

On the statistics concerning new houses completed by the private sector to March, 1973, a fund of in excess of \$120,000 would be established.

In its undertaking to the Government the industry stated that, following the practice adopted in Victoria, it would establish its own guarantee fund; but apparently the Government has set aside this offer in favour of a statutory system. Those in the industry wonder why their offer should be set aside, and I wonder at the Minister's denial that the industry approached him in this regard. From what I have been told, his denial does not make sense.

I repeat that it seems incongruous to me that we should have before us a Bill designed to make major alterations in the building industry while at the same time a public inquiry into the industry is being conducted to ascertain what should be done. Perhaps the Attorney-General could explain that point.

In any case, whether or not the industry has got the message through to the Minister in regard to the building fund, its representatives have informed me, as they have informed other members on this side of the House, that they are prepared to establish a guarantee fund administered and controlled by responsible organisations in the industry. Such a fund could be invested for the betterment of the industry and the welfare of the people concerned.

At this juncture I do not intend to speak at any length. Undoubtedly other members on this side of the House will speak to the Bill. I want to conclude by saying that in my long experience as a member of Parliament I have seldom known of a Bill to be as badly timed as this one. It is obvious that a public inquiry into the building industry would reveal the necessary facts from which suitable legislation could flow; but such a course was not adopted. We have before us legislation into an industry in regard to which a public inquiry is in progress. I wonder who were the fools! I oppose the Bill.

Debate adjourned, on motion by Mr. Mensaros.

House adjourned at 10.54 p.m.

Legislative Council

Wednesday, the 31st October, 1973

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

JOINT PRINTING COMMITTEE

Report: Tabling

THE PRESIDENT (The Hon. L. C. Diver): I wish to lay upon the Table of the House the report of the Joint Printing Committee for the year ended the 30th June, 1973.

The report was tabled (see paper No. 379).

QUESTIONS (5): ON NOTICE

1. TRAFFIC

Tractors and Agricultural Machinery: Driving Age

The Hon. G. W. BERRY, to the Leader of the House:

Is there any provision in the Traffic Act, or any other Act, which would prevent—

- (a) children under 14 years of age driving tractors on their parents' land;
- (b) children under 14 years of age riding on tractors or agricultural machinery generally?

The Hon. J. DOLAN replied:

- (a) No.
- (b) No.

2. MEMBERS OF PARLIAMENT

Staff and Offices

The Hon. R. J. L. WILLIAMS, to the Leader of the House:

- (1) In connection with the provision by the Government of offices and secretarial assistance in Assembly Members' electorates, is it anticipated that the additional facility may contravene the Constitution Acts Amendment Act, 1899?
- (2) If so, will it be necessary for an amendment to be made to section 41A of that Act prior to the provision of the facility to members of the Assembly?
- (3) If the replies to (1) and (2) are "No" in each case, would the Government advise this House its reasons for such decisions?

The Hon. J. DOLAN replied:

- (1) No.
- (2) Answered by (1).
- (3) Because it involves neither any acceptance of an office of profit under the Crown, nor any contracting by the Member with the Crown.

These are the specific disqualifications in the Constitution Act and the Constitution Acts Amendment Act—acceptance of an office of profit and contracting.

Section 41A of the Constitution Acts Amendment Act is addressed to the office of profit situation, and is just making it clear that acceptance of expenses in connection with any of the offices therein mentioned, is not the acceptance of "profit" in the relevant sense.

3.

CENSORSHIP

Pornographic Motifs

The Hon. G. W. BERRY, to the Chief Secretary:

Are there any restrictions on the wearing of shirts or other items of clothing displaying pornographic motifs?

The Hon. R. H. C. STUBBS replied:

The wearing of such shirts or other items of clothing displaying pornographic motifs appears to come within the scope of section 2 (1) and section 2 (3) (b) of the Indecent Publications Act. I might add that this has not been tested in court. We do not as yet have any evidence of any pornographic motifs displayed on articles of clothing. We would welcome evidence of this type of thing.

4.

EDUCATION

End of School Year

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Have any officers of the Education Department approved of any preference given to non-national people in the past two months relating to the end of the school year, when the Minister has denied similar requests from Australian employees even though each case had merit?
- (2) Has the Minister denied the request of any remote area teachers who have offered to work longer hours to enable them to depart for their southern homes on the 20th December, 1973?
- (3) How many schools have asked for a similar closure date because of transport difficulties?
- (4) If the answer to (2) is "Yes", does the Minister realise the only airline flights with available seating, other than the flight from Kununurra on Thursday, the 20th December, will involve teachers in flights and travel time of over 13 hours which will place them in Perth during the early hours of Monday, the 24th December, 1973?
- (5) Has the Minister considered the previous requests in the light of the physical state of the teachers

after 13 hours of travel, and having to do their Christmas shopping, banking and accommodation arrangements in the same day?

- (6) Will the Minister reconsider the situation for the teachers in Kununurra, and any other schools where a similar problem exists?

The Hon. J. DOLAN replied:

- (1) to (6) I have reviewed the matters raised by the Hon. Member and have authorised the following arrangements for 1973.

Schools north of the twenty-sixth parallel will be permitted to work a slightly longer day for the remainder of this term and then close one day earlier, that is, on Thursday, 20th December. The Education Department will advise the schools.

5. COAL MINE WORKERS' PENSIONS

Timber Cutters

The Hon. T. O. PERRY, to the Leader of the House:

- (1) Is the Minister aware that recent amendments to the Coal Mine Workers (Pensions) Act require all timber cutters employed in the industry to retire on reaching the age of 60 years?
- (2) Is the Minister aware that two men so affected will have to retire very shortly?
- (3) As these workers will not be eligible for the Coal Mine Workers Pension, or the Old Age Pension, will the Minister confer with the Minister for Mines in an effort to retain these men in the industry until they reach the age of 65 years?

The Hon. J. DOLAN replied:

- (1) Yes. Section 5 of the Coal Mine Workers (Pensions) Act makes it mandatory for a mine worker to retire on attaining the age of 60 years.
- (2) Yes. These men were made aware of the compulsory retirement provisions of the Coal Mine Workers (Pensions) Act and agreed to that condition prior to the Amendment being placed before Parliament.
- (3) Exceptions cannot be made to extend the retirement conditions laid down in section 5 of the Act. However, the Coal Mine Workers Pensions Tribunal have the power to extend a mine worker's employment, after attaining the age of 60 years, provided his employer proves to the satisfaction of the Tribunal that the employee's services cannot be replaced from the available work force at Collie.

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.40 p.m.]: I move—

That during the remainder of this second period of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

You may recall, Mr. President, that when I raised this matter yesterday the Leader of the Opposition asked me whether I could indicate to the House when Parliament was likely to rise, and I told him I would see what I could find out.

The Premier has advised me since that it is regretted that no firm date for the closure can be given. Important legislation has to be considered by the Parliament before the session ends. The Government will use the utmost expedition in the presentation of its legislative programme so that the Parliament can rise at the earliest possible moment.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.41 p.m.]: If I can be forgiven for using a vulgarity, the answer given by the Leader of the House to the question I asked in regard to the termination of the session, is a complete lemon. We seem to have been in this Chamber constantly for the last three years; we always seem to be in Parliament. If we look at the Legislative Assembly notice paper—bearing in mind that the Estimates have to be completed together with the two Appropriation Bills; Consolidated Revenue and General Loan Fund—we will see that few pieces of legislation remain.

Instead of the answer given by the Premier through the Leader of the House this afternoon, I think it is only fair that we should receive, at this stage of the proceedings, some indication of the Government's intention as to when it will close the session; but what the Leader of the House has told us now is a complete wipe-off and it does not please me at all.

I will not oppose the motion because it is one that is customarily moved at this time of the year and, invariably, it indicates that the session is winding up. If the session is not winding up there is no necessity to suspend Standing Orders to enable Bills to be passed through all stages in any one sitting. The Government cannot have its cake and eat it, and I think we are entitled to receive a civil answer to a civil question; and I do not think the answer given by the Premier gives any indication of the Government's intention as to when it will close the session.

For that matter, if we look at the notice paper that is in front of us, I think it would be agreed that a few days of concentrated work would clean it up. I repeat that I am not at all happy with the answer given to the House this afternoon, but unfortunately I, together with other members in the Chamber, can do little but accept it.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.43 p.m.]: I regret the Leader of the Opposition is upset over the answer he has received. However, I have been here a number of years and it would have been most unusual for the Leader of the Opposition, in the month of October, to be able to indicate to us any firm date on which the Parliament would rise. For 12 years he was in the position I now occupy and he had all that time in which to give such an indication. This, however, is the first opportunity I have had to do so.

I have told him the Government will do its utmost to finish the session as soon as possible. The Government has no wish to prolong the session and if we can finish some time at the end of November or early in December we would be delighted to do so.

The Hon. A. F. Griffith: I can understand the Government wanting to get out of the House as quickly as it can.

The Hon. J. DOLAN: It is impossible at this stage to indicate, on behalf of the Premier, a firm date for the rising of the Parliament.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 116

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.44 p.m.]: I move—

That, Standing Order No. 116, limit of time for commencing new business, be suspended during the remainder of this second period of the current session.

Question put and passed.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. R. Thompson (Minister for Police), read a first time.

Second Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [4.45 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to increase the penalties under the Prevention of Pollution of Waters by Oil Act, 1960-1967. It introduces also a number of new matters and widens several definitions to remove anomalies. Further, it provides that a ship's agent shall be equally responsible with the owner and the master for an oil spillage, and authorises the service on a Sunday of summonses under the Act.

Following the *Torrey Canyon* disaster which brought wide-spread pollution to many beaches in southern England, Governments throughout the world have become increasingly concerned with the prevention of similar incidents which would affect the environment.

The catastrophic effect of massive oil pollution on marine and bird life, and the tremendous cost of cleaning up beaches, may have been appreciated by some prior to the wrecking of the *Torrey Canyon*, but this tragedy brought it demonstrably to the notice of the general public. Reaction generally throughout the world was that accidents involving oil spillage must be prevented as far as practicable.

It is recognised that accidents happen no matter what precautions are taken, though if penalties are severe enough the incidence of accidents lessens. A meeting of Federal and State Ministers responsible for port development and marine affairs recognised this and adopted a new scale of penalties substantially higher than those applying and proposing that these penalties operate uniformly throughout Australia.

Members will appreciate the concern of Ministers that accidents involving oil spillage be reduced to an absolute minimum, when I mention that the meeting recommended a fine of \$50,000 for the offence of discharging oil as compared with the previous maximum fine of \$2,000. Penalties for lesser offences were also recommended to be scaled up substantially.

The need to make agents equally liable in the event of an oil spillage has arisen because, in practice, it has been found to be virtually impossible to secure a conviction prior to the master of an offending ship leaving port.

Usually it is difficult to ascertain if and when he will return to Western Australia. Furthermore, sometimes a master returns but a defended action has resulted in delays and adjournments. Thus the case goes on indefinitely without a decision being reached.

Cases of oil pollution have also occurred shortly after a ship has left Fremantle en route to another port. Under the Act as framed at present, there is no person on whom a summons can be served.

The provision to permit the serving of a summons on an offending ship's master on a Sunday is included to close a loophole which is preventing action in some cases. At the present time, if an offence occurs on a Sunday and a ship sails on the same day, it is necessary to defer the serving of a summons until the master returns to the State; that is, if he is to return. Even if he does return it may not be possible to carry out the due process of law if the ship arrives and departs on the same day, which happens to be a Sunday.

The main reason for such a high increase in the penalties is to provide guidance for magistrates and courts and to indicate to them the importance attached by the Legislature to the curtailment of oil spillages. We have experienced some minor spillages which were more or less in the open sea, but affected our beaches. We had one which affected the Scarborough-Trigg Island area, and another which affected the penguins at Penguin Island, and caused a considerable amount of trouble.

When spillages occur on the high seas it is up to the Commonwealth to take the action agreed to under various international covenants. However, if we do not have legislation similar to that of the Commonwealth, we might encourage ships' masters to be careful when they are on the high seas, but careless when they are in harbours.

The Commonwealth has taken action in conjunction with the States to provide stockpiles of materials to disperse oil spillages which may threaten our coast. I think we have a stockpile at Fremantle and another at Port Hedland. The Commonwealth is meeting the cost of the stockpiling, but the State has an obligation to trace the source of the spillage if possible and to take legal action in order to augment the funds provided by the Commonwealth to overcome the problem. The Commonwealth took action to amend its legislation covering the high seas, and the States agreed that they had a responsibility to provide similar penalties within harbours.

