imagine the endless argument that would ensue, and the Roman holiday lawyers would have if the court had to decide whether an agricultural product complied with the requirements of the Act. That is the reason for including the words "in his opinion" in the clause. Those words will make the position clear and final.

The Hon. N. E. BAXTER: The Minister did not fully understand what I said. When the inspector has to make a determination, he does so from the facts. The use of the words "in his opinion" is unnecessary. I have already given the meaning of the word "determine."

Regarding the submission of Mr. Watson, the inspector is amply protected by the provision which states that he is not liable for the acts he performs in taking samples of agricultural products. The Minister mentioned that the inspector could take samples of agricultural products when the inspector was of the opinion that they did not comply with the requirements of the Act. I submit that the inspector has already determined, and, therefore, he must be of the opinion. For that reason the words "in his opinion" are superfluous.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.3 p.m.

Legislative Assembly

Tuesday, the 15th September, 1964

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

FREMANTLE BUFFALO CLUB (PRIVATE) BILL

Petition Presented

MR. FLETCHER (Fremantle) [4.32 p.m.]: I present a petition from the agents for the Fremantle Buffalo Club praying for leave to bring in a private Bill for "An Act to resolve certain difficulties concerning the legal position of the Fremantle Buffalo Club, a company duly registered under the Companies Act, 1893, and to vest the assets of the company in an association to be formed and registered under the Associations Incorporation Act (59 Vict., No. 20), 1895-1962, and for other purposes arising out of such difficulties and incidental to such vesting." I move—

That the petition be received.

Question put and passed.

Leave to Introduce

In accordance with the prayer of the petition, leave given to introduce a Bill.

Introduction and First Reading

Bill introduced, on motion by Mr. Fletcher, and read a first time.

Reference to Select Committee

MR. FLETCHER (Fremantle) [4.35 p.m.]: I move—

That the Bill be referred to a Select Committee consisting of the member for Canning (Mr. D. G. May), the member for East Melville (Mr. O'Neil), the member for Roe (Mr. Hart), the member for Victoria Park (Mr. Davies), and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned, and to report on Thursday, the 24th September.

Question put and passed.

QUESTIONS ON NOTICE

OUTPORT PILOTS

Appointment

1. Mr. **FLETCHER** asked the Minister for Works:

   (1) Is he aware that advantage could be found in the appointment of one or more qualified persons to act as outport pilots?

   (2) Will he investigate the need having in mind that such appointees when not required for outport work could act as marine surveyors of fishing and other craft at Fremantle and where necessary, other W.A. ports?

   (3) That such appointees could among other duties—

   (a) assist Harbour and Light, Fisheries and other Government departments in ensuring that fishing and other craft comply with safety regulations before going to sea;

(b) ensure by occasional inspections that such regulations continue to be complied with?

(4) Will he discuss the above suggestions with Merchant Service Guild and other interested officials with a view to safety of craft and crews?

Mr. WILD replied:

(1) A recommendation on this subject has already been made to me and at present is being investigated.

(2) Answered by (1).

(3) These matters are included in the terms of reference of the Royal Commission on Safety of Vessels, the report of which is awaited.

(4) This will be considered when the Royal Commission's report is received.

DAIRY FARM IMPROVEMENT SCHEME

Number of Farms and Cost

2. Mr. KELLY asked the Minister for Lands:

(1) What year was the dairy farm improvement scheme commenced?

(2) What number of farms come under the scheme in each year from the inception of the scheme to the present year?

(3) What has been the cost to the State of this scheme in each of the years mentioned?

Expansion

(4) Is it the intention of the Government to progressively expand the scheme on a basis comparable with—

(a) past activities;

(b) increased financial assistance?

Repayment of Assistance

(5) Is any portion of the financial assistance extended under the scheme repayable and, if so, on what basis?

Annual Report

(6) Is an annual report on the activities of the scheme available?

Mr. BOVELL replied:

(1) 1956.

(2) and (3)—

		£
1956-57	55	20,000
1957-58	6	25,000
1958-59	2	25,000
1959-60	8	10,000
1960-61	43	45,000
1961-62	72	45,000
1962-63	24	50,000
1963-64	10	50,000
	220	£270,000

(4) Under consideration.

(5) Yes. Clearing costs of virgin timber up to £12 per acre. All other items are repayable in full. Terms are either 20 years with equal half-yearly instalments plus interest, or by half-yearly amortisation payments up to 30 years.

(6) The administrative authority submits a report of all activities carried out up to the 30th June annually to the State Dairying Industry Advisory Committee in November of each year. Relevant extracts are conveyed to the dairy section of the Farmers' Union by its representatives on this committee.

This information receives due publicity. There is no other published report.

LAND AT SCARBOROUGH

Ownership

3. Mr. CORNELL asked the Minister for Lands:

In whom is the land which is situated on the west side of West Coast Highway, Scarborough, between prolongations of Peasholm and Kay Streets vested or by whom is it owned and/or concontrolled?

Mr. BOVELL replied:

The lands comprise Reserve No. 13792 and portion of Reserve No. 12992, both of which are set apart for the purpose of "Recreation" and are vested in or under the control of the Perth Shire Council.

TOTALISATOR AGENCY BOARD

Distribution of Surplus

4. Mr. CORNELL asked the Minister for Police:

(1) What amounts were available for distribution from the T.A.B. surplus for the year ended the 31st July, 1964, to—

(a) W.A. Turf Club;

(b) country racing clubs;

(c) W.A. Trotting Association;

(d) country trotting clubs?

(2) If the surplus from Eastern States racing had been distributed on a basis of 60:40 in favour of racing clubs, what amounts would each of the above four recipients have received?

(3) If the surplus from Eastern States racing had been distributed on a basis of 55:45 in favour of racing clubs, what amounts would each of the above four recipients have received?

(4) If the surplus on Eastern States racing had been equally distributed, what amounts would each of the above four recipients have received?

(5) If the year's surplus had been equally distributed to racing and trotting interests, what amounts would have been received by each of the above four recipients?

Mr. CRAIG replied:

(1)	(a) W.A.T.C. (Turf Club)	£217,430
	(b) Country Racing Clubs	54,357
	(c) W.A.T.A. (Trotting Assn)	139,992
	(d) Country Trotting Clubs	24,705
(2)	(a) W.A. Turf Club	192,114
	(b) Country Racing Clubs	48,028
	(c) W.A. Trotting Assn	166,891
	(d) Country Trotting Clubs	29,451
(3)	(a) W.A., Turf Club	183,670
	(b) Country Racing Clubs	45,918
	(c) W.A. Trotting Assn	175,862
	(d) Country Trotting Clubs	31,034
(4)	(a) W.A. Turf Club	175,235
	(b) Country Racing Clubs	43,809
	(c) W.A. Trotting Assn	184,824
	(d) Country Trotting Clubs	32,616
(5)	(a) W.A. Turf Club	174,594
	(b) Country Racing Clubs	43,648
	(c) W.A. Trotting Assn	185,506
	(d) Country Trotting Clubs	32,736

Turnover

5. Mr. CORNELL asked the Minister for Police:

(1) What was the T.A.B. turnover for the year ended the 31st July, 1964, on—

Perth metropolitan racing;
Perth metropolitan trotting;
W.A. country racing;
W.A. country trotting;
Victorian racing;
New South Wales racing;
other Eastern States racing?

(2) What was the gross profit margin percentage and the expense rate percentage respectively on turnover in respect of—

Western Australian racing;
Western Australian trotting;
Victorian racing;
New South Wales racing;
other Eastern States racing;

for the year ended the 31st July, 1964?

(3) If the percentage rates asked for in (2) cannot be supplied accurately, what would be the approximate figures?

Mr. CRAIG replied:

(1) to (3) The records have not been kept in sufficient detail to give this information. However, the board will analyse the figures and furnish the honourable member with the answers as soon as possible.

WATER SUPPLIES: DARLINGTON-MUNDARING AREA

Cost of Transferring from Goldfields to Metropolitan Scheme

6. Mr. DUNN asked the Minister for Water Supplies:

What is the estimated cost of transferring the Darlington-Mundaring area from the goldfields water scheme to the Metropolitan Water Supply, Sewerage and Drainage Department?

Mr. WILD replied:

No estimate can be given until such time as the Metropolitan Water Supply, Sewerage and Drainage Board makes a close investigation of the system.

WATER FOR LESMURDIE TANK

Cost of Reticulation from Mundaring Weir

7. Mr. DUNN asked the Minister for Water Supplies:

(1) What was the cost of reticulating water from Mundaring Weir to the tank at Lesmurdie?

(2) What amounts have been spent each year since the Lesmurdie tank was put into use in reticulating water in the areas serviced by this tank?

Mr. WILD replied:

(1) The capital cost of the main and the service tank at Lesmurdie was £60,000.

(2) The capital expenditure each year spent on reticulation was as follows:—

	£
1953-54	19,256
1954-55	39,992
1955-56	13,265
1956-57	17,678
1957-58	25,614
1958-59	20,214
1959-60	24,662
1960-61	2,259
1961-62	7,863
1962-63	6,204
1963-64	4,022

ARTIFICIAL INSEMINATION OF COWS

Number Treated, Operating Costs, and Receipts

8. Mr. RUNCIMAN asked the Minister for Agriculture:

(1) How many cows have been inseminated under the artificial breeding scheme in each year since the centre was opened?

(2) What were—

(a) operating costs;

(b) receipts

for each year since the centre has been in operation?

Mr. NALDER replied:

(1)

1956-57	2
1957-58	8,310
1958-59	9,743
1959-60	11,768
1960-61	10,982
1961-62	10,469
1962-63	12,034
1963-64	13,220

(2)

Year	Operating Costs	Revenue
	£	£
1956-57	4,585	4,178
1957-58	11,707	17,808
1958-59	15,125	20,615
1959-60	22,819	25,388
1960-61	22,618	23,058
1961-62	22,160	21,250
1962-63	21,958	24,516
1963-64	20,876	26,932
	£141,848	£163,745

Operating costs do not include any charges for depreciation, administration, or management.

AGRICULTURAL RESEARCH

Stations in Dairying Districts

9. Mr. RUNCIMAN asked the Minister for Agriculture:

(1) How many agricultural research stations are in dairying districts?

(2) Where are they situated?

Expenditure on Dairy Research

(3) What amount was spent on dairy research in Western Australia in the years 1959 to 1963 inclusive?

Mr. NALDER replied:

(1) Four.

(2) Wokalup; Bramley; Manjimup; Denmark.

(3) From State Consolidated Revenue Fund and Dairy Board research grants:

1959-60	£47,809
1960-61	£61,649
1961-62	£58,980
1962-63	£57,003

LEGISLATIVE ASSEMBLY DISTRICTS

Enrolments

10. Mr. OLDFIELD asked the Minister representing the Minister for Justice:

(1) What were the enrolments for each of the Legislative Assembly districts as at the 31st August, 1964?

(2) What were the aggregate enrolments for the three areas as at the 31st August, 1964?

Mr. COURT replied:

(1) The undermentioned are the enrolment figures for each of the Legislative Assembly Districts as at the 31st August, 1964.

Metropolitan Area	
Balcatta	13,261
Bayswater	13,372
Beeloo	12,010
Belmont	12,156
Canning	11,055
Claremont	10,397
Cockburn	11,544
Cottesloe	10,718
East Melville	12,556
Fremantle	11,529
Karrinyup	12,853
Maylands	10,886
Melville	11,814
Mount Hawthorn	11,194
Mount Lawley	11,113
Nedlands	10,900
Perth	10,933
South Perth	11,669
Subiaco	11,162
Swan	11,778
Victoria Park	10,955
Wembley	12,616
North-West Area	
Gascoyne	1,834
Kimberley	2,051
Pilbara	1,457
Agricultural, Mining and Pastoral Area	
Albany	6,448
Avon	4,928
Blackwood	5,126
Boulder-Eyre	5,962
Bunbury	5,967
Collie	5,145
Dale	6,568
Darling Range	6,904
Geraldton	6,031
Greenough	5,101
Kalgoorlie	5,765
Katanning	5,298
Merredin-Yilgarn	4,845
Moore	5,492
Mount Marshall	5,096
Murchison	5,169
Murray	5,518
Narrogin	5,355
Northam	5,821
Roe	6,032
Stirling	5,333
Toodyay	5,579
Vasse	5,343
Warren	5,235
Wellington	6,096

(2) The aggregate enrolments for the three areas as at the 31st August, 1964, are—

Metropolitan Area	256,471
North-West Area	5,342
Agriculture, Mining and Pastoral Area	140,157
Total	401,970

The figures for the majority of the districts outside the metropolitan area are extracted from "copy rolls" kept in Perth and are therefore subject to some variations.

BREAKWATER AT ESPERANCE

Esperance Breakwater Co. Pty. Ltd.: Incorporation, etc.

11. Mr. TONKIN asked the Minister for Works:

(1) Has Esperance Breakwater Co. Pty. Ltd. finalised formalities with the Companies Office in connection with its incorporation?

(2) In fulfilment of the undertaking which he gave in the Legislative Assembly to furnish full information, will he now state:

(a) What is the amount of the paid up capital of the company;

(b) Is the company a subsidiary of Caratti Holding Co. Pty. Ltd.?

(c) If "Yes," what is the amount of the shareholding of Caratti Holding Co. Pty. Ltd. in Esperance Breakwater Co. Pty. Ltd.?

Mr. WILD replied:

(1) and (2) As this question refers to a case now before the court, and thus the matter becomes *sub judice*, the information cannot be given until later on.

Liability of Liquidator of Barbarich Construction Co. Pty. Ltd.

12. Mr. TONKIN asked the Minister for Works:

(1) Did he in authorising the liquidator of Barbarich Construction Co. Pty. Ltd. to enter into a contract with Esperance Breakwater Co. Pty. Ltd. to complete the construction of the Esperance breakwater release the liquidator from any personal liability for any default thereon?

(2) If "Yes," to whom would he have recourse on behalf of the State in the event of any default of Esperance Breakwater Co. Pty. Ltd. in the full performance of its obligations under its contract with the liquidator?

Mr. WILD replied:

(1) and (2) As this question refers to a case now before the court, and thus the matter becomes *sub judice*, the information cannot be given until later on.

ATOMIC ENERGY

Peaceful Uses Report of Geneva Conference

13. Mr. TONKIN asked the Premier:

(1) Will the Government, in the ordinary course, receive a report of the proceedings of the Geneva conference on the peaceful uses of atomic energy which has recently concluded?

