The Hon. L. A. LOGAN: I am talking about Standing Order 46.

The Hon. G. C. MacKINNON: Might I direct the honourable member's attention to Standing Order 47 under which—if we did as suggested by Mr Logan—we would be guilty of contempt. This, of course, is different from losing one's seat. But under Standing Order 47, if a member is absent for more than six consecutive sittings without leave he is guilty of contempt of the House and would be accordingly liable.

The Hon. N. E. BAXTER: Provision is now made that a member's seat shall become vacant if he does not attend one entire session. That would be the case under the amendment. Previously his seat was declared vacant if he were away for two consecutive months without leave. As explained by Mr. MacKinnon, under Standing Order 47, a member can be called before the House for contempt if he misses six consecutive sittings without leave.

Question put and passed; the recommendation agreed to.

Report

On motion by The Hon. N. E. Baxter, report adopted.

BILLS (4): RECEIPT AND FIRST READING

1. Clean Air Act Amendment Bill.

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

2. Anatomy Act Amendment Bill.

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

3. Vermin Act Amendment Bill.

4. Noxious Weeds Act Amendment Bill.

   Bills received from the Assembly; and, on motions by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

NATIVES (CITIZENSHIP RIGHTS) ACT REPEAL BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.26 p.m.]: I move—

That the Bill be now read a second time.

For the past several years the sole remaining function of the Natives (Citizenship Rights) Act has been to provide a means of granting liquor rights to socially advanced Aborigines living in those areas where restrictions against the sale of alcohol to the general Aboriginal population still obtained.

When these restrictions were lifted on the 1st July, the Act became virtually redundant, and this Bill has been brought down to remove it from the Statute book.

The repeal of the Natives (Citizenship Rights) Act will leave only one minor piece of Western Australian legislation which discriminates against Aborigines.

The Native Welfare Act still requires that the approval of the Commissioner of Native Welfare be obtained before an Aboriginal can be taken outside the State.

This provision, which was originally enacted to ensure that unsophisticated Aborigines were not taken away from their home State without some adequate provision being made for their return is little used now and since there are other ways to meet the situation it is my intention to seek Parliament's approval to its repeal when I bring down major welfare legislation, possibly later in the session.

With the passage of this Bill, statutory discrimination—to all intents and purposes—will be a thing of the past; although, unfortunately, because of their depressed social status, our Aboriginal citizens will still be subject to other forms of discrimination.

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

House adjourned at 5.28 p.m.

Legislative Assembly

Tuesday, the 17th August, 1971.

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

POWER LINES

Foothills Route: Petition

MR. BATEMAN (Canning) [4.32 p.m.]: I have a petition duly signed by the organiser which I wish to present. It is addressed as follows:—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliamen of Western Australia, in Parliament assembled.
>
> We, the signatories to the petition would like to place on record our disapproval of the plan to bring high voltage State Electricity Commission power lines/towers through the Foothills of the Seaforth Area.
>
> Your petitioners therefore humbly pray that your Honourable House will give immediate consideration to the realignment of the Tower Foothills Route and your petitioners, as in duty bound, will ever pray.

The petition is signed by 50 people, and it bears my signature. I certify that it is in accordance with the rules of the House.

The SPEAKER: I direct that the petition be brought to the Table of the House.

PILBARA REGION

Future Development: Notice of Motion

MR. COURT (Nedlands—Deputy Leader of the Opposition) [4.33 p.m.]: I give notice that at the next sitting of the House I will move—

That, in the opinion of this House—

(1) Future development of the Pilbara Region should conform to the principles planned and being followed by the previous administration, namely;

Natural resources to be developed by groups capable of developing and operating on an approved basis to ensure economic stability and security to the region over a long term.

The programme to provide for iron ore mining operations which will permit beneficiation, upgrading, integration and processing (including production of metal) of all types of ores on a basis to avoid excessive early mining of high grade ores without proper regard for the long term objectives that are economically practicable through co-ordinated and rationalised large scale development.

Co-operation with Australian and multi-national corporations and the Commonwealth and other State Governments to develop large tonnage export steel complexes in Western Australia and in the Eastern States through the economic and co-ordinated use of Western Australian iron ore and other indigenous materials and Eastern States coal.

All towns, railways, ports, power, water, education, health and other community facilities to be so planned and co-ordinated that they expand as logical developments of the initial regional framework already established and thus avoid duplication and fragmentation of development so that the overall objectives of stability, long life and maximum economic recovery of resources are not defeated or inhibited.

The royalties, rents, commitments for essential services and community facilities and other developments such as ore beneficiation, upgrading, integration and processing and contributions in lieu of commitments avoided because of use of established facilities, will not in the case of new projects under negotiation or negotiated in the future be such as to give these new projects advantages over established projects or those currently under construction.

Where contributions are made to the Government by new projects in lieu of actual provision of essential services and community facilities then such contributions will where practicable be spent on the development of the region with the object of encouraging and assisting consequential regional growth and community facilities which will encourage more people to make the Pilbara Region their permanent home.

Implementation of a policy of diversification of Pilbara products and industries, including other minerals, fisheries, agriculture, chemical processing and tourism to give greater economic and social strength to the region and thus further encourage permanent residence of families.

(2) The Government should place before this House full details of the Pilbara iron ore decisions it has made since taking office, the rights and commitments of the Parties concerned in those decisions and the Government's overall plan of which these decisions are intended to form a part.

(3) The Commonwealth Government should be approached to participate in the provision of community facilities and essential services related to the development programme and thus improve the overall export economics from an internationally competitive point of view as well as permit maximum Australian financial participation and the consequential growth which will produce the maximum benefits to the region, the State and the nation.

Mr. Graham: Is that the motion, or the speech?

Mr. Jamieson: Who wrote that, Hancock or Wright?

The SPEAKER: I am accepting this motion at the present time, but there is no guarantee it will appear on the notice paper. I have had a look at the interpretation which appears on page 57 of the Standing Orders. There is a distinct possibility that the motion may be *sub judice*.

Mr. COURT: Might I ask, Mr. Speaker, that when considering the interpretation I have an opportunity to discuss the matter with you because I have studied this aspect of it?

The SPEAKER: The Deputy Leader of the Opposition will be given that opportunity.

QUESTIONS (23): ON NOTICE

1. WATER SUPPLIES

Boddington

Mr. W. A. MANNING, to the Minister for Water Supplies:

What is planned to provide a more reliable water supply with greater capacity for the town of Boddington?

Mr. JAMIESON replied:

A pipeline from the Wellington-Narrogin main is envisaged should bauxite mining result in an appreciable increase in water demand. Otherwise further local storage will meet the demands of normal development.

2. MINING

Bauxite: Mt. Saddleback

Mr. W. A. MANNING, to the Minister for Industrial Development:

Will he advise the progress made and the present position in regard to bauxite mining in the Mt. Saddleback area near Boddington?

Mr. GRAHAM replied:

Under the provisions of the agreement it has with the State, Alwest Pty. Ltd. has until the 31st December, 1972, to give notice that it intends to proceed.

The company's engineering investigations and cost estimations are proceeding, as are discussions with overseas-based companies regarding contracts for the sale of alumina.

3. RAILWAYS

Reduction of Wool Freight

Mr. W. G. YOUNG, to the Minister for Railways:

To which railway stations and sidings does the recently announced 50 per cent. rail freight concession for wool railed to Albany apply?

Mr. BERTRAM replied:

Narrogin and towns south thereof to Albany.

Wagin to Hyden and Newdegate.

Wagin to Kylie.

Katanning to Pingrup.

Katanning to Asplin.

Tambellup to Gairdner River.

4. TEACHERS

Salary Fixation

Mr. LEWIS, to the Minister for Education:

(1) Does he propose to continue the system whereby the Minister makes the determination of teachers' salaries which is then subject to appeal to the teachers' tribunal whose decision is final?

(2) If not, does he propose to set up an independent statutory body to make these determinations?

(3) If (2) is "Yes" will this be effective in time for the next determination normally due on 1st July, 1973?

(4) Does he propose to have the determinations made at more frequent intervals than once in three years?

(5) If so, when will the next one be made?

Mr. J. T. TONKIN replied:

(1) to (5) At this stage no decision has been made.

5. GOVERNMENT DEPARTMENTS

Goods Supplied by the Eastern States

Mr. COURT, to the Minister for Industrial Development:

(1) Will he please list the Government departments and the nature of the materials, uniforms and blankets which he is reported in the *Albany Advertiser*, Monday, 9th August, 1971, to have said were worth $146,000 and which were being purchased in the Eastern States?

(2) Will he also give the reasons why these orders were placed in the Eastern States by these departments in view of the preference for local products policy of Governments in the past?

Mr. GRAHAM replied:

(1) Government Authority—

Government Stores—	Product
Prisons	Uniform Cloth
Mental Health Services	Uniform cloth
Drapery stock	Uniform cloth
Port Authority	Uniform cloth
Police	Uniform cloth
W.A.G.R.	Uniform cloth
Metropolitan Transport Trust	Uniform cloth
W.A. Fire Brigade Board	Uniform cloth
Government Stores	Blankets
W.A. Fire Brigade Board	Blankets
Princess Margaret Hospital	Blankets
Royal Perth Hospital	Blankets

(2) These orders were to be placed with Eastern States' manufacturers because the price submitted by them was lower than that quoted by Albany Woollen Mills, even after allowing the 10% preference to locally manufactured goods.

The company had also advised that it no longer intended to produce worsted cloth. This decision was changed after discussion with Government representatives.

6. QUARANTINE

Mobile Control Unit: Eyre Highway

Mr. NALDER, to the Minister for Agriculture:

(1) What were the dates the first mobile inspection unit operated on the Eyre Highway?

(2) How many officers were engaged to operate the unit?

(3) What was the total cost?

(4) How many inspections were made of vehicular traffic—

(a) operating from Western Australia to the Eastern States;

(b) operating from the Eastern States to Western Australia?

(5) How many inspections resulted in the confiscation of materials, goods, plants or fruit?

(6) How many inspections resulted in the order for treatment of goods, material or stock?

(7) Was any action taken against the owners or agents of vehicles checked?

(8) If (7) is "Yes" what was the number?

Mr. H. D. EVANS replied:

(1) 17th August to 6th November, 1970.

(2) Three officers.

(3) The operational cost for the three months period is estimated at $3,800. The value of capital equipment used for the exercise was approximately $15,000.

(4) (a) Quarantine regulations do not apply to outgoing traffic.

(b) 2,539 vehicles.

(5) 600 vehicles were found to be carrying material subject to import restrictions. 876 separate lots were confiscated including a wide range of plant products and packaging materials.

(6) All plant material and second hand containers confiscated were destroyed by burning. There were five instances of alsation dogs not complying with entry requirements. One owner elected to have the dog destroyed, one dog was returned east and the other three finally satisfied entry conditions.

(7) Warnings were issued but no legal action was taken.

(8) Answered by (7).

Mr. Court: That is a pretty rough way of doing it.

7. FRUIT FLY ERADICATION

Fumigation of Fruit

Mr. NORTON, to the Minister for Agriculture:

(1) When a district is carrying out a concentrated campaign to eradicate fruit fly, does he consider that it is essential that all fruit sent into that area should be fumigated?

(2) Are there any regulations which can require this to be done and, if so, what are they?

(3) What is the cost per case for fumigation?

Mr. H. D. EVANS replied:

(1) There are restrictions on the movement of fruit from the metropolitan region into southern fruit growing areas. Fumigation and/or cold storage treatments are regularly used. The recently formed Orchard Pests Advisory Committee has under consideration the widening of requirements to protect other fruit growing areas and will be submitting recommendations.

(2) Regulations under the Plant Diseases Act require that fruit going from Zone 1 (Metropolitan and near Metropolitan area) into Zone 2 (South West and Great Southern area) must be fumigated or subjected to approved precooling treatment.

(3) The cost of fumigation at the Metropolitan markets is 10 cents per bushel case. Where fruit has to be transported to the markets specifically for fumigation, transport would be an additional cost.

8. SCHOOLS

Carnarvon: Special Classes

Mr. NORTON, to the Minister for Education:

(1) How many "special" classes are there in—

(a) Carnarvon central primary school;

(b) East Carnarvon primary school?

(2) Is it considered by his department that there are sufficient "special" classes at these two schools and, if not, will extra "special" classes be established, and when?

Mr. J. T. TONKIN replied:

(1) (a) One.

(b) None.

(2) The Department is at present investigating the need for additional special classes at Carnarvon and a decision will be made when all the facts are known.

9. TEACHERS

Promotions: Preference

Mr. LEWIS, to the Minister for Education:

With reference to his reply to question 12 of Wednesday, 11th August, how does he propose to give effect to this in view of the fact that appeals against promotions are considered by the teachers' tribunal, whose decisions are final?

Mr. J. T. TONKIN replied:

By amending the regulations which lay down the criteria by which the Teachers' Tribunal determines the relative claims of applicants for advertised vacancies.

10. CHAPMAN ROAD, BENTLEY

Current Work

Mr. BATEMAN, to the Minister for Works:

(1) What is the nature of the work currently being carried out by his department in Chapman Road, Bentley?

(2) Is he aware that considerable inconvenience is being occasioned to local residents and motorists resulting from this work?

(3) When is it anticipated that the work will be completed?

Mr. JAMIESON replied:

(1) Sewerage.

(2) Yes.

(3) 6th September, 1971.

11. MEAT RESEARCH GRANT

Allocation to Western Australia

Mr. RUNCIMAN, to the Minister for Agriculture:

(1) How much of the Commonwealth Government's meat research grant of $3,653,171 will be apportioned to Western Australia?

(2) Will any of this money be used in meat research in Western Australia and, if so, what will be the nature of the research?

(3) How much was spent in meat research in Western Australia in 1969-70?

(4) What was the nature of the research?

(5) When the Commonwealth allocates funds from the meat research fund account, does it stipulate how the money should be spent?

Mr. H. D. EVANS replied:

(1) The funds from levies on cattle, sheep and lamb slaughterings and the matching contributions from the Commonwealth Government make up the $3,653,171 administered for meat research in Australia by the Australian Meat Research Committee. The committee recommends finance for specific research projects (which may have application in Western Australia although the research is not done here). There is no specific allocation of funds on a State basis. Funds approved may be spent only on the approved project.

(2) The Australian Meat Research Committee has allocated $101,000 in 1971-72 for research projects in Western Australia on:—

Beef production in the agricultural areas.

Beef fattening at Kununurra in conjunction with breeding on stations.

Cattle nutrition.

Evaluation of sown pasture legumes for sheep.

Intensive lambing.

Sheep fertility.

Control of cysticercosis.

Lupins and lupinosis.

Operations management on properties with large numbers of sheep and/or cattle per man.

(3) and (4) The Australian Meat Research Committee allocated $56,561 in 1969-70 for projects on:—

Beef production on the agricultural areas.

Beef fattening at Kununurra in conjunction with breeding on stations.

Cattle nutrition.

Evaluation of sown pasture legumes for sheep.

Intensive lambing.

Sheep fertility.

(5) Answered by (1).

12. VEGETABLES

Exports

Mr. RUNCIMAN, to the Minister for Industrial Development:

(1) What varieties of vegetables were exported to Asian countries from Western Australia in the years 1969-70 and 1970-71?

(2) What was the value of these exports?

(3) Are there any indications that an expanding market in these countries could be expected?

(4) What can be done to improve market prospects in these countries?

Mr. GRAHAM replied:

(1) Fresh potatoes, tomatoes, onions, beans and other vegetables. Dried shelled beans, peas, lentils and other leguminous vegetables; and frozen vegetables.

(2) The value of these exports for 1969-70 was $1,609,567. Details for the year 1970-71 are not yet available.

(3) The demand for fresh vegetables in South East Asia is expanding in tune with the rise in living standards, tourism and providoring trade. Western Australia's trade is based on Asia's out-of-season supply and short market situation when prices are favourable.

(4) A recent survey reveals it as being uneconomic to consider regular planting and commercial production on a reasonable scale for this market. However, there is good potential for increased trade when traditional Asian supplies are off season.

13. STEEL INDUSTRY

Location at Long Point, Warnbro Sound

Mr. RUSHTON, to the Minister for Industrial Development:

(1) Will he indicate whether Long Point, Warnbro Sound is one of the sites being considered for an iron and steel industry?