The other provisions in the Bill are to tidy up certain sections of the Act. It is hoped that this legislation will force shipping companies to be more careful about polluting our harbours. We have had instances of skippers whom we have been waiting to prosecute when they return to a certain port, and the shipping companies have kept those skippers away from the port for the obvious reason that they did not want to pay the penalty by sailing into the problems they had left behind.

All this, together with the international incident which brought about the disaster to which I have referred, seems to have made people throughout the world very much aware of the problems that exist in regard to oil spillages. The importance

of the problem is now exemplified by the increased penalties provided for in the Bill in order that the courts will appreciate the view of the Legislature that this practice must be frowned upon severely.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

EDUCATION ACT AMENDMENT BILL (No. 4)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. Dolan (Leader of the House), read a first time.

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.53 p.m.]: I move—

That the Bill be now read a second time.

This Bill was introduced in the Legislative Assembly on my behalf by the Attorney-General.

The relevant sections of the Act as mentioned in this Bill concern, in brief, assistance to non-Government schools, a textbook subsidy scheme for secondary students, onus of age, authority for the Board of Secondary Education to levy fees for the issue of duplicate Achievement Certificates, and a change of name from "Federation of Parents and Citizens' Associations" to "Council of State School Organisations". I intend to deal with each of these items separately and in that order.

By way of introduction to the first amendment—that contained in clause 2—I draw members' attention to the general provisions of the relevant sections 9A and 9B of the Act. These sections provide in various ways for assistance to non-Government schools. Section 9B provides for outright grants and regulation 57C gives details of how the total school grant is calculated.

Under section 9A, schools receive assistance for various specific purposes which are listed, such as matriculation library issues—found in section 9A(d)—and equipment grants—section 9A(f). The value of these two grants, which have been made separately, are deducted in the present situation when the gross amount per school is calculated for payments under the provisions of section 9B. The school's total allocation thus comes in three separate items.

The proposed amendments to section 9A are considered desirable because by deleting paragraphs (d) and (f) of the section, the school's gross allocation could be paid by single cheque rather than from three sources as at present. This would facilitate administrative procedures and, it is thought, also be convenient for the schools.

Since assistance under paragraph (f) of section 9A is in the form of a cash payment, the new proposals present no difficulty. Assistance under paragraph (d) is in the form of books to a certain value according to enrolments.

If the proposed amendments are approved, a school would receive cash instead of books and thus be able to buy its own selection of books.

The next amendment I wish to deal with is that relating to section 9D which concerns the subsidisation of the cost of textbooks at efficient schools. The Premier, in introducing the 1972 Budget, announced that the textbook subsidy for fourth and fifth-year students—and this applies to Government as well as non-Government schools—would be increased from \$10 to \$15 per annum as from the 1st January, 1973.

Through an oversight, no action was taken to amend the principal Act to allow for the higher subsidy whereas, nevertheless, the increase has been paid this year. The proposed amendment is necessary to honour the Government's promise and the department's action in making the payments at the increased rate.

The third amendment I wish to deal with concerns the onus of proof relating to a child's age. It has come to the Government's attention that some recent prosecutions under the Act have been unsuccessful on technical grounds relating to the onus of proof concerning a child's age. In subsection (2) of section 16 of the Act, the responsibility for proving or disproving age rests with the parent, but this is the only place in the Act where the obligation is mentioned. In view of the doubt currently existing it has been decided to amend the Act by the addition of section 21BA, and this will find its place in part V of the Act.

The amendments contained in clauses 5 and 6 of the Bill relate to the decision of the Board of Secondary Education, with the approval of the Treasury, to levy a fee for the issue of duplicate Achievement Certificates. The Public Examinations Board of the University of Western Australia has charged a fee for some considerable time for duplicates of academic certificates issued, and it is considered desirable that the Board of Secondary Education should levy a charge in respect of copies of Achievement Certificates.

Clause 7 of the Bill arises as a result of a decision taken at the 39th Annual Conference of the Western Australian Federation of Parents and Citizens' Associations to amend the constitution of the federation to allow for change of the association's name to "The Western Australian Council of State School Organisations". The prime reason for changing the name of the organisation is that it is considered advantageous for the name to be an easily identifiable alignment with the Australian Council for State School Organisations.

Several of the other Australian States have already altered the names of their organisations in line with the Australian council. Because the name "Western Australian Federation of Parents and Citizens' Associations" is referred to in section 22 of the Education Act, it is necessary to facilitate the change of name of the organisation by amending the Act as proposed before the amended constitution can take full effect.

I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. J. L. Williams.

CHURCH OF ENGLAND (DIOCESAN TRUSTEES) ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL

Third Reading

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [5.01 p.m.]: I move—

That the Bill be now read a third time.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.02 p.m.]: I did not speak to the second reading when the measure was debated in the Chamber. The Bill was capably handled by my colleague, Mr. Bill Withers. However, I am prompted to say one or two words to the third reading.

Members will recall that some little time ago I posed a question to the Government, couched in the following terms—

Is it the policy of the present Government to encourage gambling?

I was given an answer of one word—indeed one syllable—"No." Ever since that answer was given I have become more and more convinced with the passage of time that the answer was not correct.

This piece of legislation simply adds another form of betting which can be applied by the T.A.B. to racehorse meetings and also to greyhound meetings. It is to be called tierce betting. I thank the Minister for his explanation of what tierce betting is; and, indeed, I thank Mr. Withers for his research on that subject. I confess that I did not know what it was.

The Hon. R. H. C. Stubbs: It is "tears" when you lose.

The Hon. A. F. GRIFFITH: I never have occasion to cry over my losses.

The Hon. R. H. C. Stubbs: I did not say "you".

The Hon. A. F. GRIFFITH: The Minister said, "It is 'tears' when you lose." What he meant is, "It is 'tears' when one loses." As the Minister actually used the word "you" I assumed he meant me. I wanted to reassure the Minister that I do not have occasion to cry when I bet on racehorses. This is because I do not bet often and, in any case, I do not cry about my losses.

I read in this morning's paper that the number of greyhound tracks is likely to be unlimited. According to the report in the paper, the Greyhound Racing Control Board will consider any number of applications which are made to it. There will not necessarily be any restrictions on the number of courses permitted to be set up by the board.

In this afternoon's paper I saw a headline, in big black letters, "First step towards casinos?". The article reads—

A State Cabinet sub-committee will make preliminary inquiries into possible changes in WA's gambling laws.

The move is seen as a first step . . .

The Hon. R. H. C. Stubbs: Seen by whom?

The Hon. A. F. GRIFFITH: The headline is, as I have said, "First step towards casinos?". There is a big black question mark after the word "casinos". The article is written by Mr. Phil Pendal. The sub-heading is, as I have said—

A State Cabinet sub-committee will make preliminary inquiries into possible changes in WA's gambling laws.

What was the Minister's question?

The Hon. R. H. C. Stubbs: Did not the Leader of the Opposition follow that up with something about, "the move is seen"?

The Hon. A. F. GRIFFITH: That is in the balance of the article, which continues—

The move is seen as a first step . . .

The Hon. R. H. C. Stubbs: I do not know who has seen it. I do not know what they mean.

The Hon. A. F. GRIFFITH: The Minister does not know who saw it or who has seen it?

The Hon. R. H. C. Stubbs: Quite obviously, Mr. Phil Pendal is putting his own construction on it like many other people do.

The Hon. A. F. GRIFFITH: Perhaps I may read the rest of the article.

The Hon. R. H. C. Stubbs: I do not mind; I enjoy your voice, because it has such a beautiful rhythm.

The Hon. A. F. GRIFFITH: I thank the Minister. I will not name the general who was asked the question, "General, would you smile, please?" The general said, "I am smiling." The Minister reminds me of the general. May I continue?

The Hon. R. H. C. Stubbs: Certainly.

The Hon. A. F. GRIFFITH: To continue—

The move is seen as a first step in deciding whether casinos will be allowed.

The main task of the four-man sub-committee ...

Point of Order

The Hon. R. F. CLAUGHTON: Mr. President, I question the introduction of this material into the debate since it has not been mentioned at any previous stage during the consideration of the measure.

The PRESIDENT: If I concur with this point of order, henceforth no member would be allowed to refer to a newspaper. I am sure all members have done that in recent weeks. The Leader of the Opposition may continue.

Debate Resumed

The Hon. A. F. GRIFFITH: Thank you, Mr. President. Before I continue reading the article, it may be appropriate to comment that this is obviously an attempt on the part of Mr. Cloughton to prevent me from reading the article.

The Hon. R. F. Cloughton: I was questioning the relevance of it to the debate.

The Hon. A. F. GRIFFITH: It is extremely relevant.

The Hon. R. F. Cloughton: Not to dog racing.

The Hon. A. F. GRIFFITH: The article mentions a possible further increase in gambling. Has not Mr. Cloughton read this evening's paper?

The Hon. S. J. Dellar: Are not country people entitled to go to the dogs in the same way as city people?

The Hon. A. F. GRIFFITH: Perhaps the honourable member would go to the dogs far more quickly than other people.

The Hon. R. Thompson: I would like to hear the article.

The Hon. A. F. GRIFFITH: Everyone is anxious to hear it and I would like to read it.

The Hon. R. F. Cloughton: I have read it already.

The Hon. A. F. GRIFFITH: I will try again—

The main task of the four-man sub-committee will be to decide whether a commission should inquire into the state's gambling laws.

The Premier, Mr. Tonkin, said today it would also decide the form of any such inquiry.

The sub-committee comprises the Chief Secretary, Mr. Stubbs; the Minister for Police, Mr. Thompson; the Attorney-General, Mr. T. D. Evans; and the Minister for Works, Mr. Jamieson.

The ALP state conference in August decided to ask the government to set up an inquiry into gambling laws.

The conference decision headed off moves for an immediate policy on establishing casinos.

The acting ALP state secretary, Mr. R. McMullan, said today the conference had not suggested any time table for the inquiry.

The ALP's re-written platform would soon be printed and circulated to ministers.

● Labor MPs are bound by the party's written platform, but the timing of any action rests entirely with them.

I have simply read that article to the House as a further indication that the answer given some time ago to the question I asked was, in reality, a little wide of the mark.

The Hon. R. H. C. Stubbs: May I ask the Leader of the Opposition a question? In one of the debates once I think he said that it would be a good thing if all betting were consolidated.

The Hon. A. F. GRIFFITH: Did I?

The Hon. R. H. C. Stubbs: I think so.

The Hon. A. F. GRIFFITH: What does that have to do with the establishment of casinos in Western Australia?

The Hon. R. H. C. Stubbs: I am not talking about casinos. The Leader of the Opposition said it would be a good move.

The Hon. A. F. GRIFFITH: Did I?

The Hon. R. H. C. Stubbs: Perhaps the Leader of the Opposition sowed the germ and we are acting on this.

The Hon. R. Thompson: Who said that we are going to establish casinos?

The Hon. A. F. GRIFFITH: A four-man subcommittee has been appointed.

The Hon. R. H. C. Stubbs: I could not think of a better subcommittee.

The Hon. A. F. GRIFFITH: Is this report correct?

The Hon. R. Thompson: It is an inquiry into all forms of gambling—not into the setting up of casinos.

The Hon. A. F. GRIFFITH: Will the inquiry include the setting up of casinos?

The Hon. R. Thompson: We have not yet met. Probably this could come up for discussion—I do not know. Can the Leader of the Opposition tell me what will be discussed when he attends a meeting next week?

The Hon. A. F. GRIFFITH: The Minister for Police is not serious?

The Hon. R. H. C. Stubbs: We are serious, because we have not yet met.

The Hon. A. F. GRIFFITH: Obviously the four-man subcommittee has not yet met.

The PRESIDENT: Order! I ask the Leader of the Opposition please to address the Chair and not to ask for interjections.

The Hon. A. F. GRIFFITH: Yes, Mr. President. I usually do not need to ask for them for some reason which I do not understand.

I am merely drawing the attention of the House to the fact that the Government is not, in my opinion, pursuing the policy of not encouraging gambling; on the contrary it seems to be doing everything it can to encourage gambling.

Members well know the reservations I held—and still hold—about greyhound racing and its possible effects on the community. I am sorry to see the Government is now proceeding further along the path of encouraging the people in our State to engage in other forms of gambling.

I am not allowed to bet in this Chamber, but if I were, I would bet that part of the Cabinet subcommittee inquiry will be concerned with the establishment of casinos. I ask Ministers opposite to see whether I am correct.

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [5.11 p.m.]: I have not read this evening's paper and the article read to us by the Leader of the Opposition was rather disjointed because of the number of interjections. Consequently, I could not say, at this point, whether or not the article is correct. It came to me in bits and pieces.