Economic Use in Western Australia

(2) As information was supplied to the conference by Soviet Russia that it had developed a nuclear reactor of a non-conventional character and of such small dimensions as would permit of its use in space-craft, does he not consider it advisable to take the necessary steps to ensure that information on the subject be available to his Government as early as possible because of the possibility of the economic use of atomic energy in the remote parts of the State?

Mr. BRAND replied:

(1) Yes.

(2) The State Electricity Commission of Western Australia will have direct contact with engineers returning from the conference. However, energy sources for space-craft rarely have application where economics have to be considered.

RATEPAYERS' MEETINGS

Authority to Call

14. Mr. JAMIESON asked the Minister representing the Minister for Local Government:

(1) Under what section of the Local Government Act is it possible to call meetings of ratepayers as different from meetings of electors?

(2) If no specific authority exists why was provision made for such a meeting in the Draft Model By-laws on Standing Orders published in the *Government Gazette* of the 12th December, 1961?

Mr. NALDER replied:

(1) Section 527, subsection (2).

(2) Answered by (1).

The Minister also desires to correct the reply given to the member for Beeloo on the 10th instant (question 20). On reflection, the Minister finds that he also had a complaint in respect of the Belmont Shire Council.

DRAINAGE

Deputation to Minister

15. Mr. HALL asked the Minister for Works:

(1) Can he advise the outcome of the deputation that called on him respective to drainage rates, drainage problems, and cost of drainage generally in this State?

(2) What were the names of the delegates comprising the deputation and what portions of the State did the delegates represent?

Mr. WILD replied:

(1) Following an inspection of the area concerned, consideration is now being given by the department to a complete review.

(2) The Hon. J. Thomson and Mr. C. Mitchell introduced representatives of the settlers in the district on site.

CENTRAL PRIMARY SCHOOL AT ALBANY

Selection of Site

16. Mr. HALL asked the Minister for Education:

(1) Has consideration been given to the selection and planning of a new site for the erection of a central primary school at Albany?

(2) If so, where is the suggested and proposed central primary school to be built?

Effect of Perimeter Primary Schools

(3) Is it the contention of the Education Department that the erection of perimeter primary schools would eventually eliminate the need for central primary schools?

(4) If so, would the Government meet the cost of transport for students forced by such action to attend perimeter primary schools?

Future use of Land

(5) In the event of the central primary school, Albany, being disbanded as a primary school, can he advise if land as occupied will be sold, revert back to property office, or be vested in the local authority?

Mr. NALDER (for Mr. Lewis) replied:

(1) and (2) No.

(3) No. The department recognises that a school will be required in the central Albany area for many years to come.

(4) See answer to (3).

(5) It will revert to the Land Resumption Office, Public Works Department.

AGRICULTURAL ZONE OF ALBANY

Figures Relating to Growth

17. Mr. HALL asked the Minister for Agriculture:

Will he supply the following statistical figures relevant and pertaining to the agricultural growth in the Albany agricultural zone and hinterland, for the years 1950-51, 1961-62, 1962-63—

No. of active holdings;
cleared land area (acres);
crops (acres);
wheat—acres, bushels;
barley—acres, bushels;
hay—acres, bushels;
cattle—dairy, beef, total;
sheep population;
sheep and lambs shorn;
wool clip—pounds;
average fleece weight—pounds;
pigs?

Mr. NALDER replied:

The information is as follows:—

SCHEDULE

Albany agricultural zone and hinterland is assumed to include the following shires:—

Albany, Broomehill, Cranbrook, Denmark, Gnowangerup, Kojonup, Nyabing-Pingrup, Plantagenet, and Tambellup.

		1950/51	1961/62	1962/63
No Active Holdings		1,891	2,818	3,060
Cleared Land Area	(acres)	1,491,081	3,190,160	3,403,774
Crops	(acres)	263,912	518,662	568,335
Wheat	(acres)	104,179	183,935	219,821
	(bushels)	1,757,216	2,284,141	3,610,011
Barley	(acres)	9,334	46,260	40,862
	(bushels)	154,287	664,548	757,119
Hay	(acres)	18,382	38,889	48,175
	(tons)	24,137	53,478	71,094
Cattle	(dairy)	19,697	18,334	18,354
	(beef)	9,056	67,313	78,689
Total		28,753	85,467	95,043
Pigs		9,257	14,910	10,195
Sheep Population		1,188,958	2,771,137	2,888,789
Sheep and Lambs shorn		1,202,508	2,843,348	3,116,052
Wool Clip	(lb.)	11,040,830	28,104,128	27,965,645
Average Fleece Weight	(lb.)	9·2	9·9	9·0

COAL FOR JAPAN

Exports from Australia

18. Mr. H. MAY asked the Minister for Industrial Development:

(1) Is he aware the Joint Coal Board estimates that Australia will supply Japan with 3,860,000 tons of coal this year, about 800,000 tons from Queensland and the balance from New South Wales?

(2) Does he know the Japanese steel industry expects that by 1966 it will import 4,500,000 tons of coal from Australia rising to 5,150,000 tons in 1967?

Supplies from Collie Coalfields

(3) Although it is known that Western Australian coal from Collie is not up to the quality of that of Queensland and New South Wales, having regard to the huge tonnages of coal which will be required by Japan's steel industry will he have searching investigations made by his department in order to ascertain if it is possible that some of Japan's requirements can be met from the Collie coalfields of Western Australia?

Mr. COURT replied:

(1) Yes.

(2) These figures appear reasonably in line with official figures available to the Government.

(3) Extensive research has already been undertaken into the properties of Collie coal. Present indications are that the known coal resources of this State will be required for local purposes and it is doubtful if there will be any significant proportion available for export. All the inquiries undertaken by the Minister for Mines and myself indicate that export possibilities are small in view of the overseas demand for high quality coking coal.

The best avenues for increased consumption for Collie coal still appear to be for local processing of any mineral which can use Collie type coal economically. Efforts in this direction are continuing.

ATMOSPHERIC POLLUTION

Firms Concerned and Legislative Control

19. Mr. GRAHAM asked the Minister for Health:

(1) What are the names of the concerns and the type of industry or activity at which occurrences of atmospheric pollution have come to the notice of his department during the past six months?

(2) Which of these will come under the powers of the proposed Clean Air Act and which under the powers of their own constituting Acts?

(3) What are the names of the firms which will come within the latter category?

Mr. ROSS HUTCHINSON replied:

(1) Complaints have been received concerning the following:—

Alcoa of Aust. Pty. Ltd.—Alumina Production.
Laporte Titanium (Aus.) Ltd.—Titanium Oxide Production.
Metters Ltd.—Foundry.
Power House, Dalwallinu—Power Production.
Finger Jointers Pty. Ltd.—Timberyard.
Western Oil Refining Co.—Refining of Oil.

(2) Alcoa has its own constituting Act but this does not necessarily exclude it from all the provisions of the proposed Clean Air Act. The others come under the proposed Act.

(3) Firms with constituting Acts referring to air pollution are:—

Broken Hill Pty. Ltd.
Anglo-Iranian Oil Co. Ltd. (B.P.).
Western Aluminium No Liability (Alcoa).
Australian Paper Manufacturers Ltd.

SEWERAGE OUTFALL SCHEME SOUTH OF SWAN RIVER

Completion of Treatment Works and Pumping Main

20. Mr. D. G. MAY asked the Minister for Water Supplies:

Relative to the south of Swan River sewerage southern outfall scheme, will he advise as follows:—

(a) Anticipated completion date of the Woodman Point treatment works?

(b) Anticipated completion of the new 18-inch diameter pumping main being laid from Woodman Point via Canning Bridge to the existing pumping station near the eastern end of the Causeway?

(c) Anticipated date the south of Swan River sewerage southern outfall scheme will commence operation?

Connection of East Manning Housing Project and Drainage

(d) Will the proposed East Manning State Housing project be connected to this scheme and when?

(e) Has provision been made in the 1964-65 Estimates for a drainage system to serve that area mentioned in (d)?

Mr. WILD replied:

(a) First stage by December, 1965.

(b) Approximately September, 1965.

(c) Operation has commenced with the diversion of the effluent from the Fremantle treatment works.

(d) Yes. Commencement date not known.

(e) No.

SOUTH KALGOORLIE SCHOOL

Building Repairs and Playground Improvements

21. Mr. EVANS asked the Minister for Education:

(1) Would he please detail the nature of building repairs and playground improvements that have been—

(a) requisitioned; and

(b) approved;

in respect of South Kalgoorlie School?

(2) When is it expected that a commencement will be made on any such approved work still to be effected at this school?

Mr. NALDER (for Mr. Lewis) replied:

(1) and (2) The following work has been requisitioned:—

Detached infants' classroom—repairs to floors, replacing all faulty windows and screens around toilets; and extension of bitumen area.

The work in connection with the detached infants' class room has been approved and is in hand and the request for extra bitumen area is to be investigated as soon as possible.

TOTALISATOR AGENCY BOARD

Toilet Facilities at Kalgoorlie and Boulder

22. Mr. EVANS asked the Minister for Police:

(1) How long is it likely to be before the change of policy on the part of the T.A.B. in respect of providing toilet facilities in its premises for the convenience of patrons is commenced to be put into operation at T.A.B. establishments in Kalgoorlie and Boulder?

(2) Why has the T.A.B. taken approximately four years to decide that, in the interest of public health, public policy, and convenience, such facilities will in future be provided?

(3) On what date did the Chairman of the T.A.B. reply by letter to representations made by the member for Kalgoorlie requesting such facilities to be provided at T.A.B. establishments in Kalgoorlie and Boulder soon after the T.A.B. extended its operations to those towns?

(4) What were the then stated reasons why my request was refused?

Mr. CRAIG replied:

(1) There has been no change in policy.

(2) Answered in (1) above.

(3) The 9th May, 1963.

(4) That the provision of toilets only encourages some patrons to loiter on the agency for longer periods than is desirable.

KALGOORLIE CENTRAL SCHOOL

Repairs and Installation Work

23. Mr. EVANS asked the Minister for Education:

(1) Would he please detail the nature of repairs and installation work that have been—

(a) requisitioned; and

(b) approved;

in respect of Kalgoorlie Central School?

(2) What items of the above have been commenced or already effected?

(3) Would he please have the commencement of work, not itemised in the answer to (2) expedited?

(4) What is the estimated expenditure of effecting the work approved at this school?

Mr. NALDER (for Mr. Lewis) replied:

(1) The following work has been requisitioned and approved—

(a) pavilion rooms—repairs to floors;

(b) new toilets.

(2) Repairs have commenced to the pavilion rooms.

(3) Plans for the new toilets are being prepared and tenders will be called as soon as possible.

(4) Estimated cost—New toilets £4,000. Pavilion rooms repairs £300.

POPANYINNING RAILWAY GANG

Transfer

24. Mr. W. A. MANNING asked the Minister for Railways:

(1) Is it planned to transfer the railway gang which has been located at Popanyinning for many years?

(2) If so—

(a) why;

(b) when;

(c) where?

Mr. COURT replied:

(1) Consideration is being given to a proposal to disband Popanyinning gang and absorb employees in Narrogin and Pingelly gangs.

(2) (a) Difficulty in maintaining manpower at Popanyinning.

(b) Not yet determined—the proposal is still under consideration.

(c) Answered by (1).

This proposal is consistent with an overall policy to try to overcome manpower shortages in gangs by locating gangs in country towns where it will be easier to recruit and maintain workmen under conditions more attractive to the employees. Modern transport to work sites makes this practicable.

TOTALISATOR AGENCY BOARD

Distribution of Surplus

25. Mr. CORNELL asked the Minister for Police:

(1) In view of the fact that participation in the eastern States racing activities of the T.A.B. is on a 75 : 25 basis in favour of racing interests, is the following formula correct in arriving at the ultimate breakdown of the proportions in which racing and trotting organisations in this State ultimately share the surplus:—

	Percentage of Total T.A.B. Turnover.
Eastern States racing	48
Western Australian racing	26
Western Australian trotting	26

Eastern States racing surplus is shared three parts to local racing and one part to local trotting. Therefore—

Racing bodies receive 26 per cent. plus ¾ of 48 per cent. = 62 per cent. of ultimate surplus.

Trotting bodies receive 26 per cent. plus ¼ of 48 per cent. = 38 per cent. of ultimate surplus?

(2) Are the following disbursements, namely—

(a) operating, administrative, and financial expenses;

(b) turnover tax;

(c) reserve account;

(d) working capital retention

apportioned on a basis *pro rata* to the respective amounts which racing and trotting bodies ultimately receive or are these charges merely deducted before arriving at the distributable surplus and are therefore, in effect, borne by the two recipient participating bodies in equal proportions?

Mr. CRAIG replied:

(1) Yes.

(2) These disbursements are merely deducted before arriving at the distributable surplus, which means, in effect, that such disbursements are borne by the two recipients, not in equal proportions but in the same proportion as they share the distributable surplus, i.e., 62 per cent. by racing and 38 per cent. by trotting.

SOIL CONSERVATION

Tabling of Reports

26. Mr. CORNELL asked the Minister for Agriculture:

Will he lay on the Table of the House all reports made by—

(a) Soil Conservation Advisory Committee;

(b) Commissioner for Soil Conservation

during the past five years?

Mr. NALDER replied:

(a) and (b) The Soil Conservation Advisory Committee serves as an advisory body to the Commissioner for Soil Conservation, who submits an annual report which is tabled in both Houses of Parliament.

A special report of a survey of saltland and contouring was prepared in 1963 and is tabled herewith.

NATIONAL FITNESS COUNCIL

Money Received from State and Commonwealth Governments

27. Mr. DAVIES asked the Minister for Education:

(1) How much money has the W.A. National Fitness Council received from the Commonwealth Government under the National Fitness Act 1941 (Commonwealth) over each of the last five years?

(2) What amount of money has been made available to such council by the State Government over the same period?

Gifts or Loans to Organisations

(3) Has the council made any gifts or loans to any organisations other than those over which it has direct control over the past five years?

(4) If so, what are the names of the organisations and what amounts are involved?

Mr. NALDER (for Mr. Lewis) replied:

(1) The last two years (1963 and 1964) £10,014 per annum. Prior to that, £5,742 per annum.

(2) The State Government pays the salaries of officers seconded from the Education Department for the administration of national fitness and provides accommodation for the council at 50 James Street, Perth.

Through the Education Vote the following amounts are made available:—

£600 per annum to the Governor's Council for the conduct of Commonwealth Youth Sunday.

£1,000 per annum for camp schools.

£200 per annum for leadership training.

(3) Small subsidies, generally on a pound for pound basis, to district youth committees working under the Education Department's Youth Education Branch.

