

trouble. However, in this instance members who oppose the measure are being more political than knowledgeable.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. Lapham in charge of the Bill.

Clause 1: Short title and citation—

*Progress*

Progress reported and leave given to sit again, on motion by Mr. Harman.

*House adjourned at 10.15 p.m.*

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## Legislative Council

Thursday, the 21st September, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

### ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.33 p.m.]: I move, without notice—

That the House at its rising adjourn until Tuesday, the 4th October, at 4.30 p.m.

The Hon. T. O. Perry: Is not Tuesday the 3rd October.

The Hon. W. F. WILLESEE: I merely read what was handed to me. It must be the 3rd October.

*Point of Order*

The Hon. A. F. GRIFFITH: I rise on a point of order. It is highly irregular for members to be debating the date with the Leader of the House. If the date is wrong, then we should vote against the motion. If the Government wants to adjourn the House to the wrong day, I could not care less.

The Hon. W. F. WILLESEE: We have a very voluble Leader of the Opposition at the moment. This is merely a mistake. Has the honourable member ever made a mistake?

The Hon. A. F. Griffith: My word, plenty.

*Debate Resumed*

The PRESIDENT: Order! As the Leader of the House has indicated that a mistake has occurred and the resumption date in his motion is incorrect, I propose to put the motion as it should read. The question is that the House at its rising adjourn until Tuesday, the 3rd October, at 4.30 p.m.

Question put and passed.

### QUESTIONS ON NOTICE

*Postponement*

**THE HON. W. F. WILLESEE** (North-East Metropolitan) [2.35 p.m.]: I seek leave of the House to deal with questions at a later stage of the sitting.

The PRESIDENT: Leave granted.

### TRAFFIC ACT AMENDMENT BILL (No. 3)

*Introduction and First Reading*

Bill introduced, on motion by The Hon. J. Dolan (Minister for Police), and read a first time.

### SALES BY AUCTION ACT AMENDMENT BILL

*Recommittal*

Bill recommitted, on motion by The Hon. D. J. Wordsworth, for the further consideration of clause 6.

*In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. M. Thomson in charge of the Bill.

Clause 6: Amendment to section 4—

The Hon. D. J. WORDSWORTH: The purpose of the Act is to prevent the splitting of lots. I feel perhaps the Committee has not sufficiently studied the implications of the Act; that it has been considering only the Bill. Section (1) of the Act provides that it is an offence for a person to induce another to abstain from bidding at an auction. Subsection (2) of that section makes it an offence for a person to agree to abstain from bidding.

Section 4 provides that the auctioneer must enter the correct name in the register, and that the successful bidder must inform the auctioneer for whom he was bidding. Section 5 of the Act states that certain sections must be read out or displayed at every auction of cattle or farm produce. Section 6 provides the minimum penalty for offences.

Section 7 provides that the Act shall not apply to the sale of wool, until a day to be fixed by proclamation. Generally, the Act was designed to control the auctioning of practically all cattle and farm produce.

The Hon. A. F. Griffith: Farm produce other than cattle.

The Hon. D. J. WORDSWORTH: No, the Act includes cattle and farm produce. The idea of the provision in the Act was to prevent two bidders from getting together and arriving at an arrangement.

Mr. Jack Thomson wishes to amend the Act, and he has included a provision in the Bill to prevent a bidder and an auctioneer getting together. He mentioned

a specific incident which arose in Albany, and the amendments in the Bill are tailored to cover it. In this case a meat trading company lost a great deal of money, because it was defrauded by one of its employees.

In trying to cover two different matters in the one Bill, confusion is being created. I do not think the case outlined by Mr. Jack Thomson is covered by the amendments in the Bill.

Under the parent Act one has to inform the auctioneer the name of the party for whom one is bidding. However, in the Bill one has to declare the name publicly. Unfortunately no penalty is provided in the amending Bill to cover the case of a person who supplies a wrong name. I understand that it is possible for a bidder to call out a false name; therefore the omission of a penalty provision in the Bill will defeat the object of the particular amendment.

A lot of controversy has arisen as to whether a bidder should have to declare publicly the name of the party for whom he is bidding. Not only does the Bill apply to the specific things mentioned by Mr. Jack Thomson—that is, cattle and sheep—but also to everything covered by the parent Act. Therefore at sales of horses, cattle, sheep, produce and even wool a person will have to declare publicly the party for whom he is bidding.

The Hon. R. Thompson: What does the auctioneer do when a sale is in progress?

The Hon. D. J. WORDSWORTH: Most auctioneers can recognise the person from whom he has accepted a bid. Where he does accept a bid he may say, "Mr. so-and-so" after which he puts down the name.

The Hon. S. T. J. Thompson: He calls out the name at the start.

The Hon. D. J. WORDSWORTH: That person may be bidding for somebody else, but he does not have to declare the party for whom he is bidding. He could well say to the auctioneer before the sale, "I will be bidding for so-and-so at the sale."

The Hon. N. E. Baxter: Usually he does that, but not always.

The Hon. D. J. WORDSWORTH: Mr. Ron Thompson made reference to the fruit and vegetable markets in Perth. Subsequently I made an effort to find out how the procedure worked, and I contacted the markets. I find there are several types of bidders. There is the greengrocer who bids for a few cases of tomatoes or vegetables for himself, although he may also be buying for somebody else who is around the corner bidding for carrots at another sale. Then there is the packer, who is a merchant and buys on behalf of greengrocers in country centres. The packer takes the produce back to his own premises where he repacks it for despatch to the country

centres. I wonder whether or not the packer is contravening the Sales by Auction Act, because he has an agreement to bid for those people in the country. However, that is beside the point.

The Hon. F. R. White: If he is a packer, would he not be a commission agent?

The Hon. D. J. WORDSWORTH: That is so. It may be that commission agents are infringing the law.

The Hon. R. Thompson: A packer is buying in the other person's name, and that person is a registered buyer.

The Hon. D. J. WORDSWORTH: He buys in his own name. He does not buy on behalf of, say, the greengrocer at Esperance—

The Hon. R. Thompson: My word he does.

The Hon. D. J. WORDSWORTH: I have checked on this matter with the secretary of the markets, and the position is as I have outlined.

The Hon. R. Thompson: If the packer repacks the produce then he is reselling the produce.

The Hon. D. J. WORDSWORTH: That is exactly what I have said.

The Hon. R. Thompson: He is buying it in his own name.

The Hon. D. J. WORDSWORTH: There is also the supermarket buyer. I admit that he calls out the names of the parties for whom he is buying. He might call out "Coles No. 1, five cases" or "Coles No. 2, four cases." Then there is the providore who buys in large quantities for ships. What would happen if he had to call out the name at these auctions? As soon as the people know that he is a providore buying in large quantities he would be in trouble.

