Legislative Assembly

Tuesday, the 6th September, 1966

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

SCREENING OF FILMS

THE SPEAKER: I wish to announce that after the tea adjournment two films will be shown by the British High Commissioner's Office. I understand Mr. Rounthwaite will be present.

For the information of those members who intend to be present, the showing of the films will commence at 6.50 p.m. sharp. I understand the showing time of one film is 25 minutes and the other 9½ minutes. This will not leave a very long period for the usual words of thanks and that sort of thing, but we hope to get through in time.

I have not yet spoken to the Premier, but it is possible I might ring the bells a little later than 7.30 p.m. However, I cannot be sure until I have seen the Premier.

QUESTIONS (27): ON NOTICE

ELECTRICITY SUPPLIES

M. W. Cvitan's Case: Tabling of Papers

1. Mr. GRAHAM asked the Minister for Electricity:

   Will he lay on the Table of the House all papers relating to the case of M. W. Cvitan, of Osborne Park, who alleged in *The West Australian* on the 11th November last that electric power was cut off from his property without warning for the alleged reason that he had spoken rudely to a girl in the S.E.C. office about two months before?

   Mr. LEWIS (for Mr. Nalder) replied:

   The commission has no papers relating to this case. The above address has been only once disconnected by this commission over the last 10 years.

   M. Cvitan applied for the meter to be read and her account finalised on the 27th November, 1963. Expecting that a new consumer would sign on and accept responsibility for the account, the commission left the house connected.

   After several visits to the house by one of its officers to advise the occupier to pay a deposit, the

commission disconnected the supply on the 14th January, 1964. J. Cvitan paid a deposit on the 15th January, 1964, and the supply was reconnected.

MITCHELL FREEWAY

Tunnel: Tabling of Papers

2. Mr. GRAHAM asked the Minister for Works:

Will he lay on the Table of the House all papers relating to any consideration given to constructing underground, instead of in an open cut, that portion of the Mitchell Freeway between Malcolm Street and Hay Street?

Mr. ROSS HUTCHINSON replied:

No; but if the honourable member wants to see the file, he can do so at my office.

OLD YORK GAOL

Future Use

3. Mr. GAYFER asked the Minister for Police:

Further to my question 10 of Tuesday, the 30th August, if it is not intended to remodel or rebuild the old York gaol, what is planned for its future?

Mr. CRAIG replied:

A recent inspection of the buildings revealed that they were in a poor state of repair having no bathing or cooking facilities and being totally inadequate for the detention of prisoners. It has accordingly been decided to close the gaol and to use the facilities available at Northam.

COUNTRY HOSPITALS AND AGED PERSONS' HOMES

Pensioners: Costs, and Commonwealth Contribution

4. Mr. NORTON asked the Minister representing the Minister for Health:

(1) In the country hospitals what is the percentage of bed-days in respect of age and invalid pensioners?

(2) What is the total annual cost to the Government of hospitalising pensioners in country hospitals?

(3) What is the average cost per bed-day of running a country hospital?

(4) What allowance is made by the Commonwealth, per day, for pensioners whilst in hospital?

(5) What is the cost per day of keeping a pensioner in—
(a) Mt. Henry; and
(b) Sunset?

(6) Does the Commonwealth Government make any contribution towards the keep of inmates of Sunset or Mt. Henry and, if so, how much?

(7) What amount does each pensioner have to pay when in Mt. Henry or Sunset?

Mr. ROSS HUTCHINSON replied:

(1) 35.3 per cent.

(2) 1965-66: Gross expenditure $2,866.323
Revenue 677.048
$2,189.275

(3) $12.23.

(4) Until the 31st December, 1966, $3.60; from the 1st January, 1967, $5.00, dependent upon the passing of necessary legislation.

(5) (a) $4.69.
(b) $4.74.

(6) The Commonwealth pays hospital benefit of $3.60 per day in respect of patients in the "A"-class hospital block at Mt. Henry, and nursing home benefit of $2.00 per day in respect of patients in the nursing home sections of both Sunset and Mt. Henry. It pays nothing for other residents, who, in the main, are pensioners.

(7) This depends on where the person is located in the hospitals. If in the "A"-class block at Mt. Henry the pensioner pays nothing from her own pocket. This is the same as in other public hospitals and is governed by the Commonwealth National Health Act.

If in the nursing home section of either hospital, a pensioner with no other income is charged $1.60 per day, but where necessary the charge is adjusted to ensure that he or she is left with at least $2.00 per week for private spending. This is the same as at other Government nursing homes.

If the person is simply a resident, he or she pays $10.00 per week, again with an adjustment if necessary to give at least $2.00 per week for spending.

NARROGIN HIGH SCHOOL

Agricultural Wing: New Dormitories

5. Mr. W. A. MANNING asked the Minister for Education:

When will the two new dormitories for the agricultural wing of the Narrogin Agricultural Senior High School be—
(a) proceeded with;
(b) completed?

Mr. LEWIS replied:

(a) It is hoped to proceed in 1967-68 if funds can be made available.
(b) Not known at present.

PINGELLY HIGH SCHOOL

Classrooms: Completion

6. Mr. W. A. MANNING asked the Minister for Education:

Will the proposed new classrooms for the Pingelly Junior High School be completed for the opening of the 1967 school year?

Mr. LEWIS replied:

On present indications, "Yes."

STATE ELECTRICITY COMMISSION: SALARIED STAFF

Eligibility to Join Civil Service Association of W.A. (Inc.)

7. Mr. NORTON asked the Minister for Electricity:

(1) Are any persons on the salaried staff of the S.E.C. eligible to join the Civil Service Association of W.A. (Inc.)?

(2) If "Yes," could he state the number eligible?

(3) If "No," what are the reasons?

Mr. LEWIS (for Mr. Nalder) replied:

(1) No.

(2) and (3) The persons on the salaried staff of the commission are already covered by an industrial union registered under the Industrial Arbitration Act.

Number as at the 30th June, 1966

8. Mr. NORTON asked the Minister for Electricity:

How many persons were employed by the State Electricity Commission on the salaried staff in the following categories—

(a) Administration;
(b) Professional;
(c) General;
(d) Clerical,

as at 30th June, 1966?

Mr. LEWIS (for Mr. Nalder) replied:

(a) 6.
(b) 126.
(c) 298.
(d) 412.

List of Names and Designations

9. Mr. NORTON asked the Minister for Electricity:

Is there a list of names and designations of the salaried staff of the S.E.C. similar to the Public Service List; if so, will he make it available?

Mr. LEWIS (for Mr. Nalder) replied:

No.

MIGRANTS

Housing in Country Towns

10. Mr. HALL asked the Minister for Immigration:

In view of the anticipated intake of migrants to this State and the building of a new migrant hostel, has consideration been given to the housing of migrants in country towns where suitable buildings could be purchased at a much lesser cost than the erection of expensive hostels in the metropolitan area?

Mr. BOVELL replied:

Consideration has been given to housing migrants in country towns, but the proposal has been found to be uneconomic. I might add that this housing refers to hostel accommodation. The proposed new hostel is designed to replace the existing Point Walter Hostel.

SEWERAGE

Albany: Appointment of Inspectors

11. Mr. HALL asked the Minister for Works:

With the extension of deep sewerage mains in Albany and the increased demand for reticulated service, will he agree to the appointment of more sewerage inspectors to minimise waiting time for inspections?

Mr. ROSS HUTCHINSON replied:

The appointment of additional sewerage inspectors is not considered warranted at this stage. The situation will be kept under constant review.

MISSING GIRLS

Number, and Abductions

12. Mr. HALL asked the Minister for Police:

(1) For the years 1964-65 and 1965-66.

(a) How many girls were reported missing in this State;

(b) How many girls reported missing were traced and found by the police?

(2) Does he know if girls are being abducted from this State and taken to other States or countries for illegal purposes?

Mr. CRAIG replied:

(1) (a) The number of girls under 21 years of age reported missing—

From 1/7/64 to 30/6/65—276

From 1/7/65 to 30/6/66—330

(b) The number of girls found or traced by the police for the above periods—

1965—276.

1966—328.

This is rather remarkable work on the part of the police because in those two years 606 girls were reported missing and all but two

of them have been traced. May I take the opportunity of saying a special word for the women's section of the Police Force, which is under Sgt. Ethel Scott. Most of the inquiry work is in the hands of the women police.

Of the two girls not yet found or traced, one is believed to have gone to the Eastern States with a male friend, and the other is believed to be still in this State.

(2) To my knowledge there have been no instances of girls being abducted from this State and taken to other States or countries for illegal purposes.

The activities of girls reported missing are thoroughly investigated by women police when they are located.

RAILWAYS

Overhead Bridge: Grass Valley Township

13. Mr. HAWKE asked the Minister for Railways:

(1) Have final arrangements yet been made between the Railways Department and the Northam Shire Council for the installation of an overhead bridge to cross the standard gauge railway line near the Grass Valley township?

(2) If not, when are negotiations between the department and the Northam Shire Council likely to be finalised?

Mr. COURT replied:

(1) Yes. It is expected that tenders will be called for the construction of the bridge within the next two weeks.

(2) Answered by (1).

NATIVES

Employment in Government Departments

14. Mr. HAWKE asked the Premier:

(1) Which Government departments employ natives?

(2) How many natives are employed in each of those departments?

(3) How many of the total number employed are—
(a) males;
(b) females?

(4) How many are under 21 years of age?

Mr. BRAND replied:

(1) to (4) This information is not available. The policy is for natives to be integrated as far as possible into the general workforce and records are not kept regarding their employment.

Adamson House, Northam: Acquisition by Department

15. Mr. HAWKE asked the Minister for Native Welfare:

Has he personally investigated the advisability of the Department of Native Welfare taking over Adamson House, Northam, from the Country Women's Association as a centre for the training of natives to better fit them for employment and also to better equip them for citizenship responsibilities?

Mr. LEWIS replied:

Yes, in conjunction both with the Education Department and the Department of Native Welfare.

FLUORIDATION OF WATER SUPPLIES

Scientific Proof of Selectivity

16. Mr. TONKIN asked the Minister representing the Minister for Health:

(1) Does he accept the fact that when inorganic fluoride is ingested at any concentration, a portion of it is deposited in the skeletal structure of animals or man (Biochem. J.35: 1235, 1941 and Toxicol, Appl. Pharmacol. 3: 290, 1961)?

(2) Does he agree that sodium fluoride is a highly toxic substance?

(3) What positive proof exists that fluoride's effect is sufficiently selective to enable it to protect teeth without exacting penalties elsewhere in the body?

(4) Is there any scientific basis to support the contention of profluoridationists that at 1 p.p.m. no harm will be done even to such persons as are suffering from an impairment of normal renal function or those with a pre-existing osseous disorder (not fluoride induced)?

(5) If "Yes", where may this scientific proof be seen?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Not at the level used in water fluoridation.

(3) to (5) The honourable member is advised to study the document referred to in answer to his 83rd question on this subject asked by him on the 16th August.

PASTORAL LEASES

Morgan Survey: Leases in the Kimberleys

17. Mr. RHATIGAN asked the Minister for Lands:

(1) What number of pastoral leases in the Kimberleys were thrown open

for selection as a result of the Morgan Survey commenced in 1954?

(2) What is the name and area of each lease?

(3) What are the names of the successful applicants?

(4) Have any of the leases changed hands?

(5) Are all lessees complying with the conditions of the Land Act such as occupying the properties, stocking, etc.?

Mr. BOVELL replied:

(1) Seven pastoral leases were thrown open for selection.

(2) Station A area 795,240 acres.
Station B area 740,830 acres.
Station C area 749,004 acres.
Station D area 507,400 acres.
Station E area 607,620 acres.
Station F area 768,920 acres.
Station G area 981,300 acres.

(3) Station A—Approved to Ord River Ranches Proprietary Limited on the 31st October, 1961 as lease 396/847. Lease cancelled 14th January, 1966. Land made reavailable. The date for land board is the 6th October, 1966.

Station B—Approved to Beverley Springs Pastoral Pty. Ltd. on the 4th February, 1959, as lease 396/816.

Station C—Approved to John Alfred Witter on the 4th February, 1959 as lease 396/815.

Station D—Approved to Carl Axel Mattsson and Joseph Edgar Walden on the 4th February, 1959 as lease 396/814.

Station E—Approved to Eric Christian Hansen on the 4th February, 1959 as lease 396/817. Lease cancelled the 15th January, 1960.

Station F—Approved to Charles Fairfax Telford on the 14th June, 1961 as lease 396/850. Lease cancelled the 17th June, 1966. Land made reavailable. Land board hearing the 6th October, 1966.

Station G—Approved to Reginald Harry Hamblin on the 15th July, 1958 as lease 396/811. Lease cancelled the 31st October, 1958.

(4) Station B—Lease 396/816 transferred to J. M.; M. D.; G. T.; D. F.; T. M.; and M. E. Nixon on the 26th October, 1965.

Station D—Lease 396/814 transferred to J. E. Walden and G. A. E. Thorley on the 20th November, 1964.

Station E—Lease 396/848 approved to North Ord Proprietary Limited on the 31st October, 1961. Lease cancelled the 31st December, 1965. Land made reavailable. Date for land board, the 6th. October, 1966.

Station G—Lease 396/833 approved to Geoffrey Keith Allen on the 25th March, 1960. Lease cancelled the 29th March, 1963. Land made reavailable. Date for land board, the 6th October, 1966.

(5) Inspections of the three current leases are not yet completed but are listed for inspection in this year's programme.

POTATOES

Licensed Growers, Production, Sales, and Returns

18. Mr. I. W. MANNING asked the Minister for Agriculture:

(1) What was the number of potato growers licensed by the Potato Marketing Board for the years—
(a) 1955;
(b) 1966?

(2) What was the acreage grown under license for—
(a) winter crop 1955;
(b) summer crop 1956;
(c) winter crop 1965;
(d) summer crop 1966?

(3) What tonnage of potatoes was sold in W.A. by the board during 1955 from—
(a) No. 1 pool;
(b) No. 2 pool;
(c) No. 3 pool?

(4) What tonnage was sold in W.A. during 1965 from—
(a) No. 1 pool;
(b) No. 2 pool;
(c) No. 3 pool?

(5) What sum per ton did growers receive for potatoes sold during 1955 from—
(a) No. 1 pool;
(b) No. 2 pool;
(c) No. 3 pool?

(6) What average sum per ton is it anticipated growers will receive for potatoes sold during 1966?

Mr. LEWIS (for Mr. Nalder) replied:

(1) (a) 1,370 licences issued. Number of growers not available.
(b) 1,031 licences issued to 622 growers.

(2) (a) 2,595 acres.
(b) 4,180 acres.
(c) 2,057 acres.
(d) 3,711 acres.

(3) (a) 6,632 tons.
(b) 6,301 tons.
(c) 20,230 tons.

(4) (a) 7,694 tons.
(b) 6,938 tons.
(c) 21,708 tons.

(5) (a) $61.28—includes premiums averaging $4.40 per ton.
(b) $48.78.
(c) $64.12—includes premiums averaging $4.38 per ton.

(6) $68.00 per ton (estimate).

PUBLIC HEALTH DEPARTMENT

Annual Reports: Availability to Members

19. Mr. DAVIES asked the Minister representing the Minister for Health:

When is it anticipated the annual reports of the Health Department for the years ending June, 1964, and 1965 will be made available for the use of members?

Mr. ROSS HUTCHINSON replied:

A printer's proof of the commissioner's report for 1964 is being checked. The report will be tabled as soon as it is available from the printer.
The 1965 report is being prepared.

20. *This question was postponed.*

RAILWAYS: KEWDALE MARSHALLING YARDS

Access Roads

21. Mr. JAMIESON asked the Minister for Railways:

(1) Is he now able to indicate if the land requirements for the W.A.G.R. on the western boundary of the Kewdale marshalling yards complex has been finalised to allow road design and construction to replace the access roads severed between Belmont and Queens Park by railway activities?

(2) Will the W.A.G.R. provide some financial assistance in providing this essential cross suburban alternate traffic route?

Resumptions: Compensation to Local Authorities

(3) Have any of the local authorities been in any way compensated for resumed road reserves, which in many cases had constructed roads thereon and still being amortised by ratepayers in the several local authorities concerned?

Mr. COURT replied:

(1) The final land requirements for the W.A. Government Railways Commission at Kewdale have not yet been determined.

(2) Consideration will be given to the financial implications of road construction in the area, but it is not the function of the W.A. Government Railways Commission to provide funds for this work.

(3) No.

DENTAL CLINICS

Appointments, Districts, and Treatment

22. Mr. DAVIES asked the Minister representing the Minister for Health:

(1) What is the waiting time for appointments for new and eligible patients wanting dental treatment at the undermentioned clinics?
(a) Perth Dental Hospital;
(b) North Perth;
(c) Fremantle;
(d) Liddell Clinic, Victoria Park?

(2) What districts do each of these clinics embrace?

(3) What were the number of treatments for—
(a) children;
(b) adults
at each of these clinics for the 12 months ended the 30th June, 1965?

Mr. ROSS HUTCHINSON replied:

(1) As at the 2nd September, 1966—

Location	Operative (Fillings)	Prosthodontia (Dentures)	Pedodontia (Children)
(a) Perth Dental Hospital	6 weeks	6 months	4½ months
(b) North Perth Clinic	4	4½	*
(c) " Gustafson ", Fremantle	6	4	*
(d) " Liddell ", Victoria Park	6	8 weeks	*

* See Operative.

(2) (a) Perth Dental Hospital: Virtually the whole of Western Australia. Apart from country people attending the hospital in Perth, the hospital service includes the use of three road dental vehicles and three aerodental services over a wide area of the State. "On the spot" service to the people extends from the Ashburton area in the north to Ravensthorpe in the south and the Warburton Ranges in the east.