(4) 1960—

1960 to 1964 inclusive—£927.

	£	
Subiaco Youth Committee	30	
Narrogin Youth Committee	80	
Mingenew Youth Committee	100	£210
1961—		
Osborne Park District Youth Committee	100	
Albany Youth Committee	80	£180
1962—Nil.		
1963—		
Mingenew Youth Committee	80	
Bassendean Youth Committee	50	
Carnarvon Youth Committee	70	
Maylands Youth Committee	80	£280
1964—		
Fremantle District Youth Committee	80	
Moora Youth Committee	80	
Midland Youth Committee	80	
Narrogin Youth Committee	17	£257
		£927

PAROLE BOARD

Commencement of Operations

28. Mr. SEWELL asked the Minister representing the Minister for Justice:

When is it expected that the Parole Board as set out in the Offenders Probation and Parole Act of 1963 will begin operations?

Mr. COURT replied:

The Act will be proclaimed to come into operation on the 1st October, 1964.

GRAIN SHIPMENT AT ESPERANCE

Cost to Growers

29. Mr. MOIR asked the Minister for Agriculture:

(1) Is he aware of the high cost of shipping grain at Esperance?

(2) What are the total port charges at Esperance?

(3) What are the total charges at Fremantle, Bunbury, Geraldton, and Albany ports respectively?

(4) Are these charges averaged to the growers concerned; if so, what is the charge?

(5) What is the reason that this practice is not followed at Esperance?

(6) What addition would there be to the charges at Fremantle, Bunbury, Geraldton, and Albany if Esperance was included in the average?

(7) Will he give consideration to having the Esperance costs averaged with the other ports?

(8) Is he also aware that Esperance growers pay an additional ocean freight?

(9) What is the amount of this charge?

Mr. NALDER replied:

(1) Yes.

(2) The Esperance port charges covering amortisation of the special terminal facilities and operating costs vary slightly from year to year. For the season 1962-63 these amounted to 10.746 pence per bushel less a credit of 2.85 pence being the weighted average of the port charges at the four other Western Australian ports.

(3) Comparable figures for the other four ports in Western Australia for the same season were:—

	Pence Per Bushel
Fremantle	2.460
Bunbury	2.460
Geraldton	3.301
Albany	3.856

(4) Port charges throughout Australia are borne by each pool and are therefore shared equally by all growers as an item of pool operating expenses, except at the ports of Gladstone (Queensland) and Esperance (Western Australia) which are subject to special conditions. The average Australian port charge is in the vicinity of 2¾ pence per bushel with a credit of 2.85 pence being the weighted average cost at Fremantle, Bunbury, Geraldton, and Albany.

(5) At Esperance, growers are debited with the amortisation charge for the special facilities which were provided under agreement between Co-operative Bulk Handling Ltd. and the growers.

(6) and (7) Any decision in this regard would have to be related to all Australian ports and would affect all Australian growers. This would be contrary to the arrangement under which the Australian Wheat Board agreed to ship wheat through Esperance on the understanding that no extra financial burden should be placed on the general body of growers throughout Australia.

(8) Yes.

		Pence Per Bushel
(9)	1961-62	2.009
	1962-63	2.866

SUPERPHOSPHATE

Copper and Zinc Components and Prices

30. Mr. MOIR asked the Minister for Agriculture:

(1) What is the amount of copper ore used as a trace element in one ton of superphosphate and copper fertiliser?

(2) What amount of sulphate of copper is used in one ton of superphosphate and copper fertiliser?

(3) What price does the fertiliser manufacturer pay for each of these categories of copper?

(4) What amount of zinc is used in the manufacture of a ton of superphosphate and zinc fertiliser?

(5) What amount of zinc and copper is used in the manufacture of a ton of superphosphate zinc and copper?

(6) What is the price paid by the manufacturer for zinc?

Mr. NALDER replied:

(1) and (2) Superphosphate and copper fertiliser is guaranteed to contain one per cent. of copper. The copper is added as a mixture of copper ore and bluestone. The proportions of copper ore and bluestone have been varied according to supplies of copper ore. 1.05 cwt. of a blend containing 20 per cent. copper is mixed with 18.95 cwt. of superphosphate. One company has a registered superphosphate and copper sulphate fertiliser guaranteed 1.25 per cent. copper. This is obtained by mixing one cwt. of bluestone and 19 cwt. of superphosphate.

(3) No information is available on actual prices paid by fertiliser manufacturers for bluestone. Quoted world prices have risen by over £50 per ton (40s. per unit) in the past 12 months. The present world price for bluestone is around £150 per ton or 120s. per unit. Prices paid for copper ore vary according to grade and are subject to negotiations between fertiliser companies and suppliers. It is understood current prices are 67s. 6d. per unit for 10 per cent. grade ground copper ore rising according to grade to 72s. 6d. per unit for 20 per cent. grade ore.

(4) Superphosphate and zinc fertiliser is guaranteed to contain 1.15 per cent. zinc. This is added as commercial zinc oxide, which usually contains about 74 per cent. zinc. One ton of superphosphate and zinc requires 36 lb. of zinc oxide.

(5) Superphosphate, copper, and zinc fertiliser is guaranteed to contain one per cent. copper and 1.15 per cent. zinc supplied as indicated in answers to questions (1), (2), and (4).

(6) No information on actual prices paid is available. World prices for zinc oxide have risen in the past year by £47 per ton. For the current season the unit cost of zinc is expected to be up about 15s.

JUNIOR CERTIFICATE EXAMINATION

Students Entitled to Sit

31. Mr. TOMS asked the Minister for Education:

(1) What were the respective totals of students entitled to take the Junior examination in each of the metropolitan high schools during the years 1961, 1962, and 1963?

Number of Entrants and Passes

(2) How many students actually sat for the examination in each of the above schools during the above-mentioned years?

(3) What were the totals of successful students during these years in each of the above schools?

Mr. NALDER (for Mr. Lewis) replied:

Metropolitan Senior High and High Schools	Enrolments in 3rd Year (August) *			Candidates for Junior					
				1961		1962		1963	
	1961	1962	1963	Entered	Passed	Entered	Passed	Entered	Passed
Applecross	439	332	384	369	318	302	257	359	286
Armadale	252	237	268	189	145	202	157	228	164
Belmont	197	237	294	148	132	180	157	224	200
Bentley	*Nil*	177	210	*Nil*	*Nil*	135	111	167	123
Embleton (John Forrest)	*Nil*	*Nil*	359	*Nil*	*Nil*	*Nil*	*Nil*	332	300
Forrest	124	151	*Nil*	83	62	111	108	*Nil*	*Nil*
Governor Stirling	343	370	315	281	235	330	268	277	224
Hollywood	343	387	248	307	225	355	265	240	158
John Curtin	252	345	237	307	216	301	221	284	212
Kalamunda (Junior High in 1961)	*Nil*	78	100	*Nil*	*Nil*	72	48	84	55
Kent Street	357	293	300	310	246	253	201	276	240
Kwinana	111	127	127	83	49	107	62	112	91
Melville	*Nil*	299	265	*Nil*	*Nil*	252	217	224	190
Mt. Lawley	275	352	304	238	194	317	251	261	218
Perth Girls	200	188	*Nil*	143	130	139	120	*Nil*	*Nil*
Perth Modern	239	307	299	223	155	277	223	274	215
Scarborough	221	271	331	180	138	240	187	298	226
Swanbourne	*Nil*	*Nil*	195	*Nil*	*Nil*	*Nil*	*Nil*	178	118
Tuart Hill	383	432	410	337	251	387	271	358	279

* Includes students in Junior certificate, high school certificate, and other courses. These are the only figures available.

HIGH SCHOOLS

Details of Capital Expenditure

32. Mr. BURT asked the Minister for Education:

(1) How much expenditure of a capital nature was made on—

(a) school buildings and equipment; and

(b) recreational and sporting facilities;

at the under-mentioned high schools during the 10 years to the 30th June, 1964:—

Mt. Lawley, Embleton, Tuart Hill, Swanbourne, Hollywood, Melville, Albany, Geraldton, Bunbury, Northam, Merredin, and Narrogin?

(2) How much has been spent on maintenance on (a) and (b) at these schools?

(3) What was the student enrolment at each school on the 30th June, 1964?

Mr. NALDER (for Mr. Lewis) replied:

(1) The accounting records do not classify the capital expenditure into—(a) school buildings and equipment; and (b) recreational and sporting facilities.

The total expenditure from loan funds at the under-mentioned high schools during the 10 years to the 30th June, 1964, is as follows:—

	£
Mt. Lawley	534,971
Embleton (now John Forrest)	510,425
Tuart Hill	450,232
Swanbourne	412,968
Hollywood	372,865
Melville	417,243
Albany	228,447
Geraldton	167,941
Bunbury	201,601
Northam	115,204
Merredin	172,792
Narrogin	203,945

(2) Maintenance expenditure is classified under types of buildings, i.e. primary schools, junior high schools, senior high schools, etc., and individual expenditure on each building is not recorded. The information requested is therefore not available.

(3) Figures are not compiled as at the 30th June. Those for the 31st March, 1964 are as follows:—

Mt. Lawley	1,403
Hollywood	992
Bunbury	1,110
Embleton (John Forrest)	1,157
Northam	821
Tuart Hill	1,752
Albany	1,088
Merredin	345
Swanbourne	830
Geraldton	724
Narrogin	730

"HARD LABOUR"

Meaning of Court Sentence

33. Mr. HALL asked the Minister representing the Minister for Justice:

(1) What is the meaning of the expression "hard labour" used in a court sentence?

(2) Is there enforcement of hard labour in any of the prisons or gaols in this State at present?

(3) In what year was the term "hard labour" introduced as part of penalty or sentence against the convicted person or persons?

(4) Is it possible for a person convicted and sentenced to a term of imprisonment, without hard labour, to volunteer to accept hard labour in the terms as couched and get reduction of sentence?

Mr. COURT replied:

(1) Section 21(6) of the Prisons Act enables regulations to be made "regulating what labour or employment shall be deemed hard labour and for classifying such labour". The regulations at present in force under the Act do not specifically define "hard labour" but require most prisoners to work as prescribed, particularly in regulations 126 to 133.

(2) There is enforcement of the prescribed substitutes for "hard labour".

(3) In England in 1707 and in Western Australia in 1829 as part of English law applicable to the new colony.

(4) Regulaton 152(g) provides that "Every prisoner whose sentence exceeds three days' imprisonment shall be eligible to come under the 'Mark System'", and regulation 152(h) shows how remissions are calculated.

QUESTIONS WITHOUT NOTICE

DECORUM OF THE HOUSE

Use of Term "Honourable"

1. Dr. HENN asked the Speaker:

In view of your timely efforts to improve the decorum of this House, would you consider reverting to the ancient custom of referring to members as the honourable member for such-and-such a constituency and to Ministers as the honourable Minister for such-and-such a portfolio when you give them the call?

The SPEAKER (Mr. Hearman) replied:

I thank the honourable member for Wembley for some prior notice of this question. I find on inquiry that it was the practice of certain Speakers in the past to insist that all members and all Ministers be referred to as "honourable members" or "honourable Ministers". The House may have noticed that in addressing the member for Fremantle earlier this afternoon I was very careful to give him his full designation. However, there are occasions when it might appear to be redundant, such as when calling on the Minister representing the Minister for Justice, as I did, in respect of question 33 this afternoon. I think the point is quite well taken by the honourable member for Wembley—

Mr. Graham: You get the message.

The SPEAKER:—and I shall endeavour to put into practice the suggestion he has advanced. However, being subject to all human frailties, I am, on occasions, likely not to completely carry out the suggestion.

PRESS ARTICLES ON RAILWAYS

Cost of Publication

2. Mr. COURT (Minister for Railways): On Thursday last the member for Albany asked me, without notice, whether certain newspaper articles in connection with the railways—articles attributed to myself and to the Commisisoner of Railways—had been inserted in the newspaper at any cost to the Railways Department, or other departments. I promised to make inquiries, and I am assured there is no cost to the Railways Department or any other Government department.

DECORUM OF THE HOUSE

Occupancy of Press Gallery before Prayers

3. Mr. JAMIESON asked the Speaker:

(1) How long is it that the Press have been permitted the privilege of entering their gallery prior to prayers being read?

Speaker's Entrance: Recognition by Pressmen

(2) Are you aware that only one member of the Press honours your impending presence in this Chamber on each occasion that you come in?

(3) In view of the insistence on the correctness of procedure, or criticism otherwise of actions of members of Parliament by the Press, would you request the various members of the Press gallery to conform to the practice of this House by standing when your impending presence is obvious?

The SPEAKER (Mr. Hearman) replied:

(1) to (3) I must point out that from my position here I never see the Press gallery and consequently it is impossible for me to know whether Pressmen behave themselves in a decorus manner or otherwise. However, now that the

matter has been raised, I shall make the necessary inquiries, and I think I will take the appropriate action.

Mr. Graham: What about our being human for a change?

MEMBERS' SPEECHES

Quotations from Uncorrected Reports

4. Mr. GRAYDEN: Last year, Mr. Speaker, you gave a ruling against members quoting from uncorrected *Hansard* versions of speeches made in this House. The question I wish to ask is appropriate to that ruling:

> Is it in order for a member of this House to publicly circulate an uncorrected *Hansard* report of a speech made by a member in this House?

The SPEAKER (Mr. Hearman):

> I would say that the ruling I made last year still stands. This difficulty of uncorrected speeches has cropped up from time to time in this Chamber. I have no knowledge of any publication of an uncorrected speech, but if the honourable member can give me the necessary information I will most certainly take the matter up with the Chief Hansard Reporter with a view to ensuring that uncorrected speeches are not made available to members other than under the conditions that have been previously laid down.

Mr. Tonkin: Some members never correct their speeches.

DECORUM OF THE HOUSE

Use of Term "Honourable"

5. Mr. HAWKE asked the Speaker:

> If in the future it is to be the rule that we shall address members as "honourable members" and Ministers as "honourable Ministers", should not the rule also include an item to the effect that members address you as "honourable Mr. Speaker"?

The SPEAKER (Mr. Hearman) replied:

> I would prefer to make no comment on that.

TOTALISATOR AGENCY BOARD

Toilet Facilities at Kalgoorlie and Boulder

6. Mr. EVANS: In replying to part (1) of my question 22 on today's notice paper, wherein I asked how long it was likely to be before a change of policy would be effected in respect of T.A.B. establishments in Kalgoorlie and Boulder, the Minister for Police said—

> There has been no change in policy.

