

going on at the same time. There are doctors who try things on patients immediately because they think these things ought to work—and since the patients have little to lose they are willing to undergo the treatment . . .

"We must have both these areas of activity at the same time. Even if the researchers and the clinicians don't like each other, it makes them honest.

"Early clinical investigations often form the basis of stimulus for more research and this can only lead to solid improvements in the clinical area.

"Both these groups have a role to play and we must cultivate their interest. We don't want them to lose heart and lay it aside.

"They have to believe in what they are doing before they can fight for it."

That is what we are trying to ensure with the radiotherapists who two years ago would have been freely acknowledged as foremost in the treatment of cancer and who are now regarded as charlatans because they dared claim the Tronado machine is an advanced cancer therapy. They are supported in that view by two leading radiologists in the world today, one of whom is Dr Hornback, the head of the Radiation Department at the University of Indiana, which has the largest medical school in the United States. He said publicly, and to me, "This is the most exciting cancer therapy I have ever seen." Peter Allen, who last year was chairman of the Australasian College of Radiologists, said precisely the same thing, although he had seen extracts from the report of the National Health and Medical Research Council. He said he was not concerned about what that council thought. He was satisfied this was the most exciting cancer therapy he had ever seen.

My advice from the United States is—

Doctor Mahoney Deputy Director Radiation Therapy National Cancer Institute Bethesda describes NHMRC report as a gross overkill of very limited scientific value because of its failure to show proof of several items from which conclusions are drawn and reports written so poorly that conclusions might be considered to be influenced by political or other factors rather than pure science. Doctor Mahoney agrees that pictorial evidence presented to him indicates that the method works.

We have done our best. We must take the situation as it has now been established by the attitude of the Government, but that does not mean we will give up our activity to ensure that as early as possible these machines will be made available for

the treatment of the people who want to be treated in this way, in the hope that at worst it will be a palliative and at best it will be a cure. We will strive to ensure that situation is brought about.

Motion, as amended, put and passed.

BILLS (2): RETURNED

1. Acts Amendment (State Energy Commission) Bill.
 2. Government Employees (Promotions Appeal Board) Act Amendment Bill.
- Bills returned from the Council without amendment.

House adjourned at 12.12 a.m. (Thursday)

Legislative Council

Thursday, the 8th May, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. WEST COAST HIGHWAY
Extension

The Hon. R. F. CLAUGHTON, to the Minister for Justice representing the Minister for Town Planning:

What are the terms of reference for the consultants appointed to study the proposed extension of West Coast Highway announced by the Minister for Town Planning and reported in *The West Australian* on the 24th April, 1975?

The Hon. N. McNEILL replied:

TERMS OF REFERENCE

WEST COAST HIGHWAY—

SWANBOURNE AREA STUDY

A. PREAMBLE

There is a need for a study to determine future transport routes in the corridor bordered by the Indian Ocean, Swan River, Mitchell Freeway and Karrinyup Roads insofar as they affect the requirements for north/south links in the coastal region of Swanbourne/Cottesloe. Within this context various links through lands occupied by the Australian Army in Swanbourne, through residential areas of Swanbourne/Cottesloe and along beachfronts have been mooted. These proposals have aroused spirited controversy by virtue of the social, economic and environmental natures of the consequences of such developments.

The Minister for Urban Development and Town Planning has referred these matters to the Environmental Protection Authority and as a consequence the Authority wishes to appoint a consultant to make a study, the details of which appear in the following brief.

The brief forms the basis for a Cost Plus Fixed Fee (CPFF) quotation to be supported by a detailed outline of the way in which the consultant proposes to undertake the study.

B. SCOPE

1. Make a detailed study of future transport routes for the corridor bordered by the Indian Ocean, Swan River, Mitchell Freeway and Karinyup Road insofar as they affect the requirements for north/south links in the coastal region of Swanbourne/Cottesloe.

The demands for such transport routes are seen as those associated with commercial, commuter and recreational uses. These demands must be quantified.

2. Using environmental, economic, social and engineering criteria determine such possible traffic routes.
3. Make a study of the environmental, economic, social and engineering effects such traffic routes will have.
4. From these studies present the implications and consequences of and make recommendations in terms of commercial, commuter and recreational traffic routes on:

- (i) Transport routes linking areas to the north and south of the defined corridor.

- (ii) Transport routes and patterns relating to recreational demands in the defined corridor with specific reference to beachfront access.

In each instance, although the recommendations will include the best means of satisfying the future conflicting demands within the Swanbourne/Cottesloe area the consultant will make the recommendations within the context of the whole corridor.

5. As part of the definition of various possible traffic routes to satisfy the demands outlined, the consultant will be expected to examine the environmental effects on lands occupied by the Australian Army and other surrounding non-development land in terms of:

- (i) the possibility of locating a north/south link at varying distances from the beachfront.

- (ii) the provision for various alternative means of access to the beachfront for recreational purposes and their relationship to environmental considerations.

C. SPECIFIC METHODS

1. Although the consultant may employ methods of research which he regards as appropriate he will publicly advertise requests for written submissions from interested parties and authorities and where necessary seek clarification by personal discussion.
2. Because an examination of various alternative transport routes will involve established communities in the Swanbourne/Cottesloe and other areas the consultant will communicate with people with a direct interest in the matter. The consultant will have access to relevant records through the Department of Environmental Protection.
3. It is intended that the consultant will make use of existing traffic data. Prior to commencement of the study the consultant is required to advise as to whether existing data is adequate or to advise the additional data that will be required to complete the study.
4. The study will reflect the fact that research will have been carried out and decisions made in terms of environmental and social research, traffic needs and community involvement.
5. The consultant will mount a public information program to ensure that the public is informed of the progress of the study. The

final recommendation coming to the EPA from the consultants.

The consultant will make a recommendation to the EPA as to the way in which the public will be involved in the study.

D. CONDITIONS

1. The study shall be quoted in terms of a CPFF contract price.
2. The study will be completed and presented to the Environmental Protection Authority within nine months of acceptance and commissioning.
3. Any research data including any computer program such as forward projections of traffic and population trends will be considered as part of the study and will be the property of the Government.

2. GRAIN

Handling and Shipping Charges

The Hon. G. E. MASTERS, to the Minister for Health representing the Minister for Transport:

For each of the past ten years, what was the cost per tonne, on an annual basis, in handling and shipping charges for shipping grain from each of the following grain terminals—

- (a) Esperance;
- (b) Albany;
- (c) Bunbury;
- (d) Fremantle; and
- (e) Geraldton?

The Hon. G. C. MacKINNON replied: This information is not readily available from records held by relative authorities.

3. LABOUR DAY

Holiday

The Hon. D. W. COOLEY, to the Minister for Justice representing the Premier:

- (1) Is the Premier aware that the Trades and Labor Council of Western Australia conducted an Arts and Culture May Day Celebration Concert at the Perth Entertainment Centre on Sunday, the 4th May, 1975, which attracted an audience of 14 000 people?
- (2) In view of the outstanding success of this concert for the people, will the Government give effect to the Trades and Labor Council's

expressed wish on behalf of the working people of the State to have the first Monday in May proclaimed a holiday as Labour Day in lieu of the first Monday in March?

The Hon. N. McNEILL replied:

- (1) Yes.
- (2) The Government has considered the Trades and Labor Council request for the transfer of the Labour Day public holiday from March to May, and has decided that no change is to apply.

LOCAL GOVERNMENT ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. R. F. CLAUGHTON: I just want to express the appreciation of members of the Opposition to the Minister for having provided further opportunity for us to study the amendments he has placed on the notice paper. We found it necessary to spend considerable time in an endeavour to understand their implications, and it would have been impossible to do this in the time available yesterday.

Clause put and passed.

Clause 2: Section 12 amended—

The Hon. S. J. DELLAR: When the Minister introduced the Bill he said that one of its purposes was to provide for a petition to be presented before two or more municipalities could be amalgamated. That has been done under this clause. Section 12 (2) (c) enables the Governor, after presentation of a petition, to dissolve a municipality and annex its district to that of an adjoining municipality. A referendum is not necessary. Can the Minister explain why it is necessary in one case and not in the other?

The Hon. N. McNEILL: Is the honourable member pointing out what he believes may be an inconsistency in that under paragraph (c) a municipality may be dissolved after the presentation of a petition but there is no provision for a referendum or poll of the ratepayers?

The Hon. S. J. Dellar: Yes.

The Hon. N. McNEILL: I do not think I can make any comment except to say power should be available to the Governor which may be exercised through the Minister. I would not like to particularise as to the circumstances or the reasons at this moment. I recognise the point Mr Dellar is making but I do not think there is necessarily any inconsistency because the Governor still retains the power.

By providing the machinery, through the amendments proposed, for a poll of ratepayers in affected areas, to a certain extent we are taking away some of the Minister's powers, and I think it was claimed the power should be retained by the Minister. I can do no more than say certain of those powers still remain, and I recognise the point which was made.

The Hon. R. F. CLAUGHTON: Mr Dellar and I have had great difficulty in understanding this legislation and we believe there are many things wrong with it. We hoped to have a number of these matters cleared up in the Committee stage. We must rely on the Minister to provide the answers, but the answer he has just given to Mr Dellar scarcely clarifies the first question that has been raised.

Section 12 of the Act has been made subject to the proposed section 30A, the provisions of which require a poll under certain circumstances involving the severance, annexation, abolition, and dissolution of a shire. The question Mr Dellar raised is quite pertinent as to whether the amendments in the Bill are effective in achieving the Government's purpose. An answer that it may be so is hardly sufficient because it leaves a doubt about these matters which can only be finally resolved in a court. We do not desire to leave the legislation in that doubtful position. If this matter can be clarified it will be of advantage not only to this Chamber but also to the people who will have to make use of the legislation after it is proclaimed.

The deletion of paragraph (d) of subsection (2) of section 12 removes the reference to the uniting of two or more municipalities to subsection (3) of section 12 and combines it with the existing provision in that subsection relating to severance. The purpose in doing this is that further amendments can refer specifically to those two courses of action.

The succeeding amendments will mean that any action to abolish or dissolve a municipality would be made subject to the provisions of new section 30A. That is how we read the Bill. Mr Dellar is asking whether in paragraph (c) something has been overlooked which may leave a loophole.

The Hon. N. McNEILL: I think I recognise the point which is being made. As it has not been previously brought to my notice, I would like to have time to clarify it.

It is true the proposed amendments to section 30 affect subsection (3) of section 12. It does not appear to me that there need be any conflict with the provisions of paragraph (c), but Mr Claughton has questioned whether there may be a loophole.

Perhaps we could proceed with the Bill if Mr Claughton will accept my assurance that I will endeavour to have the point clarified, whereupon we could reconsider it

at a later stage. I would like to have the matter clarified for my own satisfaction as well.

The Hon. R. F. CLAUGHTON: I certainly accept that suggestion. Further amendments state that any matters relating to the power to abolish a district or portion of a district contained in section 12 (1) are subject to the proposed new section 30A. Personally, I think that would cover the situation. I am referring to section 12 (2), which is the only area in which the doubt arises.

The Hon. N. McNeill: That is right; it is outside the scope of the Bill.

Clause put and passed.

Clause 3: section 27 amended—

The Hon. R. F. CLAUGHTON: Under clause 2 references to the Boundaries Commission are made subject to proposed new section 30A; however, as that provision has been passed I will not speak on that matter.

Proposed new subsection (2) of section 27 states that the existing provisions of subsection (1) do not apply to or have relation to any petition mentioned in section 12, subsection (1). That is the amendment to which I referred in the early discussion.

I think it is important to note the discretion of the Minister contained in section 27 will be removed by this amendment. Section 27 states that on the receipt of a petition the Minister shall either present it to the Governor or, before presenting it to the Governor, direct the council or councils concerned to examine the petition and to submit the proposal to a poll. That gives the Minister discretion. If he thinks the matter is doubtful and that the people in the area concerned deserve to be consulted by way of a poll, he has that power under section 27. If he feels there may be strong objection to the proposal or that there is a highly emotive atmosphere in which reason will not prevail, he may make the decision himself.

The amendment removes that discretion. This is a very important factor in our arguments concerning the succeeding clauses. The amendment in the Bill removes the discretion of the Minister in respect of two matters; firstly in relation to the severance of a portion of a district and the annexation of that portion to an adjoining district, and secondly in relation to abolishing a district and dissolving the municipality concerned.

The question we raise is: Which powers contained in section 12 (1) will not be affected by the amendment contained in clause 3? Section 12 (1) contains a list of matters which may be the subject of petitions. Paragraph (e) refers to severance, paragraph (f) refers to annexation, and paragraph (h) refers to abolition.

Are these the only powers affected by the Bill, or are the remaining powers also affected?

The Hon. N. McNEILL: I can only be guided by the words in the Bill, which refer to any petition mentioned in section 12 (1)—which is the list of matters referred to by Mr Claughton—that seeks the exercise of the power of severance or abolition.

My examination of section 12 (1) shows that paragraph (e) refers to severance, and paragraph (h) refers to abolition.

The Hon. R. F. CLAUGHTON: Also paragraph (f), because new paragraph (a) includes the words "sever" and "annex".

The Hon. N. McNEILL: I accept that. So we have paragraphs (e), (f), and (h), relating respectively to severance, annexation, and abolition.

Those paragraphs of section 12 (1) are the only provisions I can detect which provide for anything of this nature. Subject to clarification, I think the wording in the proposed new subsection is as precise as it could be, inasmuch as the words used are virtually the same as those used in section 12 (1). I think it is reasonable to say the wording is specific in respect of those provisions. I take it Mr Claughton was seeking confirmation that those provisions are the only ones to which the proposed new subsection in the Bill will apply. I feel the Bill virtually gives us that assurance by the use of the words appearing in section 12.

The Hon. R. F. CLAUGHTON: If the Minister gets the opportunity I would appreciate it if he obtained an opinion on this. For instance, if we look at paragraph (b) on page 27 of the Act, we find that it reads—

The constitution as a shire of an area of outlying land.