The Hon. R. Thompson: He has been doing that since the market trust started in Perth, and there has not been any trouble.

The Hon. D. J. WORDSWORTH: Usually he does not have to declare himself.

The Hon. R. Thompson: I can remember one of the biggest providores doing this.

The Hon. D. J. WORDSWORTH: That is what happens at the market. It is not quite as we have been led to believe. Included in the original amendments was a reference to colts, but that reference has since been deleted. I presume there was some reason for that exclusion. I would like to remind members that whilst colts are not included in respect of the keeping of a register horses are still included.

#### *Point of Order*

The Hon. S. T. J. THOMPSON: On a point of order, are we dealing with clause 6?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): We are on clause 6. I understand Mr. Wordsworth has been dealing with the requirement of publicly declaring the name.

The Hon. S. T. J. Thompson: Colts are not included in clause 6.

*Committee Resumed*

The Hon. D. J. WORDSWORTH: There is probably good reason for Mr. Jack Thomson excluding horses, but he did not take out pigs or swine. However, they are included when it comes to the public declaration because these amendments relate to the original Sales by Auction Act of 1937. The two new definitions included in the Bill will relate back to the original Act, and will include pigs and horses.

The Hon. W. R. Withers: I think this is defined in the same way as in the Local Government Act.

The Hon. S. T. J. Thompson: The name is called.

The Hon. D. J. WORDSWORTH: That does not mean the auctioneer has to say who is buying. I have endeavoured to point out to members the difficulty experienced in trying to combine the proposed amendments with the original Act. The original Act provided for two bidders to get together whereas the amendments are to stop a bidder and an auctioneer from getting together. In the specific instance mentioned the person was caught.

The Hon. A. F. Griffith: I think in that specific instance a fraud was committed which the ordinary criminal law would pick up anyway.

The Hon. G. C. MacKinnon: So there is no need for that type of instance to be covered under this Act.

The Hon. D. J. WORDSWORTH: That is right. When amendments such as this are related to the original Act I am afraid the whole process becomes rather messy. We already have interpretations in the original Act but it is intended to insert new interpretations half way through the Act to cover auctioneers.

This is one of the few Acts the provisions of which are drawn to the attention of the public. They have to be read out, or printed and shown to everybody at an auction, and I think the proposed amendment will make the Act difficult to understand.

I am not in any way doubting the good intentions of Mr. Jack Thomson. He no doubt introduced the amendments in an attempt to stop this ever-growing practice. The instance at Albany was shocking and I wholeheartedly agree that something should be done to stop any similar incident happening in the future. Generally speaking, I think such a situation is covered by other Acts.

I feel that members have not given this Bill serious consideration. It has been on the notice paper for some time but suddenly it has reached the third reading stage. I implore members to take a serious view of the matter. I hope the Leader of the House will give consideration to the amendments because I would hate to see something like this go to the other place. I consider it would be a reflection on the work of this Chamber.

The Hon. W. F. Willesee: It is, essentially, a private member's Bill.

The Hon. D. J. WORDSWORTH: If Government members are to vote in favour of the Bill then some onus must rest on the Government.

I move an amendment—

Page 4—Delete paragraphs (d) and (e).

The Hon. R. THOMPSON: When I spoke to the second reading of this Bill I mentioned a case of a buyer at the Perth produce markets. What I had to say also appears in *Hansard* of about three years ago. Packers do not come into the question, because they are not private individuals, and reading of this Bill I mentioned a case of a buyer at the Perth produce markets. What I had to say also appears in *Hansard* of about three years ago. Packers do not come into the question, because they are a set of private individuals, and private buyers buy the goods in their own name, and sell on order to country stores and shops. They also sell to stations in the north-west, to the Kalgoorlie market, and even to Rottnest. That is a normal business transaction and packers have done an excellent job. They do not get their heads together because there is much competition for the produce which is available at the Perth markets.

However, the individual buyer is a different kettle of fish. I gave the illustration where sales of different types of produce take place at the same time. One person cannot be in three places at the one time so he makes arrangements for someone else to buy produce on his behalf. There is no collusion about that. It must be remembered that five floors operate at the Perth market so it can be seen that a number of auctioneers would be actually selling produce at the same time. There is nothing wrong in the manner in which the Perth markets are conducted.

The situation at a stock sale is different; where one auctioneer is putting up one pen of stock at a time. That is the situation which Mr. Jack Thomson is trying to overcome. I think he is right and I will support him to the hilt.

The Hon. D. J. WORDSWORTH: Since we revert to the old definition of farm produce as a result of the clause which concerns the calling out of names, the

amendments on the notice paper do apply in part to the sale of vegetables. The point I am making is that the sales at the markets will be affected.

The Hon. R. Thompson: It will not affect the sales.

The Hon. S. T. J. THOMPSON: There are two amendments on the notice paper. I cannot agree with the first, but I commend Mr. Wordsworth for moving the second amendment. My only argument is that I feel the penalty of \$50 is not severe enough, because a great deal of money could be involved. After having heard the discussion I consider that if Mr. Wordsworth is to be consistent he should oppose the Bill rather than move amendments which may confuse the issue further.

The Hon. A. F. GRIFFITH: I am sure no member of the Committee doubts the intention of Mr. Jack Thomson in his attempt to amend the Sales by Auction Act.

As I have said the other night Mr. Jack Thomson asked me to help him in this matter and after I had produced a Bill containing certain amendments he found that it was not acceptable to either himself or the people he represented.

Accordingly two years ago we found how difficult it was to amend this Act to give effect to the desires of the people concerned. In connection with the prosecution that was mentioned, we are told that the case concerned was one of outright fraud. The man in question altered the books and the cattle were passed at another price. Somebody made a profit and the man concerned was charged with fraud and sent to prison.

I do not want to convey the impression that I am an authority on this situation, because it is obvious I am not, but I feel that if we go ahead with this Bill, one way or another we may be sorry. I suggest, therefore, that Mr. Jack Thomson give us an opportunity to take time out to further consider the position with a view to examining the Bill and the Act to see what exactly should be done. Perhaps Mr. Jack Thomson would report progress. Very little can be done at the moment and the Bill will not be read a third time until the 3rd October.

The Hon. W. F. Willesee: Thank you very much.

The Hon. N. E. BAXTER: I hope the Committee will not agree to the amendment before us. This is one of the important parts of the Bill which is designed to prevent improper practices within the auction system. We know that through the years there have been a number of improper practices in the auction system, but if people are acting honestly they have nothing to fear from the words included in the Bill as they concern pub-

lication. If anyone seeks to be dishonest it is natural that he would not like there to be any publication of names, etc. There is little doubt that collusive tendering and other improper practices do exist within the auction system.