My question is:

> Could the Minister please explain this apparent inconsistency between his reply and an answer given by the Minister for Justice in another place last week to a question touching on this subject when it was intimated that in future there was to be a change in policy?

Mr. CRAIG: The answer to the question is quite correct. There is no change in policy at this particular stage. Some thought is being given by the board to making an adjustment of its views in this connection; but, as the honourable member will recall, the member for Geraldton has introduced a Bill in respect of this matter, and I shall have an opportunity of replying to it at a later date. No doubt the information the honourable member seeks will be conveyed in my remarks.

FLUORIDATION OF WATER SUPPLIES

Position in Sweden

7. Mr. ROSS HUTCHINSON (Minister for Health):

> On Thursday, the 20th August, 1964, the Deputy Leader of the Opposition asked three questions alleging discontinuation of fluoridation procedures in Sweden. I replied to the effect that enquiries would be made.
>
> The answers are now given to those questions as follows:—
>
> (1) to (3) An organisation calling itself the "Health-Furtherers" had made repeated attempts to stop fluoridation at Norrköping. Ultimately, in December, 1961, the "Health-Furtherers" succeeded in obtaining a legal injunction. Norrköping then sought special permission from the Government to continue fluoridation. In November, 1962, the Swedish Parliament passed a Bill enabling local authorities, with government approval, to fluoridate their water supplies. Applications from Norrköping and Landskroa have been submitted to the Government for approval, and it

is understood that other Swedish cities are planning for flouridation.

Mr. Tonkin: Is that the most up-to-date information you have?

Mr. ROSS HUTCHINSON: It has just been received in response to a communication recently sent to Sweden.

Mr. Tonkin: No fluoridation in Sweden.

BILLS (2): THIRD READING

1. Agriculture Protection Board Act Amendment Bill.

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

2. Health Act Amendment Bill.

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

CHIROPRACTORS BILL

Report

Report of Committee adopted.

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th September, on the following motion by Mr. Craig (Minister for Police):—

That the Bill be now read a second time.

MR. BRADY (Swan) [5.9 p.m.]: I have looked into the Bill, and I must say to the Minister and to the House that I am profoundly disappointed at the scant amount of information the Minister gave on such an important measure. The Bill contains 75 amendments, and 57 sections of the Act are to be amended. It is most unfortunate that members of Parliament have had to look to *The West Australian* newspaper to gain a great deal more information than the Minister gave in connection with his proposed amendments.

Mr. Craig: It was a copy of my speech. What are you grizzling about?

Mr. BRADY: It was more than a copy of the Minister's speech that *The West Australian* published—considerably more. The members of this House could have been given a great deal more information by the Minister, when we consider the colossal and staggering increases in the penalties. Some of the penalties in the amendments proposed by the Minister are as high as 900 per cent. over the existing penalties.

I did wonder at one stage what the Minister's objective was—whether he was trying to budget in advance of the Treasurer for next year's deficit; or whether the standard gauge railway's needs, which must be concerning the Minister for Railways, had something to do with the staggering increases. The reason for the increases may lie somewhere between the two. The fact remains, however, that if these penalties go in as proposed by the Minister, the Consolidated Revenue in future years could receive up to £1,000,000 annually from police activities as against the present amount of £350,000.

I am disappointed with the Minister because he more or less gave the impression that he was hoping to have these amendments carried as the result of an appeal to the public and members in regard to the nature of some of the cases. He emphasised that policemen are frequently assaulted, and he gave the number of cases as 251. He referred to cases of disorderly conduct, and said that 884 males had been charged and 55 females. The Minister said nothing about the cases affecting primary producers in which, in some instances, the penalties have been reduced.

The Minister, having regard for the fact that he was trying to cover a position which he claims has been neglected for some 60-odd years, had nothing to say about the fact that this Act has been amended about every four or five years since its inception. Why have not previous Ministers of the various governments sought to raise these penalties to such an alarming extent as the Minister has? I feel the explanation may be that some Ministers felt the existing fines were adequate. Some Ministers may have felt some of the fines and penalties could be abolished.

If there is disorderly conduct amongst the citizens, and policemen are being assaulted, it would indicate there is a breakdown—a serious breakdown—in the social system; and the Minister for Police, who is a responsible Minister in the Government, should have told us what he is intending to do, in conjunction with the Minister for Education, to try to remove this alarming position in the community. Surely the Minister should have told us something about where the breakdown in the social structure has taken place, and why!

The whole position is that certain sections of the Police Force appear to be tremendously weak, and in recent years the public has been gravely concerned about the breakdown in several of those sections. Only in this morning's paper we read that the names of 250 young people were taken because they were acting in a disorderly manner in Hay Street. Yet two years ago the Lord Mayor of the City of Perth drew the attention of the public and the Police Department, through the newspapers, to what he had witnessed in Beaufort Street, Perth.

So I think the public and the Opposition are entitled to ask the Minister and the Government what they have been doing for the last two years. Apparently they had to wait until a local newspaper drew attention to what happened to one of its female journalists who was walking down Hay Street before the Police Department took some action to remedy the position and bring these unruly elements into line. The Minister, when he introduced the Bill, should have given us some indication of why these breakdowns are taking place.

We all know that over about 18 months or two years there were four or five unsolved murders. One member in this House asked a question whether the man who was ultimately found guilty had admitted to the police that he had committed the murders. When the public hear about these things, either in the Press or in *Hansard*, naturally they are concerned, and the person responsible for giving an explanation to all and sundry is the Minister, or his departmental officers through him.

While I am sympathetic in regard to the Minister's object or desire to protect the police from being assaulted, when he introduces a Bill which proposes to alter 57 sections of the principal Act, and at the same time increase the penalties anything from 100 per cent. to 900 per cent., I think he should tell the people of Western Australia, through the parliamentary channels, what he is hoping to achieve. I think the Minister for Police has an obligation to the community rather than an obligation to the Government to raise money for Consolidated Revenue by virtue of fines which magistrates throughout Western Australia will inflict.

I think it will be found that in many parts of Western Australia justices of the peace are responsible for hearing cases laid under the Police Act; convicting people if they are found guilty; and, in the event of their not paying fines, committing them to prison for various terms. These justices of the peace, and the magistrates, too, should be helped by the Minister for Police, and those responsible for this legislation, by being given some indication of what the future holds in regard to their responsibilities, and whether there is any genuine effort being made to try to reduce the colossal number of convictions each year in Western Australia.

Before I spoke to this Bill I wanted to read the reports of the Commissioner of Police; but, unfortunately, the second reading debate has been brought on a little earlier than was expected and, consequently, my time has been limited and I have not had much of an opportunity to read those reports. However, in the annual report for 1962 the Commissioner of Police reported that 48,220 offenders were brought to trial, exclusive of charges against aborigines, lunatics, and neglected children, or 6.49 per cent. of the population compared with 6.77 per cent. in 1960.

When the Minister introduced the Bill I think he should have told us what he thought about the position. It is staggering to realise that no fewer than 48,220 offences are being committed in this State each year. One could go on quoting various annual reports to illustrate the thousands and thousands of cases that are being dealt with by the various police courts throughout Western Australia. The Minister could have told us what the Police Department and the Government, and even the Minister for Education, are doing about trying to reduce the number of offences and halt the present trend in Western Australia.

As I said, when he introduced the Bill the Minister quoted two instances in support of the legislation. One was in regard to assaulting the police and the other dealt with disorderly conduct. He did not go on to mention the other types of offences. He did not tell us that, in regard to members of the force, who can be fined up to £5, and receive two months' gaol in default, the position in the future will be, if this Bill is passed, that the term in default will be reduced to one month. Members of the Police Force are supposed to be carrying out the laws of this State; they have a responsibility, and probably a much greater responsibility than the average citizen who is likely to be charged under this Act.

It is rather strange that the Minister intends to amend section 13 of the principal Act by reducing the term in default from two months to one month, but at the same time the penalty is to be increased from £5 to £15. It is generally recognised that in default a man is committed to prison for three days for every £1 of the fine. Yet in this case, where a policeman who has left the department is involved, he can be fined up to £15 but be committed to prison for only one month. Under the present system, which has been in existence in this State for the last 20 to 30 years, such a person should get a minimum of 45 days in default.

There are several similar anomalies in this amending legislation and it is rather puzzling when one realises the lack of information given by the Minister. In another amendment the Minister intends to increase the fine to £20 but reduce the term of imprisonment from two months to one month. So that members of the public will at least know what this amendment is all about I shall quote the section of the Act to which it refers. It states—

> Every person who shall sell, or offer for sale, as food for human consumption, any grain, flour, meat, fish, fruit,

> or vegetable, which shall, in the whole or in part be unfit for human consumption, or in any manner adulterated, shall forfeit the same, to be disposed of as such justices shall direct, and shall also be liable to a fine not exceeding £10—

and the Minister proposes, by this Bill, to increase that to £20

> —or be imprisoned for a term not exceeding two calendar months with or without hard labour.

Believe it or not, the Minister has deliberately reduced the term of imprisonment, by this Bill, from two months to one month! There is something radically wrong somewhere when people can vend food which is unfit for human consumption and, although the fine provided is increased, the term of imprisonment also provided is reduced. In regard to offences which have little effect so far as the average person is concerned, the penalties are greatly increased; but on matters which greatly affect the public, such as the vending of food which is unfit for human consumption, the term of imprisonment is reduced from two months to one month.

When we read of these things, and realise their importance, we wonder what is at the back of the Minister's mind, or at the back of the minds of the departmental officers who recommended these proposals to the Minister. Only on Sunday afternoon one of my electors came to me and asked me whether poultry and rabbits have to be stamped as being fit for human consumption in the same way as meat which comes from the abattoirs. He was concerned about some food that had been offered to the public for consumption, and on tomorrow's notice paper I will have a number of questions addressed to the Minister for Health, regarding these matters.

I feel disposed to speak at length, as a responsible member of the Opposition, to try to ascertain from the Minister why he is introducing a Bill of this description. The Minister himself must have been concerned about it because of the small amount of information he gave when he introduced the measure. In his concluding remarks he said something like this—

> In arriving at the amended penalties each section nas been carefully studied and although it is not intended to detail them separately section by section in this Bill members will, of course, have the opportunity to refer to them during the Committee stage of the Bill.

I wonder if the Minister went through the Bill clause by clause, and related each amendment to the section of the Act concerned, as he has given us the impression he has done? In introducing the Bill he had a total disregard for the changed trends in the community in recent years as compared with the position when the parent Act was first introduced.

The Minister said the legislation was introduced about 66 years ago. From my recollection of it the legislation was introduced 72 years ago. The Minister does not seem to have had any regard whatever for the difficulties encountered by the average person in the community in these modern days, particularly with reference to high-pressure salesmen knocking on the doors of houses in the various suburbs, three, four, or five times a day on each day of the week, or in connection with goods being sold to the average housewife on a hire-purchase basis; nor does he take cognisance of the continued growth in the community of credit organisations, which are springing up like mushrooms.

All the Minister says is that the penalties were introduced some 60-odd years ago, and therefore they should be amended along these lines to bring them up to date with current values. The Minister has been less than fair to himself, because some of the sections in the Act were only introduced two years ago. There were others that were introduced in 1952. Yet over that short period the Minister wants to increase the penalties by 100 per cent.

The increase in the penalties proposed by the Minister is from £50 to £100 in connection with one section of the Act which was introduced into the House only in 1952. The section to which I refer reads as follows:—

> Whosoever takes and works or otherwise uses or takes for the purpose of working or using any cattle or dog the property of another person without the consent of the owner or person in lawful possession thereof, or who takes any such cattle or dog for the purpose of secreting the same or obtaining a reward for the restoration or pretended finding thereof or for any other fraudulent purpose, shall be guilty of a misdemeanour, and on conviction before two justices shall be liable to imprisonment for a term not exceeding twelve months, or to pay a fine not exceeding fifty pounds.

The Minister now intends to increase that penalty to £100—at least that is the impression I get after looking at the legislation introduced in 1952. The basic wage has not gone up 100 per cent. in that period; and yet the Minister gave us the impression that his reason for introducing this measure was to bring the penalties up to date. The more consideration members give to this matter the more concerned will they be that the Minister has not had enough regard for the importance of the proposals in the Bill.

We on this side of the House must give a great deal of thought as to what our attitude should be. Let me say from the outset that the members of the Opposition

do not for a moment wish to stand in the way of the police in the execution of their duty. We are prepared to help the Minister and the department as much as possible, and to see that sufficient penalties are provided to stop the type of hooliganism prevalent in the community today. We are certainly not prepared to encourage people to act in a disorderly manner, whether it be in Hay Street, Murray Street, or Beaufort Street; or whether it be in Midland Junction, Fremantle, or anywhere else.

The Minister, however, must tell us what he proposes to do in return for the staggering penalties he hopes to get through this House. What is the Minister doing with regard to drunken driving? What is he doing to ensure that the publicans and the licensees in the metropolitan area are not supplying drunken men and women with more alcohol than is good for them, and which is likely to aggravate their condition? Let the Minister tell us how many licensees have been prosecuted in the last three or four years for supplying alcohol to drunken people in hotels, and let him supply us with the number of accidents occurring in the metropolitan area and the country districts during the weekends as a result of drunken driving.

Let the Minister for Police tell us what measures are being taken by the Police Department and the Commissioner of Police to arrest this serious position. In these days men and women take their lives in their hands when they move around the metropolitan area during the weekend. The position is very serious; indeed, it is a nightmare at the Royal Perth Hospital at the weekends because of the number of accidents that take place as the result of drunken driving.

Seeing that he has introduced this legislation to amend the Police Act, the Minister should refer to these matters and apprise members of the position. He could even have referred to the annual report of the Commissioner of Police and told us of the serious position that has arisen, and explained that because of it there is a need to increase the penalties. He could have told us that it was necessary to increase these penalties to stop the position getting worse and to prevent certain things from happening. But the Minister has not done that. He merely asks the House to accept the Bill because somebody assaulted a policeman somewhere sometime; or because there are some hooligans in the community behaving in a disorderly manner.

The Bill contains 75 amendments, and 57 sections of the Act are to be amended. Normally, with the average Bill dealing with land, agriculture, or health, there are brief speeches by members on the second reading; and after a certain amount of protest, the second reading is generally passed. But we cannot in all seriousness follow that practice with this type of legislation, because almost every day somebody is mutilated on our highways and byways as the result of the carelessness of drivers of motor vehicles, quite apart from the drunken drivers to whom I have referred.