The Hon. N. McNeill: Yes, that is correct.

The Hon. R. F. CLAUGHTON: I would imagine there is no area of the State which has not been placed within the boundaries of an existing local authority.

The Hon. N. McNeill: I do not think we can assume that.

The Hon. S. J. Dellar: I think you will find it is covered in the definition.

The Hon. R. F. CLAUGHTON: Mr Dellar has pointed out that outlying land is that which is not included in a municipal district.

The Hon. N. McNeill: That is right.

The Hon. R. F. CLAUGHTON: If we examine the statistics it will be found that the whole of the State is alienated to one local authority or another. That being so, if what is termed outlying land is to be constituted as a shire it must be severed from an existing shire. I am only making

that assumption due to a lack of knowledge as to how the process works. Paragraph (c) on page 27 of the Act reads as follows—

The constitution as a new shire of part or parts of an existing shire or existing shires.

Again I am not sure how this can be done without severing portion of an existing shire. Does clause 3 refer only to the powers as defined by the subtitles, or is it within all the powers set out in subsection (1) of section 12 that require the severance or abolition of lands within an existing municipality?

The Hon. N. McNEILL: Firstly, in relation to paragraph (b) on page 27 of the Act, I am not aware of any land which is not part of a municipality. Mr Dellar may know. If there is any such land not presently included in a municipality it would not be governed by these provisions. As Mr Dellar pointed out we are dealing with outlying land by definition. If it does not come within local authority control it does not constitute a shire or any part of a shire and these provisions would have no application. That is a little academic, because it may well be that these provisions were made at a time when outlying land did exist.

The Hon. R. F. CLAUGHTON: There may still be cases to which it could apply.

The Hon. N. McNEILL: That is right. However, in my view I do not believe these amendments would have relevance in this particular case, because we are not dealing with any parts of a shire.

The Hon. R. F. CLAUGHTON: What does the Minister think about the powers under paragraph (c) on page 27 of the Act which is a different sort of a case?

The Hon. N. McNEILL: I advance an opinion in the spirit of Committee discussion. Where it says that it constitutes a new shire or part or parts of an existing shire, I ask: When does a new shire come into existence? Does it come into existence before or after the excision of any existing shire? In those circumstances a shire would have to be created.

The Hon. R. F. CLAUGHTON: To do that a portion of an existing municipality would have to be severed.

The Hon. N. McNEILL: Yes, in order to create a shire.

The Hon. R. F. CLAUGHTON: That is right.

The Hon. N. McNEILL: In my view I do not think the amendment would apply to that case either, because it does not really become the criterion of annexation, severance, or abolition, as indicated, for instance, in paragraphs (e), (f) and (h) set out on page 27 of the Act. There is no

existing shire in which the severance can be exercised; one is to be created only at some time in the future.

The Hon. R. F. CLAUGHTON: The Minister will understand that when we examined this we were not sure whether the reference covered all these powers in general or simply those labelled with names. I would expect that any shire clerk who studies a copy of the Bill and who reads the debates would look for guidance in the Minister's answers.

The Hon. S. J. Dellar: And ex-shire clerks, too.

The Hon. R. F. CLAUGHTON: If the Minister is able to obtain some information about this we would appreciate it. I now wish to ask a question about paragraph (b) of proposed new subsection 27 (2) which appears on page 3 of the Bill and reads—

abolish a district and dissolve the municipality of the district.

In that provision there is none of the powers required for dissolution, because this amendment refers to section 12 (1). We have doubts about the earlier reference we made to section 12(2)(c) which refers to dissolution. We have a reference in the amendment, but there is no specific power for dissolution covered by the powers contained in section 12(1). I make that further comment to the earlier remarks I made on that particular section.

The Hon. N. McNEILL: Firstly I refer back to the previous discussion on paragraph (a) and its relation to the constitution of a new shire, as contained in paragraph (c). One should have regard to the words contained in paragraph (a) of proposed new subsection (2) to section 27 which appears on page 3 of the Bill, and contains the words—

... and annex the portion to a district which the portion adjoins;

In the creation of a new shire I would think that no district exists until the shire is created. We then come to the point in regard to dissolution. Mr Claughton has said that section 12(1)(a) contains no powers relating to dissolution. Of course, paragraph (h) at the bottom of page 27 of the Act reads—

The abolition of a district and the dissolution of a municipality of the district.

Those words are almost identical to those contained in paragraph (b) of proposed new subsection (2) to section 27 on page 3 of the Bill. The municipality is dissolved and not the district. So there is a power of dissolution.

Clause put and passed.

Clause 4: Section 30 amended—

The Hon. R. F. CLAUGHTON: This clause seeks to amend section 30 which deals with the manner of taking a poll

and refers to petitions to the Minister requiring severance or abolition. This amendment removes these matters from the secretary. In section 30 will remain all the other matters relating to the way polls are conducted. I have no real comment to make at this stage, because I think it is quite straightforward and in line with the general purpose of the Bill.

The Hon. N. McNeill: That is right.

Clause put and passed.

Clause 5: Section 30A added—

The Hon. R. F. CLAUGHTON: This section which it is proposed to add relates to the conducting of a poll in certain conditions. It is really the meat of the Bill. From his second reading speech the Minister believed he was giving the ratepayers the right to express an opinion where some action was to be taken in regard to the district in which they lived.

On examination we find there are all sorts of anomalies concerning these provisions. The previous amendment has removed from the existing parts of the Act those questions which deal with the severance or abolition of portion of a shire and also to matters relating to the unification of shires.

Where these matters are contested in writing by 50 per cent of the ratepayers or by 50 ratepayers, whichever is the lesser, the amendment then contains the mandatory provision for certain action to be taken and, on receipt of such a demand, the Minister advises the local authority of the position and he must check the rules to ensure that the persons named in the written demand are in fact ratepayers; that they are 50 eligible ratepayers.

If this is so, notice must be published within the month of papers circulating in the district setting out the subject of the petition which had been earlier presented to the Minister and, subsequently, a poll must be taken within the shire or shires affected.

After the count has been taken, if the poll is 30 per cent or more of the eligible ratepayers and a majority are against the proposal, the Minister will not then proceed. In essence that is the procedure laid down under the Bill.

The further amendment with which we have already dealt made the reference to the Boundaries Commission subject to the proposed new section 30A. In other words, any of the matters relating to severance or abolition cannot be proceeded with, and the Minister cannot make a recommendation about them, because he is governed by the provisions of the amendment—that is, his discretionary powers in respect of the recommendations arising from the Boundaries Commission have been removed.

We also find the provisions of section 30 do not apply. In the recital of the provisions of the Bill it will be seen the Minister is very much tied up in what

he can do. Perhaps the Minister will be good enough to enlighten us as to whether my interpretation is correct.

The Hon. N. McNEILL: I am not absolutely certain that I understand the point made by Mr Cloughton, but I think it boils down to the fact that he said the Minister is effectively tied up; or words to that effect.

I do not know whether he is effectively tied up, but the opportunity to hold a poll in relation to the district affected would be restricted by the limitations placed on the powers of the Minister. I think the amendment qualifies the powers of the Minister. I hope that answer satisfies Mr Cloughton.

The Hon. S. J. DELLAR: I am not sure what the Minister was trying to convey when replying to Mr Cloughton, who had gone through the procedure set up under proposed new section 30A under which we get the situation where a poll or polls may be required to be held. All Mr Cloughton wanted to know was whether he had interpreted the contents of the Bill correctly. We do not want to make a slip in our interpretation at this stage.

The Hon. N. McNeill: It did not have relevance to the proposed amendment.

The Hon. S. J. DELLAR: Before the Minister gets to his proposed amendment, suppose we have a situation where the Minister receives a petition for the severance of a district, he sends it back to the local authority to confirm that it is in accordance with the requirements of the poll and the notice is duly advertised and, as a result of the advertisement, there is no demand made on the local authority for the conduct of a poll—because 50 per cent or 50 or more of the ratepayers have not written to the Minister as provided in subsection (4) of proposed new section 30A—is the Minister then left with a petition with which he can do nothing? He cannot reply to it or forward it to the Government, because there has been no demand made for a poll and therefore there has been no result.

What would be the position in a situation where no poll has been demanded and therefore none held?

The Hon. N. McNEILL: I wonder under what circumstances a petition would ever be presented if that were to be the case. I have difficulty in reconciling the point. If there is no demand at all how did the petition come about?

The Hon. S. J. DELLAR: The requirement for a petition only refers to 20 ratepayers at the moment; not 50 per cent or 50 or more of the ratepayers. So 20 people could petition the Minister who is then obliged to send the petition back to the local authority and ask whether it is in

order. The local authority is then required to advertise the notice and publish it and as a result of this there may be no demand by 50 per cent or 50 or more ratepayers, whichever is the lesser, on the local authority to conduct a poll. In such a case I assume the Minister would be left with a petition with which he can do nothing.

The Hon. N. McNEILL: In such circumstances I imagine there would be opportunity for the *status quo* to be maintained. It remains with the Minister, because there has been no demand for a poll. If a poll were in fact required, and were, in fact, conducted, and it did not achieve the majority result, it almost amounts to the same thing, even though there was 50 per cent or 50 or more of the ratepayers involved. I believe the matter rests with the Minister.

The Hon. S. J. DELLAR: I thank the Minister for that explanation which perhaps I can accept; but could the Minister confirm that where there is no demand made for a poll—where people are not interested enough to oppose it or support it and the Minister has no power and no discretion; and I can find none—the petition would not be proceeded with?

To take the reverse situation, there is no requirement on the Minister to present the petition to the Governor, but if the poll is in favour of the question we assume the Minister will do something with the petition. There is provision that if a poll is lost the Minister shall not present the petition to the Governor; but there is nothing in the Bill to say he shall present the petition to the Governor.

If the contrary happens perhaps we could assume he might do something. I would like an assurance from the Minister that in giving away his right to decide boundaries, he will not give away his right to deal with petitions.

The Hon. N. McNEILL: We must bear in mind the intention of the Minister and of the Government in this respect. The words have been hotly canvassed and criticised, and I do not say that in a provocative sense, because the nature of our discussion is truly on the understanding of what the Bill proposes to do. We must not lose sight of the intention of the Bill, which is to give the ratepayers of an affected area the right to a poll, and their right to a say in what is to happen.

At the present time the ratepayers do not have a proper exercise of power, or a right to have their say, by way of a poll regarding an annexation or a severance. We are attempting to give them that opportunity where they are directly affected and where they are entitled to have a say. It will be a guide to the Minister in certain respects, and in other cases it will almost

be an injunction on the Minister, depending on the results of the poll. The almost dictatorial power available to the Minister will now be qualified.

Mr Dellar referred to the situation where there was no demand. Whether or not the Minister had these powers, he would be conscious of the fact that there was no local concern and, therefore, he would act accordingly.

The Hon. S. J. Dellar: How would he act; he would not do anything? The Minister said that if there was no demand he would act accordingly, meaning he would not do anything about it.

The Hon. N. McNeill: That is right. That would be my view, and that is why we must keep in mind the general objective of the Bill. Whether people do not vote, or whether a lesser number vote than is required by the Act, the situation will be exactly the same so far as the Minister is concerned.

The Hon. S. J. Dellar: That is fair enough.

The Hon. R. F. CLAUGHTON: I am surprised that Mr Dellar is satisfied.

The Hon. S. J. Dellar: I did not say I was satisfied; I said I thought I was right.

The Hon. R. F. CLAUGHTON: Mr Dellar has raised several aspects. The Bill provides that where two municipalities are in agreement, with regard to an annexation or a severance, there will be no poll of the ratepayers. They will not have that democratic right which Mr McNeill mentioned; they will not be consulted.

Mr Dellar was dealing with a situation where the people in a portion of a district petition for a severance from one local authority and an annexation with an adjoining authority. Under the provisions of the amending Bill the Minister will not be required to refer the matter to the local authority. The petition will just be presented to him. The discretionary power of the Minister is to be removed.

The Hon. N. McNeill: If the proposal is rejected?

The Hon. R. F. CLAUGHTON: No. If the Minister receives a petition from a group of ratepayers for severance and annexation to an adjoining shire he cannot do anything about it because his discretionary powers will be removed. An earlier amendment stated specifically that the provisions of section 30 do not apply. The Minister will be able to refer to the Boundaries Commission but if it makes a recommendation he cannot do anything because he will be subject to the provisions of new section 30A. The only occasion when something will happen is when 50 per cent of the ratepayers, or 50 persons—whichever is the lesser—demand a poll. That is the only situation in which any action can take place.

That is just one situation which can be envisaged where the provisions of this Bill will not be adequate to cope. I do not agree with what the Minister is attempting to do. Mr McNeill mentioned democratic rights and I think those rights are best expressed in the way we are elected to Parliament. The people have a right to choose their representatives, and they invest certain powers in those representatives to make decisions in respect of local authorities. Parliamentary representatives originally determined the boundaries of local authorities; it is this Parliament which made that decision.

The Hon. N. McNeill: That is right.

The Hon. R. F. CLAUGHTON: That, again, is one of the reasons I believe the existing provisions in the Bill are the most satisfactory.

Any decision made by councils in respect of boundaries will not reflect the democratic will of the ratepayers if the ratepayers are not properly represented. That is an aside.

I do not support the proposal because of the difficulties I see in it. The Minister is adamant in his desire to allow people to have a referendum which will in fact, result in no action being available to those people who feel strongly about a change.

The Hon. N. McNeill: I think Mr Cloughton has raised the matter in the nature of what he referred to, I think, as an aside. I think he was really advancing a philosophy in relation to it. I disagree with certain of his observations, but I do not think there is any need for me to say any more than that.

I think I should just comment on the discretion which is available to the Minister. The status quo will remain, and I believe it would apply in the situation outlined by Mr Dellar, hypothetical though it may have been. Nevertheless, I suppose it could happen but the Minister could still exercise a discretion.