(2) Is Long Point, Warnbro Sound being considered as a site for any other industry?

Mr. GRAHAM replied:

(1) Long Point is not being considered by the Government as a possible site for an iron and steel industry.

(2) Not to my knowledge.

14. BUILDERS' REGISTRATION BOARD

Complaints

Mr. WILLIAMS, to the Minister for Works:

(1) For each of the years ended 30th June, 1968 to 1971 inclusive, what were the total number of complaints by home builders against registered builders submitted to the Builders' Registration Board?

(2) In each of these years, what were the number of complaints which were found to be justified by the board's inspectors?

(3) Apart from instructions to rectify the complaints, in how many cases for each of the years mentioned did the board take further action against the registered builder concerned?

(4) Of the numbers mentioned for each year in (2), on how many occasions was the same builder involved that is—

(a) twice only;

(b) three times only;

(c) more than three times?

(5) How many inspectors are presently employed by the board—

(a) full-time;

(b) part-time?

(6) In each year how many builders have been deregistered?

Mr. JAMIESON replied:

Builders' Registration Board statistics are kept on a calendar year basis and the questions have been answered accordingly.

(1) 1968 464
1969 365
1970 361

(2) The board investigates all complaints received and up to 40% could be considered justifiable.

		Reprimand	Suspension	De-registration
(3)	1968	5	—	1
	1969	2	2	1
	1970	8	—	1

(4) (a)	1968		53
	1969		48
	1970		37
(b)	1968		31
	1969		20
	1970		12

(c) 1968 45
1969 30
1970 27

(5) (a) 3.
(b) Nil.

(6) 1968 1
1969 1
1970 1

15. MINING

Greenbushes Area

Mr. REID to the Premier:

(1) What action is the Government taking to ensure that the mining companies at present undertaking mining operations south of Greenbushes and adjacent to the South Western Highway reconstruct the area to a satisfactory state following the completion of mining?

(2) If no action is contemplated, does the Government intend to allow the devastation of the area to go unchecked?

Mr. J. T. TONKIN replied:

(1) In June the Government appointed an inter-departmental committee to study the Greenbushes mining operations and to recommend what steps should be taken to improve the unsightly appearance of the mine workings.
Following a recommendation of the committee the two companies at present mining in the area have had pointed out to them the need for progressive restoration of the mined out areas. This area will be visited by an inspector from the Mines Department in October to check on measures being taken by the companies.

(2) Answered by (1).

16. BUNBURY HARBOUR

Dredging Contract

Mr. WILLIAMS, to the Minister for Works:

(1) What percentage of the Bunbury harbour dredging contract has been completed?

(2) What does this constitute in yards of material removed?

(3) In how many, and what areas has hard material been encountered in excess of that determined by the initial survey and stated in the tender documents?

(4) What extra amount of hard material does this amount to?

(5) Under the terms of the contract, does the company have the right to re-negotiate price, conditions and extension of time for these additional problem areas?

6) If so, to what extent is the contract likely to be varied in price, time, etc.?

Mr. JAMIESON replied:

(1) 37% as at 31st July, 1971.

(2) 3,570,000 cubic yards.
Material excavated:
contract No. 1 Dredging Industries (completed) 780,000
Material excavated:
contract No. 2 Hyundai Constructions (in progress) 2,790,000
3,570,000

(3) In one area, i.e. from 4,800 feet to 7,500 feet in the outer approach channel harder material was encountered between levels —29 to —36.

(4) 117,000 cubic yards.

(5) The contractor has the usual rights applying to a Public Works Department engineering contract to claim for additional payments and extensions of time.

(6) At this stage it is premature to make any assessment of likely variation.

17. TEACHERS

Appointments: Preference

Mr. WILLIAMS, to the Minister for Education:

(1) As it is the Government's intention to insert by regulation preference to unionists for teaching appointments will provision be made to enable members of the profession to apply for exemption on the grounds of conscientious belief?

(2) If not, why not?

(3) If so will the provisions be the same as those provided for members of industrial unions under section 61B of the Industrial Arbitration Act?

(4) How will the application be made, to whom, and who will grant the exemption?

(5) How, and when will members be notified of their rights to apply for exemption?

Mr. J. T. TONKIN replied:

(1) No.

(2) Since the amendments refer only to promotion and no compulsion to join the Teachers' Union is involved, such a provision is not considered necessary.

(3) to (5) See answer to (1).

18. NURSES

Equal Pay

Mr. WILLIAMS, to the Premier:

(1) Did he during the election campaign or has he since stated that his Government will grant nurses equal pay?

(2) If so, when will this be implemented?

(3) If not, why not?

Mr. J. T. TONKIN replied:

(1) Labor Party policy stated "We shall grant to the nurses equal pay for work of equal value."

(2) and (3) The date of implementation will be announced when the decision has been made.

19. WATER SUPPLIES

Additional Reservoirs

Mr. A. R. TONKIN, to the Minister for Water Supplies:

(1) Having regard to the expected population increase in Western Australia over the next two decades, how many new reservoirs will be necessary in that time to supply—

(a) the metropolitan area;

(b) the relevant parts of the rural areas?

(2) Are enough suitable catchment sites available?

Mr. JAMIESON replied:

(1) (a) After the South Dandalup Dam is complete, three major dams will be built within the catchments under the control of the Metropolitan Water Board. Subsequently a number of smaller dams will be given consideration and undoubtedly some of these will be built.

(b) It is anticipated that at least two new reservoirs will be needed.

(2) The Metropolitan Water Board plans for the supplies from Hills sources referred to in (1) (a) to be supplemented substantially by the development of underground resources. Depending upon the rate of increase in the demand for water, and the total amount which is found to be obtainable from underground, during the latter part of the period it may be necessary to bring water to the metropolitan system from outside the area at present under the board's control and possibly to commence desalination of brackish water.

As regards the reservoirs required for supply of rural areas as stated in (1) (b) suitable sites are available.

20. MORLEY PRIMARY SCHOOL

Library Subsidy

Mr. A. R. TONKIN, to the Minister for Education:

As the Howard Beau-Leeney Library attached to the Morley primary school was completed just prior to the new subsidy scheme which was introduced on 1st January, 1971, will he give consideration to the granting of the increased subsidy to the Morley Parents and Citizens' Association?

Mr. J. T. TONKIN replied:

Only building projects completed since 1st January, 1971, are eligible for the new subsidy and it is regretted that projects completed before that date cannot be given any retrospective benefits.

21. POSEIDON MINE

Agreement with Government

Mr. COURT, to the Premier:

(1) On what grounds did he say in his political column in *The West Australian* on 12th August that the previous Government was evading a decision in connection with the Poseidon agreement when in fact their negotiations with the company proceeded along the normal and logical lines and there was neither evasion nor unnecessary delay on the part of the then Government?

(2) Does he know that negotiating drafts of an agreement had been prepared before the elections?

Mr. J. T. TONKIN replied:

(1) When this Government took office, the question of an agreement with Poseidon Limited had been before the previous Government since June, 1970.

(2) Yes, as at the 3rd March there was an agreement at the second draft stage. A further four drafts were prepared and considered between then and when the agreement was signed on 27th July, 1971.

22. STATE SHIPPING SERVICE

Funds for Replacements

Mr. COURT, to the Premier:

In view of his comments in his political column in *The West Australian* of 12th August, 1971, about the State Shipping Service, will he advise—

(1) What Government expenditure would he have deferred to channel additional money to the State Shipping Service for a replacement fleet over the last five years?

(2) During this period, were not State Shipping Service vessels fully committed and, if not, which State Shipping Service vessels sailed on their northern journeys over the last five years of the Brand Government administration without full cargoes because of road transport to the Pilbara which he apparently regards as a threat to the State Shipping Service?

(3) Does he disagree with the previous Government's decision to keep State Shipping Service freight rates down even though the commission sought increases or does the Government plan State Shipping Service freight increases to assist the State Shipping Service budget?

(4) (a) How much did the previous Government arrange to accumulate as at 20th February, 1971, in State Shipping Service Funds for purchase of replacement ships;

(b) Has this money been substantially the reason why arrangements could be made to purchase the replacements ships soon to be delivered and which had been canvassed during the term of the previous Government?

Mr. J. T. TONKIN replied:

(1) The $5 Million spent during the last three years by the Government of which the Member was an influential Minister, in paying consultants and firms for advice and feasibility studies, could have been used to enable the Government to channel additional money to the State Shipping Service.

23. TERTIARY EDUCATION, BUNBURY

Site

Mr. WILLIAMS, to the Treasurer:

(1) What is the probable site for tertiary education facilities in Bunbury?

(2) Should it be part of reserve 670 and also include the rifle range, what steps have been taken—

(a) to excise the required part of reserve 670;

(b) to give notice to the Commonwealth for resumption of the rifle range?

(3) Is it correct that the rifle range is leased from the State by the Commonwealth on an annual basis?

(4) What are the conditions of the lease, when was it first issued, and for what purposes can it be resumed?

(5) Would he provide a copy of the lease to me?

Mr. T. D. EVANS replied:

(1) to (4) Future planning of reserve no. 670 includes the closure of the rifle range on reserve no. 16044, which is surrounded by reserve no. 670, in order that the area may be planned as a whole. The Commonwealth Government, which has a lease over reserve no. 16044, granted in 1915 on a year to year basis, has indicated that it is willing to surrender its lease provided that an alternative area, suitable for use as a rifle range is provided. Negotiations have proceeded over several years, but a suitable site, available for leasing to the Commonwealth, has not been located.

A right of resumption for public purposes is provided but as the Commonwealth Government has overriding powers of compulsory acquisition, the resumption provisions are of no practical effect without Commonwealth co-operation.

(5) Yes. A copy of the lease has been made available by the Lands Department.

QUESTIONS (4): WITHOUT NOTICE

1. TRAFFIC

"Stop" Signs: Change in Law

Mr. MAY (Minister for Mines): On Thursday, the 12th August, the Deputy Leader of the Opposition asked a question without notice of the Minister representing the Minister for Police. The question was as follows:—

> Do I take it from the answer given that the Minister did not make the statement that this State would adopt the new procedure?

The answer to the Deputy Leader of the Opposition's question is contained in the last paragraph of an answer to a previous question without notice asked on Thursday the 12th August. It is as follows:—

> He is awaiting advice from the National Safety Council and has made no statement to indicate that the traffic law signs will be changed.

2. ROAD MAINTENANCE TAX

Abolition: Replacement of Revenue

Sir DAVID BRAND, to the Premier:

Now that the Premier has introduced a Bill to repeal the Road Maintenance (Contribution) Act, will he indicate to the House the date on which he will outline measures by which he proposes to raise the funds necessary to replace the road maintenance tax ?

Mr. J. T. TONKIN replied:

Yes.

3. STATE SHIPPING SERVICE

Funds For Replacements

Mr. COURT, to the Premier:

In regard to question 22 on the notice paper, am I right in assuming that the Premier handed in the replies to parts (2) to (4)? As I recall it the Premier read the answer to the first part of the question only.

Mr. J. T. TONKIN replied:

Parts (2) to (4) were answered in the reply to part (1).

Mr. COURT: I seek some clarification. I am not trying to be difficult; however, the answer handed to me includes a full page of answers to parts (2) to (4), but I recall the Premier reading the answer to (1) only.

Mr. J. T. TONKIN: I apologise to the Deputy Leader of the Opposition. I thought he was referring to a previous question on the notice paper which had no answers at all to parts (2) to (4). You will recall, Mr. Speaker, that I was a little late in rising to my feet because I was then writing in "See answer to (1)." I overlooked the answers to which the Deputy Leader of the Opposition refers and, with your permission, Sir, I will now read them. They are as follows:—

(2) Bearing in mind that the State Shipping Service is committed to a timetable schedule in relation to five of its vessels, it can be said that generally all vessels of the service were fully committed on the Northern run during the 5 years to 20th February, 1971, with the exception of the traditionally slack periods each year during the North West Wet Season from December to March inclusive, and on odd occasions because of interruption to schedules or a slowing down of cargo received (usually towards the close of the financial year period).

During the period October, 1967 to April, 1968, the service was slightly over-tonnaged when a chartered ship was engaged in anticipation of an increase in cargo for iron ore projects, all of which did not materialise.

The extent to which road transport may have affected the availability of cargo to State Shipping Service vessels on such occasions was not capable of being defined with any degree of certainty.

(3) It is always desirable that freight increases should be avoided whenever possible, but from time to time some increases are inescapable when substantially increased costs of operation have to be financed.

(4) (a) An amount of $3,187,571 was accumulated in State Shipping Service No. 2 bank account as at 20th February, 1971. This was derived from private borrowings which commenced in June, 1968, and from funded depreciation which commenced in December, 1967.

The fund was established for the purpose of financing capital expenditures without recourse to the General Loan Fund.

(b) Yes.

4. STATE SHIPPING SERVICE

Funds for Replacements

Mr. COURT, to the Premier:

Arising out of the answer he gave to part (1) of the same question, in view of the fact that I have missed the time for handing in questions to be answered tomorrow, would the Premier be good enough to advise the House tomorrow of the details of the $5,000,000 to which he referred, and which projects his Government would not have proceeded with had it been the Government in office at the time?

Mr. J. T. TONKIN replied:

Yes.

BILLS (2): THIRD READING

1. Clean Air Act Amendment Bill.
2. Anatomy Act Amendment Bill.

Bills read a third time, on motions by Mr. Davies (Minister for Health), and transmitted to the Council.

VERMIN ACT AMENDMENT BILL

Third Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [5.03 p.m.]: I move—

That the Bill be now read a third time.

At the resumption of the second reading debate the member for Moore and the Deputy Leader of the Opposition both asked for information relating to the taxpayer or taxpayers who had objected. The information is that there was only one taxpayer involved, and the objection arose out of the 1969-70 assessment. The amount of tax involved is $1,000.

However, it is the opinion of the State Taxation Department that if the current objection was to succeed several other cases could be anticipated, involving possible refunds of about $30,000 also arising out of the 1969-70 year. This information appertains to the measure before us and also to the Noxious Weeds Act Amendment Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

NOXIOUS WEEDS ACT AMENDMENT BILL

Third Reading

MR. T. D. EVANS (Kalgoorlie—Treasurer) [5.04 p.m.]: I move—

That the Bill be now read a third time.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [5.05 p.m.]: On a point of clarification, would the Treasurer indicate whether the figure of $30,000 representing potential refunds if certain other claims were made, is intended to be the total under the two Acts in question, or only under one Act?

MR. T. D. EVANS (Kalgoorlie—Treasurer) [5.06 p.m.]: I understand that the $30,000 by way of refunds would embrace both Statutes.

Question put and passed.

Bill read a third time and transmitted to the Council.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Recommittal

MR. MENSAROS (Floreat) [5.07 p.m.]: I move—

That the Bill be recommitted for the further consideration of clause 4.

I make this move under Standing Order 291. You, Mr Speaker, and members of this House will recall the sequence through which this Bill passed; I will reiterate the sequence very briefly in order to give the reasons for this motion of recommital.

At the second reading stage I pointed to some inequities in the Bill and I asked the Minister to examine them. I do not think the Minister completely understood me, and this could have arisen through my fault. The member for Boulder-Dundas shared my view that by agreeing to the clause as it is we might be doing something which is ambiguous; and he said we should make the provision quite clear. Consequently, the member for Boulder-Dundas agreed with me that the Minister might look into the matter and clarify the provision in the clause so that members would be satisfied that they were doing the right thing by agreeing to it.

Subsequent to this, from his long experience of Standing Orders and the procedures of this Parliament, the member for Narrogin saved the situation by moving that progress be reported and leave given to sit again. The committee agreed to this motion.

After that I discussed the matter with the Attorney-General who saw the point that had been raised in my mind, and in the minds of some of my colleagues. He promised to look into the matter and to inform us at a later stage of the Committee. However, when we arrived at that particular stage in Committee the Minister was slow in getting up. Possibly he expected me to get up, and I thought he would get up. I could probably have said a few words to save the situation and given him the opportunity to rise, which I omitted to do because of my comparative inexperience with all aspects of procedure.