What is being done by the Police Department, the Commissioner of Police, and the 1,100 policemen who are costing the State over £1,000,000 a year? Are they subordinated to somebody's decision that nothing should be done? Are they indifferent to the position; or is the Minister trying to get more finance from the Government to overcome the difficulty? Is the Government not prepared to provide that finance? Is the Commissioner of Police being discouraged in his duties because of reported weaknesses which are not remedied? I think the general public is entitled to such information. The public looks to members of Parliament to ventilate these matters both in this House and in another place.

I feel that a lot of these weaknesses stem from the fact that the community generally has insufficient regard for its responsibility to teenagers. There is no attempt to educate them along the right lines. As we all know, a tremendous sales tax must be paid on all sporting equipment; and, as a result, it is almost impossible for the average teenager to buy the equipment necessary to play cricket, tennis, basketball, lacrosse, and other forms of sport. The sales tax is as much as 25 per cent. It is therefore difficult for these young people to join various clubs; and, as a result, they get into mischief.

I would like to know whether the Minister and his department have recommended to the Minister for Education that something be done to overcome the difficulty facing the community at the moment in connection with these young people. I know that from time to time Commissioners of Police hold conferences—I think they are held on an annual basis throughout Australia, New Guinea, and even internationally. I would like the Minister to tell us whether these conferences are of any great value in reducing the type of crime we are experiencing within our community.

Are the various Police Departments of Australia getting on top of the position, or is it just being allowed to drift? One wonders whether these conferences are having the desired effect, particularly when one reads of the number of convictions that take place. The value of such conferences should be reflected in the administration and activity of the Police Department.

Why build our Police Force up to a strength of 1,100 and charge the community £1,000,000 for doing so, if there is no check on the activities of the sections of our community which are endeavouring to break down the standards?

There is another aspect which I am reluctant to mention, but which I propose to mention, because I find invariably our native population has a staggering record of offences. I think the records will disclose that the comparative number of offences committed by natives is 9 per cent. as against 6 per cent. committed by the white population. What is being done by the Minister for Native Welfare, by his department, and by the Government generally to ensure that these unfortunate people are brought up to the required standard in their various reserves, in the mines, and on the cattle stations? What is being done throughout Western Australia to ensure that they are conversant with the law? What records, papers, and weekly journals are issued to ensure that they have a regard for the law?

If half the poor devils in gaol today were charged today or 12 months hence they might have been exonerated. Some are still in Fremantle gaol for supplying liquor to their friends, which has been their custom from time immemorial. These people are more communistic and socialistic in their attitude than the most rabid Communists and Socialists in Western Australia; yet when they have helped each other in the past they have been committed to gaol.

As I said before, the justices of the peace throughout Western Australia have to carry out this law once it is passed by Parliament; and if the Minister is going to insist on the penalties which he has laid down—they are going to be increased 500 per cent., 600 per cent., 700 per cent., 800 per cent., and 900 per cent.—I think he should do something about seeing that some consideration is shown for the native. The Minister should get the Police Department to specially instruct these people on their responsibilities to the community and to themselves.

I looked up the annual report of the Commissioner for Police just before I started to speak, and I saw there were several charges against natives for stealing sheep. I can understand how a native would feel if he were hungry and out of work and there were a few sheep around. I had the experience of travelling with a native from Darwin to Alice Springs, and I asked how he got on when he was hungry. He said, "There is always something running around the bush to satisfy you if you are hungry." It did not occur to him that he might be breaking the law. He may not have heard of any law; he was probably brought up on some pastoral property out of Darwin where he was employed as a stockman. Breaking the law is the last thing that would have occurred to him; yet he is going to suffer these penalties.

I think I have said sufficient to make the Minister realise that when he introduces legislation of this kind into the Chamber members expect him to set out more fully what the Bill involves. I say this because we, as an Opposition, have a responsibility to the community to see that legislation is reasonable and that it will help the community generally.

I feel disposed to read an article from the journal of the justices of the peace, which deals with the responsibilities of justices. There are hundreds of them; and apart from the magistrates in the city, they will, in the main, be charged with giving effect to this legislation. I quote from *The J.P. W.A.* of July 1962 as follows:—

> Stipendiary Magistrate on Penalties
>
> Mr. Kevin J. O'Connor, Stipendiary Magistrate, gave a most interesting and helpful address to Ringwood district Justices on 6th September. He took as his subject "Penalties", and his application of this somewhat vexatious part of a Justice's duty may be regarded as a pointer to Justices when they are faced with the task of imposing a penalty.
>
> In earlier days, Mr. O'Connor said, penalties were mainly in the nature of retribution, and were a carry-over from the old law of "an eye for an eye—a tooth for a tooth". Although still an element to be considered, modern concern of law puts the accent on reform whenever possible. Many offenders coming before him are "at the cross-roads" and without help they may drift into a life of crime. Mr. O'Connor told his audience that a conviction is a hard cross to bear for the rest of one's life, and carries a stigma which cannot be removed.

I would emphasise this—

> Conviction for petty theft in youth brands a man as a convicted thief for the rest of his days.
>
> Imposition of a minimum gaol sentence, after which a prisoner may be paroled is a big step forward in the reformative aspect of penalties, the S.M. said. This is not used to a great extent in Courts of Petty Sessions, as long sentences are not usual. Justices may call for a pre-sentence report, or a psychiatric report from the Probation Service—all these are aids to the Justice when determining penalties. Whilst awaiting report, the offender may be released on bail or remanded in custody.
>
> Mr. O'Connor said that the remand-yard at Pentridge gives a taste of punishment, and often chastens an offender, and experience shows that after such a remand probation has a better chance of being effective.

As one who sat on the bench for as long as five or six years and unfortunately had to sentence people; and as one who has

been to the Fremantle gaol, I feel it is not necessary to increase the penalties for default under this Bill. I am of the opinion that one week in Fremantle gaol is sufficient to prove to the average wrongdoer that he is on the wrong track; yet the penalties under the Bill have been increased from three months to six months. I think the Minister may be increasing the number of criminals in the community rather than decreasing them. Mr. O'Connor in going on—

The SPEAKER (Mr. Hearman): Order! The honourable member must refer to the member for Mt. Lawley.

Mr. BRADY: I am sorry, Mr. Speaker; but I am referring to Mr. O'Connor, stipendiary magistrate, who gave an address. The Mr. O'Connor we know would give an address, but I do not think it would be up to this standard. I never thought of Colonel O'Connor. He could give an address and probably agree with what I am saying. Continuing to quote—

> Mr. O'Connor said that the remand-yard at Pentridge gives a taste of punishment, and often chastens an offender, and experience shows that after such a remand probation has a better chance of being effective.

That brings me to this point: We have recently appointed a probation officer and set up a Parole Board; and if the Minister is going to increase the default penalties from three months to six months it will increaee the work of the board. This board will be continually sitting to see if it cannot reduce the six months to three months or two months. So I think the Minister ought to have another look at this legislation. I now quote again from this article—

> There is the aspect, said Mr. O'Connor, of the necessary protection of the public against certain crimes and criminals, and sometimes gaol sentence is the only way. Defendants may be incapable of reform, *e.g.*, a persistent vagrant, thief or sex offender. This may apply to the persistent speedster, and you may have to suspend his Driver's License in order to safeguard other users of the road.
>
> On the deterrent side, the speaker argued that the public must be deterred from flouting the laws of the land with impunity. The employee in a trusted position, the bank clerk, the public servant handling the public's money—who steals, must be punished severely as a deterrent to others. Public policy demands the adoption of this course, Mr. O'Connor said. It is our duty to uphold those who administer the law—assaults and offences against police, and other officers charged with administering laws, should be penalised more severely than if the same offence were committed on ordinary persons—

As I pointed out earlier, that is something with which the Opposition agrees. Continuing—

> —even if we do not altogether agree with the law that the officer is enforcing.

I will close on that note. There are a number of other justices' journals from which I would like to quote in regard to this Bill; but I will leave it at that, with the hope that the Minister might even think of withdrawing the Bill.

I do not think the Minister realises the importance of the legislation he has introduced. The Minister told us the Government is going through all the Acts to see what Bills can be brought in with a view to amending those Statutes. If the amendments in this Bill represent the type of amendments to be made to the other Statutes, I think they should be all introduced into the House at the one time so that we may obtain some uniformity. They should not be put through a few at a time.

We know that under this Government everything has been going up. Even now we read that dentists are going to put up their fees. We know that the Government has increased license fees; we know that the prices of goods and commodities are gradually increasing; and I think the community and the Opposition are entitled to know what the Government intends doing with other legislation.

Mr. Rowberry: The Government's number is going up, too!

Mr. BRADY: As I said before, I do not think the Minister has given heed to the pressures under which the public has to live in regard to the hundred and one domestic activities of today. The Minister should not come here willy-nilly, and with a minimum of explanation, ask this House to agree to 75 amendments. I know the Minister wants to get away this evening; and whilst I could continue to go through many clauses of the Bill and point out a dozen and one anomalies, I will have regard for his commitment.

I could name a dozen clauses and deal with each one individually and show where there is the gravest anomaly; but I will deal with them in general terms. As I said at the outset, in some parts of the Bill the Minister is increasing penalties either a hundredfold or two hundredfold and reducing the default. If the Minister can justify that he can justify anything. He seems to pick out certain sections of the community in order to protect their particular assets or commodities, but other sections are not protected to the same extent. Therefore I feel we cannot accept this legislation in its total form.

In order that the Minister may protect the police from assaults and the unruly elements of the community may be brought under subjugation, we will not vote against the second reading. I am reluctantly prepared to support the second reading, but I am not prepared to accept the whole of the Bill until I hear more from the Minister in regard to its clauses. I support the attempt of the Government to do the right thing by the community and by the Police Department; but we, as an Opposition, are not prepared to accept the Bill in its entirety.

MR. W. HEGNEY (Mt. Hawthorn) [6 p.m.]: I have had a close look at the Bill since it was introduced last week. Like the member for Swan, I was surprised at the paucity of information the Minister submitted. I am in full accord with his viewpoint in increasing penalties for interfering with the police or hindering them in their duties. I am also in accord with his view in increasing penalties in certain other directions.

However, if the Minister examines the Police Act and compares some of the present provisions with the penalties proposed, and then compares the proposed penalties with certain other provisions, he will see that there is a great disparity in values. I am primarily concerned with clause 30, which deals with section 83 of the Act. Although I agree in principle with the Bill, it would be as well for me to impress upon the minds of the Minister and the Government what are the provisions of section 83. That section reads as follows:—

> Every person who shall commit any of the next following offences shall, on conviction before any two Justices, be liable to the punishments hereafter specified in each case:—
>
> (1) Every person who shall sell, or offer for sale, as food for human consumption, any grain, flour, meat, fish, fruit, or vegetable, which shall, in the whole or in part be unfit for human consumption, or in any manner adulterated, shall forfeit the same, to be disposed of as such Justices shall direct, and shall also be liable to a fine not exceeding ten pounds, or be imprisoned for a term not exceeding two calendar months with or without hard labour.

The Minister proposes to increase the penalty from £10 to £20; yet he proposes to reduce the prison sentence from two months to one month. What is the nature of the offence? It is not the hindering of the police. It is not letting some water fall from a rooftop on to another person's property or onto the street. It is not removing a barrow-load of gravel from a public street. It is the crime of dealing with the adulteration of food for human consumption. There is disparity in values.

Section 124 of the Act deals with the offence of a man or woman bathing in the nude near any harbour or jetty—I will read the section before I resume my seat—between the hours of six in the morning and eight in the evening. The fine is £1. What does the Minister propose to do? He proposes to increase the fine to £20.

Mr. O'Connor: What do you consider an appropriate penalty in this case?

Mr. W. HEGNEY: The honourable member may make his speech later. He chips in, but he does not contribute very much to the debate. I hope that before the second reading stage is finished he will make some contribution and give us his views on the matter. So far as I am concerned, the comparison is not a fair one. It shows lack of foresight on the part of the Minister—I know he has a big job to do—or he has not examined closely each section of the Act which he proposes to amend.

Will the member for Mt. Lawley say that the person who is found bathing in the nude between the hours of six in the morning and eight at night has committed as heinous a crime as the person who deliberately adulterates food for human consumption? The Minister should explain why this penalty has been increased 100 per cent. from £10 to £20 and the prison term reduced by 100 per cent. A person who is found bathing in the nude between the hours I have mentioned is to have his fine increased 2,000 per cent. I shall read the appropriate section.

Mr. Bovell: Perhaps they were very much out of line before.

Mr. W. HEGNEY: Section 104 reads as follows:—

> No person shall bathe, unless in proper bathing costume,—

The Minister would have to interpret what is a bathing costume. It used to be neck to knee, but now it is next to nothing. Continuing—

> near to or within view of any public wharf, quay, jetty, bridge, street, road, or other place of public resort, between the hours of six in the morning and eight in the evening; and any person who shall offend against this regulation shall, on conviction, forfeit and pay a sum not exceeding one pound; and any constable may take into custody any person who shall commit any such offence within view of such constable.

The Minister proposes to increase the penalty from £1 to £20—an increase of 2,000 per cent. On the matter of adulteration of food the fine is to be increased from £10 to £20 and the prison term reduced

from a maximum of 12 months to one month. Subsection (2) of section 83 reads as follows:—

> Every person who shall exhibit for sale any unwholesome or fraudulently prepared provisions, meat or other food of any kind for man or beast, or shall practise any deceit or fraud—

They are pretty strong terms. Continuing—

> —in respect to the quality of any such provisions or food, shall forfeit all such provisions, to be disposed of as such Justices shall direct, and shall be liable to a fine not exceeding ten pounds or to be imprisoned, with or without hard labour, for any term not exceeding two calendar months; and any Justice may seize, or cause to be seized, any of the articles hereinbefore last mentioned as to which any such offence shall have been committed.

Here is a most grave and serious offence —deliberate deceit and fraud in connection with the sale of food for human consumption—yet the provision in this Bill is such that the monetary penalty is to be increased by 100 per cent. but the prison term is to be reduced by a like percentage. There is no equivalent in values. There is no comparison between the nature of the offences.

The Minister should have another look at these provisions. I say, without any equivocation whatsoever, that no fine or term of imprisonment is too much for any person in the community who deliberately practices fraud and deceit and adulterates food for human consumption. I think most members on both sides of the House would agree with that; yet the Minister introduces a Bill which increases the fine for bathing in the nude to £20, which is the same penalty that a person would have imposed on him for fraudulently selling adulterated food.