I think we have canvassed this particular provision widely. Before we lose sight of the fact that I have some amendments on the notice paper, I think I should move an amendment—

Page 5, lines 35 to 37—Delete the passage "and to a poll of ratepayers of each other municipality, if any, which will be so affected".

The Hon. S. J. DELLAR: The Minister did not really explain why he wanted the amendment. It is quite clear in my mind, as I said yesterday, the necessity to delete these words is that when the Bill was presented to Parliament, it was done in a rather hurried fashion without due or proper consideration.

We now find that the Bill is to be amended here. It has already been amended in another place, and yet the legislation was to be the be-all and end-all in regard to giving people a democratic right to determine local authority boundaries. I would like to refer to the Minister's remarks before he moved the amendment when he spoke about the discretion of the Minister for Local Government. In another place the Minister said that the measure will still give the Minister discretion to do certain things.

The Hon. H. W. Gayfer: What did you say then?

The Hon. S. J. DELLAR: The Minister in another place is reported to have said that irrespective of the result of a referendum, he still had a discretion to decide whether or not to forward a petition to the Governor.

The Hon. N. McNeill: No, he did not say that.

The Hon. S. J. DELLAR: Does the Minister now say he did not say that?

The Hon. N. McNeill: Not as I understand the matter. If a proposal is rejected at a poll, the Minister has no discretion.

The Hon. S. J. DELLAR: He has no discretion if a proposal is rejected.

The Hon. N. McNeill: That is my understanding of the words of the Minister in another place.

The Hon. S. J. DELLAR: If the poll is in favour of the petition, the Minister is obliged to send the petition to the Governor, and he has no discretionary powers?

The Hon. N. McNeill: No, he still has a discretion.

The Hon. S. J. DELLAR: Regardless of a poll in favour of the petition?

The Hon. N. McNeill: No.

The Hon. S. J. DELLAR: We are trying to give the people the right to decide. If the requisite number of ratepayers supports the petition, does the Minister say that the discretion still exists for the Minister for Local Government to decide whether or not it is forwarded to the Governor? If we get to the situation where the people have expressed their opinion about certain things, does the Minister still have a discretion about whether or not he will accept the views of the people?

The Hon. R. F. CLAUGHTON: We are aware of the remarks made by the Minister for Local Government in another place as Mr Dellar has a copy of those remarks before him. As Mr Dellar indicated, we are still left with a great many unanswered questions, and a large area of doubt about the real situation. The question of whether or not the Minister has discretion is an important one. The previous amendments in the Bill will remove

the Minister's discretion. Are we then to say, "Where a matter deals with boundary changes we will remove the Minister's discretion to take action on his own", but then go on to say, "However, when the poll has been taken, the Minister still has a discretion"? Either he has it or he does not have it. The question is still unanswered.

Mr Dellar referred to the situation where a poll has been taken and the paragraph provides that the Minister shall not proceed with the matter. However, no other direction is given in relation to the petitions. We cannot say that because the measure is silent on this point the discretion will still apply.

Many problems would be resolved if we could be given a clear indication in regard to this power of discretion. The only way we can read the measure is that it proposes to remove all references to the Minister's discretion.

The DEPUTY CHAIRMAN (the Hon. Clive Griffiths): I suggest to members that the last two speakers have roamed away from the question currently before the Chair which is that the passage proposed to be deleted be deleted.

The Hon. R. F. CLAUGHTON: We are dealing with the amendment proposed to page 5.

The DEPUTY CHAIRMAN: We are dealing with the question that the passage proposed to be deleted be deleted.

The Hon. R. F. CLAUGHTON: The intention behind the amendment is to remove an anomaly which showed up apparently when the measure was debated in another place. Mr Dellar and I were part of the committee that studied this Bill and it appears that under its provisions there will have to be a poll of all local authorities directly affected. If we agree to delete these words, the problem will be avoided.

We are still left with the question of the Minister's discretion. Let us suppose that a group of ratepayers in municipality A request that their portion of the district be severed and annexed to an adjoining district. Municipality B is quite happy with its position and no requests have emanated from it. The Minister for Local Government will receive the petition from municipality A, and then he is obliged to follow the directions of this legislation. We have asked what would happen when no-one demands a poll. It appears that all action just ceases. Mr McNeill's interpretation of the situation is that the status quo will remain.

The Hon. N. McNeill: I said the status quo will remain.

The Hon. R. F. CLAUGHTON: That will resolve part of the problem which seems to defeat the intention of the measure. However, on that interpretation the wishes of

the ratepayers who desire to be attached to another shire will be ignored, and that does not appear to be democratic.

Let us presume that the residents of municipality B do not want the attachment of the portion of municipality A. Although municipality B has taken no action, it will be involved in more costs and problems. If 50 people in the second municipality petition for a poll because they do not want the annexation to occur, it is then municipality B which is requesting the poll. This appears to be an unjust principle.

The Hon. N. McNEILL: I am sorry but Mr Cloughton confuses me.

The Hon. R. F. CLAUGHTON: Well, it is that sort of Bill, isn't it?

The Hon. S. J. DELLAR: We tried out the exercise on a piece of paper.

The Hon. N. McNEILL: Mr Dellar did not carry out this exercise with me.

The Hon. S. J. DELLAR: That is the only way to understand it.

The Hon. N. McNEILL: I must repeat that I am confused about the relationship of Mr Cloughton's comments to the amendment before the Chair.

The DEPUTY CHAIRMAN (the Hon. Clive Griffiths): It confuses me also.

The Hon. N. McNEILL: I do not know how to comment on his speech. One must read subclause (4) and relate that to the words it is proposed to delete. The full import of the amendment will then be recognised. However, we must bear in mind the rest of this subclause, which provides that at least 50 per cent of the ratepayers or 50—whichever is the lesser—of a municipality which will be directly affected must demand a poll. When these people have exercised the rights available to them, having gone through the procedures of petitions, etc., the proposal must be submitted to a poll of the ratepayers. In other words it will not involve the ratepayers in another municipality at all, and so the purpose of the amendment is to take out that requirement.

The Hon. R. F. CLAUGHTON: We are attempting to raise with the Minister some of the problems associated with this legislation. The purpose of this deletion is to ensure that not all the municipalities directly affected are involved in a referendum. If the words are left in the section, all local authorities directly affected must conduct and bear the cost of a poll; this of course produces some quite unjust situations.

However, the Government's amendment still does not cover what the Minister for Local Government is trying to achieve. I also point out to the Committee that where a council itself objects, but no ratepayer objects, there does not seem to be the necessity for a poll. What happens if an adjoining council objects? As it presently stands, a poll is required if 50 ratepayers

demand one, or lodge an objection. Perhaps there is some other provision in the Bill I have overlooked; however, this is how I read the clause.

The Hon. N. McNEILL: Mr Cloughton has covered a wide area on this issue; however, for the sake of clarity let me return to the particular matter under consideration. It is my understanding that, by the deletion of these words, the conduct of a poll by a municipality directly affected will not impose a similar requirement on other municipalities. If a municipality—the word is "a", not "the"—is directly affected, it has the opportunity of going through the procedures.

The Hon. R. F. CLAUGHTON: It has that opportunity only if 50 of its ratepayers submit a written demand to that effect; it does not seem to be able to make that demand itself. Perhaps we can leave this clause and return to it later.

The Hon. N. McNEILL: What Mr Cloughton is saying has little, if anything to do with the clause. Rather than get bogged down on the theory he is working on, I think we should proceed.

Amendment put and passed.

Sitting suspended from 6.05 to 7.30 p.m.

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

Page 6, lines 10 and 11—Delete the words "will be directly affected by the exercise of the power sought in the petition" and substitute the words "is required to have a poll".

This amendment is related to the question to which we have already devoted a great deal of time.

The Hon. S. J. DELLAR: It is obvious the Minister is as much in the dark as we are in dealing with the Bill. It has taken us a long time to ascertain whether or not this legislation will work. We agree with the amendments, because they are in line with what the Minister is seeking to achieve; that is, to rectify some error that has been made. However, we are not satisfied with the answers he has given, and in our minds there are many areas of doubt.

I do not believe this legislation will give the people the rights as outlined by the Minister. The Minister is now attempting to clarify a situation which was not clear before. I do not believe the legislation will achieve what it seeks to achieve, even with the inclusion of the amendments.

It would have satisfied us if the Minister agreed that there were areas of doubt, and that perhaps the legislation would not work. Personally, I do not think it will, despite the amendments. Here we are asked to agree to legislation which was introduced in another place by the Minister for Local Government, so that he can say to the people that he is prepared to amend the Act and fulfil the promises made at the last State election.

The DEPUTY CHAIRMAN (the Hon. Clive Griffiths): I would ask the honourable member to relate his comments to the amendment before the Chair.

The Hon. S. J. DELLAR: The amendment seeks to delete certain words and substitute others, with a view to correcting an error. I have said previously that this Bill has been introduced hastily and the proposals have not been researched fully. Despite the assertion by the Minister that this step is being taken to give the people their democratic rights to decide what their future will be, and despite the amendments, I do not think the legislation will work.

I realise the Minister in charge of the Bill cannot answer the queries we have raised, because he is not the Minister for Local Government. We are prepared to allow the amendments on the notice paper to go through. Perhaps it is too late now for the Minister to agree to leave the Bill on the notice paper so as to enable the Government to consult the associations which are concerned. I understand they have not been consulted.

The DEPUTY CHAIRMAN: Order! I suggest to the honourable member there is a proper place for making the comments he is currently making. I would be pleased if he would direct his comments to the amendment before the Chair.

The Hon. S. J. DELLAR: I shall adhere to your direction. It is necessary to delete certain words in the clause before inserting others. I do not think that the amendments will have any effect on the operation of the legislation.

The Hon. N. McNEILL: I disagree with the honourable member's comments. The deletion of the words in the amendment and the substitution of others will have some effect on the legislation.

The Hon. S. J. DELLAR: It will not have any effect on the State.

The Hon. N. McNEILL: This amendment is consequential to the other that has been agreed to. The amendment will have the effect of requiring the local authority to conduct a poll. I have spent some time in explaining the difference between the provision in the clause, and the provision after it is amended. The four amendments to the clause will make the legislation far clearer than it is.

Amendment put and passed.

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

Page 6, line 33—Insert before the word "polls" the words "poll or".

This amendment is consequent on the amendment that has been agreed to.

Amendment put and passed.

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

Page 6, line 35—Insert after the word "municipality" the words "which is required to have a poll".

Again this is a consequential amendment. Amendment put and passed.

The Hon. R. F. CLAUGHTON: If we turn to paragraph (e) on page 7 of the Bill we find it provides that where a poll is conducted and not less than one-third of the ratepayers vote, if the majority of the valid votes are against a proposal, the Minister shall not present the petition containing it.

In view of that and the removal of the discretionary power of the Minister, Western Australia will be placed in the position in which New Zealand finds itself. There have not been any local government boundary changes in New Zealand for the past 20 years. I am sure the Government does not think this is a desirable state of affairs.

Furthermore there will be the possibility of litigation, and of people who are discontented creating trouble for local authorities. I hope the Government will reconsider what it has done in respect of this legislation.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [7.45 p.m.]: I move—

That the Bill be now read a third time.

I appreciate that I gave some undertakings to Mr Dellar in particular in relation to a couple of queries he raised earlier in the debate. During the tea suspension I endeavoured to obtain the information he requested, but I regret I was unable to do so. Nevertheless I have made a note of the items and I will pursue my inquiries to obtain clarification particularly in relation to the application of section 12 which was also raised by Mr Claughton. Although I know that this will not help much as far as the third reading is concerned, I hope members will accept that undertaking from me.

THE HON. S. J. DELLAR (Lower North) [7.47 p.m.]: I thank the Minister for his brief comments. I realise that time precluded him from obtaining the information I requested, and I look forward to receiving it at a later date. On such an important matter as this, the bodies concerned should have been contacted and, if they were not, this is yet another reason

the third reading should be delayed. I look forward to obtaining the information in due course.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

SALARIES AND ALLOWANCES TRIBUNAL BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council, subject to a further amendment.

Assembly's Further Amendment: In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

The DEPUTY CHAIRMAN: The further amendment made by the Assembly is as follows—

Clause 6, page 3, line 38—Add after the word "Parliament" the passage "including additional remuneration to be paid to members of Select Committees of a House or Joint Select Committees of Houses, not being in either case Standing Committees".

The Hon. N. McNEILL: I move—

That the further amendment made by the Assembly be agreed to.

The circumstances of this amendment are appreciated by the Committee and, I think, understood.

The Hon. R. Thompson: I concur.

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

Report

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

BEEF INDUSTRY COMMITTEE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [7.53 p.m.]: I move—

That the Bill be now read a second time.

The amendment sought in this Bill is to extend the operations of the Act until December the 31st, 1975.

The minimum price scheme was initiated at a time when the confidence of producers marketing prime cattle for the domestic market was at a low ebb, and it would be generally acknowledged that the ability to

set a schedule has had the effect of restoring confidence and stabilising the market.

Members will recollect that the scheme was under pressure when heavy yardings occurred in late January. The committee called on producers to restrict yardings and livestock agents assisted by directly advising their clients and, in some instances, cancelled sales when the trade's domestic requirements were fully met.

The Minister for Agriculture, when introducing this measure in another place, recorded his appreciation of the work of the committee in achieving all it possibly could in the circumstances—given its limited powers and an inability to impose supply management when this was considered essential.

In the absence of a marked and sustained improvement in export markets for beef, there is a need for the scheme to continue.

Although the Bill only provides for a limited extension of the legislation, consideration will be given to additional amendments during the spring session of Parliament.

I commend the Bill to members.

THE HON. R. T. LEESON (South East) [7.55 p.m.]: The Opposition has no objection to this Bill. The parent legislation was introduced into this House in the closing hours of the last session and we now have before us in the closing hours of the first portion of this session a Bill to extend the operation of that legislation to the end of this year.