There are clinics established at Bunbury, Albany and in the goldfields.

(b) to (d) The areas served by the three metropolitan clinics are divided fairly distinctly by the Swan and Canning rivers.

(i) North Perth clinic serves the area north of the Swan River, from Cottesloe to Yanchep and east to Midland.

(ii) Fremantle clinic serves a small area north of the river to Mosman Park and then south of the Swan River to Mandurah, and east to the Canning river.

(iii) Victoria Park clinic serves the area south and east of the Swan River from Canning Bridge to the districts in the Darling Range and south to Byford. It treats patients from Karnet.

Note: Many people from these areas come to Perth Dental Hospital because they shop or work in Perth. Similarly persons living in one suburban area may work or go to school in another suburban area and will attend the clinic in that area.

(3) Records kept do not provide the means of providing separate figures for children and adults. The total of treatment was:—

	Year to 30/6/65	Year to 30/6/66
(i) Perth Dental Hospital	76,056	99,403
(ii) North Perth Clinic	15,238	16,848
(iii) Fremantle Clinic	15,517	12,281
(iv) Victoria Park Clinic	14,856	15,842

ELECTRICITY SUPPLIES

Contributory Schemes: Refund to, and Admission of, Consumers

23. Mr. RUSHTON asked the Minister for Electricity:

What is the Government's intention for State Electricity Commission contributory schemes regarding—

(a) refund of capital to consumers on admittance of additional consumers to a group scheme;

(b) basis of admittance of new consumers to a functioning S.E.C. contributory scheme?

Mr. LEWIS (for Mr. Nalder) replied:

(a) In the cases where the addition of a consumer to a group justifies an adjustment, or refund in the case of capital contribution, it is made to members of the group.

(b) The circumstances vary widely. Generally, agreement is reached between the commission, the existing group, and the newcomer before he is connected.

FLUORIDATION OF WATER SUPPLIES

Adverse Effect on Children

24. Mr. TONKIN asked the Minister representing the Minister for Health:

(1) Is it not a fact that the British Ministry of Health statistics show that in children in the study areas, who have had fluorides all their lives, 6.5 per cent. of the milk teeth were decayed at age 3; 11.6 per cent. at age 4; and 24.3 per cent. at age 5?

(2) Is this not evidence of a rapid upward trend in decay, with a doubling each year?

(3) Does fluoride remove the causes of dental decay?

(4) Has it been admitted by the United States Public Health Service that one child in ten drinking water with fluoride at 1 p.p.m. will develop mottling of the enamel of its permanent teeth?

(5) Does he agree that this is the likely probable result?

(6) Is it conceded by pro-fluoridationists that mottling of teeth, however mild, is a symptom of incipient fluorosis?

Mr. ROSS HUTCHINSON replied:

(1) and (2) I am unable to confirm that the statistics quoted are correct, because a precise reference has not been provided. The British Ministry of Health issued a report (No. 105) in 1962 on "The Conduct of the Fluoridation Studies in the United Kingdom and the Results Achieved after Five Years". The conclusions in this report (page 30) read as follows:

"The findings from the studies leave no doubt that fluoridation has brought about a substantial improvement in the dental condition of children in the study areas . . . "

(3) Fluoride prevents dental decay.

(4) and (5) I am not aware of any such admission but if a precise reference is provided I will consider having the alleged admission evaluated.

(6) No. Dental mottling is not necessarily related to the fluoridation of drinking water.

COMMONWEALTH AID ROADS FUNDS

Expenditure

25. Mr. WILLIAMS asked the Minister for Works:

(1) What moneys have been spent annually by the State from the Commonwealth Aid Roads Fund for the years 1959-60 to 1965-66 inclusive?

(2) Of the above sum, how much was spent for the following purposes:—

(a) Acquisition of land for road purposes:

(i) country;

(ii) metropolitan?

(b) Construction of roadways:

(i) country;

(ii) metropolitan?

(c) Construction of bridges:

(i) country;

(ii) metropolitan?

(3) What is the estimated expenditure on the above for 1966-67?

(4) What was the total expenditure in the metropolitan area for the years 1959-60 to 1965-66 inclusive?

Mr. ROSS HUTCHINSON replied:

Explanatory Note:

The following answers relate only to expenditure by the Main Roads Department. Although Local authorities also participate in Commonwealth Aid Roads Funds by virtue of the matching scheme, it is not possible to obtain the information in respect to local authorities' expenditure of these funds.

1.

	$
1959/60	10,098,959
1960/61	15,246,804
1961/62	16,217,474
1962/63	18,123,058
1963/64	18,143,780
1964/65	21,188,588
1965/66	23,202,445
	128,221,108

2.

	$	$
(a) Acquisition of Land for Road Purposes—		
(i) Country	556,000	
(ii) Metropolitan	2,243,000	
		2,799,000
(b) Construction of Roadways—		
(i) Country	88,752,000	
(ii) Metropolitan	7,029,000	
		95,781,000
(c) Construction of Bridges—		
(i) Country	4,683,000	
(ii) Metropolitan	168,000	
		4,851,000
		103,431,000

3.

(a) Acquisition of Land for Road Purposes—		
(i) Country	120,000	
(ii) Metropolitan	720,000	
		840,000
(b) Road Construction—		
(i) Country	15,577,000	
(ii) Metropolitan	1,481,000	
		17,058,000
(c) Bridge Construction—		
(i) Country	922,000	
(ii) Metropolitan	458,000	
		1,380,000
TOTAL—Country	16,619,000	
Metropolitan	2,659,000	
	$19,278,000	

4.

	Commonwealth Aid Funds	State Funds	Total
	$	$	$
1959/60	1,584,000	1,410,000	2,994,000
1960/61	1,168,000	1,070,000	2,238,000
1961/62	1,189,000	965,000	2,154,000
1962/63	1,361,000	737,000	2,098,000
1963/64	1,272,000	1,115,000	2,387,000
1964/65	2,100,000	2,270,000	4,370,000
1965/66	2,153,000	3,066,000	5,219,000
	$10,827,000	$10,633,000	$21,460,000

MURDERS

Convictions: Particulars of Sentences and Releases

26. Mr. GRAHAM asked the Chief Secretary:

In the matter of persons who have been convicted of murder and wilful murder, respectively—

(a) How many are at present serving prison sentences?

(b) On what dates were they convicted?

(c) What were their ages at the time they committed their offences?

(d) Which of them were the subject of recommendations of mercy?

(e) How many found guilty and still in prison have been given a finite term by—

(i) the court;

(ii) the Government?

(f) Of those in prison, how many are in Fremantle Gaol, how many are in what other places, and when were they transferred from Fremantle?

(g) How many persons have been released in each of the last 20 years, what was the age of each such person at the time of release, and what term of imprisonment was served in each case?

Mr. CRAIG replied:

(a) 25.

(b) to (d)

(a) Name	(b) Dates Convicted		(c) Ages at time offences committed	(d) Subject of Recommendation for Mercy	(e) How many found Guilty and still in prison have been given a finite term by (i) the Court, (ii) the Government	(f) Where Imprisoned
Boryczewski, S.	2/7/57	Wilful murder	44 years	No	Death—commuted to life	Fremantle
Stewart, L. J.	4/12/59	Wilful murder	24 years	Yes	Death—commuted to life	Fremantle
Jones, B.	4/12/59	Wilful murder	24 years	Yes	Death—commuted to life	Fremantle
Proctor, D. S.	31/5/60	Murder	19 years	No	Death—commuted to life	Fremantle
Beamish, D. R.	15/8/61	Wilful murder	20 years	Yes	Death—commuted to life	Fremantle
Ryder, H. B.	21/11/61	Wilful murder	29 years	No	Death—commuted to life	Fremantle
Black, D. J.	9/3/64	Murder	40 years	No	Life sentence	Fremantle
Benn, M. B.	2/4/64	Wilful murder	50 years	No	Death—commuted to 10 years imprisonment by Government	Transferred to Karnet 25/2/65
Tester, B. E.	22/7/64	Murder	54 years	No	Life sentence	Fremantle
Trantum, T. H.	23/2/65	Wilful murder	17 years	No	Death—commuted to life	Fremantle
Fox, C. G.	21/10/65	Wilful murder	54 years	No	Death—commuted to life	Fremantle
Armanasco, R. M.	19/12/50	Wilful murder	40 years	No	Death—commuted to life	Fremantle
Winmar, J.	13/2/52	Murder	22 years	No	Death—commuted to life	Transferred to Karnet 13/2/64
Gyenes, Gyula	7/2/52	Murder	23 years	No	Death—commuted to life	Fremantle
Morton, D. M.	11/5/53	Wilful murder	23 years	Yes	Death—commuted to life	Transferred to Karnet 25/3/65
Haning, S. J.	14/5/53	Murder	41 years	No	Death—commuted to life	Transferred to Karnet 25/11/63
Maczurad, M.	7/12/53	Murder	32 years	No	Death—commuted to life	Fremantle
Morris, R.	29/4/53	Murder	37 years	No	Death—commuted to life	Fremantle
Thew, E.	19/5/55	Wilful murder	18 years	Yes	Death—commuted to life	Fremantle
Stillitano, S.	28/3/56	Murder	45 years	Yes	Death—commuted to life	Fremantle
Ali, M.	19/2/57	Wilful murder	38 years	Yes	Death—commuted to life	Fremantle
Mapp, C. W.	21/6/57	Wilful murder	28 years	No	Death—commuted to life	Fremantle
Hammond, S.	5/11/46	Murder	26 years	No	Death—commuted to life	Fremantle
Doggett, W. D.	2/9/47	Murder	22 years	No	Death—commuted to life	Fremantle
Mulawa, M.	24/6/56	Wilful murder	38 years	No	Death—commuted to life	Transferred to Claremont Mental Hospital 5/8/58

(e) (i) Nil.
(ii) One.

(f) 20 in Fremantle prison, 5 in other places. See detail as tabled.

(g) Eleven. Other detail required by the honourable member is as under—

Number of persons released in last 20 years		Age of each such person at the time of release	What term of imprisonment was served in each case
Kanangie @ George	Released April, 1965, from Broome Gaol	33 years	Served 15 years
Slater, A. M.	Released 4/12/63	30 years	Served 10 years
McIntosh, J. P.	Released 26/11/63	34 years	Served 10 years
Wilson, S. P.	Released 14/8/58	57 years	Served 3 years
Wherra @ Jack (Broome)	Released March, 1964	42 years	Served 16 years
Jurilj, J.	Released 11/7/50	62 years	Served 12 years 5 months
Robson, T.	Released 11/8/54	51 years	Served 11 years 10 months
Hession, N.	Released 25/9/57	41 years	Served 12 years
France, R. G.	Released 8/12/55, returned to reformatory 24/3/57	35 years (1st)	Served total of 20 years (approximately)
	Released 17/7/63	43 years (2nd)	
Omer, M. J.	Released 26/5/53 (deported)	33 years	Served 4 years
Levy, H. (11 persons)	Released 6/4/64	49 years	Served 15 years

MURESK AGRICULTURAL COLLEGE

Students, Accommodation, and Applicants

27. Mr. CORNELL asked the Minister for Agriculture:

(1) What is the total number of students currently enrolled at Muresk Agricultural College?

(2) With the present accommodation, what is the maximum number of students that can attend the college?

(3) What accommodation (if any) is available to visitors wishing to make a short stay at the college?

(4) What was the total number of the applications received for the course beginning in 1966 and how many of these applicants were successful?

(5) Are applications for admission to the college dealt with by a selection committee and, if so, who are the members thereof?

(6) How many of the present students are the sons of farmers residing in—

(a) Western Australia;

(b) Other States of Australia?

(7) How many students who left the college in each of the years 1963, 1964, and 1965 continued their studies at a higher level and, if the information is available, where?

Mr. LEWIS (for Mr. Nalder) replied:

(1) 78.

(2) 110.

(3) In addition to (2) above, 13 rooms are provided for visiting lecturers and those attending short courses.

(4) 73. Of these, 15 eventually withdrew and 47 were accepted on the basis of meeting the college entrance requirements.

(5) Students are selected by the principal on the basis of the entrance requirements of the college.

(6) (a) 41.
(b) Nil.

(7)

1963	University of W.A.	2
	Perth Technical College	1
	Valuator course	1
		4
1964	University of W.A.	2
	Perth Technical College	2
	Teachers' College (W.A.)	2
	Lincoln College (N.Z.)	3
	Roseworthy College	1
		10
1965	University of W.A.	3

QUESTIONS (4): WITHOUT NOTICE

DARRYL BEAMISH CASE

Action by Government

1. Mr. HAWKE asked the Premier:
Have the members of Cabinet yet completed their study of Professor Brett's book on the Beamish case? If not, what progress has been made in this matter up to the present time?

Mr. BRAND replied:

The matter has not come to Cabinet yet, but, as I undertook to have done, the Minister for Justice is having the book examined and, from inquiry made of him this morning, this is still being done at the present time. I can only report that progress; and presumably upon the examination being completed and the report being made, the Cabinet will study the results.

RAILWAYS: "ALBANY PROGRESS"

Use of Old Coaches

2. Mr. HALL asked the Minister for Railways:

(1) As allegations were made by angry passengers on the *Albany Progress*, on Monday the 5th September, 1966, that car 5 was a disgrace to the W.A.G.R., can he advise as to the condition of car 5, used on the *Albany Progress* on the date mentioned, and the need for the use of an old four-berth coach on that occasion?

(2) Were passenger coaches usually in use on the Perth to Albany run, on the *Albany Progress*, diverted to the Perth-Geraldton run as a consequence of the Geraldton Sunshine Festival?

(3) If the answer to (2) is "No," can he advise why the coaches usually used were not in use on the *Albany Progress* on the 4th and 5th September, 1966, to provide equitable rail travel in keeping with second-class comfort and second-class fares?

Mr. COURT replied:

My only regret is that the member for Geraldton is not in his seat, but I thank the honourable member for giving me sufficient notice to have some research undertaken in this particular matter. The position is stated as follows:—

(1) The carriage referred to is an older type AQS four-berth car but in satisfactory condition.

AQS type cars do not compare favourably with the more modern AQM two-berth car which was marshalled next to the AQS. However, one AQM car only is available for use on the Albany passenger train on Sunday nights and any supplementation is necessarily by four-berth stock. This arrangement has always applied.

(2) No.

(3) Apart from replacement of the usual first-class sleeping car, the normal arrangement applied on this train.
The sleeping berth fee for accommodation in the two-berth AQM car is $2.00, or 50c in excess of that for accommodation in the four-berth AQS.

CARAVAN PARK AT PORT HEDLAND

Position, and Departmental Action

3. Mr. BICKERTON asked the Minister for the North-West:

(1) What action, if any, is his department taking in connection with the caravan park at Port Hedland?

(2) Is the situation caused by the fact that the Mt. Newman company has not yet made up its mind on the amount of land it wants at Port Hedland and, therefore, is preventing the local shire from having suitable land made available?

(3) If this is so, for how much longer will this particular mining company be able to dictate the terms of sale or the disposal of land in Port Hedland?

Mr. COURT replied:

(1) So far as the caravan park is concerned this, of course, is essentially a local authority matter and I presume it is handling the question in accordance with its authority and powers in this regard The honourable member also knows that the local authority has a problem and this is brought about by the upsurge of activity in the district; and, while I have not got the full details of the current position, I have some sympathy with the local authority for the problem with which it has to deal.

(2) and (3) The Mt. Newman company is not dictating to the Government what land will be made available, and I am amazed that the honourable member used this language in respect of this particular matter, knowing that he has a fair understanding of just what the current position is.

Mr. Bickerton: It is not the excuse.

Mr. COURT: No it is not. The situation is that the greater question of town planning for Port Hedland which has to fit in with the whole plan for the next 10, 15, or 20 years is currently being studied by expert officers, and they have to take into account a number of alternatives—whether we should force residential-type development off the Port Hedland Island in the near future, or try to have some happy compromise between industrial, port, commercial, and similar requirements and the residential needs of the town in the next 10 years. This is being pressed on with as quickly as possible and must be finalised before the negotiations with the Mt. Newman people are completed. I have already announced that the Mt. Newman people expect to reach agreement with the Government, and between themselves and the Japanese, by about the middle of October. I do not think I could foreshadow an earlier date than that.

RAILWAYS: KEWDALE MARSHALLING YARDS

Access Roads

4. Mr. JAMIESON asked the Minister for Railways:

In respect of the answers given to question 21 on today's notice paper, but more particularly to part (1), in regard to land requirements on the western side of the marshalling yards, and the apparently unnecessary delay in determining the final requirements, will the Minister undertake to expedite the matter to allow development of the alternative road system in the area?

Mr. COURT replied:

Action has already been taken to try to expedite a decision in respect of this matter, but it is not easy of solution. The department is pressing on as quickly as it can.

INDUSTRIAL LANDS (KWINANA) RAILWAY BILL

Message: Appropriations

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

BREAD ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. O'Neil (Minister for Labour), and read a first time.

GRAIN POOL ACT AMENDMENT BILL

Third Reading

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

STATE HOUSING ACT AMENDMENT BILL

Report

Report of Committee adopted.

BRANDS ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

BILLS (2): RECEIPT AND FIRST READING

1. Evidence Act Amendment Bill.

2. Debt Collectors Licensing Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th August.

MR. KELLY (Merredin-Yilgarn) [5.3 p.m.]: The life of the Farmers' Debts Adjustment Act has been extended on eight or nine occasions. The parent Act was originally put into operation about 36 years ago, and during the intervening period the provisions of the Act have been used extensively to relieve farmers in accordance with the wording in the legislation. On many occasions it has been responsible for enabling sections of our farming industry not only to benefit as a result of their being relieved of current difficulties, but it has also enabled those farmers to tide over a very difficult period and finally emerge with success to carry on their farming pursuits.