The Hon. R. Thompson: Is it not a public auction system?

The Hon. N. E. BAXTER: It is. The vendor brings goods to the auction and the purchaser buys them at the highest bid on a fair and equitable basis. If there are people who desire to keep their names from being published I cannot see the reason for it unless of course it is because of some dishonest intention. It may be said that this sort of thing could increase the price; but surely the purpose of an auction is to obtain the highest price possible. We should try to obviate and eliminate collusive tendering.

The Hon. G. C. MacKINNON: I must take umbrage at Mr. Baxter's remarks. I have been around the country areas and indeed I started my working life with a firm that conducted auctions. I have attended a tremendous number of auctions and I know people who legitimately bid at those auctions with a view to restocking their farms. There are others who bid on a trading basis, to fatten the stock for resale.

I have been an auctioneer's clerk at an auction sale and, I do not believe that the particular activity concerned with this Act and which has been mentioned has been the subject of a gross amount of malpractice and manipulation as Mr. Baxter gave us to believe it had; as did Mr. Jack Thomson by implication. If this were the case the Act would have been amended long since. This is the very backbone of handling stock off the farms.

The Hon. N. E. Baxter: You know that improper practices exist.

The Hon. G. C. MacKINNON: Of course they do. There are improper practices carried out in the shops and in other places; otherwise Mr. Dolan would not be as overworked as he is as Minister for Police; but the particular case mentioned by Mr. Jack Thomson was one which resulted in prosecution and imprisonment. Mr. Jack Thomson has brought this Bill forward for the last five years, and we have come to accept it without a proper examination of its provisions. As was mentioned by Mr. Wordsworth the very case Mr. Jack Thomson mentioned concerned a man who was sent to prison for what he had done.

The Hon. S. T. J. Thompson: He would have been picked up earlier if we had had the regulations.

The Hon. G. C. MacKINNON: Cooke would have been picked up earlier if we had had better detectives. This proves nothing at all.

I have seen many cases where it was in the interests of the people concerned not to give their names at an auction. We will not overcome the position outlined by Mr. Jack Thomson because if I want to buy sheep all I need do is to go along to someone and he buys the sheep and puts his name down.

How foolish can we get? How foolish must Mr. Syd Thompson feel when he knows that although a similar Bill has been presented to the Chamber for the last three years it still does not contain a penalty for the very thing the honourable member wants to prevent.

There appears to be some hesitation on the part of the sponsor of the Bill to accept the suggestion made by the Leader of the Opposition that we be given time to consider the matter further.

The Government has indicated its support of the Bill and therefore cannot be exonerated in the matter. As I have said, no penalty is included in the Bill for the one thing the honourable member wants to stop. Therefore, if this Bill is passed there will be no penalty in the Act.

The Hon. N. E. Baxter: That is not the amendment we are discussing now.

The Hon. G. C. MacKINNON: It has something to do with the penalty. What is the point of getting up and publicly declaring my name to the auctioneer? I can say, "My name is Henry Livingstone," and he has to write it down or face a penalty of up to 12 months in gaol. I hope members realise that this penalty has jumped from one month to 12 months' imprisonment. I am amazed that Mr. Dolan has not taken exception to this in view of his previous comments.

The Hon. J. Dolan: I have not taken any interest in it.

The Hon. G. C. MacKINNON: That is the point—so many of us have not taken an interest in it. As Mr. Wordsworth pointed out, this Bill has been before us so often that we have taken it for granted. We have assumed it has been carefully examined. However, for the first time today I got hold of the parent Act together with the Bill. So many amendments have been passed, that the matter is a little difficult to follow.

This penalty increase is the most outrageous we have seen. However, nobody has commented on it for the simple reason we all thought that this was a fairly simple Bill. Mr. Jack Thomson has been interested in this legislation for many years and we assumed that he would have studied it carefully, in conjunction with some of his colleagues in the Country Party. The Government has given the matter some thought because Mr. Ron Thompson said he was prepared to go right along with it.

We have only just realised that the Bill prescribes a penalty of up to 12 months' gaol for the nonrecording of the buyer's name by the auctioneer or his clerk, but no penalty is prescribed if the buyer gives a completely fictitious name.

The Hon. N. E. Baxter: Is this the only imperfect Bill we have ever seen?

The Hon. G. C. MacKINNON: It is the only one which is so imperfect after five years and three presentations. I have lived in the country for most of my 55 years.

The Hon. A. F. Griffith: I did not think you were as old as that!

The Hon. G. C. MacKINNON: It is the dissolute life I have led which makes me look so old.

The Hon. W. F. Willesee: You should be completely conscious of the fact that we are very accurate with dates at the moment.

The Hon. G. C. MacKINNON: I have lived for many years amongst people who make their living directly or indirectly through the auction system. I felt forced to speak when I heard Mr. Baxter refer to public auctions as being on a par with the pea-in-a-thimble game.

The Hon. N. E. Baxter: I did not say that.

The Hon. G. C. MacKINNON: It is a pity, Mr. Deputy Chairman, that you are in the Chair because you probably know more about the auction system than anyone in the Chamber.

The Hon. W. F. Willesee: You will get on.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I agree.

The Hon. G. C. MacKINNON: I wish the Deputy Chairman would not interject when I am trying to make a speech.

The auction system is still used because it has stood the test of time. It has certainly been modified, and sometimes other methods of selling are used. However, we should not run away with the idea that it is a totally bad system which needs complete revision. As legislators we must be careful to preserve the flexibility which has permitted the present system to evolve. I support the suggestion of the Leader of the Opposition that Mr. Jack Thomson should give serious consideration to withdrawing this Bill.

The Hon. A. F. Griffith: I did not ask that.

The Hon. G. C. MacKINNON: I am sorry; I should have said report progress.

The Hon. A. F. Griffith: We should have 10 days to look at this Bill.

The Hon. G. C. MacKINNON: The Leader of the Opposition has pointed out these anomalies and they should be carefully considered.

The Hon. D. J. WORDSWORTH: I also take exception to Mr. Baxter's remarks that people who do not wish to give their names are acting dishonourably. There is often a very good reason for the withholding of a name, and I will give one example. I am a stud breeder, but unfortunately the blood lines of my stock are getting a little poor, and therefore, I may wish to buy a stud ram from someone else. I feel I should be able to do this without giving my name.

The Hon. W. F. Willesee: Why would you hide it?

The Hon. D. J. WORDSWORTH: The Leader of the House knows as well as I do. In my opinion a person buying stock at a clearing sale has the right to buy that stock without declaring his name. The price will go up if it is known that a well known breeder wants the stock. A person buying a horse does not have to publicise his interest.