I wish now to deal with clause 37, which amends section 102. The section reads as follows:—

> Any constable may at any time enter into any slaughter house, shambles, shop, or other premises where meat is prepared or exposed for sale, and inspect and examine any meat there found, and if in his opinion any such meat shall be unfit for human consumption, he shall at once summon the person who has prepared or exposed for sale such meat before a Justice, who, on being satisfied that the meat so complained of is unfit for human consumption, may order it to be destroyed; and such person shall also be deemed guilty of an offence, and, upon conviction, shall be liable to a penalty not exceeding ten pounds, or to be imprisoned for any term not exceeding one month. Any meat which shall be blown for the purpose of improving its appearance shall be deemed unfit for human consumption.

The Bill provides—I do not know whether the Minister knows this—for an increase in the maximum penalty from £5 to £20, but eliminates any reference to the prison term. The provisions of this Bill will not bring the values and penalties up to date, when a person who has in his possession meat unfit for human consumption—the idea being for the sale of the meat—can be fined £20. I think the penalty of £10 was introduced in 1892—70 years ago. That penalty is now being increased, but reference to two months' term of imprisonment has been eliminated altogether. Members will agree that there is some injustice there. Some of the provisions I have quoted are the most important in the Police Act.

As the Minister said in his second reading speech, the values should be brought up to date. I propose now to quote a few instances where values have not been brought up to date and are not in conformity with present-day requirements. I hope the Minister will, in his reply, endeavour to justify his omission of the matters to which I have referred. If he can do that, I will be pleased to go along with him regarding this Bill.

I turn now to another clause which refers to one of the most important and serious provisions in the Police Act. It impels me to make the statement—I am not saying this critically—that the Minister has not given close study to the provisions of the Act which he proposes to amend; or if he has, then he is satisfied that the present provisions of the Act should continue. Section 124 reads as follows:—

> Every offence against this Act for which no special penalty is appointed shall render the offender liable, on conviction before a Justice, to a penalty of not more than five pounds or to be imprisoned for any term not exceeding one calendar month in any gaol of the said Colony, either with or without hard labour,

I would like members particularly to mark these words—

> and every such person apparently under the age of sixteen years summarily convicted of any offence under this Act or of larceny or embezzlement, or of aiding, counselling, or procuring any larceny or embezzlement may, if a male, in addition to or in lieu of any other punishment, be whipped to the extent of thirty-six strokes with a birch rod or cane.

What does the Minister propose to do? Clause 56 of the Bill reads as follows:—

> Section one hundred and twenty-four of the principal Act is amended by substituting for the word, "five" in line four, the word "ten".

Sitting suspended from 6.15 to 7.30 p.m.

Mr. W. HEGNEY: When dealing with the proposal in the Bill to amend a section of the Act concerning the applying of penalties for offences not mentioned in the Act, I referred to section 124. The Bill, in this connection, provides for an increase in penalty of 100 per cent., but it does not remove the outmoded and iniquitous provision whereby a child under 16 years of age can be given 36 strokes of the rod, birch, or cane.

Some may say I am being ridiculous in my comparison; but I point out that the Act definitely provides—I have checked up with the original Police Act of 1892—what was contained in the Act in 1892. Let us closely examine this provision. I propose to read it because to my way of thinking it is of transcending importance and is a provision which should be removed from the Statute book. It reads—

> Every offence against this Act for which no special penalty is appointed shall render the offender liable, on conviction before a Justice, to a penalty of not more than five pounds—

The Minister proposes to alter that to £10. To continue—

> —or to be imprisoned for any term not exceeding one calendar month in any gaol of the said State, either with or without hard labour,—

I want members to note this very carefully indeed—

> —and every such person apparently under the age of sixteen years summarily convicted of any offence under this Act or of larceny or embezzlement, or of aiding, counselling, or procuring any larceny or embezzlement may, if a male, in addition to or in lieu of any other punishment, be whipped to the extent of thirty-six strokes with a birch rod or cane.

That is an iniquitous piece of legislation to have on the Statute book. We talk about all being equal before the law; we talk about no discrimination between one citizen and another; but under this Act—and the Minister proposes to alter 75 sections of it, including the one I have just read—an immature child of 12 or 14 years of age is liable to 36 strokes of the birch, rod, or cane, in addition to, or in lieu of, the other penalties prescribed. But a male adult—a mature citizen—is not entitled to have that penalty placed upon him. Does the Government stand for the retention of such a proposal as this? I hope it will see the justification for its removal from the Statute book.

I propose to read a few sections of the Act to show members how the law could be applied, and how it is outmoded and needs revision. Section 60 provides—

> Every person other than a chemist, druggist, or eating-house keeper who shall trade or deal, or keep open any place for the purpose of trade or dealing (the shops or houses of butchers, bakers, fishmongers, and greengrocers, until the hour of ten in the forenoon, and of bakers and pastrycooks between the hours of twelve noon and two in the afternoon, respectively, only excepted) on the Lord's Day shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds.

If members will read that section closely they will find that an adult, if he trades or deals on the Lord's Day with the types of shopkeepers enumerated there can be fined £5. If however, a person under 16 years of age so trades or deals he becomes entitled, in addition to paying a fine, to 36 strokes. The provision I have just read should be repealed because there is no use or need for it.

Now I wish to look at section 63. How many people have seen this done every day of the week, every week in the month, and every month in the year. Section 63 of the Police Act, which is the law, reads—

> Every person who shall knowingly bring or take any dog into any public garden, declared such by notice published in the *Government Gazette*, or shall suffer any dog to remain in any such garden, shall for every such offence be liable on conviction to a penalty of not more than ten shillings.

It is proposed to increase the penalty. Is that provision necessary in the Statute today? Of course it is not! Let us have a look at section 64—and who in this Chamber has not committed this offence at one time or another—

> Every person who shall send or accept, either by word or letter, or publish any challenge to fight for money, or shall engage in any prize-fight, shall, upon conviction thereof by any two Justices, forfeit and pay a sum not more than twenty pounds.

That provision still remains. I want to make this point: that if a person is over 16 years of age he is subject to the penalty prescribed, but a boy of 15 or 14 years of age is subject to the iniquitous penalties to which I have referred. I suggest that the sections I have mentioned be repealed.

Prior to the tea suspension, just as I opened my remarks, I was asked by the member for Mt. Lawley what penalty I would suggest for a person who was bathing in the nude near a harbour or other public place. I suggest there is no need for this matter to be included in the Act because it is covered by the local authorities.

Incidentally, without labouring the point, and adult could be fined £1 for such an offence under the Act—the proposal is £20—but a boy of 14 could be given half a dozen or a dozen strokes in addition to the fine. Do members stand for that? No. If the Government is determined on the retention of this provision, then I suggest the provision be transferred from section

124 to section 83, or section 102 which refers to people deliberately, wilfully, fraudulently, and deceitfully selling contaminated food to the public. I am not in favour of the retention of this particular provision: I am in favour of its repeal. But if the Government proposes to retain it, then in the interests of the community I suggest the provision be transferred to one or other of the sections to which I have just referred.

It is not my intention at this point of time to discuss the justification for the repeal of the provision in the Police Act dealing with the whipping of boys under 16 years of age. Suffice it to say that it found its way into the Act in 1892, only 23 years after the convict system was discontinued in this country. From my reading of the history of Western Australia, the convict system was discontinued in 1869, and it started in 1850, and this provision was written into the Act 72 years ago. Have we made any progress since then in the field of human endeavour and in trying to understand human problems and childhood problems; or are we still in the horse-and-buggy age in connection with this particular social problem?

As I have said, I am not going to discuss in detail the justification for the repeal of this provision. Suffice to say—and I quite agree with the statement made by my leader on a number of occasions—there are no bad children. If one were to examine these cases one would find in many instances that if the real guilt was traced right to the source, it certainly would not be the immature child that should be whipped. If there were discipline in the home, and if there were maternal and paternal love and affection, and if attention were given to the upbringing of the child, there would not be the alleged delinquency that there is today.

I am satisfied, just as the member for Balcatta has repeated in this House time after time, that hanging has not discontinued the crime of murder. But hanging has been the order of the day for hundreds of years. Now it is only applicable in the case of wilful murder. It is the same with boys less than 16 years of age. They are mere children, and flogging is not going to restore them to society: flogging is going to do just the opposite.

I do not believe in flogging, but if anybody should be flogged it will be found in ninety-nine cases out of a hundred, it is not the child, but those responsible for bringing the child into the world. I speak feelingly on this question. When previously I said that I did not think the Minister had closely examined the provisions of the Act, I was not saying it in any critical way; but I am satisfied that if he had read the provision of section 124 he would have seen his way clear to having that provision removed from the legislation. Within the next few days I intend to invite the Government to let us know where it stands on this issue, because I propose to move an amendment in Committee which will seek to remove that reprehensible clause, the provisions of which have been obsolete for many years.

Debate adjourned, on motion by Mr. O'Connor.

LOCAL COURTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th September, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [7.46 p.m.]: This Bill seeks to effect two amendments to the principal Act. Before dealing with the amendments I want to say it is regrettable that the Government, at this stage, has not sought to reorientate judicial thinking on this legislation in 1964, because I consider it is recognised that the time has arrived when Western Australia should be considering a gradual, if not immediate, introduction of the county court system which operates in New South Wales and Victoria. I am certain that this system operates in both of those States, and it could possibly operate in some of the other States as well.

Under this system there is a partial assimilation of the local courts with the Supreme Court. It also presents a means of entering into the criminal aspect of petty sessions, as distinct from the local court work, and also a gradual diminution in the necessity for justices—that is, untrained men—sitting on the bench.

However, the Government has not sought to achieve this objective; but, with this Bill, in one amendment, seeks to deal with the appointment of a bailiff to the local court. The objective is to make the appointment in a more expeditious and convenient manner by vesting this power in the Minister instead of its being vested in the Government as it is under the Act at the moment. I see no objection to that, and I support the amendment.

The other amendment seeks to extend the jurisdiction of the local court over property with a rental value of £500, by increasing this amount to £800. I cannot see any objection to that amendment, either, because I consider it is a step in the right direction. In conclusion, although I have no criticism of the amendments, I am of the opinion that the Government has not gone far enough. I support the second reading.

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.

SALE OF LIQUOR AND TOBACCO ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th September, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. JAMIESON (Beeloo) [7.52 p.m.]: When introducing the Bill in this House, the Minister representing the Minister for Justice in another place said that the Bill sought to rectify an anomaly that exists between certain aspects of the Sale of Liquor and Tobacco Act and the Licensing Act, and with particular reference to the amendments that were made to the Licensing Act last session.

It would appear that this is a clear indication of a need to review many of our Acts of Parliament which have been in existence for many years. For instance, the need for such a review is exemplified by the fact that in one Statute in this State there is a provision that liquor can be served to a person of 18 years and upwards, and yet a section in another Act clearly provides that no person under the age of 21 years can be supplied with liquor. For two such Acts to be on our Statute book for a great many years shows that we are lagging a long way behind in any endeavour to bring up to date the Statutes of Western Australia.

At this stage I would like to make the suggestion that the Government, say, from 1965 onwards, should set aside a period of about a fortnight during the life of a Parliament for the specific purpose of holding a short session to review various Acts of Parliament. There are dozens of such Acts, and there is no need to waste a normal session in dealing with their revision. But if a short session could be called to bring all these Acts up to date we would be performing a great service to the public. In my opinion it is utterly stupid to leave them on the Statute book in their present state.

If, during our own lives, we considered that something should be completely wiped out or repealed we would take the necessary action to bring that about. There must be dozens of laws which require the urgent attention of these Houses of Parliament to bring them into line with present-day habits and ideas. Many pieces of legislation that were enacted years ago have been highlighted by the review of penalties we have been making lately. Whilst they do not meet with the approval of everyone, it is quite obvious that some of the penalties imposed years ago do not fit the crimes of today.

I would like to point out to the Government that I have no strong objection to the Bill, even though there may not be anything left of the original Sale of Liquor and Tobacco Act. As members are well aware, even the title of the Act is to be amended merely to read, "Sale of Tobacco Act"; and, for the information of the House, I propose to read the entire Act as it will read after the passage of this Bill. Alongside section 10 of the original Act there is a marginal note which reads, "Tobacco not to be sold or supplied to children." The section itself then reads as follows:—

> 10. No person shall sell, give, or supply tobacco in any form or cigarette paper to or for the use of any person under the age of eighteen years.
>
> Penalty: Forty shillings.

Section 11 of the same Act then reads—

> All proceedings for offences against the Licensing Act, 1911, or this Act, shall be heard and determined before and by a Police or Resident Magistrate.

Here I would suggest that even if the maximum penalty under this section were imposed it would not warrant the taking of a charge against anybody today. A retailer would need to sell only two cartons of Rothmans cigarettes, or two cartons of any other popular brand of cigarettes, and he would have recovered the fine. Therefore such a penalty would be no deterrent to the commission of this offence under the Act. Even the reference to selling cigarettes to children is completely out of date. I am not a smoker. The only time I did buy a packet of cigarettes was when I was about 12 or 13 years of age, and I thought I was being smart in buying them. However, in recent years I have never bought cigarettes for my own use, and I suggest it would be impossible to police this provision. The steps that would need to be taken to police it would be out of all proportion to the necessity for the provision.

It is ludicrous to suggest that the age should be 18 years before a child can be supplied with, or be permitted to smoke, cigarettes; because if one walked down Hay Street this evening one would see many children from 14 years of age upwards, smoking cigarettes. If one sees a child smoking cigarettes they must be coming from somewhere; and if an Act cannot be policed, in my opinion it should not be on the Statute book. However, if the Act has to remain, and it is considered that a deterrent should be placed on smoking as has been suggested so often recently by many medical men, because it is deleterious to health—surely a greater penalty in the Act is required!

If an individual, after having been warned, continues to smoke cigarettes or indulges in something else which is injurious to his health, one could regard that person as having suicidal tendencies, and one could therefore turn to the Criminal Code to inflict a penalty; but I know of many individuals who have had that form of suicidal tendency for many years.

Mr. Hall: That is not the reason for the Government introducing the smog Bill is it?

Mr. JAMIESON: It could be. I draw the attention of the Government to the penalty of 40s. contained in the original Act, which is absolutely ridiculous when compared with penalties imposed for other offences in this day and age. Further, surely it is desirable that we should clean up an Act that conflicts with other legislation; and the sooner it is done the better.

In view of the small penalty that is contained in the legislation, the Minister may care to give consideration to whether it is worth while proceeding with the Bill, with a view to introducing a measure that will repeal the whole section of the Act. To retain such a small Statute as this which, in effect, brings about no amendments, will only clutter up further the legal archives with another Act of Parliament which does not deserve to be called an Act of Parliament. With those reservations, I support the Bill.