We have not yet received a copy of the Labor Party's recommendations in printed form but, if my memory serves me correctly, the Labor Party Conference was opposed to casinos. I seem to recall that the agenda item on casinos met with almost total opposition. This is not relevant to this particular debate but it is relevant to the comments made by the Leader of the Opposition concerning the committee which has been set up. There is no time limit on the committee and I do not know when we will meet. Probably we will not meet while Parliament is sitting. The inquiry will look into all forms of gambling—not specifically into casinos.

The Hon. A. F. Griffith: Two-up as well?

The Hon. R. THOMPSON: Probably. It will look into all forms of gambling. It may be that the committee could recommend that gambling, in some avenues, should be more restricted. I cannot foretell what will happen.

The Hon. A. F. Griffith: I could bet on that.

The Hon. R. THOMPSON: Let me state quite clearly that the amendment to the Totalisator Agency Board Betting Act was requested by the Greyhound Racing Control Board—not by the Labor Party. It was requested because this type of betting is

novel. The rules will be laid on the Table of the House and if members do not like them they can move to have them disallowed.

It will be a long time yet before we see greyhound racing in Western Australia. I understand there would be no tierce betting if the rules were to be disallowed. It would be completely unfair to put the onus on the members of the Labor Party. In the first place, Parliament will make the decision. Secondly, when the rules are laid on the Table of the House, Parliament may reject those rules if members do not agree with them. With those remarks, I commend the Bill.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

PAY-ROLL TAX ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and returned to the Assembly with an amendment.

INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING BILL

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. Thompson (Minister for Police), and returned to the Assembly with amendments.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 17th October.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.17 p.m.]: The purpose of this Bill is to amend the Housing Loan Guarantee Act, and at the outset I would indicate my support of the measure.

I had quite a bit to do with this legislation at one stage of my parliamentary life; it goes back to 1957 and since then the operation of the Act has, by and large, been very successful.

The purpose of the principal Act is to guarantee loans; the State Government providing the guarantees and indemnities in respect of money advanced for housing. Of course this operates in the low-cost field of housing and in cases where high ratio loans are arranged; the maximum loan being 95 per cent. of the total purchase price of the house.

Over the years the scheme has largely eliminated what is commonly known as the deposit gap. To my mind the Minister's speech on page 1 of his notes appears to be a little inaccurate. He said—

Over the past two years a sum of \$4,938,000 has been raised under the Act.

The Hon. R. Thompson: That should have read "guaranteed under the Act".

The Hon. A. F. GRIFFITH: Money is not raised under this Act at all.

I make the further point that my colleague, the Deputy Leader of the Opposition in the Assembly, made the point to the Minister for Housing that money is not raised under the Act; but despite that, the Minister in this House received notes to the effect that money is raised under the Act.

The point is purely a technical one; because as I have said money is not raised under the Act at all. In fact, the money is guaranteed under the Act. The Act has two main objectives: it guarantees, and it indemnifies lenders of money—institutions and the like—against the return of those funds in the event of default on the part of the borrower; providing the lendings and borrowings are in accordance with the Act and the conditions laid down by the Minister.

The Bill seeks to amend section 7B of the principal Act, and its passing will obviate the necessity for regular amendments having to be made. I think the Act has already been amended on not less than nine occasions since its introduction in 1957. The main purpose of those amendments has been to raise the level of the loan—the percentage of the loan—in relation to the value of the house that is being purchased, and so on.

The provision in clause 3 of the Bill will remove specific reference to these conditions and it will be left to the Minister to alter them by Executive action. Various geographical areas have been provided for and a different percentage will apply in each area.

All I can say is that while I am one who is not generally keen to take authority out of the Statutes and hand it to the Executive—because this is the area in which Parliament loses control—I think in this case there is nothing wrong with the intention of the Bill; because, all the Minister will do from time to time is alter the quantum.

I see no reason to further labour the matter and as I have already said I support the second reading of the Bill.

THE HON. R. THOMPSON (South Metropolitan—Minister for Police) [5.22 p.m.]: I thank the Leader of the Opposition for his remarks and his concurrence with the Bill. When I was reading my introductory speech I might indicate that I did underline the word "raised", because I realised it was a mistake; the word should have been "guaranteed" and not "raised". However, I was not aware that the matter had been mentioned in another place.

Like the Leader of the Opposition—and I am sure other members feel the same—I prefer to see Bills come before Parliament in a form which enables us to see what is going on; particularly where money is involved.

By the same token, however, as was mentioned by the Leader of the Opposition, since 1957 no less than nine amendments have been made to the Act. At one time I was chairman of a terminating building society and I know that sometimes when loans are available the guarantees under the legislation are quite often 12 months behind. At the same time people cannot afford to borrow a lesser amount than is necessary for their particular commitment, and this must be ensured under the Housing Loan Guarantee Act. I am sure the Bill will streamline procedure for those who need to borrow money urgently to build their homes.

I again thank the Leader of the Opposition for his contribution to the debate and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. R. F. Claughton) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 7B amended—

The Hon. A. F. GRIFFITH: I read an article in the Press this morning, subscribed to by the building societies, in which a warning was given that less money would be available through building societies this year than has been the case previously. The Minister may have seen this article in the paper.

I know I am not permitted to quote newspaper reports which deal with legislation that is before the House, but if my memory serves me aright, the reason given for the nonavailability of funds is the high rate of interest applied by the Commonwealth Government. I do not know where we are going in respect of interest rates.

I suppose I could say that I am now a man of mature age, but I certainly would not like to be 30 years younger and have to struggle to pay off a house.

The Hon. J. Dolan: But you would like to be 30 years younger.

The Hon. J. Heltman: And knowing all you do now!

The Hon. A. F. GRIFFITH: I would like to be 30 years younger, but I would not like to be a young person paying off a house; certainly not under present conditions.

The Hon. L. A. Logan: You would still make the same mistakes.

The Hon. A. F. GRIFFITH: Interest rates are climbing to such an extent that the average man who has a wife and family must find it extremely difficult to pay these rates. For a number of other reasons, housing must surely be getting beyond the scope of many young people.

When one appreciates that the interest rate is as high as 9 or 10 per cent. one will realise that on a loan of \$10,000—and I am sure that would be the absolute minimum—one would be up for \$1,000, at 10 per cent. by way of interest; though, of course, if a reducible mortgage is in existence it will mean the interest will be reduced as a result of payments being made over the years.

This is a tremendous burden for people of any age to carry; and I cannot find words strong enough to condemn the policy of the Federal Government which forces people to pay such terrifically high rates of interest under the misguided belief that this is one of the answers to inflation.

This sort of policy does nothing to help young people who are trying to build houses or buy houses or land to the best of my knowledge; nor does it do anything to quell inflation in any shape or form. Perhaps the Minister could advise us what effect such a policy has on inflation—where instead of paying 6½ or 7 per cent. people are forced to pay 8½ per cent., 9 per cent., and even 10 per cent. or more.

When it comes to bridging finance we find ourselves in an impossible situation. I feel sorry indeed for young couples who are trying to struggle under this burden today; a burden which is occasioned in my humble opinion by the policy of the Federal Government which lays down the interest rate that shall be charged, thus forcing people to pay money they can ill-afford. As the Minister knows, nobody can do without a roof over his head. It is the first obligation of a man with a wife and family to provide a roof over their heads and the policy of the Commonwealth Government is making it more difficult for people to achieve this objective.

The Hon. R. THOMPSON: I listened with great interest to the remarks of the Leader of the Opposition, and I agree with them entirely. If one took the trouble to

refer to *Hansard*, one would find I made virtually an identical speech in 1969 when the Federal Liberal Government increased interest rates by 2 per cent. in one year. I disagreed with that action then, and I disagree with it now. I do not think it helps to curb inflation.

I have taken part in many debates in which I have been asked why interest rates are increased. I know this imposes a burden on people who have committed themselves to buy a home. If the non-profit, co-operative society of which I am chairman obtains a loan from the Commonwealth Bank and the interest rate is increased, people who are committed to housing repayments and possibly hire-purchase repayments suffer serious consequences.

The Hon. A. F. Griffith: Has your Government made representations to the Federal Government regarding this increase in interest?

The Hon. R. THOMPSON: I believe the Premier has done so, but I cannot speak authoritatively. On the two occasions in 1969 when the interest rate was increased by 1 per cent. my society was able to contain the rate of interest for about 12 months by pruning expenses and with the help of insurance commission from time to time; and we did not increase the rate of interest forthwith. I think some of the building societies should do that because if a co-operative society can do it I think a financial organisation should be able to do it.

The Hon. A. F. Griffith: What rate of interest does your society charge its borrowers?

The Hon. R. THOMPSON: That depends upon where the money comes from. I think the last loan we got from the Commonwealth Bank was at 6½ per cent., and the society operates on a margin of ¾ per cent.; so the rate of interest charged would be 7¼ per cent. If we obtain money from the State Housing Commission under the matching grant scheme the money is lent to us at 5½ per cent., and we add ¾ per cent. to that.

The Hon. A. F. Griffith: Are those the rates before the Budget?

The Hon. R. THOMPSON: That is right.

The Hon. A. F. Griffith: What are they now?

The Hon. R. THOMPSON: We have not allocated any money since then because we have none to allocate until such time as we receive the matching grant from the State Housing Commission.

However, I point out that this action is not peculiar to the present Federal Government. The same action was taken by the previous Government, which increased the interest rate by 1 per cent. on two occasions in the same year. When one

points out to the economists who advise the Government that they are wrong they say, "Oh, yes, we made a mistake". But to whom else can we go for advice? I think economists tend to follow a pattern and to say that we must increase prices to curb inflation. That sounds ridiculous to me, and I do not think it solves the problem. My sympathy is for the people who have borrowed money and will now find it hard to repay their loans. On the other hand, those who have borrowed at a fixed interest rate are now riding on the crest of a wave.

The Hon. A. F. Griffith: I do not think there are many of those.

The Hon. R. THOMPSON: There are all those who have war service loans.

The Hon. A. F. Griffith: That is entirely different; it is not a fixed mortgage, anyway.

The Hon. R. THOMPSON: The interest rate is fixed at 3½ per cent.

The Hon. A. F. Griffith: It is only fixed until it is changed.

The Hon. R. THOMPSON: Yes, but the rate has not been increased.

The Hon. A. F. Griffith: Do you mean that the interest rate on war service loans was not increased in the recent Federal Budget?

The Hon. R. THOMPSON: That is right.

The Hon. A. F. Griffith: It is the only one that wasn't.

The Hon. R. THOMPSON: The same applies to moneys lent by the State Housing Commission; the interest rate has not been increased. However, the interest rate applicable to loans made by commercial organisations has been increased. I leave this thought with the Leader of the Opposition: This action was also taken by the previous Government.

The Hon. A. F. GRIFFITH: The Minister for Police has a habit of saying that this is not the first time something has been done.

The Hon. R. Thompson: It will not be the last time, either.

The Hon. A. F. GRIFFITH: In this case I am sure he is correct. However, I make two comments. Firstly, if the previous Federal Government increased the rate of interest by 2 per cent., then prior to that increase the rate must have been extremely low.

The Hon. R. Thompson: It went from 5½ to 7½ per cent.

The Hon. A. F. GRIFFITH: My second comment is that one would have thought the present Commonwealth Government would have learnt a lesson from that.

The Hon. R. Thompson: Unfortunately, I cannot influence that Government.

The Hon. A. F. GRIFFITH: I think that is unfortunate; if the Minister for Police had influence with the Commonwealth Government he might be able to get some common sense into its actions.

To the best of my knowledge the only rate of interest that has not increased is that charged under the war service homes legislation, which remains at present at 3½ per cent.; but that could be changed by action of the Commonwealth Government. In fact, if I remember correctly, when the Budget was introduced by Mr. Crean mention was made of the fact that the interest rate on war service home loans would not be increased. However, I venture to suggest that there are not many mortgages which do not have a clause permitting the mortgagee to raise the rate of interest in the event of the charges for money being raised as they were in the Federal Budget.

The Hon. R. Thompson: I have seen some fixed mortgages.

The Hon. A. F. GRIFFITH: I think they would be very few and far between. I felt it opportune to register my protest and to point out something of which we are all well and truly aware; that is, the great difficulties in the area of finance under which the Australian people are labouring at present.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. R. Thompson (Minister for Police), and passed.

AERIAL SPRAYING CONTROL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th October.

THE HON. C. R. ABBEY (West) [5.42 p.m.]: When introducing this Bill the Minister clearly stated its purpose. The measure contains only a small alteration to the Act, but it has wide implications. We find that section 10 of the Act is to be amended to enable spraying operators to be covered by a policy which affects only the State and not the whole of the Commonwealth as at present.