The present Bill is a continuance measure, and is designed to re-enact the legislation for a further five years. We all hope, of course, that the time will never arrive when it will be necessary to use this legislation to any great extent, because we appreciate that during the time the legislation is inactive, most of the farming community will be doing reasonably well. So, although it may be used at some time in the future to help primary industry generally, we are hopeful that this will not be necessary.

The Minister explained the Bill fully, although there was not a great deal to explain since it is only a continuing measure. Accordingly I support the second reading of the Bill.

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.

PUBLIC WORKS ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.9 p.m.]: I move—

That the Bill be now read a second time.

The proposed amendments to the Public Works Act deal with the following five aspects:—

(1) To rationalise the incidence of section 29 which gives former owners rights to repurchase resumed land surplus to requirements.

(2) To clarify section 46 which provides for advance payments of compensation.

(3) To provide for payment of additional compensation under section 63 to meet the special circumstances of any resumption and for other alterations in the assessment of compensation.

(4) To avoid excessive payments of interest under section 63(d) and section 63(e).

(5) The conversion of monetary references throughout the Act to decimal currency.

Section 29, which gives former owners rights to repurchase, is very broad in its implications, and it has been found that the obligation on the Minister to grant options to repurchase can give rise to undesirable and difficult circumstances in various aspects and in various ways.

To avoid these undesirable results it is proposed to absolve the Minister from the obligation to grant options to repurchase in the circumstances set out in the Bill. In the first place, in practice, it is futile in many instances for the Minister to be obliged to grant an option for repurchase of a remnant of land which does not comply with the requirements of the town planning and development Acts unless the applicant owns adjoining land with which it can be amalgamated to comply with those Acts.

But for the existing statutory direction in the Public Works Act such a course would be palpably illegal as contravening the town planning Acts; and such an option cannot be properly implemented because the supporting plan would not meet the approval of the Town Planning Board. The amendments in the Act are there to try to overcome the difficult circumstances surrounding this particular series of events.

When land not actually required for a work is included in a resumption because it is severed by the work—such as railways and controlled-access roads—from the owners' remaining lands, it is illogical that the owner should have an almost immediate and continuing right to repurchase it. Intances of this generally arise in rural areas when the rear of a holding is severed from convenient, or all, access by the owner when such a section is too small to be of use or of value to that owner.

In cases such as this it is the objective of the resuming authority, when negotiating the settlement of claims for compensation, to arrange for the inclusion of such severed areas in adjoining holdings to effect reasonable adjustment of boundaries to conform to the work. This process is delayed and could be stultified if a former owner, without sound reason, insists on his right to repurchase. The former owner would, of course, be compensated for the resumption of the land and, if he has good reason to repurchase, the Minister could still grant him an option under the amendment as submitted.

Generally it will, no doubt, be agreed that when portion of a holding is resumed and becomes available for disposal, the circumstances could be such that the land should be reincluded in the holding irrespective of change of ownership in the interim.

It is felt that the Minister should not be obliged to retransfer such areas to a former owner who has disposed of his remaining land, but should be free to consider the interests of the current owner of the holding. Recently an application was made to the department to compensate the current owner of such remaining lands following a retransfer of the resumed portion to the former owner in accordance with the Act as it now stands.

Again, when sites are resumed for major works, such as schools, hospitals, etc., and subsequent construction is being planned, it is found necessary to make minor excisions for corner truncations, perimeter road widening or straightening, drainage sumps, sewerage and electricity substations and the like, and it is submitted that such adjustments should be possible without recourse to the former owner.

It is proposed to give the Minister discretion to refuse options in the cases I have just described and under the general circumstances I have just talked about, but at the same time to give aggrieved applicants a right to appeal to the local court against the Minister's refusal.

It is considered that the existing restriction on a legal representative of a deceased former owner to apply for an option to repurchase only if he has power to purchase the land in his representative capacity is too narrow, and the amendment in clause 3 provides for such a legal representative to qualify for an option for a period of 10 years following the death of the former owner even though he might have to seek authority to repurchase. The manner of seeking authority is also described in the Bill. It is felt that 10 years is sufficient time for the estate of a deceased owner to be wound up.

The amendment in clause 3 also enunciates a general principle that, when there are no rights to repurchase land resumed or purchased for public works, which has become surplus to requirements, or where such rights have expired, the land should at the discretion of the Minister be first offered for sale to the former owner or the current owner of the residue of the holding from which the land was taken. This is intended to reinforce the existing policy of the department to consider the interest of these parties in disposal of such land.

Another amendment seeks to clarify section 46 (3) of the Act by authorising the respondent to offer and make advance payments of compensation as he sees fit while retaining the obligation already in the Act to pay two-thirds of the amount offered, if required by the claimant.

Claimants often require more than two-thirds of the departmental assessment of compensation to enable them to re-establish themselves pending settlement, and even before they have submitted a claim; and the respondent's authority to extend advance payments beyond the two-thirds now quoted in the Act is not completely clear.

By amendment of section 63, which provides the bases for the assessment of compensation, it is proposed to fix the date for valuation as at the date of gazettal of resumption, or, as at present, the date of prior entry for construction of the work; and, in the case of an agreement, to purchase under section 26, as at the date of such agreement, or as provided therein.

At present the main date for valuation is as at the sixtieth day preceding the notice of intention to resume, and this could date back more than 12 months prior to the actual taking by gazettal of resumption. It will be agreed that this lapse of time is quite inequitable in face of the prevailing rising values, and, as I am sure this was not intended in those cases, the department has exercised considerable discretion in this respect. A court would, however, be bound by the legislation.

It is proposed to fix the valuation as at the date the land is actually taken; that is, on agreement to take—which invariably covers some payment to the owner—on gazettal of resumption. or on prior entry for construction, which is when the owner is physically dispossessed.

An exception to this is resumption for railways, which must be authorised by special Act of Parliament, the date for valuation remaining practically as at present; that is, the first day of the session of Parliament in which the Act was introduced.

In fixing the main date for valuation as in the gazettal of resumption, and bearing in mind that prior notices of intention to resume or construct are issued, it is considered advisable by an amendment in clause 9 to seek to avoid any transactions by the claimant in the interim designed to affect the value of the land taken or compensation payable therefor. The amendment is, however, framed to avoid abrogating any *bona fide* transactions of such kind.

In respect of the elements to be taken into account in the assessment of compensation, inquiries reveal that the provisions of the Public Works Act in this State, and their application, compare favourably with similar legislation and practice in other parts of Australia and in England; but it is felt that provision should be made to authorise additional payments to meet the special circumstances of any case to ensure that the compensa-

tion paid is adequate for the compulsory taking. I have no doubt that this principle will be debated at length in this Parliament, but I feel it will be found impracticable to legislate more specifically in this respect.

To proceed, it has recently been conceded that injurious affection to the claimant's remaining adjoining lands by reason of the proposal to carry out the work is now compensable, but it is considered that only such net injurious affection should be allowed, and it is proposed to set off any enhancement in value of such lands arising from the proposed work.

It will be noted that this betterment is to be set off against the injurious affection arising from the work only and not in reduction of compensation otherwise assessed, although similar legislation elsewhere sets it off generally in the assessment of compensation.

In regard to interest, excessive amounts of interest are accruing on compensation payments now that the bank overdraft rate is in the vicinity of 7 per cent. per annum, and it has been found that some claimants are not really interested in settlement, because of this handsome return, free from outgoings, on land which, but for the resumption, could probably be unproductive.

It may be of interest to know that officers of the Public Works Department have been advised by their counterparts in the Eastern States to press for a reduction in interest rates on compensation, but the Government in this State takes a different view and feels that any reduction in interest rates would not be equitable in the usual circumstances surrounding the taking of someone's property.

Section 63 of the Act provides, quite naturally, for abatement of interest according to advanced payments made, and it is proposed to extend this abatement of interest to advance payments offered—under section 46 as proposed by this amendment—but not accepted by the claimant. This will, or should, induce claimants to accept advance payments offered—I do not really envisage any refusals—and, in addition to relieving the resuming authorities from excessive payments of interest, might remove the reluctance of some claimants to consider final settlement.

I do not think it is necessary for me to expound at all on the amendments in the Bill which deal with conversion to decimal currency.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

PUBLIC WORKS ACT AMENDMENT BILL

Message: Appropriations

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

BUILDERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

MR. TOMS (Bayswater) [5.26 p.m.]: When the Minister introduced this amending Bill he said it contained very few major amendments, but quite a number of minor ones, which could be dealt with in Committee. The minor amendments which he said could be dealt with in Committee are similar to those which have come before the House from time to time and which have been, and will continue to be, introduced through the abrogation of the election promise made by his party in 1949 to put value back into the pound.

I do not think I need remind members of that statement of policy, or of the splendid pamphlet which was compiled in respect of that issue. Once again the inflationary trend has led the Government to introduce an amending Bill to bring the amount prescribed in the Act up to current values.

The major amendments—if one can call them major—to the Builders' Registration Act include, firstly, one to prevent unregistered builders from building houses for their own use, living in them for a short period, selling them, and going to some other locality to repeat the process. There is nothing to prevent an unregistered builder from building a house once every 12 months and selling it, because all that he has to do under the provisions of the Bill is to make a declaration to the local authority from which he seeks a building permit that he has not within the preceding 12 months received a similar building permit from another local authority. Therefore, an unregistered builder could, once every 12 months, erect a house and sell it. I do not know why 12 months has been prescribed as the limiting period. Possibly that period could be extended to protect the genuine registered builder.

Mr. Ross Hutchinson: Do you intend to take any action in that respect?

Mr. TOMS: No. This is a Government Bill, and if the Minister is happy with the period of 12 months, then it is satisfactory to me.

Mr. Ross Hutchinson: I was testing your attitude.

Mr. TOMS: I shall leave that to the Minister, because he is the one who is putting the amendments forward. I am not prepared to penalise anybody if the Minister is not prepared to look into the point.

Another important aspect in regard to unregistered builders is that the value of the contracts which they are permitted to undertake is to be lifted from £800, or $1,600, to $2,400. In these days not very much, by way of additions to houses, can be constructed for $2,400. Under the Bill

that is the maximum value of the contracts that unregistered builders will be permitted to carry out.

Another amendment deals with the deletion of the section in the Act concerning the registration of an alien or unnaturalised person. I have no quarrel with that amendment, because provision still exists in the Act to ensure that such a person must pass the necessary examinations and obtain the required qualifications.

Nothing further in the Bill calls for any controversial discussion. As I said when I commenced my remarks, we will no doubt from time to time find it necessary to deal with amendments to the amounts in various Acts because of the inflationary trend which has occurred since this Government has been in office, and which will continue, no doubt, while this Government remains in office. I support the Bill.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [5.31 p.m.]: I thank the honourable member for most of the things he said in support of the legislation.

Mr. Graham: For all of them.

Mr. ROSS HUTCHINSON: I cannot quite agree with his contention that this Government has been solely responsible for any inflationary trend which may have occurred in recent years. Many factors, not only in Western Australia but in Australia and throughout the world, contribute towards general inflationary trends.

However, this Bill, as the honourable member has said, is not of a controversial nature in any way, and most of the amendments are fairly logical, although odd individuals could disagree with one or two of them. The Bill should be fairly generally accepted, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Works) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 4 amended—

Mr. TOMS: A number of amendments in this Bill provide for increases in penalties; and, whilst I am not going to oppose the increases, I want to say that I do not think they will have any more effect than the increased penalties have had on drunken drivers.

Mr. HALL: Would the Minister enlighten me as to the reason behind the provision in subparagraph (aa) that a dwelling must be built on ground level?

Mr. ROSS HUTCHINSON: I think the honourable member will appreciate that the purposes of the Act are: to lift standards of building: to provide an avenue through which complaints about faulty building can be channelled; and, because of these things, to provide for the registration of builders in the metropolitan area.

However, it was not originally desired to prevent a builder erecting his own house, and this matter has not been contested at any time the legislation has been before members. It was also felt that a home builder desiring to accommodate another member of his family, perhaps his parents—

Mr. Hawke: His mother-in-law.

Mr. Lewis: Too close!

Mr. ROSS HUTCHINSON: —or perhaps, as the Leader of the Opposition has suggested, to get his mother-in-law out of the house and into the one next door, should be able to do so. But it was felt this right should not be extended too far, and so in our wisdom we worded the amendment as it is in the Bill, and we feel that this is in the best interests of all.

Clause put and passed.

Clauses 5 to 15 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INDUSTRIAL LANDS (KWINANA) RAILWAY BILL

Second Reading

Debate resumed from the 1st September.

MR. HAWKE (Northam—Leader of the Opposition) [5.38 p.m.]: This Bill is to authorise the construction of a railway line from Kenwick to the Kwinana railway, and it is needed to serve a fertiliser industry which is to be operated by CSBP and Farmers Ltd. The railway line will be one mile 65 chains 70 links in length. I support the second reading.

Mr. Court: I thank the Leader of the Opposition for his co-operation.

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.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 18th August.

MR. W. HEGNEY (Mt. Hawthorn) [5.41 p.m.]: The Minister took only a short time to introduce this very small Bill—in fact, less than three minutes—and I do not propose to exceed that time by much.

The purpose of the Bill is to add a section to the Act of 1960 in order to give the authority certain powers. However,

I believe that the Act already provides for those powers. As a matter of fact, under section 7, the authority can do certain things. I do not propose to read all the paragraphs, but one of the functions of the authority is to supervise and maintain hostels and to carry out such other powers and functions as may be prescribed; and to exercise, in relation to hostels, such powers and functions as are conferred on it under the Act. The Act does, of course, in the final section provide that the Governor may make such regulations as he considers necessary or desirable to enable the functions of the authority to be carried out.

The point I am trying to make is that the Bill, which contains only two clauses, clause 2 being the essential one, seeks to amend section 7 of the principal Act as follows:—

> 2. Section seven of the principal Act is amended by adding after paragraph (b), the following paragraph—
>
> (ba) to undertake and carry out or cause to be carried out the general management of hostels, and in relation thereto but without limiting the generality thereof—
>
> (i) to regulate and control the admission of students to hostels, the conduct to be observed by them while accommodated therein, and the suspension or expulsion of students therefrom;
>
> (ii) to provide for the maintenance and enforcement of discipline in hostels;
>
> (iii) to engage and dismiss members of the staff of hostels and to determine their powers and duties;

and so on.

I do not believe that any amending legislation should be introduced unless it is absolutely essential. I studied the Minister's speech, and I found no evidence had been produced—I am not saying there is none available—to justify the introduction of this Bill. The Minister said that it was doubtful whether the authority had certain powers. I would like the Minister to tell us how often the admission of students to hostels has been contested by parents or students; how often the maintenance and enforcement of discipline in hostels has been contested; and whether there have been any particular instances when the jurisdiction of the responsible authority under the Act has been challenged.

The authority is empowered to engage, or dismiss, members of the staff of hostels and to determine their powers and duties. But, on how many occasions have employees, or members of the staff, been dismissed; and how many times have they appealed, or contested, the right of the authority to dismiss them? We ought to know these things.

I am reminded of a statement made by the member for Perth during the debate on the Address-in-Reply, to this effect: Very often, what is the need for the committee stage; what is the need for going into a Bill clause by clause when there is nothing contentious and no difference of opinion? In the final analysis, the member for Perth thinks that a Bill which is absolutely necessary should pass without any discussion.

However, I feel there is the need for discussion. I know the Minister does not mean in any way to be inconsiderate or discourteous in the matter; but, when introducing a Bill—even one as small as this—I think it is incumbent on the responsible Minister to give us some instances or details to justify adding to the existing Act. In this case, the Bill which is before the House proposes to add a paragraph to an existing section.

I would like to know if the Minister has any such instances. I, personally, would be very happy to hear them; they would help to ensure that there was a necessity for the introduction of this Bill. As I have said, the Minister only took a few minutes to introduce the measure. However, if he could give us some evidence of the necessity to have this amendment inserted in the Act, we, on this side of the House, would be very pleased indeed, because up to the present time, we have had no information to indicate that the right of the authority has been challenged in connection with the discipline of students; in connection with the expulsion of students from hostels; in connection with the dismissal of members of the staff; or in connection with the re-engagement, or engagement, of members of the staff.

Incidentally, I would like to know if the Minister could give us the approximate information—and this is relevant to a Bill of this nature—as to the number of children who are obliged to attend high schools in certain big provincial towns but who are not able to be accommodated in these country hostels. I understand there is still quite a number; although I know there may be some who are not desirous of stopping at the hostels because they have relatives or friends with whom to stay. However, if the Minister could give any information as to the number who would certainly attend the hostels if they had the opportunity, I am sure it would be of interest to members. I support the Bill.

MR. HALL (Albany) [5.49 p.m.]: I just want to say a few words on the matter, and what I have to say concerns the atmosphere of Albany with reference to

high school hostels. Perhaps the member for Mt. Hawthorn might have missed a point, and that is: where from time to time hostels have been overcrowded, it is because the existing amenities can provide for only so many students. To make sure that the students receive the best of the amenities in consequence of the tariffs they pay, would, I think, be the governing factor in regard to the intake of students.

The school hostels committee has undoubtedly made the grounds in the Rocks Hostel commensurate with the local atmosphere of Albany. This committee, together with the P.W.D., is to be congratulated for a very creditable performance, and for its outlook on the subject.

I think that discipline is necessary because, as time goes on, we find that the youth are becoming more vivacious and taking matters more into their own hands. This will be experienced if one travels in their company. I, personally, have had the experience of being with them when they have become rather exhilarated and full of vigour. Unless some type of discipline is enforced at the hostels, the authorities could run into difficulty.

I do commend the committee; but one of the failings I saw in Albany is that the committee has turned its attention to re-establishing old buildings instead of having a more far-reaching policy and proceeding with the modern type of hostel in that particular environment. This was one of my reasons for asking the Minister for Immigration today a question on the outlook in regard to the use of country buildings for migrants. I think we should have a look at the far-reaching effects of this committee and see if it could not be possible to build a modern high school hostel in Albany and release the Public Works buildings for the purposes of migrant intake.