The Hon. J. Dolan: Wouldn't they know you whether you gave your name or not? I wish I were not known at times.

The Hon. D. J. WORDSWORTH: I could ask someone else to bid for me at an auction, but under these provisions the auctioneer would have to be told the name of the buyer.

The Hon. R. Thompson: Another person could buy the stock in his own name.

The Hon. D. J. WORDSWORTH: If it is known that a stud breeder has bought two cows with a certain pedigree, the sale of a bull with the same lines will be watched with interest. The buyer should not be considered a vagabond and a petty thief because he wishes to withhold his name.

The Hon. A. F. GRIFFITH: Twenty minutes ago I made a request to the sponsor of the Bill, and I have not yet received an answer. Does he intend to allow us a period of time to make sure that our fears have no foundation?

The Hon. J. M. THOMSON: Mr. Deputy Chairman, it has been very interesting to hear the various comments.

The Hon. A. F. Griffith: Is it "Yes" or "No"?

The Hon. J. M. THOMSON: Just a minute—do not be so impatient.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Order!

The Hon. J. M. THOMSON: I hope the Committee will not pass the first amendment. However, when I look at the second amendment, I realise that there has been an oversight. I am prepared to accept

that the amending legislation should include a prescribed penalty for the giving of false information.

I have been approached by people interested in the auction system, and they suggested the necessity for the public declaration. It was pointed out that without this information it would be very difficult for the Police Force to follow up any alleged breaches of procedure.

The remark was made that the Criminal Code covers this situation. However, I feel that the Leader of the Opposition will recall, as the then Minister for Justice, that the Police Force had to—

The Hon. W. F. Willesee: A very poor period of time!

The Hon. J. M. THOMSON: They had to receive authority from him, as Minister for Justice, to enable the police to make an arrest under section 532 or section 534 of the Criminal Code. The securing of a conviction is not as simple as some members appear to think, and the very reason it was considered necessary to bring this amendment before the Chamber, was the difficulty experienced in endeavouring to prevent a continuance of the state of affairs that has been in existence for some time.

The reason the amendment was introduced was that many people had been victims of the malpractices that were being indulged in, and which were encouraged by those who should have been beyond reproach. For many years people were complaining it was difficult to prove that such an offence had been committed under the provisions of the Sales by Auction Act. Many individuals were involved in these malpractices, and I think many people are still involved. Therefore, I cannot understand why there should be so much objection to the Bill.

Many producers have said that, irrespective of what it may mean to the stock companies with whom they are dealing, they want to be certain they get a proper price for the stock they are selling, and be sure they are able to prevent the malpractices that have taken place in the past.

If we delay the passage of the Bill further it could be lost, because by the time it reaches another place the pressure of business will have become greater and this Bill, together with other private members' business may be discharged from the notice paper. Therefore, I ask that the Bill be taken beyond the stage it has now reached. It has been caustically said, and good humouredly said, that this Bill has become a hardy annual, but any further amendments to the Bill can be placed on the notice paper.

The Hon. W. F. Willesee: I will give you an assurance that we will never denigrate the business of a private member to the extent of making it innocuous. You will be heard completely.

The Hon. J. M. THOMSON: I thank the Leader of the House for that comment. I must admit I was concerned about the fate of the Bill and I appreciate his remarks. In view of that assurance, I trust the Committee will not agree to the first amendment, but I am prepared to accede to the request that the Bill be further considered. A moment ago I said that I did not agree to the first amendment on the notice paper and I now ask that the Committee decide on this question.

The Hon. A. F. GRIFFITH: Only a moment ago the Leader of the House took the opportunity to interject and say that the period during which I served as Minister for Justice was a very poor one. I just want to tell him that if his Government does one-hundredth part of what the Brand-Court Government did, it will be doing better than it is now.

The Hon. W. F. Willesee: That is a matter of opinion.

The Hon. A. F. GRIFFITH: It may be, but it is correct.

The Hon. W. F. Willesee: I think we can do better than you have done.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Order! The question is that the paragraphs be deleted.

The Hon. A. F. GRIFFITH: I appreciate the reaction of Mr. Jack Thomson. Obviously he has the feeling that the Committee will not allow any further time to consider the Bill. If my judgment is worth anything, I would suggest to Mr. Wordsworth that his amendment will be lost. However Mr. Jack Thomson is prepared to accept the second amendment which provides for a penalty should a false declaration be made, so let the vote be taken on that basis.

Nevertheless, I suggest to Mr. Wordsworth that he moves the second amendment regardless of whether the first one is defeated. I do not know whether the Bill will get much of a go in another place, but if the Government does not wish it to have a fair go it will certainly not get it; that is, if the Government is short of time to allocate to the consideration of private members' business.

The Hon. W. F. Willesee: That is not right. Members will be given every chance to speak on private members' Bills; you know that as well as I do.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): Order!

The Hon. J. HEITMAN: Throughout the debate on this Bill I have tried to keep quiet, but I feel obliged to say a few words now. I do not suppose any member in this Chamber has attended more stock sales than I have, and I can honestly say I have encountered very little of the collusion that has been mentioned during the debate on this Bill. In fact, I have only heard of it on one occasion so far as I can recall.

In view of the fact that this is the third occasion on which Mr. Jack Thomson has brought a Bill such as this before the Chamber, and in view of the various postponements that have been made in regard to the legislation, I think we have all given the honourable member a fair go in agreeing to his bringing this current measure before us for consideration.

I, for one, do not like the amendment that was brought forward yesterday; I refer to the amendment concerning the making of a public declaration as to the person the buyer is representing. I have bought hundreds of sheep from time to time for myself, and on various occasions I have bought many sheep for other people. The procedure is that a buyer approaches the auctioneer and informs him that he will be buying some sheep for a certain person. When the buyer actually purchases the sheep the clerk will probably ask him for whom the sheep are being purchased, and the buyer will then supply him with that person's name. However, if the buyer does not want recorded the name of the person who is buying the sheep, all he has to say to the clerk is that he is buying them for one of the pastoral companies, and the purchase will be recorded in the buyer's name, by which means the clerk will know who to charge for the sheep. I cannot see anything wrong with that.

I do not think it is right to say in this Chamber that a person must watch every auctioneer in case he is in collusion with the seller or the buyer for some obnoxious purpose.

We could trust any number of auctioneers with our lives and this is the point to be recognised. Mr. Thomson—

The Hon. G. C. MacKinnon: Which one?