In any event the Chairman ruled that the clause had been agreed to. I did not want to challenge his ruling despite the fact that there was no audible "Yes" at that stage of the Committee. We then proceeded, and the Attorney-General said he would have the matter clarified.

The events which followed were rather indefinite. The Land Tax Assessment Act Amendment Bill proceeded to the Committee stage, but neither the Treasurer nor members on this side were prepared to go on with it, that being private members' day. As a consequence, next day some explanations were made from both sides of the House, and the Premier agreed with a request of the Leader of the Opposition to recommit the Bill now before us and also the Land Tax Assessment Act Amendment Bill. That is the reason for the motion I have moved to recommit the Bill.

I trust that this is not a matter which involves party policies; I think it only involves proper administration. It represents the dual interests of the individual and the public. Because of this,

and because of the agreement of the Premier I hope and trust that members will support the motion.

Before I sit down I would ask for your guidance, Mr. Speaker. If my motion is agreed to will I have to move that you leave the Chair?

The SPEAKER: If the motion is agreed to I will leave the Chair automatically, and the Chairman of Committees will take the Chair.

Question put and passed.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. Bertram (Attorney-General) in charge of the Bill.

Clause 4: Section 34C added—

Mr. MENSAROS: There are two amendments appearing in my name on the notice paper. The first is simply a machinery amendment which is entirely dependent on the Committee's acceptance of the second. I wish to explain therefore the reason for the second amendment at this stage.

The second amendment seeks to add a new subsection which states—

> When the Governor makes an order pursuant to subsection (2) of section forty-eight of the Mental Health Act, 1962, that a person be returned to strict custody the provisions of this Act again apply to that person.

I will try to be concise in giving the reasons for this amendment. In this case we are dealing with section 48 of the Mental Health Act which empowers the Governor to commit a person who is not under conviction or sentence—although he could, according to normal considerations, have committed a crime or an offence, but according to criminal law his plea of not guilty has to be accepted and he cannot be sentenced—to a mental institution until Her Majesty's pleasure is known, or during the Governor's pleasure.

After this the Governor may liberate this person under certain terms and conditions. It is quite obvious this will take place when the person is quite sane, and if the mental institution recommends this course of action. If he violates the terms and conditions two avenues of action are open to the Governor, which he can take on advice. The first is that he can commit this person to a mental institution; and the second is that he can permit this person to be kept in strict custody, or in other words to be committed to a prison.

Cases have arisen in which the person concerned was not quite sane, and having violated the terms or conditions of his liberation he was recommitted and he needed further treatment in a mental institution. So far in the sequence of events we on this side of the House have no quarrel with the intentions of the provision in proposed section 34C which states—

> When the Governor makes an order pursuant to section forty-eight of the Mental Health Act, 1962, that a person be admitted as a patient to an approved hospital the provisions of this Act cease to apply to that person.

We realise it is inconvenient for the Parole Board to make reports on, or to look after persons who are under the care of the Mental Health Services; however, we hope and trust that to a certain extent the public is protected in this respect.

When we reach the situation however that, as a consequence of the application of section 48 of the Mental Health Act, such a person can be taken again into strict custody instead of committed to a mental institution we are faced with a difficulty. I might say this will occur if the person violates the terms and conditions in such a way that it becomes obvious to the authorities that he is sane, and he has committed some offence by violating the terms or conditions of his liberation.

If this happens then, according to clause 4, the person would still be under the mental health authorities yet he is to be taken back to prison. We believe that when a person is in prison the Parole Board should be responsible. I imagine the Parole Board has indicated to the Minister that it should not have to be bothered with the reports and other duties when a person is in a mental health institution. The Minister has said, quite fairly so, "Why should you?" So in this Bill he proposes to give the responsibility to the mental health people. In the same way, however, if a person is taken into strict custody the mental health people could ask the Minister to make that person the responsibility of the Parole Board.

My interpretation of proposed section 34C is that when the Governor makes an order it is to apply from that point for eternity and so the Parole Board will never be responsible for the person concerned. We believe the Parole Board should be responsible if he is taken into custody.

I had discussions with the Minister and I thank him for his information. He has been advised that this matter should be solved in another way, but he gave me the right to speak about it now. If I rightly understood the Minister he says he will undertake to amend the Mental Health Act, instead of accepting my amendment, to strike out the last lines in the provision of section 48 of that Act which state that a person can be taken back into strict custody. He says this will solve all our problems because the person will never go back to prison again and,

therefore, the mental health authorities and not the Parole Board will be responsible for him.

I do not think this would meet the situation because it creates a new position. If a person is sane and he does not comply with the conditions and terms set out by the Governor under the Mental Health Act there is no way by which he can ever be taken back to prison; because once he has been found not guilty he cannot be sentenced again for the same crime. Therefore, he must be sent to a mental health institution if the amendment suggested by the Minister is made. Why should a person, because of technicalities, spend all his life in a mental health institution? I agree that he might be looked after very well, but why should the mental health people have this burden which would probably cost more to the community than if the person were in prison? I would like the Minister to explain the position and especially his reason for suggesting that his proposal would be better than my amendment, which is not party policy but simply common sense. I feel that my amendment is the better way to deal with the matter. I therefore move an amendment—

Page 3, line 4—Delete the figures and letter "34C".

Mr. BERTRAM: I oppose the amendment. As the Committee is already very well aware no dispute is involved on the question of principle or what is sought to be done under this Bill. An attempt is being made to improve the legislation and now we must decide the procedure to be adopted to achieve this.

I would ask the Committee to recall that this Act concerns itself with the person about whom we are speaking—and he is not a prisoner but is a person with some mental infirmity—in regard to one situation alone; that is, that under a subsection of a section it is necessary that the Parole Board should not have this person rusticating in strict custody. This person would be no-one's responsibility and would have no-one caring about him. Possibly he would be forgotten. This is a remote possibility, to say the least, in this day and age, but nevertheless it is a possibility, and a type of possibility for which the Deputy Leader of the Opposition says we should not legislate because when we legislate for individual cases we usually make bad law.

We are agreeing on principle. However, we are attempting to eliminate this one fine, tenuous thread linking the person to whom I have referred with the Offenders Probation and Parole Act. It is suggested that if we include proposed new section 34C (2) we will destroy that principle. I oppose it because it goes against the whole intent, and one of my reasons is that after due consideration the parliamentary counsel has said that the right way to do this is in the manner indicated; namely, by an amendment to section 48 (2) of the Mental Health Act. Some doubt exists as to whether even that is necessary because that Act talks of strict custody—and they are the words which are apparently offensive, because some construe that as meaning the person will be in prison, and others do not construe it to involve a prison at all.

No matter how slight a doubt I see no reason for it to remain. We seek to eliminate the Offenders Probation and Parole Act from the scene. We put a person who suffers a mental state where he belongs; that is, within and not outside the confines of the Mental Health Act. If the person is released at some subsequent time under certain conditions indicated by the Governor, and that person offends against those conditions and is retaken, he is under the Mental Health Act and he is getting a degree of supervision and care he could never hope to get if he were taken into strict custody in the sense of a prisoner.

If a person offends and there is no question of his sanity, he will be charged like any other person and dealt with in the same way. There is no reason that he should not be dealt with like that in those circumstances and I hope that answers the last query of the member for Floreat.

For reasons I have indicated, which have been confirmed by parliamentary counsel, I would prefer, and recommend to this Committee, that we do what I have asked; namely, allow the Bill to proceed in its present condition unamended, on the clear undertaking that we amend the Mental Health Act.

Mr. COURT: I have heard the explanation of the Attorney-General and I am afraid I cannot go along with it. I do not question his sincerity in the matter but I still believe he is not quite understanding what the member for Floreat is putting forward and what a number of us put forward during the previous debate. I also believe that when his advisers have a closer look at the matter and he requests them to draft an amendment to the Mental Health Act they will advise him to leave it alone; and then we will have an extraordinary situation. A Bill will have been passed by this House on certain understandings, but when the Minister goes to implement the understandings he will find the advice is not to have anything to do with it.

Mr. Bertram: There would be a great noise if that were to happen.

Mr. COURT: That has happened before, in all good faith.

Mr. Bertram: When a Bill has been drawn?

Mr. COURT: When the pressure of parliamentary business or debate has lessened, those concerned have had a second look

at the situation. They have realised that the proposed amendment could refer to only one in 1,000 but, all of a sudden, they have seen that one case and then have had second thoughts about the matter and have approached it in another way.

I believe the proposition of the member for Floreat is the sensible way to handle the situation. It does not make sense that if this person is in strict custody he should not be subject to the Parole Board. It has advantages to him and to the community and I think that, with due respect, the Minister's advisers are making something of a mountain out of a molehill in attacking the matter in this way, when a much simpler and easier way would be to adopt the amendment of the member for Floreat. I suggest we support it.

Mr. MENSAROS: Only one point I would like clarified by the Attorney-General, as I agree with all the Deputy Leader of the Opposition said. Does the Attorney-General mean that if we allow this Bill to pass as it is the situation can never arise whereby there is a necessity for a particular person—and we know his story—ever to be taken into strict custody again? If the Attorney-General is of the opinion that such a case may never arise—although I do not think that could be a sound opinion—then, of course, his whole suggestion is 100 per cent. right; that is, that under section 48 of the Mental Health Act a person released under those terms and conditions would be automatically taken to the mental health institution—and it is desirable he should be taken back there—and that no situation could arise under which he could be taken into strict custody in the prison.

I instanced a situation by way of example of when a person is absolutely sane and yet according to all practical considerations he is a criminal. He cannot be sentenced because, in the first instance, the court has to accept the plea of not guilty. Therefore, we have a person who is a potential criminal and who is now sane. As a result of the proposed undertaking by the Attorney-General, if he violates the conditions we have no option but to put him under the care of the Mental Health Act; because the option which existed to put him, instead, into strict custody is removed. Is this a desirable thing to do? Is this what the Attorney-General wants to do?

In other words, does the Attorney-General want to exclude the possibility which the Legislature of the day foresaw and provided for in the Mental Health Act? It was included for a reason, upon good advice, and as a result of practical examples. The present provisions in the Mental Health Act date from 1962. The people concerned—lawyers, judges, parole officers, and mental health officers—had considerable experience up to 1962 to show that such cases may arise. I am quite sure the legislation was not based merely on theory and excluded the possibility of this happening. I am equally sure there were concrete cases to go on and therefore a necessity for this provision which the Attorney General wishes to delete with his undertaking.

If we remove the provision which the Legislature and the departmental advisers in 1962 had good reason for enacting, surely we have to explain why we are doing this, show evidence that it is not necessary, does not happen, and never will happen. Surely we have to show that we do not need to protect society from this person and that he can come under the care of the Mental Health Act. I know that to have the person under the care of the Mental Health Department is better from the personal point of view; but do not let us forget that this person cannot go back to prison and, under the Mental Health Act, he will obviously be subjected to certain conditions; namely, he will have leave on the weekend and will be able to go out with his family. If a person is under strict custody he would not have these benefits because those concerned with mental health will treat him, first and principally, as a mental health patient and not as a potential criminal, or as a person who came originally from the Criminal Court.

For this reason, I am not satisfied with the solution the Attorney-General puts up. I do not think it solves the situation or gives an answer to the question we have asked. I therefore ask him to reconsider it.

Mr. HARTREY: I wish to say, as briefly as possible, that I think the safer course to pursue would be to adopt the amendment proposed by the member for Floreat. It would remove any possibility of ambiguity and that, I think, is the desire of this Chamber.

Mr. BERTRAM: I wish to dispose, very briefly, of one or two further remarks which came from the Deputy Leader of the Opposition. He is concerned that when parliamentary counsel get down to the question of drafting the amendment to the Mental Health Act, they will have second thoughts. Until anything is accomplished in life, I suppose there is always a possibility that it shall not be accomplished, but in this case those concerned were not predisposed—there was no need for them to be at any point of time—and they have, in fact, drafted the Bill in the closest collaboration, liaison, and concert with the mental health authorities. Consequently I do not think there is cause for reasonable concern—if there is concern at all—on that score. We are seeking to achieve something, the object of which is common. The experts in this matter have spoken and *prima facie*, whilst experts can make errors, generally speaking they make

fewer than non-experts. With due respect I think that people who spend a lifetime drafting legislation know, and certainly ought to know, the way to tackle it when confronted with the facts in issue which need to be dealt with effectively.

Amendment put and a division taken with the following result:—

Ayes—22

Mr. Blaikie	Mr. O'Connor
Sir David Brand	Mr. O'Neil
Mr. Court	Mr. Reid
Mr. Coyne	Mr. Runciman
Dr. Dadour	Mr. Rushton
Mr. Gayfer	Mr. Stephens
Mr. Grayden	Mr. Thompson
Mr. W. A. Manning	Mr. Williams
Mr. McPharlin	Mr. R. L. Young
Mr. Mensaros	Mr. W. G. Young
Mr. Nalder	Mr. I. W. Manning
	(Teller)

Noes—22

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Bickerton	Mr. Lapham
Mr. Brady	Mr. May
Mr. Burke	Mr. McIver
Mr. Cook	Mr. Moller
Mr. Davies	Mr. Sewell
Mr. H. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Toms
Mr. Graham	Mr. A. R. Tonkin
Mr. Hartrey	Mr. Harman
	(Teller)

Pairs

Ayes	Noes
Mr. Lewis	Mr. J. T. Tonkin
Mr. Hutchinson	Mr. Brown
Mr. Ridge	Mr. T. D. Evans

The CHAIRMAN: The voting being equal, I give my casting vote with the noes.

Mr. Bickerton: A good decision, too!

Amendment thus negatived.

Mr. MENSAROS: In view of the fate of my first technical amendment there is no purpose in moving the second amendment. I desire to emphasise that we did not want to make political play of the proposed amendment; we treated the matter seriously.

Clause put and passed.

Further Report

Bill again reported, without amendment, and the report adopted.

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Recommittal

MR. RUSHTON (Dale) [5.42 p.m.]: I move—

> That the Bill be recommitted for the further consideration of clause 4.

I would like just briefly to give the sequence of events which have encouraged me to seek this consideration from the Government. As we know, the Bill was introduced and members from this side of the House spoke to the measure. Unfortunately, when the debate was about to conclude, the Minister was called away and we were unable to be given the answers we requested. I believe it was the Minister's intention to supply the answers to our queries. Because of the unfortunate circumstance which transpired, it is hoped the Government will agree to the recommittal of this Bill so that clause 4 can be further considered in conjunction with the amendment which appears on the notice paper.

Question put and passed.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. T. D. Evans (Treasurer) in charge of the Bill.

Clause 4: Section 10 amended—

Mr. RUSHTON: The amendment which I propose is small and insignificant because it relates to one word only. However, it might be appropriate to elaborate at this stage so that members have a greater understanding of the further amendment appearing in my name.

If I have an opportunity to move my further amendment it will have to be altered slightly to read "line 8" instead of "line 9". The main objective is to remove discrimination, and I suggest that it would be reasonable and responsible for the Government to accept the amendment.

The object is to give effect to what the Government intended: to allow a person to have a home on a block of land, in which home he resides, without attracting land tax. No doubt the Minister will explain the other tax which is tied in with the land tax.

We would also like to know from the Minister what is involved in relation to blocks of land which are more than a half-acre. We believe that those blocks of land should attract the same exemption as the blocks of land which are less than half an acre.

The anomaly is obvious, especially in the the case of old subdivisions where the blocks were three quarters of an acre. The Minister may argue that, in the main, those blocks may not have a value greater than $10,000. However, that is not acceptable as an argument, and unless my amendment is accepted many people in the electorates of Toodyay, Canning, Cockburn, and in other districts on the outskirts of the metropolitan area, will be discriminated against.

The Opposition is making this plea on behalf of those people who have a home on a block of land which is more than half an acre, which block of land will attract the land tax if it is valued above $10,000. The Minister has acknowledged his understanding of the situation by questioning the point which I raised originally.

A person owning a block of land valued at $20,000 is at present paying $78.75 tax, but if that block of land is under half an acre that person will be exempt. However,

a person with a block of land over half an acre, and valued at $12,000, will pay a tax of $13.75. In the interests of removing that discrimination, I move an amendment—

Page 2, line 29—Delete the word "paragraph".