MR. COURT (Nedlands—Minister for Industrial Development) [8 p.m.]: I thank the honourable member for his comments on this Bill. He has, in the main, dealt with the overall question of law reform, and it is a question which has exercised the mind of the Government. In fact, I made a statement on behalf of the Minister for Justice during the last session about this very thing.

It will take quite a while to achieve the objective which the honourable member seeks to achieve, and this is also the objective of the Government. It is admitted very freely that there are many Statutes on our Statute book which, over the years, have been accumulated; and some of them are outmoded because of changing customs, changing habits, and changing social order. It is the objective of the Government progressively to achieve this reform, for which purpose we have a senior legal practitioner engaged in some of this work.

The suggestion of the honourable member of setting aside a special session, or part of a session, to deal with these matters has been noted by me and will be passed on to the Minister for Justice; although I consider that if we systematically attacked this problem over the years we could make progress, and probably achieve much more than might appear to be attainable on the surface, given goodwill on both sides, when it could be established beyond doubt that the Government of the day—regardless of what party—was genuinely seeking to tidy up the Statutes, and was not introducing any new principles.

I understand that a great many of these matters which ought to be corrected merely represent tidying up, and do not involve major principles, so far as either side of the House is concerned. I agree that the sooner this is done the better.

However, I want to make this point: Very few of these provisions which are on the Statute book, and some of which appear almost childish and foolish in the light of today's customs, today's types of machinery, and present modes of living do much real harm. People are not prosecuted for breaches of them, and no great hardship is involved. In fact over the years, any Government which has found that one of these laws has been unearthed by a smart fellow, who has used it to cause embarrassment, has quickly taken action to have the law amended, and so removed the anomaly. I agree that is not enough, and we have to systematically comb the Statutes to keep them up to date in line with modern customs and everyday requirements.

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.

BILLS (6): RETURNED

1. Vermin Act Amendment Bill.
2. University of Western Australia Act Amendment Bill.
3. Fire Brigades Act Amendment Bill.
4. Forests Act Amendment Bill.
5. Radioactive Substances Act Amendment Bill.
6. Brands Act Amendment Bill.

Bills returned from the Council without amendment.

BILLS (2): RECEIPT AND FIRST READING

1. Public Trustee Act Amendment Bill.
2. Wills (Formal Validity) Bill.

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

PRESBYTERIAN CHURCH ACTS AMENDMENT BILL

Second Reading

Debate resumed, from the 10th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. SEWELL (Geraldton) [8.10 p.m.]: The Bill before us proposes to amend the Presbyterian Church Act, 1908, and the Presbyterian Church Act Amendment Act, 1919. The dates shown on the Bill prove that it is necessary for the Presbyterian

Church to come forward with an amendment to Acts which have been in use for a long time.

When introducing the Bill the Chief Secretary gave a comprehensive survey of the intentions of the Bill, and I agree with his comments. It seeks to give the commissioners more freedom to act with property owned by the church, such as the Presbyterian Ladies' College, Scotch College, and other institutions. With events moving so quickly in these times, the commissioners find it rather difficult to work under an Act which originated in 1908, and which was not amended until 1919.

The Bill seeks to amend one matter which will interest everybody. We all know that churches have certain rights and privileges which are not enjoyed by other people. The proposed amendment will ensure that the vesting of property in the newly-incorporated body shall be free of stamp duty and transfer fees, and that the exemption from municipal and water rates, and land tax, presently enjoyed by the colleges, shall continue to be enjoyed following separate incorporation. I take it this will apply to any other institution that may make similar approaches as the years go by. I have checked with the church authorities, and I find that the Bill contains what they require. I have much pleasure in supporting the second reading.

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.

BANANA INDUSTRY COMPENSATION TRUST FUND ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [8.17 p.m.]: I move—

> That the Bill be now read a second time.

In 1961, the Banana Industry Compensation Trust Fund Act was enacted to establish, by contributions from banana growers and the Government, a fund from which growers could receive compensation. This compensation is payable as a result of a disaster or threat to the banana growing industry.

Unfortunately, such a disaster did occur earlier this year, when a cyclone struck Carnarvon and the banana plantations. Fortunately, the compensation fund was available to assist growers.

It became apparent, when claims by the banana growers for compensation were being examined, that subsection (3) of section 27 of the Banana Industry Compensation Trust Fund Act was not worded in accordance with the original intention.

The Act at present refers to growers being required to carry only 20 per cent. of their estimated loss, irrespective of whether the loss is five per cent. or 50 per cent. of the total crop. Under these circumstances it would be possible for growers to claim continually on the fund for any minor loss suffered.

This situation would lead to the fund—to which the Government contributes 50 per cent. of all growers' contributions—becoming quickly depleted; and, as growers suffering a partial loss can be paid only on a *pro rata* basis if the fund is insufficient, this would defeat the object of the Act. Should there be a total loss the Treasurer is bound to pay compensation to the extent that it cannot be met from the fund.

The original intention of the Act was that no compensation would be payable for the first 20 per cent. of a banana grower's total crop, should a disaster occur and the payment of compensation become necessary.

I want at this stage to read a portion of the speech I made when introducing the legislation in 1961, as follows:—

> Any person entitled to compensation for partial loss will bear the first 20 per cent. of such loss, which in effect means that a 60 per cent. loss would drop to 40 per cent. for compensation purposes.

This apparently was overlooked, although stated when the Bill was introduced. The member for Gascoyne, who spoke on the debate, indicated his support of the legislation. It was also understood to be the position by the growers affected.

The grower organisations affected have indicated their support for the proposal that claims by banana planters be restricted to the damage in excess of 20 per cent. of the total crop. These organisations have been informed that this amending legislation would be introduced, to give effect to this proposal.

This Bill will correct a situation that was not intended when the original legislation was introduced. It will also bring the Act into line with what has already been accepted by those contributing to the Banana Industry Compensation Trust Fund and assure the stability of this fund. In addition, the opportunity is taken at this stage to include two small machinery amendments.

Debate adjourned, on motion by Mr. Kelly.

PRISONS ACTS AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [8.22 p.m.]: I move—

> That the Bill be now read a second time.

This is a small Bill to amend the Prisons Act. One of the prime responsibilities of prison staff is to ensure the maintenance of strict discipline and to prevent escapes. It is a natural corollary, therefore, that in order to maintain discipline it is essential that breaches of discipline be treated with sufficient severity to discourage their repetition, and especially is this so when breaches of discipline involve assaults on officers. As the Act stands at present it appears impossible to impose punishments which will have the necessary deterrent effect.

On the 22nd March this year there was a determined attempted escape from Fremantle gaol by four prisoners. Fortunately the escape was prevented. The magistrate hearing the case imposed on three of the prisoners sentences of 28 days in the cells, plus the loss of three months' remission, which normally is given for good conduct. The fourth man, who attacked an armed guard during the escape attempt, received the same penalty although the charge was of a much more serious nature. This could indicate either that the assault was not treated with sufficient severity, or else that the visiting justices are unable to impose any higher sentence. Indeed, it was the maximum which the justice could impose under the existing law.

It should be noted also that with the proclamation of the Probation and Parole Act, which is expected shortly, the maximum remission which can be forfeited is 36 days in any one year. Previously this was 91 days, so that it is obvious some remedial action is necessary, having regard to the circumstances I have just outlined to the House.

The matter of increasing penalties in a court of summary jurisdiction for prisoners charged with what it termed aggravated or serious prison offences has been exercising the Comptroller-General's mind for some time; and, in addition, the W.A. Gaol Officers' Union recently asked that, in the interests of maintaining discipline and deterring prisoners from committing breaches of discipline, penalties be increased under the Act.

Inquiries made in other States reveal that, in comparison with the penal clauses of the various Prisons Acts, the Western Australian penal provisions for aggravated offences are much lower.

It is felt that an increase of power and an increase of penalties under the Act are justified, because, to a great extent, of the degree of lawlessness shown, unfortunately, by many of the younger prisoners. It is felt the provisions of this Bill increasing the penalties will act as a deterrent to them and, in addition, give added protection to prison staffs.

This Bill proposes that, where prisoners are charged with an aggravated prison offence, sentences of an additional six months' imprisonment may be imposed; and, in addition, there may be a loss of remissions of up to one year.

A small amendment is also included in the Bill to correct a typographical error in the Prisons Act Amendment Act, 1963. This Act states, "This Act shall come into operation on the day on which Part II of the Offenders Probation and Parole Act, 1963 comes into operation." The reference to Part II is a typographical error and the reference should be to "Part III." Part II deals with the probation of offenders, and has no relevance; while Part III deals with the parole of offenders, which is relevant to the provisions of the Prisons Act Amendment Act, 1963. It is the intention of the Government to bring in Part III next month. Part II will be brought in at some later date.

Debate adjourned, on motion by Mr. Brady.

JUSTICES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th September, on the following motion by Mr. Court (Minister for Industrial Development):—

> That the Bill be now read a second time.

MR. EVANS (Kalgoorlie) [8.28 p.m.]: This Bill is, as stated by the Minister, designed to amend section 197 of the Justices Act, which section provides that if a person pleads guilty in a court of petty sessions—mainly through ignorance of the law—thereafter he is precluded by the limited provisions of this section from having the decision of the justice recorded in the court of petty sessions, reviewed by a Supreme Court judge. In other words, the section precludes the right of appeal to such a person under those circumstances.

It is interesting to note that section 36 of the Criminal Code of Western Australia reads as follows:—

> The provisions of this chapter apply to all persons charged with any offence—

I repeat "any offence"—

> against the Statute Law of Western Australia.

The chapter referred to is chapter 5 of the code, dealing with criminal responsibility. There are two very significant sections in this chapter and I would like to read them because they have a great bearing on the subject matter of the Bill before us. The marginal note to section 22 reads "Ignorance of law: *Bona fide* claim of right" and the section reads—

> Ignorance of the law does not afford any excuse for an act or omission which would otherwise constitute an offence, unless knowledge of the law by an offender is expressly declared to be an element of the offence.

I should like to repeat the words which are really the crux of that section—

> . . . unless knowledge of the law by an offender is expressly declared to be an element of the offence.

Section 23 reads—

> Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Finally, section 24, the marginal note of which is "Mistake of fact", reads—

> A person who does or omits to do an an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

I repeat: Section 36 of the Criminal Code, which is the last section in this chapter, states—

> The provisions of this chapter apply to all persons charged with any offence against the statute law of Western Australia.

My purpose in reading those sections has been to show that the provisions dealing with criminal responsibility—we might call them the excepting provisions in law—can relate to an offence for which a person can be charged in a court of petty sessions. They are not limited to offences which are heard, in the first instance, in a criminal court before a judge and jury. Therefore a person can be criminally responsible—in other words, guilty in respect of some offence where there is a mental element expressed in the offence itself—only where he wilfully performs an act, or wilfully makes some omission. That is according to the law; the process of the law allows it.

But if a person, through ignorance of the law, particularly if the offence is one where a mental element is expressed in the terms of the offence, is brought before the court and pleads guilty, the whole process of the law, which is there to protect such a person, is precluded by his own stupid, perhaps, act of pleading guilty in the first instance before the court of petty sessions. In that regard, therefore, the amendment now before us is one which goes in the right direction.

As a matter of fact, the Minister may recall answering some questions which I asked earlier in the session on this very matter. The answer I received was that a Bill had already been drafted along the lines suggested and had been introduced in another place. This was unbeknown to me and I was pleased to hear that such was the case. I am now pleased to speak to the Bill which is before this Chamber, having already been passed in the House of its introduction.

Section 197, which is the subject of the amendment in the Bill, provides one of the two opportunities for an appeal from a conviction or an order made by a court of petty sessions to be heard before a judge of the Supreme Court. One of these is provided by section 183 of the Justices Act, and with that we are not concerned at the present time. However, we are concerned with the other, which is covered in section 197; and which, in its present form, provides for an appeal by way of an order to review.

If the judge is satisfied on an affidavit of the evidence as to certain circumstances he may issue an order calling upon the party who wishes to uphold the decision of the court of petty sessions to show cause why such a decision should not be reviewed and set aside. As a result of the amendment which is before us section 197 will be repealed and re-enacted to provide, among other things, the provisions that are already in the section—

> The judge may, except where the person has the right of appeal under section 183 of this Act—

that is, the person who has been convicted and seeks an order by way of review, even though such a person may have pleaded guilty in the court of petty sessions and been convicted according to the law.

> —but otherwise, whether any other remedy is provided by law or not, within two months from the giving of the decision, grant the applicant an order calling upon the party interested in maintaining the decision—

and normally that will be the Commissioner of Police—

> —and also, if the Judge for any special reason so directs, upon the Justices to show cause, at a time to be specified in the order to review or so soon thereafter as the matter can come on for hearing, why the decision should not be reviewed.

In other words, this Bill as I see it purports to provide an opportunity for a person who, through ignorance, has pleaded guilty in a court of petty sessions, to have his case reviewed by a judge of the Supreme Court. As far as I can see, the measure effectively carries out that purpose, and I support the second reading.

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.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 10th September, on the following motion by Mr. Court (Minister for Industrial Development):—

That the Bill be now read a second time.

MR. DAVIES (Victoria Park) [8.40 p.m.]: This short Bill seeks to amend the Evidence Act in two ways. The first clause amends the interpretations by including an interpretation of a photograph; then section 65 is amended by adding a new section 65A which admits as evidence photographic copies of documents which are held by the Library Board of Western Australia.

The second part of this new section 65A gives the Library Board permission to appoint a certifying officer in connection with documents or photos of documents which are presented to the court. The Minister explained the position, and gave good reasons why the amendments were necessary, and we can only agree with those reasons. In fact, I think it is essential that the Act should be amended. With many documents we cannot afford to take the risk of their being damaged or lost by being removed from the archives section if they are required as evidence in court. It is not difficult to get photographs of documents today, as you well know, Sir; and, once the amendment is passed, I am sure it will be a relief to the State archives section.

This might be an opportunity to pay a tribute to the good work the archives section is doing. Under the State Archivist, Miss Molly Lukis, the staff have gathered about them a large number of documents which will be of great value from an educational and historical point of view, now as well as in the near future. The methods of storing them have been brought right up to date, and I know of many people who have used the archives section and who have received the greatest co-operation from Miss Lukis and her staff.

If one reads the reports of the State Library Board for the last few years one will readily appreciate the value of the work that is being done. Not only are the staff interested in old documents but they are also interested in preserving the present-day history of the State. I believe they have records of the Commonwealth Games that were held here two years ago, and they also have a complete record of the last visit of Her Majesty the Queen. So members will see they are taking every opportunity to keep up with history as it is made.