The Hon. J. HEITMAN: Mr. Jack Thomson said that a statutory declaration should be given to the auctioneer concerning the person for whom the purchase was made. Sometimes one lot a minute is sold at these sales and occasionally even more than that; so what time would there be for anyone to play around giving a statutory declaration or a public declaration? I think this should be forgotten. I heard Mr. Thomson—

The Hon. G. C. MacKinnon: Which one?

The Hon. J. HEITMAN: Mr. Jack Thomson said that the auctioneers should be fined very heavily on different counts, but I like Mr. Wordsworth's amendment because quite often the person not doing the right thing is the buyer.

If Mr. Jack Thomson did the right thing he would report progress. I appeal to him to take this action because I would like to talk to a few of the auctioneers, stock firms, and others.

The Hon. W. F. Willesee: With all due respect you have had eight months to do that. This Bill has been on the stocks for a long time.

The Hon. J. HEITMAN: This is true. We probably have had time, but we have all been inclined to lean towards Mr. Jack Thomson's corner because of his many attempts to have this legislation passed. We have bent over backwards to help him. I know I did not take a tremendous amount of notice of the Bill because similar legislation has been before us so often. I know I have had time, but I never thought we would have auctioneers accused of being so dishonest. I did not believe that a \$500 fine would be introduced. Very often the person doing the bidding is just as responsible as the auctioneer. I do not think it would hurt at all for Mr. Jack Thomson to allow us another week.

The Hon. N. E. Baxter: Do you realise that this Bill was introduced in the early part of the session?

The Hon. J. HEITMAN: I realise that.

The Hon. G. C. MacKinnon: It was amended to glory, yesterday, too.

The Hon. J. HEITMAN: It was only yesterday that we heard Mr. Baxter say that there is collusion between the auctioneer and the vendors and purchasers.

The Hon. N. E. Baxter: I did not say that!

The Hon. J. HEITMAN: I understood that Mr. Baxter said that there was collusion.

The Hon. N. E. Baxter: I did not use those words at all.

The Hon. J. HEITMAN: Someone referred to it and therefore we should find out about the collusion. It does not matter whether the Bill was introduced at the beginning of the session or five or six years ago. Because of the further arguments we have heard, the matter should be postponed for at least another week.

The Hon. S. T. J. THOMPSON: I think it is very unfortunate that at this late stage we have had reflections cast on our agents and auctioneers.

The Hon. J. Heitman: So do I.

The Hon. S. T. J. THOMPSON: It is tragic, because the stock agents and auctioneers I have encountered have been very fine people. It is unfortunate that this tone has been introduced into the debate at this late stage.

The Hon. N. E. Baxter: I did not introduce it, mind you.

The Hon. S. T. J. THOMPSON: Mr. MacKinnon was confused over the Thompsons. He referred to Mr. Syd Thompson when he should have said Mr. Jack Thomson.

The Hon. G. C. MacKinnon: You must admit that with the number of you around there is room for confusion.

The Hon. R. Thompson: There are not enough of us.

The Hon. S. T. J. THOMPSON: We have had many years to study this legislation, but it was Mr. Medcalf who drew our attention to the fact that the penalty was not in the legislation; and very rightly so. If anyone is to be commended for drawing our attention to this fact, it is Mr. Medcalf. However the whole purpose of the Bill was, in the main, to provide for a register to be kept. I know that stud breeders quite often buy a ram of a different blood strain and work it in, but they do not want this to be disclosed. However it does go on.

The Hon. J. Heitman: It is general knowledge.

The Hon. S. T. J. THOMPSON: The penalties are not intended for that type of thing. I think Mr. Jack Thomson explained the difficulty experienced in bringing certain people to book, but the amendment will certainly help. However, I do regret that reflections have been cast on the agents, because in most cases, they are totally above reproach.

The Hon. I. G. MEDCALF: As Mr. Jack Thomson knows I have taken a very keen interest in this legislation from the first time he introduced it about three years ago, because we held private discussions in his former room concerning it. I think he will agree that I have at all times endeavoured to assist him as far as I was able. I freely admit that he pioneered this legislation. It was based upon the situation which occurred at Albany about four years ago as a result of which several people were imprisoned. A lot of high feeling occurred in the town at the time and I give Mr. Jack Thomson full credit for attempting to put this matter right in so far as any one member is able to accomplish this.

I would like to say, however, that this is a joint effort. We have all played our small part—Mr. Ron Thompson, Mr. Syd Thompson, and others. I well recall the comments made by Mr. Ron Thompson when he first spoke on this with the particular knowledge he had of the Metropolitan Markets.

I feel that I am still learning about this Bill. As a result of reading the amendments proposed by Mr. Wordsworth I have just discovered today that the Bill will, in fact, affect pig sales.

When I spoke the other evening I did not understand this. Mr. Jack Thomson's Bill had been carefully amended as a result of discussion between Mr. Ron Thompson, Mr. Jack Thomson, and myself to exclude pigs. When I spoke the other evening I thought the Bill would

affect only cattle. This amendment will mean that public declarations must be made in all future pig sales. I do not think this will be popular in the country.

The Hon. A. F. Griffith: Neither do I.

The Hon. I. G. MEDCALF: I think it will cause many problems. The other evening I briefly mentioned a certain Commonwealth department. I will not go into that further, because it might not be a proper subject for a member of Parliament to talk about.

Unfortunately public declarations would affect pig sales as a result of Mr. Jack Thomson's amending Bill; public declarations would need to be made after every pig sale. This would become public information. We all know about pig sales and I frankly think this would be going too far. In view of this I consider we should adopt what I would call the implied suggestion of Mr. Syd Thompson.

The Hon. N. E. Baxter: Are you talking of the Commonwealth department from the vendor's or purchaser's point of view?

The Hon. I. G. MEDCALF: The department would want to know how much profit was made after the pigs were sold. It would be equally interested in the purchase price of the pigs. The department would want to know the price at which they were bought and the price at which they were sold. The difference is taxable; tax is assessed on the profit.

I consider this is going too far. Mr. Jack Thomson never intended to include pig sales in his legislation. I say this with some knowledge because Mr. Ron Thompson and I had lengthy discussions with Mr. Jack Thomson on this matter. He made it quite clear that he did not intend to include pig sales or horse sales, but only sales of cattle and sheep.

With a little reflection I feel Mr. Jack Thomson perhaps may be persuaded to defer further discussion for a week or two. Discretion could be the better part of valour. We would lose nothing as we have already waited a long time. I feel it would be wise to defer the Bill and give consideration to this aspect.

With all due respect to Mr. Jack Thomson, to whom I give full credit, perhaps he will consider this aspect of the matter and give the question further thought.

