentary proceedings. Whether it is a week day or late at night, if there is something about which *Hansard* officers are in doubt, then there is not the slightest hesitation on their part to consult with members to make sure that matters are in their true form.

To all of the staff—to those associated with Parliament in their various spheres—we all owe a debt of gratitude.

To the Press, whose role is a very difficult one in their endeavours to record the proceedings of Parliament and to have those proceedings presented as they should be presented, goes great responsibility. I join with the Leader of the House in saying that I wish for you all—and for all those persons I have mentioned—peace on earth, a happy festive season, and a prosperous new year.

THE HON. W. R. HALL (North-East) [5.55 a.m.]: I desire to associate myself with the remarks which have been passed by previous speakers. In doing so, I wish to take this opportunity of thanking you, Sir, for the courtesies you have extended to me during this session and also during previous sessions. Our relations have always been cordial and I want to take this opportunity of wishing you and yours the very best of good health and prosperity in the future.

I also wish to take this opportunity of thanking the Clerk of the Legislative Council (Mr. Roberts), the Clerk Assistant and Usher of the Black Rod (Mr. Browne), and the Clerk of Records (Mr. Ashley), for the courtesies they have extended to me during this session. One can only say —and I have reiterated this over the years —that without them one would not get on so well. They are very co-operative and the relationship is very cordial; and the knowledge they have of the offices which they hold is such that they make the position of Chairman of Committees a very light one. Therefore, I take this opportunity of thanking them for the courtesies they have extended to me during the session.

I cannot let the occasion pass without thanking the Deputy Chairmen of Committees (Mr. Davies, Mr. MacKinnon, and Mr. Jones). They have, as we know, risen to the occasion at all times with regard to the handling of the Bills that have been dealt with during this session. I might say that the three Deputy Chairmen of Committees have handled 35 Bills out of approximately 96 Bills; and in my opinion, that is something about which they can be pleased; and the fact that we have Deputy Chairmen who can be called upon at any time is something which is of great satisfaction to me. I extend to the three Deputy Chairmen of Committees my heartfelt thanks.

Whilst I do not intend to labour these remarks, I want to thank Mr. Joyner and Mr. Carrick for the manner in which they have carried out their duties. They have at all times extended courtesies to me, and it has always been a pleasure for me to walk in the front door of Parliament House and be greeted and more or less waited upon by those two officers. To them I extend my thanks.

I think this has been a happy session. It has been a short one but, I think, a happy one and a cordial one. Whilst at times there have been arguments on both sides, we have generally finished up a happy family. I am pleased to say that this has always been the case during my 25 years sojourn in this Chamber, and I hope that trend will continue. It gives me great pleasure, Mr. President, to wish you a very happy Christmas, and to convey that same wish to members, the staff, and everybody else. I know the wish is a bit premature but it is none the less sincere.

THE HON. C. H. SIMPSON (Midland) [6.1 a.m.]: In general I wish to associate myself with the remarks passed by the Leader of the House, the Leader of the Opposition, and the Chairman of Committees. In particular, I want to pay a tribute to the work of Mr. Browne, who is leaving us.

As members know, Mr. Browne has for some years occupied the position of secretary of the Rights and Privileges Committee, and I think it is due to him to have placed on record in *Hansard* our appreciation of the work he has done. I have worked with Mr. Browne for a number of years, and have perhaps been more closely in touch with him than have other members. I appreciate the immense volume of work he has carried out in the preparation of reports, the filing of records, and the taking of cuttings from newspapers of the week-to-week, and month-to-month activities in other States which we regard as important to the Rights and Privileges Committee.

Mr. Browne does not say much, but he has the record there. From time to time when I have looked through the files, I have been surprised to see the volume of work—the painstaking work—he has done in keeping so complete a record for the benefit of members. A most eloquent tribute has already been paid to him outside this House; indeed one such tribute was paid in verse. In closing my remarks I also would like to recite a few brief lines of verse in appreciation of his services. We say to you Bill—

To Bill on His Retirement

May your life's eve close in slowly,
May it free from shadow be;
May remembrance be as music,
Tuned in perfect harmony.