I said that the measure has wide implications, and I think we should have a close look at that statement. In this State, as everyone knows, many thousands of acres of sweet lupins have been planted, and will continue to be planted in the future. I understand shortly we will be in the situation of having 1,000,000 or

more acres of sweet lupins, which have a very high protein content and are readily accepted for export. The major portion of this crop is grown in areas to the north where I believe any spraying of hormones by air is dangerous. We know that aerial spraying of hormones can affect susceptible plants up to 10 miles away. I refer to peas, garden plants, and many other crops. I make the point that in my view it is extremely dangerous to spray hormones from the air in any area where sweet lupins are grown. If in the future large areas are planted with sweet lupins in districts where the prevailing winds are strong, this danger will be increased; and we know there are strong winds along the coast towards Dongara and Geraldton, which is the area in which the lupins will be grown.

I have deep sympathy for the operators of spraying services who find that their business is decreasing. If it means that crops valued at many thousands of dollars are to be partly destroyed, then we should have a serious look at the banning of aerial spraying altogether. It is quite possible, and it is also reasonable to carry out the spraying operations from the ground. The use of hormones is largely for the purpose of controlling wild turnip or radish in wheat crops, and their use for such purposes should be continued. However, we have reached the stage where their use from the air could prove to be a risk. This is a fact of life.

Aerial spraying operators apply large tonnages of superphosphate and other fertilizers and sprays from their aircraft. I understand that the periods of spraying tides the operators over the 12 months of the year, but this is not good enough if it means business losses could occur from such aerial spraying operations.

In the parent Act and in the amending Bill before us we have the situation where the aerial spraying operator, with one or more planes, will be able to indemnify the risk by taking out a policy to give cover up to \$30,000. I am glad that the Government in its wisdom has not agreed to lower this figure. It is obvious that many farmers in the north of the State will grow thousands of acres of sweet lupin, and the coverage of \$30,000 will not be adequate in the case of a crop of 2,000 acres. For the reasons I have given I hope the Government will look at this situation very closely, and ensure that discussions are carried on in the Department of Agriculture to ascertain whether the situation is getting out of hand. I think it is, and I think we should return to the situation where the spraying is done on the ground.

In some areas of the State many thousands of acres of sweet lupin will be grown, particularly in the south-west. Wherever they are grown there is a risk

of loss when hormone sprays are used in the vicinity. It is necessary to take this factor into account. Perhaps in future we may have to ban the use of aircraft to apply these sprays.

It is obvious that many side effects could arise from spraying. On a recent trip to Japan I commented to taxi drivers and others with whom I came in contact on the absence of flies in that country. I was informed that it was through Government action that the flies were destroyed by the use of D.D.T. However, the side effect was that just about all the birds were destroyed. I am sure that in Australia we do not want to see that happening.

At this juncture I see no reason to oppose the amendment. This will make it easier for the aerial spraying operators to continue their activities. While it is necessary for them to carry out the operations with the use of hormones, we should not do anything to make these operations unprofitable to them. However, I repeat we will have to take a serious look at the situation in the future.

The Hon. J. L. Hunt: It would hardly be feasible to use ground sprays in an area like the Ord irrigation district.

The Hon. C. R. ABBEY: A different situation exists in that area. I am aware of the dangers of using 2,4-D. We have the situation arising in the cattle-raising areas where the use of 2,4-D is becoming dangerous to the export trade, in that cattle which have ingested pasture that has been sprayed with 2,4-D are not accepted by the works. This is a side effect of the use of that hormone.

It would not be possible to spray cotton crops with D.D.T. from the ground. These are instances where the particular circumstances have to be taken into consideration. I understand from a friend in the Ord irrigation district that the cotton crops are sprayed at least twice a week during the peak of the season, and by this means the insects are controlled. Of course, a defoliant is used before the harvest. It would be impossible to carry out such operations, except by aerial spraying.

I do make the point that we will have to look at the situation in the agricultural areas very closely, because the aerial spraying of hormones could prove to be very dangerous.

THE HON. D. J. WORDSWORTH (South) [5.51 p.m.]: This Bill introduces two small amendments to the Aerial Spraying Control Act. The first seeks to remove the requirement of aerial spraying contractors having to take out an indemnity against damage covering the whole of Australia. It will be adequate for them to take out a policy to cover such damage arising in Western Australia. That is a very sensible amendment, because many

of the aerial spraying contractors in this State might not operate in the other States.

I understand that the risks arising from damage caused by aerial spraying is much higher in the other States. If an insurance company has to issue a policy to provide cover for the whole of Australia then the premium must be much greater than that for a policy covering only Western Australia. For that reason I agree with this amendment in the Bill.

The second amendment in the Bill specifies that the owner of a number of such aircraft will need only one indemnity policy to cover damage up to \$30,000. I find this to be rather extraordinary. If a person owns a number of aircraft I cannot understand why he should not be required to have greater insurance cover than has a person who owns only one aircraft. Surely the risks are much greater in the case of a person owning more than one aircraft.

One could say that only one case for damages could arise at a time, but often many of these cases take a long time to be heard. If the number of aerial spraying contractors is reduced to, say, two in this State, then we might find that these two have aircraft operating in the north as well as the south of the State. So, it is possible for them to be involved in more than one court case at a time. For that reason I say the indemnity of \$30,000 is not adequate. I question why the owner of more than one aircraft will need to take out only one insurance policy for \$30,000.

I have more reason to question this after listening to the Minister's second reading speech last night. He said—

The Australian Aviation Underwriting Pool Pty. Ltd., the main company concerned, has indicated that it is prepared to review the premium in the light of claims experienced in Western Australia but the likely reduction has not been disclosed. The original Australia-wide premium of \$250 per plane had increased to \$450 last year, with a further increase of possibly \$200 likely in 1973 because of extensive claims in Victoria and Queensland.

From that part of the speech of the Minister I would say the premium is based on each aircraft.

If the Minister is aware that the premium is based on a per plane basis, then why should the owner of more than one aircraft be required to take out only one policy to cover damage up to \$30,000? I agree with what Mr. Abbey has said regarding the risks under which aerial spraying operations are applied in regard to sweet lupins, but there are also other crops.

In my electorate I find there is a growing concern among grape growers on the use of aerial sprays. In this respect I quote from *The Albany Advertiser* of the 24th October.

MT BARKER: At a meeting of wine grape growers held at Mr and Mrs A. F. Smith's home in Denbarker on Saturday night, it was unanimously decided to form an organisation to be known as the Lower Great Southern Wine Growers' Association.

Further on in the report the following appears—

A topic of utmost concern to growers was the indiscriminate use of the weedicide 24D.

Its use is prohibited in the grape growing regions of the Swan Valley where it has been proved that 24-D has killed or permanently damaged vines growing up to ten miles distant from where the spray was used.

This matter will be taken up with the Plantagenet Shire Council, as it is understood that this weedicide is being used by the Agricultural Protection Board in its control of Watsonia.

We ought to extend this legislation to cover more than the grape-growing areas in the Swan Valley, because there are other extensive grape-growing areas not only in Mt. Barker, but also in the Margaret River and the Gingin areas. We should consider prohibiting the use of 2,4-D in all the grape-growing areas.

On the 24th September Mr. Ferry was contacted by telephone by an anxious grape grower at Mt. Barker. He said that beyond his gate he could see a team of men from the Public Works Department carrying out spraying operations. He had no way of determining what type of spray they were using, or what would be the effect of that spray. Mr. Ferry rang Mr. Eckersley, the Chief Horticultural Officer of the Department of Agriculture, and Mr. Allen, the assistant head of the weeds and seeds section. They assured him that if the chemical was proton which contains atrazine and amitrole, it would be quite safe provided it was applied in calm conditions, but that if the preparation was 2,4-D hormone there was a great risk that grape-growing areas.

In this particular case the men from the P.W.D. carried out the spraying when the wind was blowing in the opposite direction. However, I can see where a great risk is taken in using the dangerous types of sprays, and perhaps on another occasion the workmen concerned might not be as co-operative. This operation was carried out from the ground where the spray could be controlled, but if carried out from an aircraft it would be a different matter altogether. I raise these points so that the Minister will be able to clarify them when he replies to the second reading debate.

THE HON. J. HEITMAN (Upper West) [5.58 p.m.]: To my way of thinking this Bill will not bring about a great change to help aerial spraying. It certainly will not help the individual who requires the

spraying to be undertaken. I am sure that some people have heard that at Morawa this year an aircraft was carrying out spraying operations to the west of the town while a strong westerly wind was blowing. The result was that many gardens in the townsite were destroyed.

For many years the people of Morawa have experienced problems resulting from aerial spraying operations. I cannot see that the amendments contained in the Bill will help them to a great extent. The only effect is that they will be of help to the owners of aerial spraying aircraft.

Despite all the precautions which the operators of such aircraft are required to take, the fact remains that if there is a landing strip in the vicinity of a town near where the operations are undertaken, the pilot invariably tries to clean out any surplus fertilizer or chemical compounds before the aircraft lands. On many occasions the pilot has cleaned out the aircraft near a town, and as a result many gardens were destroyed.

Last year an incident occurred at Morawa which caused concern to many farmers. There is an arboretum established on my farming property. The aerial spraying aircraft flew so close to the arboretum that the spray was blown onto the trees. As a result many of them were killed. When trees are killed in this manner it indicates that precautions are necessary.

Under the provisions of the Act the operators are supposed to advise the Director of Agriculture of the velocity of the wind, and the area sprayed. A considerable amount of detail must be sent in to the director. However, not many people realise that they can report damage caused through aerial spraying to the Director of Agriculture, when something will be done about it.

The aerial spraying operators do a tremendous amount of good, but there is the reckless type of operator who causes the damage. I consider that the Act needs an overhaul so that the community will be safeguarded, and also so that the companies which operate the planes are safeguarded against the careless pilots who cause damage.

Mr. Abbey referred to lupins. I have many acres of lupins planted at the moment. On one occasion I was in the vicinity of a truck, the driver of which intended to drive past a paddock of lupins. An aerial spraying plane, working in conjunction with the truck, was flying overhead and I overheard the pilot telling the truckdriver to keep away from the paddock which contained the lupins. The pilot could see the lupins from the air. However, there are careless operators who spray paddocks adjacent to lupins when

the wind is blowing in the wrong direction. Only a small amount of spray is necessary to kill a paddock full of lupins.

The Act needs to be overhauled to increase the penalties for carelessness. A crop of lupins is worth more than \$400, and a sum of even \$30,000 would not cover quantities of damaged lupin crops. Thousands of acres of lupins are planted in the Eneabba-Badgingarra light plains area, and right through to Geraldton. If a plane were to spread 2,4-D with the wind blowing in the wrong direction, many crops could be destroyed and the loss would be more than \$30,000. I realise it is too late to overhaul the Act this year because most of the spraying has been completed. However, in the near future there should be a complete overhaul of the Aerial Spraying Control Act to provide greater safeguards against careless operators who are here today and gone tomorrow.

Many people would not know how to lodge a complaint against an aerial spraying operator if he caused damage. They could report the matter to the shire clerk but probably would not have obtained enough information regarding the plane. The regulations concerning the information which should be supplied to the Director of Agriculture should be enforced so that a plane which causes damage can be traced.

Mr. Abbey mentioned that at Kununurra the crops are sprayed twice a week, during some parts of the year, to get rid of insects. It seems to me that the poison does not have any residual effect at all, otherwise it would not be necessary to spray so often. Surely a material is available which would be more effective.

The Hon. C. R. Abbey: It is available, but it is more expensive.

The Hon. J. HEITMAN: It must be shockingly expensive to have the crops sprayed twice a week, and then sprayed again to destroy the foliage before the harvest. I consider that a considerable amount of work needs to be done in revising the Aerial Spraying Control Act. It should be done before spraying commences next year.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) (6.05 p.m.): I thank the members who have contributed to the debate. It seems to have taken a different turn from that which occurred in another place where most members supported the action which is to be taken. However, that does not mean we should support everything that is done in another place.

The Hon. J. Heitman: I thought the debates which occurred in another place were a bit weak.

The Hon. J. Dolan: I was delighted to note that those who participated in the debate were men of experience who have

observed the operations of the aerial spraying aircraft, and observed the weaknesses in the system.

The last speaker, Mr. Heitman, referred to the fact that the Act needs to be overhauled. I was also interested to hear Mr. Abbey say that we will have to give serious consideration to the elimination of aerial spraying, and more attention to ground spraying. I realise there are many problems associated with such a plan. It would be impossible to use some areas—particularly hilly areas—if it were not for the fact that light aircraft are able to spread superphosphate. Also, many operators would not be too keen to indulge in only one form of spraying.

The Department of Agriculture has set up a Pesticides Advisory Committee, and the duties of that committee are to examine the pesticides which are used and, where possible, warn of their dangers and, perhaps, prohibit their use in some instances.