The Hon. J. M. THOMSON: I am impressed with what has been said. Perhaps at this stage Mr. Wordsworth would be prepared to withdraw the amendment. I certainly would be prepared to ask for progress to be reported.

The Hon. A. F. Griffith: That is more like Mr. Jack Thomson.

The Hon. J. M. THOMSON: I am very grateful for the co-operation I have received from Mr. Ron Thompson, Mr. Medcalf, and other members. I certainly appreciate the help they have given me. I

am anxious to see the measure dealt with expeditiously because I would like to see it on the Statute book at the earliest possible date. My reasons for saying this are obvious.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I advise that it is not necessary for the amendment to be withdrawn. It is possible to report progress on the amendment.

The Hon. J. M. THOMSON: Thank you, Mr. Deputy Chairman.

### *Progress*

Progress reported and leave given to sit again, on motion by The Hon. J. M. Thomson.

*Sitting suspended from 3.46 to 4.04 p.m.*

## FUEL, ENERGY AND POWER RESOURCES BILL

### *Report*

Report of Committee adopted.

## LIQUOR ACT AMENDMENT BILL

### *Second Reading*

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.05 p.m.]: I move—

That the Bill be now read a second time.

The amendments proposed in this Bill are consequent on the consideration of submissions received from a number of organisations. The Liquor Act, which came into operation on the 1st July, 1970, gave effect to recommendations of the committee appointed to inquire into the sale, supply, and consumption of intoxicating liquors in this State. Since then there has been a period of nearly two years in which an assessment could be made of the effect of liberalising the law in this field to meet present-day conditions. Experience shows that some amendments are warranted, and this must be expected when substantial changes are made in any field of law.

We trust this Bill, following the practice adopted in respect of the parent Act, will be dealt with as a nonparty measure so that members are free to consider the amendments according to their own beliefs.

The provision dealing with the supply and sale of liquor with, or ancillary to, a meal has been one of the matters of discussion and comment since the Act came into force. Several prosecutions have been made and these have tended to add to the difficulty of interpreting the intention of the relevant provision, which was to allow persons to dine out in the same manner as they would in their own homes.

In order to overcome the problems, clause 4 (h) provides for a new subsection (2a) to be added to section 7 to provide that liquor may be sold within one hour immediately preceding the supply of the

meal, and during and after the supply of the meal within the authorised trading hours of the relevant license.

Clause 27 sets out grounds of defence to a complaint of selling or supplying liquor contrary to the conditions of a license which allows the supply and consumption of liquor with meals. These amendments, we trust, will clarify the position of licensees and patrons.

The matter of juveniles on licensed premises has also attracted comment, and there have been many requests for amendment of the relevant provisions of the Act. This question was the subject of much attention by the committee. Most of the present representations are from organisations which had the opportunity to present their views to the committee. However, experience has shown the desirability of restricting the bars which juveniles may enter and in which they may remain when accompanied by their parents or persons in authority over them.

A total ban on juveniles in bars would result in the undesirable situation which existed previously, when juveniles were left outside hotels for unduly long periods or were otherwise left unattended or completely uncared for. Accordingly it is proposed to amend the present provision to allow juveniles entry in any part of licensed premises approved by the court. The Bill enables sections to be brought into force at different times, and for the purpose of this amendment a sufficient period will be allowed to enable licensees to make the necessary application to the court in accordance with the rules.

The Bill proposes two changes in sales of wine by vigneron. Vignerons who wish to sell their products in containers for consumption on their vineyard may do so by obtaining a license for this purpose. Clause 14 provides for this form of license, for which the fee is to be \$20. Vignerons who wish to sell their wine for consumption off the vineyard only will continue to be exempt and the Bill, by clause 3, regularises the supply and consumption of samples for tasting without the necessity for a license.

Anomalies have arisen in respect of hours of trading on Anzac Day and Christmas Day when they fall on a Sunday. The proposed trading hours which are set out in clause 4 (f) provide that trading on Anzac Day shall commence at 12.30 p.m. and continue during those hours under which the licensee may trade. Trading on Christmas Day is to be limited to those classes of license the holders of which may now lawfully trade—for example, restaurants and limited hotels.

Clause 4 (d) proposes an amendment for trading on Anzac Day, other than when it falls on a Sunday, to commence at 12.30 p.m. and continue until normal finishing time for the particular licensee. That

means in practice that where the normal closing time is 10.00 p.m. the hours on Anzac Day, when it falls on any day other than a Sunday, will be from 12.30 p.m. until 10.00 p.m. In those areas of the State where the Licensing Court has approved of closing at 11.00 p.m., trading on Anzac Day, when it falls on a day other than a Sunday, will be from 12.30 p.m. until 11.00 p.m.

The Licensing Court is to be authorised under clause 5 to impose, vary, or revoke conditions during the currency of a license. This power is essential to deal with matters which arise after a license has been granted, such as a decision to engage in entertainment which creates a nuisance to other people.

Representations have been made that the provision for the sale of one-third of a gallon of beer in sealed containers on Sunday by licensees in prescribed districts discriminates against consumers of other classes of liquor. The provisions of clause 8, if approved, will remove this restriction and permit such licensees to sell and supply not more than one-third of a gallon of any liquor, other than spirits, in sealed containers to any one person.

The present provisions in respect of those persons who purchase liquor from holders of canteen licenses are to be extended. The holders of such licenses operate in remote areas where other licensed facilities are unavailable, and it is reasonable that wives of persons presently entitled, and others who are in the vicinity for the purpose of their employment, should be able to avail themselves of the service available. The necessary amendment to section 28 is set out in clause 9.

The trading hours are to be varied and the court is to be authorised to grant occasional licenses in respect of cabaret licenses. The purpose of these amendments is to permit the holding of wedding and family parties in such premises. Clause 11 which repeals and re-enacts subsection (1) of section 30, provides the authority for these changes.

The Bill proposes to allow holders of theatre licenses to obtain occasional permits in the same way as other licensees, and clause 12 so provides.

The holders of packet licenses operated on the boats plying for hire between Perth and Rottnest have been concerned about the problems arising from inability to sell and supply liquor on special charters, principally in the evenings. The revenue from such business contributes towards the cost of running these vessels and enables the fares between Perth and Rottnest to be kept at a reasonable level. Moonlight cruises have been a regular kind of enjoyable entertainment for members of social clubs, and the desire to supply

and sell liquor is reasonable. Accordingly, it is proposed to give holders of packet licenses the right to apply for a permit to sell and supply liquor on such cruises. The amendment is contained in clause 13.