Mr. T. D. EVANS: In introducing his first amendment the member for Dale referred to it as being insignificant. That is true. The significance is to be found in his second proposed amendment. One might be justified in calling his second amendment the repository of the actual sting: the sting is in the tail.

I feel I would be justified—as the member for Dale felt he was justified—in speaking to the proposed second amendment because the first amendment is only meant to facilitate the moving of the second one. The proposal to extend the acreage from half an acre to any area at all, which would still be subject to the commissioner's decision that subdivision was impracticable or not warranted, would certainly give rise to many unhappy situations.

In the first place, in providing an exemption for residential land up to half an acre, the previous Government, of which the member for Dale was a supporter, concluded after an investigation that the limit of half an acre covered all normal residential situations. In my view, half an acre is a reasonable area for any home under normal circumstances.

Secondly, the removing of the limit on acreage would encourage efforts to obtain larger areas on the fringes of development in the expectation that if the land were lived on it could be held indefinitely and be free of all land or metropolitan region improvement taxes.

Thirdly, it would result in very unsatisfactory relationships between the department and taxpayers. There is no doubt that any taxpayer living on an area greater than the half-acre which is at present allowed would contend that subdivision was unwarranted or impracticable from his point of view. This would lead to protracted arguments which are incapable of mutually acceptable solutions.

Fourthly, the cost to revenue cannot be calculated as it would depend on decisions which would have to be based on opinions. If all applications were conceded, the revenue result would be considerable.

Fifthly, the Act already contains exemptions and concessions for improved land up to a value of $50,000, and these concessions are enjoyed by many people who live on areas greatly exceeding half an acre.

Sir David Brand: Your reply reminds me of what I said when I was on the other side as Treasurer. The words are so familiar. I wonder what the present Deputy Premier thinks about it.

Mr. T. D. EVANS: Despite the familiarity, these arguments are quite valid, and I am sure the Leader of the Opposition would be the first to agree.

In this connection I should point out that under the existing law in regard to improved land that is zoned rural the area would have to exceed six acres before any land taxes could be assessed.

Sixthly, the Act already empowers the commissioner to enter into mutually acceptable arrangements with taxpayers for the payment of land taxes in order to resolve genuine cases of financial hardship.

Because of the indeterminate nature of the proposals, the possible increasing cost to revenue, the fact that reasonable exemptions and concessions have already been provided, and there is a provision which is used for alleviating genuine cases of hardship, I am not prepared to agree to this amendment.

Mr. THOMPSON: I rise to say a few words about some of the people in my electorate who are not able to subdivide land of less than one acre. I refer to the area along the escarpment, which has very poor drainage.

The shire council has dictated that certain areas of less than one acre may not be subdivided. Many people are faced with this situation. It is not true for the Minister to say that people who are living on land in excess of an acre should expect to be able to subdivide it at some future time. It is quite clear that they will never be able to subdivide some of the land in the hills areas until the areas are sewered, which is not very likely in the foreseeable future. I hope the Minister will recognise the plight of these people and that he will accept the argument we have put forward.

Mr. RUSHTON: I am appalled at the nonsense the Minister has dished out in regard to this amendment. His reply is totally unsatisfactory. The Deputy Premier will surely be on my side in this matter; I hope he will be.

Mr. Court: They do not play it that way.

Mr. RUSHTON: I will not refer to past or recent events. I simply put forward my request to the Minister to reconsider the position because the argument as to how he is wrong is so clear.

The Minister referred to the Brand Government setting the limit at half an acre, but in his argument he forgot that people with land valued at up to $10,000 were treated equally, with a tapering proposal up to $50,000, which is quite different from the present proposition. It is appalling to think that a Minister could present such an argument for equating the person with a block of land valued at $100,000—who will go scot-free as far as land tax is concerned—with a person who has a block of land to the value of $11,000, who will pay land tax.

Mr. T. D. Evans: Did the member for Dale hear his own leader identify himself with the type of argument I was presenting?

Mr. RUSHTON: It is a different situation.

Sir David Brand: It is a different Bill.

Mr. RUSHTON: My leader was presenting a Bill which would provide for an equated value up to half an acre. The Treasurer is now presenting a Bill that has no equated value. What a shocking thing for a socialist Government to present this sort of legislation! It is beyond words. We have had the Deputy Leader of the Government arguing in this Chamber time and time again against this very point of view.

Mr. Jamieson: Don't tell me you are espousing the cause of socialism!

Mr. RUSHTON: If this is socialism, never give it to me. I know it is difficult for people on that side of the House to blush at this sort of presentation, but they should be blushing at the appalling legislation that has been presented to this Chamber.

Mr. Jamieson: You need another brainwashing course.

Mr. RUSHTON: There are thousands of people who are required by Statute, by the Metropolitan Region Planning Authority, and by local authorities to have residential blocks of three-quarters of an acre or an acre-and-a-half. The Minister has not checked that. Where is the consideration for all the people—not just one section of the people? That is what we want. This Bill will centralise things more than ever because a person who lives 10 or 20 miles out of the city will receive a different type of justice from the person who lives closer to the city. It is an unreasonable and unsatisfactory position.

Mr. Jamieson: Why did you not have something done that would suit you in the last 12 years?

Mr. RUSHTON: Do not tell me I did not work hard on this question. At least the legislation put forward by the previous Government provided equality, even if it did not go as far as one might have liked.

Mr. T. D. Evans: We supported that measure.

Mr. RUSHTON: What does the Bill mean in terms of money? We do not know. It is a political gimmick.

Mr. T. D. Evans: How can one form an estimate on a hypothetical case?

Mr. RUSHTON: What will it cost the Treasury? The Minister has not told us what the Bill will do. We are doing business with our eyes shut—blindfolded.

Sir David Brand: Don't you know what these promises are going to cost you? Does the Treasury know?

Mr. RUSHTON: We have not been told.

Mr. T. D. Evans: You give us the opportunity to tell you.

Mr. RUSHTON: The Treasurer is going to tell us later on! We are fighting for equality for the people. We are fighting with our backs to the wall.

Mr. Jamieson: What about the tears of blood?

Mr. RUSHTON: What is the Government giving away if it allows the amendment? It would just be giving equal justice.

The Government has talked about subdivisions disturbing people. This does not apply. It is very easy to say who can subdivide and who cannot subdivide. Surely this is reasonable. The genuine people, the *bona fide* cases, can appeal to the commissioner and stand up to the situation. Here we have this appalling nonsense presented to us as an argument against the amendment. The Treasurer's argument is so appallingly weak that the Committee should ask him to reconsider it.

Mr. Graham: What were you doing about it for 12 years?

Mr. RUSHTON: The Minister knows what we were doing for 12 years. Perhaps if I answer that first.

We brought in legislation in two stages. First of all people owning land valued at less than $10,000 were able to seek exemption. This limit was then raised to $50,000. The Minister would represent quite a few people who own rural blocks. They were also given consideration by us.

The Government is trying to use a sledge hammer to break the people who are supposedly transgressing by holding land. These people will really suffer and this is worrying me. When increased land tax is brought in to recover losses and to get at the so-called speculator, in due course it will get at people who have one block of land with a house on it. The family lives in this house and the children are raised there.

Mr. J. T. Tonkin: Who told you that?

Mr. RUSHTON: This is what the Premier foreshadowed. I know the Government does not always do what it says it is going to do.

Mr. J. T. Tonkin: Yes we do.

Mr. RUSHTON: I wish to make a final plea to reconsider the legislation which has been presented tonight. People should not have to put up with discrimination because they live a few miles from the centre. Let us have some of the same old spiel that the Premier usually uses; let us have decentralisation. This is a way to get decentralisation; let us have a bit of it.

Mr. Bickerton: I hope your pleas meet with the same result most of ours did when we were on that side of the House.

Mr. RUSHTON: My proposition is justice.

Mr. Bickerton: In your opinion.

Mr. RUSHTON: If we were not fettered we would have the answer for this. The Treasurer has not given an answer. He does not know what the figures add up to; he does not know if it is $1,000 a year or $10,000. The Treasurer just says the figures are not available to him.

He uses another specious argument when he says it would upset the neighbours. I am not saying the land should be subdivided. I say these people have chosen blocks of land because of the terrain, because of circumstances, because of the Metropolitan Regional Planning Authority, and they cannot change their blocks. They live on these blocks and raise their families there. They wish to live a little further away from the centre than most people. They should not have to be made to conform.

Mr. Graham: Is not their argument with the local authority?

Mr. RUSHTON: I beg your pardon?

Mr. Graham: Is not their argument with the local authority which insists on one acre?

Mr. RUSHTON: No.

The CHAIRMAN: The honourable member has less than a minute.

Mr. RUSHTON: In some places, for instance in Roleystone and the Darling Range, some properties of less than an acre—

Mr. Bickerton: Who wants to live in the Darling Range?

Mr. RUSHTON: I just want to make this plea that there be some justice.

Mr. COURT: I thought the Treasurer was going to rise and give us some figures about costs. I hesitated to rise, but I now feel it is desirable to keep the debate going to give the Treasurer time to collect his thoughts.

May I put this thought to the Treasurer: the proposition the Government has put forward is obviously going to be of great benefit to people who live within the close circle of the city and the suburbs. The proposition put forward by the member for Dale concerns people who live on the fringe. Most of the cases to which he referred are cases of people in the fringe areas. I do not think this situation applies in the rural areas. Blocks of land of the size he mentioned would be quite unusual in the tight group of suburbs in the central ring of the metropolitan area.

Another point is this: the Government's proposition is mandatory if the people fill in the right form. The Treasurer should have come forward and questioned the drafting of the amendment, and perhaps suggested breaking it down. For instance, if he suggests the word "unwarranted" used in this amendment is too hard to define, we could possibly have worked out something with him. For instance, if he is not in agreement with the words "is satisfied" and wants something like "at the absolute discretion of the commissioner" inserted in lieu, I think we could agree to something of that nature so that there will not be much argument between the commissioner and the taxpayer.

I think we have accepted the fact that in the ordinary course of administration a formula has been arrived at for handling these matters and it has to be applied equitably to all concerned. In my experience with the officers of the department, I found they had no desire to disadvantage one taxpayer as against another when the circumstances are comparable. Therefore, I hope the Minister will not only give us some financial figures to support his case, but also his reasons for being so reticent. I hope he tells us why people in the inner ring of suburbs are to receive benefits to the detriment of those in the outer ring of suburbs who deserve some consideration.

Commenting on what the Deputy Premier said by way of interjection, I would say there are some people who will never be able to subdivide their blocks to less than one acre as a result of conditions imposed by the local authority, the M.R.P.A., or somebody else. That land simply cannot be subdivided below one acre.

Mr. J. T. Tonkin: What justification would there be for exempting from tax a person who had a mansion on 10 acres of land? That is what the amendment would involve.

Mr. COURT: I am not suggesting that such a case would qualify for exemption in the discretion of the commissioner. He would not allow such a case. However, there could be a situation where a 10-acre block cannot be subdivided for reasons beyond the control of the local authority, the M.R.P.A., and the owner. Will such a man be taxed for ever and a day almost as a freak in the taxing system?

All we are asking is that a degree of tolerance and a degree of discretion be allowed to the commissioner. We are not asking for it to be mandatory. We are asking for it to be allowed at the discretion of the commissioner. I do not think we can have anything fairer than that.

Mr. MENSAROS: The member for Dale pointed out some injustices which he felt would result from this Bill—if it is not altered—when it becomes law. Consequently, he moved an amendment to give the commissioner discretional power in certain cases where he feels there are injustices and so that he can remedy the situation by granting an exemption. When the Treasurer replied to the debate he said that, even in the experience of the previous

Government, the cases normally involved owners of blocks under half an acre. I do not disagree with that, but I think the Treasurer should understand that the amendment of the member for Dale is designed to deal with abnormal cases and not the normal cases. Our desire is that the commissioner should have a discretionary power to deal with these abnormal cases.

If the Treasurer feels the wording of the amendment is not good enough for a certain reason, then the wording can be discussed and altered. I wonder whether the reason behind the Treasurer's rejection of this amendment is that he feels so many people would appeal for exemption that the Government would be affected politically and people would complain that they had not received an exemption. If that is his reason I can understand it because obviously this can politically rebound to the Government of the day.

However, I feel this idea is irresponsible. We are not prepared to sit perennially on this side of the House. We are prepared to take over the Treasury bench in the future and I am satisfied, in view of our past experience, that what we suggest is responsible.

The argument of the Treasurer does not apply because the member for Dale wishes the commissioner to have discretion only to deal with inequities, and he wants to give protection in those cases. Possibly the Treasurer is concerned that the decisions of the commissioner in some cases might be negative, or that the commissioner might be irresponsible in granting exemptions, and that those cases will be publicised by way of newspaper articles and complaints, and would rebound on the Government of the day. However, I do not believe we should legislate for such reason; we should be concerned only that the people are treated equitably and that they receive justice.

Progress

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

Sitting suspended from 6.15 to 7.30 p.m.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th August.

MR. R. L. YOUNG (Wembley) [7.31 p.m.]: I know not by what logic one would assume I was qualified paternally or filially to discuss the matter of illegitimacy.

Mr. Bertram: We will not go into that.

Mr. R. L. YOUNG: Perhaps there is the feeling that what my friends have been calling me for years is true and that therefore I may have some first-hand knowledge of the matter contained in the Bill. I can recall a court case in recent years where the magistrate ruled that the term "you old bastard" was not necessarily an insulting one and could, in fact, be a term of endearment. I imagine that probably there is hardly one member of this House who has not had that form of endearment applied to him either affectionately or otherwise at some time or another. I am sure that not one of us regards the colloquialism as offensive, but I often wonder if one were to check the true meaning of the term whether the reference would be accepted so lightly if one had been born illegitimate. The term has become so widely used that even illegitimates may take it lightly. However, it is not in colloquialisms that one detects prejudice, but in attitudes.

Unfortunately, our laws, based sometimes on the prejudices of the average man, often reflect the bigotry of ages gone by. We cannot legislate to remove bigotry and prejudice from the hearts of our fellow man but, thank heaven, we can at least legislate to remove them from the laws of our land, and this Bill takes a small step along that path.

Sections 13 to 15A of the Administration Act provide rules for the distribution of wholly, or partly, intestate estates. These sections set out the rights of relatives to share in such estates and determine the sums and proportions to be distributed. Because of the common law maxim that an illegitimate is incapable of inheriting real property as heir, or of acquiring a share of personal estate as next of kin, to anyone dying intestate, illegitimates have been denied a right to share in what is obviously theirs.

This Bill sets out to ensure that, throughout the chain of relationship which determines a person's right to share in intestate estates, a person will have the right to be treated as having been born legitimate even though he be born illegitimate.

The Bill also ensures that the issue of an illegitimate person will share in any *per stirpes* distribution as though the illegitimate person were born in wedlock. It will also mean that the parents of illegitimate children may share in the estate of their child.

The British common law, which is our inheritance, has determined the rights of ex-nuptial children and has tended to discriminate against them, probably because of religious dogma; possibly through a totally immoral "moral" concept and certainly because the aristocracy of England from the Middle Ages to Victorian times would have had their entire estates dissipated as a result of distributions to an army of illegitimate offspring. A form of sexual socialism if one likes.

The English law underwent a change of attitude in 1926 with the passage of the Legitimacy Act of that year which provided for the legitimation of persons born out of wedlock. The Act also provided for the right of an illegitimate child to share in the intestate estate of its mother, provided she had no legitimate offspring. This recognition did not extend to the estate of the child's father.

Our own Legitimation Act of 1909 provides for the legitimation of ex-nuptial children whose parents subsequently marry and register the child for legitimation. Any child so registered as legitimate is entitled to all the rights of a child born in wedlock as to the inheritance of property and in any other matter. The issue of such legitimated child enjoys the same rights of inheritance as the legitimated child's issue would have enjoyed had that child been legitimate.

The Commonwealth Marriage Act of 1961 contains similar provisions. It therefore appears that, in respect of legitimated children, our laws are more enlightened than those of the United Kingdom.

This Bill now provides for illegitimate children to enjoy the same privileges of inheritance that they would have had, had they been legitimate, and passes that right lineally and collaterally. The Bill requires the illegitimate child, or issue, to prove to the satisfaction of the court that such a relationship as is claimed did, in fact, exist, and this is something I would like to dwell upon a little later.