I think we can align those two possible points with the fact that this committee may do a good job, but I think it should set its sights on a new modern hostel for Albany and give us modern conditions and surroundings that add up to better student accommodation and, I would say, better education.

MR. W. A. MANNING (Narrogin) [5.51 p.m.]: I feel it is necessary that members should realise the hostels authority establishes the buildings and then gives certain bodies the right to administer the running of the hostels. These bodies are church organisations and such associations as the Country Women's Association. However, circumstances can easily arise whereby the authority has to exercise authority, and it is very necessary that this should be fairly well defined.

It could be said that giving the authority so much detailed responsibility is quite wrong; and this would be so if the authority given were exercised in the wrong way. However, I believe that the authority as it stands at present—and as I hope it always will be—will exercise its responsibility only when it is needed.

The body which is managing the hostel should be able to exercise all the power necessary to control those who are boarding there, and should be able to deal with any other administrative matters of the hostel. There are circumstances which do arise at times that need a judicious approach. I feel that if the authority has the power which is set down in the amendment, it will be in a better position to see that justice is done and to see that the right thing is done in regard to the management of the hostels. I think members should be assured that the powers given will be used wisely.

The member for Mt. Hawthorn has pointed out that, in general, the authority already has the power set out in this Bill. In my opinion, setting it out in more detail is going to be advantageous to the smooth running and management of the hostels; and this, after all, is the prime reason for running them in the country towns. These hostels have proved an invaluable aid to education in the country districts and the sparsely settled areas. I consider we should give every support we can to the authority, which is doing such a splendid job at the present time.

MR. LEWIS (Moore—Minister for Education) [5.53 p.m.]: I want to thank the member for Mt. Hawthorn for his qualified support of the Bill, and I would also like to thank the other members who have contributed to this debate.

As the member for Mt. Hawthorn pointed out, this is only a small Bill. I considered it to be a fairly simple Bill and one which did not require a great deal of explanation. I thought the second reading speech—although it only took two or three minutes—was sufficient to explain the Bill. At that time, I pointed out that the purpose in introducing this measure is to give teeth to the legislation, which the Crown Law Department advised it did not have.

The member for Mt. Hawthorn has quoted from the Act and, until fairly recently, we did think that the Act provided sufficient powers. However, in view of the experiences undergone by the hostels authority—and, in particular, one of the hostel committees—in regard to the discipline of students and in regard to the engagement or dismissal of staff, and because of the great confusion and embarrassment that could be caused to the local committees if they do not have sufficient power to deal with such matters, certain regulations were framed.

When these regulations were placed before the Crown Law Department, it advised that the scope of the provisions of the Country High School Hostels Authority

Act, 1960-61, was not sufficiently wide to permit of such regulations being validly made. The Crown Law Department also advised that the Act does not contain power to enable the authority to direct the enforcement of discipline in hostels or the punishment of persons accommodated therein. It further advised that the only method of effecting this purpose appeared to lie in amendment to the Country High School Hostels Authority Act in order to enlarge the authority's functions as specfied. Authority was ultimately given for the Crown Law Department, and the Parliamentary Draftsman, to draft the required amendment, which has been incorporated in the Bill.

This is the explanation requested by the member for Mt. Hawthorn. In such matters, we have to be guided by the Crown Law Department, which has advised the Government that certain Acts are not sufficiently wide, or have not a clearly defined authority. There is then only one remedy and that is to amend the Act.

The member for Mt. Hawthorn asked for some specific instances of this. We have had instances where the supervisor—or the warden, as he may be termed—in charge of a hostel has found it necessary, in his view, to discipline certain of the student boarders, and punishment has been administered. We realise that in some instances this punishment could be very severe, and perhaps more severe than the offence warranted. We realise, too, that in other instances perhaps no punishment is administered at all because the warden would not have any yardstick by which to administer it; and, in some cases, he may desist from exercising the necessary authority, or administering some punishment to back it up, where this punishment is not set out.

Members will realise that in the regulations to the Education Act, the limits within which punishment—and particularly corporal punishment—can be administered are clearly defined; and the few occasions when corporal punishment can be administered are specified. However, we have no power at all under the Country High School Hostels Authority Act. We must remember, too, that these hostels are accommodating school children of an adolescent age. It is at that age when youngsters sometimes indulge in a certain amount of horseplay. While this is all right to a degree, there comes a limit to it and some discipline has to be administered.

It was with the intention of setting out clearly the punishment, and the circumstances under which it should be administered, that these regulations were framed. As I said a moment ago, it was found that, under the Act, the authority's powers were not clearly defined, hence, the amendment to the Act.

The member for Mt. Hawthorn also asked me to inform him of the number of students who failed to secure accommodation at these hostels. I regret that I have not the up-to-date information with me on this particular file, but we have a number of hostels in Western Australia now—I think the first one was established at Merredin and the last one was opened at Bunbury—and, in the main, they are very full indeed. Of course, some of them —but not many—do have accommodation to spare. As I have said, most of them are very full; and, in addition, some of them urgently need extension.

Mr. Kelly: There is an overflow at Merredin.

Mr. LEWIS: That is so. In addition, at Narrogin and other places there is pressure on the available accommodation. Nevertheless the hostels authority is governed by the provisions of the Act under which it has power to borrow $200,000 per annum. At the moment it is spending this money to the full; and, indeed, it could spend a great deal more if further funds were available. However, the fact must be faced that the Government is committed to expenditure in all directions, which is only natural in a fast-expanding State, and it is not possible to allow the hostels authority any more than $200,000 per annum.

The authority has a programme which will keep it busy for the next two or three years. I understand the girls' hostel at Northam is now under construction; and the authority also has in mind the building of a hostel at Esperance. Further, a hostel must be earnestly considered at Port Hedland in the near future. Not until these commitments are met can I see the hostels authority being in a position to extend the accommodation available at the existing hostels.

Mr. Bickerton: You have not built the hostel at Port Hedland yet?

Mr. LEWIS: It is not built yet.

Mr. Bickerton: I thought you were going to get on with that one.

Mr. LEWIS: So we are as soon as we can obtain the funds.

Mr. Bickerton: So long as you are working on it.

Mr. LEWIS: I can assure the honourable member it has not been forgotten; and by the time the hostel at Port Hedland and those at other centres are built, expansion of additional accommodation at several other hostels will be needed.

The member for Albany suggested that instead of taking over old buildings to provide the necessary accommodation, the authority should build new, modern structures. I can agree with him in principle, but, of course, we return to the old problem of insufficient loan funds. In some ways we are fortunate in being able to do

what we have done at Albany, because had we been unable to take over existing buildings there would have been no accommodation available for school hostels.

Mr. Hall: Would you agree to take over old public works buildings for use as migrant hostels and use the money now being spent for the building of new migrant hostels on the erection of hostels for country schools?

Mr. LEWIS: I hope the time is not too far distant when the authority will be able to build new accommodation at Albany.

Mr. Bovell: I hope the authority will build a hostel at Busselton first, because Albany already has a hostel, but Busselton has not.

Mr. LEWIS: The interjection by the Minister for Lands gives an indication of the present pressing need for accommodation for country school hostels at various centres. This, too, answers the comments made by the member for Narrogin. The position at Narrogin is appreciated, and I can assure the member representing that district the authority is doing its best to cope with the situation.

Mr. Hawke: Would the intention to expel a student require ministerial approval?

Mr. LEWIS: No; nor does it require approval under the Education Act but, nevertheless, the expulsion of a student is regarded as an extremely serious matter.

Mr. Hawke: It is indeed!

Mr. LEWIS: To give members some indication how serious the expulsion of a student is regarded, under the proposed regulations it is provided that no student shall be expelled from a hostel by a warden, but if the warden considers the circumstances so warrant—and this is for the most serious offence—he may suspend a student from a hostel and report the suspension to a subcommittee of the hostel. All hostels are managed by local committees, whose members can be called upon at short notice. Members of the subcommittee shall include the principal of the school, the chairman of the hostel committee or a member of the hostel committee nominated by him, and one other member. In the case of girls, the other member shall be a female.

If the suspension is confirmed, it is the duty of those responsible to arrange suitable accommodation for the suspended student—bearing in mind the student may be 150 miles from his home—and to inform the student's parents of the suspension. If the suspension is not confirmed by the committee the student may be readmitted to the hostel. The power of expulsion is vested in the hostel committee.

That is just some indication of the regulations for the expulsion or suspension of a student; and of course there are other regulations which deal with corporal punishment and how it shall be administered, and so on. These are lifted almost word for word from the relevant regulations under the Education Act.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Lewis (Minister for Education) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7 amended—

Mr. W. HEGNEY: I thank the Minister for explaining the necessity for the regulation. He certainly gave us quite a lot of information. Had this been done when the Bill was introduced this discussion would have been avoided. Some Ministers, like the Minister for Lands and the Minister for Railways, are very thorough when moving the second reading of a Bill; they give us quite a lot of detail, and I hope the Minister for Education will follow that example in future.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

Mr. TONKIN (Melville—Deputy Leader of the Opposition) [6.9 p.m.]: Quite a number of alterations are proposed in connection with this Bill, so I think it advisable to take stock of the existing situation. Members will recall that when the legislation was first brought before Parliament we were told that a very careful calculation had been made and it was anticipated that when the whole of the State was covered there would be a turnover of $23,000,000. I well remember the Minister at the time saying there was to be a curtailment of gambling facilities; that he was very much opposed to having starting price betting shops situated near hotels; that would be altered; henceforth credit betting would no longer be legal; agents would not be permitted to encourage people to bet on credit; and, because of these curtailments, it was expected there would be a substantial reduction in the turnover of off-course betting.

The Chairman of the Totalisator Agency Board endeavours, in the latest report issued, to show that he has effected some reduction. I cannot follow his argument, because he deliberately covers up the fact that under the old system of betting which was operated by licensed bookmakers, the very system itself made it necessary for a considerable amount of what was called laying-off.

If one bookmaker received a very large wager for a horse, especially from an inspired source, he would keep very little of it himself; he would pass it on to one of his colleagues. In many cases bookmakers would keep none of it themselves, but would add something to the investment, and pass that on to a colleague.

Quite often, after passing through the hands of a dozen operators, the original investment would land with the biggest operator in the State, and it would be many times larger than the original investment. All of that laying-off was included in turnover under the registered premises scheme.

But now there is no laying-off; there is no need to do this, because the Totalisator Agency Board is the only legal channel through which betting may take place in a totalisator region. So the bets which are made, and which are included in the turnover, are the actual initial investment; whereas under the scheme I have already explained, an investment of $100 might, before the race was actually run, turn into an investment of $1,000, because of the number of times it had been passed on from bookmaker to bookmaker, with additions being made to it in the process.

The Chairman of the Totalisator Agency Board knows that; he is not such a fool as he makes out with regard to these matters. He knows that, but he deliberately avoides any mention of it in his report, and endeavours to establish a situation where, in effect, he has been able to bring about some reduction.

The turnover which he shows for the last financial year, was something in excess of $36,000,000, when it was anticipated that it would not be greater than $23,000,000. This turnover will continue to rise, even if we consider the Bill before us. Steps are being taken to endeavour to establish, upon racecourses, facilities which were originally intended for off-course betting; not for on-course betting.

The SPEAKER: I will leave the Chair until the ringing of the bells. I say that, because we may ring the bells a bit late as a result of the picture show which is to be held in the recreation room this evening.

Sitting suspended from 6.15 to 7.35 p.m.

Mr. TONKIN: Before tea I was expounding that one of the provisions in the Bill is to enable the off-course betting system to intrude into the on-course system. Apparently not content with the betting facilities available off the course, the Totalisator Agency Board now wants to establish agencies on the course; I suppose to cut into the business of the on-course bookmakers who are paying their license fees, and to provide additional facilities to encourage gambling.

No doubt, doubles and quinellas which are not now available will be provided by the T.A.B. to encourage people to lose more money than they would otherwise lose. I am not in favour of that idea at all, and I do not think the Government should be, either; because according to statements made by the Premier, and the Minister for Railways, before the Totalisator Agency Board was established, the time had arrived when gambling in the community ought to be reduced—not encouraged. The Premier made a very definite statement to that effect: That the Government was out to reduce gambling, and not to increase it.

What have we seen since that time? Whereas under the old off-course licensed bookmakers' system it was extremely difficult, if not impossible, to wager on the down-the-line meetings, such as Werribee, Geelong, and Cranborne, the T.A.B. now caters specially for those meetings and arranges broadcasts in order to encourage people to bet; and it provides an additional avenue which previously did not exist. That is a fine way to discourage gambling!

Then we have the instances where approaches were made to local authorities to get them to re-zone certain areas in order to permit of the establishment of T.A.B. agencies on what were previously licensed premises. That is a fine way to discourage gambling! I can recall the member for Narrogin giving an expression of opinion in this House that he hoped these agencies would not be established near hotels. I told him they would be, and I proved to be right.

What I object to is the complete lack of candour on the part of the Chairman of the Totalisator Agency Board, and the way he goes about trying to mislead people by making statements which are only half-truths, and which he knows full well do not show the true position. I shall quote from the Sixth Annual Report of the T.A.B. I refer to the part of the report by the chairman to his Minister, which is signed by him. I hope the Minister does not swallow all that the chairman says. It is as follows:—

> This report, in addition to presenting the Board's Annual Accounts, reviews the effects of the Board's activities as a result of its first five years of operation.
>
> With the exception of eight licensed premises bookmakers, situated mainly in remote areas who still remain in operation, the Board has almost completed its statutory duty of replacing the licensed premises bookmakers' system with an Off-Course Totalisator system.
>
> In order to clarify some misconceptions which are believed to exist, particular reference has been made to the reductions in the size of the off-course

betting organisation in Western Australia, the volume of off-course betting in relation to personal disposable income, and the volume of credit betting, all of which have resulted from the board's adherence to a policy incorporating controls which presumably were not a part of the previous system.

The Board appreciates the co-operation and assistance received from the public, the press, radio and T.V., racing and trotting bodies, the Police Department, Postmaster General's Department, Agents and staff, and many others who have assisted during the year under review.

In my opinion, that does not tell the true position at all, for reasons I have already given. Mr. Maher then goes on to say that if the ordinary progression had continued in Western Australia, because of the increase in population, there should have been so much more money available; and, taking the required percentage of that for betting, then the volume of betting would have been much higher than it is now.

I do not accept that reasoning at all, because it completely disregards the factor I previously mentioned that of the total volume of betting which formerly obtained, quite a large proportion was as a result of the laying-off of bets as between bookmaker and bookmaker—a very large proportion of it. Of course, no reference at all has been made to that in this report. The report continues—

During the period of legalised off-course betting, the mean population of Western Australia has moved from 674,529 in 1955/56 to 797,537 in 1964-65, an increase of 18%. A shift in population is, by itself, not particularly significant when measuring the relative growth (or decline) of off-course betting, and it is considered necessary to have a yardstick that takes in both population and economic factors.

And then Mr. Maher proceeds to do that and quotes these figures—

In this State, over the last 10 years, off-course betting went from $33.4 million in the first year to $35.8 million last year—an increase of 7.2%.

So we have reached a figure which is in excess of the maximum that previously obtained, and which included the large volume of betting as between bookmaker and bookmaker built up on the original investment. So I complain, first of all, that the board, contrary to the Government's undertaking, has encouraged gambling and is still doing so; and this Bill is to enable the board to give greater encouragement, when the board should be doing quite the opposite, as the Government undertook would be done, and as did the Minister, when he introduced the Bill.

One of the provisions of this Bill—quite innocently put forward—is to enable the T.A.B. to do something which the court has already decided is illegal for it to do; and that is, manipulate dividends. Surely the people who maintain this sport—the bettors—are entitled to some consideration. Even though they may be foolish, they are entitled to fair and reasonable treatment, but from the T.A.B. they get none.

According to the Act, when the T.A.B. is acting as an agent for the bettor, it is supposed to put on the totalisator on the racecourse all the money that it is practicable for it to put on—that is the word in the Act: "practicable"—but the chairman of the board decides what will go on. I have a cutting here which I could read, if members want it read, in which the chairman has said that he does not put the money on the totalistator if he thinks it will unduly depress the dividend.

Let us have a look at this. Anybody who gives any study at all to the occupation of bookmaking will know that a bookmaker makes what he calls a book in a certain way, and generally he bets against the favourite. So, when the favourite gets beaten, as it does more often than not, he collects the money which he wagered against the favourite. The principle of a totalisator is that the people bet with one another and not with a third party—not with an outside bookmaker, but with one another. So all the money goes into a pool and, when the percentage is taken out, those who have taken tickets on the winner divide the amount that is left in the pool; and, when the favourite is beaten, the money which is wagered on the favourite stays in the pool and therefore increases the size of the dividend available on the less fancied horses.

However, if somebody is operating a pool, and he keeps out of the pool the money on the favourite that should have gone in, he reduces the amount available for distribution. So, if a horse other than the favourite wins, the dividend is smaller than it ought to be; and, of course, the T.A.B. profits from that because the people off the course are paid the dividend which is declared on the course. Therefore, if the T.A.B. can so engineer it that the dividend on the course is lower than it ought to be, it has a smaller payout. On the other hand, as the favourite gets beaten more often than not—and the T.A.B. is not up to lose much if it does not get beaten, as usually the favourites pay about 60c, or 55c for a 50c investment—it pays the T.A.B. to gamble with that money knowing if the favourite comes home, the bet is a mere bagatelle, anyhow. If the favourite gets beaten, the T.A.B. keeps all the money wagered on the favourite and so reduces the dividends it has to pay out on the successful horses.

Mr. Cornell: The punter gets crucified all the time.