Consideration has been given to the requirement that Australian wine licenses are not to be renewed after the 31st December, 1972. This was a recommendation of the committee of inquiry, which was of the opinion that such licenses were conducted in an undesirable manner. The high cost of converting such licensed premises has made it difficult for many licensees to convert to other forms of license. However, there is fair body of opinion that wine saloons, the subject of Australian wine licenses, fulfil a useful purpose in providing a means to purchase wines for a class of people.

In these circumstances it is felt that existing licenses should be allowed to continue beyond the 31st December, but that no further licenses of this type should be granted. The Licensing Court has sufficient power to require an upgrading of premises where deemed necessary, and this should overcome much of the criticism of wine saloons. Clause 17 authorises the continuation of the present licenses but prohibits the court from granting any further applications for Australian wine licenses.

Clause 18 authorises the sale and supply of liquor to guests of members of unlicensed clubs. This gives such persons the same rights as guests of members of licensed clubs.

Holders of function permits are to be allowed to purchase supplies of wine from winehouses.

The right to object to the granting of cabaret and restaurant licenses is to be extended to the holders of similar licenses in the affected areas and to residents in the same areas.

The proliferation of these classes of licenses can lead to uneconomic projects which could result in a return to the unsatisfactory position which existed previously. Suggestions have been received that there should be a limit on the number of each class of license. This is an impractical suggestion as each area has different requirements, depending on population and needs of isolated areas. The solution now being submitted appears to be a suitable method of control. On the recommendation of the Licensing Court holders of provisional licenses within an affected area are also entitled to object to the granting of further applications. Clauses 22, 23, and 24 cover these proposals.

Under clause 26 restaurant licensees are to be required to exhibit at each table a printed list showing charges for meals and also for the various types of liquor available. Patrons are entitled to know the extent of their proposed commitment be-

fore finalising their orders. This procedure operates satisfactorily in some other States. Offences necessary for the effective enforcement of the Act are created under clauses 27, 28, and 29.

Holders of unlicensed club permits are not to be allowed to serve a person in a State of intoxication or visibly affected by liquor to the extent that any further consumption of liquor will create a state of intoxication.

There will also be an offence of making false or misleading statements, and a general offence of contravening or failing to comply with the provisions of the Act. A maximum penalty of \$200 is proposed for these offences.

Debate adjourned, on motion by The Hon. F. D. Willmott.

### QUESTIONS (8): ON NOTICE

#### 1. WATER SUPPLIES

##### *Bridgetown*

The Hon. V. J. FERRY, to the Leader of the House:

As improvements to water supplies at Bridgetown are programmed during the current financial year—

- (a) what is the nature of the planned improvements;
- (b) what is the estimated cost; and
- (c) over what period of the year will the proposed work be carried out?

The Hon. W. F. WILLESEE replied:

- (a) Replacement of old sub-standard reticulation mains.
- (b) \$10,000.
- (c) Prior to summer.

#### 2. *This question was postponed.*

#### 3. TRAFFIC

##### *Guide to Road Code*

The Hon. G. C. MacKINNON, to the Minister for Police:

- (1) Is the booklet "Guide to the Road Code" still on free issue from the Police Traffic Branch to aspiring vehicle drivers?
- (2) How many police stations have reported that they are out of stock of this booklet in the last calendar month?
- (3) Is the Minister aware that there are many complaints that the booklet is frequently unobtainable?
- (4) In view of his concern over road safety, would he take immediate action to ensure continuity of supply of the booklet?

The Hon. J. DOLAN replied:

- (1) Yes.
- (2) Nil.
- (3) No.
- (4) Supplies are available.

4. PASTORAL LEASES

*Vehicles*

The Hon. W. R. WITHERS, to the Minister for Police:

- (1) Is the Minister aware that an Aboriginal driver of an unregistered station vehicle belonging to the De Gray River Pastoral Company is being charged with driving an unregistered vehicle on Mulyie Station even though he was instructed to drive the vehicle by the owners of Mulyie Station who are also the owners of the vehicle?
- (2) Is the Minister also aware that the driver has no other plea than "guilty"?
- (3) Do all station vehicles now have to be licensed for use within the station boundaries?
- (4) What constitutes a public road on station property, or within the boundaries of a pastoral lease?
- (5) Can the proprietors of pastoral properties prevent the motoring public from using access roads on their properties if the State does not contribute to the maintenance of the roads?

The Hon. J. DOLAN replied:

- (1) No, but inquiries will be made.
- (2) No, any person may plead Not Guilty.
- (3) No, unless used on a road.
- (4) and (5) "Road" is defined in Section 4 of the Traffic Act. I do not propose to express opinions on questions of law.

5. ROYAL COMMISSION

*Wool Exporters Proprietary Limited*

The Hon. S. T. J. Thompson for The Hon. J. M. THOMSON, to the Leader of the House:

Further to my questions on Thursday, 7th September, Wednesday, the 13th September, Thursday, the 14th September, and Tuesday, the 19th September, 1972, relating to the Royal Commission into the affairs of Wool Exporters Pty. Ltd.—

- (a) has the Government given consideration to legislation containing very heavy penalties to people responsible for causing companies to trade—as the Royal Commission described on page 84 of the

Report, "in a reckless manner"—and further referred to the responsibility of anyone in "the contracting of a debt";

- (b) if the answer to (a) is "No", does not the exposure of such recklessness, as revealed in evidence, warrant such legislation;
- (c) if the answer to (a) is "Yes", can Parliament expect legislation containing such provisions will be brought down during this Session?

The Hon. W. F. WILLESEE replied:

- (a) Sections 374C, 374D and 374E of the Companies Act enacted subsequent to receipt of the Royal Commission's Report, provide penalties which are considered adequate for this type of offence.
- (b) and (c) answered by (a).

6.

TELEVISION

*Esperance*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

In view of this Government's policies on decentralisation, will the Minister for Development and Decentralisation, and the Minister for Agriculture, add their weight to the efforts of Esperance to obtain a wider television cover?

The Hon. W. F. WILLESEE replied:

Yes. The Minister for Development and Decentralisation has written to the Postmaster General expressing support for the widest possible television cover for the Esperance region. He was informed by the Postmaster General in May this year that the establishment of a high powered station there could not be justified on economic grounds due to the low population density outside the environs of the town.

My ministerial colleagues will continue to support efforts in this respect.

7.

RAILWAYS

*Boyanup-Bridgetown Line*

The Hon. V. J. FERRY, to the Minister for Railways:

As sections of the Boyanup-Bridgetown railway line are to be upgraded during the current financial year—

- (a) what is the nature of the planned improvements;
- (b) what sections are to be improved;

- (c) what is the estimated cost; and  
 (d) will the work be carried out by—  
 (i) employees of the Railway Department; or  
 (ii) any other work force?