The executor or administrator of an estate is protected in two ways under the Bill. Firstly, he does not actively have to seek out illegitimate children or issue; and, secondly, he is not liable to any such people in the event of failure to make any distribution to them, provided he was not aware of their existence at the time of making the distribution.

The Bill provides for the right of the illegitimate child to recover such property as would have been rightfully distributed to him from any person other than a purchaser to whom the property is passed.

That summarises the situation in respect of the historical aspects of the Bill as I see them, and also in regard to the Bill itself, and now I wish to have a word or two to say about the moral issues of the Bill.

In his second reading speech the Attorney-General referred to the fact that illegitimacy is not of the child's doing, and that fair play would suggest the hardships and disadvantages already suffered by illegitimates should not be extended—as they are—so that illegitimates are denied the right to share in the estates of their natural parents where the parent has neglected to make a will.

The Attorney-General referred to those people who pursue an attitude against illegitimates. Unfortunately those people are still with us. I choose to consider that, in this enlightened day and age, the numbers of these bigots are dwindling. However, I was shocked when I read a recent newspaper report of a baby contest in the United Kingdom The winning baby was the child of an unmarried woman. When this became known to the mothers of the other contestants they demanded that the prize be handed back. The judges refused to take back the prize on the ground that they were judging babies and not morals.

I am a firm believer in the theory that our laws concern themselves too greatly in the realm of morals and that a complete new look should be taken at our legislative Mother Grundyism—but that is for another time. It has been said that there is no room for the Government in the bedroom of a nation, and I heartily agree with that. In this day and age there is no room for the law which restricts the rights of an individual just because he was conceived out of wedlock. I therefore support the Bill, but with the request that the Attorney-General give consideration to several aspects of the measure.

Firstly, I would suggest to him that he has proceedings for proof under proposed new section 12A (2) held *in camera* to avoid embarrassment to those who may be embarrassed by such proceedings being publicised.

I recommend this, because there could be cases such as the one I refer to now. A young man might father a child before he gets married, or he might even father a child by a woman other than his wife after his marriage. Let us suppose that this man marries and has children from the marriage; that he leads a perfectly normal and respectable life, and that the children are brought up in happy circumstances. Let us suppose that he and his wife get on well together, and he becomes a pillar of society, or for that matter is elected as a member of Parliament. Let us assume then that he subsequently dies. For the duration of the marriage the wife might have been totally unaware of the illegitimate child or children, or for that matter so might the husband have been unaware.

Let us assume then that when he dies a claim is made against his estate; and perhaps it is a false claim. Such a situation could quite easily arise, and this could lead to some form of blackmail; and people being what they are the image of the deceased might not be the same again. If the wife and the children are the kind of people to be embarrassed by such a turn of events—and many people are—they could be subjected to public embarrassment quite unnecessarily. Just as the illegitimacy is not the doing of the child, so it is not the doing of the remaining members of the family who have to suffer public indignity.

The second point is in respect of the granting of letters of administration to the next-of-kin. Section 25 of the Administration Act provides—

> The Court may grant administration of the estate of a person dying intestate to the following persons (separately or conjointly) being of the full age of twenty-one years, that is to say to—
>
> (a) the husband or wife of the deceased or one or more of the next of kin; or
>
> (b) any other person . . . if there be no such person entitled as aforesaid . . .

It could be that an illegitimate child would have a greater claim to the granting of letters of administration than has some more remote next-of-kin.

I therefore ask whether the Attorney-General will assure the House that an illegitimate child of a deceased person will be entitled to claim as next-of-kin before a more remote relative, who may in fact have less claim to the estate than the illegitimate child?

I do not think section 25 of the Administration Act presently entitles an illegitimate to claim for administration as next-of-kin; and this matter should be cleared up. I trust the Attorney-General will agree to the deferment of the Committee stage of this and the two complementary Bills in order to give him time to consider the matters I have raised; because I think that in the interests and in the spirit of the provisions in the Bill before us all these matters should be clarified, if possible. I pass that request on to the Attorney-General, and trust that he will accede to my request for the deferment of the Committee stage.

MR. W. A. MANNING (Narrogin) [7.43 p.m.]: I support the Bill in principle, and I notice that its provisions are fairly wide in protecting the administrator of an estate. I do not intend to go into a great many details or into the principles of the Bill, because the member for Wembley has already done that.

I would point out that the administrator of an estate will not be under any obligation to inquire as to the existence of any person who might have a claim against the estate. This particular provision in the Bill is a very wise one, because the opportunities for persons to make claims are very wide. For that reason an obligation should not be placed on the administrator to make the relevant inquiries.

Provision is also made in the Bill to ensure that no executor or administrator of an estate shall become liable, by reason of having distributed the estate without knowledge of the existence of any illegitimate child or children of the deceased. I think this is a very good provision for the protection of the administrator, if at the time of the distribution of the estate he has no knowledge of such child or children.

However, I feel wide opportunities are available for people to raise difficulties in the administration of estates, if they so desire. I see little in the Bill before us to prevent this. For instance, a person might, for some real or imagined wrong, make a claim against an estate; or he might do this just to damage the reputation of the deceased or his relatives, or for some reason known only to himself.

Mr. Bertram: Such as to issue a writ against the estate.

Mr. W. A. MANNING: No, he might only lodge a claim. I was not referring to the issue of a writ. He might make a claim against the estate on the grounds that he is an illegitimate child of the deceased when, in fact there is no real basis for the claim. He might do that in the hope of deriving some benefit from the estate, without having any real claim against it. He might do it because he has nothing to lose but something to gain by trying to prove that he is an illegitimate child of the deceased.

I feel the Bill contains insufficient protection in this respect. There are some people in the community who will take such steps as I have outlined, regardless of the damage they do to others. As well as the inclusion of some provision in the Bill to discourage people from making frivolous claims, I think some penalty should be included, so that people who falsely represent themselves as the illegitimate children of deceased persons will be penalised. Apart from the absence of this very necessary protection of the administrator of an estate and the relatives of the deceased, I feel this is a good Bill. I hope the Minister will be able to explain to us the reasons for the absence of any provision to prevent the happenings I have mentioned.

MR. MENSAROS (Floreat) [7.47 p.m.]: Like the member for Wembley and the member for Narrogin, I have no objection to this Bill and will support it. However, at the risk of being regarded as too busily engaged in probing into aspects of legislation, I raise a few questions with the Attorney-General which he might be kind enough to consider.

These questions arise partly from a study of the existing legislation—as far as I was able to study it—and, I am sorry to say, partly from some of the loose ends in the second reading speech of the Attorney-General.

To start firstly with the second part, the Attorney-General gave two examples, which actually can be regarded as one example, for proving, as he says, that the present state of the law has many adverse and unjustifiable consequences. He referred

to a case, as an example. I presume, and from his description it was obvious, that this case relates to a *de facto* marriage, where only after the death of the father did the children realise they were not born in wedlock and were illegitimate children. As a consequence, because there was no will, they could not inherit the small family house, to the upkeep of which they had contributed. The second example given by the Attorney-General could be taken in much the same way.

But these examples only relate to situations in which there is a *de facto* marriage, and the children are illegitimate. I wonder whether it crossed the mind of the Attorney-General that the reverse situation could arise. Indeed, I suppose there would be many instances where there is in existence a marriage and the husband has an illegitimate child outside of that marriage.

In this case the position would be reversed and after the father died intestate some of these illegitimate children could present themselves and the children of the family who live together would perhaps have no knowledge of the illegitimate children. Of course, this is the other side of the coin and in this instance a similar injustice would be done to the legitimate children because previously they would have had no knowledge of the existence of the illegitimate children. The Attorney-General said that it must be an unenviable task for the Public Trustee, or the representative of any of the companies who has to bring to the knowledge of the children the circumstances that they are illegitimate. It would be an equally unenviable task for such a person to have to tell these children or the family in my example that in fact their father who had recently died had an illegitimate child or illegitimate children somewhere outside and of whom they had no knowledge.

There are other examples, too, which one could think of. In fact some of them one knows. We can take the case of two young people who have an affair resulting in the birth of an illegitimate child; and then, later on—

Mr. Bertram: An illegitimate child?

Mr. MENSAROS: Yes; as a result of an indiscretion, one might say. They never meet again, both parties marry later in life, both raise families and then—

Mr. Bertram: They do not marry one another?

Mr. MENSAROS: No. They never see each other again, but one of the parents of that illegitimate child dies and then the children of the legitimate family suddenly realise there is an outside claim. In some cases when very little finance is involved the family might receive only a moral or social shock that the father or mother had an illegitimate child somewhere.

I know personally of another case which is quite interesting. An unmarried woman had a comparatively brief relationship with a man as a result of which she had a child. She made an agreement with the man that she wanted the child, but would take no action against him, then or ever. I do not know whether such an agreement would be legal or enforceable, but they made the agreement that she would never claim anything from the father; and she never did.

However, this document, even if it does not have legal value, is still in the locker or drawer of the mother who now lives happily with her daughter who is 16. The daughter has no idea she did not have a legitimate father. She bears the maiden name of the mother and both live in the same house. She thinks possibly her father died or that her parents may have been divorced. What a shock it will be to the daughter if she discovers when she wants to marry, or after her mother dies, that she is illegitimate. When her mother dies she might discover the document. She might then come under a bad influence, if it is a bad influence, and might be reminded that according to this Bill, if it becomes law, she has a claim against the father, although this was never the mother's intention. The Attorney-General may say that these are hypothetical cases, but the last one I mentioned is one of which I have personal knowledge.

The reference of the Attorney-General to the Russell Committee is of course quite acceptable and it is very hard to contradict him when he says that no child is created of its own volition. Of course it is not the fault of the illegitimate child that it is born thus. However, if we take this proposition to its logical conclusion we must say the same thing about all of us. We are not responsible for the fact that we were born into our respective families or that those families are rich or poor. So, if the argument of the Attorney-General is valid, we should put all assets which are available as a result of the death of persons into one kitty and divide them equally amongst all people, because that would be the logical proposition.

I am sorry to criticise, but the Attorney-General is very fond of saying that "there is no evidence to the contrary." In his second reading speech the Minister said—

> Arguments against granting rights to illegitimates are to the effect that the institution of marriage would thereby be undermined and the social status of illegitimates enhanced. There is no evidence to support these contentions. The evidence, if anything, would be to the contrary so far as marriage is concerned.

I do not necessarily quarrel with him, but I would remind him that it is all right to use this argument in court when there are

two attornies who produce the evidence and the judge decides the matter. But if the Attorney-General is both attorney and judge, it is very hard for him to say there is no evidence because he himself has not produced any other evidence. Obviously there could be no evidence concerning the hypothetical case, and what will happen in such a case if this Bill is passed, because it has not been passed yet and therefore we do not know what will happen. Accordingly I feel the argument used—that is, that there is no evidence—is indeed a weak one; and I think the Attorney-General will agree with this. Also in his introductory speech the Minister said—

> This Bill may be said to be an extension of the Commonwealth Marriage Act which legitimates children by the subsequent marriage of parents.

I do not think this is a valid argument either, because we ourselves have valid legitimation laws and the Commonwealth law to which he refers is only an extension of the legitimation theory, whereas this Bill is exactly the opposite. Therefore I hope the Attorney-General will accept that this is not the example to raise as a reason or argument in favour of the Bill and the statement that this Bill does not break new ground.

The Attorney-General also mentions that the whole idea of the legislation was dealt with by the Law Reform Committee, which was asked to consider the matter and agreed to the provisions of this Bill. He then said that, as was usual, the paper the committee prepared was circulated to the Chief Justice and the judges of the Supreme Court, the Master of the Supreme Court, the Law School, the Law Society, the Public Trustee, the Perpetual Executors Trustee & Agency Co., and other law reform commissions and committees. Then the Attorney-General says only that the Law Society, after consideration, advised that it would adopt the recommendations of the committee. He does not even tell us which committee; and I think this is quite important because there might be a slight misunderstanding concerning whether the committee was a Law Society committee or the Statutory Law Reform Committee.

In any event, I would be quite interested to receive, and surely the Attorney-General would not object to supplying, the opinion of all the others to whom the paper was sent. He mentions them all, but states only that the Law Society has agreed with the recommendations. It would be educational and important to know what the Chief Justice said and what the other judges said; and the opinion of all the others asked and who are concerned with this matter.

On examining not only the Bill, but as much as I was able as a non-practicing lawyer of relevant legislation, it appears to me that there could be quite a number of problems and in this regard I would be very glad again if the Attorney-General could somehow clarify the position or give me some information in connection with them.

This Bill is introduced for one purpose only, and that purpose is the distribution of property. The Bill does not legitimate any illegitimate child; it only presumes the illegitimate child is to be taken as a legitimate child for this purpose. That child, from any other point of view, remains illegitimate. In this connection the problem of the next of kin might arise, but this matter was brought to notice by the member for Wembley. I hope the Attorney-General will be able to answer that question.

Other legislation is involved, and some of the Acts were cited by the Attorney-General. Again, the Acts mentioned are only some of the Acts which will be involved. Section 117 of the Property Law Act refers to a will covering an illegitimate child who will be taken as legitimate for that purpose. Section 6 (3) of the Fatal Accidents Act and section 5 of the Workers' Compensation Act were also created for specific purposes. For that reason it cannot be said that this legislation does not break new ground.

What is more important, I would like to have some assurance from the Attorney-General that there are no side issues which will involve any other Acts in operation and which need to be clarified, other than the two complementary Bills which were introduced at the same time as the Bill now before us. I would like the assurance that this Bill will not have side issues affecting adversely the law under which we have lived, perhaps, for centuries.

I have found a few cases myself, and I am quite sure there will also be many other cases. For instance, as far as I can see, since section 19 of the Evidence Act was changed in 1956, the rule of Russell and Russell does not apply. As a consequence, a legitimate person can be bastardised by a court order; the court allows that because section 19 of the Evidence Act has been changed. So it could happen, in fact, that a child who was legitimised—not for the purpose contained in this Bill, but for other purposes—might find it would be better to be bastardised for the purpose of claiming some inheritance when a person dies intestate. Naturally, his father or mother could actually testify against him and bastardise an already legitimate child.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr. MENSAROS: This Bill will benefit the illegitimate child, but it does not seem to give the benefit to the *de facto* wife, who will be left out in the cold. The Attorney-General gave the example of a husband and a *de facto* wife having an

illegitimate child. If the husband dies intestate the child will have the right, under the provisions contained in this Bill, to claim against the father's estate, but the *de facto* wife will not have that right. This is another aspect which has been overlooked.

The Attorney-General might say that this provision is included in the Inheritance (Family and Dependants Provision) Bill which has not yet been read a second time. However, even if the provision is included in that Bill it will not have the same value because the Administration Act will have to be changed so that it applies in the case of an intestate death.

Another difficulty is raised in relation to section 7 of the Adoption of Children Act, which states that a legitimate child cannot go beyond his natural father. I refer to a child who has become legitimate because of adoption. According to section 7 of the Adoption of Children Act an illegitimate child who has become legitimate because of adoption can claim the property of his father just the same as any other child. However, he cannot go beyond his natural father to his grandfather or descendants of his grandfather. Under the provisions contained in this Bill a child who remains illegitimate, and who has not been adopted, has every right to claim on the next of kin through and beyond his father.

I think this is some sort of anomaly which might have to be looked into. I realise it is difficult for one to have an appreciation of all the legislation which could be affected by this Bill. Nevertheless, I venture to suggest that an amendment might be introduced in another place where there are more learned members than I.

Mr. Gayfer: You are joking, of course.

Mr. Bertram: Where is this other place?

Mr. MENSAROS: I feel it would have been wiser to apply the provisions of this Bill only in a case where the father openly recognised an illegitimate child during his lifetime or where there is a court order against the father for maintenance. I would like the Attorney-General to look into this matter quite thoroughly. This would do away with the potential danger which could, in fact, go as far as blackmail.

It could happen that a person, with the knowledge that he is the illegitimate child of somebody who has achieved wealth, respect in society, or a high public office, could take out a writ against the family. Alternatively, he could threaten the family with blackmail by threatening to take out a writ because, according to the provisions contained in this Bill, he has a right to claim on the estate.