When the legislation was first introduced it received opposition from some quarters. I suppose all Bills are opposed by someone, but we can recall that in those days the beef industry was very depressed and to my knowledge it has not improved a great deal. However, maybe the Act did a little to hold the position over the last few months. Perhaps we will hear something about the industry from those members interested in it.

As far as I am concerned if the legislation will go some way towards helping the industry in its present position, I support it.

THE HON. A. A. LEWIS (Lower Central) [7.56 p.m.]: I will not repeat my objections to the legislation. Members can read them in *Hansard* No. 4 of 1974 at page 3888. What I forecast when the original legislation was introduced has come true. We are merely continuing the farce we started last year. At no time has the legislation ever served any purpose except to upset the agricultural industry and many individual farmers. I oppose the Bill.

THE HON. C. R. ABBEY (West) [7.57 p.m.]: The previous speeches have been brief so I have very little on which to

comment. Mr Leeson admits that he does not know a great deal about the scheme and, quite wisely, he said so. The scheme has been instrumental in stabilising the beef industry in particular.

The Hon. A. A. Lewis: Rot!

The Hon. C. R. ABBEY: This can be proved, if Mr Lewis will take the trouble to read the monthly publication issued by the Australian Meat Board.

The Hon. R. Thompson: That's strange. I've been telling him for a couple of years that he can't read.

The Hon. A. A. Lewis: It's amazing how people have to read instead of looking for practical results.

The Hon. C. R. ABBEY: We can see the practical results. Despite the interjections I will try to sort out the thoughts of some members in the Chamber.

The March issue of the monthly publication issued by the Australian Meat Board proves that Western Australia has benefited considerably as a result of the introduction of the minimum price scheme for beef, and that in general the lamb and the mutton industries have benefited over the last year or two. This can be easily proved—

The Hon. R. Thompson: A good scheme.

The Hon. C. R. ABBEY: —by examining the figures available. If we compare Western Australia with every other State in the Commonwealth we find that Western Australia is something like 30 per cent better off on the average overall prices. That represents a marked advantage. We recognise that Western Australia is fortunate in having the Nullabor desert between us and the other States.

The Hon. D. K. Dans: When it is not blooming over there, the cattle and sheep men do not think it is good.

The Hon. R. Thompson: It is not a desert; it is a plain.

The Hon. C. R. ABBEY: We should be grateful for the Nullabor Plain.

I support the Bill. I am quite convinced, despite Mr Lewis's opinion to the contrary, that the beef producer is much better off under the scheme than are producers in the other States. He recognises this fact, too.

Unfortunately the prices have not risen to the extent necessary to make the industry profitable, but I believe that the normal effluxion of time and the changes which will occur with a reduced number of beef cattle being produced will, in a short while, enable the industry to return to its former profitable state.

We have only to look at the effect of last week's beef market at Midland, where heavyweight bullocks from the north made \$170 a head. We have not seen this situation for a long time.

The Hon. A. A. Lewis: I told you we were going to be short.

The Hon. C. R. ABBEY: I do not believe there is a real shortage of beef at the present time. I do not believe there will be any shortage of beef for the local market. In Western Australia we consume something like 82 per cent of local production. Local consumption has risen from 55 per cent at a time when 45 per cent of total production was exported. So the price to the consumer is obviously attractive at the present time. This will have a good effect for the future because the consumer is eating more meat and is appreciating the opportunity to eat more meat. I hope consumers will continue to do so.

We know markets have a way of righting themselves, but I think we should look very closely at continuing this scheme for a longer period than is proposed in the Bill. In most of the other States there was and still is a situation that at major bull sales prices have dropped approximately 50 per cent and have been down to an average of \$500 to \$700 over a large number of bulls. During beef week at Claremont all breeds brought better than \$1 000. This indicates the confidence of the Western Australian beef industry, despite an unfortunate broadcast by Mr David Barker, of the Department of Agriculture, in which he inadvisedly said that in his opinion producers in this State should be buying cheap bulls. That was a tragic statement for a responsible officer to make because should it be accepted by the producers they would find the quality of their product deteriorating markedly.

Those who have experience in the industry saw the opportunity last week to buy good bulls at reasonable prices and they have kept the industry on a very stable basis. So we can be grateful that Mr David Barker's advice was ignored. I hope it will be ignored in the future because if his advice is accepted by the industry a situation will develop where bulls and cattle of poor constitution will be produced, which will be extremely detrimental to the future of the industry.

The period of operation of the Bill should be longer than six months, to give greater stability and confidence to the industry. Beef week was opened by the Premier last week at a famous restaurant in St. George's Terrace. At the opening we had the opportunity to talk to all sections of the trade and it became very evident that apart from one major wholesaler, whom I will not name, the trade has accepted the fact that stability has returned to the industry and it can look forward with confidence to the level of prices, while the consumer can look forward with confidence to a reasonable level of prices. I hope that situation continues because it does no good to have too high a price for cattle, which results in buyer resistance.

I honestly believe it would be preferable to extend the scheme for at least 12 months. It would be necessary to use the scheme. The committee has recognised that the level of prices is high enough at the present time and it does not have to alter its schedules each week. The committee is not meeting at the present time but all sections of the industry—the representatives of the meat board, and the representatives of the wholesale industry and the producers—have met together and agreed this is a good scheme. It will provide stability and the major effect it will have for the future is that the producers will be able to continue operations.

I know of people who are in great difficulty. They are small farmers who are unable to cope with the great drop in prices experienced in the last six months. I have great sympathy for them, and I know many of these people are in Mr Lewis's province. It is good to see that at least the State Government recognises it should help to some degree with low-interest loans. I hope that if the proposed \$800 000 runs out further money will be forthcoming, even if it is very hard to find.

I trust the Bill will receive the whole-hearted support of this House.

THE HON. D. K. DANS (South Metropolitan) [8.08 p.m.]: I support the Bill. I also supported the previous Bill relating to this industry, and I am amazed that, as in the previous session, this legislation seems to be an afterthought. It is brought forward in the dying hours of the sitting so that we cannot have a good look at it.

When listening to Mr Abbey I could have said, "What a lot of bull", because the fact is this is a minimum price scheme, and in my perhaps unqualified opinion it is only working because we have a Lamb Marketing Board operating in this State.

The Hon. C. R. Abbey: It is independent, though.

The Hon. D. K. DANS: I know it is independent. The Lamb Marketing Board is keeping a fairly high price on lamb—I do not know whether the board is responsible for that or whether other factors are responsible. However, buyer resistance to lamb is terrific, and in a situation like this the minimum price for beef is allowed to operate and beef is much cheaper.

The Hon. C. R. Abbey: I expressed the hope that beef would not become too dear for the consumer.

The Hon. D. K. DANS: On looking around, we find lamb is almost disappearing from the butcher's hook—I am not trying to be corny. We can pick up the paper any day of the week but we will not see any lamb advertised. People are frightened to advertise it. Having a knowledge of how people react in different situations, I know that if lamb became plentiful again and producers bypassed the Lamb Marketing Board and in

desperation flogged their meat at any price they could get for it, the scheme would not last very long. I do not think it would last five minutes.

I have expressed this opinion previously, and I express it again now; that people in any sphere of endeavour should get an adequate return for their labour and effort. I do not only express that opinion here; I express it in any company or group of people I happen to be with.

It appears the Bill is only a holding operation and will be subject to variations at any time. It could well be that in the next sitting some of my predictions will have come to pass and we will have the same situation as has developed in the Eastern States, with beef becoming even cheaper.

I am alarmed at some of the statements of Mr Crean and I am aware that he has been vilified, not only by people in my own party but also by people in other parties, as being an old conservative. I know him to be a very steady person, and I would have liked to see the credit squeeze extended for longer because I am sure whoever is in Government in the not-too-distant future will have to impose more restrictions to soak up some of the money around the place. Mr Crean has expressed the opinion that unless something happens to improve the overseas market there is a grave danger of the whole Australian beef industry collapsing. It is a real danger.

It is true we are consuming locally 82 per cent of the beef produced; as Mr Abbey said, local consumption is higher than it was. Not only did beef reach such a high price that we starved off the local consumer, but because of the changing world economic situation we also starved off the importer, and it suddenly came home to all Australians—myself included—that this was not God's little acre. In other parts of the world wheat and beef are produced more efficiently. If Mr Masters were here he could tell me how many bushels farmers in the United Kingdom crop from an acre. It is a fantastic figure, and we know the conditions of farming there.

The Hon. N. McNeill: It is 70 or 80 bushels.

The Hon. D. K. DANS: The Minister for Justice is probably a better authority in view of his background. The European Economic Community blossomed forth with a mountain of beef, some of which it proceeded to give away.

The Hon. C. R. Abbey: It was very low standard, though.

The Hon. D. K. DANS: That may well be so, but Europe has a history of eating low-standard beef.

The Hon. C. R. Abbey: And horses.

The Hon. D. K. DANS: I have not developed a taste for horse. I believe many Italian people coming into the country have

been apprehended by customs officials for smuggling in real Italian salami made from donkey meat.

One of the reasons for very good French cooking is that the French have been able to disguise second-grade beef over all these years.

The point I am trying to make in supporting the Bill is that this situation may be a great awakening to us. We are not the only people in the world who produce beef; the rest of the world is not committed forever and a day to buy our produce. Therefore, I think in the future we should look to some orderly marketing schemes which will produce a reasonable return to the producer and allow purchasers, in the light of existing economic conditions—wage fluctuations, etc.—to buy meat at a price which will encourage them to eat more of it.

It is gratifying to hear Mr Abbey say that meat consumption has increased. That is good, because we all realise that in recent years the *per capita* consumption of meat in Australia has been reducing rapidly, and we are consuming more foods such as sausages, sugar content foods, and processed foods which are not good for us as a nation. I firmly believe that we must export in order to survive, but unless we look after the local market we will be in very grave trouble. If we cannot educate the population of Australia to eat the things we produce we will be in trouble. I am one of the old-fashioned, amateur economists who believe that the land is the basis of life; it gives us the good things in life and, in fact, gives us life itself. If we do not adopt that attitude we will have other episodes like the one we are experiencing at the moment.

I very much hope that more funds will be forthcoming for this industry. I do not wish to launch myself into an argument about Commonwealth money to support the beef industry; a great deal could be said for and against that matter, so do not let us worry about it for the moment. Let us get on with the job of keeping people on the farm. Let us hope this scheme continues to enable beef to be supplied on the local market at a cost which encourages people to buy and consume more of it.

I am not sure it will do that, but I hope it does. Above all else I hope the situation in respect of lamb and pork does not continue. I am not an expert on these matters, but from the point of view of a consumer lamb is difficult to buy because it is so highly priced. I wonder what would happen if the price of lamb were reduced again. I do not think the scheme before us would work in those circumstances.

I do not think this scheme will completely save the beef industry. It looks good, but I am always suspicious—not in the terms of thinking anyone is being underhanded—of Bills which are introduced suddenly in the last days of a session of Parliament. Suddenly a small Bill consisting of a few pages is placed in front of us and we say, "Okay, we will accept it." My view has not greatly changed from that which I expressed last session when the first Bill was presented to us. I am prepared to support this Bill, because people who profess to know more than I do say the scheme will continue to do the things it has been doing.

I feel a number of other factors in addition to this price scheme are influencing the situation; but let us hope the situation continues and that our consumption of beef increases. Let us hope that in the next session of Parliament we are able to say that we are now consuming 92 per cent of our local production at the present price. I do not think that is possible, but I commend the Bill to the House, and hope it receives a speedy passage.

THE HON. V. J. FERRY (South-West) [8.20 p.m.]: I wish to have a few brief beeps about this beef Bill! The measure sets out to extend the expiry date of the parent Act by six months from the 30th June to the 31st December next. If the Bill provided for the continuation of the Act for a period longer than six months, I would find extreme difficulty in supporting it. In fact, I am supporting it tonight only in a qualified manner.

I have made that judgment in my mind in the light of experience of the last few months since the beef price scheme has been in operation. More importantly, I refer to the situation which has arisen in the south-west of Western Australia. During the short course of the debate tonight it has been mentioned that the south-west has smaller beef producers than perhaps some other areas of the State have, and that may be true. However, in the south-west there are some large producers of beef and it has been my unhappy lot to learn of their experiences. Both large and small producers have run into the same sort of trouble.

The voluntary price scheme has some merit, but I venture to suggest that in the experience of the majority of producers in the south-west it has not advantaged them to the extent we all hoped it would.

The Hon. C. R. Abbey: How much worse would the situation be without the scheme?

The Hon. V. J. FERRY: That is a difficult question to answer. However, I do know that a number of people have been positively disadvantaged as a result of the scheme, and that fact has been amply

proven to me. I only hope, as other speakers have said, that by extending the scheme for a further six months we may help to stabilise the industry.

However, I suggest that by extending this scheme for a further six months we are really giving notice to all concerned in the industry that the Parliament is saying in effect, "We will go along with the scheme for a further short period; but in the meantime let it be proved whether or not it is worth continuing with it."

The Hon. R. Thompson: I was interested to hear you say some producers have been disadvantaged. When I dealt with the legislation last year I said I thought this would happen. Could you expand upon this?

The Hon. V. J. FERRY: When this matter was first discussed last year a number of members expressed apprehension. Unfortunately, as a result of other engagements, I was unable to take part in the debate at that time, but I believe the apprehension expressed has been borne out. A number of producers in the south-west have offered cattle for sale and, because of this scheme, have been obliged to return the same cattle to their properties at further cost to them because the minimum price that had been set was not reached and, therefore, they were unable to quit their stock at the saleyards. Accordingly, they have had no option but to return their cattle and to pay transport costs.

The Hon. C. R. Abbey: That was mainly due to yardings which were too high.