The Hon. J. DOLAN replied:

- (a) It is proposed to re-rail 23 miles of track with 82 lb. material recovered from other localities.  
 (b) (1) Boyanup — Donnybrook Section—10 miles between 122 mile and 132 mile pegs.  
 (2) Balingup — Bridgetown Section—13 miles between 154 mile and 174 mile pegs.  
 (c) \$180,000.  
 (d) (i) and (ii) The work will be carried out by departmental employees.

8.

### HOUSING

#### *Flats: Playing Areas*

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Is it a requirement that flats built in this State have adequate outdoor play areas for children?  
 (2) Are there specific requirements laid down in regard to area, fencing, and other facilities?

The Hon. W. F. WILLESEE replied:

- (1) No.  
 (2) No.

### INHERITANCE (FAMILY AND DEPENDANTS PROVISION) BILL

#### *Second Reading*

Debate resumed from the 17th August.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [4.26 p.m.]: I see no reason to delay the passage of the Bill. I have discussed with Mr. Medcalf the matters he raised during the debate. As a result, some amendments upon which we have reached agreement appear on the notice paper. Therefore, I ask members to support the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation—

The Hon. I. G. MEDCALF: I move an amendment—

Page 3, line 6—Insert after the word "Act" the passage "other than for the purposes of section 7(1)(e) hereof".

If my amendment is accepted the sub-clause will read as follows:—

For the purposes of this Act other than for the purposes of section 7(1)(e) hereof, the relationship between a father and his illegitimate child, and any other relationship traced in any degree through that relationship, shall be recognized only if paternity is admitted by or established against the father in his lifetime.

In order to explain the object of this amendment it is necessary to refer to clause 7(1)(e), the effect of which is to allow the parent of a deceased child to claim entitlement to the estate of that child. This is a completely new departure in law. A parent who is not named in the will and who does not receive a share in the intestate estate, where there is no will, will be entitled to apply to the court to have the will changed or to be given a share. My amendment is to qualify this by inserting a provision which will appear later, so that a parent may only claim in certain circumstances. However, in order to achieve that I have to move the amendment to clause 4.

What I propose to do is to request the House to agree to an amendment that will only allow the parent to make a claim against the estate of that parent's deceased child, where the illegitimate relationship was admitted by the deceased or established in the lifetime of the deceased. If a father or mother, who is not in the will of the deceased child or is not entitled to a share in the estate, wishes to make a claim where the child is an illegitimate child, the father or mother must establish that relationship during the lifetime of the deceased.

That is a fair enough proposition, but unfortunately we have already provided that in order to establish the relationship of illegitimacy between the parent and child all that need be done is for the parent to admit that he or she is the illegitimate parent. Once we have a parent admitting the illegitimate relationship we regard the relationship as having been established.

It is fair enough where the parent admits the illegitimate relationship in cases where the child benefits; but when it comes to the parent benefiting it is hardly proper that the relationship should be established on such a basis. If the parent is to derive any benefit then the relationship must be established during the lifetime of the child. It can only be established when the child

is of mature age, otherwise we would have a parent saying that a child is his illegitimate child, so that when the child dies the parent will be able to upset the will of the deceased child and claim against the estate.

The Hon. W. F. WILLESEE: At the moment I have to oppose Mr. Medcalf's contentions. In view of his remarks I would like more time to look into the matter, with the aim of adjusting the situation. It is possible we may come up with a compromise amendment. If the honourable member is agreeable I will move that progress be reported.

The Hon. I. G. MEDCALF: I understand from discussions with the Attorney-General, which the Leader of the House arranged for me, that the Attorney-General is quite agreeable to these amendments. He did, in fact, indicate he would accept them. Perhaps there has been some misunderstanding.

The Hon. W. F. WILLESEE: There appears to be a difference of opinion, in the notes that have been supplied to me. However, I will not persist with those notes in view of the fact that we seem to hold the same view. The probability is that we shall be able to arrive at a compromise amendment.

#### *Progress*

Progress reported and leave given to sit again, on motion by The Hon. W. F. Willesee (Leader of the House).

*House adjourned at 4.37 p.m.*

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## Legislative Assembly

Thursday, the 21st September, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

### PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

#### *Second Reading*

MR. J. T. TONKIN (Melville—Treasurer) [11.03 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to make provision for additional offices in both Houses of this Parliament for Whips of minor parties of at least seven members in their respective Houses, other than a party whose leader is the Premier or the Leader of the Opposition, and to provide for the remuneration of the holders of such offices pending the next determination by the Parliamentary Salaries Tribunal in 1974.

The Members of Parliament, Reimbursement of Expenses Act, 1953, was amended in 1959 to provide, initially, for reimbursement of expenses to the Government Whip and the Opposition Whip in the Legislative Assembly, the annual amount thereby provided being \$400 and \$300, respectively.

In their report of 1965, the committee on allowances and reimbursements to members of the State Parliament of Western Australia recorded its thoughts that "... it could be said that these officers are servants of the respective parties and that there is no warrant for charging their allowances to Consolidated Revenue. However, there are precedents in other States and (of course) the Act of 1959 gave them recognition here. The work of these officers involves a close study of the progress of Parliamentary business, 'intelligence' so far as political moves are concerned, rounding up members, generally within the House, but, on rare occasions, outside the House."

After listening to the two Whips, the committee formed the opinion that these allowances are really for services rendered and should, therefore, be part of the remuneration. The committee consequently recommended that composite allowances of equal amount be paid to each Whip, being also of the opinion that there was no good reason for the allowances of the two Whips to differ.

The recommendations of the committee were adopted by Parliament, the Members of Parliament, Reimbursement of Expenses Act Amendment Act, 1965, deleting the provisions in the principal Act relating to the Government Whip and the Opposition Whip in the Legislative Assembly, and the Parliamentary Allowances Act Amendment Act (No. 2), 1965, making provision for the composite allowances, together with composite allowances to the Government Whip and the Opposition Whip in the Legislative Council.

The Parliamentary Salaries and Allowances Act, 1967, repealed the Members of Parliament, Reimbursement of Expenses Act, 1953-1965, and the Parliamentary Allowances Act, 1911-1965, and provided for the Parliamentary Salaries Tribunal, established under the 1967 Act, to conduct an inquiry and to determine what remuneration should be paid to Ministers of the Crown and to officers and members of Parliament.

The tribunal conducted its inaugural inquiry in 1968, and by its determination, fixed the annual salaries, additional to the basic salaries, payable to the Government Whip and the Opposition Whip in the Legislative Assembly at \$850 each and to the Government Whip and Opposition Whip in the Legislative Council at \$600 each.

The tribunal met again in 1971 and in its determination raised these annual salaries to \$1,150 each for the Government