I think my suggestion would be within the intentions of the Bill and the present framing of the legislation goes beyond this intention. I would like the Attorney-General to inquire into these matters. If he cannot answer my queries tonight, I would like him to answer them at a later stage.

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [8.10 p.m.]: First of all, let me thank the members who have spoken to this Bill. They have really supported it and, in the process of so doing, have introduced a little levity, appropriately perhaps, in one case, and have also indicated that they have done the job which they are sent to Parliament to do; namely, to give due study to measures which come before the House.

I was pleased indeed that the member for Wembley made some comment about prejudice and bigotry which we now recognise have occurred in years gone by and are lessening today in what he referred to, rightly or wrongly, as an enlightened time. As we proceed through the session perhaps we shall see what enlightenment really means for each one of us. The term "democracy" is rather difficult to define and everybody has his own convenient version of it, or another one from time to time. As I say, we shall see as we proceed.

I shall strive as best I can to touch upon the points raised. A suggestion has been made that hearings which will inevitably occur under this legislation should be heard *in camera*. I consider this is something which we should always guard against. Often we feel that hearings *in camera* would be a good thing, and doubtless in isolated cases such hearings are appropriate. Indeed, certain provisions in the Juries Act in a sense provide for this and certain provisions in the Justices Act perform the same function in different types of cases, or jurisdictions, if we like to express it that way.

The Married Persons and Children (Summary Relief) Act of 1965 and the Commonwealth Matrimonial Causes Act of 1959, both of which have since been amended of course, touch upon equally sensitive—perhaps far more sensitive—regions but simply do not cater for this aspect of shutting out the public, which is what happens when hearings are held *in camera*.

In this enlightened age I would like to think that there will be even less shutting out in the future rather than turning the clock back. Who are we to sit in judgment on other people? If we want to sit in judgment, that is our misfortune, and not the misfortune of the people whom we seek to judge and whom we would be better off not judging at all. Perhaps we should look at ourselves instead. Whilst I sympathise with the thought, and I suppose that anybody in the same situation would like to clutch at this, I do not believe it is good or necessary.

The member for Wembley referred to section 25 of the Administration Act and made an interesting point. This section refers to people who may make an application for a grant of letters of administration. To put it in other words, where a person has not left a will or perhaps has left a will but has not named an executor to care for the will and carry out the duties and functions required in that will, somebody must apply to do the job. People apply for various things but, for the sake of argument, I shall call them letters of administration. Who on earth may apply? Where do we find that out? If we look at section 25, in particular, we find out who may apply.

Whilst I appreciate the concern, I simply wish to make the point at this juncture that the whole of this exercise is related to illegitimate succession. It was not an undertaking and was never proposed to be; in fact, it was never even contemplated that we would go through the Administration Act and give it a general review. Although I am surmising to some extent I think there may shortly be another amendment to the Administration Act. Another Bill which will come before us shortly will probably require appropriate, if somewhat technical, amendment to the Administration Act. The Bill may even have been drafted at this moment or perhaps it is in the process of being drafted. I will certainly give an undertaking to the member for Wembley, because this interests me. I do not know what the solution really is. *Prima facie,* if a person can take action under this provision as he will be able to if and when the measure becomes law, it seems to me not to be drawing a very long bow to say that he may also be entitled to claim for letters of administration.

I do not know whether this would be regarded as doing anyone a favour, because it is a responsibility and can be quite a nuisance. On the other hand, serious minded people may want to administer a will and there is no reason for an illegitimate person to be denied that right. As I say, I do not know the answer. The attention of the Law Reform Committee was not directed to this point.

We are dealing with an intricate piece of legislation, I submit. At the risk of being a little out of sequence, I believe the experts on the Law Reform Committee would have dealt with surrounding measures which may be affected in some way. I would be more than a little surprised if this is not the case.

The member for Narrogin put up a proposition which, with due respect to him, did not make a great positive impression on me. He says people will come in, willy nilly, with mischievous intent to make claims and cause trouble. He suggests they should be penalised and that certain other provisions should apply. I simply do not think this will be on, Mr. Speaker. After all, a person will have to reasonably satisfy a judge in a court as to what he, or she, alleges to be the case. This is not an unfamiliar standard of proof and an appropriate one, I believe, in this type of case. It is the standard one encounters under the Matrimonial Causes Act and the Married Persons and Children (Summary Relief) Act.

Mr. W. A. Manning: They will be trying to publicly establish proof in court.

Mr. BERTRAM: In the first place, if a person makes an application surely he will have to swear an affidavit, which is risky if the information contained therein is not true. Secondly, no penalty is needed, because if a person comes in he may find himself mulcted with fairly substantial costs. I do not see the position arising, with the exception perhaps of the odd person. No legislation will meet single instances. I could quote an excellent authority on that, but I will not do so. This would be the exceptional case and not the normal one. Consequently, I do not think I need pursue the matter any further in that respect.

Obviously a person would come in on oath; he would have to prove his case to the reasonable satisfaction of the judge; and he would have to run the risk of being mulcted with costs.

The member for Floreat has done some work on this subject also and I shall strive to touch upon the matters to which he refers. There could be a situation where a teenaged illegitimate child who has always lived with her mother does not know of her putative father or of some agreement between the mother and the putative father that the mother will never claim from the father, and so on. There are many such cases. Sooner or later the child will probably learn the true position. I hope that in the years to come this day of knowledge will not be so far away. I trust such a move will tend to bring the day closer, because we all acknowledge that in this instance the child is wholly blameless. Why should she not be told in a proper way and at the proper time? As things stand at the moment, she will learn sooner or later that she will not be able to gain any monetary benefits from the estate of the putative father, assuming there are assets available from that estate.

A woman might marry and not know of the existence of an illegitimate child. It does not need me to explain that. That is a certainty. We are looking to the total, overall good. We are not seeking to bring in a piece of legislation that is completely perfect. We say that in the totality of all the things that may or may not happen we are creating a better position than existed heretofore.

The member for Floreat said I had stated there was evidence that this type of measure might adversely affect the

marriage situation, the concept of marriage, or the sanctity of marriage. I do not recall my precise words. All I say is that the statistics reveal how many children are born shortly after marriage. That may be taken for what it is worth. I think that in years gone by the fact that a child was expected has not had any effect upon marriage. I am not saying whether that is good or bad. There are more marriages than non-marriages as a result of an expected arrival.

The working papers to which I have referred have been circulated, but the judges of the Supreme Court, for instance, would be well aware of the law in the United Kingdom, in other States, in Canada, in the United States, and so on. They simply acquaint themselves with the substance of the case and quite often do not bother to comment. The Law Reform Committee proceeds on its way. The committee takes heed of what is said by people who do comment; it sifts the information and acts upon it in the light of what it is charged to do and in the interests of doing it with a maximum of efficiency and efficacy.

I do not quite understand the point that was made in relation to Russell's case and the Evidence Act. As I understand it—rightly or wrongly—the question of legitimacy can be argued without anybody's hands being tied behind his back or his mouth being gagged. I think it is very necessary that should be so.

The member for Floreat asked a question about the *de facto* wife, and anticipated the answer. The child of the putative father does not come into the scheme at all. In the Inheritance (Family and Dependants Provision) Bill, which is on the notice paper, an attempt will be made to help people who are in the category mentioned by the member for Floreat.

Mr. Mensaros: Will that apply to intestate cases also?

Mr. BERTRAM: It will apply to testate and intestate cases. The present Act does not apply in both cases but we will do something about that because of the adverse consequences of the limitations of the existing legislation. Perhaps there are limitations in right of claim as regards the adopted child but I do not think the adopted children are at present precluded from taking from the natural father.

Mr. Mensaros: They can only go that far; no further.

Mr. BERTRAM: That may be so, but there is nothing to stop the child proceeding to make a claim. In any event, I am not being dogmatic about the law as it stands at the moment in regard to the estate of the natural parent.

The last suggestion made was that a child should only be able to make a claim if the putative parent has made an acknowledgment of paternity of the child during his lifetime, or something of that sort. That suggestion cuts right across the Bill and would largely destroy the whole Bill.

The member for Wembley asked that we give a little thought to delaying this Bill and the other two Bills in order that consideration might be given to a couple of matters. He mentioned those matters—for example, hearings *in camera* and I hope I have disposed of them to his satisfaction. A case of considerable weight would need to be made out before those matters could be accepted. I think such a proposition would be rejected very vigorously by most people.

As regards the right to letters of administration, a Bill relating to this matter will be introduced shortly. If it is believed to be a worth-while proposition, this could be written into that Bill.

I thank members for the work they have done and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Norton) in the Chair; Mr. Bertram (Attorney-General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Addition of section 12A—

Mr. R. L. YOUNG: I am not very happy with the reply given by the Attorney-General in regard to the suggestion I made that the proceedings under proposed new section 12A (2) be heard *in camera*. I believe there are very few circumstances under which the Press should be disentitled to attend and report any public proceedings. One of the circumstances in which I think the general public does not have the right to inquire into another person's affairs is the existing situation in which the value of a person's estate is made known so that everybody can see exactly how much he is worth. During his lifetime nobody is entitled to inquire or obtain information as to his worth.

If the suggestion I made is not to be considered then proceedings for proof of illegitimate children will be held in public so that everybody will know not only what a fellow is worth but what little pieces he left around while he was alive. I do not think it is essential for the public to learn of these things. Obviously, it is reasonable in some cases, but I am referring to the situation where a family is totally unaware of the birth of an illegitimate brother, sister, or child. If the deceased had bothered to conceal that fact from his family over many years, why on earth should it be made public through publicised proceedings of proof when he dies? I think it is totally unfair, not to the deceased because obviously he has no further interest, but to his family.

I agree wholeheartedly with the Attorney-General that hearings *in camera* should be avoided at all costs, but I think these are circumstances under which an exception should be made in the interests of the privacy of those who could be embarrassed and have their reputation damaged.

Mr. HARTREY: I regret to say that I strongly oppose the proposition put forward by the member for Wembley. One of the greatest safeguards of the integrity of our courts and of the justice of their decisions is that for the most part anyone is entitled to hear what is going on. One has the gravest suspicion of the integrity of the court or the justice of the decision in countries where that is not the rule.

This is a case where publicity is particularly desirable because there may be avaricious persons who are not legitimately or illegitimately related to a deceased but who hope to obtain some part of his estate. They see there is much to be gained by pretending they are different sorts of bastards from what they really are. A person can go along and say *in camera* that he is the child of the deceased's first mistress whom the deceased met two years before he married the woman who mothered his other children and, therefore, he is entitled—in fact, as the first child, best entitled—to share in the estate. He may be an utter and complete imposter who has no relationship, legitimate or otherwise, to the deceased, but he could get away with a swindle.

Mr. R. L. Young: He would have to provide proof to the court.

Mr. HARTREY: He has only to prove to the reasonable satisfaction of the court. If the hearing is not public it will not be possible for anyone to come forward and deny his claims. The imposter could provide a good story with the help of two perjured witnesses and get away with a fraud. That court can only judge upon the evidence. If the hearing is held in public, then a person who knew the deceased and who was acquainted with him at the time the imposter claims he was fathered by the deceased could come along. If no-one can cross-examine the imposter on his past history, then no-one will know he is a fraud.

I think I have made my point. It is obvious that one of the fundamental principles of British justice is that everybody knows what is going on and, therefore, it is possible for anyone who sees a manifest injustice being committed to come forward and say so. However, if the proceedings are hushed up and heard *in camera* then God help us, for our law will collapse altogether. The member for Wembley made a most eloquent and interesting speech, but do not let his logic affect us when it comes to a matter of law. He said that the practice differs from the theory. I have had 30 years in practice and I can assure members that that contention will never work at all.

Mr. BERTRAM: I am left with very little to say. I made a note of what happens in practice and I would say that the Press and the public have a right to proceed to many courts. Whilst in yesteryears a few reports emanated from courts such as the matrimonial court, in these days one rarely hears of, or sees them. I think the probable answer is that these proceedings no longer attract the publicity they once did.

Mr. Court: Are you going to retain the member for Boulder-Dundas to speak on all your legal Bills?

Mr. BERTRAM: I think I could do a lot worse.

Mr. O'Connor: You could have done a lot better had you taken notice of him earlier tonight.

Mr. BERTRAM: Not at all. I think he manifested his true intent and thought in due time when the heads were counted. That is the important matter.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

PROPERTY LAW ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th August.

MR. R. L. YOUNG (Wembley) [8.42 p.m.]: This measure is complementary to the Bill just dealt with in respect of the amendment to the Administration Act. It is concerned with the documented disposition of property other than through the administration of a deceased person's affairs under intestacy, or by the order of a will. The Bill amends the Property Law Act by adding a new section 31A to provide for the interests of illegitimate persons.

Where the Administration Act Amendment Bill dealt only with property in respect of which the deceased died intestate—in other words, where no specific instructions existed as to the disposition of the property—this Bill specifies that similar provisions of law will apply only in so far as a contrary intention is not expressed in the conveyance in question.

The Bill sets out to provide that any conveyance made after the coming into operation of this legislation which refers to a child, or children, of any person, will now refer also to any illegitimate child of that person. It also provides that, in determining any relationship necessary to be

determined under the conveyance, illegitimacy will be no bar to the just determination of the relationship.

The archaic notion that it is against public policy that a distribution of property should be made in favour of any unborn illegitimate, is abolished by this Bill.

As with the Bill amending the Administration Act, this measure also provides that persons claiming any rights under the measure must prove their right to the satisfaction of the court. Any person making any distribution of property under this legislation is protected against the claims of persons who may have been entitled to share in the distribution, provided he had no notice of their right at the time of distribution. The rights of illegitimates not recognised in a distribution are protected by giving that person the right to claim from any person other than a purchaser to whom the property may pass.

My opinions of the moral aspects of the Bill and the historical background to it are the same as those expressed in respect of the Administration Act Amendment Bill. I support the Bill.

MR. HARTREY (Boulder-Dundas) [8.44 p.m.]: I also support the Bill for much the same reasons as those already given by other members. I notice that the member for Wembley has, in support of this Bill, put forward the same arguments he put forward in respect of the Administration Act Amendment Bill.

As I missed the opportunity to refer to all of the arguments that he then put forward, I take the opportunity to do so now. The member for Wembley did say that the laws in Australia in this regard are much more advanced than those in England—that is, on the subject of legitimacy —but I dissent entirely from that proposition. A Bill which granted equal rights to illegitimate children as well as to legitimate children in matters of workers' compensation, was passed by a Liberal Government in England in 1906, but was not adopted in Australia until much later than that.

The member for Wembley said something else with which I cannot agree; that is, that in his opinion, our laws concern themselves too much with morals. I do not think they do, and I do not think they can. This is quite a serious matter and I take issue with the honourable member in expressing that opinion. I think, when he used the expression in the sense that he did, he meant only mid-Victorian morals.

Mr. R. L. Young: I did.

Mr. HARTREY: I accept the honourable member's explanation. I remind the House that the poet, Horace, in the days of the Emperor Augustus—and that was before Christ was born—used the term *quid leges sine moribus,* which means "what is the use of laws without morals?" The laws should be the expression of the moral standards of the community and when they cease to be so they are not worth two bob. There are many laws which are honoured more in the breach than in the observance, because they have no moral significance and people do not think they are interdicting a moral wrong and, for as long as I am here, my voice will be raised on suitable occasions against just that type of legislation, whether it emanates from this side or the other side of the House; it will not make any difference to me.

Laws will be proposed and they will be to make unlawful that which no-one in his heart really thinks is wrong. That is just about the worst sort of law that one can make. So with those few observations I thank the member for Wembley for having withdrawn the statement he made in regard to morals, and I impress upon him that, so far as I am concerned, "You cannot have your laws too moral, and you cannot have your morals too legal."

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [8.47 p.m.]: I rise simply to say "Thank you" to the member for Wembley and the member for Boulder-Dundas for their contributions to the debate and for their support of the Bill which I commend to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

WILLS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th August.

MR. R. L. YOUNG (Wembley) [8.50 p.m.]: This Bill is complementary to the legislation envisaged by the Administration Act Amendment Bill and the Property Law Act Amendment Bill.