The Hon. V. J. FERRY: I agree that there are many reasons for it. I am not a primary producer, but I represent many of them and I have had an association with the land all my life; therefore, I understand the situation of some of these producers. One of the reasons for cattle being returned is that they are ready for market at a certain time of the year and it is prudent and good husbandry that they should be quitted at that time. Another reason, of course, is that producers are obliged to have a cash flow because of their financial commitments and requirements, and they must quit stock even if they have to do it at a loss. They must quit the stock to bring cash back into their business to enable them to reorganise their financial resources in order to carry on. This is not uncommon.

In certain cases such as the two instances I have outlined I feel the existing scheme has disadvantaged a number of producers. I think that is indisputable. Whether this situation can be improved upon and prevented from occurring in the future is not for me to say. I believe it is up to the industry and all associated with it to overcome these problems if they can.

I am a firm believer in the law of supply and demand, particularly in respect of the home market. Similarly, as far as

overseas markets are concerned, this is certainly a case of supply and demand because if the demand is not there the producers cannot take advantage of it. Like other members, I believe in the principle of the market place, and I have expressed that point of view in this Chamber from time to time.

I come back to the point I was endeavouring to make in respect of this legislation. In view of the fact that it is being extended for a short period of six months, and in the knowledge that the parent Act contains a provision whereby if circumstances are such that the scheme is no longer desirable it may be terminated at any time, the scheme need not necessarily continue until the end of 1975. Nevertheless, I reiterate that the Parliament is serving notice on the industry that it must improve its position.

I would like briefly to mention my support for the scheme to assist beef producers, as initiated by the State Government. That was a most timely announcement and a most timely scheme. It does not provide great financial benefit, but it does provide some benefit to a number of producers; and, indeed, it is a gesture to give confidence to an industry which is definitely in need of confidence. I commend the Government for taking this step.

That sort of action is, I believe, a more practical method of helping the industry than the scheme we are discussing at the moment. For my part, I will continue to watch the situation closely. I trust that the producers, particularly those in the south-west, may look forward to a more favourable economic climate than they are experiencing at the moment.

THE HON. H. W. GAYFER (Central) [8.28 p.m.]: The whole debate on this Bill in respect of the beef industry has centred around the profitability to the producer, and the availability of meat to the consumer at an equitable price. I think that is basically the tenor of the debate so far. It has centred around the protection such a scheme may give to producers in order to allow them an income which will assist to stabilise the industry and to enable the farmers to stay on their farms.

The meat industry has been in quite a mess for some time, and it is the fervent hope of some that this Bill will bring about continued confidence in the market. The principle we are now debating is similar to that we debated in respect of the Lamb Marketing Board. It is very interesting to know that something is to be done; and it is no good running away from the situation facing us at the moment, in which there is only a small margin between farmers staying on the land and being forced to leave it.

We note that the price of wheat fell from \$148 to \$141 a tonne last week, and that bulk wheat ships are being tied up

in India; and if that area of the primary industry collapses those wheat farmers who have diversified into the meat industry will have no future.

Therefore something has to be tried, otherwise many people will continue to leave the beef and meat industries if the returns from other commodities such as wheat continue to fall.

On looking at some statistics the other day I was interested to note that, in 1963, taking a base figure of 100, and comparing the position 10 years later in June, 1973—bearing in mind that the price of beef was reasonable during that period—the figure for the cattle and sheep industry is now 179. In other words, from a base figure of 100 in 1963 the figure has risen to 179 in 10 years. In the meantime wages have risen from the base figure of 100 in 1963 to 210. Primary producers must expect something from their products and expect to be able to enjoy a reasonable standard of living. It is also interesting to note that the cost of equipment and supplies during this period has risen—again taking a base figure of 100—to 142, services have risen to 215, and market-expenses to 185.

Consequently, if we study the graph in toto it can be seen that unless something is done for those engaged in agricultural industries they will lose out all along the line. Nothing in this world will bring prosperity to those industries if the attitude overseas continues to harden. If this does occur the situation in regard to our commodities will become even graver than it has in recent times. Therefore, the Lamb Marketing Board and the orderly marketing of grain must continue to remain in operation. Nothing else can be done at this stage.

I therefore support the measure as being a means of trying to do something for the farmers. Like Mr Abbey I believe this legislation has had some effect. We certainly cannot throw it out now and say, "It is no good", because I am sure an adverse position would be reached and a great deal of hardship would be felt by those engaged in the agricultural industries.

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.33 p.m.]: The measure has been widely canvassed; certainly by some members who have a good deal of experience of the operation of this legislation and a great deal more experience in the operation of the industry.

I acknowledge the contributions to the debate that have been made. It must be recognised that it is not anticipated, nor intended, that the legislation will be a cure-all. The Government recognises the shortcomings and the inability of measures such as this to bring about a desired result; that is, to try to restore to the beef producers a more reasonable return for their livestock. However, this happens to be one of those measures that undoubtedly causes a deal of inconvenience

and loss of money, but on the other hand—and this question was asked during the debate—what would have been the situation had this Act not been in operation? We are not in a position to know that. That question could only be answered if at the same time we could have control and a controlled situation, so that a controlled comparison could be made. Even if that were possible it would still be an unrealistic method.

The comments made by Mr Dans are worthy of some reply. He referred to the reduced consumption of meat, and mentioned the prices the consumers are prepared to pay, thus implying that this may have an effect on the retail trade and ultimately on the beef industry as a whole. Once again I think we are on tender ground—

The Hon. D. K. Dans: Very apt.

The Hon. N. McNEILL: —in trying to assume that just because the price of a product on the market happens to be cheap this should be a requirement to bring about increased sales.

The Hon. D. K. Dans: It has already.

The Hon. N. McNEILL: It does not necessarily apply.

The Hon. D. K. Dans: The figure has gone up considerably from 56 to 82, mainly because lamb is short.

The Hon. N. McNEILL: That may be the situation—and I emphasise the word "may"—if it can be directly related to what Mr Dans has said. I cannot produce statistics to prove it, but I advance the point of view that, without question, beef in the shops today must be one of the cheapest commodities in this country.

The Hon. D. K. Dans: I have no argument about that.

The Hon. N. McNEILL: I attended a meeting of growers only a couple of weeks ago where this question was discussed, and whilst a theory was not being advanced, there was discussion on a view which was to the effect, "if we could sell all our beef on the local market we could forget about export sales." I would not subscribe to that view for the same reasons advanced by Mr Dans. Even if we did hold to that view, in trying to maintain the return to the producers, could we still be sure that the people would buy beef? I doubt that one can say, with any degree of certainty, that will happen.

The Hon. A. A. Lewis: It is not marketed, it is just pure selling in the trade.

The Hon. N. McNEILL: That may be. I can well recall, on another occasion, that the price of beef was very high in the eyes of many people, although it was not high in my eyes. At that time rump steak was about \$1.90 a pound and this was considered to be a steep price. Also, at that time, there was a glut of lamb on the market. In a suburban shop during one

weekend, when purchasing a weekend joint, my wife placed an order for a forequarter of lamb, and the butcher expressed some surprise and said, "I bought five carcasses of lamb for the weekend and yet, here it is almost noon on Saturday and you are the first person to buy it, despite the fact it is being offered at give-away prices because everyone is buying beef." So, on that occasion, the customers were buying beef despite the price that was being charged.

Therefore we are introducing almost an air of unreality by assuming that just because the price of a commodity is cheap the people will buy it; the reverse may be true in certain circumstances.

The Hon. D. K. Dans: I could not care if all the lambs died, because I like beef.

The Hon. N. McNEILL: I am sure there are other members in the Chamber who could answer that interjection more adequately than I could.

The Hon. D. K. Dans: It is more a question of economics.

The Hon. N. McNEILL: Perhaps it is, and I am one of those who thinks that probably the economic climate, the availability of money, more particularly at present, is the problem. I do not believe it is a management problem. I am optimistic enough to think that just as a certain situation develops among us rapidly, so I am prepared to say it could change just as rapidly in the other direction if we obtained certain results in economics and a different situation was created in the exporting countries.

I appreciate the observations made on the Bill. The beef industry is tremendously important to us, not only from the point of view of producers and their economic well-being, but also in regard to the solvency of this country, despite the fact that I recognise the objections to the Bill expressed by Mr Lewis. In all honesty I have some reservations about the effectiveness of the Bill myself. Nevertheless it is legislation that must continue.

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. N. McNeill (Minister for Justice), and passed.

PUBLIC SERVICE ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [8.45 p.m.]: I move—

That the Bill be now read a second time.

Under the provisions of the Public Service Act, an officer may, with the approval of the Public Service Board, accumulate his entitlement to long service leave up to a maximum of twelve months.

The majority of officers take their leave as it falls due, but occasions do arise when this is not suitable to the departments concerned and approval is therefore sought from the board for accumulation of entitlements.

With few exceptions, accumulation up to a maximum of twelve months is an adequate provision but there is the odd case where an officer can be penalised by not taking leave due to him in order to suit the convenience of his department.

A search of the Public Service Board's records reveals that at present, there are five senior officers who because of the restrictions which have been imposed from time to time on the accumulation of long service leave, have served for a varying number of years without receiving leave credits for their service over these periods.

The position in other State Public Services has been checked and it has been disclosed that there is no limit on the accumulation of long service leave in New South Wales, Victoria, Queensland and South Australia, nor is there any limit in the Commonwealth Public Service.

More importantly perhaps, there is no limit imposed in this State on Railway or State Electricity Commission employees and it is therefore difficult to justify imposing a restriction on the few public servants involved.

It is not intended, of course, to allow any automatic entitlement to the accumulation of long service leave either up to or beyond 12 months but provision is desirable to allow full entitlements to leave to accumulate in special cases.

It is therefore proposed to amend the Act to delete the bar to accumulation beyond 12 months and to allow the restoration of credits for leave which have been lost because of the restrictions imposed in the past on accumulation.

The Bill provides accordingly and I commend it to honourable members.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [8.47 p.m.]: I do not raise any objection to the Bill. I think I could name virtually all the top civil servants who, because they think they are indispensable, do not take their leave when it falls due. We must bear in mind, however, that eventually we are all faced with the retiring age and that somebody else is coming up to fill our

shoes; and this, of course, applies particularly to public servants. I think that public servants should take their leave when it falls due.

I say that in the full knowledge, as was pointed out by the Minister, that in other areas also long service can be accumulated. The Minister mentioned particularly the employees of the Railways Department and the State Electricity Commission. He could have also mentioned the teaching profession because the members of that profession are permitted to accumulate their leave. Their long service leave is applicable after 10 years' service, and then after five years' service, and they are allowed to accumulate it to 15 years and take six months at the expiration of the 15 years.

Similar legislation has been in operation in other States—as has been mentioned by the Minister—and where it has been in force it has not been restricted to the top echelon in the Public Service. I feel the provisions of the legislation should be extended to those on the lower scale because if such approval is to be granted to certain people then those on the lower scale of the Public Service should, for very good reason, be able to make application to have their leave extended also.

One of the good reasons is that with overseas travel as it is at present, and with the expertise that is necessary in the Public Service if an efficient job is to be done, many people want to travel to see the conditions in other countries. Such people may be on the lower rung of the ladder and not in the top bracket of the Public Service.

Accordingly I hope the provisions of this Bill will not be restricted in any way to those senior officers in the Public Service who may think they are indispensable.

I will support the Bill with the qualification that I trust its provisions will be open equally to all public servants and not just to a few of the senior officers in that service.

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. N. McNeill (Minister for Justice), and passed.

METRIC CONVERSION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

FISHERIES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South West—Minister for Education) [8.54 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to strengthen the offence section in relation to foreign fishing vessels. Clause 8 specifically refers to foreign boats, and makes it an offence for a person to use a foreign boat for the taking of fish, processing, storing or carrying fish, or to have in his possession or in his charge a foreign boat equipped with nets traps or other equipment for taking fish.

This amendment follows discussion between officers of the Federal and State fisheries authorities on the matter of inspection of foreign fishing boats. Similar amendments were introduced to the Federal Parliament in February, 1975, and given Royal Assent on March 4th, 1975.

The Bill provides exemptions for any foreign boats which hold appropriate State licenses or which are travelling to or from a Western Australian port by the shortest practicable route.

The penalty claim provides for a fine of not more than \$2 000, with power for the court to order forfeiture of the boat, fishing equipment, fish and the proceeds of the sale of any such fish. Boats and other things so forfeited shall be disposed of in accordance with the directions of the Attorney-General.

Other minor amendments included in the Bill are—

Clause 2.

This clause is consequential upon the change in the name of this portfolio to Minister for Fisheries and Wildlife. It is considered correct and appropriate that the title should under this Act be simply Minister for Fisheries so that possible changes in another Act (Fauna Conservation Act) will not in future affect this clause. There is also a savings clause to continue the legality of any past action taken in the previous corporate name.

Clause 3.

This clause alters the maximum penalty which may be imposed under the regulations. The maximum of \$200 for a breach and \$4 per day for a continuing breach had relevance when the general penalty was \$40. However, the 1974 amendments raised the general penalty to \$500, and to maintain

relativity the maximum penalty under the regulations has been raised in this Bill to \$1 000 and \$20 for a breach and a continuing daily breach respectively.

Clause 4.

Section 9 provides power to prohibit all persons from taking fish according to stated alternatives. There are circumstances in which it is desirable to make limitations applying to only amateur fishermen or professional fishermen. For example, professional fishermen are precluded from fishing for rock lobsters in the inshore waters of Rottnest Island but amateur fishermen are allowed to operate there. At the present time it is necessary to prescribe a regulation to achieve this purpose. It is preferable to be able to do so by a notice under section 9, and this will be possible under the amendment in this clause.

Clauses 5 and 6.

Sections 10, 19 and 19A were repealed in the 1974 amendments. Advice has been received that it is desirable to have a "saving" clause to preserve notices issued under section 10 prior to 1974.

Clause 7.

The penalty in relation to section 23 which was \$4 has been deleted and the general penalty prescribed in section 47 will apply instead.