Mr. TONKIN: Men have been lynched for that sort of thing in other parts of the world. I thought it my duty to point this out to the racing bodies. I thought they had a responsibility to the people who go to the races to gain enjoyment from the sport, and that those bodies ought to do something to safeguard the interests of their patrons; but, oh no! They were not interested. They were more interested in the dividends they could obtain from the T.A.B. irrespective of what happened to the bettors on the course.

I shall read a letter I sent to the Chairmain of the W.A.T.C. pointing out what was happening, in case he did not know, and suggesting he might do something about it; but there was no result. My letter was dated the 20th February, 1964, and reads as follows:—

> Chairman, West Australian Turf Club,
> 30 The Esplanade,
> Perth.
>
> Dear Sir,
>
> On 8th January last year I wrote to the members of the Totalisator Agency Board advising them that the Board was unlawfully retaining bets lodged with it which it was required to transmit to a totalisator.

I might say here that I had the advantage of the opinion of a Q.C. on this question. To continue—

> I regret to say that the illegality is still continuing and with costly effect on bettors because of the reduced dividends resulting.
>
> The Chairman of the Totalisator Agency Board (Mr. J. Maher) has said that the Board does not make the dividends—the punters do. (*Daily News* 29/6/66.) However, it is clear that the Board is deliberately interfering with the dividends and upsetting the proper working of the totalisator.

Now I quote what Mr. Maher said with regard to this, and it can be found in *The West Australian* of the 12th February, 1964. He said—

> We do not send money to the course for a particular horse if in our opinion the money will unduly depress a dividend.

So he decides what he will send to the course as the agent of the bettor. He manipulates the dividend; in other words, he lays the favourite. He bets against the favourite, knowing that if it wins he is not up for much of a payout, and if it loses, in racing parlance he cops the lot; and he gets a further advantage because he has reduced the dividend on the course for the horse which has won, and, as a result, he has a smaller payout in his agencies.

The Act under which he operates says that when he is operating as an agent he has to send to the course all the money that it is practicable for him to send. Now if one looks in the dictionary, one can easily find the meaning of "practicable," and that leaves no room for discretion on the part of the fellow who is to decide whether or not it is practicable. It is a matter of fact; but, in Mr. Maher's own words, he does not send the money to the course if it will unduly depress the dividend. I will read his own words again, as follows:—

> We do not send money to the course for a particular horse if in our opinion the money will unduly depress the dividend.

In other words, he decides what dividend he would like declared on the course, and he withholds the money, or puts it on, accordingly—quite illegally. I have no doubt he could go to the Crown Law Department and get advice which would uphold that action. From past experience I have no doubt whatever he could get a legal opinion to support him in that.

Mr. Bovell: You got a Q.C.'s opinion to support you on something.

Mr. TONKIN: Mine was a genuine one.

Mr. Bovell: You are not casting a reflection on the Crown Law Department are you?

Mr. TONKIN: I am suggesting some convenience is being adopted in connection with this matter; and in order to emphasise it I will give a simple illustration which I believe any youth could understand.

How many ways is it possible to wager on a totalisator? One can take the cash to the counter, or get someone to take it to a counter, and make a bet over the counter. That is a cash bet. There are three other ways. One can bet by telephone, by telegram, or by letter. In view of what has taken place, it is necessary to explain how the betting can be done.

If a person bets by letter, he writes a letter to the agency and states what he wants to bet, but he must put in the letter the amount he is going to wager. If he is going to wager by telegram—and this is set out in the Act—he sends a telegram to the agency and he must also telegraph the money with it, or he must previously have established a credit upon which he can operate.

The only other way it is possible for a person to bet is by telephone—to ring up and tell the agent he wants to make a wager, and that is the particular wager with which I am concerned. I quote from section 33 which reads—

> The following provisions apply in relation to betting through the Board:—

Perhaps I should explain, as Mr. Maher makes some distinction, that if an owner has a horse racing at the trotting meeting at Richmond Park or Gloucester Park,

and he wants to make a wager on that horse, and he rings up the Totalisator Agency Board, then he bets through the board because he expects the board to act as his agent and put his money on the totalisator on the course. Section 33 continues—

> (a) the Board, or any of its officers, agents or employees shall not accept a bet unless made—

I will refer only to the telephone bets.

> —in accordance with the provisions of this Act.
>
> (b) the Board, or any of its officers, agents or employees shall not accept any bet that is made by letter or by telegram or telephone message on any horse race unless—
>
> (i) the person making the bet has established with the Board in accordance with this Act, a credit account sufficient to pay the amount of the bet and has maintained the account up to the time of making the bet . . . .

So what are the criteria? One must pick up the telephone and ring up to make it a telephone bet. One must then have a credit account which has been established; and if those two conditions are not met, then there is a complete prohibition against having such a bet.

The SPEAKER: This is section 32 you are speaking to?

Mr. TONKIN: No, section 33.

The SPEAKER: Does the Bill amend this section?

Mr. TONKIN: You have me there, Mr. Speaker. It is Act 50 of 1960.

The SPEAKER: Does this Bill amend that particular section?

Mr. TONKIN: I can see what you are driving at, Mr. Speaker, and if you will permit me to say so we might as well get this clear before we go any further. I think that is desirable; we do not want to do anything we are not entitled to do, but we do want to do things which we are entitled to do. There is a proposal in this Bill to vary the amount of dividend which is derived from all the activities of the T.A.B.

Some of the activities of the T.A.B. which bring in a large amount of money are those which deal with races run outside the State and upon which the betting is done, to a large extent, by telephone. The Government proposes to vary the proportion of money given to the W.A.T.A. and the W.A.T.C. I am going to argue against the proportion which is to be allocated to each club. I am also going to make some suggestions for the improvement of the situation generally with regard to the T.A.B.'s operations, and to do that I submit, seeing that the long title of this Bill is to amend the Act, I am entitled to deal with the Act and any part of the Act.

Now, Mr. Speaker, I was giving this illustration: A bet is being made by telephone. All that it is necessary to ask to see if the law is being obeyed, is: How did the man bet? Did he go into an agency with his cash; did he write a letter; did he send a telegram; or did he ring up? The answer is, "He picked up a telephone and rang up." The only other question is, "Did this man have a credit account?" If the answer is "Yes," then it is a legal bet; but if the answer is "No," it is a prohibited bet.

I will cite a case which proves this conclusively. There is a man in gaol whom I went to see because I wanted to ascertain whether he was betting with the board or through the board. This man was backing his own horses very substantially, and those horses are racing at the local trotting meetings. There is no doubt whatever he was betting through the board and he did it to an extent which landed him in trouble. My complaint is that if the law had been observed he would not have got into that trouble.

When cases are developing and writs have been issued—and the member for Perth will correct me if I am wrong in this—there pass between lawyers what are called interrogatories. Certain statements are made which the opposing solicitors either accept or reject. In this particular case the interrogatory was passed and the statement was made that this man did not have a credit account. The solicitors on behalf of the T.A.B. admitted that that was so. We have the situation where this man bet to the extent of hundreds of dollars by ringing up on the telephone, and he did not have a credit account. But according to Mr. Maher, and the Minister, who says that there is both a private legal opinion and a Crown Law opinion, this betting was quite legal. There are the facts, Mr. Speaker; and when I say facts, I mean facts.

It was submitted on behalf of the board that the man did not have a credit account. It can be established beyond doubt that he did his betting by ringing up on the telephone, and on local horses. So he was betting through the board by the telephone, for which there is a distinct prohibition and, what is more, heavy penalties for doing so. I quote section 37 of the Act as follows:—

> A person who—
>
> (b) having the managment or control of or being employed or acting in any capacity in connection with any totalisator agency, accepts from any person any bet which is prohibited by or does not conform to this Act;
>
> commits an offence.

> Penalty: For a first offence one hundred pounds or imprisonment for three months; for a second offence two hundred pounds or imprisonment for six months; for any subsequent offence imprisonment for not less than six months and not more than twelve months without the option of a pecuniary penalty.

That is what Parliament thought about this when the Bill was going through. Now we go back to what the chairman explains is the situation with regard to credit beting. To anybody who knows what is going on, this should raise a smile. I will quote from the Sixth Annual Report of the Totalisator Agency Board of Western Australia, dated the 31st July, 1966. It reads—

> When the board was first established in December, 1960, it was the intention not to permit Agents of the Board to either directly or indirectly extend credit to backers.

Let me pause there, Mr. Speaker. Whose intention was it? I accept that statement as being factual. Was it the intention of the Government; was it the intention of Parliament; or was it the intention of the chairman of the board? The Act, which Parliament passed, prohibited certain bets —credit bets—and as the Minister said in the House that henceforth credit betting would no longer be legal, there is not too much doubt as to who intended that there should not be any credit betting. Now let me read on—

> However, it soon became apparent that this policy was too restrictive. Thus in July, 1961, the Board agreed to permit Agents, in their private capacities to assist in maintaining backers' accounts in credit, provided that any assistance given in this direction was limited in regard to both time and amount.

So, despite the intention of the Government, and despite the intention of Parliament, which was written into the legislation, because Mr. Maher was of the opinion it was too restrictive, he found a way of allowing backers to bet on credit.

The SPEAKER: The honourable member must get back to the Bill before us. At least half his speech has been on credit betting and there is no mention of it in the Bill as far as I can see. There is mention of the proportion of money to be paid out.

Mr. TONKIN: Mr. Speaker, are you telling me that the Bill has nothing to do with credit betting?

The SPEAKER: I did not say that at all. I suggested that you have devoted more than half your speech to the subject of credit betting, and I do not think the Bill proposes to do anything at all about that subject.

Mr. TONKIN: Am I limited to time?

The SPEAKER: No, you are not limited to time.

Mr. TONKIN: Then, how are you able to tell me that I have spent more than half my time on this subject?

The SPEAKER: Order! The honourable member will resume his seat. Let me make it quite clear that I have no intention to stand that sort of thing from any member of this Chamber. You have spoken for something in the nature of 45 minutes and you have been talking on credit betting for over 20 minutes. That is why I said "half the speech." Possibly, that was not completely exact. What I should have said was "half your speech so far". I think I have been fairly generous about this because I did drop a hint earlier on. I expect the honourable member to confine himself to the Bill.

Mr. TONKIN: If I have offended, I apologise. To proceed with this report and with the illustration I am giving that the chairman has a complete lack of candour, I propose to quote further from the report to show how it is deliberately misleading. The heading is "Government Revenue"—

> The T.A.B. makes available to the State Government per medium of turnover tax, investment tax paid by patrons, and unclaimed dividends, over $2,400,000 per annum. The money is utilised in meeting increased costs of social services including Medical and Hospital Services, Education, Housing, and other Public Works.

There is no more justification for that statement than there is for saying that the money derived by the Government from probate duty is used for hospitals, education, housing, and other social services; neither more nor less. The money which the Government derives from this source goes into general revenue and is not earmarked in any shape or form. That is the position with regard to the money derived from land tax or from probate duty. Therefore, one would be equally justified in saying that the revenue which the Government derives from land tax goes to provide for hospitals, schools, and social services, as Mr. Maher is in saying that the money derived from this source does just that. What it does, is to go into general revenue and it is spent by the Government in accordance with its plans for expenditure. I make the very clear statement that that is done deliberately to mislead, because there is no proper basis for it.

In Victoria, under the T.A.B. Act, the Government gets a certain amount in turnover tax and then a certain proportion of the money goes to hospitals and charities—and must be used for those purposes. The T.A.B. in Victoria would be justified in making a statement like this—that it raises a certain amount for hospitals and charities. However, there is no such justi-

fication in this case, and such a statement amounts to misrepresentation of the position.

The amount paid to racing and trotting this year is set out in this report and it totals $1,360,000. After the Government has had its share of turnover tax, and the expenses of running the T.A.B. are taken out, there was available last year, as I have said, $1,360,000, which is a very large sum of money. We keep on pouring this amount of money into racing despite the fact that the indications are that the attendances on the racecourses are falling and that a lesser number of people are attending. All this money is poured into racing when so many other things are languishing for the want of assistance.

Last year it was my privilege and pleasure to attend a function at Canning Bridge in connection with rowing. It was before the rowing eight and the fours went East to participate in the sport of rowing, which is a very fine sport for young men. It was made known to me at that gathering that the representatives of the fours were not present because they had to leave by road in order to get to the Eastern States as there was not enough money to pay their air fares. Therefore, they had to leave earlier than the others; they had to put up with the inconvenience and fatigue involved in travelling by road in order to participate in the sport in the Eastern States, and they had to do this because of lack of money. Everywhere we look, we find that amateur sport and various charities are living from hand to mouth whilst we go on pouring all this money into racing year after year.

I cannot see in any way how the clubs become entitled to the revenue which is derived from races run in the other States. I would not argue about them getting their share of the profits from events which they run themselves—that is, money derived from betting on local events, either racing or trotting. As the clubs put on the programmes and provide the stakes, they are entitled to their share of the profits from that business. However, for the life of me I cannot see how they become entitled to money which is raised on programmes put on in other States—programmes with which they have nothing whatever to do and where they are not involved in any expense.

It seems to me that, in view of the fact that the volume of betting has already considerably exceeded what was anticipated would be the maximum, we should call a halt and set up a "community chest" in Western Australia, and we could distribute something like $500,000 a year from this source. We could provide money for these various amateur sports which are languishing, and we could also provide money for worth-while charities.

I understand that if one were to add up all the money raised from the appeals which are made on the various Fridays of the year, it would not amount to a great deal of money. From memory, I think it is something like $120,000. That may not be the correct figure but I think it is somewhere around that amount.

We could restrict these appeals to a very limited three or four and, from the "community chest", the trustees could give to these various charitable organisations far more than they are getting now from their appeals. We would save the people from having these collection boxes poked under their noses every week; because it is practically the same section of the community that is contributing all the time.

I put that forward as being worthy of consideration by the Government. From time to time I have taken the trouble to collect newspaper cuttings referring to these various bodies which are appealing for funds, and these newspaper reports show that they are in a bad financial condition. We have lost our sense of perspective and our sense of values if we continue to pour all this money into racing and completely disregard the requirements of these other worth-while bodies. Surely the various branches of amateur sport are entitled to some encouragement by financial assistance from these funds, and also the many worthy charitable bodies which are trying to perform a worth-while job for the benefit of the community, but which are restricted because of lack of finance.

The following is an extract from a cutting which I took from *The West Australian* of the 13th March, 1965:—

> Women Appeal for Funds
>
> An appeal to the sportsmanship of those who watched on television the Australian women's athletic championships held recently in Perry Lakes Stadium was made last night by Mrs. Gwen Chester, president of the W.A. Women's Amateur Athletic Association.

Further down Mrs. Chester is reported as having said—

> But our attendances suffered accordingly, and now the association is faced with the difficult task of raising £500 to cover the deficit on the meeting.

That was the association's financial position at that time. My interest was also taken in a subleader in *The West Australian*, but unfortunately I did not record the date of issue. The article reads—

> Dr. J. V. Peters's view that Perth should have a conservatorium of music for geographical reasons alone is not idealistic or even too ambitious.

Further on, the following appears:—

> Talented young people with an ambition to make their mark in music are seriously handicapped. If Perth had facilities for studying music at university level some would go abroad per-

manently after they had completed their training but others would remain to lift the State's cultural standards.

Perth cannot get everything at once but it should keep its sights high. The present opportunity to do something about a conservatorium should be seriously considered.

It will be at the stage of consideration for many years unless a source of revenue other than directly from the Government can be found, and I am now suggesting a way by which it can be found.

I now quote the following taken from *The West Australian* of the 21st April, 1965:—

Youth Groups to Appeal for £100,000

The Governor, Sir Douglas Kendrew, will be patron of a State-wide appeal for £100,000 to be opened on June 8 by the Federation of Police and Citizens' Youth Clubs Inc.

The Governor told a gathering of business, professional and civic leaders at Government House yesterday that it was vital for the appeal to succeed.

The Governor said that juvenile crime in the 15-17 age group had risen by 75 per cent. in the past nine years in W.A.

The groups wanted money to try to deal with that situation, and whilst they are crying out for funds we are pouring money into racing for the benefit of a decreasing number of people. From *The West Australian* of the 30th April, 1965, I took the following report:—

Home for Needy Is in Need

In St. Gabriel's cottage—one of the nine children's homes at Parkerville—every toothbrush has a number.

The owner of toothbrush No. 3 has towel No. 3 and raincoat No. 3.

Nearly all are children of broken homes and, for some, their cottage life at Parkerville is the only home life they have known.

We now reach that part of the article dealing with the financial side of the institution, and it reads—

Parkerville is run by the Anglican Church but no barrier is raised against any child.

It costs £5/3/- a week to keep each child. The Child Welfare Department contributes £2/11/- for State wards and some parents make contributions.

Parkerville also receives 15/- a week endowment for each child and 10/- a week from the Lotteries Commission. But it has to find an additional £1/7/- a week for each child.

With a loss of £200 a week, it has run £7,000 into debt.

High hopes are held for the farm but it will be several years before it comes into full production.

Like the children it cares for, Parkerville itself is in need. Whilst that cry goes out unheeded what are we doing? We are pouring millions of dollars into racing! I have dozens of newspaper cuttings referring to various charitable organisations and amateur sporting bodies which are more or less in a state of penury. They are crying out for funds to expand their work and to do something for the welfare of the community! Their cries go unheeded whilst we are spending our time expanding the facilities for gambling, and pouring large sums of money into the places that provide these facilities.

In all seriousness I suggest it is time we placed this matter in its proper perspective and acquired a better appreciation of a true sense of values. If we do that this source of revenue will be turned to good account; and, as there are people in the community who will continue to bet, I suppose the State is foolish if it does not take advantage of the opportunity to use, for worth-while purposes, the money they contribute. But surely we have to set a limit to the amount we continue to pour back into racing!