I made some reference to the moral issues of the Bill in my speech on the Administration Act Amendment Bill and the member for Boulder-Dundas referred to it. I did not take the opportunity by interjection to explain to him that what he said was exactly what I meant. Perhaps I am not able to put things as eloquently as the honourable member when he said that a law that nobody wants introduced as a law is an immoral law This is what I tried to express. When I mentioned that the law concerned itself too much with morals, I meant mid-Victorian morals.

The provisions of this Bill apply only to wills executed on or after the date of this legislation coming into operation for the reasons expressed by the Attorney-General in his second reading speech

I think the reasons for the legislation have been well covered by the speech I made in connection with the Administration Act Amendment Bill, and it would be tiresome to repeat them

Like the Property Law Act Amendment Bill, this Bill provides for the abolition of the rule of law which determines that dispositions in favour of unborn illegitimate children are contrary to public policy. The Bill's main purpose is to treat illegitimate children equally with legitimate children in determining any relationship required to be determined under the will, provided the will does not contradict such an intention. I support the measure.

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [8.52 p.m.]: I merely wish to thank the member for Wembley for his remarks in support of the Bill. I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th August.

MR. O'NEIL (East Melville) [8.54 p.m.]: This, I suppose, could be referred to as the maiden Bill by the new Minister for Labour.

Mr. Taylor: A very long and complicated one!

Mr. O'NEIL: The Minister has seen fit to confine the matter very precisely to one line in the whole of the Industrial Arbitration Act and I know, Mr. Speaker, you would not permit me to go beyond the very tightly prescribed area of this particular Bill.

Having been the Minister in charge of the Act for some six years, and having heard the comments made by Government members when they were in Opposition, I would assume that we can anticipate some further amendments to this Act. These have been hinted at for many years. I know I will not be permitted, Sir, to refer to the fact that when we move to the next order of the day the Minister will not get such an easy run. However, I want to tell him that we on this side of the House propose to support this amendment to the Industrial Arbitration Act. This is clearly a matter which would have been attended to under any Government.

As the Minister has said, the situation with four commissioners does not permit the commission to sit in court session on the decision of a single commissioner if any one of the four commissioners happens to be absent, either through illness or leave.

This situation only became evident a few months ago. Most of the commissioners are due for long service leave as some entitlement had accrued in their previous occupations with the Government. For this reason it is fair to assume that some provision must be made in order to allow the commission to operate efficiently without having to call upon acting commissioners from time to time.

The Minister made another point, that the work of the commission has increased considerably. He gave statistics to show that since it came into being the number of cases before the commission has increased year by year and he said that this acted as a guideline to the industrial and general development of the State over that particular period.

The Minister made reference to the fact that with four commissioners it was only possible to establish four ways of arranging the commission in court session. The addition of another commissioner enables the number of permutations to be increased to 10. Whilst this was quite a reasonable exercise in the mathematics of permutations, I think it has little bearing on the Bill itself. It may be a Bill to change the word "three" to "four" is of such a nature that the speech requires a degree of padding. I gather that is the main reason for that particular reference.

I think you will permit me, Sir, to make some reference to the functions of the commission, especially in the field of conciliation. The commission has operated in this area for some time and it has been the object of major criticism by the present Government when in Opposition—that the arbitration provisions of the Act were enforced more frequently than the conciliation provisions.

Having given us the statistics and having discussed the commission with his officers, I think the Minister would have arrived at an appreciation of the fact that the commission, of recent times at any rate, has endeavoured to use conciliation in preference to arbitration. Whether or not this has been altogether successful is a moot point.

Sometimes the commissioners have hesitated to make arbitral decisions. They have relied too much on the area of conciliation

and disputes have gone on and on to unreasonable lengths. In the ultimate the arbitral facilities have had to be employed anyway.

I am not decrying the intention of the commissioners to move into this sphere. However, it worries me that too much conciliation and not enough arbitration is just as bad as too much arbitration and not enough conciliation.

It was mentioned by the Minister in his introduction of the second reading of the Bill that compulsory conferences, which are essentially the area in which the commission acts as a conciliator, increased from 59 in 1965 to 115 last year.

I want to indicate that we on this side have no objection to the passage of the Bill. There is perhaps one point that the Minister did not make; and that is that a number of circumstances prompted the present situation and the appointment of an acting commissioner. I refer to the retirement of the previous Industrial Registrar (Mr. Ray Bowyer). I want to take this opportunity to refer to the great work which he did as the Registrar of the Industrial Commission; he acted not only in that capacity in the Industrial Commission of this State, but also on behalf of the Commonwealth Government from time to time. I think it is fair to assume that had Mr. Bowyer not retired from his position as Industrial Registrar he might have been appointed to act as a commissioner. It might well be that the reason the new Industrial Registrar (Mr. Ellis) was not appointed as an acting commissioner was that he has only recently been appointed to the position of Industrial Registrar.

To conclude, we on this side of the House support the Bill.

MR. GAYFER (Avon) [9.02 p.m.]: I will be very brief in my contribution to this debate. I have taken the opportunity to make a study of this Bill, and arrive at the same decision as that arrived at by the present Minister for Labour and the previous Minister for Labour. It is rather difficult for one to challenge the decisions of the two Ministers—the previous and the present Minister for Labour—because they know all about this legislation, and their reasons are extremely valid.

However, I assure the present Minister for Labour that if he were to go into the history of the debates on this legislation he would become aware of the fight that centred around the introduction of the Industrial Commission in 1963, when I remember certain heavy volumes were thrown about in the precincts of this fine establishment. I was therefore surprised to note that the first Bill surrounding this legislation to be introduced by the present Government contained only one amendment—the substitution of the word "four" for the word "three."

The position that has been outlined by the Minister, and confirmed by the member for East Melville, was more or less foreshadowed in 1963: that additional commissioners would have to be appointed in the course of time. The reasons given by the Minister for the increase in the number of commissioners from three to four are acceptable, and we in our "paddock" in this corner of the House support the Bill.

MR. TAYLOR (Cockburn—Minister for Labour) [9.04 p.m.]: I would like to thank the two members opposite for their acceptance of the Bill which, as we are all aware, is not a very large one. There are perhaps a few comments which I should make.

I agree that the Bill is limited in its scope; that was designed to avoid the trials and tribulations of 1963-64 at this stage. The measure before us is needed to bring about the efficient working of the commission. It was felt that a move should be made promptly to overcome an acute problem which exists in the Industrial Commission before any attempt was made at some length to amend the Industrial Arbitration Act.

Some changes to the Act will need to be made in the future, and I expect all members anticipate that amendments will be introduced. The Industrial Arbitration Act deals with human beings, and it attempts to encompass the situation where people may have their grievances and problems discussed and sorted out. For that reason there needs to be a review of the guidelines from time to time, and consequently amendments must follow.

The need for five industrial commissioners could not be more apparent than it is this very day, because of the four commissioners and one acting commissioner two are away ill, one is in the north, and one is on leave. At the moment we have just the Chief Industrial Commissioner operating within the metropolitan area. This is an indication of the need for the appointment of an additional commissioner.

Finally, I would like to make some comments on the former Industrial Registrar (Mr. Ray Bowyer). I agree with what the member for East Melville has said: that in all probability Mr. Bowyer would now be the acting commissioner were he still with the Industrial Commission. It was the shortage of staff within the commission that precluded the present Industrial Registrar (Mr. Ellis) from taking his place as an acting commissioner.

Mr. Gayfer: Is there much accrued leave due to the commissioners?

Mr. TAYLOR: All the commissioners have leave accruing; the Chief Industrial Commissioner has two lots of leave due, and the other commissioners each have

one lot due. I thank members for their contributions and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL

Second Reading

MR. TAYLOR (Cockburn—Minister for Labour) [9.10 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to extend the franchise of the State Government Insurance Office in all classes of insurance business, including life assurance in open and fair competition with other insurers. It is by no means a new Bill as some members will recall. In fact, it is almost a replica of another Bill introduced into this House in 1958 which was rejected in another place.

I would go further and say it is the product of debate stemming from six similar Bills introduced successively, but unsuccessfully, in 1953, 1954, 1955, 1956, 1957, and 1958. On each of these occasions, members will find that although the Bills were accepted in this House, they were rejected in another place. I give this brief history merely to direct members to the relevant debates so they can see for themselves the arguments that were put forward on both sides, and how this Bill has gone practically all the way to meet the objections then put forward. In effect, and in the ultimate, the legislation was rejected —not on a matter of content, but on a matter of policy.

Before elaborating on this most important point—that is, the rejection of a Bill on a matter of policy—I shall give members a brief outline of the functions of the S.G.I.O. as they now stand and of its accomplishments despite its limited franchise. Under the Act, as it is, the office as far as the public is concerned, may write workers' compensation insurance—or, more correctly, employers' indemnity insurance —motor comprehensive insurance, personal accident insurance for students, and all classes of insurance for local authorities. It has won a significant share of the available market in all of these fields, and it has done so in fair and open competition with its competitors.

By its efficiency it has earned a reputation for leadership in these fields within the insurance industry itself and, in fact, its relationship within the industry is, I understand, extremely cordial. And so it should be, of course, because the private companies get back by way of reinsurance much of what they lose in direct accounts, and this process of sharing and spreading the risk is good for industry stability.

When the franchise is extended, one can confidently predict that this process will be developed and improved in concert with the private companies.

Apart from its statutory authority to do business with the public, which I have just mentioned, the office has also a very large and varied insurance account for Government and semi-Government properties and activities.

If one has studied its annual reports, one would know that it deals in over 40 different types of insurance policies. I mention this only to erase any thought members may have that the office is without expertise or experience in the fields into which this present Bill will take it; and, incidentally, this was a claim made in the past; that is, that the office was not competent perhaps to carry on in other fields. Some of these policies, such as marine hulls for the State shipping fleet, public liability for the W.A.G.R. and the S.E.C., fire for the university and the S.E.C., machinery breakdown and boiler explosion for the S.E.C., to name but a few, would be the biggest and most complex of their kind negotiated in W.A. And to do this expertly, and to the clients' entire satisfaction, it has some of the best academic qualifications in the State.

Of its present staff of 277, no fewer than 18 have completed their insurance or accountancy qualifications. Another 69 have partly reached this goal. This is an impressive record. To back up their academic training, all of these people have had long practical experience. There are no fewer than 10 members on the staff with over 25 years' service with the S.G.I.O. There can be no claim, therefore, as has been made in the past, that the S.G.I.O. has neither the experience, nor the expertise, to cope with the extended franchise. Such objections would be true only of life assurance, and no difficulty is expected in obtaining trained staff to cope with this when the time comes.

Incidentally, during the 12 years of administration of the previous Government, and to its credit, the staff of the S.G.I.O. has approximately doubled, and almost all staff qualifications just referred to, were obtained during this period.

Returning now to the ground upon which the Bills were rejected—namely, the question of "policy"—some members on the other side have from time to time intimated opposition, in principle, to what may be described as State trading. Yet, since 1958, when a previous attempt to widen the S.G.I.O. franchise was rejected, and during the 12 years of administration of the previous Government, nothing was done to hinder the office. In fact, as already intimated, it was encouraged.

True, there was no attempt made to widen its scope of activity, but the then Government's acceptance of its existence and its nurturing of that existence, leads one to the strong conviction that it fully recognised its worth.

Restricted though they were, let us look at the operations of the S.G.I.O., the extension of which the Opposition some dozen years ago refused to support on principle, and note what financial support it was able to lend the Government of the day over the last 12 years.

The S.G.I.O. has paid, in all, $1,833,876 in State revenues, in lieu of paying income tax to the Commonwealth, as it would have had to do, were it a private company and as would any private company had it achieved the same surpluses.

In addition, the S.G.I.O. has paid all the normal rates, taxes, and fire brigade charges to the requisite authorities. The small exception is fire brigade charges on the Government account.

But, most important of all, the money representing its reserves and its provisions has been available to the Treasurer to invest in this State as he sees fit. I do not say for one moment that private insurance companies do not invest in Western Australia, but the Treasurer cannot direct their money where the Government feels it is most needed.

One wonders, therefore, whether the investments in Western Australia, from all private insurance companies are commensurate with the premiums they collect in this State. In fact, there does not appear to be any published information whatsoever on this matter of investment which is, of course, so vital to this State. But the information is available for the S.G.I.O., and it is extremely interesting. Between 1959 and 1970, whilst the present Opposition was in Government, the S.G.I.O. made available to the Treasurer of the day for investment over $17,000,000.

All of this money was earned in Western Australia, and every cent was reinvested in this State by that Government. Something like $6,000,000 of this went to governmental and semi-governmental bodies, including some of our metropolitan and country hospitals. Over $5,000,000 went to local authorities. Of interest to country members is the fact that though the great bulk of the State's population resides within the metropolitan area, at least 75 per cent. of this amount—that is, $5,000,000—went to authorities outside the metropolitan area; that is, to country shires.

To housing loans, went $2,600,000, generally to the lower income group; and over $3,300,000 went to private industries essential to the State's progress which the Government of the day wished to support or to sponsor. Loans were directed to the north-west and to areas where private insurers refuse, or are loath, to lend. All of these were properly and expertly secured.

If the S.G.I.O. on a limited franchise could achieve this record and give this support to the Government of the day, how much more could it do if it were given a full franchise? And how, having accepted the fruits of this policy, as just expressed, for 12 years, can members on either side sincerely and conscientiously oppose this Bill "as a matter of policy"?

And, lest it be said that the Government is being carried away with enthusiasm, let us look at what has been done in other States under Governments of all colours—Country Party, Liberal, and Labor—by the S.G.I.O.'s opposite numbers in those States which have the full franchise; that is, the same franchise which is set out in this Bill.

For instance, let us consider New South Wales. In 1969-70 its investment portfolio increased by $40,000,000 and it now stands at $293,000,000. That State has a Liberal Government.

Queensland, which also has a full franchise, has an investment portfolio of $200,000,000. Queensland, as members know, has a Country Party coalition Government.

Mr. Gayfer: Was this brought in at the time there was a non-Labor Government in power?

Mr. TAYLOR: No; but they have accepted and promoted these officers.

Sir David Brand: They do not have an Upper House.

Mr. TAYLOR: The S.G.I.O. at the same date—that is, the 30th June, 1970—had an investment portfolio of $16,400,000.

I do not expect for one moment that the S.G.I.O. will immediately achieve an investment portfolio of the dimensions of these other States. In fact, it would not be healthy to do so. But, slowly and surely, and with absolute security, it can be safely predicted that the S.G.I.O. can do for future State Governments, of whatever political colour, what other offices do for their State Governments now—provided we give it a similar franchise.

It is not necessary, surely, to spell out the benefits that will accrue with it; benefits that can and will go straight into this State and, therefore, into those areas where it is most needed.

In the face of these figures I believe that one would have to be obstinate indeed to oppose this Bill "as a matter of policy," particularly when that policy provides no substitute for the loss of these funds to the State and the benefits to the State that go with them.

Finally, and because there may possibly be members in this House who may still have some doubts, I say that if the S.G.I.O. is given a full franchise as envisaged in this Bill, it will certainly not adopt a greedy or irresponsible policy to win new business.

Its policy will be to support the State and if it can be shown that it can get its reinsurance facilities in this State with the same economy and expertise as it gets its present facilities, mostly—regrettably—outside the State, then the private insurance companies will be given the opportunity to share in the S.G.I.O.'s big Government account as well as in its private account.

If this can be negotiated, it can lead to a net gain to the private companies. As it has done in the past in its limited field, it will do in the future in its enlarged field. It will co-operate at all levels with the industry but, at the same time, it will maintain its independence.

In this way it will operate in active competition with the private insurance companies to win direct business and it will do this on an equal footing with those companies. Through reciprocal reinsurance, it will endeavour to plough back some of that direct business—both private and Government—to the private insurance companies. This will have the effect of nullifying the loss of direct business by the private insurance companies, and it will simultaneously have the effect of increasing the available insurance market.

Most importantly, the increased business that will flow from the wider activities will make available more funds for the Government to invest in the development of the State.

Two further points need to be covered. Much is made of the desirability of maintaining competition and, as importantly, the desirability of affording full freedom of choice. The State Government Insurance Office is at present giving competition, though competition in limited areas only. This Bill seeks to allow it to provide competition in all areas. This point should be appreciated by members, a number of whom, I would guess, on both sides of this House and on both sides of another place, probably place at least some of their insurance requirements with the State Government Insurance Office and, I suggest, with complete satisfaction.