I am aware of the effects of 2,4-D only from an academic point of view, and not from practical experience. Previous speakers have referred to the fact that sweet lupins are becoming a very valuable and economic crop, not only for the farmers, but for the State as a whole because of their export value. It appears that the spraying of hormones is extremely dangerous to those crops.

Mr. Wordsworth mentioned the worries of the grape growers, more particularly those in the new areas such as Mt. Barker and Margaret River. New varieties of grapes have been developed in those areas and it is interesting to note that some of the growers won prizes for their wines at the last royal show. I have in mind one pioneer in Dr. Cullity, who was successful.

I sometimes have very mixed feelings, especially when I hear that sprayings are carried out twice a week, during certain periods, and the effect this is supposed to have on birdlife. However, one continually reads that the birdlife in that area has increased to the point where it is becoming a nuisance even to the planes which have to land at Kununurra.

The Hon. C. R. Abbey: That is a different situation. The spraying is restricted to an area of 10,000 or 12,000 acres of cotton.

The Hon. J. DOLAN: That is right. There has been talk about damage caused through spraying but it is amazing how animals can get used to different things. I have seen wild cattle, which one would not approach, brought into a station. However, within a couple of months the cattle settle down and do not take the slightest notice of aircraft which may be engaged in spraying. I have stood in amazement and watched them, and they have not even bothered to look up. Perhaps, subconsciously, we do not notice the damage

which is caused, but Mr. Heitman has given us examples of damage caused at Morawa. I think the careless operators will have to be weeded out.

The Hon. J. Heitman: That is right.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. J. DOLAN: Mr. President, Mr. Wordsworth gave an example of the P.W.D. spraying along the road and the care which was exercised to ensure no damage was done. Mr. Heitman gave another example of a careless operator. I will draw the attention of the Minister for Agriculture to the position and ask him to convey to his department the comments made here during the debate so that they may keep the matter on the list for attention in the future with a view to a complete revision of the Act to bring it into line with what is desired by members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and passed.

RAILWAY (BUNBURY TO BOYANUP) DISCONTINUANCE, REVESTMENT AND CONSTRUCTION BILL

Second Reading

Debate resumed from the 30th October.

THE HON. G. C. MacKINNON (Lower West) [7.35 p.m.]: This Bill does not tell one a great deal. It sets out the technical details of a proposal which is being put forward by the Government to streamline the railway line from Boyanup to Picton Junction. Without a knowledge of the area, it would be somewhat difficult to follow.

The Hon. J. Dolan: I tabled a map some time ago.

The Hon. G. C. MacKINNON: Yes. I do not say that by way of criticism but just by way of stating a fact.

It is not proposed to proceed with this work immediately, so clause 2 states that the proposed sections 4 and 5 shall come into operation at some time in the future.

Clause 4 states that when the new railway line is built and the old line is discontinued, the Government may use the material for other purposes. The land will revert to the Crown and may be sold, and so on. Clause 5 specifies that the land shall be revested in Her Majesty as of Her former estate and makes it lawful to construct the railway line on the proposed route. I understand there is nothing

new about that. I think Councillor Kim Forrester has a letter dated 1952 which has something to do with this.

For the benefit of those who have travelled the road to Bunbury, at Picton Junction there is a sharp turn to the left if one is proceeding further south. One crosses over the railway line and a couple of miles further one again crosses over the railway line. The line between those two crossings is the section to be discontinued; that is, the line running from Boyanup to Picton Junction and then on to Bunbury.

Such is the form of the line now that if a train wishes to go south past Bunbury it must run into Picton Junction, where the engine and the guard's van have to be moved from one end to the other, and the train then pulls out and proceeds south. It runs into a point and out again. It is proposed that the line from a point close to the present railway crossing on South West Highway will run almost at right angles to the present Perth-Bunbury railway line, joining up in a large loop, so that the train coming from Perth can swing around the loop and proceed south. If going direct to Bunbury, it will proceed straight on. Going south from Bunbury it can swing out and there will be no need for the train to move in and out again, as is now the case.

There has been a great deal of criticism of the railways in Bunbury and a number of meetings have been held. I attended one—at which the Premier was present—dealing with a section of the railway line which will form part of this whole system; namely, what is known as the north shore line which will run around the back of the new harbour that is currently being built. It is illustrated in the 1971-72 annual report of the Bunbury Port Authority, but it is difficult to follow. This line will run around the harbour and feed across into the present land-backed berth and up to the jetty berth if necessary.

It is a pity that this line appears to be necessary. There has been a great deal of controversy about it in Bunbury. It runs through a very pleasant camping area and divides an area of beach playground. A line exists there at the present time but it is further away from the beach than the new line will be. The greatest pity is that the existing line is apparently to be retained.

The line runs from Picton into Bunbury and on down to the wharf. As happens in so many towns, this divides the town into two. In a number of country towns where this is the situation, it is not as troublesome as it is in Bunbury. Bunbury is literally built on a triangle of land. The town is situated on a narrow isthmus. There is Leschenault Inlet and then the neck of land, the north shore, and Koom-bana Bay, and the town is situated in

there. Of course, there is a considerable amount of traffic to a busy place like Bunbury, which is the regional centre of the south-west. As far as ordinary traffic is concerned, it is probably the busiest line in the State.

It is a pity that the proposed line is not to be situated further towards Harvey, which appears to be the locale of any future marshalling yards. I am delighted that at least the marshalling yards will not be situated in Picton Junction itself because over the years that area has become too restricted for marshalling yards. Members will recall the large establishment of Cuming Smith-BP, the fertiliser manufacturers, which abuts right onto the railway line at Picton. The marshalling yards are to be moved a little further north in order to provide more room, but one hopes the time is not too far distant when this particular area away from Picton Junction will become the main marshalling yard and depot for Bunbury. It would be inconvenient to some people in the town itself but I believe the tremendous advantage of Bunbury being one area without being divided by a busy railway line would be worth the sacrifice, bearing in mind that we must have a line to the harbour.

On the map it is shown as "Picton Harbour". I am sure the people in Picton would be delighted at that but I am not sure the residents of Bunbury would be so delighted. However, they are all part of the same municipality so it does not matter much.

A line to the harbour will be provided, and if Bunbury continues to progress as it has in recent years I believe the day will come when something must be done about the railway line running into Bunbury itself. If it is to be retained, I believe the traffic along this line will have to be markedly reduced. Currently the marshalling yard is right in Bunbury, so the trains must go into the heart of the town before they are sorted out, joined together, and sent on their way again. Of course, south of Bunbury the country is very hilly and I understand the trains to this area must be fairly small. They are then marshalled together in Bunbury as the route up the coast is fairly flat.

I understand from the second reading speech made by the Leader of the House that this programme will not be proceeded with in a great hurry. He commented that the Director-General of Transport feels that in the long term the growth of Bunbury and the establishment of industry in the corridor south of the inner harbour will make Picton the centre of railway activity. I hope that the Director-General is using the name "Picton" in a fairly free way.

The Hon. J. Dolan: The general area.

The Hon. G. C. MacKINNON: I hope he means the area between Picton and Waterloo. Some members may not be

able to visualise the area to which I am referring, but I am sure the Director-General will understand what I mean, especially after reference to the map.

The Hon. S. J. Dellar: This is the turn-off to Dardanup?

The Hon. G. C. MacKINNON: Yes, and also the turn-off to Boyanup. There are two ways to go to Dardanup. The open space in this area can be utilised. The Director-General says that the plan will free the Bunbury railway yard for local traffic and to service the existing facilities at Bunbury. This ought to be the aim, and as I say, it will reduce the traffic into Bunbury quite considerably, and it will be a tremendous help to the town itself.

The Leader of the House said that Picton would be the centre, and I hope this means the area beyond Picton Junction. There is no doubt that this scheme has been considered for a long time, and it will of course facilitate railway operations.

As always happens, there will probably be some trouble in connection with securing the land. However, the Government in its wisdom has left itself a fairly open hand to negotiate in this area. It is hopeful, of course, that the activities currently being looked at will increase the freight which is handled on this railway line and, of course, through the port.

It is interesting to note that in the last three years of the Brand Liberal Government, up until 1971, the imports and exports through the Port of Bunbury increased. From 1967 the imports grew steadily—from 256,000 to 291,000 tons. It is interesting to note also that since the change of Government the imports have dropped from 291,000 to 270,000 tons, and the total exports have dropped from 900,000 to 859,000 tons.

The Hon. J. Dolan: They will pick up again.

The Hon. G. C. MacKINNON: It is hoped they will pick up again with the change of Government next year. I have no doubt this will happen.

The Hon. J. Dolan: Wishful thinking!

The Hon. G. C. MacKINNON: The wood chipping industry will increase the freight through this area, and the Alcoa berth at the harbour is proceeding steadily. When the company commences to ship through that outlet, we will see a big lift in the exports. One must be concerned, however, about the prospects of the Alwest project as we saw recently that the Federal Government has increased the deposit from 25 per cent. to 33½ per cent. It is a little difficult to envisage Alwest getting under way under these conditions, and this is one of the activities on which the area had pinned so much faith.

Nevertheless, I believe the Bill is deserving of support. I hope that succeeding Governments—and I appreciate that Mr.

Dolan will not have really enough time to do much about the line running from Picton to Bunbury—will take note of this and in the general plan endeavour to keep as much of the heavy traffic as possible in the Picton Junction and Waterloo area, restricting the Bunbury traffic, at least initially, purely to local traffic. This will ease the transport facilities in the town itself. I support the Bill.

THE HON. V. J. FERRY (South-West) [7.51 p.m.]: It is not my intention to contribute a verbal essay to the debate on this Bill, but I do wish to take a moment or two to record my support. I believe Mr. MacKinnon has covered the situation quite accurately, and it is a well known fact that an efficient transport system is vital for any region, and so it is for the south-west region based upon the Port of Bunbury.

Mr. MacKinnon referred to the acute bottleneck problem which occurs with the rolling stock, and this has affected the efficient operation of the railways over the years. This situation will now be corrected by the proposed alterations which will be carried out under the provisions of the Bill.

I wish to say also that I share Mr. MacKinnon's slight disappointment that the new location of the railway will be so close to Picton. I would have preferred it to be a little further north, bearing in mind that Bunbury must expand as a commercial and industrial centre. On the other hand, we must be conscious of the need to service the industries to be established in such an area with an efficient transport system. So railways, as well as roads, are necessary evils—if one may put it that way.

The Hon. S. J. Dellar: I hope whatever they do they do not interfere with the small industry across the highway from the superphosphate works.

The Hon. G. C. MacKinnon: That is not an industry—that is a facility!

The Hon. V. J. FERRY: Bunbury and this region are renowned for their many amenities. It is hoped that the additional railways proposed will bring further benefits to this area to enrich the community life as well as to provide the wherewithal for the work force to earn its living.

The Hon. R. H. C. Stubbs: You look like having greyhound racing.

The Hon. V. J. FERRY: I have heard some talk about greyhound racing in this State. I understand it is quite likely.

The Hon. R. H. C. Stubbs: It is well on the way.

The Hon. V. J. FERRY: Seriously I want to support this whole piece of legislation which will be an important feature in the development of the south-west region, as I said before. Mr. MacKinnon

referred to the new projects, but in addition to the projected developments we must have regard for the servicing of the region as it now is. This is a well overdue improvement of the railway system, and perhaps it should have been undertaken many years ago. With those remarks I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [7.54 p.m.]: I thank Mr. MacKinnon and Mr. Ferry for their support. I would like to make a few comments on points they have raised. I know probably not every resident of Bunbury is happy about the fact that the railway line divides the city. Of course, this has happened in many cities—in Perth the railway line divides the city, and we now find we would like to get rid of it for certain reasons. This happens with the passage of time and the progress of a city. The railway line which runs through Bunbury services many very important industries.

The Hon. G. C. MacKinnon: That is right.

The Hon. J. DOLAN: I have in mind the sawmilling industry and the oil industry.

The Hon. G. C. MacKinnon: Yes, the railway line runs into Bunnings and into the oil depot.

The Hon. J. DOLAN: The industries were established in this area because the line was there. Possibly these people will be a little unhappy that we are thinking of removing the line, but probably they will look for land someday else where so that their businesses are serviced in the same manner as they are today.

The Railways Department appreciates, and is cognisant of, the fact that is one of the great outlets for our products in the south west. The department showed its belief that this is so and its faith in the future development of the area when it established its new administrative building there a short time ago.

Mr. MacKinnon said, and I also commented in my second reading speech, that this is not an immediate programme. However, the Railways Department feels now is the time to get things moving. When the time comes to pull up the existing railway and construct a new one, I know the people in this region, irrespective of politics, will play their part. That is all any Government wants—that the State continues to progress and that facilities are provided so that our industries flourish as they should. With those remarks I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Leader of the House), and transmitted to the Assembly.