The Minister's main proposal is to change the proportion of the surplus available as between trotting and racing. I do not know how this proportion was arrived at, but if one takes into consideration, first of all, the amount of money obtained from the operations of bettors on local races and trotting, one must say the trotting association should at least get as much as the Western Australian Turf Club. The figures show there is a bigger volume of off-course betting on trotting than there is on local galloping; and as neither of these bodies does anything towards putting on racing programmes in the Eastern States, in my opinion that should not be taken into consideration.

It is probable that the forces of the W.A.T.C. are too strong for the W.A.T.A., and that is why the W.A.T.A. has to agree to accept the proportion the Government is to make available to it. However, I do not think it is fair in view of the source from which the money is derived.

It appears that one of the clauses in the Bill seeks to make sections 1, 2, and 5 retrospective because the wording of the clause states that they shall be deemed to have come into operation on the 1st day of August, 1966. This measure will probably not be given the Governor's assent until towards the end of September, but the legislation is to be deemed to come into operation as from the 1st August this year. I do not know why, but that is what the Bill seeks to provide.

I have already made a short reference to the desire of the board to manipulate dividends. The Minister gave as his reason for this that occasionally a very high dividend results in one of the totalisators in the other States, and when that happens

the board is liable for a pretty big pay-out; so it wants to protect itself by setting a limit. I do not accept that for a second.

I have had so much of that stuff told to me in connection with this board since its inception that I just do not accept that as a reason at all. What the board wants to do is what it was doing for quite a long time, illegally, until a decision of the court stopped the board from doing it.

Members will recall that the board started off running its own pools and then decided that the dividend it would pay would not be the amount mentioned in the Bill as being a dividend declared on the course, but it would be not less than 87½ per cent. of the dividend declared, and not more than 112½ per cent.

So the board, itself, was arbitrarily fixing the dividend which it would pay out, without any relation whatever to the amount of money in the pool. When I told Mr. Maher, personally, that that was illegal he just would not have it. He thought that it was all right; but finally the case was taken to the court and an adverse decision was given, after which the board did not operate in that way. It was obliged to stop.

The amendment in the Bill will give the board power to do just that again, legally. It will enable it to do legally what previously it was doing illegally; that is, to decide whatever dividend it likes. I will read the amendment, so that its full import can be gained. It reads as follows:—

> Paragraph (a) of subsection (2) of section twenty-two of the principal Act is amended by adding after the the word, "made" being the last word in the paragraph, the words, "or in accordance with such percentage or amount more or less of the respective amounts of the dividends so declared as is prescribed".

I ask you, Mr. Speaker, do you think this board is likely to be declaring dividends for more than the amount declared on the course? No wonder you smile, Sir. If one has any regard for the operations of the board so far, one cannot expect that there will be any intention on the part of the board to increase dividends beyond those declared on the course unless it is to be done at the expense of some other dividend. The board might take it off some and put it on to others, and show a profit on the deal, we may be sure.

I object to that. If the board wants to protect itself against an unduly large dividend, as the off-course bookmakers used to do with their limits, I would have no objection to the figure being written into the Act. Let us say the maximum that the dividend shall be if the board wants this protection; but do not let us give the board an open cheque to write its own ticket and decide what it will pay, and when it will pay, as is prescribed. There would be nothing to stop the board under this power from altering the basis of the dividend every week.

Surely the people who are providing the money are entitled to a fair go! They may be foolish but they are entitled to common fairness. So long as the board is protected against an unduly large dividend, why should it want power to manipulate dividends from time to time, and determine what it is going to pay out? Why have we to depart from the original conception of this: that with regard to the Eastern States races the dividend will be a dividend declared on the course? This T.A.B. has not been running at a loss.

Mr. Craig: Following your line of reasoning, would you desire the undertaking which was given in the second reading speech, that the amount of dividend would not be less than 100 to 1 for a win and 25 to 1 for a place be written into the Act?

Mr. Hawke: Would the Minister speak up?

Mr. Craig: I think the Deputy Leader of the Opposition heard me.

Mr. TONKIN: Surely the Minister appreciates that assurances that have been given with regard to this legislation have not amounted to anything in the past.

Mr. Craig: I am only asking you: Would you like to see this written into the Act?

Mr. TONKIN: If you will permit me, Sir, I would like to point out that when the Minister of that time was introducing the legislation he said that henceforth credit betting would no longer be legal. Anyone hearing that would say, "That is the end of credit betting." But we know it was not the end. So can I be blamed if I am reluctant to accept an assurance given by Ministers that this is what it is intended to do?

If the Minister intends to state only an upper limit, why not declare the limit and put it in the Bill?

Mr. Craig: That is what I am asking you.

Mr. TONKIN: That is fair enough and I will support it. But I will not agree that we should say to the board, "You please yourself what dividend you declare from time to time according to the regulations which you promulgate to prescribe the amount."

That is most unfair and unreasonable, and it would not be tolerated by people generally if they understood what was intended. I have already explained my opinion of what ought to be done with the surplus. I hope the Government will give some consideration to the question whether the time has not arrived when we should say to the racing clubs, "You are getting sufficient from this source and it is time we did something worth while with

some of this money." Then, I suggest, we could set up a community chest and appoint some reputable persons as trustees. This would enable us to cut down the number of street appeals which are being made, and it would guarantee to the charitable organisations and the amateur sporting bodies a much bigger income than they are getting now. I submit it would be of considerable advantage to the general community.

The community would not lose from the change. There might be a few irate persons on the racecourses; but they having shown they are not very much concerned with the welfare of their patrons, I do not know that we should be very worried about their attitude. If we deal fairly with them, and have regard for what was calculated as being the maximum total turnover which would be achieved, no unfairness would be imposed upon these people if we decided that we would take some of this money and use it for better purposes.

For the reasons which I have given I am not at all happy with the Government's proposal. I realise it is not within my power to change it, because the Government has the numbers, but I feel it incumbent upon me to express my point of view, and that is what I have done.

MR. DAVIES (Victoria Park) [8.41 p.m.]: The Totalisator Agency Board Betting Act comes before this House fairly regularly. The original Bill was introduced in 1960, and amendments were made in 1961, 1962, and 1963. I must confess that I do not know very much more about it now than I did then, but I feel disposed to support the very good suggestion that was advanced by the Deputy Leader of the Opposition this evening in regard to the establishment of a community chest to assist amateur sporting bodies.

I am sure all members of this House can immediately think of amateur sporting bodies and organisations within their electorates which can very ably deal with any moneys that are made available to them. I should imagine there would be a hue and cry from the racing and trotting bodies if money which they expected to get were diverted to other sources; but I do not feel very great concern for the welfare of those bodies. I do not consider it is necessary for money to be made available to a racing club to build an escalator to take tired punters to the top of the grandstand.

In my view such moneys could be spent to far greater advantage in youth activities and sporting activities of all descriptions. I do not want to labour this point, because the Deputy Leader of the Opposition gave some excellent examples of the very deserving cases that have been reported in the newspapers in the past few months. Although the racing and trotting clubs may think they are being badly done by, they would not have a genuine complaint if profits from money invested on Eastern States races were made available to the community chest. I understand the figure would be quite substantial, and for that reason I would like to see more members in this House support the proposal made by the Deputy Leader of the Opposition.

I doubt, as the previous speaker stated, that we would get anywhere with the moving of amendments along the lines that have been mentioned, because the Government has announced its intentions in respect of the amending Bill; but it is well to bear in mind the proposal of the Deputy Leader of the Opposition; because, if adopted, it would take a load off my mind, and I am sure off the minds of other members, if a source of funds for sporting bodies were made available.

When we take into account that the entire budget for the Youth Council for the current year is only in the vicinity of $91,000, we can appreciate how little will be accomplished by it. In fact, the Youth Council is moving along very slowly indeed, and I await with interest the report of its activities. The amount of $91,000 which is available to it could be disposed of quite easily for youth activities in my electorate alone.

The Southern Districts Y.M.C.A. was established two years ago, but its members have far outgrown the existing premises which we thought would be sufficient for five years or 10 years. If we could obtain $2,000 or $3,000 from the Government to build an additional club room we could accommodate hundreds more young people for all kinds of activity. I imagine that is the way in which the community chest, suggested by the Deputy Leader of the Opposition, will assist the various youth and sporting organisations.

In introducing the measure the Minister did not say whether it was as a result of representations from the racing and trotting clubs. He did not even indicate whether it was purely as a result of his own opinion, or the opinion of the Totalisator Agency Board, that the amendments now before us have been precipitated, so we can only gather it was a combination of all of those factors.

The amendments in the Bill which cause me a little concern are those proposed to section 45 of the Act, and they deal with increased penalties for illegal betting. It was as recent as 1962 when we increased those penalties quite substantially. In the original Act provision was made for penalties to be imposed for illegal bookmaking, and for betting with illegal bookmakers. For a first offence there was a fine of up to £100; and for a second offence a term of imprisonment for three months as the minimum, and six months as the maximum. In 1962 for the offence of illegal book-

making the penalty was increased from £100 minimum, to £250 minimum and £500 maximum, or two months in gaol. For the punter, the penalty was adjusted to a minimum of £50 and a maximum of £250.

At that time the Minister told us he was very concerned with illegal betting and, indeed, he said in reply to an interjection, "To be quite frank the death penalty would be quite deserving in some of the instances brought to my notice." I can hardly believe the Minister was sincere in making such a ridiculous statement, by suggesting the death penalty should be imposed for illegal betting. Nevertheless, his comments are recorded on page 1355 of the 1962 *Hansard*.

He went on to give some details about the difficulties experienced by the police in finding sufficient evidence to prosecute for illegal betting, and he quoted the instance where one person was reputed to have kept his records on glass which he could smash on the approach of the police. To me this sounds fantastic, and I am quite sure whoever wrote that speech for the Minister would make a wonderful script writer for television, because he seems to have marvellous ideas to advance in regard to illegal betting.

Mr. May: He would not have to be very smart to be able to do that.

Mr. DAVIES: I agree he would not have to be very smart to be a script writer for some of the television programmes. I have not had time to view many of them myself, but I have heard of some. It appeared there was quite an amount of panic when the amendments of 1962 were introduced. The penalties were more than doubled in some instances, and the Act was widened to make the offences more specific.

I have not had time to check the debate, but I remember that considerable argument took place on the right of entry of police officers. The Minister suggested that they be given special consideration and be allowed to enter premises under conditions which, to us on this side of the House were abhorrent and which subsequently were deleted from the Bill. However, in 1962 the scope of the Act was widened and the penalties were more than doubled.

Now, in 1966, the penalties are to be doubled again. I do not believe that illegal betting can be prevented by increasing the penalties, particularly to the extent proposed by the Minister under this Bill. Last year we had the spectacle of doubling the penalties for drunken driving. From the figures which were quoted earlier during this session of Parliament it would appear that offences of drunken driving were on the decrease, and the steep increase in penalties had some salutary effect. However, I recall reading in the newspaper only a week or two ago where magistrate A. G. Smith said he was very concerned about the increase in drunken driving offences.

Apparently the effect which the Minister and perhaps all of us had hoped the increased penalties would have on drunken drivers has not been realised.

Mr. Craig: He was referring to the cases within his own court.

Mr. DAVIES: I should imagine that Magistrate Smith, within his own court, would have a fair cross-section among the cases that come before him.

Mr. Craig: The figures are down.

Mr. DAVIES: At a later stage in the session we shall seek from the Minister the figures in regard to drunken-driving offences. I sincerely hope the figures are down.

Mr. Craig: They are.

Mr. DAVIES: I do not know how the figures relate to the increase in population, or what the statistics will show, but I do know that Magistrate Smith expressed concern in his own court.

Apparently without any justification, other than to say the Chairman of the T.A.B. is worried about illegal betting, the Minister has asked us to double the penalty. For goodness' sake, do not imagine I am standing up carrying a flag for illegal betting. I know little about betting under any circumstances. I would not have been in a T.A.B. shop more than once during the past 12 months; and, this was only to place a bet for a sick friend. That is a perfectly good excuse, too. So I do not profess to know much at all about betting, but I express concern at the fact that this type of penalty can be brought in without any argument by the Minister whatsoever, except to say that the T.A.B. is worried that illegal betting is on the increase.

When the Minister spoke in this House last Thursday, I asked him by way of interjection whether he would give us any figures to justify the action he was asking us to take and he said, "I cannot really substantiate it on figures. I can base it only on the knowledge that the board is aware of the extent of illegal bookmaking." I think we need more information than that before we amend the Act along the lines requested on this occasion.

Further, by way of interjection, I asked the Minister if he could tell us, perhaps at a later date, the number of successful and unsuccessful prosecutions. Then the Minister made the astounding statement that there had not been a great many, but there had been a number over the past few years. I do now know whether he meant there had not been a great number of successful or unsuccessful prosecutions; and I do not know if there were a great many of both. The Minister did not give us one iota of argument to support his case, other than to express concern.

The penalty that was in the Act in 1960 was more than doubled in 1962, and we are now being asked to double it again. I feel

this is vicious legislation—hit them to leg; get into them. It shows the Government is incapable of coping with these people; and it proposes to deal with them in a way that is frightening. We will not have the kind of community in which I desire to live. I believe there has to be justice both for the lawmaker and the lawbreaker. I think the concept of the Australian way of life is a fair go; and I do not believe the Government is giving a fair go in the way it is attacking this problem.

If the Government gave us some figures in order to justify its case perhaps we would be quite happy to increase the penalty, but it has completely ignored any argument along those lines. In addition, it wants to make special provision in regard to betting so that up to five years later a case can be taken before the court. It wants the T.A.B. to override section 51 of the Justices Act, which requires that for any other penalty one can only be taken to court up to a period of six months after the offence. However, for betting, which is apparently becoming a holy cow as far as the machinations and operations of the T.A.B. are concerned, one will be able to be taken to court up to five years after the offence has been committed. I do not believe there is any justification for that.

As I said before, this sort of thing is not in line with what we have been led to believe is the Australian way of life, which is rapidly becoming somewhat tarnished, particularly on account of the actions of this Government.

This measure not only amends the Justices Act, but also is going to be retrospective. I must confess the Minister's statement in this regard does not seem to be the same as the information contained in the measure. The Minister said—

> In time, as the period gradually extends from the existing six months up to five years, this amendment could well prove to be a strong deterrent to illegal betting. It is intended that this be retrospective.

If this is to be retrospective, I wish the Minister would make it clear in the Bill because clause 2, as the previous speaker pointed out, states "sections 1, 2, and 5 of the Act shall be deemed to have come into operation on the 1st day of August, 1966." Section 45 (1) of the Act, as amended by clause 6 of this measure is not mentioned in clause 2. Therefore, from a reading of the Bill, it does not appear that the right of retrospectivity is as claimed by the Minister in his speech, so I would like him to clear this up at a later date.

In so far as the rest of this Bill is concerned, I am afraid betting is something in which I have not taken a great interest. I have seen it cause a great deal of hardship in the community; and I do not believe the operations of the T.A.B. have in any way lessened the hardship of individual families. Since the T.A.B. commenced operations, there are just as many people suffering from the betting or gambling urge as there were previously. I remember the churches being alarmed at the fact that gambling was to be made legal, but over the last few years the churches seem to have become particularly disinterested in gambling. I am wondering whether they are now in favour of gambling, irrespective of whether it is operated by the T.A.B. or not.

Considering the public outcry at the time of the introduction of the T.A.B. legislation, and the introduction of licensed S.P. bookmakers, I have often wondered whether the churches just got on the band wagon at the time and were really not concerned with the hardship that betting causes many families.

Mr. May: They have a new name for it now.

Mr. Hall: Bingo!

Mr. DAVIES: I repeat my support for the suggestion advanced by the Deputy Leader of the Opposition for a community chest. I also repeat that the Government is trying to deal with a supposed problem—we have not been given any proof that there is a problem in regard to illegal betting—by fear. I do not like to see this kind of legislation passed, and I think we are entitled to much more argument than has been advanced, particularly as the only argument put forward is the fact that the T.A.B. is apparently concerned.

I certainly do not like to see special consideration being given to the operations of the Totalisator Agency Board by its being allowed to take action up to five years after an alleged offence. If under the Justices Act complaints in regard to certain offences must be lodged within six months, then no reason at all exists why the T.A.B. should receive special consideration.

I do not like some of the operations of the board, and I certainly do not like these amendments.

Debate adjourned, on motion by Mr. Cornell.

HEALTH ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Works) [9.1 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is on the file and has been dealt with in another place. It seeks to amend the Health Act in several respects and, as will be seen, its provisions are intended to come into operation at a date to be proclaimed.

The first amendment contained in clause 3 introduces a new feature. Regulations already in existence make it an offence for any person to use—I empha-

sise the word "use"—in any sewerage or drainage work, a fitting which is not of the required standard. Included amongst such fittings is the reinforced concrete cover used in septic tanks and soak wells. Some manufacturers are manufacturing a product the concrete of which is of very poor quality, and in some cases the reinforcement work is left out.

As the law stands, only the person who uses such a defective article commits an offence. In order to protect the building industry and the public against these deficient products, it is proposed that a new section be inserted under which a manufacturer will become liable if he manufactures substandard fittings.

The amendment in clause 4 simply corrects a misspelt word in section 134 of the Act. Clause 5 envisages a change in the application of existing restrictions imposed upon some operations now classified as offensive trades. At present all laundries and drycleaning establishments must register with a local authority, and are subject to a number of town planning and other controls. Some modern drycleaning machines have dispensed with the use of highly inflammable solvents, and the machines may be operated in any shopping area without an offence being committed. A number of other examples have been disclosed by an investigation recently undertaken by the Public Health Department. The proposed amendment will allow of amendment to the list of trades contained in the second schedule of the Act, and will also permit certain exemptions to be granted where these are justified.