Clause 9.

Section 40 which relates to the power of arrest has been amended to delete the word "offend" and insert the words "the inspector has reason to believe has committed an offence".

Clause 11.

Section 48 is amended to state quite precisely the conditions under which a boat may be forfeited.

Clause 12.

Section 41 has been repealed under clause 10 and is replaced by amending section 49B which sets out in more precise terms the powers of either an inspector or a police officer to search for and seize any fish which has been taken, or any boat or other thing which the inspector or police officer has reason to believe has been or is intended to be used in breach of the Act or the regulations. Any fish, boat or other thing so seized shall be taken before a justice, unless impracticable.

I commend the Bill to the House.

THE HON. S. J. DELLAR (Lower North) [8.58 p.m.]: The Bill has been adequately explained by the Minister. It mainly deals with the aspect of foreign fishing vessels which have operated, and apparently continue to operate, off our coast.

It is interesting to note that most of the amendments in the Bill have been included as a result of consultation with the Australian Government, and a number of these amendments are complementary to legislation that was passed in the Federal Parliament in March.

I do not believe there is any need to delay the House because the Minister has adequately explained the provisions of the Bill; apart from which we have had a chance to look at them. I do feel however, that there is a need—and I am sure Mr Withers will agree with me—to strengthen our legislation in this regard. There is probably only one clause in the Bill which calls for some comment. It is the provision which deals with the right of inspectors to enter and search premises without a warrant. This provision was in the parent Act but the Bill sets the position out in more precise terms.

I feel in some instances there are good reasons for inspectors being permitted to enter and search premises; and I am sure the Minister handling the Bill—who was once involved in the administration of the Act—will know full well the reasons for such a provision.

The Hon. G. C. MacKinnon: Yes.

The Hon. S. J. DELLAR: With those few comments I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

BANANA INDUSTRY COMPENSATION TRUST FUND ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.04 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill seek to provide for—

continuation of the Act for a further seven years,

an increased contribution rate to the fund, and

increased compensation payments in the event of losses caused by cyclones or other natural causes which pose a threat to the industry.

These amendments were requested at a general meeting of banana growers held at Carnarvon on the 8th March, 1975, which was attended by approximately 60 growers, and are supported by the Carnarvon Fruit and Vegetable Growers Association and the Market Gardeners Association of Carnarvon.

Clause 3 provides for substitution of the definition of "case" by "carton" which is described as a container having the 16 kg capacity when used for packing and marketing bananas. This change is necessary as the 16 kg carton is now used for marketing nearly three-quarters of the bananas produced at Carnarvon.

Consequent upon this change, it is necessary to amend those sections of the Act where the word "case" is used by inserting the word "carton" in its place.

Provision has been made in clause 4 for increased contributions to the fund by raising the growers' contribution from 15c per case of bananas—average weight 56 lbs—to 14c per 16 kg carton—35 lbs approximately. The Government contribution to the fund, which is 50 per cent of that made by growers, will increase accordingly. It is estimated that the additional Government contribution will be approximately \$7 000 per annum, making a total Government contribution of approximately \$24 000 in a normal year.

Provision is made for increased compensation payments in the event of losses caused by cyclones or other natural causes which pose a threat to the industry. The present amount of compensation payable under the Act is assessed in relation to weighted average production of bananas in cases per hectare of the land of the grower where destruction of bananas occurs, and is payable at the rate of \$1.50 per bushel case—average content 56 lbs.

The new provisions involve an increase in compensation payments to \$1.30 per 16 kg carton. This increase is consistent with the increased rate of contribution proposed in the previous amendment.

Consequent upon amendment of the rates of contribution to the fund and payment of compensation, it is necessary to amend section 27 (4) relating to the maximum amount of compensation payable in respect of bananas which at the time of damage were not fully bunched, nor ready for commercial production.

The Bill provides for the maximum level of compensation in this circumstance to be raised from \$1 000 to \$1 400 per hectare of the land on which the bananas destroyed were in course of growth.

Clauses 7 and 8 provide for continuation of the Act for a further seven years.

I commend the Bill to members.

THE HON. S. J. DELLAR (Lower North)
[9.07 p.m.]: This Bill seeks to make certain amendments to the Banana Industry

Compensation Trust Fund Act. I suppose that in some respects this can be referred to as a sectional Bill because it deals specifically with a situation which exists at Carnarvon. As most members would be aware, Carnarvon is a significant area for the production of bananas and other crops in this State.

As is also well known to most members, Carnarvon is subject to cyclonic disturbances, and flooding from the Gascoyne River when it does, in fact, flow. The banana crop is most vulnerable to high winds and heavy rains, combined, high winds without rain, or heavy rain without high winds. When the Gascoyne River floods the banana plants are undermined and as a result, they collapse.

The Minister said the proposals in the Bill now before us were the subject of a meeting held at Carnarvon, and were generally supported by the growers and the two organisations concerned, the Carnarvon Fruit and Vegetable Growers Association and the Market Gardeners Association of Carnarvon.

Without attempting to be facetious, I mention I took the trouble to check on this situation yesterday and today and I can confirm that the majority of the growers in the two organisations to which I have referred—representing most of the people involved in the industry—support the amendments which have been proposed.

I think that you, Mr President, would recall that the need for the parent Act arose in 1961 as a result of a disastrous cyclone which struck Carnarvon during March of 1960. The compensation fund did not exist at that time and the Government of the day paid out approximately \$122 000 in compensation to the growers affected by that cyclone. As a matter of fact, in March of 1961, there was severe flooding of the Gascoyne River and the Government paid out an additional \$12 000 in compensation.

As a result of those two disastrous setbacks the parent legislation was introduced to set up the Banana Industry Compensation Trust Fund. The basis of the fund was that the growers were to contribute two shillings per case of bananas produced, and that amount was matched by the Government on the basis of one shilling per case. At that time it was envisaged production would reach 100 000 cases within the second year of setting up the fund, which was for an initial period of seven years. The fund was extended for a further period of seven years, and with the passing of this Bill it will be extended for an additional seven years.

It was estimated that with increased production the fund would accumulate something like \$30 000 per year, and over a period of seven years that would amount to approximately \$200 000 of which the growers would have contributed \$132 000

and the Government \$66 000. An interesting feature of the parent Act was that the Treasury was empowered to advance compensation if sufficient money was not available in the trust fund.

Earlier this year it was stated that the fund had a balance of approximately \$212 000, some of which was invested in a fixed deposit, and some of which was in a savings bank account earning interest. Naturally, one would expect that procedure to apply to a trust fund of this nature.

Claims have been made on the fund on three occasions as a result of cyclonic damage. Cyclone Katie, in 1964, resulted in claims totalling \$13 364; cyclone Elsie, in 1967, resulted in claims amounting to \$121 160; and the more recent disastrous cyclone Ingrid, in 1970, resulted in claims amounting to \$326 968. I do not think there was a great deal of difference between the strength of cyclone Elsie and cyclone Ingrid, but as members would be aware production had increased and the damage sustained by the growers, in terms of monetary value, was far greater.

I believe the administration of the trust fund is quite satisfactory. It has been operating for some time and it also has grower representation. I do not intend to discuss the matter at length. Other amendments contained in the Bill relate to the use of the word "carton" instead of the word "case", as has been used in the past. Over the last few years the majority of growers have converted to the use of cartons for packaging their goods instead of using the old wooden cases.

It has been found expedient, since this legislation was due for renewal at this time, to amend certain sections to fall into line with current usage.

I was a little concerned when I attempted to read the proposed amendments into the parent Act. Clause 6 of the Bill proposes to delete the reference to 4 000 square metres and substitute one hectare. When I looked at the parent Act there was no reference to 4 000 square metres. I then looked at the Act again, and I found that through the provisions of the Metric Conversion Act Amendment Bill of 1973, the parent Act had been altered to metric measurements. We have just passed another amending Bill to the Metric Conversion Act to amend other Acts without their being brought to Parliament.

The Bill provides that the growers themselves will make an increased contribution to the fund. Naturally, on that basis, they expect and will receive extra compensation if they are placed in the unfortunate situation of having to claim against the fund. It is not surprising, knowing the growers in the area, that in the main they agreed readily to this increase knowing that the Government is required to match 50 per cent of their contributions.

The Bill itself is a very worth-while one, and the people who initiated the parent Act back in 1961 showed great foresight. This is a very delicate industry, particularly in the area in which it is located. Carnarvon is subject to cyclonic weather conditions, and also occasional floodings caused by extreme flows of the Gascoyne River.

I do not think there is anything more I wish to say. The Bill has the support of the majority of the people involved in the industry. In the future increased compensation will be available to growers in times of misfortune. Whether or not the compensation will be sufficient to meet the increased production costs being experienced everywhere in rural areas I do not know; it is nonetheless an indication that at this stage we are prepared to allow for an increase in compensation.

We must bear in mind that it is not just a matter of compensating a grower for his banana plantation that has been destroyed, because members know that it takes a long time to get a plantation back into production again; it can be anything up to two years, with a minimum of 18 months. The fund allows the grower some carry-on finance where otherwise he would not be able to bear the financial load if his crop were wiped out by some natural catastrophe. Of course, I sincerely trust that there will be no need for the growers in the Carnarvon area to make a claim on the fund during the seven years of the life of the legislation. I am sure other members will join me in my support of the Bill.

THE HON. G. W. BERRY (Lower North) [9.20 p.m.]: I rise to support the Bill. As one of the original architects of the parent Act, and also as a grower in the Carnarvon area, I am well aware of the benefits that accrued to the industry with the passing of the initial legislation in 1961.

In 1960 a disastrous cyclone wiped out the industry in the Carnarvon area. The Government of the day saw fit to keep the growers on their properties and it made a grant which, from memory, was £200 per acre with a maximum of £800—compensation for four acres of bananas. The grant was made on the understanding that the growers would consider the establishment of a compensation trust fund to which they would contribute to insure themselves against damage in future years. The basis of contribution at that time was that the growers would contribute two-thirds and the Government one-third, with the extra proviso that the Government would underwrite the scheme in the event of total loss with insufficient funds to meet the demand.

Mr Dellar has stated that the fund has been drawn on three times. In 1970 cyclone Ingrid devastated the area and the result was complete and total loss of the crops. There was insufficient money

in the fund, but the Government underwrote the difference. At the present time the amount of money paid to the fund by growers and the Government is, I think, in excess of the amounts that may be paid out.

This scheme is peculiar to the Carnarvon area, which is, of course, cyclone-prone. Insurance premiums are so high that it is completely impractical for growers to take out insurance with a company. This is a compensation scheme, and the growers are aware that they will not be paid total compensation. It is worked out on the basis of so much per case of bananas, as well as so much per hectare for nonproducing plants. After a disaster the growers will have sufficient money to carry on until the plantation is back in production, or perhaps they may grow winter crops while they are building up their banana production again. In some cases the carry-over finance is necessary for the survival of a property. For that reason alone it is a commendable scheme and has been of great benefit to the industry.

Mr Dellar was correct in saying that at the meeting of growers no more than one or two dissentient voices were heard when the matter of the amending legislation was discussed. I feel the people against the measure were not fully aware of what the extension of the scheme means to the industry and the growers. It has been a good scheme; and one that has brought benefit to the industry in the area. At the growers' request the Government saw fit to introduce legislation to extend the scheme for seven years, and I commend the Government for its action.

The other amendment contained in the measure before us, as the honourable member said, is in relation to the metrication of the figures relating to areas, contributions, and payments to be made under the legislation.

With the passage of this Bill, I hope that in the next seven years the fund will stabilise so that it will be unnecessary for the Government to underwrite it in a case of total loss. We certainly all hope that the area remains free of disastrous cyclones. Cyclone Beverly caused a little damage in the area recently, but the damage was not as extensive as that caused by previous cyclones. However, some claims were made as a result of it.

Some growers are not conversant with the provisions of the legislation which provide for the grower to stand the first 20 per cent of loss on his plantation. In other words, a grower cannot make a claim unless he sustains damage to more than 20 per cent of his crop. I believe some growers were a little apprehensive that they were being badly dealt with, but I feel these people have not

considered fully the provisions of the measure, and they have not seen the effects of a cyclone.

I am sure the passage of this Bill will bring the benefits expected. As I have said, it takes a plantation about 18 months to get back into production after it has been badly damaged. More disastrous than a cyclone to the industry is the failure of the river to flow. With a shortage of water, the plants die, and the growers have no guarantee as to how long it will be before the river flows again. While we have brought some stability to the industry with the advent of the compensation trust fund, the most serious threat is still the lack of a stable water supply. I hope in the near future the money mentioned by the Queen in her Speech at the opening of the Commonwealth Parliament will be forthcoming and that this will solve another problem.

Let us hope that in a short while we will see stability of irrigation in the Gascoyne area where the bananas are grown. I support the measure.

The Hon. G. C. MacKinnon: Thank you, gentlemen.

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. G. C. MacKinnon (Minister for Education), and passed.

RURAL INDUSTRIES ASSISTANCE BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) (9.20 p.m.) I move—

That the Bill be now read a second time.

The Rural Reconstruction Authority was established under the Rural Reconstruction Scheme Act, 1971, to administer the Commonwealth-State Rural Reconstruction Agreement. This provided financial assistance for farmers whose long term prospects were temporarily threatened by a shortage of funds to service debts or by inadequate farm size. The agreement also provided for a payment of \$3 000 to farmers who because of needy circumstances were forced to leave their farms.

To date the authority has processed over 2 000 applications for assistance and has approved 894 loans amounting to \$25.6 million.

The authority also administers a Commonwealth fund to assist apple orchardists with the removal of fruit trees.

From time to time farmers experience financial crises arising from unusual or dramatic economic and seasonal events and have to be helped with special loans. Such loans may be administered through the delegated agency provisions of the Rural and Industries Bank, but this arrangement has the disadvantage of requiring first mortgage security and this usually inconveniences some people. The Rural Reconstruction Authority, on the other hand, can lend on the best available security.