MENTAL HEALTH ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendment No. 1 made by the Council and had disagreed to No. 2 now considered.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. R. H. C. Stubbs (Minister for Local Government) in charge of the Bill.

The **CHAIRMAN**: Amendment No. 2 made by the Council, to which amendment the Assembly has disagreed, is as follows—

No. 2.

Clause 5.

Page 3, line 19—to Add the following after the word "prescribed"—

provided however that the Director shall not take any action to dispose of any such article or thing unless he shall have given not less than one month's notice in writing to such person of his intention in that behalf.

The Assembly's reasons for disagreeing with the Council's amendments are as follows—

That as regulations to deal with disposal of unclaimed property are to be prescribed the proposed amendment could prove to be restrictive.

Further, that as in many instances property is unclaimed because the whereabouts of the owner or next of kin are unknown, it might not be possible to comply with the proposed amendment.

The Hon. R. H. C. STUBBS: I move—

That the amendment made by the Council be not insisted on.

One provision in the Bill states that where there is unclaimed property and there is no possibility of finding the whereabouts of the owner or the next of kin of the owner—and this often happens in the various mental institutions—the director shall prescribe such regulations as are considered necessary to safeguard the interests of all those concerned.

When the Crown Law Department examined an amendment similar to the No. 2 amendment passed by this Chamber, it considered that the position was fully safeguarded by the wording in the final line amended an amendment similar to the No. of the Bill, which reads "in such manner as is prescribed".

Members are no doubt aware of what happens when regulations are framed, the manner in which they are dealt with, and what challenge to the regulations exists. We believe that if the regulations do not provide a sufficient safeguard, then action can be taken to put the regulations right.

If we were to agree to persist with the amendment proposed by this Chamber, then despite the fact that the director has been given the right to prescribe regulations, he would have to comply with the proviso set out in the amendment of the Council. This could prove to be impracticable. If the whereabouts of the owner or the next of kin of the owner could not be found, the action proposed in the amendment would be taken long beforehand and not one month later.

I am informed that the regulations will provide that at the expiration of six months after certain action has been taken, the goods will be disposed of. Whilst I appreciate the safeguard which is intended in the amendment passed by this House, I believe it is too restrictive and could inhibit the framing of the regulations.

The only other point I wish to make is that when the Bill was debated here I indicated that I had no objection to the two proposed amendments, but this comment was made as a result of a misunderstanding. The message from the Minister for Health was misinterpreted and the members of the Council were told that I had no objection to either amendment. The fact is that the Minister does have an objection to Amendment No. 2.

A somewhat similar amendment was proposed earlier in another place by Mr. Hutchinson, a former Minister for Health, and in the Committee stage when the matter was discussed the Minister was able to convince the member for Cottesloe that it would be better to leave the wording of the provision in clause 5 as it was.

At the time Mr. Hutchinson said he was agreeable to having regulations framed by the department because he knew that they would have to be laid on the Table of the House.

As Mr. Hutchinson pointed out when the Council's Message was being considered, if agreed to it could circumscribe the actions of the director and it could provide a limiting factor. He consequently agreed with the Minister's contention in another place. Once again I say to members of the Committee that I misunderstood the position and, to a degree, I did give an incorrect amendment to the House. Accordingly I ask the Committee not to insist on the amendment made by the Council.

The Hon. G. C. MacKINNON: At the outset, may I congratulate the Minister on the way in which he has taken the blame

—I believe quite wrongly; because I think at the time, from my reading of the provision, it was quite clear there was no argument about the acceptability of the amendment, regardless of there being a change of mind. Be that as it may, let me point out to the Committee that the disposal of uncollected goods under any other circumstances is a very important matter; so important is it that there is a specific Act to cover this aspect; namely, the Disposal of Uncollected Goods Act; and the procedures under that Act are quite complex because of the need to protect people in some cases from their own carelessness and, in others, to cover inadvertent happenings that occur to all of us when we are not in a situation to return to collect goods which have been left at some location.

So the Disposal of Uncollected Goods Act is an Act already on our Statute book. It would have been reasonable to say in this amendment that where any article or thing has been left in the control of the director or in any approved hospital or reception home, whether for safe keeping or otherwise, and after that person has ceased to be a patient no claim has been made lawfully by or on behalf of that person for the return or delivery of that article or thing within a period of six months of the date when that person ceased to be a patient, the Disposal of Uncollected Goods Act shall apply. This would have circumscribed the actions of the director far more than the amendment which I proposed.

We are dealing with a person who enters a hospital or a reception home. Such a person may be in possession of all sorts of articles, and he is then discharged from that hospital. However, when he enters this type of hospital he is more often than not mentally confused. Right throughout the parent Act provides great care for his personal protection and the protection of his goods. If we are so careful in the Disposal of Uncollected Goods Act, we should be just as careful in this Bill. We should not treat the goods as a matter to be prescribed, because the amendment to which the Minister agreed provided that the director shall not take any action to dispose of any such article or thing unless he shall have given one month's notice in writing to such person of his intention so to do.

I draw the attention of the members of the Committee once again to proposed new section 57A which states—

... whether for safe keeping or otherwise, and, after that person has ceased to be a patient, no claim has been made by or lawfully on behalf of that person for the return or delivery of that article or thing within a period of six months of the date ...

Following on that we could add the words—

the Director may dispose of it or deal with any proceeds of such sale but not until he has given in writing to such person notice of his intention to do so.

I cannot see where, in this amendment, we have to write to the next of kin and hunt him out. We simply wish to provide a safeguard in regard to a situation in which every one of us may be found and where we leave behind goods which may be of value to us. The alternative would be to put such a provision in the Disposal of Uncollected Goods Act; and clearly we should not agree to the motion moved by the Minister that the amendment made by the Council be not insisted on.

Question put and a division taken with the following result—

Ayes—7

Hon. R. F. Cloughton	Hon. R. H. C. Stubbs
Hon. S. J. Dellar	Hon. R. Thompson
Hon. J. Dolan	Hon. R. T. Leeson
Hon. J. L. Hunt	(Teller)

Noes—14

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. Heltman	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. Clive Griffiths
	(Teller)

Pairs

Ayes

Hon. W. F. Willisee
Hon. D. K. Dans
Hon. L. D. Elliott

Noes

Hon. R. J. L. Williams
Hon. I. G. Medcalf
Hon. L. A. Logan

Question thus negatived; the Council's amendment insisted on.

Report

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

DAIRY INDUSTRY BILL

In Committee

Resumed from the 24th October. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. R. Thompson (Minister for Police) in charge of the Bill.

The DEPUTY CHAIRMAN: Progress was reported after clause 39 had been agreed to.

Clause 40 put and passed.

Clause 41: Power of Authority to obtain information, etc.—

The Hon. N. McNEILL: Members will be aware that on the notice paper I have amendments to delete subclauses (2) and (3) which deal with the establishment and terms of reference of an advisory committee.

For the record I will restate some of the reasons for my amendments. The establishment of an advisory committee is unnecessary because an authority will be set up and a vendors' representative has been added to increase its membership to nine.

During the initial stages of the preparation of the Bill it was believed that an advisory committee was necessary principally—and I use those words advisedly—for the purpose of acquainting the members of the authority of matters affecting the industry, but of which they have no direct knowledge. This is presumably the reason for the inclusion of the provisions concerning the establishment of a statutory committee. However I contend that the existence of this further committee will add to the whole superstructure and that it is redundant. This is particularly so because the authority itself is so truly representative of all those in the industry and to me it is inconceivable that those persons who have expertise should require the services of a statutory advisory body.

Members must bear in mind that the Bill gives the authority power to seek assistance in varying forms from a number of quarters. Under clause 43 the authority has the opportunity to delegate powers, duties, and functions and I believe that under this provision, if the authority were in need of specialist advice, it could obtain it without the establishment of an advisory committee. Such a committee would not only add to the whole superstructure, but, more importantly, it would contribute to overhead costs. We must bear in mind that one of the principles on which the Bill was drafted was the need to provide for economies. I believe that the authority would be well advised to take note of that fact and be prepared to effect economies whenever possible.

The provision for the establishment of an advisory committee was one of the four vital provisions with which I dealt during my second reading debate and I indicated I would be moving amendments for their deletion. My intention was opposed by the Government and, presumably, by the Farmers' Union of Western Australia. However, I do not consider that the opposition was of any great consequence because I am given to understand that the working party which reframed and amended the original legislation did not believe that an advisory committee was essential and that it could easily be dispensed with.

Since that working party last met, a meeting was held at Brunswick convened by the Farmers' Union. It was held last Monday evening in order to discuss the amendments which I had been in the process of submitting to the Committee. Because of the reports which appeared in the Press members will be aware of the result of that meeting.

I was one of the speakers on the platform. The Press reports indicated that in the vicinity of 350 producers, representing 30 per cent. of the total number of dairy farmers in this State, were present. All four provisions were discussed in considerable detail and I was given an opportunity to make an explanation concerning them.

Five speakers were on the platform and between us we put both sides of the question. I conveyed to the meeting my intention to move for the deletion of the provision concerning the establishment of the advisory committee. The following resolution, moved on the floor of the meeting, was passed—

That the meeting supports the amendments of the Opposition parties and requests the Farmers' Union to take appropriate action to make this possible.

During the second reading debate the Minister indicated that he doubted my qualification for expressing my opposition to and intention to amend certain provisions in the Bill.

The Hon. R. Thompson: I asked you a question as to whether it was an academic exercise or whether you had the backing of the industry. That is what I asked you.

The Hon. N. McNEILL: That is the impression I intended to give and I am grateful to the Minister for his interjection because he gave a faithful interpretation of what he said. At the time I indicated that it was not an academic exercise, but that I had the authority for the views I expressed and the action I intended to take.

As confirmation of that contention I have read the motion passed at the meeting to which I have referred. The facts I have given confirm the existence of a very strong body of opinion among the producers in favour of the actions I was taking.

According to the Press reports the vote taken on the resolution was two to one in its favour. I have no means by which to verify these figures. However, again, according to the Press, the vote was overwhelmingly in support of the resolution.

The Hon. R. Thompson: Granted. Can you tell me the composition of the meeting? Would those present be mainly whole-milk or butterfat producers?

The Hon. N. McNEILL: I could not say. I received an official invitation from the Farmers' Union and I know that all dairy farmers were circularised and notified by the dairy companies about the meeting.

The Hon. G. C. MacKinnon: There were butterfat producers present because I recognised some of them.

The Hon. N. McNEILL: Under the circumstances I can only assume that the gathering was truly representative of the producers. I am sure that those colleagues of mine who were present could verify

that large numbers of producers from both the manufacturing and whole-milk sides of the industry were present. I repeat that every dairy farmer was given the opportunity to attend.

The Hon. R. F. Claughton: I take it you would not have known very many of the people present?

The Hon. N. McNEILL: Indeed I did. However, the honourable member must bear in mind that approximately 350 people were present. For the information of those who know the Brunswick hall at which the meeting was held, apart from all the seating accommodation in the main body of the hall, this seating accommodation being fully occupied, people were standing on both sides and at the back of the hall. I could not possibly conduct a personal survey to ascertain how many people I knew, and I do not think Mr. Claughton's question is relevant.

The fact is that people other than dairy producers were present. When the vote was taken the chairman appealed to the people who were not producers not to cast a vote. I believe that not one person other than producers cast a vote on that occasion. Instead, they honoured the request of the chairman quite faithfully.

I have mentioned this because it substantiates the case I am presenting to the Committee. I had mentioned to them that it was my intention to seek to delete the reference to the advisory committee. I believe as a result of the meeting that, in moving the amendment, I have not only the qualifications previously referred to but also the added confirmation and support of the majority of the dairy farm producers in this State. I move an amendment—

Page 34, lines 21 and 22—Delete subclause (2).

The Hon. S. T. J. THOMPSON: Mr. McNeill has made his point quite clear. We are all concerned about setting up an authority and, in fact, we are dictating that we "shall" set up an authority. To my way of thinking we are going to the other extreme by deleting the subclause altogether.

The purpose would be served if we alter the word "shall" in line 22 to the word "may". This would give the authority the option to set up an advisory committee. After all, we are setting up an authority to run the industry and it should, perhaps, be the authority's decision as to whether or not it wants an advisory committee.

The Hon. N. McNEILL: I wish to comment on the point made by Mr. Syd Thompson. I doubt whether his suggestion would serve any useful purpose under the circumstances. If the subclause is deleted, there is nothing to prevent the authority from creating a special committee consisting of its own members—or

anyone else, for that matter—for the purpose of giving the authority necessary advice.