Clause 6 seeks to amend an authority contained in section 240 of the Act for regulations to be made concerning the inspection and branding of meat. As the section stands, the regulations must apply to the whole of any local government district if they are to operate at all in that district. The practical situation, of course, does not always require this, and so the amendment will enable regulations to be made applicable in such areas as are indicated in the circumstances.

Clauses 7, 8, and 9 are concerned with the same subject. The general penalty for an offence against the Health Act since 1911 has been a fine not exceeding $40. After reviewing the situation, and having taken into account strong representations from local government authorities, the Government has agreed it is necessary to increase the maximum penalty to a sum not exceeding $200.

The final clause seeks to repeal section 361A of the Health Act. This section is merely concerned with the machinery of fixing penalties and was inserted in 1957 when the minimum penalty was deleted from the Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Davies.

AGRICULTURAL PRODUCTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

MR. KELLY (Merredin-Yilgarn) [9.6 p.m.]: This Bill seeks a further extension to an amendment originally introduced in 1962. I looked up the speech the Minister gave when he introduced the Bill on that occasion and I found he was most emphatic in stating it would be for one year only. However, as the years have gone by, a Bill of this nature has been introduced on several occasions.

If I remember rightly, the original legislation was ushered into the Chamber on a trial basis and, accordingly, the Minister was given some latitude when he made the statement that the legislation would be required for one year only. Perhaps he envisaged that, with a complex industry such as the apple industry appeared to be at that time and still is, the need might arise to carry the legislation further.

The original legislation was introduced following the recommendations of a Royal Commission which had sat for some considerable time and reached the decision that a full marketing scheme should be introduced. However, the Government did not see fit to act on that recommendation, but brought in what I referred to at the time as, and still consider to be, a shandygaff type of legislation. The committee then appointed was not clothed with sufficient responsibility to achieve what was necessary if the industry was to be improved. Over the years, the legislation has been proved to be a shandygaff or stop-gap type, which has achieved very little.

When the original legislation was introduced, the Government appointed the Apple Sales Advisory Committee and, as I said, clothed it with insufficient authority to enable it to do very much more than the Minister then forecast. He said it was designed to "establish machinery to determine the size and quality of specified varieties of apples which should be sold on the market."

That was only one of the industry's ills and difficulties at that time, and those difficulties and ills still exist, but little has been achieved over the years. On each occasion when legislation of this nature has come before the House, it has been introduced with the statement that because of the difficulties that have existed, the position has been no better at the end of each period by which the legislation was extended. I do not know that anyone can be blamed for that.

At first I was of the opinion that the Apples Sales Advisory Committee was perhaps at fault, but I have altered that opinion. I think the committee is not

clothed with sufficient legislative power to be able to do much more than it has done. The committee has been given a very difficult task because of the Act and it has not the necessary authority to do any more than what the Minister stated was the reason it was brought into being.

Mr. Nalder: Do you think that if it was given extra authority any great alteration would take place?

Mr. KELLY: Under the present set-up, the apple sales authority cannot be expected to do much more than chase around and check on the quality and size of apples. That, of course, is only tinkering with the difficulties of this industry; and, whilst we are prepared to sit back and be satisfied that an odd apple or two is being rejected—and a lot of them are getting past the stage where they are being rejected —we will get nowhere.

Time and again we find on our own parliamentary dining-room tables, very poor quality fruit supplied for members. Time and again, when apples which have been supplied to us have been cut in two, there would not be a toothful — much less a mouthful—of solid apple in them. The same applies to many of the apples we get in the shops. They look good on the outside but when taken home they are fit for stock only.

So it seems that some portion of the activities of the authority must break down. I notice there are four inspectors who are supposed to be looking after the apples which come onto the market. I do not know whether four inspectors can handle a crop of about 2,500,000 bushels at the present time. With the possibility of the crop increasing still further, I do not know whether four inspectors will have a ghost of a chance of ascertaining the quality of the apples sent to the market for disposal in the various ways.

Of course, this Act is only supposed to operate where the local market is concerned—I realise that—but there are lots of apples that have to pass through the local market; perhaps not all of the 2,500,000 bushels I have mentioned, but a great number, have to be handled in this State.

I think that having to rely on just this sales authority to control the whole of the market requirements of the people of Western Australia is asking too much. After all, it has not a great deal of authority; it is only referred authority because everything has to be referred back to the Minister. In the process, the number of bushels of inferior apples getting by and reaching the public is tremendous, and it is, I think, defeating the object of this Bill.

Mr. Nalder: The committee only has to refer back to the Minister the decision it reaches at the beginning of each year regarding the size and quality of apples it will allow on the market. It is then up to the inspectors to make sure that particular type and size of apple, and nothing under, is allowed onto the market.

Mr. KELLY: That may be so, but the Minister must remember that when I criticised him in the Chamber he decided to come with me to the markets to see the apples which were actually being sold.

Mr. Nalder: The committee, of course, had gone out of existence for that year. It is only in existence for several months each year; and I understand that even now, at this stage, the committee has gone out of operation because the apple season is over.

Mr. KELLY: Then what useful purpose does the committee serve under those conditions? If the committee is not given sufficient power to do what it would like to do, what is the use of its operating at all?

Mr. Nalder: It operates when the apples are coming onto the market. The apples which are available from now on come out of cool stores.

Mr. KELLY: Surely to goodness the operations of this committee should embrace all sections of the consumer-public's apple supply.

Mr. Nalder: For the whole period?

Mr. KELLY: Yes, very definitely.

Mr. Nalder: The honourable member should put that proposition to the people concerned.

Mr. KELLY: I am putting it to the Minister.

Mr. Nalder: This legislation is the result of a request from the growers.

Mr. KELLY: Does not the Minister think it is time, in the interests of everybody concerned—the growers and the various other people handling the apples, and the consumers—that something was done by the Government to iron out these difficulties? If the growers cannot make up their minds about what they want to do, surely it is the prerogative of the Government to make up their minds for them and tell them where they are heading.

Mr. Nalder: I guarantee that the honourable member was never able to make up the minds of the growers. I will challenge him on that.

Mr. KELLY: The Minister has had a lot of trouble that should never have occurred.

Mr. Nalder: The honourable member never made up the minds of the growers for them.

The SPEAKER: Order!

Mr. KELLY: Never mind that; I am speaking now of apples, and I know how many times I had to make up my mind and how many times I was helpful to the industry during the 12 months I was in office. Do not get away with the idea

that I was in office for years; it was only for 12 months, and in that time I made a lot of friends amongst the producers. In any case, I do not think the way this amendment is brought to us year after year is achieving anything at all.

Mr. Nalder: You are not in favour of it?

Mr. KELLY: I have not said that.

Mr. Nalder: You are implying it.

Mr. KELLY: I said we are not achieving anything; and I do not think we will achieve anything while the authority has its teeth drawn. All that the Minister can say in his own naive and modest way about the operations of the authority in past times is that it has been helpful. Heavens above, if I helped an old lady across a busy street, I would be helpful! If this is the best the Minister can do for the present-day activities of the apple producers, I think we are only wasting the time of this House with a measure of this kind. The quality of the apples is not improving, but we are paying plenty for them.

I think it is a travesty to bring legislation of this kind for re-enactment time and time again. It is wasting the time of the House, and I suppose I am wasting time also.

Mr. Nalder: The growers do not think it is a waste of time.

Mr. KELLY: The Minister will need to achieve more tangible results if we are to get anywhere. I do not like the necessity of having to talk like this time and again. On this occasion, the Bill needs to go a bit further; and whether that is just to create more difficulty, I do not know. If the result will be as the Minister seems to think it will, that there will be a better class of pear on the market—and on the advice of a citrus sales committee, there is to be a similar type of control for oranges, mandarins grapefruit, and lemons—it will, perhaps, improve the situation. However, the committee could run into some difficulties there. Some of those fruits are very hard to keep.

I think the marketing difficulties where lemons are concerned are very marked because, time and again, one will find there are thousands and thousands of lemons on the trees but nobody seems to be interested in picking them because they are just too difficult to dispose of. Lemons are one of the nightmares of the market, and it is only on odd occasions that they command anything like a reasonable price. Lemons could have been left out without any difficulty and they would not have been missed.

There is not much to be said when an Act of this kind has been in operation for four years and has achieved so very little. It has not satisfied anybody—not even the growers. I have a number of cuttings here that I could regale the House with in connection with the opinions of various sections of growers in Manjimup, Bridgetown, and other places. Suffice it to say that none of these growers are very happy about this legislation. They keep asking the Minister to continue with it because they cannot come up with anything better. To my mind if the people concerned—the growers themselves—are not in a position to suggest something after this period of time, surely this shows that there must be a very decided weakness in continuing legislation of this kind.

From the opinions I have heard, I think the only successful way of overcoming this difficulty would be through a board analogous to the boards which control onions, potatoes, and various other commodities. Although under these circumstances when a board is operating, we receive an occasional grizzle—one cannot please everybody—by and large, I think the board's activities are more satisfactory to the grower. Unless there is some loophole whereby the public could to some extent be exploited, I think the establishment of a board would solve a lot of the difficulties facing the apple industry.

Mr. Nalder: There is an Australia-wide one, isn't there?

Mr. KELLY: Yes.

Mr. Nalder: Would you prefer to have it divorced from the Australian set-up and, instead, have a State one?

Mr. KELLY: The same as potatoes and eggs?

Mr. Nalder: Eggs now are under a Commonwealth Act whereas potatoes are under a local marketing board.

Mr. KELLY: I would put apples on the same basis as potatoes. I know the potato board comes in for quite an amount of criticism from time to time; but, no matter what one does, there will be criticism of some kind.

Mr. Nalder: I will be prepared to submit your proposition to the association to see whether it is interested in it.

Mr. KELLY: I think the association would be interested. A number of people have spoken to me on lines similar to what has been suggested. These people recognise that it is silly to have two sections as we have now; that is, our export set-up and our local market set-up; and the local market set-up controls the apples after the export people have taken their quota. After the export quota has been taken, the local boys are charged with the responsibility of getting rid of the remainder. As has happened on past occasions, a terrific amount of good fruit is wasted. Is it because we have not a sufficiently modern cider producing plant; or is it because we have a standard that is creating a lot of trouble?

Last year I had apples given to me which were beautiful except that they were slightly blemished. In some cases they were sun-marked; in other cases they had what was referred to as an overdose of some type of weedicide or insecticide which had been used in spraying and which had slightly blemished the skins. However, the apples themselves were better than those which could be bought on the market at any price. There are other similar defects, but I do not think these are the ones we should be chasing. The quality of fruit that does come into the category of "reject" is remarkable. I do not think that any good purpose is served in judging the fruit by, as the Minister says, the size. Indeed, on my own table at home there are apples which were bought the other day and which would not be more than two inches in diameter. I could bring these in to the Minister.

Mr. Nalder: I bought some this week which were less than one inch.

Mr. KELLY: They must have been marbles.

Mr. Nalder: They were marbles.

Mr. KELLY: I think the whole situation is ridiculous. We should get down to something that is going to prove of benefit to the industry, to the producers, and to the public, and so endeavour to get away from this wilful waste that is taking place year after year. I think it is an indictment upon us if we cannot arrive at some better basis. As I have said previously, I am criticising not the Act, nor the people who are administering it, but the whole set-up in regard to the coverage that this legislation actually gives and the result that is being achieved.

I know the Minister cannot be happy about the result that is achieved, because of the divergence of opinion—even among growers themselves—as to whether they are getting anywhere or not.

Although I have spoken to some extent as if I were not very much in favour of the Bill, at the present time there is nothing better. Therefore it looks as though we must again agree with the Minister that he should continue with it for this period of time, that is, for two years, not one. In the meantime, I do hope that something better in the way of legislation which will be of benefit to the industry, generally, will be brought before the House.

As far as the other two amendments are concerned, I am quite in accord that they should be given a trial. They cannot be any worse than the others have been; they have been introduced four or five times in a period of four or five years. I suppose it is a case of hoping for the best. I support the second reading.

MR. DUNN (Darling Range) [9.27 p.m.]: I do not intend to give a long dissertation on the fruit industry, but I do want to say a few words in support of the measure because I feel it deals with one of the major problems of the industry, which is an extremely important one to the State and is responsible for quite a lot of revenue and expenditure. From every indication, this industry is facing a fairly difficult period, both currently and in the future.

I do want to say that the question of the quality of the products that are being produced and the maintenance of this quality —both on the local market and on the overseas market—is one of extreme importance to the industry. Whilst in the past there have been many instances of people associated with the industry working completely against the interests of the industry by putting inferior products on the market, I do not go along with the last speaker in his statement that he has apples at home which are two inches in diameter, and that apples of only 1 inch diameter can be bought. The reason I cannot go along with him is that this situation has parallels in other spheres. I would remind the honourable member that people are driving motorcars without licenses; people are selling undersized crayfish; and in some instances people may be making wrong bets on the T.A.B.

Mr. Kelly: I did not mention anything about 1-inch apples—it was the Minister.

Mr. Hall: Don't bring the T.A.B. in again!

Mr. DUNN: Anyway, I would not like to bet on the quality of apples all the time. From my own observations, and generally speaking, since this Bill was first introduced in 1952 there has been an improvement in the quality of the fruit on the local market. Although this improvement may not be to the extent that is desirable, nevertheless there has been some improvement. From the industry's point of view, it is encouraging to note that the growers themselves are making a request to bring both pears and citrus fruits under the control of this Act.

This is a clear indication that those engaged in the industry at least have accepted the principle which they have asked to be re-enacted, and are quite prepared to have the provisions of the Act extended to cover these other products. This is most important, because the maintenance of quality on the local market is something which will have a profound effect on the question of whether we will continue to sell a quantity of fruit on the local market.

I am advised by those who should know that approximately 700,000 cases of apples per annum are sold on the local market, and if this were increased to 800,000 cases it would be of material benefit to fruit growers. Further, I understand that about 1,700,000 cases of apples produced are marketed overseas in a heavy year and 600,000 cases in a light year. I am also advised that trees planted over the past 10 years, which are now coming into production, could quite con-

ceivably increase this export figure to 3,000,000 cases a year if we could find more markets.

The present position concerning the export of apples indicates that the situation in Great Britain has been disastrous. I am informed that New Zealand exported 1,700,000 cases this year, and the anticipated loss on the export of those apples is something in the vicinity of £1,000,000 sterling. In fact, the New Zealand situation is so disastrous it has wiped out the reserve of £839,000 sterling that had been built up. I understand the local losses have not yet been assessed; but there is every indication this will be one of the worst seasons the New Zealand industry has experienced in the export and local market trade.

The quality of apples on both the local and export markets should be maintained; and the need for maintenance of quality should be inculcated into those engaged in the industry so that they will realise that if they expect to compete with the fruit dumped on the English market by South Africa and other countries they will only do so successfully if the fruit is of first-class quality. The producers in South Africa have a geographical advantage in marketing their fruit in Great Britain, and this gives them the further advantage of lower freight charges. Another important factor is that they are able to reach the English market with their fruit earlier than the Western Australian growers.

One of the problems in Western Australia is that fruit must be exported as refrigerated cargo, and the timing of shipments is of prime importance if quality is to be maintained. It is encouraging to know that those in the industry have now accepted that the maintenance of quality must also apply to other fruits complementary to the apple industry. If there is a greater acceptance by those engaged in the industry that quality is of the utmost importance, then I say to the member for Merredin-Yilgarn that this legislation has achieved something in the four years it has been in operation. One cannot expect marked improvement in the marketing of any agricultural products within a matter of 12 months. It takes time for the industry as a whole to accept the principle that quality must be maintained and to know that a good end result cannot be achieved if, for the sake of expediency, a crop of poor quality is marketed.

One would be foolish indeed if one were not aware that there are many in the industry who are quite prepared to do this. If in the final analysis, and over a reasonable period of time, we can convince those growers that, in their own interests and in the interests of the industry in general, it is right and proper for them not only fully to subscribe to the principle of maintaining quality at all costs, but also to ensure the other products they produce are produced with the object of maintaining quality, because this is expected on both the local and export market, then the legislation will not have been in vain. I commend the Bill to the House.

MR. MITCHELL (Stirling) [9.37 p.m.]: The Minister introduced the Bill at the request of the Fruit Growers' Association, or the fruit growers of Western Australia, and I suppose, with that we cannot have any real argument. However, I express regret that the growers, up until this stage, have not worked out something better for themselves than they have over the last four years. I am not blaming the Minister for this, but the fruit growers themselves; and, as I am free to express an opinion in this House, I believe the Fruit Growers' Association, or the fruit growers of Western Australia in general, have done themselves a disservice over the past four years in view of the fact that, through this legislation, they have had some control over the industry.

We are fortunate in Western Australia that the export of our apples has not suffered, and will not suffer, to the same extent, perhaps, as it has in New Zealand, inasmuch as the bulk of our apple crop consists of Granny Smiths. Probably the whole of our fruit exports in a year or two will be Granny Smiths, and, fortunately, they are the most favoured apple on the world market. I do not think there is any apple produced in other countries that can equal the Granny Smith; and from the information I have received from exporters we have not suffered any disadvantage in exporting Granny Smith apples.

With the exception of Cleos there are few other varieties in Western Australia which need to be exported; the Yates, Jonathans, and most of the red varieties, can be sold on the local market if the sales are properly controlled and if quality is maintained. My contention, of course, is that the price on the local market is controlled by the quantity of fruit exported from this State. In this regard the advisory committee has not done a good job for the consuming public of Western Australia over the past four years. One of its duties, as I see it, is to examine the quality of fruit and the quantity available for the local market. I contend the committee could quite easily estimate the quantity that is necessary for consumption on the local market from the time the picking and the export trade is finished.