This leads me to the second point—the question of freedom of choice. There would appear to be no real argument for a rejection which would preclude members of the community exercising an option as to the choice of the insurer they desire.

In conclusion, Mr. Speaker, may I refer all members to the contents of an excellent little publication which was forwarded to members of this House some time ago. It is a short history of the State Government Insurance Office and it is titled *An Idea Becomes an Institution.* I suggest that all should read it before casting their vote on this measure. I commend the Bill to the House.

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

STATE ELECTRICITY COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 4th August.

MR. NALDER (Katanning) [9.23 p.m.]: I congratulate the Minister for Electricity for launching a "first" in this House, as far as Bills are concerned. He was the first Minister of the Tonkin Government in the 1971 Parliament to introduce a Bill. I suppose that most members, whether they be Ministers or not, always have a "first" as has been the situation with the Minister for Electricity. Whether his "first" was by design, or accident, I know not, but it does suggest that the Minister is looking for more power.

Mr. Jamieson: Steady now.

Mr. May: He might get some shocks.

Mr. NALDER: That remains to be seen. The main purpose of the Bill is to allow the State Electricity Commission to seek further investment. Because of the services provided by the commission to the public of this State, both domestically and industrially, there could be no opposition to granting the authority sought by this legislation.

Without doubt, any encouragement which can be given to investors—whether they be financial institutions or smaller bodies, or private investors—should be permitted.

It is not my intention, Mr. Speaker, to relate the history of the commission over the years. However, I think everybody knows that its expansion has been an exciting one in conjunction with the development of this State. Great credit is due to the officers and staff of the commission for the manner in which they have been able to handle the demand which has been created by increased production in various fields. In this situation we can cast our minds back to the original Act which established the commission and extended its operations to the South-West Land Division.

In recent years the commission has purchased electricity from concessionaires operating in towns in various parts of the State in areas where it has not been able to extend its grid. This system is well and truly illustrated by the commission's activities in areas to the north.

Under various Acts restrictions curtail the opportunities of the commission to reinvest moneys which are available from time to time. The moneys cannot be used in the respective areas at the present time

and the amendment which is now before us will give the commission access to those funds.

At this point I would like the Minister to clarify what he said in his second reading speech when he stated as follows:—

> It is considered this amendment will give the commission access to a wider source of funds. It must be stressed that the temporary investments will be only with institutions approved by the Treasurer and, in any case, will be restricted to bodies that have already lent money to the commission.

I ask: Does this mean that the commission will be restricted with regard to new business, or does it mean that new business will be accepted, but it will be necessary for the Treasury to give permission for the commission to reinvest the money? My interpretation is that there will still be restrictions on the activities of the commission.

The commission desires to find new business in which to invest, and if a business is sound I cannot see why the commission should not be able to reinvest for a short term. I would like the Minister to indicate whether the restrictions will continue, or whether the proposed amendment will allow the commission to reinvest its money in new business.

It is obvious there is keen activity in the offices of the building societies, and that activity suggests to me that perhaps a large amount of the finance available from financial institutions and private industry is finding its way into the building societies in this State. I am not suggesting in any way at all that that is not a good move. However, I do no know whether this money is being directed into that type of financial institution out of proportion, or whether it should be directed into avenues such as the State Electricity Commission. I do not know whether or not that is the position, but I ask the question.

It appears to me that building societies are affluent at this time. One only has to look at the advertising media of television, radio, and the Press to see the great activity and competition which goes on between the different societies. Will the commission receive a fair share of the available finance and is the money which will be surplus to the requirements of building societies to be channelled into authorities like the commission? The Minister indicated this is the position with the Fremantle Port Authority. He used this illustration in support of the proposal he has submitted in this amending legislation.

The answers to these few points would help clarify the position. It gives me much pleasure to support the Bill, because I believe it will assist the commission to continue its responsibilities in the development of this State.

MR. R. L. YOUNG (Wembley) [9.32 p.m.]: I support the Bill, which is a simple one and gives the Treasurer the power to invest in securities beyond the range of investments presently allowed by the Public Moneys Investment Act of 1961. I think the Bill shows imagination.

If the people of this State are to get the full benefit of the public purse, it is essential they be assured that public moneys are not left to lie around gathering dust. The Bill is also designed to encourage reinvestment by outside financiers in S.E.C. securities.

The Minister assures us that the temporary investments will only be with institutions approved by the Treasurer and, in any case, will be restricted to bodies which have already lent money to the commission. I am sure that such lenders will welcome the reciprocity and the Bill will enable money to flow more freely between the commission and the financiers. This will enable State and private moneys to be used at a time when they will do most good for both parties concerned.

It is interesting to note that, when the Fremantle Port Authority was given power to invest money "as the Treasurer may direct," the State's investing power was determined by the Audit Act of 1904, which regulated the investment of public moneys.

That Act allowed the State's funds to be invested only in bank accounts, which attracted interest at no better than 1 per cent. At the time of enactment of section 58J of the Fremantle Port Authority Act, the Treasurer did not have the benefit of the Public Moneys Investment Act of 1961, and therefore had to be bound by the Audit Act.

The Public Moneys Investment Act of 1961 gives the State the right to invest in—

(a) any securities of or guaranteed by the Commonwealth for terms of less than one year;

(b) the official short-term money market;

(c) in any other Commonwealth or Commonwealth-guaranteed securities; and,

(d) in any bank deposit.

The Minister wants to go beyond the powers of investment contained in the Public Moneys Investment Act and well he might because in this day and age, it does not necessarily go far enough.

The Minister may even give some thought to expanding the powers in the Public Moneys Investment Act at a later time. I was interested to note that when section 58J of the Fremantle Port Authority Act was introduced, nobody made any comment in the second reading debate on this section which gave the Fremantle Port Authority the power to invest. Members spoke only on other clauses in the Bill which gave the authority powers to borrow.

I was able to glean very little from speeches made at that time. The end result was that the Minister got more power of investment than the S.E.C. had. There were references under the borrowing clauses of that Bill to the necessity to have similar powers as the S.E.C. had. The Minister got more power to invest than the S.E.C. had, because the S.E.C. at that time was governed in its investing powers by the Audit Act of 1904.

Now in the Minister's second reading speech of this Bill, we are told the commission wants the same powers possessed by the port authority. The suggestion seems to be healthy and I see no reason at all for not passing the Bill.

It is needless to say that the State is relying a great deal upon the responsibility of the Treasurer, if he is given the powers sought under this Bill. The range of investment at his discretion is infinite but I am sure he is a responsible Treasurer on whom we can thoroughly rely in these matters, as indeed subsequent Treasurers will almost certainly be.

I am very pleased the Minister has applied good Liberal principles—with a capital "L"—to this Bill and I hope it achieves its desired aims. I support the Bill.

Mr. Graham: There is a mistake in the size of the "L."

MR. COURT (Nedlands—Deputy Leader of the Opposition) [9.35 p.m.]: I want to raise one matter in view of the fact that this amendment is related to section 49 of the principal Act which, in itself, very definitely relates back to section 44. In turn, this is very much tied up with the methods of accounting to be used by the S.E.C.

The member for Darling Range asked the Minister a question on electricity supplies which is to be found on page 512 of *Hansard*. The member sought some information regarding the source of funds to be used to meet some capital commitments relating to the power line—as one can guess, having regard for the interest of the member for Darling Range—through the hills areas which, at present, is under discussion. In answering the question the Minister said—

> The costs of capital works are not separately charged against any of these individual sources of funds.

My understanding of section 44 which, of course, ties back to the amendment before us, is that the commission is charged to keep separate accounts for the funds it receives from various sources; from capital sources in the ordinary course of fund raising and from revenue sources. If I read the clause aright, unless there has been something prescribed in accordance with subsection (3) of section 44 which reads—

> The said account shall be operated upon in such a manner as may be prescribed,

it would appear there is an obligation on the part of the S.E.C. to keep the various expenses as well as the sources of income separate.

As far as I am concerned, I could not get excited about it, but in view of the fact that it has been specifically raised, knowing what auditors are, and knowing how some people can be pedantic from time to time, it might be appropriate for the Minister to ask the S.E.C. to look at the accounting system to make sure that the commission is complying. It is not a nation-shattering matter, but I know how mountains can be made from mole-hills at a later date and, in view of the fact it has been raised, I felt some responsibility to mention it to the Minister. I imagine it is something which can be easily taken care of within the State Electricity Commission accounting system. It is not unusual for statutory bodies to have to account for their expenditure in direct relationship to certain funds from which those moneys have been raised. There are often good reasons for this.

To most people it does not matter very much because they say that it comes out of the same pot anyhow and what does it matter. They take the attitude that we either have the money or we do not. In the case of the S.E.C. the amount of money from revenue sources which is used in capital works is vital, because if it were not for the fact that the commission operates with a surplus and also channels in internal funds from depreciation accounting etc., it would not be able to keep up with the programme as well as it has. Goodness knows, the commission has a big enough struggle to cope with the expansion programme we have set in the past and which we hope will continue in the future.

I do not oppose the Bill but, in view of the answer given to the member for Darling Range, I felt there was some obligation to refer to the effect of section 44 as it relates to the section which is currently under review.

MR. JAMIESON (Belmont—Minister for Electricity) [9.41 p.m.]: I thank members for their comments. I point out to the Leader of the Country Party that this is not the first Bill. A very vital Bill was introduced by the Treasurer.

Mr. Nalder: You were second?

Mr. JAMIESON: Yes, I was second. The matter of investment by the community in loans for public purposes has become increasingly difficult in the past few years

because of competition in this sphere. People who have cash to spare are interested in the higher interest rates offered by building societies and the like. As a consequence, it has been felt by the State Electricity Commission that this was a particularly good avenue for negotiating some swap finance, as it were, on a short-term basis when it was holding some money in its coffers for any projects that might be in the offing, such as power lines in the Darling Range.

When I was approached in connection with this amendment, the commission indicated very clearly that it was not keen to make an all-out approach to people for this swap-type finance but was more inclined to confine its approach to avenues which were known and it was satisfied were quite stable. No doubt that is why the commission has stressed the point that temporary investments will be made only in institutions approved of by the Treasurer—which, of course, they must be—and will be restricted to bodies that have already lent money to the commission.

If other bodies that have lent money to the commission have proved to be satisfactory counter-clients, no doubt the avenues for borrowing and lending will be extended to those other bodies. I should imagine that practically all the known building societies in Western Australia would have some funds tied up in the S.E.C. in some way or another, and as a consequence it is fairly open for the S.E.C. now to be able to use those societies for this swap of finances. I think that answers the question of the Leader of the Country Party as to why the commission particularly required finance from that section of the community.

As I understand it, new business will not be restricted and there is no intention to restrict it. If clients are found to be satisfactory investors, there will be reciprocation from the S.E.C. when it has any funds available for reinvestment.

If any amendment were necessary to the Public Moneys Investment Act, it would have to receive the attention of the Treasurer. The widening of the scope of that Act is a matter for considered judgment by the Treasury. Governments have the responsibility to watch economic changes in the community which may necessitate the updating of financial policies and the Acts associated with them. I am sure the Treasurer will take note of what has been said tonight. I will draw his attention to the fact that there may be some need to make improvements to that section of the Act.

With respect to sections 44 and 49 of the Act, to which the Deputy Leader of the Opposition referred, I think the accounting method now used by the S.E.C. has been in operation for a considerable time. It may be technically wrong. It will be interesting to see whether there is a prescription which overcomes the prohibition on using in another sphere finance that has been raised for a specific purpose.

Mr. Court: I do not think the Act prohibits that. It just says the moneys will be accounted in different compartments, which is rather cumbersome.

Mr. JAMIESON: Certainly, no action has been taken in connection with such a prescription since I have been the Minister. It may have been taken some time before. However, the point is well made that the Act suggests that these moneys should be accounted separately. The matter will be referred to the General Manager of the S.E.C. to ascertain whether he is, in effect, technically carrying out the provisions of the Act and whether regulations have been prescribed which permit this uniform accounting.

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.

STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT BILL

Message: Appropriations

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

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Second Reading

MR. JAMIESON (Belmont—Minister for Water Supplies) [9.52 p.m.]: I move—

That the Bill be now read a second time.

The main object of this Bill is to amend the existing Rights in Water and Irrigation Act, 1914-1964, to permit control of non-artesian ground water in any part of the State instead of only north of the 26th parallel as at present. The Act now makes provision for the Governor to declare any part of the State north of the 26th parallel of latitude as an area to which the powers of the Act dealing with non-artesian water are applicable. These powers were written into the Act in 1962 when the specific control needs related to the north of the State, and particularly to the Carnarvon area where Government control of pumping from the bed sands of the Gascoyne River and adjacent areas was urgently required.

Since the Act was amended in 1962, these provisions additionally have been used to control the activities of the mining companies in the Pilbara region and to ensure that pastoral water supplies were

suitably protected. The powers of the Act have been used also to protect the Derby town water supply, which is drawn from bores located within the townsite, from possible competition from adjoining landholders and also to prevent ingress of salt water resulting from uncontrolled pumping by these adjoining landholders.

There are 29 towns south of the 26th parallel which are dependent on underground supplies of water. These towns could suffer from similar competition and, in fact, problems are being experienced already. In this regard I make particular mention of Albany, in respect of the south coast supply source, where the position could become serious if controls are not instituted. Considerable concern is also felt with regard to supplies at Donnybrook, Dwellingup, Esperance, Geraldton, Mullewa, Northampton, Three Springs, and a number of smaller towns where supplies from underground sources are relied upon.

In addition, there are a number of areas south of the 26th parallel where protection measures are necessary to ensure the best use of valuable sources of underground water. This applies particularly in the arid goldfields areas. The Wiluna-Meekatharra area, which has some potential for irrigation development, is in this category; and there are also extensive areas of the coastal sand lands fringing the metropolitan area which are now being investigated and researched for water supply and irrigation purposes. Extensive private development of these areas could result in considerable competition for water. For this reason the State must have means of control where control is justified.

Other examples are the new nickel discoveries, including Poseidon which, when established, will require substantial water supplies. Generally, these mining areas are located in arid country south of the 26th parallel. It is essential that the Government should be able to exercise the same control over the nickel companies as has been possible over the major iron ore companies in the Pilbara.

The second object of the Bill is to allow the State to obtain information about the strata and water encountered in all wells sunk throughout the State. This will be obtained by requiring people who sink wells or bores to send the data to the Government. The information received will be collated by the Geological Survey Branch of the Mines Department and will considerably assist the department in its evaluation of the State's ground water resources. It will also put it in a much better position to advise individuals on the likelihood of finding water in any given locality.

Because of the uniformity of the strata in the metropolitan area, and because there is so much data already available for this area, a provision has been included which allows the Minister to exempt certain areas from the provisions of the Act. It is intended immediately to exempt the Metropolitan area.

The Bill also provides for an amendment to adjust an oversight which occurred in 1962 when the Act was amended to provide for "subterranean sources" to be included for pollution and right of entry purposes. At that time the section which deals with the Minister's powers to institute proceedings was not similarly amended and, accordingly, it is now proposed to adjust this oversight.

The problems associated with the supply by the Government of the water necessary for mining ventures in the Murchison area and other areas which have developed into large nickel fields will be most apparent. Without control to ensure that the water is used to the best effect, we would indeed be in trouble. To this end, I mentioned earlier that we were able to combine successfully with the iron ore companies in the Pilbara when they were building their railway lines and towns so that they could have the necessary water supplies. In turn we were able to regulate the supplies to the advantage of both the Government and the mining companies.

If other ventures are forthcoming in areas which are possibly more arid than has been the case in the past—especially to the north of the 26th parallel which is renowned for its large river flows during wet seasons—then surely we must expect to control the vitally important areas south of the 26th parallel. I commend the Bill to the House.

Debate adjourned, on motion by Mr. I. W. Manning.

House adjourned at 9.58 p.m.

Legislative Council

Wednesday, the 18th August, 1971

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

QUESTIONS (5): ON NOTICE

1. TRAFFIC

Morley Intersection Hazard

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

In the interests of road safety, will he have an officer of his Department examine the damaged section of road at the north-west corner of the intersection of Wellington and Camboon Roads, Morley, to assess what immediate action should be taken by the