If subclause (2) remains in the legislation it is still a statutory provision, even though the word "may" could be substituted for the word "shall". If it remains in the legislation it could almost impose an obligation on the authority to set up such an advisory committee.

I believe we have it rightly within our power to delete the subclause in order to remove that obligation, which may well be unwarranted even in the authority's view.

The Hon. R. THOMPSON: The purpose of the advisory committee is to assist the authority and it is for this reason that the advisory committee shall be constituted. The advisory committee would ensure that the authority was fully informed on all aspects of peripheral matters affecting the industry. The authority shall constitute an advisory committee which people from various callings would be invited to join. Such people could be retail grocers, members of consumer action movements, environmental protection associations, health officers, and many others.

The Hon. G. C. MacKinnon: Why would there be need for a person from an environmental protection association?

The Hon. R. THOMPSON: I am not saying there would be. The Committee is asking for my views on this matter.

The Hon. G. C. MacKinnon: I am intrigued by the suggestion concerning an environmental protection representative.

The Hon. R. THOMPSON: Such a representative may be quite necessary.

The Hon. G. C. MacKinnon: Environmental protection?

The Hon. R. THOMPSON: One never knows.

The Hon. G. C. MacKinnon: I suppose the cows are eating the grass!

The Hon. R. THOMPSON: An advisory committee, when set up, would give advice to the authority. At this stage we cannot say who would be members of that committee.

The Hon. G. C. MacKinnon: That is weird and wonderful advice.

The Hon. R. THOMPSON: Health officers and others could be selected to serve on the advisory committee. It would be essentially an honorary consultative group and the cost to the authority would be negligible. We are asking only that the authority shall have the right to set up an advisory committee if it wants to do so.

The Hon. A. F. Griffith: That is not the case. The authority shall set up an advisory committee.

The Hon. R. THOMPSON: Clause 41 (1) starts with the words "The Authority may". If the authority does not want to set up an advisory committee, it does not need to do so.

The Hon. A. F. Griffith: What do the words "shall be constituted" in subclause (2) mean?

The Hon. R. THOMPSON: It would be for the purpose of assisting the authority. The advisory committee shall be constituted to this end. On rereading the provision, I see that the Leader of the Opposition is correct.

The Hon. G. C. MacKinnon: Would the Minister put it on record that he admits it is obligatory?

The Hon. R. THOMPSON: Yes, I have said that the Leader of the Opposition is correct.

The Hon. A. F. Griffith: That is the end of that.

The Hon. R. THOMPSON: We do not want to see a repetition of the situation which prevailed the other evening. In the light of the amendments which have already been moved to clause 3 other amendments, after clause 42, are purely consequential. This means that amendments to clauses 48, 49, 50, 51, 52, 55, 56, 58, 60, 62, 63, 64 and 65 are consequential amendments. I do not think we need engage in a great deal of debate in connection with something that has been predetermined. It would be ridiculous to fight these amendments because they have already been determined by the amendments made to clause 3 of the measure. I wanted to point this out to the Committee. With the Committee's concurrence, I intend to proceed to clause 65 tonight and then report progress. In view of the consequential amendments the sooner we reach clause 65 the better.

The Hon. V. J. FERRY: I support the amendment before the Chair and, in so doing, I wish to refer to the circumstances of the public meeting held at Brunswick last Monday evening. That meeting has a bearing on the legislation which is before the Chamber.

I would like to have it recorded that the meeting was, in fact, called by the Farmers' Union. It was controlled by that union which invited Mr. Bob Lefroy to be chairman of the panel on the stage. Mr. Lefroy, in his capacity of chairman of such a large mass meeting, did an excellent job of chairmanship.

The Hon. G. C. MacKinnon: First rate.

The Hon. V. J. FERRY: I believe everyone associated with the meeting appreciated his ability to control it in the manner he did.

The meeting served an extremely useful purpose in respect of the legislation with which we are now dealing. It gave those attending the opportunity to hear points

of view put forward by the Farmers' Union and by the spokesman for the Opposition Liberal Party. The spokesman for the Liberal Party participated by specific invitation of the Farmers' Union.

The people present came to realise and understand—in many instances possibly for the first time—the implications of many of the provisions of the Bill. They came to realise this in consequence of the addresses given by members of the panel.

It has been my experience to attend a number of meetings over the last year or two in association with the Farmers' Union. However, this was the first opportunity I have had to attend a meeting at which points of variance with the provisions in the measure were aired.

The Hon. R. F. Claughton: You are saying the Farmers' Union did not understand what the Bill was all about.

The Hon. V. J. FERRY: I will ignore that interjection because obviously the honourable member does not understand the measure or the dairying industry. The people at the meeting at Brunswick understood the industry and they had the opportunity to have a fuller understanding of the measure because of the different points of view which were expressed.

I emphasise that the motion which was carried at the meeting to which Mr. McNeill has previously referred was carried by a very deliberate vote. The result was indeed decisive. Mr. McNeill said that no actual count was taken but the vote was definite indeed and registered the views of the great majority of those present. For the sake of the record and for the benefit of the members of the Committee who are dealing with the legislation this bears repetition. I listened to the motion being put and I will quote from the notes I took at the meeting. The text of the motion moved by Mr. Golding was as follows—

That the meeting supports the amendments of the Opposition Parties and requests the Farmers' Union to take appropriate action to make this possible.

Point of Order

The Hon. S. J. DELLAR: Mr. Deputy Chairman (The Hon. F. D. Willmott) are we discussing clause 41 or a meeting at Brunswick in connection with which Mr. Ferry is making another second reading speech?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The matter has been raised, and there is no point of order. The honourable member may continue.

Committee Resumed

The Hon. V. J. FERRY: Thank you, Sir. The amendment before the Chair is relevant to the meeting because that meeting overwhelmingly endorsed, as I pointed

out, the amendments which have been put forward by the Opposition parties in respect of this legislation.

The Hon. S. J. DELLAR: Mr. McNeill has explained them and we have accepted that what he said is correct.

The Hon. V. J. FERRY: I realise that the Committee understands this but I believe it needs to be emphasised and placed on record in *Hansard*.

The Hon. Clive Griffiths: The Government is sensitive to the result and wants to get over it as quickly as it can.

The Hon. R. Thompson: We are not sensitive on this matter.

The Hon. V. J. FERRY: I believe that serious consideration should be given to this legislation which will affect the dairying industry. It is my intention to give it such consideration. I regard the industry as vital to Western Australia. I am concerned indeed for the people in it. The provisions in this measure will affect the livelihoods of dairy farmers, their families, and everyone in the districts in which they operate. It will also affect the people in the metropolitan area.

I want to emphasise that the important motion, to which I have referred, gave the producers attending the meeting the opportunity to voice their opinions by expressing their vote, one way or the other. They have come out strongly in support of the amendments which will change drastically the original form of the legislation as introduced into this Parliament.

I am grateful that I had the opportunity to attend the meeting at which the industry could express its views. I am sure that far-reaching and long-term benefits to the industry will arise out of the views expressed and the amendments proposed.

Amendment put and passed.

The Hon. N. McNEILL: I move an amendment—

Page 34—Delete subclause (3).

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 42 and 43 put and passed.

Clause 44: Power of Authority to require books of account, etc.—

The Hon. N. McNEILL: I move an amendment—

Page 36—Delete subclause (2).

Subclause (2) reads—

(2) The Authority may for a period not exceeding seven days retain the books of account or other documents so produced as required by the Authority and take copies of or extracts from them.

This is an unnecessary provision. There is adequate facility in the previous clause to make available all the necessary information—books, records, etc.—to the authority in the appropriate circumstances.

With the greatest respect to those acting on the authority I would say it is an imposition on the rights and the confidentiality of business to make it necessary for books of this nature to be retained for periods of up to seven days. This also relates to other documents as may be required. Virtually there is no restriction on the documents that may be required though one could assume they would be associated with the industry. But it is a fairly wide description which casts a fairly wide net.

In defence of the provision it may be argued that such a provision is contained in other legislation; that a similar provision is in the Milk Act, which is one of the Acts which will be repealed by the Bill when it becomes law.

From memory the provision in the Milk Act refers to 14 days which is doubly obnoxious. I wonder whether the requirement has ever been exercised; but it is no defence to say that if it has not no harm will be done by the provision. I would prefer the reverse argument that if it has not been exercised there is no necessity for it. The Milk Act has been in existence for a long time.

With the facilities available today for proper inspections to be carried out under the Act I believe the Committee could safely delete subclause (2) without causing inconvenience or embarrassment to the administering authority.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 45: Authority subject to control of the Minister—

The Hon. N. McNEILL: I want to make some comment and direct a question to the Minister, though I do not expect the answer now. The Minister said he is prepared to report progress at a later stage of the Bill and when the Committee is resumed I wonder if he could give us some explanation of the powers contained in clause 45 which reads—

45. Notwithstanding anything contained in this Act, the Authority in exercise of its powers or the performance of its functions under this Act is subject to the control of the Minister and if any action or proceeding or intended action or proceeding by the Authority is not approved by the Minister, he may by notice in writing addressed to, and served upon, the Chairman of the Authority prohibit the action or proceeding or intended action or proceeding either absolutely or subject to such conditions as he thinks fit, and effect shall be given by the authority to the notice.

I am sure the Committee appreciates the significance of the clause. I accept the point of view that as the Act is subject to the Minister, and the Minister is responsible to Parliament for its operation—as

he is for the authority—it is necessary to write into the Statute provisions of this nature. I would like the Minister to tell me, however, what are the limitations which this provision makes upon the Minister; in other words, where are the restrictions? Is it true in its legal sense that anything in this Act can be subject to prohibition by the Minister? This is what concerns me, and I would like the Minister to give us a considered reply.

I have sought some legal opinion on the interpretation of clause 45 but this opinion has not been entirely satisfactory. It would be an advantage for the Minister to refer the matter to the Crown Law Department so that the Committee and the industry may be well and truly acquainted with the restrictions which may exist to limit the actions of the Minister in prohibition, or the intended actions by the authority.

The sort of thing I have in mind is, for example, the vesting of milk. Does the provision also prevail in respect of the vesting provisions in clause 66?

The Hon. R. THOMPSON: It is most necessary that the authority be under the control of the Minister. I do not think we would want it any other way. It was said earlier that the authority might do something which is not in the best interests of the industry; it might even close down a treatment plant. At this point the Minister should be able to step in and prohibit its being done if this were not in the best interests of the industry. That is the simple and logical explanation.

I could take this matter to a hundred different lawyers, but we would have to go through the Bill and tear it apart to see what the Minister could do, and it would not satisfy anybody if we discovered a thousand and one things the Minister could do, because the question would be hypothetical. The Minister will exercise his powers under this clause only when what is done is considered to be not in the best interests of the industry.

The Hon. N. McNEILL: I accept the Minister's explanation in the spirit in which it has been given. The Minister is in fact only expressing an opinion and in a matter of this kind I think we should have a considered legal opinion telling us of the application of the provision. I do not require an answer now, but perhaps the Minister could have the matter examined by Crown Law and let us know the result.

The Hon. R. Thompson: It will be done.

The Hon. N. E. BAXTER: I cannot understand why we should have, in the Bill, this long-winded clause which seeks to give the Minister control. The Milk Act states that the administration of this Act shall be subject to the control of the Minister. Surely that would be sufficient to allow the authority to operate instead of providing that the authority can be interfered with by the Minister.

In most of our Acts we try to prevent interference by Ministers because of the possibility of party politics being introduced. The Minister could find himself in a difficult position party politically if he had to approve or disapprove of some action of the authority which might affect somebody strongly connected with his party. It could place the Minister in a most invidious position, and I do not like the clause.

Clause put and passed.

Clause 46: Power of Authority to fix prices for milk, etc.—

The Hon. N. McNEILL: Under subclause (1) (b) the authority is given the power to fix the maximum price that may be charged for milk or any declared dairy produce sold to wholesalers, retailers, or vendors. I would like to make two points in connection with that provision. Firstly, we have already discussed the price fixing powers, and during that discussion I referred to a difference between this legislation and the legislation of New South Wales and said I considered that the prices tribunal which we have now dispensed with could be regarded as a price fixing commission because under this subclause it may fix the maximum price. That, of course, is one of the functions of a price fixing body.

I endeavoured to illustrate previously that such a provision would not necessarily protect the interests of the industry, but rather would protect the interests of the consumer. However, that situation was overcome by the Committee accepting my earlier amendment in respect of the prices tribunal.

The New South Wales tribunal may make a recommendation regarding the fixing of the minimum wholesale prices to be paid to producers or manufacturers, whereas in this clause authority is provided to fix the maximum price. However, I do no more than make that observation.