If the local market can consume 600,000 cases of fruit, it is the duty of the advisory committee to ensure this quantity of fruit is kept in store. After the export season is finished, the committee may as well take out the surplus of the requirement, because by the time it is sold at the end of the season it will not return the cost of packing and the cost of keeping it in store.

The committee should be able to work out the number of cases required and, when it has, that quantity of fruit should

be sold at the fixed rate each week or each month from the time the cool storage season starts till the time it is finished.

It is all very well for some growers to claim that they keep their fruit for the local market because they believe they will get a better price for it. If everybody did this, nobody at all would get a price for their fruit. We must accept the fact that the fruit that is exported controls the price of the fruit on the local market.

On one or two occasions since the committee has been in existence we finished up with the position where there were approximately 400,000 cases of fruit which were kept, and consumers were paying up to 50s. and 80s. a case for apples which were not worth that much. This was doing a great disservice to the growers.

Another point on which I disagree with the fruit growers, and on which I would strongly criticise them, is the position that occurred last year. The only chance for the fruit-growing industry to make anything out of the industry is to get rid of the surplus fruit—the rubbish—from the market. I think I mentioned before, that last year some of the manufacturers did a reasonable job in trying to manufacture apple juice. The processors in the industry said there would be so little fruit available that they would not be able to supply the manufacturers' requirements. The manufacturers accordingly rushed off to Tasmania and imported 20,000 gallons of apple juice into this State.

Can members think of anything more ridiculous than our importing apple juice from Tasmania? No sooner was this done than we were informed that the processors did not require any more fruit because they had imported this apple juice from Tasmania. They did not want the fruit for processing. It would seem that somebody made a blue in that matter.

Another problem with which fruit growers are confronted is hail damage. It is estimated that every year approximately 100,000 cases of fruit are damaged by hail. It is almost impossible to insure apples against hail damage, because no insurance company is interested in insuring apples. An amount of 2,500 tons of apples would make a major contribution to the quantity required by processors, and if hail-damaged fruit could be sold to processors at 3s. 4d. a case, which is a reasonable price, as fruit goes, for such fruit, it would certainly be a great help.

The position is that the fruit is damaged by hail; the grower of course has not been able to insure it, so he tries to secure some return by attempting to get rid of it on the market. This depresses the price of fruit on the market, and the end result is that the grower gets nothing for it. The balance, however, is upset.

Not many people know of the terrific cost involved in sending a case of fruit to a friend in the metropolitan area. By the time it is taken to the central packing shed, and the freight and other charges are paid, it costs about £1 a case.

People imagine that the fruit growers are making a marvellous thing out of fruit growing. Last year I gave a friend of mine a case of Granny Smith apples. He thought they were the best apples he had tasted. Yet we put that same quality of apple onto the market and we received exactly the cost of packing the case and sending it to the metropolitan area; and this for some of the best apples that could be obtained.

The present position of the fruit industry is not a rosy one. Possibly due to neglect, or to the fact that the fruit growers do not read the position correctly, they now find themselves in the position where too much fruit is being kept; which means that the consumers get poor-quality fruit at the end of the season, while at other times there is not sufficient fruit. This, of course, means that the price of the fruit rises and people cannot afford to buy it. There should be a certain amount of fruit kept for the local market. This should be supplied to the consumer at a reasonable price. If the fruit were pooled, and the price fixed from the beginning of June till Christmas, people would know what they would have to pay for apples for the whole year. If the price is not right the fruit should be taken out of store and processed.

I support the Bill, because at the end of two years the industry will have had an opportunity to re-examine its activities with a view to placing itself in a better position than it is now. I am not much concerned with the overseas market for our product, because I believe we have learned our lesson; we must have quality. We are certainly getting good quality in the Granny Smith apples, in particular, and I believe we will have a good market for them in the years to come. We should, however, look to the local market, and this Bill will give the fruit growers an opportunity to do something about the position.

MR. RUSHTON (Dale) [9.46 p.m.]: In supporting the Bill I only wish to deal with clause 7, which is really quite small and insignificant. The clause deals with the publication of the restrictions and prohibitions of sale in relation to the three fruits mentioned, and I would like to submit a point of view to the Minister concerning the publication of these notices through the *Government Gazette* and the daily newspapers. If one takes into account the questions raised and the thoughts expressed by a number of people, that the cost of marketing the fruits mentioned is very high, I feel that a greater spread of news in regard to the various prohibitions would reduce the number of problems and hardships within the industry.

I have given some thought to an alternative method of getting the news to the growers so that they will be forewarned of the various prohibitions. One such method is through the marketing agency itself. We know that the Bill has been framed with the fullest co-operation of the Fruit Growers' Association, and I feel that

if the Minister takes this issue to that organisation and works out with it an improved method of spreading the news amongst the growers it would reduce the number of conflictions and irritations which are apparent at the moment.

This would certainly help the people who are new to our country, and there is a considerable number of them in the area I represent. These people certainly do not become aware of the restrictions through the *Government Gazette* or the daily newspapers, and I would request the Minister to confer very closely with the organisations within the industry to see whether a better method of getting news to the growers cannot be instituted.

MR. JAMIESON (Beeloo) [9.49 p.m.]: I support the measure if only because it shows that once again private enterprise has failed, and a form of socialistic marketing is to be introduced. I am very happy indeed to hear members who support private enterprise express themselves so enthusiastically about the provisions in the Bill.

Mr. Bovell: You have a fertile imagination.

Mr. JAMIESON: I have not a fertile imagination; it is the Minister who has not an appreciation of the situation, and that is the difference. I am quite sure this system will work well, and will become part and parcel of the overall marketing scheme within the next few years.

I wish to comment now, as I did when this matter was before us several years ago, that the quality of apples sold to the public has not improved greatly. I agree with the remarks made by several speakers this evening that more attention should be given to the marketing of fruit locally. We seem to have an abundance of fruit, but, on occasions, the public is supplied with poor-quality fruit. Previously I was able to produce in this House marked and misshapen fruit which was sold to the public as first-quality fruit.

The appointment of a committee to look after the marketing of citrus fruit is an extension of the principle of organised marketing, and in my view it is a very worth-while extension. I wonder whether the proposed committee will have any control over the artificial colouring of fruit which has, to some degree, become a dangerous practice. I thought the member for Dale would have mentioned that aspect, because of instances which occurred in his electorate in recent times.

If the committee is to adopt the standard practice then it must watch the situation carefully, to make sure that fruit picked too early, before it has a sufficient sugar content, is not put on the market. This is always a bugbear to the housewife and to the general public: When people see nicely coloured citrus fruit they are more apt to buy it.

In Queensland, where citrus fruit is grown under tropical conditions, it seldom bears the brilliant colour of that grown in temperate climates; it is very sweet, although the colour does not indicate its excellence. When the Minister replies to this debate I would ask him to indicate whether it is intended that the proposed committee will be given some control over artificial colouring of fruit, and thereby protect the public from any false impression they might gain from artificially-coloured fruit.

MR. NALDER (Katanning—Minister for Agriculture) [9.53 p.m.]: I appreciate the comments which have been made by the speakers in this debate, and I give an assurance that those comments will be conveyed to the association, because it was at its request that the Bill was introduced, in an effort to ensure that, in some measure, quality fruit is made available to local consumers.

Undoubtedly there has been an improvement in the situation today, as compared with that of several years ago when there was no control whatsoever and growers produced quality fruit which was exported, while many of the windfalls and the like found their way to the local market. Although the existing situation leaves a lot to be desired, the association has made some valuable contribution of which, no doubt, members are aware from their experience of purchasing the various varieties of fruit.

Mr. May: You must have seen the poor quality Australian fruit when you were in England. It was rubbish.

Mr. NALDER: To some extent I agree with the honourable member. At the time when I was in England the four-months strike by the dockers was in progress and the apples exported from Australia were left on the vessels for months and did not reach the English market.

Mr. May: Plenty of that fruit got on the English market.

Mr. NALDER: What Australian fruit, and particularly Western Australian fruit, I saw on the English market was of very good quality. That was the opinion of the importers of the fruit, and they were very complimentary to the growers, the packers, and others who were instrumental in sending the fruit to England.

Mr. May: I was ashamed of the quality of the fruit.

Mr. NALDER: The honourable member must have seen a bad batch.

Mr. May: Probably I did.

Mr. NALDER: I also saw Australian fruit on the Danish market, and it was of very good quality.

Mr. Brand: That was also my experience.

Mr. NALDER: I admit that on occasions poor-quality fruit does find its way onto the local market. Even with the existing control some poor-quality fruit reaches the local market, but the Bill before us seeks to remedy the situation. The association is prepared to make a contribution by meeting the cost of inspection, and by so

doing it believes it will achieve some good for the industry. Therefore it requested the Government to place the legislation on the Statute book for a further period to enable it to remedy the existing situation and to come up with a proposal which will be acceptable not only to itself, but also to the consumers generally. The association has requested that pears be covered by the legislation, and reference has already been made to this aspect.

I now want to make some comment with regard to citrus fruit. It appears that citrus growers have watched the situation very closely, and they think the Bill before us will be an aid to the sale of this fruit. It is agreed that on many occasions when the citrus season commences, a good deal of very unsatisfactory fruit is placed on the market. I do not doubt that some people who bought oranges this year found they were sold very immature fruit; and that was my experience. One thing which most people dislike—not so much in having to pay out money for poor-quality fruit—is to eat a slice of orange and find it sour. We can expect that of lemons but not of oranges.

Mr. Kelly: Very often there is nothing much left of an orange after the skin is peeled.

Mr. NALDER: The aspect raised by the member for Beeloo will be watched by the proposed committee, and its job will be to ensure that only mature fruit is placed on the local market. If oranges placed on the market are found to be sour then it is the job of the committee to confiscate and destroy the fruit. It has been done by the committee handling apples on a number of occasions, and I am sure this committee will do the same in future.

What I have said also applies to the artificial colouring of citrus fruit. We all know this is being done, but unless the fruit is satisfactory it will be condemned by the committee. I assure the House that will be the position. However, the future will be watched with extreme interest, and if at the end of the two-year period it is necessary to give some permanence to this legislation then I hope Parliament will agree.

I know that you, Mr. Speaker, have some views on the comparison made by the member for Merredin-Yilgarn between potatoes and fruit. Really there is no comparison, because the marketing of potatoes is a different proposition to the marketing of apples. From the very beginning potatoes are controlled by the board. A license is issued to a grower, and he is allotted a particular acreage. The whole movement of potatoes is controlled by the board.

However, that is not the case with apples. Here there is no control over the quantity to be produced, or over the area that is sown. All this is done at the free will of the grower. The existing situation will continue until the organisation and all the growers concerned consider it is time to register growers. We have an export market for apples, whereas in the case of potatoes we have a limited export market and this is controlled by the Potato Marketing Board; so there is no comparison between the two products.

I make this point because some members have suggested that if we set up an organisation like the Potato Marketing Board to handle potatoes we should be able to do the same for apples. However, as you know, Mr. Speaker, this is a different proposition because the two commodities are not comparable.

I thank members for their comments and the interest they have taken in this worth-while industry, which is valuable as far as the State is concerned. This measure is going to play an important part in connection with the sale of our products, not only locally but also overseas; and we have to look after the interests of the industry.

The reference of the member for Stirling to insurance against hailstorm and wind damage is being looked into at the present time. A number of conferences have been held between the executive of the association, myself, and my officers in an effort to try to bring forward a scheme that will be self-supporting as far as the industry is concerned. This matter will probably reach finality at a later stage, providing agreement can be reached on something that is acceptable to the association and to the Government.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 3B repealed and section substituted—

Mr. DAVIES: I wonder if the Minister could tell us whether this committee will have any control over the import and export of citrus fruit. I have noticed quite a considerable quantity of Eastern States oranges on the local market. I believe at one time a move was made to stop oranges being imported into this State.

While there is no indication that the committee will have power to interfere in this direction, paragraph (d) of proposed new subsection (4) reads as follows:—

> To exercise and perform such other powers and duties as the Minister may consider necessary or advisable relating to better marketing of citrus.

I presume these powers relate only to the marketing of citrus fruit, but I am concerned that the committee should try

to stop the import of fruit into this State. I would also be pleased if the Minister could give any figures relating to fruit coming into this State and fruit being exported.

Mr. NALDER: The committee will not have any control over the import or export of fruit. This commodity flows freely from State to State,. The only control available to this State—and this is not brought about by the committee—is through the Department of Agriculture, as it has power to quarantine diseased fruit. The committee will have no control over the export of fruit, which is entirely up to the exporters. There is no control apart from that under the Commonwealth regulations dealing with quality. In most cases control is delegated by the Commonwealth to the State, but it is governed by Commonwealth legislation. There is no control whatsoever excepting that over diseased fruit from other States.

Mr. Hawke: Under which Act or regulation do the inspectors operate on trains when they take your fruit?

Mr. NALDER: I cannot give the Leader of the Opposition the exact regulation. The Department of Agriculture has control of it.

Mr. Hawke: They take your fruit at Parkeston even though it is the best in Australia. The other way it is closer to Port Augusta.

Mr. NALDER: That control is exercised by the State in which the fruit is bought.

Mr. Bovell: They certainly do it in the State of South Australia, the Leader of the Opposition's own State.

Mr. NALDER: Fruit coming into this State must come from an area that is clean.

Mr. Hawke: The fruit I took on the train came from Kapunda, and one would not get any cleaner fruit than that.

Mr. NALDER: If one can satisfy the local inspectors the fruit can be brought in. I know that apples and quinces are prevented from coming in because of several diseases that are rampant in the Eastern States but which are not evident in this State.

Clause put and passed.

Clauses 6 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

FRUIT CASES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 1st September.

MR. HALL (Albany) [10.8 p.m.]: The measure before the House is complementary to the Bill which was discussed at some length this evening. Therefore I do not think I need elaborate on the fruit side of the subject.

The Minister explained clearly the desirability of having this legislation extended for a period of two years; and, as far as I can see, this seems to be in accord with the wishes of the Fruit Growers' Association. This will give the members of the association a breathing space to make an assessment of the position in regard to improving the presentation of their fruit, including citrus.

One aspect the Minister should look at is the packaging of the fruit, whatever variety might be concerned. Closer co-operation should be encouraged between salesmanship and presentation to the local market. The member for Beeloo mentioned colour and no-one can contradict that the better the presentation of a commodity in a shop the more the sales will increase. If we study salesmanship courses, and the tactics used by high-pressure salesmen, we will find that the presentation of an article plays a very definite part in its sale.

The association concerned with finding ways and means of increasing the sales of apples, should perhaps seek the assistance of the Department of Industrial Development in improving the presentation of the product for sale on both the local and overseas markets.

The presentation of a commodity is very important. This is so also in connection with our raw materials, such as wool. In this case the building is designed to provide the best possible light and to give full colour and character to the article displayed.

At least once a year a drive is made overseas, through the Western Australian Agent-General in London, to publicise the apple industry. Young ladies issue apples to passers-by, thus drawing attention to our fruit. This drive has been so successful that it proves the necessity for good presentation.

Temperature control has been important in the last few years, and it is now necessary to ensure the fruit is kept at the correct temperature. This is insisted upon and, accordingly, on one occasion several truck loads of fruit were returned from Albany to Mt. Barker in order that the fruit might be brought back to the right temperature.

If the presentation of our fruit were improved, I am certain we could look forward to increased sales.

It is not necessary to go into the legislation at the moment and expound its provisions. I have studied the Act and the Bill, and the latter seeks to delete certain sections and add others. One of the amendments seeks to convert the amounts mentioned to decimal currency. I do not

wish to delay the House any further but I do emphasise the need to improve our presentation and packaging.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 10.17 p.m.

Legislative Council

Wednesday, the 7th September, 1966

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (6): ON NOTICE

W. P. CASSIDY: SUPREME COURT JUDGMENT

Excessive Charges by Solicitor

1. The Hon. R. H. C. STUBBS asked the Minister for Justice:

   (1) Is the Minister aware of the Supreme Court Judgment, No. C 50/64, in favour of William P. Cassidy against the State Government Insurance Office on the 22nd July, 1966?

   (2) Is he also aware that the total amount of the judgment, amounting to $1,183.51 and costs, has been withheld by the solicitor who acted on behalf of the plaintiff for payment of services rendered?

   (3) If so—

   (a) Does he consider that the amount of costs claimed by the plaintiff's solicitor is excessive?

   (b) Is the solicitor entitled to claim costs of this amount, which appear to be based upon an amount of $14,000-$15,000?

   (c) Based upon the rules of the Supreme Court, what amount of costs would be payable to the solicitor in this particular action?

   (d) What action can Mr. Cassidy take to ascertain what would be a proper allowance for the solicitor in this case in view of the fact that he has written five times to the solicitor and has had no reply?

The Hon. A. F. GRIFFITH replied:

(1) I have been made aware of the judgment, which was given in February, 1965, not July, 1966.

(2) I am advised that of the amount of $1,183.51 awarded, $878.50 was paid direct to the hire purchase company concerned. Nothing has yet been paid for costs—or will be paid until the costs are taxed or agreed. However, a total of $605.01 was paid to the solicitor on the 30th September, 1965, representing the balance, namely $305.01, of the judgment, and $300.00 being the price at which the damaged motorcar concerned was sold.

(3) (a) to (c) It is for the trial judge to decide the appropriate scale on which costs should be taxed, and then for the Taxing Master to decide the actual amount. The judge has not yet been asked to decide the appropriate scale. The solicitor concerned appears to consider as relevant the fact that judgment in the above case had the effect of making the State Government Insurance Office liable for over $20,000 damages previously awarded against Cassidy in favour of a passenger in Cassidy's motorcar. The relevancy of this fact has been denied on behalf of the State Government Insurance Office, and the solicitor has been invited to tax his costs.

(d) He may require the solicitor to account or to have his costs taxed. If he wishes, he may also complain to the Barristers' Board.

2. *This question was postponed for one week.*