Under its Act, the authority is limited to the rural reconstruction and tree pull schemes.

Since the authority, with the assistance of the advisory committee—comprised of representatives of the Rural and Industries Bank, associated banks, pastoral houses and Departments of Agriculture and Treasury—has the organisation and staff to handle this special beef industry fund, it is proposed to give it this power under the Bill before the House. There is an urgent need for the authority's powers to be extended so that it can act as the administering authority for the proposed assistance to the beef industry.

The Bill also provides for the authority to administer other similar rural industry schemes.

I commend the Bill to honourable members.

THE HON. R. T. LEESON (South-East) [9.32 p.m.]: This is yet another Bill to assist rural industry. From memory, the last three or four Bills have been of a similar nature. I said earlier that it makes one sad to see the industry in a position in which it is necessary for Bills of this nature to be introduced.

I am pleased to see the large amount of money coming from the Australian Government to assist rural industries in Western Australia; I am sure members opposite who represent rural areas also appreciate this finance that is being made available. I would also hope that similar support will be forthcoming from members opposite, if and when it is necessary, to other industries, in particular the mining industry. People who are in difficulties need help—substantial help, in this case—and it has been proven that we are only too happy to provide it. Members on this side support the Bill.

THE HON. D. J. WORDSWORTH (South) [9.34 p.m.]: This Bill obviously will receive the support of the House and the farming community. Unlike Mr Leeson, I am afraid I believe finance might be one of the limiting factors in the near future, as we see more and more farmers forced into difficult times. The Act provides

for a payment of \$3 000 to assist farmers forced to leave their farms. Even when times were difficult a few years ago, this provision was seldom used. I am very glad to see the State Government has now come forth with additional funds to be loaned to farmers who are not forced off their land but who are nevertheless in very difficult circumstances. This shows great wisdom and undoubtedly will be of benefit to the farming community. I support the legislation.

THE HON. J. HEITMAN (Upper West) [9.35 p.m.]: I also support the Bill; I believe it will be of great assistance to primary producers. I have often thought that ever since we commenced this scheme the pity of the situation was that not enough finance was provided to assist the many farmers who, in my opinion, although classified as nonviable, have since become successful by dint of hard work and even further tightening of their belts. Others of course received financial assistance, which was of great help to them, and they also pulled through. Many farmers who were considered to be nonviable because their farms were not large enough may have become viable as wheat, beef, or sheep prices improved. We must have a great deal of pity for those farmers who left their properties, because once they walked off their farms, they could never hope to return to the industry.

I often feel this scheme did not go far enough because not enough finance was provided. The Minister mentioned that to date the authority has processed over 2 000 applications for assistance and approved 894 loans amounting to \$25.6 million. Not quite half of those who applied for assistance were granted assistance; those who were told there was no money tightened their belts and tried to carry on until the price of commodities improved.

It would appear that the same authority will be used to assist the beef industry. I hope the authority does not look only at the financial side of farms and say, "You are not viable because you do not have enough bullocks or feed, or your property is too small". They should look with more compassion at the fact that the industry needs a tremendous amount of assistance and they should assist these people to get through the hard times. I do not believe beef prices will continue at their present low level for very long. This would give beef producers the chance of overcoming the bad times and the low prices which they are experiencing at the moment. Once again, I hope the authority will show a little more compassion to producers than it did in the 1969-70 era.

THE HON. V. J. FERRY (South-West) [9.38 p.m.]: I wish to register my support for this Bill. As has been well explained during the course of the debate, its purpose is to assist rural industries which find themselves in some difficulty. The more

recent provision which has been made is the wherewithal to assist the beef industry. I commend the Government for its action in recognising that the beef industry has a problem at the moment and, having done that, taken positive steps to assist it through the agency of the rural reconstruction scheme. Accordingly, I have pleasure in supporting the measure; I believe it is a step in the right direction to administer the various schemes that are available to assist rural industries qualifying under their provisions.

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. N. McNeill (Minister for Justice), and passed.

EDUCATION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [9.42 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the amendments contained in this Bill is to amend the Education Act so as to provide greater flexibility for Governments in relation to the subsidisation of efficient schools.

The Bill relates entirely to sections 9A, 9B, 9C and 9D of the principal Act, which all deal exclusively with the payment of subsidies to efficient schools.

Members will be aware that almost every year for many years past Governments have sought to amend these sections in order to give effect to policy decisions relating to the various subsidies. The need to introduce legislation so regularly has several disadvantages, including extended delays in being able to implement needed changes to the assistance given, particularly in regard to the independent schools system.

The Government is anxious that the provision of assistance by way of subsidies to both Government and non-Government schools should be as flexible as possible, hence the decision to introduce this amendment which seeks to delegate the authority to fix the details of the amount and form of payment and eligibility for the various subsidies presently paid, to the Minister.

It is the Government's hope that the amendment will greatly improve the flexibility of the existing system, and allow for more efficient administration of the subsidies programme.

I commend the Bill to the House.

THE HON. R. F. CLAUGHTON (North Metropolitan) [9.44 p.m.]: The Opposition supports the Bill, the principle of which we had sought to include in the Education Act in 1973. It is very interesting to read the comments at that time by Mr Williams, who of course is not in the Chamber at the moment.

The Hon. G. C. MacKinnon: He was called out to answer an urgent telephone call.

The Hon. R. F. CLAUGHTON: That may well be so. Since Mr Williams said a great deal in the debate on a similar Bill in 1973, it is a pity he is not in the Chamber at the moment to hear the debate on this occasion. I shall remind members of what Mr Williams said previously.

On that occasion he questioned very seriously the inclusion of a provision in the Education Act which the Minister has included in the Bill before us. At page 1329 of the 1973 *Hansard* Mr Williams is recorded as saying—

If my party were in Government—which is now not far off—I would say exactly the same thing in the same circumstances. I do not like leaving things to chance; I like to see them spelt out. When this is totally—and I repeat, totally—impossible, then perhaps I would be willing to agree to certain regulations, but I think I have previously made clear my position as regards regulations.

Today his political party is in Government, and we find it introducing the very provisions against which he spoke so strongly in 1973.

At page 1480 of the 1973 *Hansard* Mr Williams is recorded as saying—

When the State Government changes next year or next month my party will certainly guarantee to the independent schools this basis for the next five years.

In other words, a guarantee of a 20-20 allocation over the following five years would be written into the Act.

It seems that the honourable member has not persuaded his party what should be included in the Bill before us. Instead, it goes back to the proposal put forward by the previous Labor Government. Obviously at that time it was the most sensible thing to do, and the former Minister for Education (Mr E. H. M. Lewis) was convinced of that. It seems that only the members in this Chamber could not be convinced on that occasion.

THE HON. G. C. MacKINNON (South-West—Minister for Education) (9.48 p.m.): The main burden of Mr Claughton's contribution to the debate was an attack on Mr Williams who happened to be called out of the Chamber at the critical time. At a stage in a session, such as we have now reached, it is difficult to know when Bills are coming up for debate.

However, when members take the adjournment of a debate there is no difficulty in knowing when Bills will be coming up. The other night when a Bill was brought up for debate Mr Claughton who had obtained the adjournment did not have the decency to be present to continue the debate. No member on this side of the House commented on that at the time. I have stood up on other occasions and commented on the sort of behaviour that has been displayed by Mr Claughton. I do not think it is becoming of members to behave in that way, and it is a pity that at times members in self defence have to do this sort of thing.

The attack which Mr Claughton wanted to make would have lost nothing had he made no comment as to whether Mr Williams was in the Chamber; that was quite irrelevant to his argument. In the last couple of nights we have heard references in this Chamber to members being asleep or being out of the Chamber. If it becomes a habit in this House for comment to be made when a member closes his eyes or leaves the Chamber—whether it be to go to the toilet, have a cup of tea, or have a chat outside—that is all right with me.

The Hon. D. W. Cooley: Perhaps you had better search your attitude too.

The PRESIDENT: If Mr Cooley wishes to interject he must do so from his own seat.

The Hon. G. C. MacKINNON: I could comment on some activity that took place a few minutes ago in a most despicable manner when you, Mr President, were speaking. Surely the Standing Order governing this should be the first which any member reads. When you, Mr President, are reading out something or speaking, members should not move about in the Chamber. If they happen to be walking when you begin to speak they should stand still.

If we are to conduct ourselves in any other way then let us make it clear that it is a rule for the whole House. I know what Mr Cooley was alluding to when he referred to my attitude. Now and again when I am provoked I get a bit cross, and I might say things which in my more urbane moments I would not dream of saying. That is one thing, but if Mr Cooley or any other member can tell me that in my 18½ years as a member of this House I have referred to any member being asleep in the Chamber or being out of the Chamber, I will eat my hat!

Sir, as you well know, up to the time when dignitaries such as the Hon. F. J. S. Wise, the Hon. Gilbert Fraser and other members like them graced this Chamber, if anyone made a remark that they were asleep or were not in the Chamber that person would have been subjected to a vitriolic attack on the spot. Even if a Liberal Party member said this I am sure the late Sir Keith Watson would have remonstrated with him in the same manner.

The Hon. D. W. Cooley: Thank goodness we do not have to bow down to that sort of discipline.

The Hon. G. C. MacKINNON: It was not a question of discipline but a question of common decency. As to a change of mind, nothing has happened to indicate a change of mind on Mr Williams' part, and he could hold exactly the same point of view now as he held then. It is Mr Williams' misfortune, and my good fortune that he was not elected to the position of Minister for Education, but I was. I was able to persuade Cabinet to introduce this Bill. As in any organisation the majority vote carries the day.

The Hon. S. J. Dellar: It is good to hear that.

The Hon. G. C. MacKINNON: That practice is followed, I am sure, in the honourable member's local football club.

The Hon. R. F. Claughton: You mean members of your party are not directed?

The Hon. G. C. MacKINNON: We are not directed, and the honourable member should know that.

The Hon. R. F. Claughton: You mean the majority vote does not carry the day in your party?

The Hon. G. C. MacKINNON: I shall explain this again and it will be about the thousandth time. I have said it publicly and I say it here: I repeat what I said to a group this morning when I was asked a question. I am not saying which is the better or which is the worse system, but as is clearly known there is no argument about the fact that the policy of the Labor Party is determined at conferences at Ter-rigal and other places, and that policy is binding on the Labor Party members.

On the other hand it is a well-known fact that policy determined at the annual State conferences of the Liberal Party is not binding on Liberal members. What comes forth from these conferences is advice on policy, and that is the difference.

The Hon. R. F. Claughton: So you have no policy in your party?

The Hon. G. C. MacKINNON: Of course we have.

The Hon. R. F. Claughton: But it is not binding.

The Hon. G. C. MacKINNON: I am not saying what we do is better or worse; I am making a plain statement of fact.

The PRESIDENT: We had better get back to the Bill.

The Hon. G. C. MacKINNON: I was asked a question, and I have answered it for about the thousandth time. It does not matter what Mr Williams said in 1973 in that context, because our Government has decided that this Bill should be introduced. Mr Williams can change his mind, or do whatever else he likes. The sort of personal attack which Mr Cloughton has launched does not cut any ice with me.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Lyla Elliott) in the Chair; the Hon. G. C. MacKinnon (Minister for Education) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Sections 9B, 9C and 9D repealed—

The Hon. R. F. CLAUGHTON: The Minister has taken umbrage at the remarks I made in the second reading debate. I expressed regret for Mr Williams' absence from the Chamber simply because I wanted to make my remarks when he was here. He is now in the Chamber, and there is no reply from him to my remarks.

The Minister saw fit to regard my remarks as a criticism of Mr Williams, and he is entitled to think that. However, he is not entitled to rise to his feet and slam members on this side of the Chamber. I would remind the Minister that if he checked in *Hansard* he would find similar remarks having been made by other members. Instances like that occurred when I was a new member. On one occasion they were made by a member who from his long years of experience as a member should have behaved more decently. Mr Cooley has not been a member for very long, but he has been advised by members of our party that we believe such references are not the sort that should be made. We do not like remarks on a personal level. It would reflect better on the conduct of members if those sorts of remarks are not made. I hope that the Minister, together with other members, will in the future avoid making such remarks in the course of debate.

The Hon. R. Thompson: Of course, it was a member of the Liberal Party in this Government who started that.

Mr CLAUGHTON: Mr Williams has an opportunity to defend what he said in the debate in 1973. As he is now in the Chamber he may or may not wish to do so.

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. G. C. MacKinnon (Minister for Education), and passed.

Sitting suspended from 10.01 to 11.17 p.m.

PRE-SCHOOL EDUCATION ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

MARKETING OF EGGS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. McNeill (Minister for Justice), read a first time.

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.19 p.m.]: I move—

That the Bill be now read a second time.

The Marketing of Eggs Act was enacted in 1945 to stabilise the egg industry in Western Australia and, since that date, has been amended progressively to facilitate the orderly marketing of eggs. Comprehensive amendments were passed in 1970 to allow for the licensing of egg producers, and to introduce the concept of supply/demand/management. The amendments submitted to Parliament in this Bill result from an independent inquiry into the industry by Mr N. D. McDonald, and the subsequent consideration of his 1973 report. In addition, continued experience with supply/management has resulted in specific amendments being requested by the board.

The major provisions of the Bill relate to the supply/management responsibilities of the board.

The Bill provides that the maximum number of fowls which a producer is entitled to hold can be reduced during the course of a licensing year should higher production or reduced sales warrant this action. The importance of this power is illustrated by the current position in which the board finds itself. It is unable to reduce licenses and yet, due to high production per bird, some two dozen above the estimated level of production, and higher stocking levels, a surplus of some 2.6 million dozen eggs is being produced during this licensing year. The result is a dramatic fall in returns to producers per dozen because of the low prices of egg pulp on the export market, and the impact of this surplus on the net returns through the equalisation of returns between export and home consumption prices.