The amendment standing in my name on the notice paper is to delete the passage "or any other service of whatever kind connected with the production, storage or distribution" in paragraph (c) of subclause (1). Paragraph (c) is an all-embracing provision which enables the authority to fix the rates that may be paid in respect of services connected with the production, storage, or distribution of milk or declared dairy produce. Just what those services might be is left to the imagination.

Some months ago I endeavoured to obtain from the Minister information regarding the assets and liabilities of the industry in order to build up a picture of the economic structure of the entire industry in this State. However, in many instances the Minister told me that information was not available to him.

The point I make is that under the paragraph the authority could—this may be stretching the imagination a little—virtually fix interest rates; a service which

is very vital to the processes referred to in the paragraph. I do not believe that the authority would really have the legal power to fix rates in respect of many things. For instance, would it have power to fix rates in respect of the installation of a milking machine by a commercial company? This paragraph casts an extremely wide net. Does the inclusion of the passage "or any other service of whatever kind connected with the production, storage or distribution" simply mean, "Anything we haven't thought of"? I assume the Minister will say this power will be exercised with discretion, but I cannot see it is a vital necessity for the authority to have so much power. Unless the Minister can provide an adequate explanation, I intend to move for the deletion of the passage to which I have referred.

The Hon. R. THOMPSON: In fixing both the buying and selling prices for milk and declared dairy produce, the authority may also fix the margins to be charged for the various services performed at present or required to be performed in the future between the production of the raw material and the sale of the finished article. It may be desirable for the authority to have someone carry out testing of milk supplies on its behalf; or there may be some other such service provided which is not recognised at present, but for which the need may become apparent in the future. Therefore, we need to retain the phrase to which Mr. McNeill has referred in order to ensure sufficient flexibility to cover this type of situation. That is the only explanation I can give.

The Hon. N. McNEILL: As I might have assumed, the answer of the Minister is that the provision casts a net in an endeavour to cover situations that virtually have not been thought of but which may be considered relevant to the determination of rates. In the circumstances I am prepared to accept the Minister's explanation. While I am not in favour of the provision I can see that it may serve some purpose and be of some value to the authority. However, I say that if this power is to be exercised, it must be exercised with the greatest possible discretion. If there is any abuse in respect of the provision and the authority uses the power unreasonably, then I would assume the industry would be duly upset and I am sure demands would be made to have the provision altered. I am prepared to accept the explanation, and I will not proceed with my amendment.

Clause put and passed.

Clause 47 put and passed.

Clause 48: Constitution of Dairy Industry Prices Tribunal—

The Hon. N. McNEILL: This clause, and others which follow it, refer to the proposed dairy industry prices tribunal. As

we have already deleted reference to that tribunal in clause 3, I ask members to vote against the clause.

Clause put and negatived.

Clause 49: Meetings of the Tribunal—

The Hon. N. McNEILL: This clause also refers to the dairy industry prices tribunal, and I ask the Committee to vote against it.

Clause put and negatived.

Clause 50: Authentication of documents of Tribunal—

The Hon. N. McNEILL: Again, for the same reason, I ask members to vote against the clause.

Clause put and negatived.

Clause 51: Power of Authority to initiate surveys by Department—

The Hon. N. McNEILL: My amendments to this clause are again consequential upon the deletion by this Committee of references to the dairy industry prices tribunal. I move an amendment—

Page 42, lines 17 and 18—Delete the passage “, at the request of the Tribunal or otherwise,”.

Amendment put and passed.

The clause was further amended, on motion by The Hon. N. McNeill, as follows—

Page 42, line 24—Delete the words “Tribunal and the”.

Clause, as amended, put and passed.

Clause 52: Power of Tribunal to make recommendation to the Authority—

The Hon. N. McNEILL: I move an amendment—

Page 42—Delete subclause (1).

This is a further consequential amendment, as are the others to the clause.

Amendment put and passed.

The clause was further amended, on motions by The Hon. N. McNeill, as follows—

Page 42, lines 31 and 32—Delete the passage “For the purpose of making a recommendation under this section, the Tribunal” and substitute the following passage—“For the purpose of fixing any price or rate which may be fixed by the Authority in accordance with section 46, the Authority”.

Page 43, line 7—Delete the word “Tribunal” and substitute the word “Authority”.

Page 43, line 11—Delete the word “Tribunal” and substitute the word “Authority”.

Page 43, line 17—Delete the word “Tribunal” and substitute the word “Authority”.

Page 43—Delete subclause (4).

Page 43—Delete subclause (5).

Page 43, lines 24 and 25—Delete the passage “Where the Authority approves the recommendation,” and substitute the words “The Authority”.

Page 43, line 26—Delete the word “it”.

Page 43, lines 32 and 33—Delete the words “in accordance with the recommendation of the Tribunal”.

Page 43, lines 38 and 39—Delete the words “on the recommendation of the Tribunal”.

Clause, as amended, put and passed.

Clauses 53 and 54 put and passed.

Clause 55: Power of Tribunal to use services of certain employees of the Authority or of the Department—

The Hon. N. McNEILL: As a further consequence of previous amendments, I ask the Committee to delete the clause. Because of the dispensation in regard to the tribunal, the use of certain services as indicated in the marginal note is no longer required.

Clause put and negatived.

Clause 56: Authority to pay expenses of Tribunal—

The Hon. N. McNEILL: As will be apparent the deletion of the clause is consequent on previous amendments. It will have no application, with the abolition of the tribunal.

Clause put and negatived.

Clause 57 put and passed.

Clause 58: Issue of licences—

The Hon. N. McNEILL: I move an amendment—

Page 47, lines 10 and 11—Delete the words “it has received a written notification from the Department to the effect that”.

This is also a consequential amendment, but it is not consequential in relation to the prices tribunal. This relates to a previous amendment which deleted the reference to the Department of Agriculture in clause 3.

Amendment put and passed.

The clause was further amended, on motion by The Hon. N. McNeill, as follows—

Page 47, line 15—Delete the words “with the Department”.

Clause, as amended, put and passed.

Clause 59 put and passed.

Clause 60: Application for licence—

The Hon. N. McNEILL: I move an amendment—

Page 47, line 35—Delete the words “or the Department”.

This is also a consequential amendment relating to the Department of Agriculture.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 61 put and passed.

Clause 62: Power of Authority to refuse to issue licence, etc.—

The Hon. N. McNEILL: I move an amendment—

Page 49, lines 31 and 32—Delete the words “on the written advice from the Department that,” and substitute the word “where”.

This is a further consequential amendment, and likewise it is relevant to the fact that the Department of Agriculture is no longer the authority under the Bill.

Amendment put and passed.

The Hon. N. McNEILL: For the benefit of the Committee I refer members to the wording of paragraph (c) of subclause (4). According to the marginal note this deals with the power of the authority to refuse to issue a licence, etc. This is a matter of great significance. It is one which has been of great importance to the milk industry, particularly in relation to appeals and the issue of licences.

Perhaps this would have more significance in relation to transfers and the like, but nevertheless it has some considerable bearing and has been the cause of much heartburning, if not litigation. I am prepared to listen to an explanation from the Minister before I move my amendment. I am prepared to examine the situation, for and against, regarding this provision and why it has been included. Why should a court be restricted in its operations or, more particularly, why should an appellant be restricted to the extent where the court does not have to be bound by the rules of evidence?

The Hon. R. THOMPSON: The Crown Law opinion is that the clause was framed in this way so that an appellant does not have to go through the long legal process for an appeal to be heard.

An aggrieved person may appeal to a stipendiary magistrate in a court of petty sessions and the decision of that court would be binding on the authority. It is desired to complete a hearing as expeditiously as possible. Not being bound by the rules of evidence would allow a court to avoid the time-consuming activity of swearing in witnesses and allowing cross-examination procedures to be followed. This would possibly be of benefit to an aggrieved person.

The Hon. A. F. Griffith: Can the Minister tell us where, in the clause, it is stated that an appeal of this nature would be more expeditious because a witness was not sworn in?

The Hon. R. THOMPSON: As I have said, this is the advice I have received.

The Hon. N. McNEILL: I do not think the explanation fits the circumstances and, more particularly, the importance of the

provision. I would like to think that the reason for the provision is that it will be of assistance to an appellant if he feels aggrieved. It could be of advantage to the person concerned not to be bound by the rules of evidence.

The Hon. R. Thompson: I do not mind whether the provision is included or goes out.

The Hon. N. McNEILL: I note and appreciate the Minister's comment but I would like to treat the matter a little more seriously.

The Hon. R. Thompson: I am treating it seriously.

The Hon. N. McNEILL: I am not suggesting that the Minister is being jocular. I move an amendment—

Page 50—Delete paragraph (c).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 63: Suspension of licences by Authority—

The Hon. N. McNEILL: I have a further consequential amendment as a result of the deletion of “the Department of Agriculture”. I move an amendment—

Page 50, lines 15 and 16—Delete the words “the Authority receives from the Department a written notification that”.

Amendment put and passed.

The clause was further amended, on motions by The Hon. N. McNeill, as follows—

Page 50, lines 24 and 25—Delete the words “receives from the Department a written notification that” and substitute the word “suspends”.

Page 50, line 27—Delete the words “has been suspended”.

Page 50, lines 29 and 30—Delete the words “upon receiving from the Department a written notification that” and substitute the word “when”.

Clause, as amended, put and passed.

Clause 64: Notice of cancellation, etc., to be given to Department—

The Hon. N. McNEILL: My amendment is consequential even though it may appear there is some doubt. The significance is contained in the marginal note. I intend to vote against the clause.

Clause put and negatived.

Clause 65: Restriction on erection of certain buildings or premises without consent of Authority—

The Hon. N. McNEILL: My next amendment is also consequential and relevant to the deletion of “the Department of Agriculture”. I move—

Page 51, lines 35 to 37—Delete all words after the word “prescribed”.

Amendment put and passed.

Clause, as amended, put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. R. Thompson (Minister for Police).

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Assembly's Message

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

House adjourned at 9.47 p.m.

Legislative Assembly

Wednesday, the 31st October, 1973

The SPEAKER (Mr. Norton) took the Chair at 2.15 p.m., and read prayers.

JOINT PRINTING COMMITTEE

Report: Tabling

THE SPEAKER (Mr. Norton): I have for tabling the report of the Joint Printing Committee for the year ended the 30th June, 1973.

QUESTIONS (34): ON NOTICE

1. OMNIBUS AND COMMERCIAL GOODS VEHICLES LICENSE FEES ACCOUNT

Allocations to Local Authorities

Mr. GAYFER, to the Minister representing the Minister for Transport:

Concerning the shires of York, Beverley, Brookton, Corrigin, Qualradring and Bruce Rock and their recent allocations from the omnibus and commercial goods vehicles license fees account—

- (a) Why have these shires only received 6.8% of the moneys allocated them 12 months ago?
- (b) Is the 93.2% loss in revenue from this account being experienced by all country shires in Western Australia?
- (c) If not, which are the exceptions?

Mr. JAMIESON replied:

- (a) The shires concerned received amounts equivalent to 14.6% of the moneys allocated twelve months ago. The reduced allocation resulted from the fact that surplus moneys available for distribution at the 30th June, 1973, were only \$80,555 as compared with \$531,239 at the 30th June, 1972.

- (b) The reduction had the same effect on shires throughout the State.

- (c) The Shires of Broome, West Kimberley, Halls Creek and Wyndham-East Kimberley did not receive any allocation because transport within the Kimberley is exempt from licensing and produces no revenue to the Transport Commission.

2.

BUILDING INDUSTRY CONTRACTORS LICENSING BOARD

Annual Cost

Mr. MENSAROS, to the Minister for Works:

- (1) What is the estimated yearly cost to maintain the proposed Building Industry Contractors Licensing Board of Western Australia to discharge all its duties as provided in the Building Industry Contractors Licensing Bill?
- (2) How much of this estimate is due to the extension of registration to outside the metropolitan area?
- (3) What is the last available yearly cost of maintaining the present Builders' Registration Board?

Mr. JAMIESON replied:

- (1) \$170,000-\$200,000.
- (2) \$60,000.
- (3) For the year ended 31st December, 1972 expenditure by the Builders' Registration Board totalled \$43,894. In addition, expenditure by the Painters' Registration Board was \$17,700.

3.

BUILDING INDUSTRY CONTRACTORS LICENSING BILL

Registrations: Estimate and Eligibility

Mr. MENSAROS, to the Minister for Works:

- (1) Has his department, when preparing the Building Industry Contractors Licensing Bill obtained an estimate as to the number—
 - (a) of fully licensed contractors;
 - (b) restricted licensed contractors,
 who according to the provisions of the Bill will be eligible to be registered on present activities and experience in the non-metropolitan parts of the State?
- (2) If so, can he give these numbers relating to (1) (a) and (1) (b)?
- (3) If not, why not?