Another important aspect of the work of this section, I understand, has been to take tape recordings of people who have had some connection with the history of this State, especially members of the old pioneering families. I think it will be very valuable to have those records. It is a fine thing to place on record people's spoken impressions so that we can keep them as well as documentary evidence.

I should like to take this opportunity of paying a tribute to Miss Lukis and her staff for the work they are doing. As for the Bill itself, we support it.

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.

CANCER COUNCIL OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 3rd September, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. TOMS (Bayswater) [8.48 p.m.]: This Bill is designed to give greater powers to the Cancer Council. It also seeks to make the work of the council more flexible. The first amendment proposed in the measure is in clause 3, which seeks to alter the interpretation of the word "institute" by amending section 4 of the Act. At present in the Act, "institute" means a body constituted under this Act as a cancer institute. The new definition is a much wider one, and will give greater flexibility to the council. It reads—

> "Institute" means an institution for the detection or treatment of cancer and allied conditions established under section twelve of this Act as a cancer institute.

The second amendment in the Bill deals with the composition of the council. It seeks to enlarge the body as now constituted by adding a further two members to it. This is an amendment to section 6 of the Act. In the composition of this council the first 10 members are listed under certain categories, and the Bill gives the Minister power to nominate a further member. At the moment the council has the right to nominate a further two persons. If the amendment in the Bill is agreed to it will read, "not less than two and not more than four".

That amendment is necessary to subsection (2) of section 6 which reads, "Sixteen members appointed by the Governor comprise the council". That provision in the Act would have meant that the council was limited to 16, but the amendment proposes to enlarge it to possibly 18. So it is necessary to amend that section of the Act.

I do not know the real reason for adding to the members of the council except that the Minister in his second reading speech said that it should be able to include at least two more members for the purpose of perhaps fund-raising and of raising sympathy in certain sections of the community. That is a pretty vague sort of statement. It gives no indication as to who the persons appointed will be, or what their job shall be in connection with fund-raising or sympathy-raising in certain sections of the community. The Minister should have given us a little more information on that point, and I would like him to elucidate a bit further when he replies. What does he mean by raising sympathy in certain sections of the community? It is rather a vague statement with possibly larger implications than would appear to be the case at first glance.

The third amendment is to section 8. This widens the objects and functions in the medical field and includes the word "diagnosis". If the council is to be given further powers the amendment is necessary, and I do not think anybody will quibble about agreeing with it. The object, functions, and powers of the council are to be widened to a considerable extent by this amendment; because, apart from the adding of the word "diagnosis," the amendment will enable the council to build, establish, maintain, equip, control, and manage institutes. The amendment will also give the council power to publish information relating to the prevention, detection, and treatment of cancer and allied conditions. The Bill also states—

> Subject to section (1) of this section the Council may do all such acts and things as may be necessary to enable it to achieve its objects and to perform its functions and, in particular and in addition to any other powers conferred on it by this Act.

The council also may with the approval of the Minister in its corporate name appoint, supervise, control, suspend, and dismiss officers. It may acquire, hold, and dispose of real and personal property; it may borrow money, enter into contracts, and sue—and, as a body corporate, it can be sued. The council is also empowered to handle trust moneys.

I have no objection to the council being given the wide powers desired by the Minister, because a body working in such a particular field as this should not be hamstrung too much. So if we widen its powers we might be able to get away from a certain amount of red tape, and thus enable the council to achieve what the Act wishes it to achieve.

The other amendments in the Bill are mainly consequential. But I notice the amendment to section 19 states that the Minister may give power to the council to operate its own bank account. Since the Act was first proclaimed, the Treasury has been handling the finance of the council; and with the wider powers now sought by the Minister for the council, it is obvious that if the council could get away from the Treasury in the handling of its funds it would be easier for it to move, particularly if it is not subject to the restriction of certain departments. The council will also be required to keep its own accounts subject to the satisfaction of the proper authority.

I support the Bill, and I trust the Minister will be able to elucidate the points I have raised with regard to the duties of the two extra members to be appointed to the council. He might also mention the particular fields into which they will be required to delve.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [8.57 p.m.]: I thank the honourable member for his contribution to this debate. This is not a controversial piece of legislation at all. It attempts to improve the workings of the Cancer Council to the benefit of the people of Western Australia.

The only point raised by the honourable member was that in connection with the appointment of two additional members to serve on the Cancer Council. When I introduced the legislation I said it was intended to add two additional lay members to those already on the council, so as to permit the work of the council to become a little more flexible than it is at the moment, and to provide a wider representation of the public generally.

There is a pretty wide representation on the Cancer Council at the moment, but there is a very strong section of the council which is taken up by professional and medical men. The provision of the two lay members is intended not necessarily for fund-raising in the one case, and for the enlisting of sympathy in the other, but to bring in members of the public who perhaps will be able to assist the council in its fund-raising activities.

The Act provides for money for its purpose in a number of ways. One of the important methods is by appeal to the public, to business institutions, to industrial concerns, and so on—appeals for bequests and the like. These things do go on currently; but it is found that with a large number of professional men on the council, selected business men could well assist the council in its fund-raising activities. This aspect is very important.

I am afraid I cannot at this time inform the honourable member just who the lay members to be appointed will be, but I will seek the advice of the council, which has thought about these things for a considerable time.

Mr. Toms: There would not be much need to raise sympathy in any section. I think all sections of the public would be in sympathy with any effort.

Mr. ROSS HUTCHINSON: I think the honourable member may be right; but if he put the word "practical" in front of the word "sympathy" he might appreciate what we mean. I thank the honourable member for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Clauses 1 to 3 put and passed.

Clause 4: Section 6 amended—

Mr. TOMS: I move an amendment—

Page 3, line 1—Delete the words "a meeting" with a view to substituting the following words:—

the first meeting of the Council after the office of the member who is the President of the Council or Deputy President of the Council is vacated other than by virtue of subsection (11) of this section.

Mr. ROSS HUTCHINSON: I want to say at the outset that I am not going to oppose the principle of this amendment. However, to make the clause as amended read sense, it will be necessary to delete the words "a meeting of the Council"; otherwise there will be no meaning flowing from the words that are inserted.

The CHAIRMAN (Mr. I. W. Manning): I suggest that the honourable member withdraw his amendment and move another one.

Amendment, by leave, withdrawn.

Mr. TOMS: I move an amendment—

Page 3, lines 1 and 2—Delete the words "a meeting of the Council" and substitute the following words:—

the first meeting of the Council after the office of the member who is the President of the Council or Deputy President of the Council is vacated other than by virtue of subsection (11) of this section, .

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 11 put and passed.

Title put and passed.

Bill reported with an amendment.

BELLEVUE-MOUNT HELENA RAILWAY DISCONTINUANCE AND LAND REVESTMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Railways) [9.11 p.m.]: I move—

That the Bill be now read a second time.

This Bill deals with the discontinuance of the Bellevue-Mt. Helena railway with a view to revesting in Her Majesty portion of the land comprised therein. The legislation will come into operation on a date to be fixed by proclamation. This section of railway from Bellevue via Mundaring to Mt. Helena was opened for traffic in March, 1884. Until the tunnel route via Parkerville was introduced some 12 years later, it formed part of the main eastern line to Kalgoorlie.

In its early years, quite apart from the passenger traffic it handled, the line carried fairly substantial freight tonnages. In 1925, for example, paying freight traffic amounted to more than 75,000 tons, most of which consisted of firewood, timber, and also stone and gravel for metropolitan road building. Later these tonnages diminished, very nearly to vanishing point, and the line developed almost solely into one for the carriage of passengers.

The areas it served, because of their relatively sparse populations, could offer the line only limited patronage and its operation soon became a serious economic burden. Just how serious members can perhaps gauge from the fact that a year's passenger operations returned on an average little more than £6,000, while the cost of running the trains amounted to something like eight times that figure.

Obviously, with such a return, the line could not continue to be worked. Closure was first mooted as far back as 1951; but it was not until January, 1954, that rail services were eventually terminated. This decision was reached only after a very thorough investigation had been made by the Transport Board into the economics of continuing the service. The board recommended to the Government—

(i) that the rail service be suspended;

(ii) that all arrangements necessary be made for the running of an adequate road service for passengers, and that existing road services be allowed to cater for all freight traffic;

(iii) that if, after 12 months' trial of such road transportation, experience showed that it can cater adequately for the needs of the district, the railway be permanently closed.

The Cabinet of the day approved of this recommendation; and in January, 1954, Beam Transport Ltd. whose buses were already operating between Perth and Mundaring, took over all passenger transport in the area. The Railways Department at the time was also operating its own buses to Mundaring; and these, too, were withdrawn.

In May, 1955, the then Minister for Railways and Transport reported to Cabinet that "the poor financial return from

the Bellevue-Mt. Helena railway and the fact that suitable alternative transport was available, justified its closure and the line should remain closed". Cabinet, however, decided to take no further action on the closure at that time. The line was amongst others throughout the rail system which were investigated by a Royal Commissioner in 1958-59 and his findings were also in favour of not reopening it.

In July, 1960, the Railways Department recommenced operating on portion of the line as far as Koongamia. This represented less than a mile of track, but it was done to meet a number of requests from the Koongamia area. The extension was possible only because the railcars working in the suburban services could run the extra distance to Koongamia within the turnround time allowed for them at Bellevue, and in this manner the metropolitan schedules were not interfered with.

In 1960 legislation was presented to Parliament for the closure of the section from Boya—some two to three miles in from Bellevue—to Mt. Helena. This legislation was included in a Bill covering a number of other sections of railway, but was amended in the Legislative Council.

Apart from the economic reasons already advanced for closing the Bellevue-Mt. Helena railway, the advent of standard gauge in the Bellevue area will virtually sever the line from the main 3 ft. 6 in. gauge system. In this area the standard gauge formation is elevated and on a gradual "cant" and there are considerable engineering difficulties in making a crossing for the Bellevue-Mt. Helena line to link with the other 3 ft. 6 in. gauge tracks which will necessarily be confined to the northern side of the standard gauge. These difficulties, although they are capable of being physically overcome, can only be surmounted at very heavy cost, estimated to be in the vicinity of £85,000 to £100,000. The only alternative to this would be to bring the crossing closer to Midland where the standard gauge is almost back to ground level, but this too will mean resuming fairly lengthy tracts of land involving both private housing and factory sites, and on these grounds it is equally unacceptable.

These are the reasons, then, for seeking closure of the Bellevue-Mt. Helena railway—

Firstly—because settlement in the area is so widespread and scattered rail operations on the line are grossly uneconomic and not capable of best serving this particular type of area; and

Secondly—because standard gauge development through Bellevue will make the line's connection to the main 3 ft. 6 in. gauge system virtually impossible.

The Government has not been unmindful of the needs of the hills areas in so far as transport is concerned. It has recognised the fact that if these areas are to develop now and in the future, adequate public transport is a necessity.

Planning for these transport needs is therefore being developed on the basis of using buses in the hills areas and having them feed their passengers into rail at a new road-rail co-ordinating terminal to be established in the townsite of Midland. In this manner the Government believes people in the hills areas, including Bellevue and Koongamia, will have the best of both forms of transport—buses in the hills, where their flexibility will enable them to provide far better coverage for the present and future housing developments than is possible with a single fixed rail line; and trains, several of which will be on a fast, limited-stop service, in the more densely populated metropolitan region between Midland and Perth. It is anticipated these co-ordinated services will come into operation in the early part of the new year.

All of those centres which had previously been served by the Bellevue-Mt. Helena railway, will be catered for by the bus feeder service—Darlington, Glen Forrest, Mahogany Creek, Mundaring, Sawyers Valley; and, of course, Koongamia. Even Boya residents will have public transport, something they have been without almost since rail services were terminated in 1954. New smaller-type buses, better suited to the hills roads will be introduced, and passengers will be able to obtain "through" tickets for their combined bus and train journeys. Every aspect of the co-ordination scheme will have the emphasis on passenger convenience and the scheme as a whole should fulfil a much-needed want in the hills districts. I should add that this will be the first phase of what we hope will be a very effective system of rapid transit—one part of it based in the Midland area and the other part in the Kenwick-Armadale area.

There is a very good example from overseas that we have had the benefit of seeing. I refer particularly to the Cleveland rapid transit system. It is something that has to be introduced progressively. It is not something we can do overnight. I am quite certain that when the people of this area see the first phase operating early in the new year they will appreciate that it is a much improved form of transport to serve a very scattered area compared with the one they have had in the past either when the rail service was operating through Mt. Helena or since it was operating on a restricted basis to Koongamia.

Other areas will benefit also, because the people in the Swan Valley will be brought by buses into the Midland terminal. The first phase of the terminal construction programme will be the rail facilities. At the moment there is an

extensive plan for development by the Railways Commission in conjunction with the Town Planning and Main Roads Departments. In the very near future this is to be discussed with the Midland Town Council to let it know what the Railways Department proposes in respect of the large piece of land recently acquired from the Midland Railway Company.

The proposal is an imaginative one and not only will it bring good transport services to the Midland district but it will also be of great commercial advantage to the town of Midland when it is fully developed. I want to emphasise further that this will be in two parts: the first will be the provision of the rail terminal and parking facilities and the like to enable the first part of the rapid transit system to operate from the hills areas feeding into Midland and from the Swan Valley feeding into Midland. The next phase will be the commercial development of the land recently taken over from the Midland Railway Company, which is to be the subject of discussions with the Midland Town Council.

Debate adjourned, on motion by Mr. Brady.

House adjourned at 9.23 p.m.

Legislative Council

Wednesday, the 16th September, 1964

CONTENTS

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

QUESTIONS ON NOTICE

FERTILISERS

Price of Minerals Used in Production

1. The Hon. H. R. ROBINSON (for The Hon. C. R. Abbey) asked the Minister for Mines:

   (1) Will the Minister advise the price of the following minerals used in the production of fertilisers in Western Australia as at the 1st August, 1963, and the 15th September, 1964—

   (a) Copper sulphate;

   (b) copper ore;

   (c) zinc oxide;

   (d) cobalt;

   (e) molybdenum; and

   (f) manganese?

Price of Raw Materials

   (2) Has there been any increase during the past year in the cost of raw materials used in manufacture of—

   (a) Christmas Island phosphate;

   (b) superphosphate; or

   (c) urea?

The Hon. A. F. GRIFFITH replied:

(1) and (2) The information asked for in this question is being sought and will be made available to the honourable member when received.