THE HON. N. E. BAXTER (Central) [6.4 a.m.]: I, too, wish to join with others in expressing my appreciation of what has been done for us in this session of Parliament. Mainly, however, I rise to express, on behalf of the members of this House our appreciation of the great job done by the two Ministers (Mr. Griffith, and Mr. Logan). I do not think this session should be allowed to close without expressing such thoughts, because they have had a most difficult task to perform in this Chamber.

It is necessary for them to handle all types of legislation dealing with every Government department; though at times they have not, perhaps, received as much information as they would like on some of the legislation. In conclusion I would thank them for their tolerance. I know some of us have been trying at times, but we do appreciate the difficulties associated with their task here. We are most grateful indeed for the assistance they have given us.

The Hon. L. A. Logan: Thank you.

The Hon. A. F. Griffith: Thank you.

THE PRESIDENT (The Hon. L. C. Diver) [6.6 a.m.]: I would like to thank the Minister for Mines for the kind words he has spoken about the co-operation he has received from the Chair. I would also like to thank him for associating his colleague, Mr. Logan, with his remarks. My thanks and appreciation go to Mr. Wise for his kind words. I do not think we should overlook the fact that this understanding and co-operation is generally brought about by discussions we have from time to time, perhaps before I assume the Chair. This works very well, and is very necessary for the good conduct of the House. Those consultations have enabled us to work smoothly together.

I, too, realise that the Ministers of this House have an enormous job to carry out —they do, in this House, work which is done by eight Ministers in another place. We must not lose sight of the fact, however, that the efforts and endeavours of Mr. Wise and Mr. Willesee in strenuously putting before the Chamber any ideas they may have, generally result in decisions being made for the benefit of our State.

I feel sure members will agree that the experience Mr. Wise has had in the Legislatures of this State and the Northern Territory has been of immense value to us in this Chamber; and I have no doubt whatever that a harvest of great advantage will be reaped in future years from the lead he has given this session.

I would like to thank Mr. Hall for his good wishes; and in turn I would like to say how much I appreciate the work that he and his deputies have done. The discharge of the duties of this House have largely been made possible by the co-operation of all members. It is this co-operation which once more has made the session a most pleasing experience.

It would not be out of place to record our good wishes for the speedy recovery of one of our members who has been ill. I refer, of course, to Mr. Bennetts; and I would like him to know that, at this not-so-early hour on Friday morning, we think of him, and hope that his health mends to the extent that we will see him among us in the not-distant future.

I would be failing in my duty if I did not thank sincerely Mr. Roberts and the members of his staff for their loyal support during this session. Their services and assistance were typical of the efforts they put forward during the previous two sessions in which I graced the Chair.

I take this opportunity to thank Mr. Browne, the Usher of the Black Rod, for the assistance and for the services he has rendered during my term as President. I trust that in his retirement he will enjoy the best of health. I am sure that with good health both he and his wife will spend many happy years in their retirement.

To Mr. Burton and the House staff of Parliament House I extend my thanks. Similarly, I offer my thanks to the *Hansard* staff, to the secretary, and to the stenographers who are associated with the work in Parliament House. In my capacity as Chairman of the Joint House Committee, which is an *ex officio* position of the President, I have been placed in a position where I have had to request the tolerance and forbearance of many people during the building renovations and additions being carried on in this session, including those who were undertaking work to complete this Parliament House, which was first built soon after the turn of the century. The tolerance and forbearance I requested was readily shown, and I am deeply grateful.

I am thankful to members for having made my task as President of this House easy. I have derived the greatest satisfaction from the duties of my position; and I thank one and all for their good wishes.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [6.12 a.m.]: I move—

> That the House at its rising adjourn until a date to be fixed by the President.

Question put and passed.

House adjourned at 6.13 a.m. (Friday).