In the Bill before us it is indicated that the result is precisely that which the legislation for supply/management was aimed

to avoid, and it is quite necessary for the board to have this proposed power to reduce licenses. The surplus problem was forecast early this year and had this power been available, appropriate action could have been taken by the board at that time.

Clauses 7, 8 and 9 provide for alteration of the licensing year to commence on the 1st January of each year in lieu of the 1st July. Experience has indicated that it is more appropriate for the licensing year to be on a calendar, rather than a financial year basis.

The conditions relating to licenses, as contained in the Bill, will be the subject of some further amendment during Committee, which I now foreshadow.

Members may recall that the original licenses issued by the board were based on the maximum number of hens declared by the producer during the qualifying period which was the year ended the 31st March, 1970. In addition, allowance was made where producers had made firm expansion commitments during that period and prior to the announcement of the introduction of licensing. Subsequently it became necessary to reduce these licenses by 23 per cent and, following a subsequent 17 per cent expansion of licenses, it now becomes necessary for them to be reduced by 12 per cent. I would point out that the Act provides, however, that when the total number of hens licensed under the original provisions are insufficient to meet demand, the board may issue additional licenses, of which 75 per cent will go to existing producers and 25 per cent will be available to new producers.

Negotiability of quotas in the industry has resulted in quotas having a commercial value which has been rising, and is reported to be of the order of \$5 per bird. The issue of a quota to an individual without restriction on its resale could be undesirable and this is what the Bill provides. However, as a result of late discussion, these provisions will be submitted to the Committee for alteration.

There is evidence of licenses being moved from country areas to the metropolitan area at the present time.

It could be desirable for licenses to be issued for egg production in particular districts, on the basis that a license could be issued with the restriction that it could not be transferred out of that district.

The measure provides for transfer of part of a license. The present legislation provides only for the transfer of the total license and, in some cases, this has presented problems either through a farmer not being able to sell part of his license to each of two prospective buyers when he is leaving the industry, or not being able to reduce his license when he sought to carry out production at a lower level.

The Bill also provides for other amendments in regard to the surrender of part or whole of a license to the board. This matter will also be the subject of a further amendment which I foreshadow.

On the recommendation of the board, regulations may be made prescribing the maximum number of fowls which a particular individual, or group of persons in association or partnership, may hold. The present board policy is to restrict the number of birds held by any group or individual to 30 000, a figure which represents 3 per cent of all birds licensed in Western Australia.

This policy is aimed at protecting the interests of the majority of producers and at providing a brake to the complete domination of the industry by three or four major groups. The purpose of introducing the new regulation-making power is to provide legislative backing for the board's policy.

Hatcheries will be required to keep records of sales of day-old chicks and pullets, and commercial producer records of bird purchases. Such records are considered to be essential for proper planning and reasonable projection of future egg production.

Clauses 15, 17, and 18 provide for increased penalties for breaches of the Act. Existing penalties under the Act were set many years ago and are unrealistic in relation to the present commercial and monetary values. The new penalties are considered to be reasonable.

Furthermore, the Bill authorises the board to lease its properties in addition to the power to buy and sell property as at present, and also clarifies the board's lending powers. There is provision for the establishment of superannuation benefits and, as required, the making of loans or advances to officers and employees of the board to facilitate the purchase by such persons of motor vehicles to be utilised on the business of the board.

There is also appropriate provision for price variations during the year by deletion of reference to annual pools.

Members will observe that I have foreshadowed some amendments, and I think it is appropriate that I acquaint the House of these now.

The amendments have been drafted in response to representations made to the Minister for Agriculture in the last few days. In another place the Minister gave an undertaking to delete proposed new subsections (2) and (3) of new section 32B, and the whole of clause 14. During the course of the debate in the Legislative Assembly it was mentioned that this request has the support of the two largest branches numerically of the Poultry Farmers' Association.

In respect of clause 14, the Minister stated that the chairman of the board had no strong views about its retention. Members will appreciate that I have made these observations so that we may debate the Bill with the knowledge of the proposed amendments to clauses 8 and 14. With those words I commend the Bill to the House.

THE HON. R. T. LEESON (South-East) [11.27 p.m.]: This Bill, like others of this nature that have come before the House, has aroused some controversy. Producing and marketing eggs has become highly complex today. Particularly in latter years, trouble has arisen within the industry and it has become increasingly difficult to satisfy everyone. Poultry farming is now highly scientific, and it is a credit to the producers in this State that they have adapted to its complexities.

There are a few poultry farmers in my province, and therefore, I know some of the problems they have had recently. Like those in so many other rural industries at the present time, poultry farmers are faced with an overproduction of eggs, and from time to time it has been necessary to regulate the supply. Possibly the most important factor to bear in mind is that flocks must be regulated to meet local consumption needs. Everyone smiles when we say that there will be a 20 per cent increase in production, but we find the opposite effect when it is necessary to decrease production by 20 per cent.

We know it is important to have orderly marketing and markets for the produce. The Minister has given notice that he will move amendments in the Committee stage. In the main, the industry is prepared to accept this Bill and under those circumstances the Opposition supports the Bill.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [11.31 p.m.]: It is unfortunate that a Bill of this nature has come before us in the dying hours of this session without the Opposition having sufficient time to consider the aspects it incorporates or to obtain the views of the egg producers, who have held meetings over the last few days. I intend to accept the amendments foreshadowed by the Minister for Justice because, in the main, they represent my main objections to the Bill. I refer to proposed new section 32B (2) and (3) in clause 8, and clause 14 which the Minister has given notice are to be deleted.

Probably the most pleasing aspect of the Bill is the provision contained in clause 10. As the Minister said in his second reading speech, limits will be applied to egg producers to avoid a possible monopoly situation developing. The last time we had this type of legislation before the House, I spoke about the problems of the

small producer—the pioneer in the industry—who was being squeezed out of the industry; even many of the small producers still in the industry are tied to the feed producers. I give the illustration of a friend of mine who wanted to go for a trip. He was heavily indebted to one of these food producers. He told them he wanted to go for a holiday, and they said, "That is all right; that will be another \$10 000". This is the type of monopoly situation creeping into an industry which was once virtually a one-man, single unit primary industry.

I would have spoken at much greater length on this Bill but for the pressing time situation. In view of the amendments which have been foreshadowed, I support the Bill. However, I do so with one qualification. We have not had sufficient time to study in depth the Bill as amended, and I do not know whether the industry entirely agrees with the amendment. I would like the Minister to give an assurance that the industry will be consulted to see whether the amended Bill is in order. I know we have had a lot of advice over the years from the Department of Agriculture and I do not want to knock that department unnecessarily. However, I think we should get the opinion of the industry.

If the industry disagrees with the amended Bill, I should like an assurance that at the next session of Parliament the Government will examine the industry's submissions with a view to reintroducing the legislation. It should be emphasised that it is the egg producer and, ultimately, the consumer who will be on the receiving end of this legislation. I support the Bill.

THE HON. G. E. MASTERS (West) [11.35 p.m.]: I do not intend to speak at any great length, but merely to assure the Leader of the Opposition that the industry supports these amendments.

The Hon. S. J. Dellar: Which section of the industry?

The Hon. G. E. MASTERS: A good section of the industry. I have been fairly heavily involved over the last week or two with the egg producers and it appears that most of them strongly support the amendments contained in the Bill.

The Hon. R. Thompson: But egg producers are scattered all over Western Australia.

The Hon. G. E. MASTERS: I agree. The purpose of the amending Bill and the foreshadowed amendments is to ease the present situation; the legislation will then be reconsidered by the industry and, if necessary, an amending Bill will be introduced during the second part of the session. I support the Bill.

THE HON. H. W. GAYFER (Central) [11.36 p.m.]: I am inclined to agree with the Leader of the Opposition; this legislation must have been introduced following representations to the Government. However, on the eve of its being passed through Parliament, amendments are foreshadowed and clauses are to be deleted. The explanation put forward by Mr Masters was quite plausible; however, we have had no assurance from the Minister handling the Bill that the entire industry agrees with the amendments which have been foreshadowed. We know that two or three meetings have been held recently at which certain decisions were made and resolutions passed to delete the clauses under discussion. Nevertheless, I feel we must have the assurance of the Minister that the entire industry will be sounded out between now and when we next meet so that if these provisions are unsatisfactory to the majority of producers, an amending Bill can be introduced to resolve the situation.

I believe, as Mr Masters said, that the industry does favour this legislation, but, as yet, we have had no assurance from the Minister. That is where the Leader of the Opposition took up the challenge. These clauses obviously were inserted in the Bill at somebody's behest, but at the deathknock they are to be deleted. This seems to me to be awfully strange; I only hope the industry will be fully consulted either by referendum or some other means to ensure that the egg producers are perfectly happy with what has been done to their legislation. I support the Bill.

The Hon. R. Thompson: I think we should get an assurance from the Minister.

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.39 p.m.]: I convey my appreciation of the manner in which members have accepted the Bill and have been prepared to debate it. I share their view that this is a matter of some concern. Unfortunately, we are in a situation where only short notice of the legislation was possible. Like other members, I would have preferred the more ideal situation of allowing members adequate time to consider the legislation. Nevertheless, despite the fact that we may not have had an adequate opportunity to examine the legislation, it is my understanding that concentrated consultations have taken place over a considerable period—certainly days, if not weeks—in respect of the ramifications of the legislation.

The Leader of the Opposition and the Hon. H. W. Gayfer asked for assurances that my foreshadowed amendments enjoy the support of the industry. Members will acknowledge that I represent the Minister for Agriculture in this House, and all I can do is convey to him the requests of the Leader of the Opposition and Mr Gayfer,

and ask that he give the fullest consideration to the issues involved. I am sure all of us in this House have sufficient knowledge to know that there is never unanimity of thinking, particularly in agricultural industries.

The Hon. H. W. Gayfer: You can get a majority of opinion.

The Hon. N. McNEILL: That is right; but as I say, one really cannot hope for the ideal situation of complete unanimity. Both the Leader of the Opposition and Mr Gayfer asked for an assurance that this matter would be fully canvassed with the industry in order that the situation may be completely clarified. As I say, I give an undertaking to approach the Minister for Agriculture with their requests, and hope that the members concerned will be satisfied with this. Once again, I express my appreciation for the manner in which the House has accepted the Bill.

Question put and passed.

Bill read a second time.

In Committee,

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 32B repealed and re-enacted—

The Hon. N. McNEILL: Proposed new subsections (2) and (3) refer to conditions and restrictions that may be imposed by the board. This section has drawn a great deal of comment and criticism, and it is proposed to overcome this.

I move an amendment—

Page 3—Delete subsections (2) and (3) of proposed new section 32B.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 to 13 put and passed.

Clause 14: Section 32GA added—

The Hon. N. McNEILL: This clause deals with the surrender of licenses and supplementary licenses. It is a clause against which considerable opposition has been expressed, and in the light of that I would ask the Committee to vote against it.

The Hon. H. W. GAYFER: I support the proposal of the Minister that we vote against the clause, in view of the assurance which the Minister has given us.

Clause put and negatived.

Clauses 15 to 18 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and returned to the Assembly with amendments.

**PHOSPHATE CO-OPERATIVE (W.A.)
LTD. ACT AMENDMENT BILL**

Returned

Bill returned from the Assembly without amendment.

**LOCAL GOVERNMENT ACT
AMENDMENT BILL**

Assembly's Message

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

**METRIC CONVERSION ACT
AMENDMENT BILL**

Second Reading

THE HON. N. McNEILL (Lower West—Minister for Justice) [11.52 p.m.]: I move—

That the Bill be now read a second time.

The object of this Bill is to metricate references currently in imperial units in nine Acts.

The Bill comprises a schedule containing the proposed amendments and the necessary consequent changes to the principal Act.

This procedure for metricating Acts has been utilised on three previous occasions. The amendments effected on those occasions are contained in the three schedules to the principal Act. The first schedule includes amendments to 19 Acts, the second schedule 44, and the third schedule 13.

It is considered preferable to continue the practice of presenting to Parliament amendments necessitated by metric conversion in this form, rather than utilise the power of proclamation provided by section 5 of the Metric Conversion Act.

It was intended that the method for which provision is made in section 5 should be used only when it is necessary to amend an Act at short notice to enable a conversion programme to proceed. Metric conversion has proceeded smoothly, and it has not been found necessary to utilise this power.

If the proposed amendments to these nine Acts are approved, it is expected that the remaining Acts still requiring conversion will be dealt with individually as and when required.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Thompson (Leader of the Opposition).

Sitting suspended from 11.54 p.m. (Thursday) to 12.29 a.m. (Friday).

**MARKETING OF EGGS ACT
AMENDMENT BILL**

Assembly's Message

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

**ADJOURNMENT OF THE HOUSE:
SPECIAL**

THE HON. N. McNEILL (Lower West—Minister for Justice) [12.29 a.m.]: I move—

That the House at its rising adjourn until a date to be fixed by the President.

Question put and passed.

House adjourned at 12.30 a.m. (Friday)

Legislative Assembly

Thursday, the 8th May, 1975

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

**PRE-SCHOOL EDUCATION ACT
AMENDMENT BILL**

Receipt and First Reading

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

Second Reading

MR GRAYDEN (South Perth—Minister for Labour and Industry) [2.18 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to make amendments to the Pre-School Education Act, 1973-1974.

Members will be well aware of the Government's policy to expand and improve the provision of educational services to young children in Western Australia. An initial step in the implementation of this policy was the establishment of a limited number of pre-primary centres attached to primary schools. The first of these centres is providing valuable experience which will serve to guide future developments.

Two important considerations have led to the formulation of the particular changes presented in the Bill.

Firstly, it has become quite clear that the practice of having two different authorities operating in the same field will lead to overlap and competition. This applies to the allocation of funds as well as the enrolment of children. The competitive nature of the present situation has been highlighted by recent experience in which the Education Department and the Pre-School Board